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# THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-NINTH CONGRESS, SECOND SESSION.

VOLUME XLI.

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VOLUME XLI, PART IV.

# CONGRESSIONAL RECORD,

FIFTY-NINTH CONGRESS, SECOND SESSION.

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ciation or agent or corporation could go and pay the passage of an immigrant to this country for the private purposes of that association or agent. It would limit those associations to a case where they had paid money into the hands of a State agent, who would be under State authority and perform the functions which the State now authorizes him, as the representative of the State, to perform, but which is refused to an individual. I shall be satisfied if Senators will add these simple words which I have suggested. Of course, we can not amend a conference report, but it is a simple matter to effect this, and it has been done here often within the knowledge of Senators. If this report go back to conference by general consent and these words be added, there will be no practical difficulty in the way, if Senators are willing to accept them; but they do not seem to be willing to accept that proposition. They reject the proposition, showing that they know that the effect of the proposed law is to prevent any State agent from using money which may be furnished to him by an association for that purpose, and the reason they will not consent to it is that it is designed to break up the opportunity thus presented under the existing law and not let us have the advantages of it.

Mr. President, I hope Senators will not take offense when I say to them what I believe in my heart that there is no section of this country that could come before the Senate and make this appeal to them and be refused except the section from which we come. It seems to matter not what injustice is done to the South. I have never heard any such representations of great interests made to this Senate by any other section where a deaf ear was turned to them. Let any man, if he can, show that the proposition that I have made is not well founded; let any man show, if he can, that the effect of this is not to so change existing law as to deny to the people of the South the small opportunity they now have to meet this great, this pressing, this

vital demand for labor.

Mr. President, we all of us sympathize in the desire that improper immigration shall not come to this country. There is a great deal in this bill that I most heartily approve in that regard in the exclusion of improper persons. I join Senators full handed in any effort to exclude from this country improper persons. There is also a great deal to sympathize with in the demand that we shall not have an undue competition with our labor by the introduction of foreign labor.

Mr. BEVERIDGE. Mr. President—
The PRESIDING OFFICER (Mr. BULKELEY in the chair). Does the Senator from Georgia yield to the Senator from

With pleasure.

Mr. BEVERIDGE. Is not the effect of what the Senator from Georgia is contending for to admit the importation of contract labor into this country?

Mr. BACON. I think not. That is not my understanding

of it.

Mr. BEVERIDGE. I take it that the Senator does not wish to express himself as being in favor of the importation of

Well, I would not like to answer that question in the broad way in which the Senator puts it. I think, if it is done at all, it ought to be done under very careful restrictions. I would not wish to permit unlimited opportunity for the introduction of contract labor.

Mr. BEVERIDGE. But the Senator, then, is in favor of

the importation of some contract labor?

Mr. BACON. I am not discussing that. I shall be glad to discuss it at some time, but that does not involve this proposi-

Mr. BEVERIDGE. Then I was misled; because I had understood from certain portions of the debate, in which I took no small interest, that that was really the heart of the whole

Mr. BACON. No; the Senator is mistaken; and I am very glad to relieve him of his mistake. In what I stated yesterday there is no allusion to contract labor, except in response to the inquiry made of me by the Senator from Massachusetts, and that response was simply a declination to go into a discussion

The South Carolina law has no contract-labor provision in its terms or in its practice; and what is designed to be done by the Southern States under existing law on the line of what has already been done by South Carolina, is not to introduce contract labor, but simply to give an opportunity for the introduction of the best class of immigrants from the most desirable countries of Europe, who, when they come to us, shall be free to take labor or not, as they please and where they please and on such terms as they may agree to.

Mr. SPOONER. Mr. President-

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. I yield to the Senator from Wisconsin.

Mr. SPOONER. The Senator from Georgia has used the phrase "contract labor" a number of times. Of course there is a definite understanding as to its meaning as used in the immigration law. I will ask the Senator from Georgia what is his understanding of the term "contract labor?"

Mr. BACON. I was just now endeavoring to give my definition of the term, but I will give it again, with pleasure. I understand "contract labor" to be this: Where a man goes to a foreign country, finds a man he desires to employ, makes a bargain with him that he shall come to this country to work for him or for any particular person he may designate, brings him here, and puts him to work for the purpose of discharging the obligation of that contract. That is what I understand by "contract labor." I draw a distinction as to that to which I can see a great many objections.

Mr. SPOONER. That is not the best definition of "con-

tract labor.

Mr. BACON. I shall be glad to have the Senator give his definition of "contract labor," because that makes one of the troubles in regard to the matter, I think.

Mr. SPOONER. I will read the definition of contract labor as found in the conference report:

Persons hereinafter called "contract laborers"-

Mr. OVERMAN. From what page of the report is the Senator reading?

Mr. SPOONER. I am reading from page 3 of the conference report, beginning in the fourth line:

Persons hereinafter called "contract laborers," who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written, or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled.

On the lines of that provision a contract is not necessary in

order to make one a contract laborer.

Mr. TILLMAN. That is as broad as language can make it.

Mr. SPOONER. It is as broad as language can make it. promise to get them employment makes them, under this definition, contract laborers.

That is in the law which is now proposed. Mr. BACON.

Mr. SPOONER. Yes; and I think it is in the old law. Mr. BACON. I am looking to see whether it is the language; but we will not stickle on terms.

Mr. SPOONER. I am not stickling on terms.

Mr. BACON. I say I will not. I did not accuse the Senator of doing that. I say I will not stickle on terms. If contract labor can properly be defined in so liberal a style as that, of course there are different kinds of contract labor, then. But I say that the legitimate construction of the term "contract labor" is labor which has been contracted with, and the broadening of the definition does not change conditions at all. I contend that there can be no reasonable objection—not the objections which can be made at least to contract labor in its proper signification-to the procuring of a good class of immigrants coming to a country simply by making them acquainted with the character of the country to which they are invited, the character of the employment which can be had by those who are desirable, and the amount which they can secure in such employment if they make any arrangements for it. other words, when they are allowed to be practically free when they come to take such labor or not as they please. Mr. BEVERIDGE. Will it interrupt the Senator if I ask

him a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. The Senator can proceed without-making the

Mr. BEVERIDGE. Thank you. Would the Senator say that the arrangement which I will now describe is the importation of contract labor: Where the agent of a State or industry induces a laborer to come here, pays for his passage ticket and all expenses, under an arrangement with him whereby a proportion of his monthly salary shall be deducted each month until all of his indebtedness is paid? Would the Senator say that that arrangement was contract labor?

I should say it was.

Mr. BEVERIDGE. The Senator is not in favor of that? Mr. BACON. I do not advocate anything of the kind. think that would be objectionable.

Under this South Carolina proceeding, the Secretary of Commerce and Labor states that the arrangement stated by the Senator was partially, but not altogether, the arrangement in that case, but that was canceled. I suppose if it had not been canceled it is possible the ruling of the Department might have been different from what it was. So far as I have or may have any influence in the matter I would not desire that there should be opportunity for that because of reasons which

I need not now stop to enumerate.

But, Mr. President, in the procurement of the best class of immigrants there is nothing objectionable. On the contrary, there is everything that is desirable. This country owes a great deal to the tide of immigration that has flowed here for the past forty years. It has developed in large degree and enriched Let the Senators from the Northwest say whether or not immigration has been of value to their States. Senator from Wisconsin, the Senator from Minnesota, the Senator from Iowa, the Senator from Nebraska, the Senator from Kansas, and the Senators from the Dakotas say what would their States be to-day if it had not been for the impulse and the material assistance given in the development of those States by the desirable immigrants which they have had.

Mr. BEVERIDGE. Mr. President, I rise merely to say,

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. I do.

Mr. BEVERIDGE. I do not want the Senator to misunderstand my position with reference to immigration at large.

Mr. BACON. Oh, no.

Mr. BEVERIDGE. Because I sympathize to a considerable extent with the view which the Senator happens to be now expressing. I am in favor of very large and liberal provisions with reference to the admission of immigrants, and I took occasion the other day to say that I supposed at one time or another we were all immigrants, and that the immigrants to this country, even those who are spoken of with much contempt habitually, are among our most admirable citizens, and their chil-

Mr. BACON. Still more admirable ones. Mr. BEVERIDGE. Their children ma Their children make splendid citizens. That is not the point I was raising with the Senator.

Mr. BACON. I am not criticising the Senator.

Mr. BEVERIDGE. I have about as strong a view as the Sen-

ator has in reference to contract importations.

I am not criticising the Senator, Mr. President. I was trying to emphasize the importance of this matter to us, and I want to appeal to Senators not to deny us the slight opportunity that we now have for the enjoyment of that which has brought such blessings upon other portions of the country.

I have no doubt that the great States of which I have spoken would in time have been developed and peopled by our own people even if they had had none of the assistance from these millions of immigrants, but it would have taken a long time to do it. Many of the very best people now in all that section are immigrants, and their descendants, one of whom sits among us as a Senator, and a very worthy one, whom we all admire and of whom we are all proud-the Senator from Minnesota [Mr.

Mr. HANSBROUGH. Mr. President, may I ask the Senator

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. BACON. I do.

Mr. HANSBROUGH. Does the Senator from Georgia hold

that this conference report, if adopted, would preclude the kind of immigration to which the Senator has just referred as going

to our Northwestern States from going to Georgia?

Mr. BACON. It would not preclude their coming there voluntarily, but it would shut the door to all practicable hope of getting them there. The tide of immigration is elsewhere. It has been elsewhere for half a century. There are conditions in the South which are repellent to immigrants. There are conditions There are there which are not understood in foreign countries. conditions there which have been misrepresented in foreign countries; and those conditions are such that it is necessary

that there shall be means used to get immigrants there.

Mr. President, just to illustrate the difference, take the great States that I have spoken of. I can not tell what the proportion of foreigners and the descendants of foreigners is in those States. while in my State, with two million and a half people, I have not the figures here now, but I think there are less than 10,000 people of foreign birth out of two million and a half people in Georgia. Yet here are these perishing and languishing industries, all calling for them and demanding them, and we have this slight opportunity, this door which has just recently been opened, and here it is proposed to shut it in our faces, in spite of what I have said to Senators twice before-and which I say again-that 20 per cent of the spindles in the South are idle because of the lack of labor, and there is no other place to go for it. Our white population has been exhausted, and the negro population can not be utilized; and unless we can do something in the way of getting foreign immigration, there is no opportunity for it.

While I would go as far as any man to exclude the undesirable, and while I do not propose to open any door to contract labor, I simply ask that the law as it stands to-day may remain; that we shall not be put in the position where the Govframent of the United States, in the face of such representa-tions as these, will turn to us a deaf ear and say, "We will hear nothing of it, and do nothing for you." We are not ask-ing, I repeat, to have the law changed. We are not asking any additional advantages, certainly not at this time. We are simply asking that the law may stand as it is.

Mr. President, I shall not further detain the Senate.

I wish only to repeat, in order that I may not be misunderstood, that the purpose is not to secure unlimited immigration. The purpose is not to give opportunity for the introduction of any immigration which shall be objectionable; the purpose is not to give the opportunity for contract labor, but the sole purpose is to do what has been done in the South Carolina case, through the agency of the State and by the assistance of private associations, in securing the best class of immigrants for work which is calling for them, and where there is no other source of supply

Mr. TILLMAN. Mr. President, I had intended to discuss another phase of this report, but inasmuch as there has been so much said about the South Carolina case and there is evidently so much misapprehension as to what is really meant and what is involved in it, before I proceed to the other branch I will try to add a little something to the subject in illustration of what the Senator from Georgia [Mr. Bacon] has been contending for.

I hold in my hand decision No. 111, Department of Commerce and Labor, signed by Oscar S. Straus, Secretary, dated December 26, 1906, which has been quoted by the Senator from Georgia more or less copiously; but which, it seems to me, he would have done better to have had printed this morning in the Record, so that other Senators could get hold of it. It is not a document that is accessible, unless we send to the Department of Commerce and Labor for it, as I understand. Therefore, Senators are at a disadvantage in undertaking to get at the real facts in the case. Before I go any further, lest I might forget it, I want to ask that that decision be printed as a public document, because whatever may be the settlement of this question now, undoubtedly the widespread interest, you might say, the vital character of interest in the South in securing a desirable class of white immigrants, will not let this matter rest where it is or where it is proposed to put it by the adoption of this conference report. Therefore I make the request that decision No. 111, of the Department of Commerce and Labor, be printed as a Senate document. I should like to have it printed so that other Senators may get hold of it.

The PRESIDING OFFICER. Without objection, it is so or-

Mr. TILLMAN. Now, I want to call the attention of those Senators who are interested—and I have noticed by the inquiries that a good many Senators here are interested-in trying, it appears to me, to take political advantage or to give a political bias or color to this discussion— Mr. BEVERIDGE. Mr. President-

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Indiana?

Mr. TILLMAN. With pleasure.

Mr. BEVERIDGE. The Senator, on second thought, will see that that is hardly an accurate interpretation of any inquiry made. We do not want any political advantage; we do not

Mr. TILLMAN. Well, I have never noticed that the Senator's party was oblivious to always getting everything they could and keeping all they got, and getting everything in sight, if it were possible. [Laughter.]

Mr. BEVERIDGE. Mr. President, the only method by which we have had political advantage over the other side has been that we have always insisted merely upon the simple right. do not need to take any advantage of the other side politically.

TILLMAN. I will try to demonstrate before I through that you are going to take advantage of the other side right in this bill.

Mr. BEVERIDGE. No political advantage unless the other side should stand for contract labor.

Mr. TILLMAN. Right there—not to branch off and get into a line of thought which I had not intended to touch on at all—I will ask the Senator how many Congressmen will be chosen to represent the million immigrants who came into the country,

last year, not all of whom are voters, and a million the year Does that mean any political advantage?

Mr. BEVERIDGE. I am tempted to make an answer as to how many Congressmen are represented by certain constituencies in which men are counted who do not vote, but I will not do so, because that would lead to quite a political debate, and time is short.

Mr. TILLMAN. The Senator is entirely welcome to lead to that phase of this question, for I have been trying to aggravate him and his fellows into its discussion for the last month, and

can not get a man of them to touch it.

Mr. BEVERIDGE. Mr. President—
The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Indiana?

Mr. TILLMAN. With pleasure.

Mr. BEVERIDGE. It is impossible for the Senator either to make us angry or to irritate us. He can not irritate us into any discussion of that kind.

Mr. TILLMAN. It is not a question of irritation. It is a question of getting you up a tree where you can not get down and you stay up there because you do not dare crawl down.

Mr. BEVERIDGE. What the Senator complains of is that

we will not let him get us up a tree.

Mr. TILLMAN. If the Senator wants to discuss that phase of it, well and good. If he wants to interrupt me to show how of it, well and good. If he wants to interrupt he to show how bright and witty and cutting he can be, well and good. If he wants enlightenment, well and good. I will give him some light later on, if he will permit me.

Mr. BEVERIDGE. I am always glad to get light from every

source, and never more happy than when I get it from the Sena-tor from South Carolina, which I always do whenever he tries to give it. The only reason for my inquiry of the Senator was that he said we are trying to take a political advantage of the other side, and I wanted to point out that we were not taking any political advantage.

Mr. TILLMAN. You simply said you did not need any.
Mr. BEVERIDGE. We do not need any political advantage. TILLMAN. The Senator does not assert that there has not been an attempt, he does not believe but that there has been an attempt made to give a political turn to this matter by showing that we on this side are in favor of contract labor while those on the other side are not.

Mr. BEVERIDGE. Who tried to show that? I merely asked

the question of the Senator from Georgia-

Mr. TILLMAN. And the basis of your question, at least as I understood it, and the purpose of the discussion of the Senator from Massachusetts, who precipitated this phase of it, has all along the line been to try to get the Senator from Georgia to commit himself to the doctrine of contract labor.

Mr. BEVERIDGE. It is perfectly immaterial what he commits himself to, provided merely that we understand what he

is trying to do.

Mr. TILLMAN. And not enough of you stayed-

Mr. THLLMAN. And not enough or you stayed—
Mr. BEVERIDGE. One moment. I think we do on both sides—and the Senator's side is not guiltless of that—play what is called "small politics," of which the country never hears anything. It amounts to nothing. But as to taking political advantage, Mr. President, we do not need to take any political advantage of the other side. They are in a bad enough case as it is.

Mr. TILLMAN. The Senator has gotten to where he started a while ago.

Mr. BEVERIDGE. Yes.

Mr. TILLMAN. Now, if you will permit me I will go on.

I started to try to give the facts in regard to the South Carolina case, in order that the Senate might understand, which it does not now, what is involved in that case. I will give the summing up in the language of Mr. Earl, the solicitor of that Department. After quoting various decisions of the Supreme Court and giving the law in full, this is his summing up:

Court and giving the law in full, this is his summing up:

Replying to your letter, therefore, in the light of all the foregoing considerations, I have the honor to say that in my opinion the plan pursued by Commissioner Watson, as it is shown to have been carried out, does not involve a violation of the immigration laws of the United States prohibiting the importation of contract laborers; and I am further of opinion that there has been no misapplication of the exemption in favor of States, Territories, and the District of Columbia contained in section 6 of the act of March 3, 1903.

The views taken in reaching this conclusion have made it unnecessary to consider questions which might arise in an ordinary case involving the contract-labor laws, as, for example, whether the payment by "another" of the passage money of foreign laborers induced to come to this country to perform labor would of itself constitute a violation of law. And it is proper to add that this opinion is based altogether upon the facts of the particular case as disclosed by the record referred to at the outset. It is obvious that very different questions would arise if the facts were that Commissioner Watson, instead of acting independently and as the representative of the State in behalf of the general body of its citizens and of its industries as a whole, acted in reality

only under color of State authority and in fact as the agent of particular persons, firms, or interests; that the contributions made by private persons toward the expenses of the department of immigration, instead of being merely added to the general fund appropriated by the State, to be expended at the sole discretion of State officials, were used to assist in the immigration of foreign laborers to perform labor for the particular persons who so contributed; that Commissioner Watson, instead of being wholly free to act for the benefit of the State at large, was actually under the control of special interests and bound to act as they should direct; or that the immigrants themselves, instead of being entirely at liberty to accept or reject any employment provided for them, were coerced into working for particular employers. Such circumstances, and others which readily suggest themselves, would materially alter the complexion of the case, and are not, therefore, to be considered as covered by this opinion.

Mr. HOPKINS. Mr. President-

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Illinois?

Mr. TILLMAN.

With pleasure.
The Senator has asked that this opinion be Mr. HOPKINS. published as a public document. I have never seen the letter that was addressed to the Solicitor by the Secretary of Commerce and Labor, and I do not know that many other Senators have. I ask the Senator from South Carolina if he is willing to ask that the letter of the Secretary be printed with the opinion?

Mr. TILLMAN. Undoubtedly, and anything else bearing on this question, for it is a very important one, and the Senate only needs to have the proper information to act, I believe, wisely

and justly.

Mr. President, this summing up of Mr. Earl, it appears to me, answers conclusively the assertion of the Senator from Illinois [Mr. Hopkins] in regard to the action of Commissioner Watson being a clear violation of law.

Mr. HOPKINS. The Senator will remember that my state-

ment was based-

Mr. TILLMAN. On your understanding of what the Sena-

tor from Georgia said or what you heard from others

Mr. HOPKINS. It was based upon the statement made by the Senator from Massachusetts, who purported to give the facts. I will state to the Senator that the reason why I made my request about the letters is that I think the pertinence and force and effect of this opinion can be better understood by having the letter of the Secretary with it, so that we can determine what facts were presented to the Solicitor rather than to take them from his opinion.

Mr. TILLMAN. The Senator has asked that that be incorporated in the document, and I have consented, so that it will

come whenever it is printed.

I was pointing out, however, that in summing up, the solicitor himself had given his conception of those facts, and his interpretation of the law applicable to them, and that in rendering his opinion he has declared that the action of Watson did not come within the prohibition of contract labor, and that Watson's action, which was South Carolina's action, was perfectly legitimate; and that under that decision we of the South have been led to understand that with this interpretation of the immigration laws as they now are an opportunity is offered for the Southern States to utilize the great flood of foreigners who are trying to get to these shores, in order to bring to the South the most desirable class of those foreigners. There are some of them, I confess, I would just as lief would stay in New York or Chicago, or anywhere else, and if I had my way I would insist, and put it into this proposed law, the provision-and never pass a law until we got it in-which the Senate passed last spring, that the educational test should be one of the things which we should demand and enforce, or have nothing.

The Senate conferees have surrendered. I suppose the House was set, and they could not help themselves. They had to take what they could get or take nothing. Everyone supposed that the immigration bill was dead anyway; that it was deadlocked in conference and would never see the light of day again. Lo and behold, an exigency has arisen on the Pacific coast; strenuous individuals are at work to accomplish certain ends; the able man who presides over the State Department drafts and amendment to a bill passed by the Senate last May, and last June by the House, and which has been in conference ever since; the conferees take a distinguished gentleman into their confidence, or he takes them into his confidence, and the Senate is notified that this bill must go through. Why? Speaking in plain terms, to keep the Japs out of California.

Therefore there is a twofold object involved in the urgency with which this bill has been pressed and is being pressed to adoption. The first of those objects is, as I said, to keep

Japanese laborers from coming into this country.

The conferees, in furtherance of a policy which looks to sectional advantage, have incorporated provisions which change the law in regard to contract labor, which provide for a clos-

ing of the little dribble of immigrants who have started to go southward; and the two linked together are to be driven through Congress—the South's interest, as usual, ignored; the Pacific coast, of course, taken care of. They both involve the race question. The object of preventing undesirable Japanese from coming into this country is one with which every southerner sympathizes far more keenly than any man on the other side possibly can who does not live in the West. But when we in South Carolina, where we have 235,000 more negroes than whites, with our industries struggling, some of them languishing for want of labor—all kinds of labor, agricultural as well as manufacturing—seek to obtain some little assistance toward equalizing the races, getting something which may promise relief from what I believe to be an impending race conflict there, actuated by selfish greed certain people of certain States step to the front, hugging to their bosoms the popular issue of the welfare of labor, clamoring for the right of the workingman to be protected from the importation of contract labor, saying to us of the South: "You shall not have the opportunity to get a few thousand white people to help stem the tide of negro ignorance and barbarism with which we engulfed you forty years ago."

Mr. President, lest some think I speak too harshly, I desire to call attention to the fact that this must be in pursuance of a settled policy; that there is something more involved than the mere settlement of this question as to the admission of the Japanese and the exclusion of contract laborers. I hold in my hand two resolutions which were introduced in the House of Representatives. On February 2, Mr. Gardner of Massachusetts submitted the following resolution:

Resolved, That the Secretary of the Department of Commerce and Labor be, and he is hereby, respectfully requested, if not incompatible with the public interests, to send to the House of Representatives any information in his possession relative to the introduction of foreign laborers into the State of South Carolina by one E. J. Watson.

On the 5th the same Mr. GARDNER of Massachusetts submitted the following resolution:

Resolved, That the Secretary of the Department of Commerce and Labor be, and he is hereby, respectfully requested, if not incompatible with the public interests, to send to the House of Representatives any Information in his possession relative to the introduction of foreign laborers into the State of South Carolina by one E. J. Watson, together with a copy of his solicitor's legal opinion, if any be on file in said Department, as to whether said laborers were lawfully admitted to the United States, and a copy of any documents in his possession furnishing the grounds for said opinion.

So it seems that a Massachusetts programme is being carried out.

I desire to say that if there is any man in the Senate who is opposed to the importation of contract labor, I am that man. The Senator from Massachusetts [Mr. Lodge] will not go any further than I will along that line. My State is next to his in the number of cotton spindles and looms. We have a very large manufacturing population, composed at this time almost entirely of people born and bred in South Carolina, people as

good as we have, but unfortunately they are poor.

I would do nothing to jeopardize the interest of that class of people. I would not have the manufacturing interests of South Carolina given the opportunity to go to Europe and make contracts with anyone they might see fit, regardless of their fitness as citizens, and bring over a horde of ignorant and debased foreigners to reduce the wages of my own people by bringing into competition with them these contract laborers But if the State needs more white people-and from Europe. who will deny it?-if by reason of the poverty of the soil, impoverished by a century and a half of improvident agriculture, naturally poor to begin with, it is an unpropitious field for new people to come to settle, if the condition there-of the excess of negroes who will compete in the labor market with these foreigners—makes it well-nigh impossible to attract white people there, white people from the North or white people from Europe-I ask the Senate whether if, under existing law, that State is permitted through organized efforts to bring in a good class of white men and women to help us develop our resources and to increase the white race there, we shall, because the Japanese are trying to get in on the Pacific coast, say to the South Carolinians, "We shut the door of hope, so far as white immigrants are concerned, in your faces to keep them out, while we shut the Japanese out from the Pacific coast to keep them from competing with white people upon terms that are dangerous." The two questions are cognate.

Mr. FLINT. Mr. President—
The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from California?

Mr. TILLMAN. With pleasure.
Mr. FLINT. I should like to ask the Senator from South Carolina what connection the provision contained in the first section of the bill, which it is contended would exclude Japanese

from the Pacific coast, has with that provision of the bill which the Senator refers to, and which he contends would exclude immigrants from South Carolina? What is the necessity of connecting the two propositions? They are separate and apart, and there is no connection between them, and it seems to me that it is not necessary in this debate as to the effect of this bill on the Southern States to include matters affecting the Pacific coast. We have our troubles and we have endeavored in a diplomatic way to settle and adjust them in this bill, and it appears to me that there is no necessity for connecting the matters set forth in section 1 of the bill with what the Senator desires to correct as far as the Southern States are concerned.

Mr. TILLMAN. The trouble is that we can not correct anything under the status here. The conferees, who might be willing to withdraw this report and amend it or strike out what they have put in, so as to leave things in the South as they are, can not act, because, as the newspapers inform us, Mr. Schmitz and the school board of San Francisco are to meet the President this afternoon to settle this moot question as to the schools of San Francisco, and to determine whether or no a modus vivendi shall be secured to relieve the people of California from the incubus with which they are threatened.

Mr. FLINT. Assuming that may be true, and that the bill does provide relief for the Pacific coast, why can not the Senator devote his argument to that which would relieve the people of the Southern States? We are perfectly willing to do our part as far as we can to aid the people of the South with respect to any labor troubles they may have, but we do not care to have the matter of the Pacific coast controversy brought into a question of what may be best for the people of the Southern States.

Mr. TILLMAN. There is no real conflict, as I understand. The Pacific coast wants relief from the threatened invasion of Japanese laborers. The Southern States want the opportunity which now exists to remain, instead of taking it away by this bill, to induce a desirable class of white people to come to us to relieve our distress as far as labor goes, and also to give us more white people with which to combat negro domination. Why is it interfered with? Why not let South Carolina and the Southern States alone and let them get a few more white people down there?

We sympathize with the people of the Pacific coast. entirely willing to give them every possible relief in this bill or in any other way that they desire. I will vote for an exclusion act to-morrow to keep the Japanese out, although I do not see why there should be such feeling against them. Senators say I am fanatical on the race question because I object to negroes governing us and that I ought to side with the white people of the Pacific coast in their objection to the Japanese. I am willing to let the Pacific coast people settle their own local affairs in their own way, and where they are threatened with an invasion of undesirable Mongolians I am willing to keep them out, if it brings war.

Mr. LODGE. Mr. President-

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. With pleasure.
Mr. LODGE. If we are going to discuss that question, I think

we ought to do it with closed doors.

Mr. TILLMAN. I am perfectly willing to go behind closed

Mr. LODGE. Only on that phase of the question, if the Senator will allow me.

Mr. TILLMAN. I say I am perfectly willing to go behind closed doors to get a heart-to-heart talk with some people here who have gone out and will not sit here and listen, no matter what is said about this bill. Orders have been received from the White House that it must go through just as it is. That is what

I am objecting to.

Mr. RAYNER. The Senator from Massachusetts will not contend that we can not in open session discuss the legality of this I think it is legal, and I am in favor of it.

Mr. LODGE. Not in the least. I did not refer to that. But there are certain phases of this question which I think the Senator from Maryland and all other Senators will see ought not to be discussed in public.

Mr. RAYNER. I do. I think it is a perfectly legal provision, I think it is a happy solution of a very difficult problem, and I think we ought to be able to discuss that question in open session.

Mr. LODGE. Certainly, as to the legality of it.

Mr. RAYNER. Yes. Mr. TILLMAN. An And the desirability of it, certainly. If we have to kowtow and pigeon toe and not be willing to discuss in the open our own vital national issues because some foreign nation is involved, we have got to a desperate pass. If the Senator from Massachusetts wants to go into secret session, he is perfectly welcome to it. I am willing.

Mr. LODGE. It depends entirely on the course of the debate. I am going to say what I think and believe. Mr. TILLMAN. I am going to call things by their names. I should like the Senator to decide one way or the other, because if we are going into secret session I want to know it now.

Mr. LODGE. I have no desire to go into secret session on

any other phase of the bill.

Mr. TILLMAN. I understand that, but the two are involved. The two are linked together. Here is the Japanese provision, brought in here, tacked onto a dead bill. The Senator himself had no more idea that this bill would become a law until the Japanese question arose than he had of flying.

Mr. LODGE. The Senator is totally mistaken on that point. I said yesterday that this bill would have been brought in in any event without the provision to which the Senator refers.

Mr. TILLMAN. Well, the newspapers have not so informed I can get my information only from the newspapers

Mr. LODGE. The newspapers did not know what the conferees were doing or the work they were doing. It is a curious thing they did not.

Mr. TILLMAN. It is curious. They know pretty well every-

thing else and a good many things that do not happen.

Mr. BACON. If the Senator from South Carolina will pardon me, I suppose the Senator from Massachusetts knew that the conference committee was so deadlocked and their becoming otherwise was so hopeless that one of the Representatives with whom he is acquainted in the House of Representatives moved to discharge the conferees in order to break the deadlock.

Mr. LODGE. I know nothing about that. I know that this bill was ready for report days before the Japanese clause was

suggested.

Mr. BEVERIDGE. The Senator from Georgia is a stickler for the rules, and I call his attention to the fact that under the rules of the Senate no reference can be made to what transpires in the House of Representatives.

Mr. LODGE. I was about to say that it is against the rule to discuss what transpires in the House of Representatives

Mr. BACON. I am very happy to be corrected by the Senator from Indiana.

Mr. TILLMAN. I am very glad to have somebody else called

to order besides myself.

The point I tried to make (and I am ready for any Senator to defend it, if he can or will) is that in providing a means of easement, of relief, from a grave, a serious, and somewhat dangerous situation on the Pacific coast, I can see no reason why a more grave and serious and dangerous situation in the South should not be thought of and cared for. Is there any Senator here prepared to discuss and to oppose the proposition that the six States beginning with South Carolina and bordering on the Gulf of Mexico need white people? I called attention to the fact the other day that there are 30,000 more negroes in those six States than there are whites. It looks to me that instead of our closing the doors to white people getting there, even as contract laborers, which I am not in favor of, the Senate had better relax the laws rather than tighten them up.

Mr. BEVERIDGE. Mr. President-

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Indiana?

Mr. TILLMAN, With pleasure, always.

Mr. BEVERIDGE. The Senator says he is against the importation of contract labor, and in the same sentence he says the situation is such that we had better relax the immigration laws even so as to include contract labor.

Mr. TILLMAN. Rather than to continue to have a condition that is so dangerous that I dread to think what is coming.

Mr. BEVERIDGE. Then is the Senator in favor of contract labor, or is he not?

Mr. TILLMAN. I am not.

Mr. BEVERIDGE. But he is in favor of relaxing the laws,

even if it includes contract laborers?

Mr. TILLMAN. I am in favor of the law being like it is now, under which the solicitor of the Department of Commerce and Labor says that the commissioner of immigration of the State of South Carolina, acting as agent for the State, may go to work and induce white people to come to South Carolina to work as farmers or as manufacturers.

Mr. BEVERIDGE. But I call the Senator's attention to his words. No doubt he did not intend it in that way, but his words were that while against the importation of contract labor, yet the situation in his section is such that he would be willing to relax the laws even though they included contract laborers.

Mr. TILLMAN. I said I would rather have them relaxed than tightened.

Mr. BEVERIDGE. Even though it included contract labor. Those were the Senator's words, and I knew he did not intend

to use them so

Mr. TILLMAN. I am sufficiently anxious to have more white people than there are colored people live in South Carolina that if we could make contracts in Europe with men to come there to work on the farm and to rent lands, and build up homes, I would be in favor of it, and I think this Government could better afford to spend \$100,000,000 to bring them there than to close the doors as it is doing in this proposed law.

Mr. BEVERIDGE. Then the Senator's revision of his position is that he thinks the colored situation so serious that to relieve it he is really in favor of bringing people over from

Europe under labor contracts.

Mr. TILLMAN. To do certain kinds of work. I say I would rather see that idea prevail than to see this one prevail.

Mr. BEVERIDGE. I merely wanted to get the Senator's

idea. Now, let me ask the Senator this question—

The VICE-PRESIDENT. Does the Senator from South Carolina yield further to the Senator from Indiana?

Mr. TILLMAN. With pleasure.

With pleasure.

Mr. BEVERIDGE. Does the Senator think that the arrangement which I suggested a moment ago to the Senator from Georgia-the Senator was in his seat and listening-is contract labor?

The Senator will have to recapitulate.

Mr. BEVERIDGE. Yes; I will. I refer to an arrangement made with foreign immigrants to come here and work at a certain place, where their expenses of passage and maintenance are paid, under an arrangement by which money is deducted from their salary to pay back the debt to the person who gets them to come here. Would the Senator say that such an arrangement as that is an arrangement of contract labor?

Mr. TILLMAN. I should, undoubtedly. That is not what obtains in South Carolina. It is not what is desired in South Carolina. It is not the practice now, and nobody wants to

institute such a practice.

Mr. BEVERIDGE. What kind of contract labor, then, did the Senator say he would be in favor of to relieve what he thinks is a very dangerous situation in his State?

Mr. TILLMAN. I have just indicated it. If we could get

men in Europe to come here

Mr. BEVERIDGE. Under contract, the Senator says Mr. TILLMAN. Under contract, to go on certain plantations and rent lands or to farm them on shares or to work for wages, but to have them selected, so that when they got here they would not be an undesirable class of immigrants, but would be an addition to our civilization, by increasing the number of white people there. I would be willing to see that done, and I would be willing to see the Government of the United States inaugurate that scheme to put more white people in the South than are there now.

Mr. BEVERIDGE. Mr. President-

The VICE-PRESIDENT. Does the Senator from South Carolina yield further to the Senator from Indiana?

Mr. TILLMAN. If the Senator from Indiana wants to continue to catechise or cross-examine me, of course I will yield.

Mr. BEVERIDGE. It is extremely important, Mr. President, if the Senator does not object. I wish to ask the Senator one more question, and I feel compelled to ask it in view of his last response. He said he was in favor of making contracts with a desirable class of foreign immigrants to come here and take up a homestead of land or rent land or make a home on a plantation, etc. But is that the desire of the Senator and of the Senator from Georgia in their fight upon this conference report? Is not the whole controversy, as the Senator from Georgia stated it so many times, not only a desire but a neces-

Mr. TILLMAN. I want the Senator from Georgia to be here

to answer for himself.

Mr. BEVERIDGE. The Senator from South Carolina, too: he is present. They said that the whole thing grew out of your crying necessity, and therefore the great desire for labor in your cotton mills.

Mr. TILLMAN. No; not with me. I do not know what the Senator from Georgia said. The mills in South Carolina need

labor, but I am not concerned about them so much.

Mr. BEVERIDGE. Then the Senator wants contract farmers, and the Senator from Georgia wants contract mill laborers. Mr. TILLMAN. What the Senator from South Carolina wants is that the people here who are subserving their own selfish interests should look at somebody else's interest a lit-

tle. There is no need that we should all break our necks to help the Pacific coast and turn around and lock the door against the South. I want to help the Pacific coast. I am willing to go as far as any man in doing that and to relieve the situation there. But when we have an opportunity under the law as it now is to get some easement or promise of easement in the next ten years in the conditions in the South, which are so terrible, I do not see why the Senator from Massachusetts and those who believe with him should lock the door on us in that part of the country.

Mr. FULTON. Will the Senator yield to me?
Mr. TILLMAN. With pleasure.
Mr. FULTON. The Senator speaks of resorting to expedients or at least to remedial legislation for the protection of the Pacific coast. I have not heard all the Senator's remarks and therefore

Mr. TILLMAN. The Senator missed a great deal.

Mr. FULTON. I have no doubt of it; I always do when I miss hearing the Senator. But would the Senator be willing to admit the class of laborers which the Pacific coast people seek to have excluded in order to supply the labor market in which he is particularly interested? The Senator may have explained that when I was out of the Chamber.

Mr. TILLMAN. No; I have not touched on that question; but we have got one race question down there, and we do not You have got one on the Pacific coast, and we want any more.

want any more.

sympathize with you.

Mr. FULTON. The Senator, then, is not willing that the class

over is beening out should come to of laborers that the Pacific coast is keeping out should come to He would not have them come to relieve his want?

Mr. TILLMAN. No; I want white men; more white men.
Mr. FULTON. I would then suggest that the Senator ought

not to complain of the demand on the Pacific coast.

Mr. TILLMAN. I am not complaining. I am indorsing the general purpose of the amendment which provides relief to the Pacific coast. I am only objecting to incorporating in the same law a new provision which closes us of the South out from any chance of getting more white people. That is what I object to.

I mentioned a little while ago the genesis of this, what we will call the "Pacific coast amendment." I want to read briefly from yesterday's New York Sun a dispatch from Washington:

WASHINGTON, February 13.

Washington, February 13.

After all the war talk and labor agitation, the international and domestic problem involved in the discrimination against Japanese on the Pacific coast is to be adjusted in a manner apparently satisfactory to everybody concerned. To Secretary Root is attributed the chief credit for the suggestion, of which the Sun told this morning, that the danger threatened through the immigration of Japanese subjects to the United States could be averted by a simple amendment to the pending immigration bill vesting the President with authority to forbid Japanese, or the subjects or citizens of any country, to enter the continental limits of the United States whenever their presence may become a "detriment to labor conditions."

The amendment was agreed to by the conferees of the Senate and House on the immigration bill and was reported to the Senate to-day as a proposed addition to that measure. While the amendment is construed to be new legislation and, therefore, not properly within the authority of a conference committee to propose, the desire for an adjustment of the Japanese difficulty is so strong in Congress that it is not likely that a point of order will be made against it.

Mayor Schmitz and the San Francisco school board, who came here at President Roosevelt's invitation to assist in the effort to dispose of the threatened differences with Japan, are satisfied with the solution provided for by the amendment. They had another conference with President Roosevelt and Secretary Root this afternoon, and some of them afterwards expressed themselves as delighted over the outcome.

Later on in the dispatch we find the following:

The text of the proposed amendment has been cabled to Tokyo, where an effort is probably being made to obtain an understanding with the Japanese Government that it will be satisfactory to that Government if the segregation of Japanese pupils from white pupils in the San Francisco schools is discontinued. A formal agreement of some sort with Japan under which the emigration of Japanese subjects to American possessions will be restricted will probably be an outcome of the amendment pending before Congress.

That is, to-day.

Between now and Friday the President will have conferences with Senator Aldrich, Senator Lodge, Speaker Cannon, and other leaders, and hopes that these will be so satisfactory that when Mayor Schmitz and his associates call at the White House on Friday afternoon he will be able to give them assurances that the amendment will be adopted. The San Franciscans are willing to give a promise that separate schools for Japanese will be built at convenient places, but they will modify the segregation order, if Japan desires, to the extent of permitting Japanese under a certain age to attend the white schools. It is expected that by Friday Secretary Root will have received sufficient assurances from Tokyo to justify the adoption of the amendment.

Now, Mr. President, I want to say that I recognize the gravity of the situation so far as Japan goes. I have great admiration for the Japanese people. If I ever sympathized with any nation in war—and I confess my heart used to go out to the Boers in the troubles with England—I certainly was with the Japanese side in the war with Russia, because I thought they were imposed upon, and had been driven, as it were, to the

wall, and had to fight. But when I find that the great principles of local self-government, the fundamental principle of American liberty, is involved here, the purely police regulations of a State, without anything in the treaty with Japan involving the necessity or giving opportunity for Japan to say that the Californians have done something contrary to the treaty, as I understand it—I say I resent this tendency of the man at the White House taking it upon himself to meddle with everything in the United States. There would have been no issue of any serious moment, in my judgment, but for the President's message

Mr. PERKINS. Mr. President-

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from California?

Mr. TILLMAN. Always, with pleasure.

Mr. PERKINS. I want to say to my friend from South Carolina that I find nothing in the conference report which refers to Japan or any other oriental nation. The question whether the children of Japanese parents are entitled to the public schools of San Francisco is now pending in the courts of the country for a judicial determination, the same as the courts may determine whether any law we may pass here is constitu-tional or not. If it is decided that the treaty provisions have exceeded that which was delegated to the Government under the Constitution, they will of course be declared null and void.

Therefore I want to say to my friend, in addition, that it seems to me this provision is in the interest of the people of the It permits a desirable class of immigrants to come into this country and to go into South Carolina and assist him and his friends in developing the great resources of that State.

Mr. TILLMAN. Now the Senator has demonstrated how bad it is to come into the Chamber and participate in a debate the

preceding part of which he has not heard.

Mr. PERKINS. My apology is that I have been working on the river and harbor bill to get an appropriation for South Carolina placed in that measure. [Laughter.]

Mr. TILLMAN. After such a gracious statement as that I will of course have to apologize to my friend from California. was calling attention to the fact that with my old-fogy notions it is not a right thing to do for the President to call in question the right of a State to regulate its own schools in its own way. That is what I was saying. I sympathize to the limit with the attitude of the people of California and the Pacific coast in their desire and purpose. I hope to see that they shall manage their local affairs to suit themselves and not to suit anybody in Washington or anywhere else.

As far as enabling the people of the South to get desirable immigrants, if the Senator had been here he would see that the purpose of the bill as it has been amended in conference is to keep a single solitary white man from getting down there—I mean in the eastern end of the South. I suppose some of them will go to Texas, because that new country is all rich land that has not been worn out and plowed and skinned, like my

State and Georgia and Alabama have been.

Mr. BEVERIDGE. Mr. President-VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Indiana?

Mr. TILLMAN. Oh, my friend is so brilliant I will have to let him come in.

Mr. BEVERIDGE. The Senator says that the land in his State has been plowed and skinned, etc. Is that the kind of land that the Senator wanted to make a contract with foreign immigrants to come and make farms out of?

Mr. TILLMAN. If the Senator knew anything about farming, which he does not, he would know that any land that was originally good can always be made good again, under wise and

judicious agriculture, and pay a profit.

Mr. BEVERIDGE. But the Senator said that some immigrants might go to Texas, because there was new land there, but they would not come to his State because the land there was worn out. He said a moment ago the kind of labor he wanted was contract labor to go out there and rent farms and build up plantations. I was asking whether that was the kind of land to which he invited them.

Mr. TILLMAN. Does the Senator know that we have possibly half of our land that has never been plowed at all?

Mr. BEVERIDGE. Then the Senator was not accurate a

Mr. TILLMAN. We have poor land that has been worn out

and skinned and washed away. We have both kinds.

Mr. BEVERIDGE. And the Senator said a moment ago that
they would go to Texas because there is new land, and they would not come to his State because it did not have land except skinned land or worn-out land.

Mr., TILLMAN. The main reason why they will not come

there is because there are so many negroes. They do not like to go where there is so much color to the situation.

Mr. BEVERIDGE. Now it is the negroes. A moment ago it was skinned land and now it is the negroes-skinned negroes. Mr. TILLMAN. Is there anything else which my brilliant friend wants to put in?

Mr. BEVERIDGE. No; but, Mr. President, quite seriously, the question is what kind of labor it is. The Senator from Georgia is now in his seat.

Mr. TILLMAN. The Senator from Georgia can answer the

Senator from Indiana.

Mr. BEVERIDGE. Both Senators are applying for more white labor in the South. What kind of white labor is it?

Mr. TILLMAN. I am applying for more white men, and if they come there with money enough to buy farms of their own, as some of them have already done, and to set up a home on their own hook and become good South Carolinians, what have you got to say about it?

Mr. BEVERIDGE. When the Senator says white men he certainly means white laborers. He does not mean white idlers.

Mr. GALLINGER. Mr. President, I rise to a point of order.

The VICE-PRESIDENT. The Senator from New Hampshire

will state his point of order.

Mr. GALLINGER. I call attention to the rule which requires a Senator interrupting another Senator to address the Chair and get permission

The VICE-PRESIDENT. The point of order is well taken, and the Chair will enforce the rule. Does the Senator from South Carolina yield to the Senator from Indiana?

Mr. TILLMAN. I yield to the Senator from Indiana.

Mr. PEYFERICE I with the Senator from Indiana.

Mr. BEVERIDGE. I wish to say to the Senator from New Hampshire that when I rose I addressed the Chair and got the permission of the Senator from South Carolina to ask him a

The Senator from Georgia, and the Senator from South Carolina also, are contending here against this bill because they it prevents the South from getting more labor, and the Senator from Georgia yesterday most impressively pointed out that by reason of the lack of this labor, not on the farms, skinned or otherwise, but in the mills, 20 per cent of those mills were idle.

Mr. TILLMAN.

Mr. TILLMAN. No; the spindles in the mills.
Mr. BEVERIDGE. The Senator from South Carolina said to-day that rather than make the law so rigid he would be in favor of its relaxation even to include contract labor.

Mr. TILLMAN. Mr. President—
Mr. BACON. The Senator from Indiana has misquoted me. The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Georgia?

Mr. TILLMAN. Certainly. Mr. BACON. The Senator from Indiana has misquoted me. Will the Senator from South Carolina permit me to correct the Senator from Indiana

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Georgia?

Mr. TILLMAN. Certainly.
Mr. BACON. The Senator from Indiana stated that I said that 20 per cent of the mills in the South were idle. said was that 20 per cent of the spindles in the South were idle—a very different thing.

Mr. BEVERIDGE. Well, spindles.

Mr. TILLMAN. Mr. President, I had started to say something about the provision of this bill which relates to the Japanese question, and I had progressed far enough to announce my belief that anything relating to schools and local affairs of that kind ought to be settled by the people interested, and that as to all matters affecting the entry into this country of an undesirable class of immigrants, the people interested ought to settle that in large measure, coupled, of course, with the general policy of the nation.

We have had four race problems as a people. We dealt with the Indians, or, rather, our grandfathers did, and where are they? The Indians owned the country, if possession gives title; but practically all of them are dead. We got their lands. We settled that question to suit the selfish interests of the white people involved, which meant all the white people, North and

When the Chinese began to straggle across the Pacific in increased numbers, so much so in the early fifties and sixties that it became a menace and their competition was such, be cause they could undereat and outwork the Americans, that they were dangerous and undesirable, we settled that by the passage of the Chinese-exclusion act, which we passed in response to the demand of the white people who were interested.

We have had to deal with the Malays, the third race in the

order of intelligence and capacity. We have settled them in the Philippines upon the basis of our own selfishness, and had no regard whatever for their rights or lives. We exploit their property and tax them without representation, doing any old thing which we see fit.

It is not worth while to mention the negroes. What I contend is that the people of the South ought to have the same consideration in dealing with their race question which the people of the North and of the South have had in dealing with the Indians, which the people of the Pacific coast have had in dealing with the Mongolians, and which the people of the United States are now exercising in dealing with the Malays; and when we seek, in our feebleness, to do that, environed by dangers and difficulties, and are trying to encourage more white people to come here and settle, Massachusetts steps to the front with resolutions of inquiry, and Massachusetts stands here as the sponsor for the doctrine that contract labor must not be admitted into the South, forsooth, because the Senator from that State has a large constituency of intelligent and good people who do not want the door thrown wide open for the admission into this country of European paupers to enter into competition in the labor market. We do not want European paupers to come into the South. So far as I am concerned, there are So far as I am concerned, there are certain countries in Europe from which I never would admit a solitary man. It is not worth while to mention them. We are trying to sift our immigration in South Carolina. very well satisfied with the people we have got there; and we shall welcome any of that stock. We can get those people, and we are trying to get them under this bill—a little driblet; we had, all told, 468, I think on the first shipload and 150 on the second. We have only had two ships come to Charleston with immigrants. The solicitor of the Department of Commerce and Labor has told us that the methods pursued in getting these to come were not unlawful; but the Senator from Massachusetts has taken the law, and, in his holy zeal to keep out contract labor, he tries to shut the door and lock it and throw the key away. "If you want anybody, come North to the slums of our cities and get the scabs and riffraff and the seum that we do not want." We of the South would rather you would keep them; we do not want them either; and so long as they continue to pour across the Atlantic in the hordes that are now coming—a million a year—if we can not get better ones, you may lock the door and throw the key away.

There is one other phase to which I wish to advert, but before I leave the part of the subject to which I have been addressing myself I wish to say that I have just had two telegrams handed to me, which I will send to the desk and ask to have read.

The VICE-PRESIDENT. Without objection, the Secretary

will read as requested.

The Secretary read as follows:

CHARLESTON, S. C., February 15.

Senator B. R. TILLMAN, Washington, D. C.:

Washington, D. C.:

Any change immigration law this time tremendous disaster to entire South, especially South Carolina. Industries starving and fields neglected for want of labor; negroes going North; South taking steps under Secretary Strauss's interpretation present laws. Investigation shows impracticable begin movement otherwise; immigrants in Europe understand by America only New York and Baltimore. South is black district to them. By Southern States inducing immigration direct to southern ports for one or two years changes in law would not make so much difference. Please fight matter with every possible resource.

R. M. Rhett, Mayor.

COLUMBIA, S. C., February 15.

COLUMBIA, S. C., February 15.

Hon. Ben. R. Tillman,
United States Senate, Washington, D. C.:

I note with gratification your action yesterday in regard to immigration bill in protecting the interests of this State and the South Southern Association, of which I am president, favors all proper restrictions, but it is vital to the material interests of the South that the clause relating to States and Territories, upon which this State's course has been based and the Straus decision has been rendered, be not changed in any way whatsoever.

D. C. Heyward,

D. C. Heyward,
President Immigration and Industrial Association.

Mr. TILLMAN. I will state that D. C. Heyward is our retiring governor. He only went out of office in January after four years' service.

If the Senator will allow me-Mr. LODGE.

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. Certainly.

Mr. LODGE. The clause to which Governor Heyward refers has not been modified or altered in the slightest degree.

Mr. TILLMAN. The Senator from Georgia [Mr. Bacon], I think, demonstrated a while ago that it had been modified very materially

Mr. LODGE. It has not been touched.

Mr. TILLMAN. And I think he demonstrated that it was so seriously changed that the opportunities of Commissioner Watson, or any other immigration officer like him in the South going to Europe and inducing people to go to the Southern States, is barred or cut off entirely

Mr. LODGE. Mr. President-

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. I do. Mr. LODGE. The existing law now provides:

Provided, That this section shall not apply to States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively.

And that is the exact clause in the conference report.

Mr. TILLMAN. But, Mr. President, the Senator also incorporated in the conference report a definition of contract labor, which is not in the existing law, as has just been demonstrated by the Senator from Wisconsin [Mr. Spooner]. The bill, as it is now presented to the Senate, if it should pass and become a law, will forbid absolutely all chance of the South getting a solitary immigrant.

Mr. LODGE. Will the Senator permit me?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. Certainly.
Mr. LODGE. The definition in the existing law is:

SEC. 4. That it shall be unlawful for any person, company, partnership, or corporation in any manner whatsoever to prepay the transportation or in any way to assist or encourage the importation or migration of any alien into the United States, in pursuance of any offer, solicitation, promise, or agreement, parol or special, expressed or implied, made previous to the importation of such alien to perform labor or service of any kind, skilled or unskilled, in the United States.

That has been simply transferred to section 2 of the bill as reported by the conference committee, where the language used

Persons hereinafter called "contract laborers," who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled.

Mr. BACON. Will the Senator from South Carolina permit me for a moment?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Georgia?

Mr. TILLMAN. Certainly. Mr. BACON. Mr. President, the Senator from Massachusetts [Mr. Lodge] correctly states that the clause with reference to States and Territories has not been changed.

Mr. TILLMAN. Of course I knew that.

Mr. BACON. But the Senator from Massachusetts failed to state the fact that in another part of this proposed law it is so arranged that, even if a commissioner goes and secures immigrants to come, not one of them can land on the shores of this country; in other words, they would be met and turned back.

Furthermore, Mr. President, I desire to call attention to another fact. The Senator from Massachusetts now contends that there has been no change in existing law in that particular, and yet those of us who heard him to-day will remember the fact that he justified this proposed law upon the ground that it was necessary to strike down the law as construed by the Secretary of Commerce and Labor and as practiced by the State of South Carolina, else it would result in the inundation of this country, not only of South Carolina and the South generally, parts of the country, with labor procured by means of the machinery thus provided. Mr. LODGE. Mr. President

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. I do. Mr. LODGE. I now ask the Senator if he will read the

clause to which he refers?

Mr. BACON. I will do so with pleasure; but, before doing so, in order that the statement may be complete, I will say that the provision of the existing law under which the South Carolina commissioner proceeded was one under which he accepted of certain moneys contributed by an association in South Carolina, he himself being an officer of the State, and the employment of that money in paying the necessary expenses in communicating with the parties proposed to be imported from Europe and in paying their expenses to this country. In other words, the money was paid indirectly to those parties by a certain association, although it went through the hands of the officer of that State. On page 18 of the report-

Mr. LODGE. I hope when the Senator reads it that he will

indicate the part which is in the existing law that is not found in the conference report.

Mr. BACON. Yes; I will state the part of the proposed law which affects that, and then I will read it in connection afterwards with the law as it now stands. This language is in the conference report:

And that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly.

In other words, that nobody shall be allowed to land who was induced to come or had a ticket furnished or his passage paid for, either directly or indirectly, by any association, to put it in brief form. The language of the law, as it now stands in the enumeration of those who are excluded and prohibited from landing in this country, is this:

Any person

This is the law as it now stands-

Any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes.

"The foregoing excluded classes" being persons of unsound mind or unsound body or those who are brought here for immoral purposes

Mr. LODGE and Mr. SPOONER. And contract laborers. Mr. BACON. Very well; contract laborers, if you please. Mr. LODGE. That is another of the excluded classes.

Mr. BACON. Well, the Department holds that this was not in conflict with the law as it now stands. That is the ruling that we stand on, and which we are authorized to accept as the correct ruling until it has been reversed by higher authority.

Mr. LODGE. That is the clause the Senator objects to

Mr. BACON. All I ask is that the law shall stay as it is now and not be changed. If the Senator does not wish to change that ruling, why does he wish to change the law? Can it be, except for the purpose avowed by him here to-day, that by the change of the law he understood we would strike out that provision of it? There is no escape from it.

I suggested, Mr. President, in order to relieve the matter of doubt, in order that it might be shown that it did not apply to a State, to leave the language of the law just as it is proposed

here in the portion which I have read, and then add-

Unless so paid-

That is, the ticket-

Unless so paid through or by the official or agent or representative of

The Senator from Massachusetts is unwilling to accept that language, because if that language were added it would restore the operation of the law to where it is now.

Mr. LODGE. If that language were added

And the Senator is not willing for it to be re-Mr. BACON. stored where it is now; in other words, he wishes to destroy it.

Mr. LODGE. Well, the objection to that amendment of the

Senator from Georgia is that if it were adopted the contractlabor laws of this country would be waste paper.

Mr. BACON. Exactly, as the Senator says Mr. LODGE. The contract-labor laws we The contract-labor laws would be destroyed. The issue is plain.

Mr. BACON. If it were adopted it would leave the law as it is now

Mr. LODGE. Oh, no. Mr. BACON. I say it would, because that is the way it is construed now; but if not adopted, the law is overturned as it is now construed.

Mr. TILLMAN. Will the Senator from Massachusetts answer me a question before he leaves the Chamber?
Mr. LODGE. With pleasure.
Mr. TILLMAN. Has the contract-labor law been changed in

this bill at all; and if so, in what particular?

Mr. LODGE. I think it has been strengthened.

Mr. TILLMAN. I know; but in what particular? Mr. LODGE. I think it has been strengthened by making it more explicit; that is all.

Mr. TILLMAN. And making it say that a State agent can not go to Europe and get immigrants to come here?

Mr. LODGE. On anything but State money.

Mr. BACON. Very well; that shows it.
Mr. LODGE. I hope it will exclude that. I hope it will prevent manufacturers or any other employers of labor from bringing in contract labor under any pretense.

Mr. TILLMAN. Suppose there might be a partial contribution without any contract at all or any agreement or understanding, such as was the case in South Carolina?

Mr. LODGE. There the tickets were agreed for.

Mr. TILLMAN. They were not bound, and the ruling of the solicitor and the facts brought to the attention of the Department, as I understand, warranted them in making the decision by reason of there being no binding agreement or understanding or contract, but merely having had the money for their passage furnished, and then being left free to enter into contract after they got here or not, or to go where they pleased.

Mr. LODGE. If the Senator will allow me—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. I do. Mr. LODGE. The agent was obliged to make a contract to return them if they were not satisfied, and there was an arrangement made to pay back the passage out of their wages.

Mr. TILLMAN. Where does the Senator get that fact? Mr. LODGE. The Senator can find it all in the opinion, I

Mr. TILLMAN. It is not in this opinion. Mr. LODGE. Yes; it is.

Mr. TILLMAN. In decision No. 111?

Mr. BACON. On the contrary, it is expressly stated that while such an arrangement was made it was canceled.

Mr. LODGE. I read from the top of page 4 of the decision:

And first satisfying the Belgian Government that the advertised scale of wages was correct and that any Belgians having just cause of dissatisfaction upon arrival would be returned at the expense of the State to their homes.

Out of the total number who emigrated, about twenty-two became dissatisfied and were returned to their homes at the expense of Commissioner Watson's fund.

Mr. BACON. If the Senator will pardon me— The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Georgia?

Mr. TILLMAN. With pleasure.
Mr. BACON. In order that I may not be misunderstood, what I referred to as having been canceled was the other part of the statement made by the Senator from Massachusetts, as to the return of the passage money by its being taken out of That is expressly stated as having been canceled.

Mr. TILLMAN. As I understand the Senator from Massachusetts, then, he is opposed to the Southern States getting any immigrants unless they appropriate money out of their State treasuries and pay all the expenses?

Mr. LODGE. I am opposed to any State—not to the Southern States, for this law applies to the whole country—I am opposed to any State, under the guise of a State agent, allowing private individuals to bring contract labor into this country.

Mr. TILLMAN. For all practical purposes, Mr. President, the Senator might just as well have said he is opposed to the South doing this, because the northern cities, mainly York, are the ports of entry where all of the immigrant ships come in, where the immigrants land, and from which they are distributed, and the agents have only to go to Europe and distribute the advertising matter and get the interest of the foreigners enlisted in any given locality, with the incitement to emigrate. The stream of immigration has always been through New York and has gone west, along that isothermal line, to the other States which have advantages to offer, clear to the Pacific coast. They have gotten these immigrants naturally and inevitably, while the South, with no immigrant depots and no transoceanic lines of steamers bringing immigrants to one of its ports, is practically out of the game, with no chance in the world to get in. And when we discover, through the interpretation of the law as it now stands, that the State agent may induce a very small number of white people to come to us to get employment, under such conditions as the Commissioner-General of Immigration says are not unlawful, the Senator hurries to incorporate in the bill now pending an amendment which

Mr. LODGE. Mr. President-

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. Certainly.
Mr. LODGE. If the Senator will permit me, I know he does not wish to state it incorrectly

Mr. TILLMAN. I want to be just and fair and honest.

The clause to which the Senator objects was Mr. LODGE. in the House bill, and not in the Senate bill. It was insisted on by the House conferees and was accepted by the Senate conferees. There was no allusion to the South Carolina case at all by anybody.
Mr. TILLMAN.

Mr. TILLMAN. No; you just quietly fixed up words and incorporated amendments into the law which dealt with the South Carolina case specifically and accomplished the object of exclusion, which is here urged and pressed. Mr. LODGE. Now, Mr. President-

The VICE-PRESIDENT. Does the Senator from South Carolina yield further?

Mr. TILLMAN. Certainly.

Mr. LODGE. I do not think the Senator has any right to misrepresent what was done. I never knew about the South Carolina case until within a week. I never read the opinion of the Department until after that clause had been incorporated in the report. There was no trickery or underhand business

Mr. TILLMAN. I have not charged anything of that sort.

Mr. LODGE. It was put in there honestly. It was put in the House last year. It was in the House bill. It passed by the House last year. the House after full debate and was insisted on by the House conferees. I thought it improved the contract-labor law and assented to it for no other reason. When I assented to it I had not read a word about the South Carolina case, and I do not

think I had ever heard of it.

Mr. TILLMAN. Absolving the Senator from Massachusetts from any personal purpose or feeling or interest here, I still feel that I can say, with all the emphasis of which I am capable, that the effect desired to be obtained here is to close the door in the South and prevent the influx there of white immigra-

As to whether the conditions of the contract under which these six hundred and odd immigrants have come to our State were such as to make it undesirable that they should have been admitted or not, is not for me to say. I have already expressed my belief and feeling that contract labor, in the common acceptation of the term—that is, labor brought over from Europe to work in factories-is undesirable and ought to be excluded. I plant myself on that doctrine and shall not budge from it; but when we are so earnestly desiring here that we break up one of our rules and turn our backs on our precedents in the Senate to help the Pacific coast exclude Mongolians for the purpose of protecting the civilization of the white race on that coast, I can not see, for the life of me, why there should not be some concern and interest in enabling the white race of the South to get more white people to help protect our civilization

and fill up our waste places.
Mr. MALLORY. Mr. President-

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Florida?

Mr. TILLMAN. With pleasure.
Mr. MALLORY. Will the Senator from South Carolina permit me to ask a question of the Senator from Massachusetts for enlightenment?

Mr. TILLMAN. Certainly.

I should like to ask the Senator from Massa-Mr. MALLORY. chusetts if, under his construction of this proposed law, a State would be prohibited from purchasing a ticket out of the State funds for an immigrant to come to the State?

There is nothing to prohibit a State doing that. Mr. TILLMAN. Suppose a State were to do it and then somebody else came along and reimbursed the State? of ways of beating the devil around the bush, and my friend from Massachusetts knows how to do it as well as anybody here. [Laughter.]

Mr. LODGE. That is one way which the Senator from South Carolina has just suggested. I think that ought not to be done. What I want to prevent is the great employers of labor, directly or indirectly, getting contract labor. If a State chooses to induce immigration, that is the affair of the State, and it is ex-

cluded from the operation of the law.

Mr. TILLMAN. I suppose we understand the attitude of the Senator from Massachusetts, and I suppose that his attitude is that of his party, and that this report is to go through the Senate just like it is, without any change or amendment, accomplishing its twofold purpose. The one is to get relief for the people of the Pacific coast in regard to the Japanese question, and the other is to prohibit the Southern States from utilizing the present law in the way we have started to do in South Carolina under the decision of Secretary Straus.

I will devote myself for a few moments to another phase of this question which I intended to take up at the beginning, but owing to the debate which had preceded it was more apropos and in sequence of thought to take it up as I did at the other

I made the point of order yesterday that the provision on, page 17 in regard to Japanese, we will say, although their name is not mentioned, was outside the jurisdiction of the committee of conference, and that the conferees exceeded their authority. I want to call the attention of those Senators who will bear with me a little longer and pay attention to a case last March when the conferees, all of whom were members of the Judiciary

Committee, brought in the conference report on the bill to punish the giving of information as to markets or reports or esti-The report is signed by C. D. CLARK, KNUTE Nelson, and C. A. Culberson, on the part of the Senate, and by John J. Jenkins, C. E. Littlefield, and H. D. Clayton, on the part of the House. It will be found on page 4024 of the RECORD, March 20, 1906. This is the statement of Mr. Clark, the chairman of the Committee on the Judiciary.

I will say to the Senator from Colorado that the question of order in this report is this—

I will state that the committee had itself called the attention of the Senate to a doubt in its mind as to whether it had transcended its authority; and when the point of order was under consideration, Mr. Clark said:

I will say to the Senator from Colorado the question of order in the report is this: The bill as passed both Houses provides a punishment for the disclosure of knowledge and for speculation in matters affected by that knowledge which has been acquired in an official capacity. It was discovered by the conferees that Members of Congress in either House were not included. It was further ascertained that judicial decisions have been held time and again that Members of Congress are not officers of the United States, but are officers of the State governments. Therefore, while doubting their real power as a conference committee to insert this provision, they thought the objects and purposes of the bill clearly demanded such a provision, so they inserted "and Members of Congress," and ask the judgment of the two Houses upon that amendment.

Then, Mr. President, after considerable discussion in which the regularity of this action was debated and universally denied, simply because they had incorporated the four words "and Members of Congress" in a conference report, we got over the trouble by having the conferees withdraw the report on their own volition, and what finally became of it I do not know. do not know whether the bill ever became a law. The Senator from Wisconsin [Mr. Spooner] is present, and perhaps he can enlighten me. He was interested in it.

Mr. SPOONER. The Senator from Wyoming [Mr. Clark]

can tell.

Mr. TILLMAN. The Senator from Wyoming is not in his

seat. Mr. SPOONER. The Senator from Texas [Mr. Culberson]

can tell you.

Mr. TILLMAN. Will the Senator from Texas tell us what became of the conference report to which I have alluded, in which the conferees exceeded their authority while doing what everybody acknowledged to be a proper thing? But the Senate just stood up here and compelled them to take it away because they had broken the rule.

Mr. CULBERSON. My recollection, as I stated yesterday, is that the conference report was withdrawn in view of the point of order

Mr. TILLMAN. I knew it was withdrawn. What became of

the bill? Did the bill die? Or did the conferees go back and take out the obnoxious words?

Mr. CULBERSON. The bill was re-formed in some particulars and returned to the Senate, and under a resolution authorizing the conferees to add the objectionable matter it passed the Senate and went to the House.

Mr. SPOONER. Did it pass the House? Mr. CULBERSON. No; it was defeated in the House. Mr. BACON. It passed the Senate.

Mr. CULBERSON. It passed the Senate. The Senate passed a resolution authorizing the conferees to insert the objectionable

matter, which was done, and it then passed the Senate.

Mr. TILLMAN. I am bringing this up for the purpose of showing what has been the habit of the Senate in this respect.

Mr. CULBERSON. The Senator is exactly right. The Senate in that case refused to permit the conferees, without previous authority from the Senate, to obtrude upon the Senate this objectionable matter against the rule and against the point of order.

Mr. TILLMAN. I have a more feeling recollection of another instance where the conferees of the Senate and House transcended their power and overstepped its limitations

Senators will recall that in June last, when the rate bill had passed both Houses, the conferees, after laboring earnestly, brought in a report, to which they had all agreed, and in that report notice was given to the Senate that the conferees had exceeded their authority knowingly in incorporating two or three very slight amendments, mainly verbal, though there was one clause added which provided that the law should not go into effect until sixty days after its passage, a provision acknowledged by everybody to be absolutely necessary. It was so material a provision of law that as soon as the bill became a law by the adoption of the conference report with that stricken out, a joint resolution was introduced, and it passed both Houses, amending it in that particular.

I contend here, Mr. President, that this provision in regard

to the Japanese, to which allusion has already been made and upon which I made the point of order yesterday, is entirely outside the jurisdiction of the conferees; that they never had authority to incorporate it; that that subject was never considered by either the House or the Senate in the separate bills passed last May and June; that the issue which brought it out only arose since December, when the President's message brought to us the knowledge of the attitude of Japan in regard to the school question in San Francisco. I read in the papers this morning a statement suggesting that the conference report as it has been brought here and as we are asked to pass it is not the work of the conferees at all, but that this amendment, as it is stated in the newspapers—it can be denied by the conferees if they see fit—is the work of the Secretary of State and that Mr. Root drew it. I suppose the President sent it or handed it to some of his friends among the conferees, and the matter comes to us as the authoritative action of the agents of the Senate in dealing with this important question, whereas all the evidence we have goes to show that this particular subject must be outside the jurisdiction of the conferees.

Last June, when the rate conference report was before the Senate, I made a statement as to the amendments which the Senate conferees had incorporated in the bill along with the House conferees, and I wish to have read a brief extract from the RECORD. I realize that under the ruling of the Chair and the discipline which obtains among our friends on the other side, while I might pile up evidence here as high as the Washington Monument and as solid in reasoning as the granite or the marble of which that is constructed, it would not change the result of the vote. The only way this conference report can be defeated—and I am not prepared to go that length is for us to debate it and to compel the action of the Senate to be delayed on it. It is not worth enough to make it worth my while to resort to any such procedure. Even if the South can not get recognition or protection or opportunity, whichever way you choose to put it, and everything that California wants is to go, while everything we do not want is to go, Senators of course will settle that with themselves in their consciences, if those ever bother them any. But this subject of conferees and their powers having been so recently before us, and, as I said, my individuality having been brought in as a sufferer for three days here last summer when I bore the brunt and was trying to explain and defend and apologize and get back a report which the Senate would not let me get out of here, because one Senator after another wanted to air himself and to indulge in criticism upon the effrontery and boldness of the conferees in going outside of their powers as recognized under the rules, and none more vigorously than the Senator from Massachusetts [Mr. Lodge].

I send to the desk and ask to have read the extracts from the Congressional Record which I have marked.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

will read as requested.

The Secretary read as follows:

[CONGRESSIONAL RECORD, volume 40, part 8. Fifty-ninth Congress, first session, page 7834.]

Mr. Hale. Well, Mr. President, I do not think that I am assuming too much when I say that the Senate evidently intends to send that report back to the conference committee.

Mr. Tillman. We expect that, Mr. President.

Mr. Hale. I think the Senator expects that. He has been here long and discerns the signs of the times. Now, I have no objection, if it can be understood by the Senate that when the report is sent back to the conference committee it shall be dispossessed of all items that involve new legislation, unconsidered and not adopted by either House—that is, that all new matter shall be struck from the bill—

Mr. Tillman. Will the Senator yield to me for a moment?

Mr. Hale. Let me complete my remarks.

Mr. Tillman. I was going to ask the Senator is he not assuming a good deal, if he will permit me to say so, when he undertakes to indicate the line of work that the conferees shall follow, when it is contrary to the rules for the Senate to instruct conferees? I think the conferees can be trusted to examine for themselves what are the rights of the Senate, as well as what are their powers and duties, and that they can also be trusted to perform those in good faith; and I object, and shall continue to object, to have the Senator from Maine undertake to indicate what he feels and intends that we shall do. I want the Senate to say that.

Mr. Hale. I have not indicated a single proposition which the committee of conference has injected into this report. The Senate, I say again, very evidently means that the report shall go back. Now, it can go back after spending a day here in debating and delaying appropriation bills. I do not pretend to say what the amendments are; the conferees know well enough what they have put in that is new matter. If the time of the taking effect of the legislation should not be for sixty days, in order that the machinery might be set going,

Mr. Tillman. It has to be discussed some day, and I do not see the difference between discussing it to-day and to-morrow. The conference may give rise to debate, but I do not think the Senator from Maine is justified in assuming that the Senate is going to do one thing or the other, and to instruct the conferees.

Mr. Hale. I do not propose to instruct the conferees.

Mr. Hale. I do not propose to instruct the conferees.

Mr. Hale. I do not propose to instruct the conferees.

Mr. Hale. I will bow, of course, to the will of the Senate.

Mr. Hale. I have no more interest in getting the business of the Senate done than any other Senator here. I said this morning that I thought it was good business to take up the appropriation bills and pass them. The consideration of the conference report can be proceeded with at any time. If the Senate wants to take it up this morning, I will withdraw my motion, and the Senator can move to proceed to the consideration of it.

Mr. Tillman. That is all I ask. If the Senate prefers to take up the naval appropriation bill, I certainly shall consent, and have no objection at all.

Mr. Lodge. Mr. President—

Mr. Tillman. Let me make the motion, and then—

Mr. Lodge. The motion is not debatable.

Mr. Tillman. There is a way to get the report back to the conferees. I would have asked to withdraw it but for the fact that the conferees can not get the report back except by unanimous consent. I move that the Senate proceed to the consideration of the conference report on the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

The Vice-Pressident. The Senator from South Carolina moves that the Senate proceed to the consideration of the conference report on the bill which will be stated by title.

The Secretary. A bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof,

Mr. TILLMAN. I think it is due the conferees and due the Senate that the conferees should make an explanation.

Mr. Hale. If I had known that this matter was to be debated, I would not have withdrawn my motion.

Mr. TILLMAN. It will not take three minutes.

Mr. FORAKER. It will take three minutes, and more than that. I want to make some remarks on this report before it is disposed of. I think we ought to express ourselves as to some of the changes made in the report, in order that the conferees may have the benefit of our views.

Mr. Hale. I wish to make a motion, Mr. President.

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Maine?

Mr. TILLMAN. I do.

Mr. LODGE. Mr. President.

Mr. HALE. I move that the Senate proceed to the consideration of.

Mr. HALE. I move that the Senate proceed to the consideration of.

Mr. HALE. I move that the Senate proceed to the consideration of Mr. TILLMAN. Mr. President, I am in possession of the floor.

Mr. TILLMAN. Mr. President, I am in possession of the floor.

Mr. TILLMAN. Mr. President, I am in possession of the floor.

The Vice-Pressibent. The Chair asked the Senator from South Carolina if he would yield to the Senator from Maine, and he yielded.

Mr. HALE. I can move at any time that the Senate proceed to the consideration of a bill. Evidently this matter is going to lead to debate, and I object to that.

Mr. Balley. The Senator from Maine, as he says, can make a motion to take up a bill, provided he has the floor. But he can not take a Senator off the floor when he is in charge of a bill.

Mr. LODGE. Mr. President—

The Vice-Pressibent. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. I should like to make my explanation first. However, I yield to the Senator from Massachusetts.

Mr. LODGE. The idea that we can discuss and dispose of this matter in three minutes had better be given up. There is a mass of new matter in three minutes had better be given up. There is a mass of new matter in three minutes had better be given up. There is a mass of new matter in three minutes had better be given up. There is a mass of new matter in the conference report to when new the new the new the new that the conference report to when he had not a suppreceed with the report until 2 o'clock.

Mr. TILLMAN. I hope the Senator will not do that, and that we may proceed with the report until 2 o'clock.

Mr. TILLMAN. I want to make an explanation, and then the Senate will do as it pleases, of course.

Mr. President, as a Senator who has been burned, so to speak, by the action of conferees exceeding their powers and authority, mention of which has been made several times by me in this body, I would be the last man to go beyond the rule that I have sought to have others obey—not to inject new matter or to exceed the powers of a conference committee which are ne

in, and we take the responsibility. There can be no pretense of any deception, and if the Senate wants to take them out, I shall be glad to have them taken out.

Mr. Hale. Will the Senator allow me?

Mr. Tillman. Let me get through.

I will say right now that while I have noted that a good deal of the personal equation enters into this question, and that there is some opposition, my view of a legislator's duty is not that he is to consider men, but measures, and to make a symmetrical and workable and properly adjusted law, and therefore we felt that we had the right to insert this clause. Therefore the Senate conferees agreed to the suggestion for an increase in the salary of the secretary, and for the appointment of an assistant secretary.

Mr. Hale. I think there is where the conference committee has gone beyond its power. When you come to the Commissioners, the matter was fairly in issue between the two Houses on the compensation of the Commissioners and the additional number. The House put in two more Commissioners and increased the salary. The Senate declined to increase it.

crease it.

Mr. TILLMAN. The Senate also declined to increase the number or the compensation of the Commissioners.

Mr. Hale. Then the committee has created a new office absolutely. The Senator of course understands—

Mr. TILLMAN. I want to call the Senator's attention and the attention of other Senators to the fact that the rules as to conference reports, as I have studied them—and I have done a little of it—are very The Mr.

ports, as I have studied them—and I have done a little of it—are very lax.

Mr. Hale. They ought not to be.

Mr. Tillman. I do not know what the other conferees will do. I know what I shall do in regard to this proposition.

That leaves only one question in which we clearly exceeded our power. That was on page 41, section 11, No. 51, where without authority or power we inserted the words "sixty days." We did it on the theory that it was utterly impossible for this bill to go into effect immediately without creating an immense amount of friction and disturbance in the working of the machinery of the railroads. All the railroads will have to prepare and publish their rates. It was impossible that this law should go into effect immediately. It would have been better, probably, to have called this an oversight, and to have passed a joint resolution, and probably it would have been better to have done the same thing with regard to other new matter which we injected. We intended at no time to do other than to explain and to throw ourselves upon the mercy of our colleagues and say, "Gentlemen, we have done what we think is proper and wise under the circumstances. If you want to stick by the letter of the rules, of course we will obey your orders."

Mr. Tillman Now Mr. President pursuing the line of

Mr. TILLMAN. Now, Mr. President, pursuing the line of argument, or the presentation of facts, rather, in regard to the jurisdiction and power of conferees, and in connection with the rate bill, I ask to have read the parts of the RECORD of June 6 which I have marked. I simply want to make the case full to show how Senators here can change their attitude; how at one session they will stand up and argue and contend and ride roughshod over some of us because we have done certain things, and then at the next session they will come here and do the very same thing they have criticised us for, veering around to the opposite extreme and do the thing they want. That is

what I am trying to show.

Mr. BACON. It is an illustration of the old story found in Webster's blue spelling book, about the ox that was gored.
Mr. TILLMAN. It is; surely.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

The Secretary read as follows:

Mr. Patterson. Mr. President, we have been listening for nearly a day to a discussion on the subject of new matter introduced by the pending conference report. Is there anything to prohibit, or, in other words, is it not, after all, a matter for the Senate to pass upon? The Senator from Maine [Mr. Hale] shakes his head and the Senator from Massachusetts [Mr. Lodge] shakes his head. I desire to call the attention of the Chair and of the Senate to what I find in the Senate report upon the subject of conferences and conference reports. I have discovered upon reading it that the Senator from Massachusetts [Mr. Lodge] played a very important part in having the rule to which I call the attention of the Senate established. This matter is found on page 16 of that report in reference to conferences and conference reports:

call the attention of the Senate established. This matter is found on page 16 of that report in reference to conferences and conference reports:

"29. Conferees may not include in their report matters not committed to them by either House. (1414-1417.) (50th Cong., 1st sess., Sen. Jour., pp. 1064, 1065; 54th Cong., 2d sess., Sen. Jour., pp. 90, 91, 96.)"

That Is Rule XXIX.

"In the House, in case such matter is included, the conference report may be ruled out on a point of order. (See Rule 50, below.)

"In the Senate, in case such matter is included, the custom is to submit the question of order to the Senate."

Then there is the following note:

"Note.—In the Fifty-fifth Congress, first session, Vice-President Hobart, in overruling a point of order made on this ground against a conference report during its reading in the Senate, stated that the report having been adopted by one House and being now submitted for discussion and decision in the form of concurrence or disagreement, it is not in the province of the Chair during the progress of its presentation to decide that matter has been inserted which is new or not relevant, but that such questions should go before the Senate when it comes to vote on the adoption or rejection of the report. (55th Cong., 1st sess., Sen. Jour., pp. 171, 172; Cong. Rec., pp. 2780-2787.) See also Cong. Rec., pp. 2877, 56th Cong., 2d sess., when the Presiding Officer (Mr. Lodge in the chair) referred with approval to the foregoing decision of Vice-President Hobart, and stated that when a point of order is made on a conference report on the ground that new matter has been inserted, the Chair should submit the question to the Senate winstead of deciding it himself, as has been the custom in the House. No formal ruling was made in this case, however, as the conference

report, after debate, was, by unanimous consent, rejected. (56th Cong., 2d sess., Cong. Rec., pp. 2826-2883.)"

As I read this, it can have no other meaning than that if the point is raised that something that is found in a conference report is new matter, when called to the attention of the Senate, the Senate itself acts upon it.

Mr. Hale. Undoubtedly.

Mr. Patterson. And if the Senate decides it is not, or whatever may be the reason or motive of the Senate, the Senate has it in its power to retain that matter in the bill.

Mr. Hale. Undoubtedly. That is only a matter of procedure; but the fundamental proposition which the Senator from Colorado has raised is that there shall be no new matter inserted. Our processes are different from those of the House. I think, in the prevailing tendency of conferces to usurp power, that we have got to adopt—and I hope we shall do so before this session ends—the House rule, that such insertions shall be subject to a point of order and ruled out; but we have not gone as far as that. We have said the conferces should not put in new matter and that the question shall be submitted to the Senate; but it does not change the underlying and absolutely necessary proposition that no new matter shall be incorporated by the conferees.

Mr. Lodge. Will the Senator from Colorado allow me a moment?

Mr. Patterson. Certainly.

Mr. Lodge. The general parliamentary law and also the practice of both Houses is, of course, that there shall be no new matter in a conference report—that is, no matter which has not been adopted by one of the two Houses.

In the House of Representatives the point of order lies, and the Chair

Mr. Lodge. The general parliamentary law and also the practice of both Houses is, of course, that there shall be no new matter in a conference report—that is, no matter which has not been adopted by one of the two Houses.

In the House of Representatives the point of order lies, and the Chair decides. If the Chair decides that the matter is new matter, and therefore out of order, the conference report is rejected by that finding of the Chair. All that any parliamentary body can do with a conference report is to accept it or reject it. It can not amend it. It must be either accepted or rejected.

The point of order, when it lies in the House and is ruled on by the Speaker and sustained, carries with it the rejection of the report, just as when the Chairman of the Committee of the Whole in the House sustains a point of order against a clause in an appropriation bill it carries with it the rejection of that clause.

Here, if the point of order is made, it has been held by Vice-President Hobart, in a ruling which I sustained later when I happened to be in the chair, that the point of order must be submitted to the Senate. Therefore it comes down to the Senate as a question whether they shall reject the conference report on the ground that there is new matter contained in it.

That is the state of the parliamentary law, as I understand it, in this body; but that does not change the fundamental parliamentary proposition that conference committees have no right to put into conference reports matter which has not been adopted by either House.

Mr. Hale. But when the Senator says the conferes have a right, when they believe that in order to make a measure effective they may put in new propositions, he is transferring the legislative power, which ought to be confined to the two bodies, to a conference committee that is only appointed and constituted not to newly legislate, but to consider differences between the two Houses.

The Senator is not a radical Senator; he is a conservative Senator, and he ought to see the wide and far-reaching and dangerous proposition which he has made, that the conferees can take upon themselves the power of legislation that only inheres in the two bodies.

Mr. Patterson. Let me ask the Senator from Massachusetts another question, then. Let us carry it to its logical conclusion. If the conferees make a report incorporating new matter, and the point of order is made that it is new matter, and the Senate votes it down, and then the motion is made to agree to the report, is not that, so far as the Senate is concerned, a part of the measure?

Mr. Lodge. Undoubtedly that is the case under the Senate's practice. Mr. Patterson. That is what I have been contending.

Mr. Lodge. Undoubtedly that is the case under the Senate's practice, and that is the reason, I think, our rules ought to be amended and made like the rules of the House of Representatives, so that if the point of order is sustained and it is held that it is new matter—of course if the Chair holds that it is not new matter, then it is not liable to rejection—but if it is new matter, and held to be new matter, that that mere fact shall reject the conference report and send it back. We are dealing in a conference with the work of both Houses, and we are not proposing that six representatives of those Houses shall be allowed to introduce new matter which neither House has ever adopted.

Mr. TILLMAN. Mr. President. I appologize for having re-

Mr. TILLMAN. Mr. President, I apologize for having reminded Senators of the attitude they occupied six or seven months ago on this very question. As I said a little while ago, the fact that they now do not think the rules of the Senate sacred and that certain conferees under certain exigencies are at liberty to do any old thing that certain powerful individuals want "does not cut any ice," to use a slang phrase.

My friend from Wisconsin [Mr. Spooner] is showing how ex-

pert he is in slang by picking out those things which I thought

were good English.

Mr. BACON. There is a good deal of slang that is good English.

Mr. TILLMAN. Of course; that is what I knew.

Mr. President, I have called attention to the proviso on page 17 as new matter entirely outside of the jurisdiction of the conferees, and under the exposition of the powers of the conferees, as laid down by the Senator from Maine [Mr. HALE] and the Senator from Massachusetts [Mr. Lodge] and others, this report ought to be sent back to the conference committee without instructions, because that is not admissible, but with the under-standing that they have exceeded their authority and that they will voluntarily take out these matters. some Senators are prepared to contend that this proviso is entirely permissible under the rules; that the subject-matter was being dealt with by the bill passed by the Senate and the

House, and that the conferees had a right to put this in. It is in; whether it is there rightfully under the rule or not is a

I want to comment just briefly on one phrase in this proviso, going now to the merits. I have tried to make it very plain, but I sympathize with and am ready to go as far as any other Senator here in safeguarding the interests of the white people of the Pacific coast. If this proviso shall accomplish the re-lief which is expected and the easement of conditions, no one will be happier than I. But there is one phase of it here which leaves a bitter twang in the mouth, and that is where it says:

That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

I have never been on the Pacific coast-I have that pleasure in store-but I have read somewhere that the people of that part of our country are worse ridden or dominated and controlled by labor unions than any other section of the Union. Whether that be true or not does not matter; but taking it for granted as true, I ask why it is that the President of the United States should be permitted, if this becomes a law—and I know it is going to become a law-to dicker with labor unions, or be influenced and controlled by labor unions, or to make bar-gains with labor unions? Why should the interests of labor on the Pacific coast make it possible for the President to issue an Executive order to prohibit the landing of a certain class of immigrants? We ought to have a law regulating such things, and it ought not to be left to Executive discretion. There ought not to be any hint or suspicion of bargaining here for political

We have all heard (I do not know how true it may be) that in the last Presidential election an understanding was reached by those who had control of the campaign that if the Mormon vote went a certain way a certain colleague of ours whose seat is in question would be cared for, and we have heard it talked that the Chief Executive, who was the beneficiary of that vote, though he did not need it, has exerted himself to the utmost to carry out the agreement in using his influence to stave off a vote and to protect in every way he could the interests of the Sena-

tor who represents Utah.

These bargains of a political character are not conducive to the public welfare. I do not see why this language in regard to the passports on the Pacific coast, if we are to legislate at all, could not have been so framed that the President would not be involved, and why the whole extensive power and jurisdiction of the Executive should be extended, and the disposition here to shirk our responsibility as lawmakers and to turn everything over to the Executive should have an additional illustration.

I do not like it. I would not like it if we had a Democrat in the White House. I am sick and disgusted with this disposithe White House. tion on the part of the Senate and of Congress apparently-not so apparently either, but actually—to surrender everything into the keeping of the Executive, and leave it to the President by control of the patronage or some other influence, dread of his popularity and influence in their respective States, for fear that they might fare like our friend Wadsworth, of New York, who doubtless with great honesty made a fight for his view last session on the meat-packers' legislation, and fell outside of the breastworks because he dared oppose the Executive. I do not like that tendency in our national life. Of course I am like-

An infant crying in the night: An infant crying for the light, And with no language but a cry.

But all the same I have continued to cry or to exercise my right to comment on these degenerate days and these tendencies, this servility, this cowardice, and this unwillingness of representatives of the States here and at the other end of the Capitol to stand for their rights as a part of the Government and to exercise their proper share in the functions of governing this I have these feelings and I can not help expressing country. them.

Now, while, as I said, this provision might possibly be defended on the ground that it is germane and relevant and relates to the subject-matter about which the two Houses were in dispute, there is one provision in the bill that is so clearly extraneous and new and outside of the jurisdiction of the conferees that while it is a particularly legitimate and proper thing to do, and a very desirable thing to do, and one which we favor having done, it is not a question under the exposition of Messrs. HALE and Lodge and other doctors of parliamentary law here.

I call attention to section 42, which I shall have printed in my remarks without reading, dealing with the subject of air space between decks on immigrant steamers.

The section referred to is as follows:

space between decks on immigrant steamers.

The section referred to is as follows:

Sec. 42. It shall not be lawful for the master of a steamship or other vessel whereon emigrant passengers, or passengers other than cabin passengers, have been taken at any port or place in a foreign country or dominion (ports and places in foreign territory contignous to the United States excepted) to bring such vessel and passengers to any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage; that is to say, in a steamship, the compartments or spaces, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow for each and every passenger carried or brought therein 18 clear superficial feet of deck allotted to his or her use, if the compartment or space is located on the main deck or on the first deck next below the main deck of the vessel, and 20 clear superficial feet of deck allotted to his or her use for each passenger carried or brought therein if the compartment or space is located on the second deck below the main deck of the vessel; Provided, That if the height between the lower passenger (exclusive of the side scuttles) through which light and air are admitted together to the lower passenger deck are less in size than in the proportion of 3 square feet to every 100 superficial feet on that deck than in the proportion of one passenger to every 30 clear superficial feet thereof; and it shall not be lawful to carry or bring passengers on any deck other than the decks above mentioned. And in sailing vessels such passengers shall be carried or brought only on the deck (not being an orlop deck) that is next below the main deck of the vessel, or in a poop or deck house constructed on the main deck; and the compartment or space, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow 110 cubic feet for each and every p

better sanitation and conditions conducive to health in these steamships, but why put it in there when the rule forbids it go-We have been told by Senators HALE and LODGE in the debate which I have read, that, however desirable and legitimate and proper a thing may be, there is a legitimate and proper way to enact it into law, and that the conferees, as the Senator from Maine has stated—six men—can not exercise the function of legislation; but here six men have exercised functions of legislation, and I ask the Senator in charge of the bill, I ask his associate conferees, I ask any Member on the other side of the Chamber to deny that section 42 is not absolutely new and altogether apart from anything passed on by either House. [A pause.] Well, I am going to have an answer, either "yes" or no," and I will wait here an awfully long time until I get it.

Mr. DILLINGHAM. I beg the Senator's pardon; I did not

hear what he said.

Mr. TILLMAN. I made the point that section 42 is absolutely new, was not considered or dealt with by the bill as it passed the other House or the bill as it passed the Senate; that it was outside the jurisdiction of the conferees, and under the dispensation, as announced from the desk a little while ago, when the Senator was out of the Chamber, of those doctors of parliamentary practice here, who lecture us all, and presume to occupy the pulpit or the chair, and tell us what we ought to or what we can do, or what we can not do-I say this section 42 was outside of the jurisdiction of the conferees and has no business here.

Mr. DILLINGHAM. The Senator's question is so long that do not like to attempt to answer the whole of it.

Mr. TILLMAN. Then answer whatever part you want of it. Mr. DILLINGHAM. It was not dealt with in either House. Mr. TILLMAN. Therefore my deduction is that it was outside of the jurisdiction of the conference committee.

No, Mr. President, that is not the amendment. I do not want to take up the time of the Senate, except to explain that I think the Senator is mistaken, and to say that it came legitimately within the scope of both the bills which

dealt with the entire statute on immigration.

Mr. TILLMAN. Oh, well, if the Senator takes the ground that these conferees have the power to change the entire statute or any part of it just as they see fit, whether it is new matter or not, that, of course, settles it.

Mr. LODGE. But the entire statute was before the con-

ferees because the House bill and the Senate bill passed upon the whole statute.
Mr. TILLMAN.

The House bill carried in that body, and the Senate bill was to strike out all of the House bill and to insert the new Senate bill.

Mr. LODGE. I beg the Senator's pardon. The House bill carried the entire immigration statute from beginning to end. Mr. TILLMAN. And carried the acts of 1885 and 1882?

Mr. LODGE. No; carried the whole act of 1903.

Mr. TILLMAN. But the act of 1903 is not all of our legislation in relation to immigration.

Mr. LODGE. Yes, it is; all of it was consolidated in that legislation.

Mr. TILLMAN. The Senator is mistaken. Mr. LODGE. Everything except what related to contractlabor laws was consolidated in it.

Mr. GALLINGER. Mr. President—
The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from New Hampshire?

Mr. TILLMAN. With pleasure.
Mr. GALLINGER. I rise, Mr. President, simply to say that I am astounded at the answer made by the Senator from Massachusetts [Mr. Lodge]. This is new matter. It was in neither bill, and the conferees had no jurisdiction or authority, in my judgment, to place it in the conference report.

Mr. BACON. Mr. President—
The VICE-PRESIDENT. Does the Senator from South Caro-

lina yield to the Senator from Georgia?

Mr. TILLMAN. Certainly. After such a crumb of comfort as that I have just received from the Senator from New Hampshire [Mr. Gallinger] I shall hope to get a whole chunk of comfort from the Senator from Georgia, [Laughter.]

Mr. BACON. I want to call attention to the fact that section 42 is not an amendment of the existing immigration law, but is an amendment to the act of August 2, 1882, which relates to a different subject-matter altogether. It is an absolute amendment to a different section of the law.

Mr. LODGE. An amendment to the first section of the navigation act.

Mr. BACON. Yes Mr. TILLMAN. I Did the conference committee have the nav-

igation act before it?

Mr. LODGE. It had not; but it had everything relating to immigrants, their exclusion, and everything relating to their health. Their exclusion, their acceptance, and everything was before us, and that part of the navigation act relating to the subject-matter. It could have been done by a section that had no relation to the navigation act; and it would have been better legislation

Mr. BACON. Mr. President-

Mr. LODGE. It does not refer to the act in any way, but the language is taken from it.

Mr. BACON. Mr. President-

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Georgia?

TILLMAN. Certainly.

Mr. BACON. This act does not purport to be an act regulating the carriage of immigrants.

Mr. LODGE. It does purport to do so.

Mr. BACON. But it is an act to regulate the carriage of passengers by sea. The act of 1882 is not an act relating purely to immigration.

Mr. LODGE. Certainly not.

But this act relates wholly to immigration. Mr. BACON.

Mr. LODGE. Very well; but my contention is that we had the right, the whole statute being before us, to add a clause re-Mr. LODGE. lating to the health of immigrants, how many immigrants a ship should bring, if we had chosen to do that. We arrange for the manifest of passengers, clearance papers, etc. There is hardly a section in the immigration act that does not modify the old navigation act of 1863 so far as it relates to immigrants.

Mr. BACON. Mr. President—
The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Georgia?

Mr. TILLMAN. With pleasure.

Mr. President, it is a distinct amendment of the Mr. BACON. act of 1882; and the evidence of it is that on the succeeding page there is a reference made to the act of 1882 to the effect that it shall continue in force until the date specified there, when this new law shall go into force. The Senator from South Carolina has the report before him, and he can read it; but there is no question in the world about the fact that it is an amendment entirely independent of the statute.

Mr. TILLMAN. Section 42 says:

This section shall take effect on January 1, 1909.

That is intended to give the owners of immigrant ships time to make the necessary changes in the spaces between decks and the air spaces which would be available for each person carried. The proviso to section 43 is as follows:

That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, nor to repeal, alter, or amend section 6, chapter 453, third session Fifty-eighth Congress, approved February 6, 1905, or prior to January 1, 1909, section 1 of the act approved August 2, 1882, entitled "An act to regulate the carriage of passengers by sea."

In other words, this provision continues in force existing law until 1909, and then this provision in section 43 will go into effect in 1909; and yet the Senator from Massachusetts tells us that the entire statute of navigation as to the regulation of ships was under the jurisdiction of the conferees. I am astonishedno; I shall not be astonished now at anything for which the Senator contends. Mr. LODGE. Mr. President-

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. Certainly.

Mr. LODGE. Does the Senator think that those statutes mentioned are navigation statutes?

Mr. TILLMAN. I took it from the Senator from Georgia [Mr. BACON]

Mr. LODGE. The navigation act was passed in 1863.

Mr. BACON. This act is August 7, 1882, and that is the one referred to here.

Mr. LODGE. No; there is no act referred to there.

Mr. BACON. I beg the Senator's pardon. I will read it to him.

Mr. TILLMAN. I have just read it to him; but the Senator from Massachusetts, having changed front on the subject of the power of conferees, is showing the zeal which the poet says the new converts feel. He out-Herods Herod; and the Senator, having reversed himself, is going back at the rate of a thousand miles a minute.

The Senator is right.

Mr. LODGE. 1 knew the Senator when he had to. [Laughter.]
Mr. LODGE. I did not know that it was in the repealing consumed so much of its time. I have felt quite earnestly not so much about the substance of this bill, but as to the manner

in which it is pressed on us here.

When the rate bill was brought in here with a few very slight amendments put in it by the conferees, as we thought in the interest of a better law and a more workable statute, in no sense changing the purpose of that bill, we were-I will not say abused, because that is not a proper word-but we were criticised and lectured ad nauseam for three whole days because we had dared to do this outrageous thing. We finally got the conference report away from the Senate and carried it back, when lo and behold, I discovered that there had been a change of feeling and purpose, apparently, on the part of some of the members of the conference committee, and we could not get the free-pass provision alone treated on that day, and that was the only thing the Senate found special fault with. struck out all the new matter we had put in. The row in the Senate had been on the free-pass provision. But when the second conference report came back we had mysterious changes in the agreement reached in the prior conference, by which the interests of the people were injured, and necessary and final provisions of the original law as the Senate had passed it and

as the House had agreed to it were changed.

Well, we could not get the Senate to agree to our free pass provision the second time. We carried it back, not with instructions, but after enlightenment coming from lecturers, and, lo, and behold, when we got into the third conference another vital change was made, under which the Standard Oil Company, whose dealings with the people and with the country and the carriers and their competitors have been so graphically brought out in the report of the Interstate Commerce Commission under what is known as the Tillman-Gillespie resolution—the Standard oil Company succeeded in getting a change in the conference report by which the words "common carrier" were changed to "railroad," and a very vital section of the law was emasculated so far as that corporation was concerned. That is the lated so far as that corporation was concerned. That is the section which provided that no public carrier should own or produce the articles which it transported. When we changed it and said that no "railroad" should own or produce the ar-ticles transported, the hold which we had on the Standard Oil Company slipped and was broken. So that great monopoly was aided very materially by this rumpus or racket in the Senate

which sent the bill back to conference on the two or three little verbal amendments which we had put in.

I do not think—I would not be willing even to utter the suspicion—that there was anything sinister in the row that was kicked up over the power of the conferees then. I am only speaking of results which followed the return of this report to the conferees.

I will call attention to another thing. We had put into that rate bill a provision that it should not go into effect for sixty Our doctors on parliamentary law here objected to that as being outside of our jurisdiction.

Mr. SPOONER. What provision?

Mr. TILLMAN. The sixty-day provision which we had put into the rate bill, although the Senate recognized the wisdom of our having put it in by immediately passing a joint resolution having it take effect within sixty days. But there is pending in Chicago a lawsuit, involving the criminality and culpability of certain parties under the Elkins Act, in which it is contended by counsel for the defendants—that is, the persons we have been trying to punish—that the fact that we passed the rate bill one or two or three days before the joint resolution became a law repealed certain punitive clauses, and that, therefore,

certain men are to go scot free.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Illinois?
Mr. TILLMAN. With pleasure.
Mr. HOPKINS. Is the Senator awar

Is the Senator aware of the fact that that question has been submitted to the United States district judge there, and that he has held that there is nothing in that con-

Mr. TILLMAN. No. I simply know I had letters from there making an inquiry as to how that hocus pocus was worked here.

Mr. HOPKINS. I will say to the Senator that a proposition of that kind was raised by one of the lawyers for the defense in the case suggested by the Senator from South Carolina. was argued, but Judge Landis, sitting as the trial judge, in an elaborate opinion, held that there was nothing in the point.

Mr. TILLMAN. I am glad he did not follow Judge Humphrey's bad example, and get himself into bad odor by reason

of his judicial opinion.

Mr. CARTER. Mr. President-

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Montana?

Mr. TILLMAN. Oh, certainly.

Mr. CARTER. Mr. President, the Senator said that before. Mr. TILLMAN. I am always glad to do anything for my friend from Montana.

Mr. CARTER. The question to which the Senator from South Carolina is addressing himself is one separate and dis-tinct from the merits of the pending measure embraced in the conference report.

Mr. TILLMAN. Undoubtedly. I am just wandering around. Mr. CARTER. I wish to make a suggestion, with the permission of the Senator from South Carolina, which is that many Senators with whom I have conferred are exceedingly anxious to ascertain the position of the Senate upon the question of the importation into a conference report of, beating the bushes, as it were, vital subject-matter not considered by either House of Congress. A vote taken upon this question conjointly with the presentation of the merits may result, I fear, in the defeat of this conference report.

It does seem to me that the Senate can not afford to go on record as establishing a precedent to the effect that conferees appointed by this body may interject into a conference report subject-matter of vital concern never considered by either House of Congress.

That question has been disposed of so frequently in this body that it does seem unnecessary to call attention to it again. The question of order should be in some manner presented sep-

arate and independent of the merits.

Favoring this bill in a general way, although taking exception to some of its provisions, but, in the main, approving it, I am perfectly free to say that if the approval of the bill involved the approval of the principle that a conference committee of this body can enact legislation presented in a conference report which has never been considered by either House of Congress, I should feel inclined to vote against the proposition. I consider the maintenance of the integrity of the proceedings of the Senate and the regularity of enacting legislation of such supreme importance to the body as to justify the rejection of any matter which necessarily involved in its enactment the approval of the proposition that three members of a conference committee could interject legislation into a conference report never considered

by either House of Congress. I trust the committee will ex-

Mr. TILLMAN. Mr. President, after such a clear, forceful, and unanswerable presentation of what I have been trying to say, I will stop. He has given us-

The old-time religion, And it's good enough for me.

During Mr. TILLMAN's speech,

Mr. CULBERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from South Caro-

lina yield to the Senator from Texas?
Mr. TILLMAN. With pleasure.

Mr. CULBERSON. I offer a resolution in this connection, which I ask to have read.

The VICE-PRESIDENT. It will be read by the Secretary.

The Secretary read as follows:

Resolved, That the conferees on the part of the Senate on the bill S. 4403 be instructed to present to the conferees an amendment providing for the exclusion of Japanese laborers and coolies from the United States and their Territories and insular possessions and the District of Columbia, to be effective January 1, 1908.

Mr. LODGE. Mr. President-

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. Yes, sir. Mr. LODGE. Merely in reference to the resolution. I make the point of order that nothing can take precedence of the question on concurrence in the report.

Mr. FLINT. I ask to have the resolution read again.
The VICE-PRESIDENT. The Secretary will again read the resolution.

The Secretary again read the resolution.

Mr. CULBERSON. The Senator from South Carolina, as understand, merely yielded to me to offer the resolution at is time. I do not desire to take him from the floor.
The VICE-PRESIDENT. The Senator from South Carolina

After the conclusion of Mr. TILLMAN's speech,

Mr. CULBERSON. Mr. President, I ask the Chair to submit to the Senate the point of order made by the Senator from South Carolina [Mr. TILLMAN] to the provision of section 1 of the bill, which I will read:

Provided further, That whenever the President shall be satisfied that passports issued by any foreign Government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

The Senator from South Carolina has made the point of order that this provision is new matter, incorporated without authat this provision is new matter, incorporated without authority, and in violation of the rules of the Senate, not having been considered or passed upon by either House of Congress, and that it is therefore subject to the point of order. I ask the Chair to submit that question to the Senate for its de-

I will read the rule of the Senate, as announced by the Senator from Massachusetts [Mr. Lodge], although it has been read once or twice. It will, however, bear repetition:

The Presiding Officer (Mr. Lodge in the chair) referred with approval to the foregoing decision of Vice-President Hobart, and stated that when a point of order is made on a conference report on the ground that new matter has been inserted, the Chair should submit the question to the Senate Instead of deciding it himself, as has been the custom in the House.

The VICE-PRESIDENT. The Chair has hitherto shown that a point of order will not lie against a conference report. If such point of order were to be sustained, it would have the effect of amending the report. This, under the well-settled practice of the Senate, can not be done. This is in entire harmony with the decision of Vice-President Hobart, to which reference is As the Chair has hitherto shown, he is clearly of the opinion that the objectionable matter, if such there is, may be considered by the Senate when it comes to vote upon the question of agreeing to the report. The Chair is clearly of the opinion that the request of the Senator from Texas is not sanctioned by either the rules or practice of the Senate, and can not be entertained by the Chair.

Mr. PATTERSON. I ask unanimous consent that a vote be taken upon the conference report and any other matter that may be properly associated with it to-morrow at 4 o'clock, and that debate, if there is to be any further debate on the subject, shall be commenced to-morrow immediately after the routine morning

Mr. BEVERIDGE. Yes. Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. PATTERSON. Certainly.

Mr. BACON. I have had no opportunity to confer with other Senators, and I therefore express only my individual view. I am perfectly willing that there shall be consent that the vote shall be taken to-morrow, but I do not like to fix an hour, because it frequently happens that debate is carried on up to a certain point and important considerations arise why something should be said by some Senator, and with a fixed hour he may be denied the opportunity.

Mr. PATTERSON. I amend my request so that there shall be unanimous consent that a vote shall be taken upon the report of the conference committee

Mr. TILLMAN. Before adjournment.

Mr. TILLMAN. Before adjournment.
Mr. PATTERSON. Before adjournment to-morrow.
The VICE-PRESIDENT. The Senator from Colorado asks unanimous consent that a vote be taken upon the conference report

Mr. PATTERSON. And all matters properly associated with it.

Mr. BEVERIDGE. The debate to begin immediately after the morning business.

Mr. PATTERSON.

The VICE-PRESIDENT. Will the Senator from Colorado

please restate his request?

Mr. PATTERSON. I make the request in this form: That unanimous consent be given that a vote be taken upon the conference report and upon all other questions that may be submitted, properly associated with it, before the adjournment of the Senate to-morrow, and that the debate which has continued up to the present time be resumed immediaely after the close of the morning business.

Mr. BACON. I would suggest as an amendment, unless the conferees desire some other disposition be made of the report.

Mr. PATTERSON. Oh, well. Mr. BACON. That is understood, of course.

The VICE-PRESIDENT. The Senator from Colorado asks unanimous consent that the Senate vote upon the conference report and all questions properly arising with regard thereto be-fore the adjournment to-morrow, and that the debate upon the general subject be resumed at the close of the routine morning business to-morrow. Is there objection? The Chair hears none, and it is so ordered.

Mr. CULLOM. I move that the Senate proceed to the consid-

eration of executive business.

The VICE-PRESIDENT. Will the Senator from Illinois withhold the motion in order that the Chair may lay before the Senate messages from the President of the United States?

Mr. CULLOM. Certainly.

UTILIZATION OF WATERS OF MABILLA CREEK, PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, in accordance with the provisions of section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," an ordinance enacted by the executive council of Porto Rico with the approval of the governor thereof. THEODORE ROOSEVELT.

THE WHITE HOUSE, February 15, 1967.

PONCE-GUAYAMA (PORTO RICO) RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, in accordance with the provisions of section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," two ordinances enacted by the executive council of Porto Rico, and approved by the President of the United States.

The Whyer Holes February 15, 1907

THE WHITE HOUSE, February 15, 1907.

# MISSOURI RIVER DAM.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 7515) to authorize the Missouri River Improvement Company, a Montana corporation, to construct a dam or dams across the Missouri River; which were, on page 1, line 10, to strike out "or dams;" on page 1, line 11, to strike out all after "purposes," down to and including "use," in line 12; and on page 2, line 2,

after "six," to insert "and in connection therewith a foot bridge or bridges for public use in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906."

Mr. CARTER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

#### HOUSE BILLS REFERRED.

H. R. 23720. An act to aid the Council City and Solomon River Railroad Company was read twice by its title, and referred to the Committee on Territories.

H. R. 25366. An act to authorize the New Orleans and Great Northern Railroad Company to construct a bridge across Pearl River, in the State of Mississippi, was read twice by its title, and referred to the Committee on Commerce.

## DAVID C. JOHNSTON.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives, returning in compliance with the request of the Senate the bill (H. R. 3002) granting an increase of pension to David C. Johnston,

Mr. McCUMBER. I move that the bill be indefinitely post-

The motion was agreed to.

# ALASKA-YUKON PACIFIC EXPOSITION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. PILES. Mr. President—
The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Washington?

Mr. CULLOM. I do.

I ask unanimous consent for the present consideration of the bill (S. 7382) to encourage the holding of an Alaska-Yukon-Pacific Exposition at the city of Seattle, State of Washington, in the year 1909.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?
Mr. BURKETT. I object.

The VICE-PRESIDENT. Objection is made.

## CHARLES H. ALDEN.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 7671) granting an increase of pension to C. H. Alden, to report it with an amendment, and I submit a report thereon. I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles II. Alden, late quartermaster-sergeant, First Battalion, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charles II. Alden."

# FANNY M. GRANT.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 8443) granting a pension to Fanny M. Grant, to report it with amendments, and I submit a report thereon. I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "surgeon," to insert "assistant;" and in line 8, before the word "dollars," to strike out "twenty" and insert "seventeen;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fanny M. Grant, widow of William H. Grant, late acting assistant surgeon, United States Army, and pay her a pension at the rate of \$17 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### JOHN W. M'WILLIAMS.

Mr. McCUMBER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5854) granting an increase of pension to John W. McWilliams.

#### EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened.

#### AFFAIRS IN THE KONGO.

While the doors were closed,

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to; and thereupon the injunction of secrecy was removed:

Whereas it is alleged that the native inhabitants of the basin of the Kongo have been subjected to inhuman treatment of a character that should claim the attention and excite the compassion of the people of the United States: Therefore, be it

\*Resolved\*\*, That the President is respectfully advised that in case he shall find that such allegations are established by proof he will receive the cordial support of the Senate in any steps, not inconsistent with treaty or other international obligations, or with the traditional American foreign policy, which forbids participation by the United States in the settlement of political questions which are entirely European in their scope, he may deem it wise to take in cooperation with or in aid of any of the powers signatories of the treaty of Berlin for the amelioration of the condition of such inhabitants.

Mr. CARTER. I move that the Senate adjourn.

Mr. CARTER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 16, 1907, at 12 o'clock meridian.

## NOMINATIONS.

Executive nominations received by the Senate February 15, 1907.

# COLLECTORS OF CUSTOMS.

Floyd Hughes, of Virginia, to be collector of customs for the district of Norfolk and Portsmouth, in the State of Virginia, in place of Richard G. Banks, whose term of office has expired by limitation.

William J. Grant, of New York, to be collector of customs for the district of Cape Vincent, in the State of New York. (Reappointment.)

# SURVEYOR OF CUSTOMS.

Samuel L. Hain, of Texas, to be surveyor of customs for the port of Houston, in the State of Texas. (Office vacant.)

# REGISTER OF LAND OFFICE.

William W. Wood, of Rushville, Nebr., to be register of the land office at Alliance, Nebr., vice Bruce Wilcox, resigned,

# ISTHMIAN CANAL COMMISSIONERS.

Theodore P. Shonts, member and chairman.

John F. Stevens.

Civil Engineer Mordecai T. Endicott, United States Navy. Brig. Gen. Peter C. Hains, United States Army, retired. Benjamin M. Harrod, civil engineer.

Jackson Smith.

Col. William C. Gorgas, Assistant Surgeon-General, United States Army.

# POSTMASTERS.

# ALABAMA.

Mary M. Force to be postmaster at Selma, in the county of Dallas and State of Alabama, in place of Mary M. Force. Incumbent's commission expired June 24, 1906.

# CALIFORNIA.

W. H. Edwards to be postmaster at Vacaville, in the county of Solano and State of California, in place of Frederick H. Lewis, resigned.

# CONNECTICUT.

Harvey S. Abel to be postmaster at Stafford Springs, in the county of Tolland and State of Connecticut, in place of Harvey S. Abel. Incumbent's commission expired December 20, 1906.

Aaron S. Chapman to be postmaster at Simsbury, in the county of Hartford and State of Connecticut, in place of Aaron S. Chapman. Incumbent's commission expired January 19, 1907. Ira E. Hicks to be postmaster at New Britain, in the county

of Hartford and State of Connecticut, in place of Ira E. Hicks.

Incumbent's commission expires February 28, 1907.

Charles A. Keyes to be postmaster at Southington, in the

county of Hartford and State of Connecticut, in place of Charles A. Keyes. Incumbent's commission expires February 26, 1907. Eugene H. Merriman to be postmaster at East Hartford, in the

Eugene H. Merriman to be postmaster at East Hartford, in the county of Hartford and State of Connecticut, in place of Eugene H. Merriman. Incumbent's commission expired January 7, 1907.

Roswell A. Moore to be postmaster at Kensington, in the county of Hartford and State of Connecticut, in place of Roswell A. Moore. Incumbent's commission expired April 26, 1906.

Jessie S. Rose to be postmaster at Manchester, in the county of Hartford and State of Connecticut, in place of Jessie S. Rose. Incumbent's commission expired December 10, 1906.

Frederick L. Scott to be postmaster at Farmington, in the county of Hartford and State of Connecticut, in place of Frederick L. Scott. Incumbent's commission expired April 26, 1906.

Thomas Walker to be postmaster at Plantsville, in the county of Hartford and State of Connecticut, in place of Thomas Walker. Incumbent's commission expired February 4, 1907.

George A. Warner to be postmaster at Bristol, in the county of Hartford and State of Connecticut, in place of George A. Warner. Incumbent's commission expired January 19, 1907.

#### GEORGIA.

Fred J. Allen to be postmaster at East Point, in the county of Fulton and State of Georgia, in place of Fred J. Allen. Incumbent's commission expired March 1, 1906.

John A. Crawford to be postmaster at Dalton, in the county of Whitfield and State of Georgia, in place of John A. Crawford. Incumbent's commission expired January 8, 1907.

John W. English to be postmaster at Helena, in the county of Telfair and State of Georgia. Office became Presidential January 1, 1907.

Mary C. Heinsohn to be postmaster at Sylvester, in the county of Worth and State of Georgia, in place of Thomas K. Heinsohn deceased

Charles P. Neal to be postmaster at Summerville, in the county of Chattooga and State of Georgia. Office became President J. J. 1997

dential January 1, 1907.

Terrell C. Peterson to be postmaster at Fort Gaines, in the county of Clay and State of Georgia, in place of Terrell C.

Peterson. Incumbent's commission expired December 17, 1906.
William T. Rudolph to be postmaster at Thomaston, in the county of Upson and State of Georgia, in place of William T. Rudolph. Incumbent's commission expired February 12, 1907.

Robert L. Williams to be postmaster at Griffin, in the county of Spalding and State of Georgia, in place of Robert L. Williams. Incumbent's commission expires February 19, 1907.

# ILLINOIS.

Henry Brandon to be postmaster at Albion, in the county of Edwards and State of Illinois, in place of Walter Colyer. Incumbent's commission expires March 3, 1907.

Henry K. Brockway to be postmaster at Barrington, in the county of Cook and State of Illinois, in place of Henry K. Brockway. Incumbent's commission expired February 9, 1907.

Arthur P. Woodruff to be postmaster at Savanna, in the county of Carroll and State of Illinois, in place of Arthur P. Woodruff. Incumbent's commission expired February 9, 1907.

# INDIANA.

Martin A. Miser to be postmaster at Waterloo, in the county of Dekalb and State of Indiana, in place of Ulysses M. Swaysgood. Incumbent's commission expires March 17, 1907.

# KANSAS.

Edwards J. Byerts to be postmaster at Hill City, in the county of Graham and State of Kansas, in place of Edward J. Byerts. Incumbent's commission expired February 3, 1907.

Jacob D. Hirschler to be postmaster at Hillsboro, in the county

Jacob D. Hirschler to be postmaster at Hillsboro, in the county of Marion and State of Kansas, in place of Jacob D. Hirschler. Incumbent's commission expired January 22, 1907.

# MASSACHUSETTS.

John S. Fay to be postmaster at Marlboro, in the county of Middlesex and State of Massachusetts, in place of John S. Fay. Incumbent's commission expires February 28, 1907.

Charles A. Perley to be postmaster at Baldwinsville, in the county of Worcester and State of Massachusetts, in place of Charles A. Perley. Incumbent's commission expired February 4, 1907.

Charles L. Stevens to be postmaster at Clinton, in the county of Worcester and State of Massachusetts, in place of Charles L. Stevens. Incumbent's commission expired February 11, 1907.

Charles J. Wood to be postmaster at Natick, in the county of

Middlesex and State of Massachusetts, in place of Charles J. Wood. Incumbent's commission expired February 4, 1907.

#### MINNESOTA.

Charles R. Frazee to be postmaster at Pelican Rapids, in the county of Ottertail and State of Minnesota, in place of Charles R. Frazee. Incumbent's commission expired January 13, 1907.

James Ruane to be postmaster at Slayton, in the county of Murray and State of Minnesota, in place of James Ruane. Incumbent's commission expired March 1, 1906.

John Sheehy to be postmaster at Montgomery, in the county of Lesueur and State of Minnesota. Office became Presidential January 1, 1907.

#### MISSOURI.

Otto K. Benecke to be postmaster at Brunswick, in the county of Chariton and State of Missouri, in place of Frederick C. Sasse. Incumbent's commission expires February 28, 1907.

George T. Dunmire to be postmaster at Kennett, in the county of Dunklin and State of Missouri, in place of Theodore N. Mc-Haney, resigned.

Harry O. Halterman to be postmaster at Mount Vernon, in the county of Lawrence and State of Missouri, in place of Charles R. Landrum. Incumbent's commission expired January 22, 1907

T. B. Morris to be postmaster at Hannibal, in the county of Marion and State of Missouri, in place of Charles M. Alger. Incumbent's commission expires February 24, 1907.

# NEVADA.

Callie B. Ferguson to be postmaster at Fallon, in the county of Churchill and State of Nevada. Office became Presidential January 1, 1907.

#### NEW JERSEY.

Joseph Miller to be postmaster at Salem, in the county of Salem and State of New Jersey, in place of Joseph Miller. Incumbent's commission expired February 4, 1907.

#### NEW YORK.

David G. Montross to be postmaster at Peekskill, in the county of Westchester and State of New York, in place of David G. Montross. Incumbent's commission expires March 2, 1907.

W. Seward Whittlesey to be postmaster at Rochester, in the county of Monroe and State of New York, in place of James S. Graham. Incumbent's commission expired January 22, 1907.

Clarence E. Wiggins to be postmaster at Cape Vincent, in the county of Jefferson and State of New York, in place of Frederick G. Shafer. Incumbent's commission expired January 21, 1906.

# оню.

Edmund F. Moore to be postmaster at Lisbon, in the county of Columbiana and State of Ohio, in place of Edmund F. Moore, Incumbent's commission expired February 4, 1907.

Tanner R. Snowden to be postmaster at Wellsville, in the

Tanner R. Snowden to be postmaster at Wellsville, in the county of Columbiana and State of Ohio, in place of Tanner R. Snowden. Incumbent's commission expired February 4, 1907.

Charles R. White to be postmaster at Millersburg, in the county of Holmes and State of Ohio, in place of James W. Hull. Incumbent's commission expires March 3, 1907.

# OKLAHOMA.

Arthur E. Gunn to be postmaster at Okeene, in the county of Blaine and Territory of Oklahoma, in place of Charles W. Sherwood. Incumbent's commission expired February 3, 1907.

# OREGON.

James L. Page to be postmaster at Eugene, in the county of Lane and State of Oregon, in place of James L. Page. Incumbent's commission expires March 18, 1907.

# PENNSYLVANIA.

Harry B. Heywood to be postmaster at Conshohocken, in the county of Montgomery and State of Pennsylvania, in place of Cyrus E. Hipple, deceased.

John H. Mailey to be postmaster at Northumberland, in the county of Northumberland and State of Pennsylvania, in place of Harry W. Hummel. Incumbent's commission expires March 2, 1907.

Daniel O. Merrick to be postmaster at Blossburg, in the county of Tioga and State of Pennsylvania, in place of Daniel O. Merrick. Incumbent's commission expired January 26, 1907.

Frank J. Roethline to be postmaster at Northampton, in the county of Northampton and State of Pennsylvania, in place of Frank J. Roethline. Incumbent's commission expires March 3, 1907.

Lucius Rogers to be postmaster at Kane, in the county of McKean and State of Pennsylvania, in place of Lucius Rogers. Incumbent's commission expires February 19, 1907.

XLI---191

William W. Scott to be postmaster at Sewickley, in the county of Allegheny and State of Pennsylvania, in place of William W. Scott. Incumbent's commission expired February 13,

Elsie Shrodes to be postmaster at Oakdale, in the county of Allegheny and State of Pennsylvania, in place of Elsie Shrodes.

Incumbent's commission expired February 5, 1907.

G. Clinton Williams to be postmaster at Spring City, in the county of Chester and State of Pennsylvania, in place of G. Clinton Williams. Incumbent's commission expires February 19, 1907.

#### TEXAS.

W. G. McClain to be postmaster at Waxahachie, in the county of Ellis and State of Texas, in place of John Beaty. Incum-bent's commission expired June 11, 1906.

Adolph Hanson to be postmaster at Ephraim, in the county of Sanpete and State of Utah. Office became Presidential January 1, 1907.

#### WASHINGTON.

Sarah E. Truax to be postmaster at Tekoa, in the county of Whitman and State of Washington, in place of Oscar C. Truax, decensed.

### WEST VIRGINIA.

William F. Squires to be postmaster at Parsons, in the county of Tucker and State of West Virginia, in place of William F. Squires. Incumbent's commission expired January 14, 1907.

#### WISCONSIN.

James T. Brownlee to be postmaster at Mondovi, in the county of Buffalo and State of Wisconsin, in place of James T. Brownlee. Incumbent's commission expired February 4, 1907.

#### CONFIRMATIONS.

Executive nominations confirmed by the Senate February 15, 1907.

## SURVEYOR-GENERAL OF NEVADA.

Matthew Kyle, of Nevada, to be surveyor-general of Nevada, to take effect February 26, 1907.

# POSTMASTERS.

# NEW YORK.

Chauncey E. Argersinger to be postmaster at Albany, in the county of Albany and State of New York,

Thomas B. Gibson to be postmaster at Walden, in the county

of Orange and State of New York.

William B. Le Roy to be postmaster at Cohoes, in the county of Albany and State of New York.

# NORTH CAROLINA.

Mack Brantley to be postmaster at Spring Hope, in the county of Nash and State of North Carolina.

Daniel J. Currie to be postmaster at Raeford, in the county

of Cumberland and State of North Carolina.

Charles T. Hickey to be postmaster at Spruce Pine, in the county of Mitchell and State of North Carolina.

# PENNSYLVANIA

Harold C. Carpenter to be postmaster at Troy, in the county of Bradford and State of Pennsylvania.

William T. Dantz to be postmaster at Westgrove, in the county

of Chester and State of Pennsylvania.

William H. Emmert to be postmaster at New Oxford, in the county of Adams and State of Pennsylvania.

Frederick T. Gelder to be postmaster at Forest City, in the county of Susquehanna and State of Pennsylvania.

John B. Hess to be postmaster at Dubois, in the county of Clearfield and State of Pennsylvania.

Frank H. McCully to be postmaster at Osceola Mills, in the county of Clearfield and State of Pennsylvania.

W. V. Marshall to be postmaster at Berlin, in the county of

Somerset and State of Pennsylvania.

John S. Read to be postmaster at Factoryville, in the county of Wyoming and State of Pennsylvania.

Lucius Rogers to be postmaster at Kane, in the county of McKean and State of Pennsylvania.

# IMPORTATION OF LIQUOR INTO AFRICA

The injunction of secrecy was removed February 15, from a convention signed at Brussels on November 3, 1906, revising the duties imposed by the Brussels convention of June 8, 1899, on spirituous liquors imported into certain regions of Africa.

# HOUSE OF REPRESENTATIVES.

# Friday, February 15, 1907.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

## HOUR OF DAILY MEETINGS.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for the present consideration of the order which I send to the Clerk's desk.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of an order, which the Clerk will report.

The Clerk read as follows:

Ordered, That during the remainder of the session the hour of daily meeting of the House shall be at 11 a. m.: Provided, however, That this order shall not apply to the sessions of February 17, 24, and 25, instant.

Mr. CLARK of Missouri. Mr. Speaker, let me inquire if that goes into effect to-morrow?

Mr. PAYNE. Yes; and it excepts the days heretofore set apart for eulogies.

Mr. CLARK of Missouri. Then the sessions of the House are going to begin at 11 o'clock during the rest of the session?

Mr. PAYNE. It looks like it.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolu-

The question was taken; and the resolution was agreed to. On motion of Mr. PAYNE, a motion to reconsider the motion by which the resolution was passed was laid on the table.

# DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. COUSINS. Mr. Speaker, I wish to call up the conference report on the diplomatic and consular appropriation bill, and I ask that the statement may be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the statement.

Mr. UNDERWOOD. Has this report been published in the RECORD?

Mr. COUSINS. Oh, yes; for several days. The SPEAKER. The Clerk will read.

The conference report and statement are as follows:

# CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24538) "making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1908," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1,

2, and 3.

That the House recede from its disagreement to the amend-

ment of the Senate numbered 4.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert

the following:
"For the thirteen consular clerks heretofore provided for by

law, twenty-one thousand and fifty-six dollars.

"From and after the first day of July, nineteen hundred and seven, the salaries of consular clerks shall be at the rate of one thousand dollars a year for the first three years of continuous service as such, and shall be increased two hundred dollars a year for each succeeding year of continuous service until a maximum compensation of one thousand eight hundred dollars a year shall be reached, and section seventeen hundred and four, Revised Statutes, and its amendatory act of June eleventh, eighteen hundred and seventy-four, are hereby so amended: Provided, That the salary of no consular clerk herein provided for and now in the service shall be reduced by this act.

And the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For allowance for clerk hire at consulates as follows: "London and Paris, at five thousand dollars each, ten thou-

sand dollars "Shanghai, four thousand five hundred dollars;

- "Hongkong, three thousand five hundred dollars;
- "Habana, three thousand four hundred dollars;
- "Mexico City, three thousand one hundred dollars;

"Liverpool, three thousand dollars

"Rio de Janeiro and Yokohama, at two thousand five hundred dollars each, five thousand dollars;
"Canton, two thousand two hundred dollars;

"Berlin, Cape Town, Marseille, and Seoul, at two thousand dollars each, eight thousand dollars;

Bordeaux, Bradford, and Manchester, at one thousand eight hundred dollars each, five thousand four hundred dollars;
"Southampton, one thousand seven hundred and fifty dollars;

"Antwerp, Bahia, Brussels, Buenos Ayres, Calcutta, Chemnitz, Hamburg, Kobé, Lyon, Monterey, Montreal, Ottawa, Para, Pernambuco, Rotterdam, and Santos, at one thousand five hundred dollars each, twenty-four thousand dollars;

"Barcelona, Barmen, Birmingham, Bremen, Cairo, Callao, Coburg, Colon, Crefeld, Dawson, Frankfort, Havre, Panama, Port au Prince, Singapore, Toronto, Vera Cruz, and Vienna, at one thousand two hundred dollars each, twenty-one thousand

six hundred dollars;
"Belfast, Dresden, Glasgow, Guayaquil, Munich, Naples, Nottingham, Nuremberg, Plauen, Pretoria, Reichenberg, St. Gall, Sheffield, and Sydney (New South Wales), at one thousand dollars each, fourteen thousand dollars

"Santiago de Cuba, nine hundred dollars;

"Annaberg, Beirut, Burslem, Christiania, Cienfuegos, Constantinople, Dundee, Edinburgh, Genoa, Kingston (Jamaica), Leipzig, Mainz, Mannheim, Maracaibo, Melbourne, Messina, New-castle-on-Tyne, Palermo, Prague, Rome, Smyrna, Stockholm, Stuttgart, Tangier, Vancouver, and Victoria, at eight hundred dollars each, twenty thousand eight hundred dollars;

Kehl, seven hundred dollars

"Aix-la-Chapelle, Berne, Chihuahua, Ciudad, Juarez, Ciudad Porfirio Diaz, Halifax, and Lucerne, at six hundred and forty dollars each, four thousand four hundred and eighty dollars; "Cologne, Cork, Florence, Huddersfield, Liege, Odessa, Tam-pico, Zittau, and Zurich, at six hundred dollars each, five thou-

"Georgetown (Guiana) and Malaga, at four hundred and eighty dollars each, nine hundred and sixty dollars; in all, one hundred and forty-two thousand six hundred and ninety dollars."

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: Strike out the sum named in lines 5 and 6 of said amendment, and insert in lieu thereof the following: "one hundred thousand dollars," and the Senate agree to the same.

R. G. COUSINS, C. B. LANDIS, WM. M. HOWARD, Managers on the part of the House. EUGENE HALE,

S. M. CULLOM, Managers on the part of the Senate.

The statement was read as follows:

# STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24538) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1908, submit the following detailed statement in explanation of the effect agreed upon and recommended in the conference report.

The Senate recedes from its amendments numbered 1, 2, and 3, and the House recedes from amendments numbered 4, 5, 6,

Amendment number 4 is verbal only.

Amendment number 5 provides a graduating scale of increase of salary for the 13 consular clerks now in the service and who may hereafter be appointed, from \$1,000 to \$1,800, and increases the appropriation for this item \$6,056.

Amendment number 6 reinstates the itemized appropriations for clerk-hire allowances to the consulates, in place of the lump sum appropriated by the House, and increases the amount \$800

Amendment number 7 is verbal only, in view of amendment

The total increase in the bill over the amount appropriated by the House is \$6,856.

ROBERT G. COUSINS. CHAS. B. LANDIS, WM. M. HOWARD, Managers on the part of the House. The SPEAKER. The question is on agreeing to the con-

Mr. CLARK of Missouri. Mr. Speaker, I want to ask the gentleman from Iowa, did the House agree to the Senate proposition stopping this business of making ambassadors of all the ministers, or did that ever get into the bill?

Mr. COUSINS. The Senate receded from that amendment.

Mr. CLARK of Missouri. I wish they had agreed to it all around.

Mr. COUSINS. I think it is agreed that at the next session that will be enacted.

Mr. CLARK of Missouri. But in the meantime we are making ambassadors out of all of these ministers.

Mr. COUSINS. The very reason why this legislation was not had was that it was the best way to avoid a situation which might make another ambassador.

The question was taken; and the conference report was agreed

# MARY E. P. BARR.

The SPEAKER laid before the House the bill (H. R. 20605) granting a pension to Mary E. P. Barr, with a Senate amendment, which was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

#### CHARLOTTE GAME.

The SPEAKER also laid before the House the bill (H. R. 21529) granting an increase of pension to Charlotte Game, with Senate amendment, which was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

## MARTIN J. FLAGSTAD.

The SPEAKER also laid before the House the bill (H. R. 21175) granting a pension to Martin J. Flagstad, with a Senate amendment, which was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

# MACK RITTENBERRY.

The SPEAKER also laid before the House the bill (H. R. 22101) granting a pension to Mack Rittenberry, with a Senate amendment, which was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

# SIBBY BARNHILL.

The SPEAKER also laid before the House the bill (H. R. 22264) granting an increase of pension to Sibby Barnhill, with a Senate amendment, which was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House

concur in the Senate amendment,

The motion was agreed to.

# JOHN F. CASPER.

The SPEAKER also laid before the House the bill (H. R. 4678) granting an increase of pension to John F. Casper, with a

Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

# HENRY POWER.

The SPEAKER also laid before the House the bill (H. R. 17334) granting an increase of pension to Henry Power, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House con-

cur in the Senate amendment.

The motion was agreed to.

# TALCOTT M. BROWN.

The SPEAKER also laid before the House the bill (H. R. 24323) granting an increase of pension to Talcott M. Brown,

with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

# AMERICA J. AUSTIN.

The SPEAKER also laid before the House the bill (H. R. 23870) granting an increase of pension to America J. Austin, with a Senate amendment, which was read.
Mr. SULLOWAY. Mr. Speaker, I move concurrence in the

Senate amendment.

The motion was agreed to.

#### LEVI MITCHELL.

The SPEAKER also laid before the House the bill (H. R. 21808) granting an increase of pension to Levi Mitchell, with a Senate amendment, which was read. Mr. SULLOWAY. Mr. Speaker,

Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

# LYMAN S. STRICKLAND.

The SPEAKER also laid before the House the bill (H. R. 22443) granting an increase of pension to Lyman S. Strickland, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

## DAVID C. JOHNSTON.

The SPEAKER also laid before the House the following request from the Senate, which was read, considered, and agreed

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 3002) granting an increase of pension to David C. Johnston.

## JOHN W. M'WILLIAMS.

The SPEAKER also laid before the House the following Senate concurrent resolution, which was read, considered, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 5854) granting an increase of pension to John W. McWilliams, the beneficiary being dead.

# APPEALS IN CRIMINAL PROSECUTIONS.

Mr. JENKINS. Mr. Speaker, I desire the attention of the House from the fact that I desire their assistance this morning in direction of the Committee on the Judiciary as to what action should be taken with reference to the bill H. R. 15434. I desire to take the bill from the Speaker's table, with the Senate amendment, and call the attention of the House to the amendment of the Senate.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 15434) to regulate appeals in criminal prosecutions.

The SPEAKER. This is a House bill with Senate amendment, on the Speaker's table, and is laid before the House. Clerk will report the Senate amendment.

The Clerk read as follows:

The Clerk read as follows:

That a writ of error may be taken by and on behalf of the United States from the district or circuit courts to the Supreme Court or the circuit courts of appeals, as prescribed in an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, and the acts amendatory thereof, in all criminal cases, in the following instances, to wit:

From a decision or judgment quashing, setting aside, or sustaining a demurrer to any indictment, or any count thereof, where the ground for such motion or demurrer is the invalidity or construction of the statute upon which the indictment is founded.

From a decision arresting a judgment of conviction for insufficiency of the indictment, where the ground of insufficiency thereof is the invalidity or construction of the statute upon which the same is founded. From the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy.

Appeals or writs of error in all such cases shall be taken within thirty days, shall be diligently prosecuted, and shall have precedence over all other appealed cases.

Pending an appeal or writ of error by the United States the defendant shall be admitted to bail on his own recognizance: Provided, That if upon appeal or writ of error it shall be found that there was error in the rulings of the court during the trial, a verdict in favor of the defendant shall not be set aside.

Mr. BARTLETT. I desire to make an inquiry of the Chair,

Mr. BARTLETT. I desire to make an inquiry of the Chair,

whether this can come up except by unanimous consent?

The SPEAKER. Undoubtedly. It is a House bill with Senate amendments, on the Speaker's table.

Mr. BARTLETT. Without going to the Committee on the Judiciary?

The SPEAKER. Yes. The Chair believes there is no charge on the Treasury.

Mr. JENKINS. No charge on the Treasury.

Mr. KEIFER. Mr. Speaker, is it proposed to consider this

The SPEAKER. The matter is before the House for such disposition as the House sees proper to make of it.

Mr. KEIFER. I think it is a very important matter, and we

would like to have time to examine it a little.

Mr. JENKINS. I think the gentleman will be content with the statement I make. I propose to make a statement for the information of the House. I think, Mr. Speaker, that it is a duty I owe to the House to call public attention to this amendment.

On the 17th of April, 1906, this House passed House bill

15434, which simply permitted the United States in all criminal actions, where the judgment was in favor of the defendant, to appeal the case to the Supreme Court of the United States for the purpose of obtaining from that court its opinion in regard to any question of law involved in that particular case. That bill left the House, and after almost a year of incubating it has returned to this House. All after the enacting clause has been stricken out and an entirely new substitute presented to us. I would not make any reference to this matter if it were not for the fact that I saw in the public prints the statement that this bill was not thoroughly considered by the Committee on the Judiciary, that it practically amounted to nothing, and therefore it was necessary for learned men to get together for months in order to perfect this bill and give the people of this country what they had been demanding. I want to say here and now that if this Senate amendment had been drawn at the instance of any criminal in the United States, by the sharpest criminal lawyers in the United States, for the pose of avoiding just exactly what the President of the United States and the Department of Justice sought, they could not have been more successful. In other words, it will be absolutely impossible for the Supreme Court to pass upon any question that the President and the Department of Justice sought for in this matter.

Now, this bill that was passed by the House was not drawn by the Judiciary Committee, nor was it drawn by any member of that committee, but it was drawn by the Department of Justice after years of consideration. This bill was recommended by two or three Attorneys-General of the United States. considered by the Committee on the Judiciary with the greatest care, and was amended in a slight particular in order to make it apply to cases pending. As every gentleman on the floor of this House knows, it has been very urgently pressed by the Department of Justice and the President of the United States. The so-called "meat case" in Chicago prompted their

efforts.

Now, Mr. Speaker, I want to call the attention of the House this morning to the bill that comes back from the Senate. bill that went out of this House gave the Government of the United States an opportunity to appeal in any criminal action where the judgment was adverse to the United States and in favor of the defendant, but it very carefully guarded the rights of the defendant by providing that he could not be further punished by the Government. In other words, when he was acquitted, either by the action of the jury or the direction of the judge, that terminated his connection with the case. The House bill, further, very wisely provided for a bill of exceptions, because without a bill of exceptions it would be absolutely impossible to present many questions of law to the Supreme Court. But now, Mr. Speaker, we find this morning upon the Speaker's table an amendment, not general but very special, which only proposes to give the Government an appeal in a very few cases in questions that may arise, and it would be utterly impossible to conceive any case where one of the questions provided for would get into the Supreme Court of the United States, particularizing in a few cases when an appeal might be taken, thereby excluding all others in which the United States might be interested.

Now, I have no particular feeling about it as far as I am concerned, but the Committee on the Judiciary, after hours of careful consideration, came to the conclusion that they would recommend to this House that, as provided in the House bill, the United States should have the right to go into the Supreme Court of the United States to have that court determine as to the constitutionality of or to place a proper construction upon any particular statute. As matters stood and stand to-day, it is within the power of a single judge at nisi prius to absolutely thwart the intention of Congress and the legislation of Congress by holding that under any particular statute it is impossible to punish a party, and he will go scot free, and it is also impossible for the Department of Justice to obtain a decision so that we may be advised as to the correct ruling that should be made in the particular case.

Mr. GILBERT. Mr. Speaker-

I will yield to the gentleman. Mr. JENKINS.

Mr. GILBERT. I want to know what the amendment is to

which the gentleman directs his remarks?

which the gentleman directs his remainder.

Mr. JENKINS. I will come to that. If any gentleman desires to read the Senate amendment in full it will be found on the Brown of vesterday morning. The amendpage 2888 of the Record of yesterday morning. The amendment that is sent here to the House absolutely limits the right of the Government to an appeal and prevents the consideration of just such a case as occurred in Chicago, because no provision is made for a bill of exceptions to pass upon a question of law on the facts arising on the trial. Now, I am not 'nterested

either for or against the Chicago case, as far as that is concerned, but I call the attention of the House to it so that they can measure the value of this amendment.

Mr. GOLDFOGLE. Will the gentleman yield for a question?

Mr. JENKINS. I will yield to the gentleman from New

York.

Mr. GOLDFOGLE. Does the House bill allow an appeal from rulings made during the trial before the jury in a case where the defendant was acquitted by the jury?

Mr. JENKINS. I will answer the gentleman by saying that the House bill provides for appeal in every criminal action in which the United States is a party where there was any question of law involved.

Mr. GOLDFOGLE. I understood the gentleman to say that if the defendant was acquitted by the jury the House bill provided that the defendant should have no further concern with the appeal.

Mr. JENKINS. Yes. Mr. GOLDFOGLE. Who was to oppose the Government on

appeal, if the defendant was acquitted?

Mr. JENKINS. That question is not involved here this morning. I suppose the defendant would not care anything further about it but the responsibility would be thrown on the Supreme Court of the United States to properly determine the question whether the defendant was represented or unrepresented.

Mr. GOLDFOGLE. So that we may assume in such cases as that the argument would be ex parte on the part of the Gov-

ernment?

Mr. JENKINS. Possibly the gentleman is right. Mr. STEPHENS of Texas. Will the gentleman from Wisconsin yield to me?

Certainly.

Mr. STEPHENS of Texas. Is it not a fact that when the defendant pleads not guilty to an indictment by the United States Government he is then placed in jeopardy, and if he is placed in jeopardy

Mr. JENKINS. Oh, Mr. Speaker, that question is not involved in this case, and my answer one way or the other would not be binding. But I will answer the gentleman by saying that the House bill provides that if a judgment is for the defendant and against the United States in any case in which the United. States is a party, the United States can appeal to the Supreme Court of the United States for the purpose of obtaining an opinion of that court on any question of law in the case.

Mr. PAYNE. Mr. Speaker, a parliamentary inquiry. would like to know if there is any motion before the House. will ask the gentleman from Wisconsin if he desires to make

a motion?

Mr. JENKINS. I have made a motion that the bill be taken

from the Speaker's table.

Mr. PAYNE. Yes; and the bill is taken from the Speaker's table, but no motion is made and nothing is pending before the House. Of course the gentleman is proceeding by unanimous I will ask him if he is going to make any motion?

Mr. JENKINS. I am going to make a motion when I get through with my explanation to the House. I said that I thought an explanation was due to the House this morning.

Mr. PAYNE. That is all right, but why not make the tion now?

Mr. JENKINS. If the gentleman from New York will wait, I will make the motion as soon as I make the explanation.

Mr. PAYNE. I do not make any point of order, but I do not see why the gentleman does not make his motion now.

Mr. CLAYTON. Will the gentleman from Wisconsin yield?

Mr. JENKINS. Certainly.

Mr. CLAYTON. I suggest to the chairman of the committee that the language of the proviso in the original House bill about which the gentleman from Texas seems anxious to

If on such writ of error it shall be found there was error in the ruling of the court during the trial, the verdict in favor of the defendant shall not be set aside.

The language of the Senate substitute with a similar proviso is as follows:

If upon an appeal on writ of error it shall be found there was error in the rulings of the court during the trial, the verdict in favor of the defendant shall not be set aside.

Mr. JENKINS. Well, Mr. Speaker, my main purposewant to answer the gentleman from New York-is to let the House know what is contained in this Senate amendment. want to emphasize the statement that it would be absolutely impossible for the United States to ever obtain the opinion of the Supreme Court of the United States on any legal question involved in any case where the verdict or judgment was in favor of the defendant and against the United States.

Now, Mr. Speaker, the Senate amendment provides that an

appeal or a writ of error can issue to the court on appeal from the district court or from the circuit court of the United States where the action is tried. Now, I want to call the attention of

the House to the danger lying in that amendment.

Let us suppose, for instance, a case where the Government is proceeding against the Standard Oil Company, we will say, or any other of the great corporations who have been violating the laws of the United States, that the defendant is convicted in the circuit court of the United States or in the district court of the United States, and then appeals to the circuit court of appeals and that that court reverses the judgment of the lower court. Under this Senate amendment the United States is precluded from taking any appeal to the Supreme Court of the United States, and we have to rest content with the opinion of that court of appeals.

Mr. KEIFER. Will the gentleman allow me to ask him a

question?

Mr. JENKINS. Yes.

Mr. KEIFER. The gentleman has before him the Senate amendment. Will he please read to us the clause that would prevent a retrial as he suggests?

Mr. JENKINS. I observe from the question addressed by the gentleman that the gentleman does not understand me.

Mr. KEIFER. The gentleman stated that if the Standard Oil Company or some other company had been put upon trial and convicted, and had taken the case up to the circuit court of appeals or the proper court of appeals, and there had been a reversal, there could be no further trial.

Mr. JENKINS. There could be no appeal to the Supreme Court of the United States, I say, on the part of the Government of the United States. If the gentleman will read the Senate amendment he will discover that I am correct.

Mr. KEIFER. I have been trying to read it, but I wanted to know what particular clause warranted the gentleman in

saying that.

Mr. JENKINS. Why, there is no clause.
Mr. KEIFER. Then it is the gentleman's interpretation of it. Mr. JENKINS. I am not interpreting it at all. There is no provision made for appeal in a case of that kind. The appeal is only permitted from the district court or from the circuit court, the court that tries the case, the nisi prius court, to the court of appeals, and if the case is there reversed such action is final and there is no appeal from that court.

Now, Mr. Speaker, inasmuch as the committee

Mr. PAYNE. Mr. Speaker, I must insist that the gentleman make his motion so that we may be under some rule of the House. I object to proceeding further by unanimous consent.

Mr. JENKINS. I am going to ask for unanimous consent to

proceed.

Mr. PAYNE. Will the gentleman indicate then some time if he asks unanimous consent?

Mr. JENKINS. I think I can conclude in ten minutes. I want to say to the gentleman from New York-

Mr. PAYNE. I have no objection.

Mr. JENKINS. That this is a very important question.

Mr. PAYNE. Oh, I have no objection to the gentleman proceeding for any reasonable time, but I desire to bring him somewhere within the rules of the House, so that the time can be

limited and we can go on with other business.

Mr. JENKINS. If the gentleman from New York wishes to object, I am content.

Mr. PAYNE. I ask unanimous consent, Mr. Speaker, that the gentleman be allowed to proceed for ten minutes.

The gentleman from New York asks unani-The SPEAKER. mous consent that the gentleman from Wisconsin may be permitted to proceed for ten minutes. Is there objection?

There was no objection.

Mr. JENKINS. Mr. Speaker, I am sorry the gentleman from New York [Mr. PAYNE] is uneasy on this proposition, but still I feel it my duty to call the attention of the House to this matter, notwithstanding the objections of the gentleman from New York, and I think perhaps if I were a Representative from that State I would object to any exposure of this kind. plause.]

Mr. PAYNE. Mr. Speaker, I have not the slightest objection to the gentleman proceeding. I have allowed him to proceed here for half an hour when he was clearly without the rules of the House. I have asked unanimous consent that he have all the time he said he needed, ten minutes. Why he should make any such insinuation is unknown to me, and he ought to know

that there is no ground for it. [Applause.]

Mr. JENKINS. Mr. Speaker, I am thankful to the gentleman from New York. It is the first privilege I have ever had from the leader of this House since I have been here. [Laughter.] Mr. Speaker, I shall call attention to this matter, and I want

to say in justification of my taking up the time here this morning that I felt I would not be treating this House right if I came in here and asked for concurrence or if I came in here and asked for disagreement and then sent this bill to conference without an explanation. I want this House to know, and we want the assistance of this House as to what we should do in this matter. If we are going to have an appeal on the part of the Government when it is defeated, we should have them in all cases, and I agree that in those cases the defendant should go free, but as I was interrupted by the gentleman from New York [Mr. PAYNE] I was trying to call the attention of the House to the imperfections of this bill. The Committee on the Judiciary having been criticised, I want to say that the committee acted very promptly and did not have very much time to consider this very important measure, but some other gentlemen have had since last April to consider it, and we find, as we enter the opening part of the Senate amendment, that it provides for a writ of error and that a writ of error only may be taken; but as we proceed and read down through the amendment we discover that they have interchangeably provided for an appeal or a writ of error.

Now, there can not be any necessity for both. Any gentleman familiar with legal proceedings knows that if the provision is made for the issuance of a writ of error it only brings up questions of law appearing on the record, and that is why I call attention to the case in Chicago, for the purpose of emphasizing the fact that if this case went to the Supreme Court of the United States under the Senate amendment it would be impossible to obtain the opinion of the Supreme Court of the United States on the legal questions involved, and that dis-

posed of the case.

The Senate amendment also provides for a writ of error from a decision as well as a judgment. Writs of error lie only to reverse a judgment, not intermediate or interlocutory ruling by the court. This would permit the United States, on any ruling by the judge, to take the case up before judgment. It

certainly can not mean this.

And as every gentleman knows many cases of law arise only when presented in a bill of exceptions on the facts. Now, the only question of law involved in the so-called "Chicago case" grew out of the facts which were presented at the trial. Hence I say again, that under the Senate amendment the United States could not obtain the opinion of the Supreme Court of the United States on the very question which was involved in this so-called "Beef-Trust case," so it is of vital importance to this House to know that as far as this amendment is concerned, as the bill comes to us this morning, there is absolutely no value in the bill to the United States, and all of these important questions that ought to be passed upon by the Supreme Court can never reach the Supreme Court under the Senate amendment.

Mr. CRUMPACKER. Will the gentleman allow a question?

Mr. JENKINS. Certainly. Mr. CRUMPACKER. In the Beef-Trust case in Chicago the facts were developed under a special plea in abatement, I think, and the Senate amendment provides for an appeal from the decision of the court in sustaining a plea of that kind. Would not that provision in the Senate amendment cover the decision

in that Chicago case?

Mr. JENKINS. Now, Mr. Speaker, I was only speaking, when I was interrupted, of the apparently careless way in which this Senate amendment was drawn. If the gentlemen will look over that amendment they will see that there is a provision there that the defendant shall be released on bail. It almost tempts me to say, Mr. Speaker, that this amendment could not have been very carefully considered outside of this House, because if the defendant is acquitted, what is the use of providing he shall be released on bail and released on his own recognizance, one of the most ridiculous things, it seems to me, that ever went into any measure, because our insistence is that if the defendant is acquitted and the Government wants the opinion of the Supreme Court on the particular question of law involved, that the defendant should go free not only on his own recognizance, but absolutely go free. Now, if under the Senate amendment he is to go free, why is there any necessity of providing that the defendant shall be released upon his own recognizance'

Mr. BONYNGE. Will the gentleman permit a question?

Mr. JENKINS. Certainly.
Mr. BONYNGE. Is not the purpose of that to keep two parties to the suit, so that when you get to the appellate court you will not have an absolutely moot case, to which there shall be only one party?

Mr. JENKINS. Mr. Speaker, answering the question of the gentleman from Colorado, I will simply say it does not make any difference to me whether it is a moot case or not; the De-

partment of Justice and the President of the United States have asked that the House bill become a law. something has been introduced here to take the place of the House bill that absolutely prevents the Government from the protection demanded. I apprehend when the case reaches the Supreme Court of the United States and only one party represented, the Supreme Court of the United States will give the same careful consideration to the questions involved as

the same careful consideration to the questions involved as though both sides were represented.

Mr. SULZER. Mr. Speaker—

The SPEAKER. Does the gentleman from Wisconsin yield?

Mr. JENKINS. I yield to the gentleman from New York.

Mr. SULZER. Mr. Speaker, I suggest to the gentleman from Wisconsin the advisability, as he is opposed to the amendment, of sending the hill to his committee.

of sending the bill to his committee.

Mr. JENKINS. Now, Mr. Speaker, I want to emphasize this further fact in regard to this amendment. I am not pursuing criminals; I am not speaking as a demagogue when I say as I have with reference to this matter, but I feel I am simply discharging the duty which I owe to my colleagues in this House to point out to them that if a party is convicted in the district or circuit court of the United States and that case is appealed by the defendant to the court of appeals and that case is reversed, it is absolutely impossible for the Government to take an appeal in that case and will have to be content with a judgment of the court of appeals, when it is the wish of the Administration and people of this country that the United States Supreme Court be permitted to pass upon all important questions of law that may be involved in any particular case when the judgment is for the defendant

Let us be honest in the discharge of this duty. A great many important legal questions in which the Government is vitally interested are liable to come daily before the courts. No single judge should be permitted to dispose of the rights of the Gov-ernment, but the Supreme Court of the United States should be permitted to give their views of the law for future guidance. All that the Government asks is when a case goes against the Government the question of law upon which the case is ruled should be settled by the Supreme Court, not in any manner affecting the rights of the defendant. This I insist the Senate amendment will not permit; that under the Senate amendment the very matter that the Government wants disposed of

can never reach the Supreme Court. By such action we are practically granting an immunity to those charged with crime.

Mr. SULZER. What is the gentleman's motion?

Mr. JENKINS. Well, Mr. Speaker, I move that the bill, with the Senate amendment, be referred to the Committee on the Judiciary

Mr. SULZER. I thought that the gentleman would do that.
Mr. JENKINS. I move, Mr. Speaker, that the bill and the
Senate amendment be referred to the Committee on the Ju-

The SPEAKER. The gentleman from Wisconsin moves that the bill, with Senate amendment, be referred to the Committee

on the Judiciary.
Mr. KEIFER. Mr. Speaker-

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. KEIFER. For the purpose of saying a word on this motion. I do not wish to occupy more than a moment's time. There seems to be an inference drawn that anybody that is against the distinguished chairman's

Mr. CLAYTON. Mr. Speaker, a parliamentary inquiry. Is

this motion debatable?

The SPEAKER. Well, not in the ordinary sense, and not on the general merits of the proposition. The desirability of reference as contradistinguished from the consideration of the question upon its merits may be, under the statutes of the House, debated.

It is not my desire, Mr. Speaker, to take more Mr. KEIFER.

than two or three minutes' time.

Mr. WALDO. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio have three minutes.

Mr. KEIFER. Mr. Speaker, I understand the chairman of the Committee on the Judiciary to say that the Senate amendment curtails the right of the General Government to take appeals. My understanding is that it specifies the cases in which appeals may be taken by the Government in cases of decisions against the Government, and that as compared with the bill that passed this House it stands in the relation of an enlargement of the right of such appeal. If I had time I could demonstrate that under the bill that was passed by the House there would be very little opportunity of appeal, because that bill provided that the Government should have the right of appeal in cases where the defendant has the right of appeal, or rather, as

the House bill recites, "the same right of review by writ of error that is given the defendant, including the right to a bill of exceptions," and as I understand and recollect the law, in most, if not all, of the cases after decisions are made as to the validity of an indictment and decisions on special pleas in abatement the defendant has not the right of appeal at all. Certainly the defendant now has not the right to go up to a higher court until after his case has been tried before a jury and a finding against the defendant. The purpose of the proposed legislation is to secure appeals on behalf of the Federal Government in all such cases. So an examination, I think, of this amendment will show it is an enlargement rather than a curtailment of the power or of the right of the Government to appeal.

I am in favor of giving the Government a right of appeal in cases of decisions against the Government; but, of course, after a man has been put in jeopardy by having the jury sworn a decision against the Government can only be taken up for the purposes of getting a ruling of the higher court as a precedent in future trials, because, without any provision in the bill which we propose to pass, the Constitution stands for a final acquittal after a man has been put in jeopardy by having the jury sworn. Nothing we can say in this bill here, or in any bill we might pass, can ever require him to again be put upon trial, whether the decision of the trial court was right or wrong.

Mr. JENKINS. Mr. Speaker, I move the previous question. The question was taken; and the previous question was ordered.

The SPEAKER. The question is on referring the bill with Senate amendment to the Committee on the Judiciary.

The question was taken; and the motion was agreed to.

## NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. Olmsted in the chair.

The Clerk read as follows:

# INCREASE OF THE NAVY.

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed, by contract or in navy-vards, as hereinafter provided, one first-class battle ship similar in all essential characteristics and additional to the battle ship authorized by the act making appropriations for the naval service for the fiscal year ending June 30, 1907, plans and specifications for which last-named vessel have already been prepared and submitted by the Secretary of the Navy for the information of Congress, as required by the provisions of the aforesaid act.

Mr. FOSS. Mr. Chairman, I ask unanimous consent to return to line 5 on page 52 of the bill.

The CHAIRMAN. Is there objection?

Mr. UNDERWOOD. I would ask the gentleman to state the purpose for which he wishes to return.

Mr. FOSS. I desire to offer an amendment.

UNDERWOOD. Will the gentleman state his amend-

Mr. FOSS. I ask that it be read. A provision similar to this one went out on a point of order yesterday, made by the gentleman from Illinois [Mr. Mann], and I have a new provision to offer which meets with the approval of those who objected yesterday.

The CHAIRMAN. Is there objection?

Mr. UNDERWOOD. Let the amendment be reported. The CHAIRMAN. The proposed amendment will be read. The Clerk read as follows:

Add after the word "eight," in line 5, page 52, the following: "Provided further, That hereafter the purchase of supplies and the procurement of services for all branches of the naval service may be made in open market in the manner common among business men, without formal contract or bond, when the aggregate of the amount required does not exceed \$500, and when in the opinion of the proper administrative officers such limitation of amount is not designed to evade purchase under formal contract or bond, and equally or more advantageous terms can thereby be secured."

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to recur to page 52, for the purpose of offering the amendment which has been reported. Is there objection? [After a pause.] The Chair hears none. Without objection, the gentleman from Illinois will be considered as having offered the amendment which has been reported. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to. Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment to the paragraph which was read on page 81.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report:

The Clerk read as follows:

Page 81, in lines 7 and 8, strike out the words "similar in essential characteristics and additional to the battle ship."

Mr. BURTON of Ohio. Mr. Chairman, this amendment will probably lead to some extended discussion, though not for an unusual time; and I would suggest to the chairman of the committee that we have an understanding as to the time to be occupied. It has been suggested that it be an hour on a side. I am not sure that length of time will be required.

Mr. FOSS. I will state to the gentleman that I doubt very much if we could use that time up on our side of the question; but if it is agreeable to him, I will agree to that proposition of one hour on each side, and ask unanimous consent that that

time be given.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that there may be debate of one hour on either side on the amendment offered by the gentleman from Ohio.

Mr. FOSS. And that the time be controlled, one hour by the gentleman from Ohio and one hour by the chairman of the com-

The CHAIRMAN. And that the time be controlled one hour by the gentleman from Ohio and one hour by the gentleman from Illinois, chairman of the committee. Is there objection?

Mr. WALDO. I have no objection, providing I may be given ten minutes by the gentleman from Illinois [Mr. Foss].

Mr. FOSS. I do not know that I can give you ten minutes, but I will give you five. Mr. WALDO. Very we

Very well; I will take five.

Mr. HULL. Reserving the right to object, that would make it so that the whole time to be occupied could be occupied by one or two. It seems to me it would be much better to have it, if they desire it, so that the time could be allotted out. I

do not want much time, but I should like to have some.

Mr. BURTON of Ohio. I think the gentleman is laboring under a false impression. There is no desire of anyone favor-

ing the amendment to occupy all of the time.

Mr. HULL. I am not making any reflection upon the gentleman from Ohio or anyone. A gentleman addressing himself to this question could not have an extension of time without preventing others who want to address the House from having an opportunity to do so.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The gentleman from Ohio is recognized.

Mr. BURTON of Ohio. Mr. Chairman, it is not my intention to trespass upon the patience of the House by making any extended remarks. I should be merely repeating what has been said by others as well as myself if I occupied any considerable time. The object of this amendment is to make provision for no additional battle ship, but only for the one authorized at the last session of Congress. The paragraph to which the amendment is proposed authorizes two battle ships, the one included in the bill at the last session and the additional one provided for, or sought to be provided for, by this bill.

I may recapitulate briefly the grounds for favoring this

amendment. That the inevitable tendency of advancing civilization is toward peace no one can deny. The most progressive peoples are more and more interested in the pursuits of industry and of science and in the rational enjoyment of life. It is not so easy for the nations of the earth to engage in war as formerly. Whenever conflicts occur the whole world is embroiled, currents of trade are interfered with, the orderly and peaceful development of nations is hampered, and so those countries not involved in threatening quarrels seek, indeed, insist, that other countries shall not take up the sword without great provocation. As another indication of this tendency, during one hundred years past more than 200 disputes, many of them of the most serious nature, have been settled by the peaceful means of arbitration. There is a growth of the sentiment for arbitration in every nation on earth, and those which are semi-civilized as well as those most enlightened have been willing that their controversies should be settled by the arbitrament of judges chosen from neutral peoples.

Then, again, the intolerable burden of maintaining large armies and navies, both by reason of its expense and because of the withdrawal of so many hundreds of thousands, millions even, of men from more congenial pursuits, must lead to a concert of action and a limitation of armaments. Why, according to some figures prepared for me by the Department of Labor, under the direction of Mr. Carroll D. Wright, the total expenditures in this country for the military and naval establishments in the years 1881 and 1882 were about \$42,000,000, about twothirds being for the military establishment and the other onethird, or \$14,000,000, for the naval establishment. In 1884 and

1885 the expenditure was even less. In 1887 it was again about \$42,000,000. But now, after the lapse of twenty years, the total is approximately five times as much, or between \$200,000,000 and \$210,000,000, an increase inordinately out of proportion to that of other branches of the public service; and so I can not allow this occasion to pass without expressing my opposition to this ambitious and extravagant naval programme. some practical objections, however, which may be offered to these two battle ships. If I were to express my own personal opinion, it would be against either. No two experts familiar with the types of battle ships entirely agree on what that type should be. Some of very high authority favor boats of about 15,000 tons displacement—the old style. They point to the fact that even the *Dreadnought*, that terrible engine of destruction, has only two more 12-inch guns than the *South Carolina*, one of our battle ships now under construction. They claim greater service-ableness, as well as economy, for the smaller size, and allege that if the two ships proposed by this bill are constructed it will be necessary to replace those of the existing model with new and larger ships. On the other hand, there are those who would not stop with 20,000 tons, but favor 22,500, 25,000, and in conversation with a member of the Naval Committee a few days ago he hazarded the conjecture that the time would come when we would have battle ships of 50,000 tons displacement. Why this mad race for newer, heavier, and more experimental battle ships? Why this willingness that the ships of the past and of the present should be relegated to the scrap heap? The common sense of nations is not behind this policy. There is no form of construction in industry, in buildings, in any branch of enterprise, where there is the same disposition to embark in such doubtful experiments—experiments the result of which no one can tell. Thus, it would be well for us to pause, simply because of this difference of opinion in regard to naval construction and its efficiency. In addition to that, there are divers instruments of warfare in the way of submarines and other implements of destruction, which may make useless the most magnificent battle ship prepared to sail the seas.

In this bill there is an authorization for the expenditure of \$3,000,000 for submarines. Again, what do we most need in our Navy? Not more battle ships, not more cruisers, not more submarines, but greater efficiency in those that we now have. Has not the construction of new ships gone far in advance of the thorough equipment and manning of those already in service? President Roosevelt, in his message a couple of years ago, pointed out that a battle ship imperfectly manned was worse than useless, and that if it went forth to battle it must merely be the victim of the attacks of the enemy, so that instead of helping the cause for which it sought to fight it would be a disadvantage. Every report here has called attention to the increasing difficulty in obtaining men sufficient to man our Navy. Every report of the Secretary of the Navy has called attention to the number of desertions. We have made provision for ships which will take five years, or until 1912, to complete. Instead of piling up more construction, would it not be well for us to pause and be sure that we can make available and powerful what we already have?

I think there would be little question but that this amendment would prevail if it were not for the unfortunate controversy or difference of opinion which has arisen with Japan. When the proposition for a large expansion of the Navy came up here in 1904 the vote in its favor was about two to one. At the last session of this Congress it was very much closer, and in a total vote of 240 there was only 30 majority in its favor, and on one test vote, indeed, there was a majority against it.

Are we to be frightened by the jingo talk of danger of contest with a friendly people? Japan has taken a new place among the nations of the earth, but a place which she can not maintain if she is seeking for conflict. Our traditional friendship with that Kingdom, our constant interest and aid in its development, the bonds of sympathy which have existed for fifty years, make it impossible that we should go to war one with the other. [Applause.] And when this sensational talk shall have subsided, as I am sure it will, we shall again look to Japan as one of the great circle of nations in which there is friendship for us and no thought of war.

and no thought of war.

Again, if you look at the report of the Naval Committee, it appears that our Navy is already about a half larger than that of Japan. Are our fears so intense that we must widen the gap? Indeed, when you compare the ships already built and add to them those which are building there will be a still greater difference, for the tonnage of our Navy will be 60 per cent larger than that of Japan.

Just a few words in conclusion. I have several times spoken of the duty, for such it may be called, resting upon this country

to take the lead in all movements for peace. We can not afford to throw away our magnificent isolation, with its advantages, nor to have the opinion accepted that, with our form of government, which looks toward freedom and equality for each citizen, we are in the field for war and conflict in the same manner as the kingdoms and empires of the olden time or even those of the present day.

We have the respect of other nations. They look with admiration upon our growth, surprising in its increase of power and prosperity beyond all that is recorded in the history of progress. They depend upon us for supplies and many things essential both for peace and war. No nation on the globe is threatening us; no nation on the globe will think lightly of engaging in war with us. Mr. Webster, in referring to the wide dominion and military power of Great Britain, said:

Whose morning drumbeat, following the sun in its course and keeping pace with the hours, encircles the globe with one continuous unbroken strain of the martial airs of England.

Yet in England to-day King, prime minister, Parliament, and the great majority of her people are ready and anxious to stand with us in a movement for limitation of armaments. [Applause.] She does not exult in military glory, as in the day when Mr. Webster uttered this sentiment. To us belongs a higher mission. Our influence should encircle the globe with more benignant notes than martial strains. Wherever it may go, it should be with healing streams of commerce and of friendly intercourse, with the message of peace and good will, with the declaration that after all greatness does not consist so much in the strength of government as in the happiness and the opportunity of each individual—an object far preferable, far more to be desired than the triumphs of war or the empty glories of imperial dominion. [Loud applause.]

glories of imperial dominion. [Loud applause.]

Mr. CRUMPACKER. Mr. Chairman, the question of what shall be our policy in relation to the increase of the Navy is one of the most serious problems that confronts the Government. We all agree that the Navy should be large enough to protect and maintain the prestige of the Government and to promote the natural and proper tendencies of the people, taking into consideration our relations with the civilized powers, our attitude toward the political development of the Western Hemisphere particularly, and the possibility of our being involved in war. But this statement of the question is general and somewhat speculative, and whether there ought to be any substantial increase of the present Navy or whether it should be maintained at the existing standard is one of judgment, to be determined upon most serious reflection. All of the maritime nations of the earth are rapidly increasing their naval power. At this time they seem to be vying with each other in the construction of large battle ships. The *Dreadnought*, recently built by Great Britain, was the king of war ships a year or so ago, but now Japan has a larger one, and Germany is contemplating the construction of one still larger. Where this contest will end is a question that time only can determine. There seems to be a contest of financial strength among the great powers of the

A strenuous and worthy effort is being made to bring The Hague Peace Tribunal into prominence and to concentrate the peace sentiment of the world toward promoting it as a great international settlement court. The Hague Tribunal is a permanent institution, and in the course of the years it will doubtless be looked to to furnish an adjustment of all international controversies, and while I am an ardent supporter of that great institution I doubt if anything in the near future can be done by treaty or convention toward limiting the military or naval armament of the world's powers. The whole question is one of sense of security, and when universal public opinion reigns omnipotent throughout the earth and becomes sufficiently beneficent to compel all governments to submit their differences to the arbitrament of reason, so that an intelligent world can see and feel that there is no need for the maintenance of great and burdensome naval and military establishments, there will be a reduction of armament, and not until then.

On the 11th day of January last President Roosevelt said upon the question of limiting the size of battle ships:

upon the question of limiting the size of battle ships:

But the strength of the Navy rests primarily upon its battle ships, and in building these battle ships it is imperatively necessary, from the standpoint alike of efficiency and economy, that they should be the very best of their kind. In my judgment we are not to be excused if we build any battle ship inferior to those now being built by other nations. I should be glad if a limitation could be put by international agreement to the size of battle ships hereafter to be built. I have found, however, that it will undoubtedly be impracticable to secure any such agreement in the near future. In the first-class navies generally these big battle ships have already been built or are now building. We can not afford to fall behind, and we shall fall behind if we fail to build first-class battle ships ourselves.

This Government during the last ton years has become a con-

This Government during the last ten years has become a conspicuous, if not a commanding, factor among the world's powers.

Its interests are involved in all of the great political and commercial movements of the earth, and in view of its present relations it is its imperative duty to construct and maintain such a navy as will enable it not only to hold, but to advance its

position among the world's powers.

Until recently I had the belief that our Navy was large enough, but our assumption of the government of the Philippine Archipelago, devolving upon us responsibilities of a grave character, has very materially modified my opinion. That archipelago is 5,000 miles from the mainland—the seat of our invincible resources—and if we should ever become involved in war with a maritime power the theater of action would inevitably be in that vicinity. It would be impracticable, if not impossible, for us to transport any considerable land force and maintain it at such a distance from the continent, and the only security we have is in building and maintaining a navy of sufficient size and strength to enable us to properly defend our interests in that far-away region. The archipelago is a constant source of weakness; it is the sword of Damocles over the head of this Government. [Applause.]

The situation is of our own making, and we must meet it, whatever the cost may be. While I am not in favor of a navy the maintenance of which would be unduly burdensome upon the people of the country, I believe it to be the part of wisdom to establish such a naval armament as will protect us against imposition and attack and as will afford sufficient strength to the Government in its administration of the archipelago that there will be no temptation to foreign powers to enter into a controversy with a view of embarrassing or humiliating this Government. Were it not for the Philippine Archipelago, in my judgment, the Navy we already have would be abundantly sufficient for all of our reasonable needs, but we have the archipelago and are responsible for it, and we must provide ourselves to meet every emergency that arises. I can see no time, in the remote future even, when we may be relieved of our cares in that quarter of the globe, and they must always be considered in shaping our permanent policies.

I am in favor of the provision contained in the bill for the construction of the two additional battle ships and the smaller craft that it provides for.

Mr. FOSS. Mr. Chairman, I yield five minutes to the gentle-

man from Ohio [Mr. Longworth].

Mr. LONGWORTH. Mr. Chairman, I have listened with the most intense interest, as I always do listen, to the remarks of my colleague from Ohio [Mr. Burton]. In some matters of great public policy I consider him one of the great authorities in this country, but in other matters I know my colleague will I say that I sometimes yield to the opinion of higher authority, especially if the judgment of that higher authority happens to accord with my own. [Applause and laughter.] I differ, I regret to say, with my colleague upon this question. I believe that this question is not, "Shall we increase the Navy?" but "Shall we maintain it?" "Shall we keep the Navy in its present state of efficiency, or shall we allow it to recede?" In my judgment, if the amendment of the gentleman from Ohio is adopted, we will be in the attitude of announcing to the nations of the world that we have taken a backward If we do not follow the example of the great nations in building 20,000-ton battle ships, we shall be distinctly diminishing our authority as a world power. I have no ambition that Columbia should compete with Britannia in ruling the waves, nor have I any ambition any more than has the gentleman from Indiana [Mr. Crumpacker] for greater territorial aggrandizement, but I do insist that Columbia shall at least be allowed to patrol the waves in the defense of our merchant marine, and that we shall be in a position to protect our territorial possessions so long as we desire to keep them. [Applause.] I agree with my colleague that there is no probability of war with any other nation for years to come. I do not believe that there is any possibility of war in the near future, but I believe that we should be in a state of preparedness for it to-morrow. In my opinion, the way to avoid war to-morrow is to be prepared for it to-day. [Applause.] Is this the time to think of cutting down our Navy? We are engaged in the greatest engineering work ever attempted by any nation. We are engaged in what, in my opinion, is the greatest philanthropic work that was ever attempted by any nation. We are now, more than at any other time, endeavoring, in competition with all great nations, to open up the markets of the East for American-made Where would we be, what could we accomplish, in all great works if we did not have an efficient Navy? big battle ship as a fighting force has come to stay. The overwhelming weight of naval authority tells us that its equivalent as a fighting force can not be reproduced in smaller ships for anything like the money. What is good enough for other na-

tions, in my opinion, is none too good for us. I therefore hope, Mr. Chairman, that the amendment of my colleague will not prevail. [Applause.]

WEEKS. Mr. Chairman, the determination of a naval policy should be based on the necessity for a navy and the possibility of being brought into contact with other countries. If there is no such possibility we are extremely foolish to expend the large amounts of money which are now being appropriated for our Navy. It could be better devoted to other purposes. But if there is any possibility of our having trouble with other nations, we might as well face that proposition and consider just exactly what our policy should be. We are seeing and are going to continue to see great industrial and military development in the East, and we should consider whether we are able to defend our commerce, our insular possessions, and our Pacific coast against every eastern country or probable combination of them. We are not in a satisfactory position in our relation with oriental countries, for we do not treat them as we treat the most-favored nation, but rather as we treat the leastfavored nation. It is undoubtedly true that our treatment of China, with the single exception of excluding cooly labor, has been more rational and fairer than the treatment which been accorded China by any other first-class power, but the fact remains that even though this be true, we do not consider questions which arise with China on the same plane that we do similar questions with other countries. We may naturally expect sooner or later that they will resent such treatment, and as for Japan, we are now in the midst of a decidedly live and irritating question which may at any time cause serious trouble. It is folly to attempt to delude ourselves with the idea that this is not serious. We are trying to build up a large trade with these eastern countries, and at the same time we announce to them that we are not going to give them the same privileges which we give European countries. The people of a large section of our country are opposed to the admission of Japanese labor, and this very morning we have read in the papers that a delegation representing these people are urging their position to the President. Japan has proved that it is a great military power, and the people of Japan and the Japanese Government may naturally be sensitive relative to any proposition which is going to militate against the Japanese people.

I am not for one moment considering the merits or demerits of this live question whether we should or should not limit Japanese labor; but if we are not going to do it, if we are not going to treat the Japanese as we treat the Hun and the Pole, and, in fact, every other people of Europe, then we may expect that Japan will resent it. They may not resent it with force now, but it is our duty to assume that they will later, and to prepare for just that possibility. As between the Japanese navy and our Navy to-day I believe we are prepared; but Japan is continuing to build. It has outlined a building policy. It has already one ship of the *Dreadnought* class, and it has recently given a contract for another; and if we do not maintain our present relative position we are simply flying in the face of Providence by neglecting to perform a duty which must be apparent to almost anyone, even to a professional peacemaker. If we do not perform that duty we shall deserve, and very likely have to face, a national humiliation greater than this country

has ever felt.

Again, we know that we are in active competition with the great eastern nations for the trade of the world, and I hope very shortly to be in active competition with them for the world's Financial disagreements produce about nine-tenths commerce. of the differences between men, and in future commercial troubles will produce nine-tenths of the differences between civilized nations. That being the case, it is our business to consider whether we are in position to maintain our commercial rights, to protect our trade and our commerce against the great nations of Europe. If we are in that position, let us maintain it. If we are not in such a position, we should be up and doing without delay. I believe we are relatively in a good position, but every European nation of the first rank is increasing its navy. of them have definite building policies. I wish they would stop. I have no doubt a great majority of the Members of this House feel as I do. But until they do stop, or show some indication that they have reached the limit of their developing policy in the way of armament, we can not afford to follow any other course than to do as they are doing. If we do stop, we shall endanger the peace. If we keep on building, we shall, in all probability, keep the peace. And it is infinitely better, and cheaper for that matter, to prepare for war and not fight, than to go unprepared and be obliged to fight, and probably be humiliated as a result of the war.

I believe the Spanish war would have been impossible if Spain had comprehended our naval strength, and it would have

been wiser, and even cheaper, for us to have maintained a navy twice as strong as was ours before 1898 rather than to have fought the war and brought on ourselves the expenses and troubles which our eastern possessions have brought us and will continue to bring us until we, in some honorable manner, manage to get rid of them. Let me state a little more definitely just what our class is as a naval power to-day. It has been the policy of England for many years to maintain a navy at least as strong as the navies of her two leading European competitors. England is in just about that position to-day. European nations which are her close competitors in naval strength are Germany and France, and treating relative strength on the basis of the battle ship, which is the only proper basis, the statement which I have just made about England's strength is practically true. We have recently completed and put in commission, or will very soon complete and put in commission, a large number of ships of the first class, if we consider a 16,000-ton battle ship the first class, and that has been true up to the building of the Dreadnought and the Satsuma. But nations are about to take another step in advance in battle ships. England will this year lay down three Dreadnoughts, while, as I have stated, Japan has already ordered another ship of the Satsuma class. France has just ordered six ships, which, while not quite as strong as the Dreadnought, are, in fact, distinctly new and a higher class than any which she now has in commission. These ships will be completed in 1911, and it is understood to be the policy of France to lay down two ships of this class each year, though this number may be increased, judging by what France has done in the immediate past. Germany is the only great power which has an absolutely definite policy, which will be used until 1920 without any variation; and if the premise which I have made relative to France is carried out, and England carries out the policy which has obtained in the immediate past, and we do not build one battle ship a year of the modern type—that is to say, the Dreadnought type—instead of being second, as we will be in 1908, in 1912 we will be third, Germany having passed us; and in fact we will be a doubtful third, for France has a much larger proportion of auxiliaries than have we. If the same policy is carried on for four years longer, from 1912 to 1916, in the year 1916 not only Germany but France will be far ahead of us in naval strength, and Japan will be so close to us that even our Pacific problem will be an extremely serious one.

It is idle to carry on estimates of what the strength of naval powers will be for a longer period than six or eight years. But if my premise is true, that we should do what our competitors are doing to be able to protect our mainland, our possessions, and our commerce against all probable comers, we should continue a policy which will keep us in the same relative position we are in to-day—that is to say, the second naval power in the world. To do that we have got to not only build one battle ship a year, with the auxiliaries which will naturally go to make up the fleet, but we must do more. We must built at least three ships in two years, and I believe two ships every year. It will be noticed that I have taken the battle ship as the unit. That is the only unit which can properly be taken, for the battle ship is not only our offensive naval weapon-practically the only one-but it is also our first line of defense. It is true that we have built armored cruisers and protected cruisers, and other nations are building the same classes of vessels. year Japan and France are laying down new armored cruisers, but my own judgment is that it is better to build fast battle ships of the latest and highest type rather than armored cruisers, for, as a battle unit, they are infinitely superior, their only inferiority being for scout duty and as commerce destroyers, for either of which purpose we should either build practically unarmored vessels or build up a merchant marine from which we could take the fastest and best ships in the world, as our competitors are able to do to-day. In considering our defense after the first line, or the battle-ship line, has been destroyed we have, of course, two or three lines which would be effective—the coast-defense vessel, the torpedo boat, the submarine, the mine, and, lastly, our coastwise fortifications. But the battle ship is what we must primarily depend upon for military purposes, and we are not in advance but behind the times in this respect. In fact, our naval policy instead of being radical is very conservative. We had comparatively few tor-pedo boats before the Spanish war and we had to improvise them when that war came on. Other navies are trying experimental problems, like the use of oil in place of coal. A distinguished admiral of our Navy has recently advocated the taking of the anthracite coal mines of this country to be used in future for naval purposes. England, from which country we have received, and may to-day receive, the best hints as to an intelligent naval policy, is burning oil on many of her men-of-war.

She is building large oil tanks on the Texas coast and is contracting for a supply of oil to be kept on hand at all times.

In the maneuvers of the British fleet last summer it was stated that one squadron outmaneuvered and outsteamed the other, not because it was superior intrinsically, but because it used oil as a fuel. The up-to-date policy which we have taken as a world power necessitates the location of coaling stations or fuel stations away from our own coasts, and it must be apparent to anybody that oil fuel would be an advantage over coal. because we can not hope to adequately defend all of these stations. If we do not defend them, our coal supply may fall into the hands of the enemy. As a last resort one man could protect our oil supply by simply tapping the tanks and letting it run away, thus preventing its falling into the hands of the enemy.

Many steamship companies have taken up and are adopting the turbine, and we should be experimenting with them for our men-of-war. While it may be true that the turbine introduces new questions as to relative space, etc., it insures such increase in speed that we certainly should place turbine engines on one of our new men-of-war if for no other purpose than for experimental purposes. One of the reasons why the torpedo boat is not an offensive weapon away from our own coasts is on account of its small steaming radius. To overcome this we should be considering the adoption of the secondary torpedo boat, which means the placing of a torpedo boat on a battle ship, to be launched on the probability of meeting the enemy, and in that way to be used as an offensive weapon without any regard to location of the battle. There are many other suggestions which we should consider, which we could take up without being considered radical; but, in any case, we shall be little short of retroactive if we do not-not only build battle ships of the size and speed of those which are being built by our competitors, but which also include many, if not all, of the special features which those competitors carry. Undoubtedly the Naval Committee has carefully and earnestly considered the question of the relation of speed to battery power, etc.

When experts, as they do, differ on such subjects as the relation of speed to battery power, the advisability of adding a secondary battery to the primary battery or dispensing with the secondary battery; on the relative value of a few large ships to a larger number of smaller ones costing the same amount; in fact, on many other questions of considerable moment, the average layman may very naturally hesitate to discuss or pass on such questions; but it is the business of Congress to determine the value of the various arguments, to adopt a policy and prepare to carry it out. And therefore, in making the recommendations which it has made for the building policy for the ensuing year, wish to assume that the Naval Committee has considered all of these questions, have agreed on a policy, and, without discussing the limitations in building under that policy, it accords with my judgment; and especially does the decision regarding battery seem wise. This is the greatest question, after having determined the size of a battle ship, which we have to consider-whether it shall be made up of a few large guns or a lesser number of large guns and a powerful secondary battery. this question experts disagree and advance arguments which at least entitle them to consideration. But the Dreadnought has but one battery, and that is made up of 12-inch guns, and while every battle ship could carry torpedo guns-that is, guns which may be used against torpedo boats—I believe the weight of argument is in favor of a single primary battery, so arranged that it can be used in not only broadside fire, but in fore and aft fire as well; and to my mind the arrangement of the proposed ship which we are discussing gives the greatest possible advantage, and at the same time does not prevent the development of a high speed. In this ship the battery will be so arranged that with its ten 12-inch guns six of them may be used to fire ahead, eight of them in broadside, and four astern.

Ten years ago such a disposition of battery, or in fact the installment of a single type of large guns in place of several types of smaller guns, would have been, in my judgment, ineffective, but during the last few years we have made marvelous advances in our target practice. We not only fire 12-inch guns now very nearly if not five times as rapidly as we did ten years ago, but also with practically the same accuracy which we were able to obtain from guns of a smaller caliber. And under the present system of fire control-which, briefly, means locating each shot which is fired from every gun, notifying the gun pointer of that particular gun in what way his shot was not effective, enabling him to correct his error in the next shotconcentration of fire and accuracy of fire is very quickly obtained, provided the rapidity is not so great that an observer is unable to determine whether a shot is fired by a large or small gun. Of course, if he becomes mixed in his observations to such an extent that he can not determine which gun fired the

shot which he has observed, his observations are not only ineffective, but are worse than nothing; and as fire control is of vital importance, I believe that, in itself, should be one of the larger elements determining the kind of battery which should be used on our battle ships.

The results of the conflicts between Russian and Japanese ships show that the destruction caused by the 12-inch gun, or any gun of large caliber, was proportionately very much greater than that caused by 8-inch guns or guns of a smaller caliber.

There is another reason which should be considered for adopting the big battle ship. The best ship, like the best machine, is, in the end, the cheapest. A battle ship of the size and cost which we are considering, having only a primary battery, does not require as many men as the battle ships which we have just completed, although the latter are four or five thousand tons smaller. Therefore, the annual cost of maintaining the battle ship, which is between five and six hundred thousand dollars,

will be proportionately smaller.

If we were to spend \$40,000,000 to build four of these large battle ships, the same amount of money would probably build about seven battle ships of the smaller type. If the judgment of experts is reliable, the four battle ships, having 2 or 3 knots higher speed than the smaller ones and immeasurably greater destructive gun power, would easily defeat the seven smaller ships, assuming that they were handled with the same skill. Now, as I have said, it will not cost as much to man the larger ship as the smaller one and there will be an additional saving annually of the cost of manning three small ships, which would not be less than one and one-half millions of dollars each year. It would cost very much less to dock the four large ships than to dock the seven small ones. In fact, the cost of docking a large and a small battle ship is relatively the same. Therefore, from the standpoint of economy, it would seem for every reason that we should adopt the Dreadnought or larger type rather than continue to build ships of the size which we are now building. If my conclusions are in any degree reasonable, we can not afford to continue any other policy than to follow the example of our possible antagonists. they stop building, we should do the same thing, and we should use every endeavor to bring about an agreement which will decrease rather than increase the annual expenditures made for military purposes. But until our possible antagonists do stop building, we can not, in my judgment, with any discre-tion, fail to follow their example; and the appropriation which is asked for this year by the Naval Committee not only does not exceed what other countries are doing, but it proposes less than we should do. If this House wishes to assume the responsibility of putting its judgment against what is recom-mended by the experts of the world, our own naval experts, the recommendation of our Navy Department, and the Naval Committee of this House, it will vote against this building policy. But I believe by so doing it will take a position which is directly contrary to reason and sound judgment, and I hope such opinion will not prevail.

Mr. BURTON of Ohio. Mr. Chairman, I yield ten minutes

to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, I know of no bill which is sent in here by any committee that commands so much attention or such general interest as that which comes from the Com-The development of our Navy is so mittee on Naval Affairs. interwoven with our foreign policy, is so tied up with international politics, that it is profoundly interesting to every man who sees beyond his own front yard. Since I have had the honor to be a Member of this House I have always taken a profound interest in the development of the Navy. I was reckoned, and I think truly so, a friend of the development of the Navy, and I am now a friend of the development of the Navy, and I am now a friend of the Navy to the extent of wanting every ship and every gun and every man that may be essential to the protection of our sovereignty, our honor, and our dignity. Beyond that, Mr. Chairman, I do not think it

So far as I have been able to do it I have followed the debate on this particular bill with a great deal of interest. far as I was able to do so I listened with unusual interest to the address of the leading democratic member of the Committee on Naval Affairs. I have not yet had the privilege of seeing that address in print, and therefore I can only speak

of it as I remember it from having partly heard it.

And it may be said of my distinguished friend and colleague. than whom there is in this House no man whom I honor and love more, that he is the "mildest-mannered Member that ever scuttled ship or cut a throat," and it is difficult to follow him in debate, because when he utters these ferocious and warlike words it is done in such cooing, dovelike, dulcet tones that it is hard to tell what he really is saying; but I do remember that

he gave me the impression that he had followed the work of all the navies of the world almost from the dawn of history down to the close of the war between Spain and the United States. He gave me the distinct impression that the pass of Thermopylæ was kept by the navy. I also came away from his discussion of the question strongly of the opinion that Horatius at the bridge was merely a sailor who had been detailed for special duty, and that the Swiss Republic owes its erection, its development, and the maintenance of its liberties entirely to the Swiss navy. He also conveyed to me the impression that Generals Scott and Taylor fought and won the battles of Palo Alto, of Monterey, of Molino del Rey, and Cha-pultepec solely by the fact that the navy was present and actually cooperating.

But, Mr. Chairman, while I was not prepared to challenge any statement that the gentleman had made so far, in the development of his ideas I was pained and shocked to learn from him that the result of the Spanish war was due entirely to the great achievements of the American Navy. Why, sir, we have all been taught in recent years that the result of that war was entirely attributable to the success of the charge up San Juan Hill, and now comes this distinguished member of this Committee on Naval Affairs and says that the credit of the termination of that war lies exclusively with the American Navy. It is shameful to have

our idols overthrown in this way.

Mr. Chairman, I believe that arbitration offers, as I had the privilege of saying a few days ago, the most honorable, the most reasonable, and the least expensive method of maintaining the peace of the world. I believe that the proposition seriously debated by the governments of Europe to-day, looking to the disarmament of the great military forces, offers an avenue of hope and of peace which we should not hesitate to cultivate, because we occupy the best and most commanding position from which to inculcate the doctrines of peace and of disarmament. The splendid isolation spoken of by the gentleman from Ohio [Mr. Burton] offers to us a measure of security which enables us not to follow the examples which these gentlemen who have just spoken desire us to follow of other great nations, but to set an example which they will follow. I admit, sir, if we do not expand our existing Navy it will be equivalent, under the present conditions, to a relative reduction at least, and so long as the other great powers of the world go on with their development I would not favor any actual important reduction. I am inclined to believe, from information that I have received, that they are not disposed to go on with this expansion if they re-ceive any reasonable hope of escaping it. So long, however, as they do go on with the development of their great naval programme, I shall not favor an unreasonable reduction of the Navy of the United States.

Within the last twenty-four hours I have received a letter from an eminent man who tells me he has information from high official and reliable sources at London that the British Government will go to the next Hague tribunal with a distinct, clear-cut proposition for the reduction of the military arm of all the governments there represented.

Mr. Chairman, in this morning's Washington Post I find an

article which I shall ask the Clerk to read.

The Clerk read as follows:

WAR CLOUD PASSES OVER-HONDURAS AND NICARAGUA WILL ARBITRATE THEIR DIFFERENCES.

There is to be peace and not war in Central America. Dispatches have been received at the State Department from President Zalaya, of Nicaragua, and from President Bonilla, of Honduras, which are of such a character that the State Department feels that peace is assured, and the matter of arbitrating the differences between Honduras and Nicaragua now seems to be one merely of arranging the details.

Central America came very near being the scene of another war, and only the efforts of Secretary Root and President Diaz, of Mexico, prevented actual hostilities. Mexico was asked to assist and it was decided to call for the aid of Guatemala, Costa Rica, and Salvador, These countries quickly expressed their willingness to cooperate in the interests of peace.

Notes were sent by all of the peace-loving governments to those of Nicaragua and Honduras. They urged that the belligerents refrain from hostilities and submit their differences to arbitration. The pressure was too great to bear, and the answers which have been received to the representations made are most satisfactory.

Mr. SLAYDEN. Mr. Chairman, that simple little notice tells of an almost epoch-making incident in the history of the world. Two of these nations in Central America, too much given to the making of war, have consented, at the suggestion of our own Secretary of State and the eminent man who heads the Government of our sister Republic of Mexico, to submit their differences to arbitration, and probably for the first time, certainly on the first most important occasion, two of these Governments have stacked their arms and have consented to go to the court of reason rather than to the field of battle to settle their differences.

It gratifies me a great deal, sir, to see in connection with this notice the name-

The CHAIRMAN. The time of the gentleman has expired. Mr. BURTON of Ohio. Mr. Chairman, I yield two minutes

further to the gentleman.

Mr. SLAYDEN. It gratifies me to see in connection with this incident the name of the distinguished man who is President of the Republic of Mexico. About forty years ago, when he was a colonel in the Mexican army of independence, a disciple and follower of the great constitutional President of the Republic, Juarez, Don Porfirio Diaz made his entrance upon the stage of political and governmental action in the Republic of Mexico.

His country at that time was a barren waste commercially. It was given over to revolution, to riot, and to despotism. Fortunately for him, fortunately rather for his country, this great man—and considered in connection with his environment, possibly in connection with any environment in which he might happen to be placed, he is one of the greatest men of this world—came to occupy high position. Fortunately for the people of that country, General Diaz came to the head of the Mexican Government. What was commercial waste and political right has given place to propagative and to firm and orderly ical riot has given place to prosperity and to firm and orderly government. [Loud applause.]

A brave soldier, a great patriot, and a statesman of the first rank, President Diaz is one of the world's most imposing figures. All lovers of international peace will rejoice to find him in this important rôle of peacemaker, where he seems destined to earn honor as great and more enduring than any he acquired on the field of battle.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. Foster of Vermont having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bill of the following title:

On February 15:

H. R. 8685. An act for the relief of Charles E. Danner & Co. MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 11153. An act to correct the military record of Robert

B. Tubbs.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 7359. An act to provide for the investigation of water

resources in the United States

S. 7431. An act to correct the military record of Otis C.

S. 8469. An act granting an increase of pension to Thomas L.

Hewitt: S. \$456. An act granting an increase of pension to Margaret

Baber ; S. 8422. An act granting an increase of pension to Overton

E. Harris; S. 8283. An act to extend the time for the completion of the

Valdez, Marshall Pass and Northern Railroad, and for other purposes; and S. 8327. An act to provide for the establishment of an immigration station at Galveston, in the State of Texas, and the erection in said city, on a site to be selected for said station,

of a public building. The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

H. R. 23367. An act granting an increase of pension to Asa A. Gardner ;

H. R. 9841. An act to correct the military record of James H.

Davis; and H. R. 3356. An act to correct the military record of Timothy

Lyons. The message also announced that the Senate had passed with-

out amendment bills of the following titles: H. R. 20984. An act to provide for a land district in Valley

County, in the State of Montana, to be known as the Glasgow land district; H. R. 3507. An act to correct the military record of George H.

Keating; and

H. R. 15197. An act to correct the military record of Arthur W. White.

The message also announced that the Vice-President had appointed Mr. Pettus and Mr. Gallinger members of the joint committee on the part of the Senate, as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the Executive Depart-ments," for the disposition of useless papers in the Post-Office Department.

The message also announced that the Senate had passed the following resolution:

Resolved. That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 7512) to provide for an additional land district in the State of Montana, to be known as the Glasgow land district.

## NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. BURTON of Ohio. I yield to the gentleman from Ala-

Mr. UNDERWOOD. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Ohio, because I be-lieve that the aspiration of the people of our country now, as well as of the nations of the world, is for peace and not for war. I believe that the best interests of our people at home is to cultivate the art of peace and not become embroiled with foreign alliances that may bring us in danger of war at any time. I believe to-day that we have a Navy that is sufficient to defend us against that of any power that may attack us. There is no danger of an attack from Great Britain, because the British possessions that lie to our north are a hostage for peace with this country, and if they exceed us in the number of battle ships that they have upon the water, we are occupying an advanced position so far as our land forces are concerned on the North American Continent. I do not believe it is necessary for us to build offensive instruments of war. The battle ship is an instrument of offense, not of defense. I believe that all that is necessary for our nation at the present time to build to keep up with the nations of the world is defensive weapons, weapons that will protect our great coast line against attacks should any war be precipitated at an unforeseen moment. I do not believe that the policy of the Administration, the policy of the Naval Committee of this House, has been toward the adoption of the improved methods of defense, but that practically all the appropriations that have been asked for have been for offensive weapons that will not be necessary, in all probability, should we get into war, because we have no commerce to protect, and would not be worth as much to us as matters of defense at home as those that they are neglecting to build to-days

Now, gentlemen who have spoken in favor of more battle ships and greater tonnage in battle ships have pointed to the action of the great English Admiralty as to what they are doing for the purpose of building battle ships and weapons of offense; but they have neglected to say anything in reference to what the British Government is doing toward building weapons of

defense in case of war.

To show what the British Government is doing toward the building of defensive weapons I send to the Clerk's desk an article from the Scientific American of April 14, 1906, that states what they are doing in that direction more fully than I could state it, and I ask that it be read.

The Clerk read as follows:

The Clerk read as follows:

The Organization of the Submarines flotilla of the British fleet.

It is anticipated in the forthcoming programme of the British navy for the ensuing year that the appropriations in regard to the construction and disposition of the fleet of submarines now constituting an important branch of the navy will be a prominent feature. The various and continuous experiments that have been conducted by the Admiralty with the Vickers-Maxim-Holland type of boat of varying displacements have resulted in the evolution of an efficient craft, replete with all the improvements and modifications resulting from the prolonged investigations. Authentic information regarding these latter vessels is somewhat difficult to obtain, but that the majority of the defects inherent in the earlier types of boats have been surmounted is apparent from the important arrangements concerning the organization of these vessels that are now being carried out. The displacement of the submarine has been continuously increased until the most modern craft are upward of 300 tons, and this increase in size has been attended with various important improvements in speed, radius of action, both afloat and submerged, and the electric and gasoline engines for propulsion under these respective conditions of traveling. The dimensions of the accumulators and the gasoline tanks have been considerably augmented, thereby effectively rendering the boat more independent of frequent replenishment, the latest type of vessel carrying sufficient liquid fuel for traveling 1,300 miles on the surface.

More important, however, is the prominent part which the submarine is to fulfill in the future defense of the country. The military system of fixed submarine mines at the entrance of rivers and harbors has been taken over in its entirety by the naval department, and in the greater number of cases has been completely abandoned in favor of a more elaborate defensive scheme by submarine boats. Furthermore, the submarine vessel is to constitute a separa THE ORGANIZATION OF THE SUBMARINE FLOTILLA OF THE BRITISH FLEET.

It is intended by the Admiralty to organize six submarine-boat bases round the English coasts. Three of these are disposed upon the south coast at Fortsmouth, Devonport, and Dover, respectively, while the remaining three bases will be distributed along the eastern shores on the North Sea, which is the more exposed to attack from the European continent. Portsmouth, owing to the contiguity of the great naval dockyard, will constitute the principal base; but at the same time each station will be so appointed that it will be in a position to be independent of the paramount base, and be able to cope with any emergencies that may arise, such as the refitting, repair after accidents, and replenishing of supplies.

At Portsmouth the base will be quite isolated and independent of the dockyard itself. The situation selected for the station, and upon which the necessary arrangements have been carried to a very advanced stage, is completely isolated by water from all communication with the shore, thereby enabling absolute privacy to be maintained. A small dockyard is being constructed, and is being equipped with all the latest electrical and other power appliances for dealing with the work, together with numerous tanks for storing gasoline. A special type of floating dock is now approaching completion at the works of Vickers, Sons & Maxim, for dealing with submarine craft exclusively. Similar arrangements and facilities are being carried out at Plymouth, the station in this case being also isolated by water, and at the same time guarding the entrance to the important ockyard at Devonport. At Dover, where the naval harbor is being pushed forward with all possible speed, the situation will comprise a floating workshop and dock near the harbor's entrance. This station will prove an important one in the strategical defensive scheme of the Admiralty, since it guards the Stratist of Dover and thus commands the only means of communication between the English Channel and the North Sea.

Each base is to be provided with a fast depo

marine breaking down. This vessel will have a torpeous a tender.

A tender.

Owing to the fact that the machinery of a submarine vessel requires frequent overhauling, the exact number of these craft which is to be stationed at each point in actual service, and the extent of the reserves, is not yet finally decided. It is anticipated, however, that each base will be equipped with six active boats, together with a sufficient supply of reserve craft to enable the above minimum number to be available for service at a moment's notice. In view, however, of the satisfaction and success of the latest types of submarines which have been constructed, it has been decided to push ahead with the construction of this class of fighting unit with all possible speed, while the various bases are to be completed and equipped during the present year.

Mr. FOSS. Mr. Chairman, I yield five minutes to the gentle-

Mr. FOSS. Mr. Chairman, I yield five minutes to the gentle-

man from New York.
Mr. WALDO. Mr. Chairman, I yield to no one in this House or in the country in my desire for peace for this country and for universal peace. But we have not yet reached that stage of civilization in this world where we can have peace unless we can command it. The proposition of Germany and France for disarmament at this time, and particularly the like request of England, reminds me of a proposition that was made by Henry IV of France when he had succeeded in conquering pretty nearly all Europe and had more army than any other country. He then thought it would be an excellent thing to provide that no country should have any more army than it had at that present time. England at this time, having control of the seas and more navy, I think, than any other two nations, would proba-bly like to limit armament after she has concluded building three large battle ships either in process of construction or au-

thorized. We have under way the Panama Canal, which we must protect, and we further propose at this session to largely increase our merchant marine, if any aid that we can give will do this. Certainly at this time we ought not to delay the increase of our Navy, or, even worse than that, to make our Navy smaller, for the latter will be the result of failing to build enough ships yearly to keep our Navy at the present strength and efficiency.

We have so far been able to protect South America from foreign aggression, not because we love peace, but because we were able to command it. It is only a year since we were able to bring about peace between Japan and Russia. I think we can all imagine how little attention would have been paid to us or to the President of the United States if we had not at that time had a great Navy. Some one here on the floor has referred to the fact that peace is about to be declared between the Central American republics practically on account of the intervention of the United States. I believe that the Central American republics would care about as little for the intervention of the United States as Russia and Japan or Germany and England would if we had no Navy. If we desire that our country shall have any voice in the universal peace of this world, we must keep our Navy at least up to its present efficiency. That tends directly for peace for ourselves and for the whole world.

We must keep our Navy at least at the present efficiency to protect the merchant ships we have and the additional ones that we hope for. We must keep our Navy at its present efficiency to defend the coast of this country on the Atlantic and on the Pacific, and we must keep our Navy at its present efficiency if we desire to enforce the Monroe doctrine. [Applause.]

[Here the hammer fell.]
Mr. FOSS. I yield five minutes to the gentleman from Pennsylvania [Mr. BATES].

Mr. BATES. Mr. Chairman, the Committee on Naval Affairs has recommended to this House a continuation of the naval programme which has been followed by this Government for over twenty years. The recommendation this year is only in line with the action of the American nation since the inception of the new Navy over twenty years ago. The Naval Committee recommend to this House the authorization of one battle ship this year of the first class. An amendment has been offered by learned and eloquent gentleman from Ohio [Mr. Burron] to strike that out of this bill.

I have listened with great pleasure to the different speeches in favor of universal peace which have been made by the distinguished gentleman from Ohio and others in this committee, and I wish that their dreams might come true. I will not yield to any man in the desire for universal peace. I was myself a member of the Brussels interparliamentary union, having that great object in view, and I trust that some day there will come the realization of the poet's dream of the parliament of man and the federation of the world. But, Mr. Chairman, the millennium has not come, and it is yet, I fear, a long way off. You can not repeal the laws of human nature, and these laws obtain in the affairs of nations as well. What are the recommendations of these men who know the most about this subject? The President of the United States, who was Assistant Secretary of the Navy, who was a colonel in the Army, and who has taken a keen interest in these matters, states to this committee:

Unless we can provide at the rate of a battle ship a year, our Navy will go backward.

What does the Secretary of the Navy say on this subject in his annual report this year?

He says:

I recommend, therefore, that as soon as may be practicable, at this session, Congress authorize the construction of a sister ship to the one already authorized, and of which the plans are now submitted.

What is the action of the Naval Committee, composed of seventeen Members of this House, many of them experts from long service, in this matter of naval affairs? Why, the practically unanimous sense of the committee, without regard to political division, was for the building of a sister ship to the one authorized last year.

A vote for this amendment is a vote for retrogression, is a vote for a step backward, is a vote to give notice to the world at large that we are abandoning our naval programme, that we are giving up the plan which we have followed for over twenty years. The President of the United States further says:

I believe in developing and completing an adequate number of submarines, torpedo-boat destroyers, and various auxiliary vessels.

The recommendation under the caption "Increase of the Navy" this year is merely in line with the action of this Government in inaugurating and building up what is now known as the "new Navy." Why, some of the ships, the names of which have become household words because of the prowess and daring of the men on their decks in the Spanish war, are almost obsolete. The Massachusetts, Oregon, and Indiana were authorized seventeen years ago. The Iowa was authorized fifteen years ago, the Illinois and Alabama were authorized eleven years ago, and naval experts inform us that the ordinary life of a battle ship is only about twenty years.

As to the size of battle ships, I believe we should build those

of the largest type. Our possible enemies in any naval conflict are building large, swift, and all-big-gun ships. If, therefore, we accept Captain Mahan's advice we will certainly sacrifice numerous advantages of fleet compactness and flexibility: also the superior effect of heavy gun fire and our ability to concentrate that fire. We may realize twenty years hence the loss of these great advantages, when our possible enemies have fleets of big ships while we continue those of our present type.

Ten ships of 20,000 tons displacement, with a speed of 20 knots and a broadside fire of eight 12-inch guns-that is, one at the forward, one on each beam well forward, and two aft on the center line—would make a fleet worth more in actual battle than twenty ships of the 16,000 tons displacement with only two to four of the 12-inch guns. That is to say, the ten-fleet ship could concentrate and hurl more iron at a possible crisis in an engagement with greater effect than a long-drawn-out fleet of smaller vessels could possibly be able to accomplish.

It is pointed out by Lieutenant-Commander Sims that the men on the fleet of large vessels are behind heavier armor and are less liable to be put out of the fight. If, as he points out, the length of a large ship is 500 feet and the small one 400 feet, and the interval between the centers is, respectively, 450 and 400 yards, in column of vessels the long fleet of small vessels would be nearly 4 miles long, the shorter fleet of vessels only about half that length. Therefore, the short fleet of large ves-

sels would have a broadside fire of 38 guns per mile and the long fleet of small vessels only 21 guns per mile.

If, then, concentration of gun fire is important and effective,

as all tacticians admit, there is no argument that can overcome the advisability and the necessity of building the larger vessels.

Let us then adhere to our present programme to build up, maintain, and keep pace with the other great nations of the earth. May we bear in mind the scriptural injunction: "Let not him who hath put his hand to the plow look back." [Applause.]

[Here the hammer fell.]

Mr. FOSS. Mr. Chairman, how much time has been consumed on each side?

The CHAIRMAN. The gentleman from Illinois has thirtyfour minutes remaining, and the gentleman from Ohio twentytwo minutes.

Mr. FOSS. I now yield five minutes to the gentleman from

New York [Mr. SULZER].

Mr. SULZER. Mr. Chairman, I have the honor to represent in part on the floor of this House the greatest seaport city in the world, the city of Greater New York. I am now, always have been, and always expect to be a friend of the American Navy There is no page in all our illustrious history greater and grander than the glorious achievements of the American Navy.

There are no politics in the Navy or in continuing its effi-ciency. It is a nonpartisan question, and every true American, no matter what his opinion may be regarding the Army, is in favor of increasing our Navy until we have one of the strongest and one of the best navies in the world. To strike out of this bill this battle ship would be naval retrogression. It would be a step backward in our naval policy. The American Navy is growing. I want to see it continue to grow until we have a navy second to none in the world. It will be money well spent in the end, and it will be economy in the right direction. The American people, in my judgment, do not want to stop the growth of their Navy. [Applause.]

The American people take a just pride in their Navy. They have every reason to be proud of it, to be proud of its past, to be proud of it now, and to feel confident of its future. The Navy is one of America's greatest institutions—a bulwark of defense. a mighty engine of offense—and should be liberally supported by the Congress of the United States for all its wants by generous

appropriations.

Every dollar spent on the Navy is just so much money expended for insurance. A better investment could not be made.

We must all stand by and for the Navy

The most unthinking individual in the country realizes how important it is for the Government to have a strong, a great, and a mighty Navy. We have a larger and more vulnerable seaboard than any other country in the world. We will soon, I seaboard than any other country in the world. We will soon, I believe, have a great merchant marine. We have great cities of immense wealth, of costly buildings, of commerce, and of property, the value of which is incalculable, all along our seacoasts. They must and should all be protected, and they can not be better protected, better safeguarded, than by a modern, a commensurate, a powerful, and an efficient navy. [Applause.]
I have never voted to cripple the Navy, and I hope I never

shall. I am in favor of increasing the power, the strength, the tonnage, and the efficiency of the American Navy. I know how nervous the merchants in New York felt when a Spanish war vessel crossed the Atlantic and anchored in New York Bay just before war was declared against Spain. The people of my city are now, ever have been, and, in my judgment, ever will be, in favor of doing everything in their power to keep up the effi-ciency and continue the gradual increase of the Navy. The American Navy is growing. We ought to do nothing to stop

that growth.

The great battles of the world to-day are fought on the high seas and not on land, and in the future they will continue to be fought on the high seas and not on the land. We have insular possessions which must be protected; we have the Panama Canal, which must be protected, and it is the duty of every patriotic American citizen who wants peace to have a navy sufficiently large to enforce peace whenever the question of war arises. If we did not have a navy like we have now, do you suppose we could occupy the position we do among the nations of the world and command the respect we do from every other

Now, Mr. Chairman, I am in favor of an additional battle ship, but if we are going to build an additional battle ship let us build one larger than the one already ordered; let us build the largest battle ship in the world and the fastest battle ship in the world. I send to the Clerk's desk and offer an amend-ment, by way of a substitute, to the amendment of the gentleman from Ohio.

The CHAIRMAN. The amendment will not be in order until

debate has closed.

Mr. SULZER. I ask to have it read for information.

The Clerk read as follows:

Amend as follows: After the word "constructed." in line 6, page 81, add: "In the New York navy-yard one first-class battle ship of 22,500 tons, with a speed not less than 23 knots an hour, to be called the 'Perry;' and strike out all after the word "constructed." in line 6, down to and including the word "characteristics," in line 8.

Mr. MUDD. Mr. Chairman, is that an amendment offered If it is, I want to make a point of order against it.

The CHAIRMAN. It is read only for information.

Mr. SULZER. Mr. Chairman, I am in favor of building this great battle ship in the New York Navy-Yard. It has been satisfactorily proven, I think, to every Member who has looked into the matter, that the Government can build these battle ships as quick and quicker than they can be built by private contract in private shipyards, and much cheaper, too, as the record will clearly demonstrate.

Mr. Chairman, I hold in my hand a report from the Navy

Department, which I will now read:

DEPARTMENT OF THE NAVY, BUREAU OF NAVIGATION,
OFFICE OF NAVAL INTELLIGENCE,
Washington, D. C., January 4, 1907.

The SECRETARY OF THE NAVY:

All the great naval powers are now engaged in building, or in preparation for building, battle ships of 18,000 tons and upward, as follows: ENGLAND.

Has just completed the Dreadnought, and that vessel is now in full commission.

commission.

Has begun the construction of three new *Dreadnoughts*: The *Bellerophon*, *Temeraire*, and *Superb*.

Proposes to build further three additional *Dreadnoughts* on the programme of 1907-8.

All of the above have a speed of 21 knots or over.

Has, in addition to these, three armored vessels of the *Invincible* type, which are really fast battle ships (25 knots) with thinner armor but carrying eight 12-inch guns.

FRANCE. Has begun the building of three and is now to place contracts for ree other battle ships of *Danton* class (intended to be the equivalents English *Dreadnought*); six in all.

GERMANY.

Is preparing to begin, as soon as the building slips have been lengthened and strengthened, two battle slips (Ersatz-Bayern and Sachsen), and during the current year to begin two more (Ersatz-Baden and Würtemberg). These are to be the German equivalent for

Baden and Würtemberg). These are to be the German Agricultus the Dreadnought.

Germany has heretofore been the advocate of the moderate or smaller displacements, but appears now convinced that the larger ships only are fit to meet the heavy ships of recent type. This is evidenced by the fact that she is spending large sums of money in lengthening building slips and proposes to expend some \$50,000,000 in increasing the dimensions of the Kiel Canal in order to make it available for the new and larger battle ships.

Has launched the Satsuma (19.200 tons), and the Aki (a few hundred tons larger) will be launched during the current year. The latter is to have turbine machinery and will probably attain a speed of 20 knots.

Will probably begin this year a third large battle ship of improved

type.
Is also building two armored cruisers which include in their armament four 12-inch guns.

RUSSIA.

Is to begin this year the construction of four battle ships of about 20,000 tons displacement, to be the equivalent of the English Dread-nought.

R. P. Rodgers, Captain, U. S. Navy, Chief Intelligence Officer.

Now, Mr. Chairman, if all the great powers on earth are building these great battle ships it means something, and every thinking man in this House ought to know what it means. We can not be defenseless. I am in favor of peace, and I am a man of peace, and I am willing to fight for peace if necessary, and the only way for us to have peace is to have a great navy to command peace and to enforce peace whenever our dignity or our honor or our country is threatened. It is the best national insurance we can have, and every Member of this House, no matter whether he comes from an interior city or whether he comes from one of the great seacoast towns, ought to be in favor of maintaining the present efficiency of the Navy, and keep up that efficiency by building at least one new battle ship every That is the policy of the present Administration; it ought to be the policy of the Government, and it should be the policy of every patriotic citizen until the great powers of the world agree to disarmament, and then and not till then should we abandon the progressive policy of our naval establishment inaugurated many years ago under Democratic administration. [Applause.]

The CHAIRMAN. The time of the gentleman from New York

has expired.

[Mr. TAWNEY addressed the committee. See Appendix.]

Mr. FOSS. Mr. Chairman, I desire to state at this time the cost of the maintenance of a first-class battle ship, according to the figures given us by the Department, amounted to \$624,935. That was the cost of commissioning the *Maine*, including the pay of officers, repair of machinery, and equipage upon the Maine during the fiscal year 1906, and the battle ship Maine cost more than \$5,000,000.

Mr. TAWNEY. Will the gentleman from Illinois permit me

to ask him a question?

Mr. FOSS. Yes. Mr. TAWNEY. What is included in that estimate of cost?

Mr. FOSS. I read it. Mr. TAWNEY. You have given the amount, Mr. FOSS. Repairs, hull, and machinery.

Mr. WILLIAM W. KITCHIN. And I call the attention of the chairman to the fact that the *Maine* is only a 12,000-ton ship.

Mr. TAWNEY. But it does not include the cost of navy yards and all other costs incidental to the maintenance and existence of a battle ship which the Navy Department a year ago stated would be practically in round numbers \$1,000,000.

Mr. FOSS. It does not include the cost of buildings in the navy-yards or maintenance of the navy-yards, but it does in-clude the cost of maintenance of the battle ship, repairs to machinery, and equipage necessary during the fiscal year. Now, Mr. Chairman, I yield five minutes to the gentleman from Iowa. Mr. WILLIAM W. KITCHIN. Will my colleague permit me to state, before he takes his seat, that the battle ship Maine

only had a tonnage of 12,300 tons?

Mr. HULL. Mr. Chairman, I regard this as an exceedingly important question and one which I hope, when the vote is taken, will show that the Congress of the United States has not taken any backward step in the construction of a modern navy. The discussion of the bill seems to proceed on the theory that this bill authorizes two battle ships. That is not true. It authorizes one battle ship, and the gentleman from Minnesota, when he claims that it authorizes two, is hardly fair to the House. The last session of Congress authorized one, and fixed its type, and this bill only authorizes one additional of the same We all sympathize with the gentleman from Ohio in his hope for universal peace. It strikes a responsive chord in the breasts of us all; but, Mr. Chairman, the gentleman from Ohio must realize that until the time comes when, by agreement of all the great nations, we can all disarm at once, it is exceedingly impolitic, unwise, and unsafe for one nation to start on that line. [Applause.] The gentleman from Ohio refers to the splendid isolation of this country. The gentleman seems to have forgotten the events of the last eight years, when our "splendid isolation," as he calls it, was left behind, and our flag now touches the interests of the world at so many points that we are no longer an isolated nation and never again will be. He refers to the low expenses of the Army and Navy before the Spanish war. That is true. Congress had gone on year after year crippling both arms of the service until we stood, in the estimation of the world, powerless before an enemy even of the character of Spain, and it proved the most expensive economy this nation has ever indulged in. If we had been developing our Navy and reorganized our Army, if we had prepared for war, we would not have had any war and none of the vexing questions that now trouble us. We can not go back to it any more than we can go back to the old sailing vessel of seventy-five years ago. The gentleman from Minnesota tries to frighten this House with the enormous expense of our de-He refers to percentages which I deny, even when we combine all the amounts which are spent for pensions and coast defenses and for the Army and Navy proper. The entire amount of the bills for the current fiscal year for the Army and Navy carry, in round numbers, \$172,000,000.

We have, in addition to that, carried by the pension appropriation bill, in round numbers, heretofore \$139,000,000. Does the gentleman object to the \$139,000,000? He says that it is the greatest expense of any nation. That pension roll is the result of the greatest war of any nation, and to my mind it is a more effective method of inculcating patriotic sentiment in every hamlet of the country than can be brought about in any other way. It is true that we spend more than any other nation in proportion to the numerical strength of our Army and Navy, because we pay more to the enlisted strength of each arm than any other nation for service to the country. In our Army we pay as much as eight or nine times more than many of the nations of the world. I am not in favor of this additional battle ship because I am fearful of immediate war, but I am in favor of it because I believe it makes for perpetual peace. That is the reason. [Applause.]

were unprepared and when on this floor Members of Congress had stated that we were in no danger of a conflict and that we never could have another war. And while we as a nation do not expect war and it may not come to this country in the next fifty years, it may come to this country in the next five. It may not come from the east; it may come from the west; but if we are ready for it, if we are prepared for it, if we stand ready, not for aggression, but for defense, then we are more certain to avoid it than we are if we strip ourselves of the power of maintaining the rights of this country.

Mr. Chairman, one of the gentlemen in opposition to this measure said that we wanted more means of defense and that the battle ship was only a means of offense. This same bill provides a larger measure than any one that we have had before for means of defense. And I hope, Mr. Chairman, that when the vote is taken it will certify to the world that the United States of America, loving peace, is yet ready for war. [Ap-

plause.1

[Cries of "Vote!"]

Mr. FOSS. Mr. Chairman, I yield five minutes to the gentle-

man from Louisiana [Mr. MEYER].

Mr. MEYER. Mr. Chairman, I favor the construction of one first-class battle ship similar in all essential characteristics and additional to the battle ship authorized in the last year-and, of course, the direction to proceed in the construction of the latter—thus giving us two of the strongest, swiftest, and most efficient vessels of war, so far known in naval military science.

The arguments presented by the distinguished gentleman from Ohio [Mr. Burton], in the speech we have just heard, are seductive, and present sentiments and aspirations worthy of his

intellect and noble humanity.

Yet, unless human nature changes from all its tendencies during the ages, we can not expect to realize his ideals in the years to come. We may dream of universal peace—we may repose calmly in the beatific hope that the millenium has been reached—and that all the people of the earth have "beaten their swords into plowshares and their spears into pruning hooks," but our awakening will tell us that wars on our continent and with other nations have not ceased to exist.

Mr. Chairman, I listened with interest to the comments of my honorable friend from Texas, Mr. Slayden, upon my remarks uttered on the pending bill whilst in general debate. I thank him for his kind words, uttered, I conceive, in sincerity, although tinctured somewhat, I suspect, with friendly badinage.

I have been, as he infers, a student of history, and the instances of naval successes and their influence upon the destiny of the nations, as recited in my speech, can not be gainsaid. They are written in the annals of the world, and there they will

stand forever. [Applause.]

It has been said that "History is philosophy teaching by examples," and I again urge that all history teaches us that an

efficient navy is necessary for the safety of a nation.

Preparedness is essential, vital. There are many persons who, not stopping to note the lessons of history, imagine before war can come upon us there will be some preliminary warning and fair time given us in order to get ready.

History is full of contrary examples. Many of the bloodiest

wars of modern times have sprung suddenly.

The Franco-Prussian war is fresh in our recollection, and later still, the conflict between Russia and Japan, precipitated without warning by the latter power. Every nation with an organized and powerful force, whether on land or on sea, is always on the alert to strike the first blow if war must come. It is a word and a blow, and very often the blow precedes the word.

And so we witness the painful endeavors of the nation thus taken at a disadvantage to catch up with its adversary in military preparation and supplies, but it is very hard to make up for lost time and deficient preparation in war. There is not a great soldier, living or dead, whose teaching does not confirm

In a recent message, Mr. Chairman, the President says:

We can not afford to fall behind. Unless we intend to go building up the fleet we should abandon every effort to keep the position we now hold, whether in the Pacific Ocean or in American waters generally. Our justification for upholding the Monroe doctrine and for digging the Panama Canal must rest primarily upon our willingness to build and maintain a first-class fighting fleet. Be it remembered, moreover, that such a fleet is by far the most potent guaranty of peace which this nation has or can ever have.

Mr. Chairman, it seems to me that never have we been so little prepared to defend ourselves in case of trouble from a strong power, notwithstanding our vast material resources

We have declared our firm intention to uphold the Monroe None of us believed we would have war two months before we had the war with Spain. It came upon the country when we invasion of our continent to the east and south of us by the Old World nations. We are building the Panama Canal, which we must forever defend. We have, by conquest and otherwise, acquired Asiatic possessions, and thus interfered with the affairs of the Old World; and have we not, by these and other causes, subjected ourselves to aggression and retaliations from these sources?

We should not, Mr. Chairman, permit ourselves to be deluded with utopian ideas about universal arbitration and general disarmament. As long as human nature exists such views may not be realized. No Hague conference or parliamentary agreements can accomplish these great and magical changes.

The time of the gentleman has expired. The CHAIRMAN. Mr. FOSS. Mr. Chairman, I yield one minute more.

Mr. MEYER. Mr. Chairman, the distinguished gentleman from Ohio [Mr. Burron] in his remarks stated that during the last century-I believe I understood him correctly-there had been a hundred cases where arbitration had settled international difficulties. That, no doubt, is true; but I would also refer to the interesting fact that in the last two hundred years of 117 wars of more or less magnitude but 10 have been preceded by a declaration of war, and in the case of the 107 such declaration was dispensed with.

This does not include the most noticeable instance, the recent Japanese-Russian war. Therefore we can not assume that without preparation we may successfully resist any sudden attacks that may be made upon us without due notice. I gather this information, Mr. Chairman, from a very carefully prepared report made to the Fifty-second Congress by a gentleman from California discussing the militia bill of that day.

Mr. BURTON of Ohio. Was this information enumerated? Mr. MEYER. Yes; it was enumerated; and with the permis-

sion of the House, I will embrace it in my remarks.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. MEYER. In conclusion, Mr. Chairman, I will say that this is neither a sectional nor political question. The time has gone by when the voice of faction or party spirit could cavil at a liberal policy of encouragement of this arm of our national defense. Therefore in any steps we may take in this direction we will respond to the ardent aspiration of the American people by providing adequate means to defend our rights in peace or in war. [Applause.]

# APPENDIX.

HISTORICAL EXTRACTS SHOWING WHERE HOSTILITIES BEGAN WITHOUT DECLARATIONS OF WAR.

The year 1700 opened with profound peace, yet on March 12, without public declaration of war, 40,000 Saxons under General Fleming swept down before Riga, then belonging to Sweden.

In the month of December, 1700, French troops arrived by night and took possession of the strongest places in Spanish Flanders.

On July 28, 1701, Marshal Catinat, with a French corps d'armée, took possession of the Alpine passes and descended into Lombardy.

During the early part of the winter of 1701 Prince Eugene selzed, without declaration of war, Canneto and other places in the territories of Guastalla, Parma, and Modena.

Throughout 1701 a naval war was carried on by England and Holland against France, but a formal declaration of war was not declared for several months after hostilities had been carried on.

In 1708 the Pope of Rome attacked by surprise a body of German Imperial troops and ordered them cut to pieces with great barbarity; also

In 1708 the English fleet suddenly appeared at Civita Vecchia and by

In 1708 the English fleet suddenly appeared at Civita Vecchia and by surprise dictated terms to the Pope.

In 1714 the Turks, by sudden lavasion seized from Venice the Morea without declaration of war.

In 1715 England, in peace, seized Swedish provinces.

In August, 1717, during peace, a fleet of war vessels carrying 9,000 men left Barcelona secretly for Sardina. Cagliari, the capital, was surrendered to the Spaniards.

In 1719 Spain secretly prepared an expedition and seized Messina and the greater part of Sicily.

The first case in the eighteenth century when declaration preceded war was in 1719, when France and England joined in war against Spain.

war was in 1719, when France and England joined in war against Spain.

In 1726, without declaration of war, a British squadron under Admiral Hosin was sent to the West Indies and blockaded Porte Bello.

In 1727 Spain, at peace with England, laid siege to Gibraltar from February — to November 23.

In 1733 Russia invaded Poland without a declaration of war.

In 1739 reprisals preceded war between Spain and England. War was declared by England October, 1739.

In 1740, the first Silesian war.

1741, naval fights between France and England without declaration of war.

1741, naval fights between France and England without declaration of war.
1742, without declaration of war, Naples, by action of an English admiral, forced to become neutral.
On June 27, 1743, the battle of Dettingen was fought, at which time no declaration of war had been made, nor was it made until March 20, 1744, when France declared war against England.
On August 9, 1744, Saxony and Bohemia were invaded by Frederick without declaration of war.
In 1747 sudden invasion of Holland by the French, in which the French secured all the advantages of sudden attack.
In 1754 France and England put forth hostile claims in America without declaration of war or notice. Fighting commenced between English and Virginia troops on the one hand and French on the other.

On May 17, 1756, England declared war on France. In August, 1756, Frederick the Great suddenly invaded Saxony with 75,000 men. He did not publish a declaration until after crossing the

In 1759 the Dutch commenced hostilities in India against the English

frontier.

In 1759 the Dutch commenced hostilities in India against the English without proclamation of war.

In June, 1770, 1,700 Spanish soldiers and marines with five frigates and a train of artillery and ordnance stores arrived at Port Egmont, when only two sloops of war and a miserable blockhouse with four guns-constituted all the means of defense. Articles of capitulation were immediately concluded.

In 1777 Austrian troops numbering many thousands entered lower Bavaria and seized every important place, no declaration of war having been previously declared.

On February 6, 1778, France signed secretly a treaty with Franklin, engaging to give assistance to the American colonies. France did not then declare war upon England.

In 1779 Spain joined France in a war against England.

On April 21, 1784, Austria sent a detachment of troops into Dutch territories and took possession of Fort Lillo.

On December 20, 1787, before the declaration of war was issued, Austria sent six regiments into Turkey for the purpose of surprising the Turkish fortress Belgrade. Declaration of war was not declared until July 10, 1789, a Spanish frigate of twenty-six guns captured two English vessels and seized a settlement.

On April 20, 1792, France declared war against the Empire of Germany.

On Sentember 28, 1792, the French Republic surprised Nice, Montal-

English vessels and seized a settlement.

On April 20, 1792, France declared war against the Empire of Germany.

On September 28, 1792, the French Republic surprised Nice, Montalbon, and Ville Franche, in the Kingdom of Sardinia during peace.

In the same year, without declaration of war, the French Republic ordered invasion of neutral Switzerland.

On July 1, 1793, France declared war upon England, Spain, and the Netherlands.

In 1795 England seized Dutch colonies, capturing the Island of Ceylon without fighting, no declaration of war having previously been made.

In 1796 the French republican army, without declaration of war, seized forts and territories of the states of the Church, Naples, Tuscany, Parma, Modena, etc.

On January 28, 1798, France suddenly invaded Switzerland. Naples moved against France, and France took possession of Navarra, Suza, and Conf. No declaration of war was made in any instance.

On September 5, 1800, Russia seized two British ships in Russian ports and sent their crews prisoners into the interior without declaration of war.

On July 14, 1801, reprisals were ordered by the English cabinet. All Swedish, Denmark, and Russian vessels in English ports were seized and a large English fleet under Sir Hyde Parker was dispatched to the Baltic, although there was no declaration of war.

On March 20 the Swedish inland steamer Bartholoméw, wholly unprepared for any defense, surrendered at the first summons to a force of three regiments of foot and a detachment of artillery under Lieutenant-General Trigge and a squadron under Renr-Admiral Duckworth.

In 1802 Napoleon sent a force of 20,000 men into friendly Switzerland and seized by surprises Soleure, Zurich, and Berne.

On November 23, 1806, the Russian army, during negotiation and after full concessions, suddenly invaded Moldavia and seized Chotsim, Bender, and Jass—

In 1806 England sent an expedition against Curaçoa; her fleet suddenly entered the harbor and Fort Amsterdam was assaulted and captured.

On March 6, 1807, England sent an expe

On March 6, 1807, England sent an expedition, during negotiations, into Egypt.

Mr. FOSS. Mr. Chairman, I desire to ask how much time has been consumed on either side?

The CHAIRMAN. The gentleman from Illinois has sixteen minutes remaining, and the gentleman from Ohio has ten.

Mr. FOSS. Does the gentleman from Ohio expect to consume the remainder of his time in one speech?

Mr. BURTON of Ohio. Only one, by the gentleman from North Carolina.

Mr. FOSS. Then I yield six minutes to the gentleman from

Ohio [Mr. GROSVENOR].
Mr. GROSVENOR. Mr. Chairman, the proposition involved in this amendment amounts to a refusal to construct a battle ship under the provisions of the bill relating to the maintenance of the Navy. The same result was practically achieved last year when the battle ship provided for in the naval appropriation bill was sidetracked for the alleged purpose of giving the House of Representatives and the Senate of the United States an opportunity to examine the plans and details of the battle ship and approve them before the President should be permitted to enter into I confess to inefficiency in this matter. I have not been able to reach a conclusion whether that battle ship is planned on the most perfect lines the country or the world has produced. It was a most singular suggestion and could not have been projected for any other purpose than delay and ultimate defeat of the battle-ship proposition, and so we stood before the world halting and hesitating, for I presume that no intelligent reader of the proceedings of the first session of this Congress believed that in good faith this scheme of a battle ship was to be examined and approved or condemned by the Congress of the United States. If I should examine these plans for ten years, I would not have any more knowledge than I have now. I have not had an opportunity to examine them, and my experience does not go beyond the construction of one of the cheapest kind of flatboats on the Ohio River, and therefore the country will have to go without my judgment on the question of the propriety and type of this battle ship.

Now, Mr. Chairman, we have reached a time in the year

when it is a practical question whether we will stand by the Administration of the now dominant party in the United States or whether we will refuse to do so. The issue is very squarely made in this case and the views of the President were fully expressed in his message upon this subject sent to the Congress in December, 1906, which is as follows:

expressed in his message upon this subject sent to the Congress in December, 1906, which is as follows:

THE NAYY AND ARMY.

The United States Navy is the surest guarantor of peace which this country possesses. It is earnestly to be wished that we would profit by the teachings of history in this matter. A strong and wise people will study its own failures no less than its triumphs, for there is wisdom to be learned from the study of both, of the mistake as well as of the success. For this purpose nothing could be more instructive than a rational study of the war of 1812, as it is told, for instance, by Captain Mahan. There was only one way in which that war could have been avoided. If during the preceding twelve years a navy relatively as strong as that which this country now has had been built up, and an army provided relatively as good as that which the country now has, there never would have been the slightest necessity of fighting the war; and if the necessity had arisen the war would under such circumstances have ended with our speedy and overwhelming triumph. But our people during those twelve years refused to make any preparations whatever regarding either the Army or the Navy. They saved a million or two of dollars by so doing; and in mere money paid a hundredfold for each million they thus saved during the three years of war which followed—a war which brought untold suffering upon our people, which at one time threatened the gravest national disaster, and which, in spite of the necessity of waging it, resulted merely in what was in effect a drawn battle, while the balance of defeat and triumph was almost even.

Id no not ask that we continue to increase our Navy. I ask merely that it be maintained at its present strength; and this can be done only if we replace the obsolete and outworn ships by new and good ones, the equals of any affoat in any navy. To stop building ships for one year means that for that year the Navy goes back instead of forward. The old battle ship Texas, for instance, would now be

Thus this pending question, arising upon the motion to amend made by my distinguished colleague from Ohio [Mr. Burton], raises the direct issue with the President. It seeks to refuse the request and advice of the Administration, and to do this in such a way as to humiliate the President in the eyes of the I will not occupy that position.

The President of the United States is the Commander in Chief of the Army and Navy and is responsible for the administration of both. If there is any one thing in which the President of the United States excels, it is in the care and devotion he has manifested in the upbuilding and perfecting of the Navy and the Army, and he has about him, or within reach at least, a corps of able assistants, and the foregoing is the opinion of the Administration upon the topic now under immediate discussion. So, Mr. Chairman, this provision in the bill is distinctly an Administration proposition, and opposition to it is distinctly opposition to the Administration and repudiation of the recommendation of the President of the United States. do not deny that Members of Congress ought to have some judgment of their own, and I do not complain if Members of the House of Representatives differ with the President upon matters of administration, but I am equally aware of the fact that very recently we have had in the United States a general election of Members of Congress, and in many cases involving the election of Senators, and the battle cry went up from one end of this country to the other, and strangely enough it was the cry of both sides of the great contest, "Stand by the the cry of both sides of the great contest, "Stand by the President," and strong appeals were made to Congressmen, candidates, to pledge themselves to aid the President in carrying out his plans of administration.

We are very fond of the President of the United States. He has been a wonderfully efficient and valuable leader of our great party. He has deserved and had the support of nearly great party. all the Republicans in Congress. He is entitled to it and will continue to have it. He has led the country forward. maintained the honor and dignity of our flag. W He has We stand higher and better for his leadership among the nations of the

world, and for one I guard with a jealous eye his especial relation to the country as Commander in Chief of the Army and

But to return to the last election, clean down to the day of the election it was a fashionable thing in this country to arraign candidates for office and leaders of the Republican and Democratic parties for having been faithless to the requests of the President of the United States. [Laughter.] It was fashionable to say that this candidate or this prominent official and that one had failed to support the Administration, and the cry was made, "Let us send Roosevelt men to the House and to the Senate;" and, moreover, this cry was not confined to the Republican party. Everywhere in a close district the Demo-cratic candidate proclaimed that he was the better Roosevelt man; that he wanted to come to Congress to uphold the Administration of Roosevelt. Whole States were up in arms to punish some men and compliment others. Away out in the State of Ohio we even went so far as to raise the question whether we should put a sort of limitation upon the indorsement of certain gentlemen because, forsooth, on some questions they had not voted with the President or as he had suggested, and a fierce battle raged all over the State, and it was proposed to enthusiastically and without qualification indorse the President and to indorse others with a sort of limitation, a mild toning down, so as to express the condemnation of certain factional leaders therein, and our Democratic friends practically fell down and worshipped the coming glories of a Democratic Administration to be based upon the principles and leadership of Roosevelt.

Now we have reached the time when the Administration comes forward, and in the discharge of his duty the President of the United States, as head of the Administration, urges upon Congress a certain action here upon this naval appropriation bill. I for one will yield all my doubt and uncertainty, if I had any; I will even indorse that battle ship I did not have the chance to examine. I believe it is the greatest battle ship of the world. I do so because the Administration approves of it, and if I were to study it ten years I would not know anything more about it than I do now.

This world's peace performance is not without its features challenging our admiration, and yet as to its effectiveness there may possibly be some lingering doubt. Immediately following the adjournment of the first session of this Congress some of our friends went abroad. They were the leaders of the idea of the early and complete disarmament of the nations of the world. It is a subject of academic discussion and has the elements of beauty and oratory and poetry. It challenges our love for peace. It admits to the ear our hostility to war. These gentlemen made a very respectable appearance abroad. They were well dressed, well educated, genial, pleasant gentlemen. They made good speeches. They were men of fine education, men with oratorical gifts, and they found auxiliary reenforcements among some of the Americans whom they met in Europe, and they told the people of the world that they advocated immediate and unconditional disarmament. A response came to their suggestion very shortly. It took the shape of the planning and the beginning of the building of more battle ships and auxiliary ships, including great cruisers and all the other features of naval armament, by the great nations of Europe than was ever planned in the same length of time, two or three to one. That was the response to the disarming proposition that our friends advocated. None the less they are deserving of credit for the spirit that inspired their efforts.

I am as much opposed to war as any living man. I know quite as much about war as some of our friends who are now advocating this amendment, and I know something of the consequences. I know something of the horrors. I know something of the long line of perpetuation of horrors after the battles, and I undertake to say that I am quite as strongly an indorser of the proposition that the world should reach the solution of international problems by peaceful measures as these gentlemen are, but the most convincing advocate of peace is the nation that is prepared for war. [Applause.]

It was because of our achievement in the Spanish war that the voice of Roosevelt became potential in the settlement of the Russo-Japanese war. It was because behind him stood not alone the public sentiment of the country indorsing him, but because there stood behind him a splendid Navy and that we had exhibited the spirit that would raise tremendous armies, and

our voice was potential. I shall follow the suggestion of the Administration in this as I have done in everything else that has been a question of administration and of party organization. I shall stand for the development of the American Navy. I believe that in the present conditions the scheme of this bill is none too great. I am not one of those who are trembling under the mere suggestion of war, but we have had wars and they have come unexpectedly and we have been unprepared. Let us take counsel of the history of the past and stand for a better condition in the future.

Mr. BURTON of Ohio. Mr. Chairman, I yield ten minutes, the balance of my time, to the gentleman from North Carolina

[Mr. WILLIAM W. KITCHIN].

Mr. WILLIAM W. KITCHIN. Mr. Chairman, it has been said in this debate and, I believe, truly said that this is not a political or sectional question. There is not a man in this body who does not favor a large Navy, one that is sufficient for the uses of the United States. But I belong in the list of those who believe that we have a large Navy, that we have now a Navy that is equal to the needs of the Government. I do not mean by that that we should stop the construction of large ships hereafter, because I agree with the President that we ought to keep our Navy up to its present standard. But I desire to call the attention of Members of this House to these facts, to show them that we have a large Navy.

Mr. Chairman, we have to-day in the course of construction three times as many tons of battle ships as we had on the water when we declared war with Spain. We have to-day on the water and in course of construction seven times as much navy in battle-ship tonnage as we had when Dewey won the victory at Manila and Schley at Santiago. When our Navy that is now authorized is completed it will be seven times as strong as the

Navy that demolished the navy of Spain.

A few years ago gentlemen frightened this body with the probabilities of war with Germany. Are there not many hearts here that then trembled as gentlemen predicted war with Germany? At that time the German programme was held up to us to induce us to enact immense provisions. We have now far outstripped Germany, and the then threatened probability of a German war is almost forgotten. But now, as this demand for an increased Navy comes up, they try to frighten this House again with probabilities of war with Japan. Who believes it? Is there one who wants no war that believes it? Is there a peaceable citizen, is there an unwarlike citizen, of this Republic who believes there is any probability of war with Japan? And suppose war should come with Japan? We have a Navy 60 per cent greater than hers. We have unlimited resources, we have the confidence of the world; and the proud record of Japan in war does not surpass the prouder record of the United States in war. [Applause.] Who fears Japan? There is not a single thoughtful American citizen who fears Japan in war. Why should we continue to build up this Navy with such immense strides from year to year? Why, Mr. Chairman, in 1901, during the last year of President McKinley's Administration, the most influential Member of this body declared on this floor that when the battle ships then authorized and in that bill carried were completed, he would think that we had a Navy sufficient for our needs. The beloved McKinley was killed and a more warlike character than that man of peace became President, and then the attitude of this House changed to a large extent upon the question of a great Navy. Since that day we have added eleven great battle ships and four armored cruisers to our Navy, counting those in the course of construction.

Some one has said this will be a step of retrogression if we adopt the amendment of the gentleman from Ohio. I deny it. Last year, while a battle ship was carried in the bill, when the amendment was put on requiring the Department to report plans to this body, that was a moral instruction to the Navy Department not to build that ship without further approval of Congress. And when we pass this bill, with the amendment of the gentleman from Ohio adopted, we will have instructed the Navy Department to proceed with the construction of that great

ship.

Another thing: This tonnage of battle ships is still an experiment. Nine years ago, when we declared war with Spain, the Oregon was the mightiest ship we had on the sea, and it was a 10,000-ton ship. Since that time we have increased the tonnage until now it is 20,000 tons. The evidence before the Naval Committee was that we can build a 30,000-ton ship or even a 50,000-ton ship just as practicable as a 20,000-ton ship. The only difference is that after you exceed the size of our dry docks they must be made larger, and after you exceed the depth of the harbors you must deepen them. It is largely a question of expense. And, Mr. Chalrman, when our present authorized Navy is completed, we will, in my judgment, never see a naval bill carrying less than \$100,000,000 for its maintenance.

The question was asked a witness what effect, in his judgment, would authorization by our country of sixteen 30,000-ton ships have upon the nations of the world—if it would not have one

of two effects, to prevent other nations of the world from trying to keep up with this great Republic of ours or to lead to an international agreement that would somewhat regulate the navies of the world, if not tend to disarmament. The opinion of the witness was that it might have one of those effects. I think it is as certain as anything within the range of human probability that within ten years from to-day the 20,000-ton battle ship will be comparatively out of date and be almost a relic of the past unless there is an international agreement. And, as has already been said, if we build two great ships we will need sixteen, because we shall have to have eight of them in the Atlantic and eight in the Pacific to constitute proper fleets for those seas.

I am in favor of this one battle ship, because I think Congress is practically committed to it by the appropriation bill of last year. Let us give the Commander in Chief of the Army and Navy of the United States one of these great battle ships for his flagship, but do not undertake to build two now, which will be the beginning of a policy that will inevitably require that all of our ships hereafter be immense ships, costing in ex-

cess of \$10,000,000 apieca.

If nothing were to be considered but ships, and you did not consider their necessity and the taxation of the people for them, there would be no limit to any man's desire for battle ships. But common sense and patriotism require that we should conform in the expenses to the interests of the people and the necessities of the country. If we are ever to stop the heavy burdens for war purposes upon the toiling masses of mankind not only in America, but throughout the world, some great nation must take the first step in behalf of peace. Some nation must begin the movement. As far as I am concerned, I am in favor of the greatest country in the world or in the world's history, with the greatest Christian influence of the age, taking the first step. am in favor of the United States, that has never known defeat, with confidence in her people, with confidence in her resources, with confidence in her strength and courage, which fear nothing less than the Divine—I am in favor of this Republic undertaking the path that is not merely a doctrinal declaration for peace, but a positive policy in the direction of peace. [Great applause.]

Mr. Chairman, I wish I had time to show by what great strides we are now building our Navy. We have to-day 40,000 tons more of battle ships in the course of construction, not completed, than any other nation in the world. Only one nation-Great Britain alone—has a navy that surpasses ours. has a greater tonnage than we have, but the French navy, in my judgment, is not as effective as our Navy, because their ships are not of the same high class. Our Navy far surpasses that of any other country. Some one has said that we have a greater coast line to defend than any other country in the world. I deny that. Great Britain has far more coast line than we. We have no fear of England. Brothers in language, brothers in race, brothers in ideas, brothers in religion; the 3,000-mile boundary line making Canada a perpetual hostage against hostilities from England; the great wheat fields and cattle pastures of the West, feeding Englishmen, and the broad cotton fields of the South, clothing them-all these conduce to peace and guarantee that England will never war with the United States unless the United States forces England to war. [Applause.] We have no fear of war with England nor of England in war, having whipped her in our teens; and I appeal to the membership of this House not to be stampeded by fears of British war. are all in favor of a great and strong Navy; how great and how strong depends upon the individual judgment of each Member as to what the probabilities of war are and as to what are the probabilities of a successful outcome if war comes. [Applause.]

Mr. FOSS. Mr. Chairman, in order that there may be no misunderstanding as to the recommendation of the committee upon this question I desire to read the provision in the bill:

That, for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed, by contract or in navy-yards, as hereinafter provided, one first-class battle ship similar in all essential characteristics, and additional to, the battle ship authorized by the act making appropriations for the naval service for the fiscal year ending June 30, 1907, plans and specifications for which last-named vessel have already been prepared and submitted by the Secretary of the Navy for the information of Congress, as required by the provisions of the aforesaid act.

I want to say that there is no difference of opinion to-day among our naval authorities as to the tonnage of this ship. Some men perhaps who are advocating peace, as is the gentleman from Ohio [Mr. Burron], may have their serious doubts. Some, who for instance may spend their time in studying theories and not the actualities, may have their serious doubts. Some gentlemen who are opposed to the onward building up of the

American Navy may have their doubts; but I want to say to you that among the officers of the American Navy, the men who fight the ships upon the sea, there is no doubt or question as to this particular battle ship. The continuous for the particular battle ship. as to this particular battle ship. The gentleman from Minnesota [Mr. Tawney] comes in here every year and tries to dump upon the naval appropriation bill an argument in favor of reducing our Navy. He usually furnishes a statement showing how we are increasing in appropriations and how all the Departments of the Government are increasing in the cost of maintenance. Why should he come in here every year and dump this upon the naval appropriation bill? There is not a bill that comes out of his committee, there is not a bill that comes from any other committee of this House this year that does not carry an increase of appropriations, except this bill which comes from the Committee on Naval Affairs, and the appropriation that we ask for this year is \$5,000,000 less than that which we asked for last year.

Mr. FITZGERALD. Mr. Chairman, the fortifications appro-

Mr. FIGERIAD. Mr. Chairman, I do not care to be interrupted.
Mr. FOSS. Mr. Chairman, I do not care to be interrupted.
The gentleman from Kentucky made a speech here to-day in which he stated that he had information of some kind that England was proposing to offer at the peace conference a proposition of the state of the peace conference appropriate of the peace of th sition of disarmament. We are to judge nations not by what we are told, or by what we read in the newspapers, but by how they act. Since the Interparliamentary Union met in London last year, England is building three more Dreadnoughts, and it is her declared policy to authorize several more. So I say to you here to-day we must measure nations and people as they act, day by day, not as, for instance, some prominent official

in the Government may propose to do.

I forgot to state that while it has been said by the gentleman from Ohio [Mr. Burton] that our appropriations for the Navy have increased tremendously during the last twenty or thirty years, he forgot to say that our appropriations for every Department of the Government had increased by a large percentage. For rivers and harbors we passed a bill amounting to \$83,000,000. What makes the tremendous increase in appropriations? the fact that the nation has grown, and we are proud of that fact; but let me say that in proportion to what our forefathers spent to maintain the Government a hundred years ago, we are

expending less upon the Navy than did they.

To come back to the other proposition, I say to you that we must take humanity as it is. It is all well enough to dream of peace; it is all well enough to talk peace; it is all well enough to pray for peace; but the thing that our country must do is to be prepared in case of war. Pray for peace, yes, but in the meantime prepare for war. Some gentlemen, for instance, may have reached that stage of moral perfection where they could be translated to another realm where it is said the angels contend with hosannas and song, but as for the most of us, and for the peoples and nations to-day that inhabit the earth, we have

not reached that stage of human perfection.

Indeed, upon this floor we often see manifestations of the fighting blood of our own people, and it is with difficulty we can sometimes restrain our own Members from getting at each other. There is fighting blood here, even in this great legislative body, which we often say in patriotism and intelligence is superior to that of any similar body on the face of the globe. Yet we are all for peace. Still there is the fighting spirit here. Is not that true of nations and peoples wherever you unto the people or nation which loses entirely its fighting spirit; woe unto that people and to that nation through whose veins does not flow the rich red blood of determination, or insistence on its rights, and of moral and physical courage. I know that wars are cruel; I know they are great evils. Yet we know that they come, and the great battles of history have only marked decisive steps in the development of the civilization of the world. Henry Ward Beecher, that great Christian preacher and philosopher, once said, likening the whole human race unto one yast body, that wars, after all, were only God's amputations of offending members. We are to-day under the control of a higher providence than our own. We move on, discharging our responsibilities in the heat and light of the day, but woe unto us as a nation and a people if we by our act to-day or any other day put ourselves in a position where we will be unprepared to carry out the responsibilities and obligations which are placed upon our shoulders.

Now, Mr. Chairman, the gentleman from Minnesota has said that we could shoot away all our ammunition in an hour and Yes. Let me say to the gentleman from Minnesota a half. that the battle of the sea of Japan was won in less time than that. It was fought and won in forty minutes. The gentle-man from North Carolina [Mr. WILLIAM W. KITCHIN] has said

we are building a navy seven times larger than the Navy which we had in the Spanish-American war. Yes. We did not have much of a navy in the Spanish-American war, and we wished at that time we had more; but we were fortunate in the Spanish-American war to have had no stronger foe against us than Spain.

s than Spain. [Applause.] Mr. DRISCOLL. Will the gentleman yield for a question? Mr. FOSS. No; thanks. Now, Mr. Chairman, I say to you here to-day that I believe that all our interests demand an upbuilding of the American Navy-our interests upon this hemisphere and upon the other-and I can not do better than to repeat those words of the President of the United States in his letter in which he says, "We can not afford to fall behind, and we shall fall behind if we fail to build first-class battle ships Unless we intend to go on and build up the fleet, we ourselves. should abandon our effort to keep the position we now hold by it in the Pacific Ocean or in American waters generally." [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The question is upon the amendment offered by the gentleman

from Ohio.

The question was taken; and the Chair announced that the appeared to have it.

Mr. BURTON of Ohio. Division, Mr. Chairman.

Mr. SULZER. Mr. Chairman, I have an amendment to the amendment pending, and I desire to offer that amendment.

The CHAIRMAN. The Chair will state that the amendment sent by the gentleman from New York to the Clerk's desk was not an amendment to the amendment, but an amendment to the paragraph itself, which he can offer later.

Mr. BURTON of Ohio. Mr. Chairman, I ask for a division. The committee divided; and there were—ayes 104, noes 122. Mr. BURTON of Ohio. I ask for tellers, Mr. Chairman.

Tellers were ordered.

The gentleman from Ohio [Mr. BURTON] The CHAIRMAN. and the gentleman from Illinois [Mr. Foss] will take their places as tellers.

The committee again divided; and the tellers reported that there were—ayes 114, noes 146. [Applause.]
So the amendment was rejected.

Mr. SULZER. Mr. Chairman, I now offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amend as follows: After the word "constructed," in line 6, page 81, add "in the New York Navy-Yard, in the discretion of the Secretary of the Navy, one first-class battle ship of 22,500 tonnage and a speed of not less than 23 knots an hour, to be called the Perry," and strike out all after the word "constructed," in line 6, to and including the word "characteristics," in line 8.

Mr. MUDD. A point of order, Mr. Chairman. The CHAIRMAN. Against that the gentleman from Mary-

land makes the point of order.

Mr. MUDD. That it fixes the name and place of construction, and, it seems to me, it is a limitation upon the discretion of the Secretary. The law now provides how ships shall be named, and this a change of existing law.

Mr. SULZER. It is impossible for me to hear what the gen-

tleman from Maryland says.

Mr. MUDD. I stated, Mr. Chairman, if my information is correct, the law now provides specifically in regard to the manner of naming ships, and this is a change of existing law in addition to limiting the discretion of the Secretary.

Mr. SULZER. I leave it in the discretion of the Secretary.

Mr. MUDD. But it changes the law as to the naming.

The CHAIRMAN. Does the gentleman from New York desired to be beauted.

sire to be heard?

Mr. SULZER. Just a word, Mr. Chairman, if it is the opinion of the Chair that this amendment offered by me changes existing law by reason of the fact that I have asked to have this battle ship called the "Perry," then I ask to strike out of the amendment the words, "to be named the Perry." Then, the amendment that I now offer is to the effect that this new battle ship shall be 22,500 tons burden and have a speed of not less than 23 knots an hour, also leaving the place of construction to the discretion of the Secretary of the Navy.

The CHAIRMAN. The Chair is of opinion that the amend-

ment as offered is subject to the point of order. Without going further into its provisions, it fixes the name of a battle ship, which is a change of the existing law, providing how battle ships shall be named, and that part being in violation of the rule, the whole amendment falls. The point of order is sus-

tained.

Now, the gentleman from New York [Mr. Sulzer] offers an amendment in different form, which the Clerk will report.

The Clerk read as follows:

Add:
"In the New York Navy-Yard, in the discretion of the Secretary of the Navy, one first-class battle ship of 22,500 tonnage and a speed of not less than 23 knots per hour, and strike out, after the word 'constructed,' in line 6, and to and including the word 'characteristic,' in line 8."

Mr. SULZER. Now, Mr. Chairman, as this amendment has been read by the Clerk, it seems to me that it is clearly in

The CHAIRMAN. The Chair does not understand that anybody has made a point of order against it.

Mr. MUDD. As I understand it, the reference to the name has been stricken out?

Mr. SULZER. Yes; and I ask for a vote, Mr. Chairman.

Mr. FITZGERALD. Mr. Chairman, I wish to debate the amendment.

Mr. Chairman, in the act of July, 1902, two battle ships were authorized, one to be constructed by contract, the other to be constructed in a navy-yard. Those two ships have since been under construction. The one that was authorized to be constructed in a navy-yard is finished, but the one that was austructed in a navy-yard is finished, but the one that was authorized to be constructed by contract is not finished. The Connecticut, built at the New York Navy-Yard, was finished December 12, 1906. There has been considerable misinformation spread broadcast regarding these two ships. I have here a statement, dated the 1st of February, issued by the Navy Department, in which it purports to give the complete cost of the two ships. It appears, however, that the statement is only brought down to the 1st of January, 1907. The Connecticut, which was built at a payy-yard was finished completely cut, which was built at a navy-yard, was finished completely on the 12th of December, 1906, and left its wharf for the first time ready and equipped to fight. Of no other ship built in any country for a modern navy can the same statement be made. The Louisiana is to-day in a navy-yard, being completed by the Government instead of by the contractors.

Mr. SULZER. Private navy-yard?
Mr. FITZGERALD. In a Government yard at New York.
The Chief of the Bureau of Construction and Repair in his report for the year 1906 states that it was deemed advisable to accept the Louisiana from the contractors some time in April or June, because of delays in delivery. The boat was accepted, and the contractor was released from the obligation of installing the batteries with the battery accessories. The vessel was commissioned in June, 1906. Last fall it was selected for the purpose of conveying the President of the United States upon his memorable trip to Panama. It was accompanied by two smaller vessels, ostensibly because in case of accident to the Louisiana it would be advisable to have some other ship ready to permit him to continue his journey without delay or interruption.

The fact is, however, that although it was advertised that the President of the United States had set sail for Panama upon the latest and most modern battle ship of the Navy, the vessel did not have a single gun in serviceable condition. a turret gun nor one of its broadside guns could have been used in case of necessity. Since ascertaining these facts I have been inclined to believe that a secret fear on the part of the Navy Department that perhaps some of the enterprising South American republics needing a man of the capacity and characteristics of the President to regulate their affairs might possibly kidnap him was the real reason for selecting the two smaller vessels to accompany, and if need be, to protect the first-class battle ship.

Upon the 1st of January the difference in the cost between these two vessels-and I shall, with the permission of the committee, insert the exact figures in the RECORD-was three hundred and fifty-nine thousand and some odd dollars.

Comparative statement of the cost of construction of the hull and machinery of the U.S.S. Connecticut and U.S.S. Louisiana to January 1, 1907.

	Connecticut.	Louisiana.
Cost of labor and material applied to construction of hull and machinery: Under Bureau of Construction and Repair		
Amount paid to contractors for hull and machinery. Cost of general superintendence, office expenses, etc., at navy-yard, New York: Under Bureau of Construction and Repair. Under Bureau of Steam Engineering. Under Bureau of Equipment	13, 490. 62	\$3, 972, 457.00

a All charges of this nature for the Louisiana are included in amount paid to contractors.

Comparative statement of the cost of construction of the hull and machinery of the U.S.S. Connecticut and U.S.S. Louisiana to January 1, 1907—Continued.

	Connecticut.	Louisiana.
Cost of drafting and elerical work: Under Bureau of Construction and Repair	\$108, 520. 64 31, 310. 76 11, 622. 53	\$34, 245, 46 12, 897, 52 805, 28
Under Bureau of Construction and Repair Under Bureau of Steam Engineering Approximate amount due contractors in final settlement	3, 082. 74 1, 194. 18	3, 152, 47 1, 354, 86 120, 000, 00
Total cost of hull and machinery (except armor and armament)  Cost of armor  Cost of turret mounts	4, 535, 192, 69 1, 562, 068, 50 242, 986, 44	4, 144, 912. 59 1, 579, 291. 05 256, 618. 76
Total cost of hull and machinery, including armor and such armament as is chargeable to "Title A, Cost of construction" (turret mounts).	6, 340, 247. 63	5, 980, 822. 40

Note.—The difference in cost between the armor of the two ships is stated by the Bureau of Ordnance to be due to the fact that the armor of the Louisiana weighed 35.23 tons more than that of the Connecticut. The difference in cost of the turret mounts is accounted for by the Bureau of Ordnance and stated to be "owing to the changes, alterations, experiments, and necessary slowness of manufacture as compared with material and designs which have already been manufactured and thoroughly tested out. The excess of \$13,630 is not considered great."

E. B. Rogers,

Paymaster-General, U. S. Navy.

Navy Department.

NAVY DEPARTMENT, Bureau of Supplies and Accounts, January 30, 1907.

Since the 1st of January the Louisiana, however, has been sent into the navy-yard to be completed. It was sent there early in January. Work will not be completed upon her until late in March, and my information is to the effect that it will cost the Government about \$360,000 to complete the ship that was supposed to have been completed by the contractors last June. There has been, in my opinion, a deliberate attempt to mislead the country in regard to the condition of these ships.

I have before me the annual report of the Chief Constructor of the Navy for the fiscal year ending June 30, 1906. He gives a list of vessels under construction by contract. The Louisiana is not named in that list. In the report of the progress upon naval vessels under construction, issued June 11, 1906, the Navy Department stated that the *Louisiana* was 100 per cent completed.

The CHAIRMAN. The time of the gentleman has expired. Mr. FITZGERALD. Mr. Chairman, I ask for five minutes more time.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that he may proceed for five minutes. Is there objection?

Mr. FOSS. Mr. Chairman, I think we ought to close debate

on this.

Mr. FITZGERALD. This is all the time I want.

Mr. FOSS. I wish to give notice that I will move to close debate when the gentleman gets through.

Mr. FITZGERALD. I only want five minutes, and this matter is important.

Mr. SULZER. Mr. Chairman, I want two or three minutes to explain briefly my amendment as it now stands, as several Members of the House do not seem to understand it in its present form.

Mr. FITZGERALD. In the report issued in June it was stated that the vessel was 100 per cent completed, and in the report issued in July it was stated that it was 100 per cent completed except the installation of batteries and accessories, from which the contractor was relieved.

I have also the list of vessels under construction issued on the 10th of January, 1907, contained in the report of the chairman of the committee, furnished to him by the Navy Department, and although at that time the Louisiana had three months' work still to be done upon her, the name of the Louisiana is

omitted from the vessels still under construction.

For the first time in the history of the Government these vessels were completed within contract time. The year before last, when the vessels that had been authorized were let under contract, the vessels let by contract after this competitive test had started were let at between two and three hundred thousand dollars in excess of the cost of the ship—the Louisiana built by contract under this competition.

During the last two years two additional ships were to be built. I asked for and obtained the consent of the Secretary of the Navy to permit the navy-yard to submit a bid in competition with the private builders, and the result of that competition from the Government yards was that the bids were more than \$300,000 less than the bid for the Louisiana, and under the contracts which were let the Government will save upon the two battle ships over \$700,000. If that is to be the result of this policy of building in Government yards, then I am more than confirmed in the belief I had in 1899, that it is a wise thing for a part of the vessels authorized for the Navy to be built in the Government yards.

It is a check upon the extortion of contractors. It enables, as the Department officials say, an accurate estimate of the cost of doing the work to be obtained. It permits a trained, skilled force of men to be retained continuously, so that they can be diverted from the new work to repair work as the occasions require; and the evidence is that during the four years that this ship-the Connecticut-was under construction the Department never hesitated to take the men from that ship in order to complete repairs upon the fleet under emergency orders. This being the case, Mr. Chairman, I trust that the policy that has been so wisely initiated and has resulted so beneficially to the Government will be continued.

Mr. CALDER. Is it not a fact that the Louisiana was the first ship built by contract in contract time?

Mr. FITZGERALD. It was the first ship ever turned over to the Government, within contract time, but it has not been completed and will not be completed until after the adjournmen of Congress, although all the reports of the Department have indicated that it had been completed.

Mr. MUDD. I would like to ask the gentleman a question.
Mr. SULZER. Mr. Chairman, I ask unanimous consent for
two minutes to explain this amendment to the House, because a number of Members have been to me and told me that they did not quite understand it.

Mr. FOSS. Mr. Chairman, I move to close debate upon this paragraph and upon this proposition in ten minutes.

Mr. PRINCE. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PRINCE. Does the effect of that motion preclude any

further amendments to this paragraph?

The CHAIRMAN. Not at all, as the Chair understands it.

It will only preclude debate.

Mr. SULZER. Oh, no; he said on this amendment.

Mr. FOSS. It is ten minutes on this amendment.

The CHAIRMAN. The gentleman from Illinois moves that debate upon this pending amendment be closed in ten minutes. The question was taken; and the motion was agreed to.

I now ask for three minutes.

The CHAIRMAN. The gentleman is recognized for three

Mr. SULZER. Mr. Chairman, I want to explain that all this amendment of mine does is this: Instead of a battle ship of 20,000 tons burden, as proposed by the Naval Committee, my amendment increases the tonnage to 22,500; and instead of making the speed not less than 21 knots an hour my amendment makes it not less than 23 knots an hour. That is practically all the amendment does. If the amendment is adopted, it will be the biggest battle ship yet authorized, but only for a short time, in my opinion.

The reason for this, I will explain, is that it will take at least one or two years to complete the plans and specifications for this new battle ship, and it will take one or two years more to complete the building of the ship, and by that time it will not be the largest battle ship in the world, or the second, or third, or fourth, or fifth largest battle ship in the world, because Japan, England, and France all have under contemplation at the present time designs for battle ships of over 22,500 tons, and with a speed of over 23 knots an hour. So that by the time this new battle ship is completed it will not be the largest war vessel in the world by any means. Let us give notice to the world to-day that if England and Japan and the other great powers of the earth are going to build these big battle ships we will and can continue to build them, too, so that we can and will always be able to protect American interests at home and abroad, and this policy, and only by this policy, can disarrament be brought about and universal peace established among the nations of the earth. [Loud applause.]

Will the gentleman from Illinois yield for a Mr. WALDO. question?

Mr. FOSS.

Mr. WALDO. Does not the bill as it is now proposed by the committee permit the building of this battle ship at one of the navy-yards, in the discretion of the Secretary of the Navy? Mr. FOSS. It does.

Mr. WALDO. Without regard as to whether bids are asked for or not?

Mr. FOSS. It is entirely within the discretion of the Secretary of the Navy to build this battle ship in the New York Navy-Yard or any other navy-yard or to build it by contract, and it is so provided in the language of the bill.

Now, Mr. Chairman, I desire to say one word in reference to the relative cost of the *Connecticut* and *Louisiana*. We have a document here known as "House Document 662," sent to the House of Representatives by the Secretary of the Navy, giving a statement of the expenditures on the battle ships Connecticut and Louisiana, and that is the best authority that we have upon the subject. I want to state that in answer to what the gentleman has said. What he has found out, or what he thinks he has found out, is another question; but this is what the Navy Department says, and the cost of the Connecticut exceeded that of the Louisiana by \$360,000 in round numbers.

Mr. FITZGERALD. That was up to the 1st of January of this year?

Mr. FOSS. The completed ships.

Mr. FITZGERALD. No; the Louisiana is not complete. The

gentleman is not aware of the facts.

Mr. FOSS. This is a full statement as to the relative cost of the two ships, furnished by the Chief Constructor to the Secretary of the Navy and sent here to Congress. Now, so far as the Connecticut and Louisiana are concerned, the Chief Constructor has said, in his hearing, that they were both given fair play; that one was not held up in favor of the other; that in this competitive trial of construction, so to speak, everything was done impartially. I want that statement to go into the Record, Mr. Chairman, and that is all I have to say about this proposition. I call for a vote.

Mr. MAYNARD. Mr. Chairman—
The CHAIRMAN. For what purpose does the gentleman from Virginia rise?

Mr. MAYNARD. To offer an amendment to the amendment of the gentleman from New York.

The CHAIRMAN. The gentleman from Virginia offers an

amendment to the amendment, which the Clerk will report. The Clerk read as follows:

Strike out of the proposed amendment the words "in the navy-yard" and insert in lieu thereof "in one of the navy-yards of the United States Government."

Mr. SULZER. Mr. Chairman, I did not understand that amendment. I should like to have it reported again.

The CHAIRMAN. Which amendment?

Mr. SULZER. The amendment offered by the gentleman from

Virginia.

The CHAIRMAN. If there be no objection, the amendment will be again reported.

The amendment was again read.

Mr. SULZER. I will accept that amendment.
The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. MAYNARD] to the amendment offered by the gentleman from New York [Mr. Sulzer].

The question being taken, the amendment to the amendment

Mr. FITZGERALD. I move to strike out the words "in his discretion."

I make a point of order against that, ERALD. You can not make a point of order Mr. FITZGERALD. against a motion to strike out, under the rules of this House.

Mr. MUDD. The gentleman is probably correct on that, but if the words. "in his discretion" are stricken out, then the amendment itself will be so changed that it will be a new proposition.

Mr. SULZER. Mr. Chairman, a parliamentary inquiry.
The CHAIRMAN. The gentleman will state it.
Mr. SULZER. If the motion of the gentleman from New York [Mr. FITZGERALD] should be carried, would the amendment offered by me then be subject to a point of order?

Mr. FITZGERALD. It is too late to make the point of order. The CHAIRMAN. The Chair is of the opinion that if a point of order had been originally made against the amendment of the gentleman from New York it would have been ruled out of order, but is unable to see, however, that the amendment sug-gested by the other gentleman from New York changes it in that regard and therefore overrules the point of order.

Mr. FOSS. I call for a vote, Mr. Chairman.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. FITZGERALD] to the amendment of the gentleman from New York [Mr. SULZER].

The amendment was rejected.

The CHAIRMAN. The question recurs on the amendment of the gentleman from New York [Mr. Sulzer].

The question being taken, the amendment was rejected.

Mr. PRINCE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 81, line 7, after the word "ship," insert "at a cost of not ore than a battle ship."

Mr. FOSS. Mr. Chairman, I desire to offer a substitute for that.

The Clerk read as follows:

After the words "battle ship," in line 7, on page 81, insert "to cost, exclusive of armor and armament, not exceeding \$6,000,000."

Mr. FOSS. That is the language of last year's bill.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Illinois [Mr. Foss] to the amendment offered by the gentleman from Illinois [Mr. Phince].
Mr. PRINCE. Mr. Chairman, I accept so far as I may the

substitute. My purpose in offering it was to fix the cost, so that we would not have a battle ship and under the guise of similarity make it cost \$10,000,000 or thereabouts.

The CHAIRMAN. Does the gentleman from Illinois withdraw his amendment?

Mr. PRINCE. I will withdraw it.
The CHAIRMAN. Without objection, the amendment offered by the gentleman from Illinois [Mr. PRINCE] will be withdrawn.

There was no objection.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois, the chairman of the committee.

The question was taken; and the amendment was agreed to. Mr. WEBB. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Add after the word "act," in line 14, page 81: "Provided, That before the construction of these vessels shall be begun a test shall be made with the service 12-inch projectile fired against a 12-inch Kruppized armor plate at a range of 5,000 yards to ascertain whether such projectile fired with service pressure will penetrate such armor plate."

Mr. MUDD. Mr. Chairman, I make a point of order against

that, or I will reserve it.

Mr. WEBB. Mr. Chairman, I do not think a point of order lies, but I will not discuss that, as I want to get at the merits of the question. We have just authorized the construction of two battle ships. Now, a battle ship is not dangerous unless it has on it dangerous projectiles. In the last three years it has been determined that the torpedo zone has doubled. In other words, no battle ship will fight an enemy within a distance of less than 5,000 yards, because the torpedo will destroy at 4,000 yards. that is the case and scientific men are to be believed, the 12-inch guns you are going to put on these battle ships will not harm or penetrate 12-inch armor on a ship of the enemy at a distance of 5,000 yards.

The Naval Institute, in 1903, said:

A new torpedo range of 2,000 yards is likely to make the range limit of guns 3,000 yards, a distance at which very little penetration may be hoped for even with normal impact secured.

That was in 1903. Since that time the torpedo range has increased to 4,000 yards, which makes at present the fighting range 5,000 yards. I challenge the gentlemen on the other side to show one instance where a 12-inch projectile, fired from a 12-inch gun, has ever penetrated 12-inch armor at a distance of 5,000 yards. It was not done in the war with Japan. In the naval battle on the Sea of Japan two vessels were struck, one 42 times and the other 100 times, and not a single penetration was registered. So that it seems to me we ought to take a little care as to the class of guns we put upon these ships. Why is it the Navy Department has never made a successful test in this matter? Wise men have declared that the 12-inch gun will not penetrate at 5,000 yards. Why do they not settle it by making an actual 5,000-yard-range test? It can be done with a very little extra cost. They put at present the gun within 100 yards of the armor plate, and because it shoots through that piece of armor by a system of calculation they conclude that it will penetrate at a distance of 5,000 yards. They forget that the impact is direct when they fire at close range, whereas when you shoot 5,000 yards the missile has no direct impact, but the point strikes downward instead of straight; and that is why scientific men tell us that no armor plate can be penetrated at that range. If it should be determined by this simple test that a 12-inch missile will not penetrate modern 12-inch armor, then it will be seen that all the guns to be placed on these two new vessels just authorized will be innocuous to an enemy at the 5,000-yard range now enforced by the torpedo range, and this would work a revolution in our gun construction. After a 12-inch gun is fired from 60 to 100 times the rifling becomes so eroded as to make the gun worthless, and in less than two hours' fight-

ing, during which time no harm can be done to the armored enemy if the necessary 5000-yard range is observed, the vessel carrying such guns must sail away to be reequipped with new

Let us have the Navy Department make this 5,000-yard test and report to this Congress the actual results, which will settle this matter once for all.

Mr. WILLIAM W. KITCHIN. The gentleman's amendment

provides only for test?

Mr. WEBB. That is all.

Mr. WILLIAM W. KITCHIN. It seems to me that is a wise provision, and I hope the gentleman will withdraw his point of order.

Mr. WEBB. That is all I wish to say on the amendment at present.

The CHAIRMAN. Does the gentleman from Maryland in-

sist upon his point of order?

Mr. MUDD. I do. I do not wish to discuss the merits of the proposition at all. The point of order is that it is purely legislation and in no sense a limitation upon anything in that paragraph. There is no expenditure of money there upon which a limitation might be made, and the amendment is not germane to the authorization of the ship.

Mr. WEBB. Mr. Chairman, just one moment. This is not nything new. It is providing that existing law for tests shall anything new. be carried out in a certain way, and is a limitation on this appropriation. I think such amendments have always been ruled

in order.

Mr. MUDD. There is no appropriation there.

Mr. WEBB. Certainly there is; the appropriation is made by the section I propose to amend.

Mr. SULZER. I beg the gentleman's pardon, but the limitation on the appropriation is upon the \$6,000,000.

The CHAIRMAN. The Chair is of opinion that in its present form the amendment would constitute legislation upon an appropriation bill and is in violation of the rule. The Chair, therefore, sustains the point of order.

Mr. WEBB. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.
Mr. WEBB. Would the Chair object to suggesting what form of amendment would not be in violation of these multifarious House rules and that would be in order? [Laughter.]

The CHAIRMAN. The Chair thinks it hardly within its province to do so. The Chair can pass upon amendments only as

they are offered and points of order made against them.

The Clerk read as follows:

Two torpedo-boat destroyers, to have the highest practicable speed, and to cost, exclusive of armament, not to exceed \$850,000 each.

Mr. FOSS. Mr. Chairman, I offer as a substitute for that the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 81, line 15, substitute:

"Two torpedo-boat destroyers, to have the highest practicable speed, and to cost, exclusive of armament, not to exceed \$800,000 each: Provided, That the cost of the three torpedo-boat destroyers provided for in the act making appropriations for the naval service for the fiscal year ending June 30, 1907, exclusive of armament, shall not exceed \$800,000 each."

Mr. FOSS. Mr. Chairman, I want to make this explanation to the committee: Last year we provided for three torpedoboat destroyers to cost, exclusive of armament, \$750,000. This year we provide for two, to cost \$850,000 each. The constructor is of the opinion that these five—that is, the three authorized last year and the two authorized in this bill-ought to be of the same size, and accordingly recommends this provision, which he has sent to me, providing that the cost of each, exclusive of armament, shall be \$800,000.

Mr. FITZGERALD. Will the gentleman yield for a ques-

tion?

Mr. FOSS. That is a reduction over the amount authorized in this bill. Mr. FITZGERALD. Does the Department contemplate in-

creasing the size of the vessels authorized last year? Is that why the cost is increased?

Mr. FOSS. I do not know; I could not state positively.
Mr. FITZGERALD. I ask that for this reason—
Mr. FOSS. Possibly a little, because the appropriation asked for is \$800,000 instead of \$750,000.

Mr. FITZGERALD. When the Department asked the gen-

tleman's committee to increase the size of the colliers and increase the appropriation, it did not state that the extra cost was due to the increased size, but stated it was due to the fact that they were built in navy-yards. Is this increased cost due to the fact that they are to be built by contract?

Mr. FOSS. No; I don't know that it is. I call for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and the amendment was agreed to. The Clerk read as follows:

The Clerk read as follows:

And the contract for the construction of said vessels shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and in the construction of all of said vessels the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same; the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic manufacture; and the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy; and not more than one of the vessels provided for in this act shall be built by one contracting party: Provided, That the Secretary of the Navy may build any or all of the vessels herein authorized in such navy-yards as he may designate, and shall build any of the vessels herein authorized in such navy-yards as he may designate should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

Mr. FOSS. Mr. Chairman, I offer the following amendment,

Mr. FOSS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

To follow in line 11, page 82, after the word "Navy:"
"And of the vessels provided for in this act, and the act making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, not more than one battle ship and one torpedo-boat destroyer, or two torpedo-boat destroyers, shall be built by one contracting party."

Mr. FOSS. Mr. Chairman, I desire to explain to the committee the reason for this. In the bill of last year we provided that not more than one-

Mr. ROBERTS. Mr. Chairman, will the gentleman permit a question?

Mr. FOSS.

Mr. ROBERTS. Does not the gentleman want to strike out the language after the word "Navy," in lines 11, 12, and 13, and

substitute that language for it?

Mr. FOSS. Yes. My motion is to strike out the words "and not more than one of the vessels provided for in this act shall be built by one contracting party" and substitute the provision which I have sent to the Clerk's desk and which has just been read. Now, the effect of that is this: For instance, as it now reads in the bill if a contractor offers the lowest bid for a torpedo-boat destroyer and secures that contract he would not This permits be able to secure a contract for a battle ship. every contractor who is successful to secure contracts to the number at least of one battle ship and one torpedo-boat destroyer or two torpedo-boat destroyers. The Constructor of the Navy sent me this provision and said that he believed that this would be for the best interests of the Government.

The question was taken; and the amendment was agreed to. Mr. HAYES. Mr. Chairman, I offer the following amendment to this paragraph.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

On page 81, line 21, after the word "delivery," insert the following: "Provided, That any bid for the construction of any of said vessels upon the Pacific coast shall have a differential of 4 per cent in its favor, which shall be considered by the Secretary of the Navy in awarding contracts for the construction of said vessel."

Mr. FITZGERALD. I make the point of order against that, Mr. Chairman.

The CHAIRMAN. Against that the gentleman from New York makes the point of order.

Mr. FITZGERALD. I will reserve the point of order. Mr. HAYES. Mr. Chairman, I will explain. This amendment is exactly identical with the amendment adopted in the bill of last year. Its purpose is not to secure any more or new rights or privileges than were given in the amendment of last year. I am advised that the reason why the committee did not in-corporate it in this bill was because they went upon the theory that the battle ship provided for last year was authorized in the bill passed at the last session. In the minds of some of us there is a doubt whether that is so, and in order to remove that doubt we ask the House to incorporate this amendment. It is exactly the same as last year, word for word. Now, so far as the point of order is concerned, I do not see it is subject to the

Mr. FITZGERALD. Mr. Chairman, I make the point of order

for the following reasons: This amendment was put on by the House last year, because it was believed that on account of the disaster at San Francisco a differential that has heretofore been given to the Pacific coast should be given, but when this 4 per cent differential was given some years ago I took occasion to place in the Record the bids which were submitted for ships under the authorizations. The bids of the contractors on the Pacific coast were 4 per cent to a penny in excess of the bids submitted by the contractors on the Atlantic coast, and the indications of the combination were so clear that it seemed to everyone that it was time to stop. When the differential was removed the Pacific coast contractors underbid all others. No more conclusive proof was needed that the differential was unnecessary. If the gentleman desires I will look up the record and place the bids in it again for the information of the House.

Mr. HUMPHREY of Washington. Mr. Chairman, on the Pacific coast we have just about completed the construction of one battle ship, and perhaps a few figures upon that particular vessel will throw some light upon the amendment now before the committee. The difference in freight as paid by the con-tractor on the material used in the construction of the Nebraska between what it would have cost him to have constructed it in any yard upon the Atlantic coast was \$165,000. The differential amounted to only \$150,000. There is another point which I want to call to the attention of the committee, and that is it costs about \$75,000 to take a vessel from the Atlantic to the Pacific coast, so that the differential would only amount to about 2 per cent. I therefore trust that the House will vote this amendment, because we do not have to-day upon the Pacific coast a single battle ship that is fit for use. We only have three battle ships upon the Pacific, and one of them is not completed, and the other two are in dry docks to be repaired.

Mr. FITZGERALD. Will the gentleman permit me? That is the fault of the Administration.

Mr. HUMPHREY of Washington. That is the fault of the Administration, but I voted a few moments ago for the increase to the Navy

I am in favor of the policy of building up a powerful Navy. am in favor of this nation having a Navy as great as that of any other country. I am in favor of this bill for the general good of the whole country, but as a representative of the Pa-cific coast I am unable to understand of what benefit our Navy is to my coast under the present policy pursued by the Navy Department. I am entirely at a loss to account for the policy of the Department in relation to the Pacific Ocean. no first-class naval vessels on the Pacific, and yet on the Pacific is where our next contest will almost certainly come, excuse of the Department for not sending any but inferior vessels to the Pacific is that they have only sufficient vessels to make one squadron, so therefore they must keep it on the Atlantic, where, in time of war, it would be utterly useless, but entirely safe. The only reason that I can see for keeping the squadron on the Atlantic instead of the Pacific is so that the officers can show their bravery, their courage, and efficiency in their strenuous social functions of our eastern cities. If there is any other excuse for it, it has never yet been made public. Neither do I believe that any justification can be shown for keeping most of the few vessels that are on the Pacific over in the Orient, exposing the men to the diseases and the debilitating conditions of a tropical climate and spending millions of money for repairs in the shipyards of other nations. It is the opinion of all naval men that I have ever consulted upon the proposition, and I have talked with many of them, that for the purpose of defending our oriental possessions a battle ship is just as well placed—in fact, is better placed—at Puget Sound than if placed at Manila. No naval expert, in fact, denies this proposition. If our fleet was on Puget Sound and any European squadron would attempt to strike our Philippine possessions, it would have to travel more than 5,000 miles further to reach the Philippines than would our squadron. Or, in other words, our fleet could go from Puget Sound to the Philippines, take ten days to coal, reach Manila well provided with fuel to fight a long engagement, and be there at least one month ahead of any European fleet.

If war were declared or threatened, our Asiatic fleet would immediately be hurried home. No other nation, except Japan, keeps a battle-ship squadron in the Orient. Japan's squadron is so immeasurably superior to ours that the only thing ours could possibly do, in case of a conflict with Japan, would be to attempt to escape and reach home. We would not dare make an attack until our squadron from the Atlantic could be brought to the Pacific. But this Asiatic squadron of ours, however, if kept at home, would prove a strong defense for the ports on the Pacific. One of the naval experts of this country, and now connected with the Navy upon this subject, has made the following pertinent statement:

A question which comes at once before any man who studies this matter is this: In case of a war with a foreign power, what would be done with our Asiatic fleet? Judging from facts, which any citizen has at his command, it is safe to say that no Administration could afford to ignore the clamor which would instantly be made to bring our battle ships home from China and to assign them to the protection of our own coasts. Without inquiring as to the correctness of this popular demand, the student is at once led to another query. "Granted its force, whether correct or not, would it not be more seemly to put our battle ships at this moment where they must inevitably go when war breaks out, and thus appear to do to-day willingly and of deliberate purpose that which if done later would seem to be done under the stress of foreign dicution?"

This statement is especially pertinent at this time.

There are other reasons of very great weight why our Pacific squadron should be kept at home.

It would keep our men in a healthy climate and in better surroundings in every respect.

It would keep our officers in touch with their own country.

It would give opportunities for fleet drill on the unrivaled waters for this purpose on Puget Sound.

It would increase and extend the knowledge of our commanding officers of our own coast, and this in itself, in the opinion of naval men, is of predominating importance.

It would put an end to the spending of vast sums of money

for repairs in oriental yards.

In view of all the circumstances and conditions, I have been unable to see any reason why our money should be spent in foreign countries or why our men and ships should be exposed to the perils of oriental waters. I know that my opinion upon this proposition is fully concurred in by at least two admirals in our Navy. The facts and the reasons and the conclusions that I have stated I know are conceded to be correct by many, if not all, naval authorities. Why this policy, this way, of the Navy Department is continued, like the ways of the Lord, is past finding out. I will insert in the Record a statement that I have just received from the Navy Department, showing the distribution of the vessels on the Pacific, the amount spent in foreign yards for the last five years, and how absolutely no protection is furnished by the Navy to the Pacific coast of this country. This statement shows that the policy of the naval board on the Pacific is astonishing, indefensible, and almost criminally inex-

The letter and statement are as follows:

Washington, February 11, 1937.

Sir: Replying to your letter of the 7th instant, requesting to be furnished with information as to the amount of money that has been expended by the Navy Department for the repair of naval ships in Hongkong and other foreign yards on the Pacific for the last five years, stating the amount for each year separately; the number of first-class battle ships now in the Navy and how many of them are on the Pacific; also the number and character of the naval vessels of all kinds now on the Pacific and where the same are located, I have the honor to inclose herewith, for your information, statements which have been prepared by the Bureaus of Supplies and Accounts and Navigation, which answer the inquiries contained in your letter.

Very respectfully,

G. A. Converse.

Hon. W. E. Humphrey, M. C.,

House of Representatives, Washington, D. C.

Expenditures for repairs, including charges for docking, to vessels on the Asiatic Station at foreign shippards during the fiscal years 1902 to 1906, inclusive.

Vessel.	1902.	1903.	1904.	1905.	1906.
Ajax			\$3,730.08		
Albany		0000 10	5, 903. 71		
Albay Alexander		\$330.18			
Annapolis		10 557 74	040.70		
Arayat	00 050 00	12, 557. 74	940. 10		
Arayat	2,000,00	**********	***********		*******
Arethusa	0,000.00	************	1 015 55	3, 801, 42	\$12,476.00
Bainbridge			1, 210.00	8, 606, 19	3,567.73
Barry			1.044.80	1,066.06	14, 262, 21
Brooklyn	10 191 46		1,011.00	1,000.00	14, 202, 21
Brutus	1011011 10			5, 360, 21	2, 366, 18
Cæsar				0,000, 22	703, 22
Callao			1,446.84		958.12
Celtie	9 240 55		2, 110.01		000.12
Chauncey			2, 273. 24	2,731.33	1,903.77
Cincinnati				1,809.47	13, 859, 89
Culgoa	8, 065, 22		1,000.10	2,000.11	20,000,00
D:42			618, 35	445, 74	989, 92
Decatur			1, 395, 04	1,587.04	1,430,70
Don Juan de Austria	6, 283, 64	10, 655, 28	977.62		
Eleano	5, 502, 99	1, 299, 66	2, 968, 23	5,842.13	2, 446. 47
Frolic	1, 316, 50	5, 421.85	2,621.62	3, 339. 42	912.51
General Alava		1,870.70	558.60	2,590.74	3, 186, 86
Glacier		13, 677. 63			
Helena		6, 438. 04	3, 732. 76	1,071.73	2,692,29
Iris	15, 271. 59	1,664.73			
Isla de Cuba	17, 212, 49	3,330.41			

Expenditures for repairs, including charges for docking, etc .- Continued.

Vessel.	1902.	1903.	1904.	1905.	1906.
Isla de Luzon	\$1,562.98 5,411.41	\$3,696.71 2,135,29	\$11,306,00	£2, 647, 24	\$2, 172. 77
Kentucky	11,503.16	13, 212.84	18, 230. 91		
Mindoro	11, 390. 56	4, 183. 92	89, 974. 91	471.96 6,996.31	2,726.31
Monterey	3, 624, 26	10, 791, 75 4, 568, 20 2, 431, 95	13, 295, 75 3, 454, 00 9, 942, 62	2, 966. 95 147. 00	2,063.51
New York	13, 933. 00	6, 111. 93	0,012.02	147.00	8, 936, 49
Oregon Pampanga		7,791.06	12, 935. 42	8, 924. 01 1, 126. 06	5, 727. 54
Paragua	2,327.84	1,811.21		745.19 2,669.01 832.97	533. 19
Princeton	11, 343, 63 4, 584, 50	649.81 8,924.84 573.17	6, 161. 11	002.97	2, 603, 28 5, 116, 45
Rainbow	197.09	5, 130, 52	3, 324, 79 16, 152, 03	1,710.12 3,164.27	2, 087, 11 24, 919, 85
Samar	9, 383. 48	654. 20		886.61	
Vicksburg Vilialobos	3, 477. 43 3, 217. 53	6,713.01 479.47	652, 87 5, 504, 90	3,532.34	705.74 2,758.12
Wilmington Wisconsin Wompatuck	2,674.16 1,894.81	15,411.54	7, 103, 38 8, 767, 40	11,010.01	9, 212, 44
YorktownZafiro	1, 231. 06 8, 699. 56	1, 358, 59 4, 570, 98	2, 155. 91	996, 29	
Total	218, 980. 19	191, 644. 94	197, 057. 37	94, 426, 50	133, 013. 25

Total for the five years, \$835,122.25.

E. B. Rogers,
Paymaster-General, United States Navy.

There are now 27 first-class battle ships in the Navy, as follows: Fit for service, including those under repair\_ Under construction\_\_\_\_\_

Of the 18 fit for service 3 are in the Pacific, as follows: Oregon, under repair and out of commission at Bremerton; Wisconsin, under repair and out of commission at Bremerton; Nebraska, under construction at Seattle.

There are now 98 naval vessels of all classes in the Pacific, as

repair and cut of commission at Bremerton; Nebraska, under construction at Seattle.

There are now 98 naval vessels of all classes in the Pacific, as follows:

Three battle ships: Wisconsin, out of commission at Bremerton; Oregon, out of commission at Bremerton; Nebraska, under construction at Seattle.

Six armored cruisers: West Virginia, at Cavite; Colorado, at Cavite; Pennsylvania, at Cavite; Maryland, at Cavite; South Dakota, under construction at the Union Iron Works; California, under construction at the Union Iron Works.

Two first-class cruisers: Charleston, at San Diego; Milwaukce, at Mare Island.

One second-class cruisers: Chicago, en route Acajutla.

Eight third-class cruisers: Albany, out of commission at Bremerton; Boston, at San Diego; Chattanooga, at Cavite; Cincinnati, at Cavite; Gaiveston, at Cavite; Marblehead, out of commission at Mare Island; New Orleans, out of commission at Mare Island; Releigh, at Cavite.

Eight destroyers: Bainbridge, at Cavite; Perry, at Mare Island; Barry, at Cavite; Preble, at Mare Island; Chauneey, at Cavite; Paul Jones, at San Diego; Decatur at Cavite; Dale, at Cavite.

Three monitors: Monadnock, at Olongapo; Monterey, at Cavite; Wyoming, out of commission at Mare Island; Fox, at Mare Island; Farragut, at Mare Island; Foote, at Mare Island; Goldsborough, at Bremerton; Rouean, at Bremerton; Rouean, at Bremerton.

Two submarines: Grampus, at Mare Island; Pike, at Mare Island; Two wooden cruisers: Adams, at Tuntila; Mohican, at Olongapo.

Twenty-seven gunboats: Alert, at San Francisco, assigned Naval Militia; Annapolis, out of commission at Mare Island; Calamianes, out of commission at Cavite; Helena, at Shanghai; Leyte, out of commission at Cavite; Helena, at Shanghai; Leyte, out of commission at Mare Island; Cavite; Henon, at Cavite; He

Island.
Converted yacht: Frolic, at Cavite.
Ten tugs: Active, at Mare Island; Fortune, at Mare Island; It quois, at Honolulu; Pautucket, at Bremerton; Piscataqua, at Cavit Rapido, at Cavite; Sotoyomo, at Mare Island; Unadilla, at Ms Island; Vigilant, San Francisco training station; Wompatuck,

Cavite.
Three receiving ships: Independence, at Mare Island; Pensacola, at San Francisco; Philadelphia, at Bremerton.
Unserviceable: Ionie, Marion, Nipsic.

Mr. HAYES. Mr. Chairman, I desire to suggest that this provision is the same provision that was inserted last session, and not new legislation, but a limitation upon the power of the Secretary under this act. I do not think it is subject to a point of order. And I would say further, in reply to the gentleman from New York [Mr. FITZGERALD], that the Government is entirely protected against any such combination as he suggests, as in the bill is a provision giving the Secretary of the Navy power to build any or all these ships in any navyyard if for the interests of the Government.

I desire further to say that this provision is not objected to

by the members of the Naval Committee.

The CHAIRMAN. The Chair is ready to rule. The Chair is of the opinion that the amendment of the gentleman from California is not in the nature of a limitation. It is legislation. and the Chair would have no hesitation in sustaining the point of order but for the fact that the paragraph to which the amendment is offered is itself out of order. It would have been so held had a point been made against it. The amendment appears to be germane to the paragraph. It has often been ruled that a paragraph that is itself out of order, having been by unanimous consent permitted to remain in the bill, may be perfected by any germane amendment. The Chair, therefore, overrules the point of order.

The question is on the amendment offered by the gentleman from California [Mr. HAYES].

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. HAYES. Division, Mr. Chairman.

The committee divided; and there were—ayes 44, noes 45.

Mr. HAYES. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from California, Mr. HAYES, and the gentleman from New York, Mr. FITZGERALD, will take their places as tellers.

Mr. FITZGERALD. Mr. Chairman, I suggest that the chairman of the committee having the bill in charge act as teller.

The CHAIRMAN. The Chair is of the impression that the

gentleman from Illinois [Mr. Foss] voted with the gentleman from California, and that the gentleman from New York antagonized the amendment.

The committee again divided; and the tellers reported-ayes 66, noes 72.

So the amendment was rejected.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert in line 23, page 82, after the word "vessel," the following: "Provided further. That in securing the armor of the best quality for the two battle ships mentioned in the paragraph herein, under the head of 'Increase of the Navy,' the Secretary of the Navy shall not contract to pay greater prices per ton than the prices contracted to be paid for the battle ships South Carolina and Michigan."

Mr. MANN. Mr. Chairman, I reserve the point of order upon that amendment.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I want to state that the purpose of this amendment is to limit the price to be paid for the armor plate for these ships to the price that the Government contracted in its last contracts to pay for the armor plate for the battle ships South Carolina and Michigan.

The Government has made these contracts at \$346 a ton. If the House will remember, a few years ago we paid \$545 a ton. Then later, after efforts for an armor-plate factory, we had a reduction to \$445 a ton; then a new contracting concern appeared on the field and offered bids for armor. The new contracting concern bid about \$47 a ton less than the two old concerns—the Carnegie people and the Bethlehem people—who had up to that time been bidding the same prices. The Secretary of the Navy did not give the new concern the entire contract, but gave it—the Midvale people—only one-third of the contract at \$398 a ton, and gave two-thirds of the contract to the old armor-plate manufacturers at the higher price of \$445. Now, the next time there were bids for armor plate, and this was in last July, as I recall, the old concerns bid \$375 a ton, which was less than the former bid of the new concern. But the new concern went lower than that, for they-the Midvale people-bid \$346 a ton, which was \$30 less than the two old concerns. Now, Mr. Chairman, one would think that the new concern would have gotten the entire contract. But, oh no! The old concerns then asked to have a share in it at the lowest bid, and the Secretary of the Navy gave the new bid-der—the Midvale people—only one-half of the contract, at \$346 for the highest class of armor, and divided the remaining half between the Carnegie people and the Bethlehem people at the same price. Thus we have this price fixed by competition. The Midvale people bid \$346, and the other two concerns were anxious to get half the contract at that price. What policy did the Secretary of the Navy practically announce in the award of these bids?

It seems to me-and I think it was an indication to these armor-plate factories hereafter-that the lowest bid may not get the whole contract hereafter, but that the contract will be divided, if all bidders so desire. If I am jusified in making that inevitable inference, then the tendency of that policy of the Navy Department will be to prevent low bidding. The intent of this amendment is to promote low bidding, and at the same time to limit our paying higher prices than the last contract. With this amendment the Midvale people and the Carnegie people and the Bethlehem people will be on the same footing, and with this understanding before them that the Government will not pay more than they were glad to get the last contract at. If we do not put this limitation upon it I fear they will not give as low prices again. With this explanation I hope the gentleman who made the point of order will not insist upon it, but let the House vote directly upon the amendment.

Now, Mr. Chairman, if the Chair will bear with me on the point of order one moment, following the very clear statement of the Chair when the last point of order was raised, the Chairman should hold that this is germane to the proposition in this bill in the last paragraph read, on which no point was made. In it there are provisions for the building and securing of material for the ships. This is an amendment to such provisions, is germane, and not subject to the point of order.

Mr. FOSS. Mr. Chairman, I desire to say a word upon this question. In the first place, I will call for a decision on the

point of order.

Mr. MANN. Mr. Chairman, my understanding is the provision in reference to a new battle ship has been held not to be subject to a point of order. Now, there may be, and are, as I understand, possibly, provisions in this paragraph as read which are subject to a point of order. Clearly the amendment offered by the gentleman from North Carolina is new legislation, and if presented as an original proposition is subject to the point of order as new legislation. Now, the amendment offered by the gentleman is not germane to anything in the paragraph.

Mr. WILLIAM W. KITCHIN. It is germane to what is in

the paragraph.

Mr. MANN. No; it is not germane to anything in the paragraph. It is not seeking in any way to perfect anything in the paragraph. It is an entirely new proposition, and while it is germane to the question of building a battle ship, the original proposition of building a battle ship is not subject to the point of order.

Mr. WILLIAM W. KITCHIN. It would have been.

Mr. MANN. No; if it were understood that the original proposition of building a battle ship is subject to the point of order, then there are many men in this Chamber who would regret that they did not make the point of order, and I am one of those. The mere proposition to build a battle ship is not subject to the point of order. Those provisions in the paragraph which are subject to the point of order are not sought to be amended by this amendment, and it seems to me that it would be a strained ruling to hold that a new proposition, entirely different from anything in the paragraph, not seeking to perfect anything in the paragraph, shall be omitted from the rule merely because the original proposition contains another item which is subject to the point of order.

Mr. DALZELL. Mr. Chairman, I desire to call the attention of the Chair to the fact that this paragraph to which the amendment is offered provides specially at the outstart for the construction of the vessels, exclusive of armor and armament, and that there is another paragraph in the bill that provides the armor. So clearly this amendment is not germane to this

paragraph.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, in reply to that, of course I admit that an amendment similar to this might be germane to an armor-plate appropriation. The last paragraph read does not pretend to do anything except to give instructions to the Navy Department in reference to the very ships in this bill authorized. Now, when this paragraph undertakes to provide for the construction of these ships and for securing their material, and so forth, then it seems to me, that being the object of the paragraph, any provision that is germane to the construction and securing of material for these ships is also in order.

Mr. PRINCE. Mr. Chairman, just a further word on the point of order. This paragraph is one that makes a contract for the construction of said vessels. In order to make a contract to construct we have a right, as a part of the terms of the contract, to limit, in behalf of the people, what we will pay under that contract for the purchase of the armor. It seems to me, in view of that fact, that the amendment does not fall under the objection of a point of order.

The CHAIRMAN. The Chair observes that in the paragraph

immediately preceding this the cost is stated "exclusive of The Chair will ask the chairman of the Naval Committee whether this paragraph under consideration, providing for the contract for the construction of vessels, is intended to include the armor, or whether that is excluded?

Mr. FOSS. It does not. It says "exclusive of armor and

armament," and relates to the hull and machinery.

Mr. ROBERTS. Oh, Mr. Chairman—
The CHAIRMAN. The Chair will ask the gentleman from Illinois whether the phrase "steel material," occurring in line 7, page 82, relates to armor?

Mr. FOSS. All I can say is that the only provision under the increase of the Navy carried in the bill relating to armor and armament is the provision on page 83, lines 15, 16, and 17.

Mr. FITZGERALD. That is the appropriation on account of contracts already made. In this particular paragraph it is required that all of the material be of domestic manufacture, and the act of August 3, 1886, to which reference is made herein, is an act under which several vessels were authorized, and by its terms all of the material, hull, machinery, and equipment are required to be of domestic manufacture. The armor is a are required to be of domestic manufacture. part of the vessel. The provision in the previous paragraph fixing a limit of cost merely refers to the cost of hull and ma-This paragraph authorizes contracts for the construction of the entire vessel.

Mr. ROBERTS. Mr. Chairman, I understood the Chair to inquire what was included in this provision for the battle ship, and I think the chairman of the Naval Committee [Mr. Foss] must have misunderstood the question. As a matter of fact, Mr. Chairman, when a battle ship is authorized as it is done here, we authorize the hull, the machinery, and the armor. We have heretofore in legislation and we have in this bill put a limit of cost on the hull and machinery. We never have put a limit of cost heretofore on the armor. Now, the gentleman from North Carolina [Mr. William W. Kitchin] seeks by his amendment to put a limit of cost on the armor. The contract for the armor must be let when the contract for the hull is let in order that the armor may be delivered to the shipyard and put upon the hull at the right time. Otherwise you would delay the construction of the ship to an unreasonable time, and, as a matter of fact, the reason most often given for the delay in building ships is that the people furnishing the armor do not keep their

contracts and furnish the armor on time.

Mr. FITZGERALD. Mr. Chairman, I have here the act of August 3, 1886, to which reference is made in this paragraph. Section 4 provides:

That the armor used in constructing said armored vessels and for completing said monitors shall be of the best obtainable quality and of domestic manufacture, provided contracts for furnishing the same in a reasonable time, at a reasonable price, and of the required quality can be made with responsible parties. Such armor shall be accepted only after passing such tests as shall be prescribed by the Secretary of the Navy and inserted in the contracts.

This reference to this act clearly shows that the armor is in-

cluded in this paragraph.

The CHAIRMAN. The Chair is ready to rule. The preceding paragraphs, under the head of "Increase of the Navy," authorize the construction of a battle ship and certain other vessels. It is true that the cost is limited to a certain amount exclusive of armor, but the paragraph authorizes the entire vessel. Now, the paragraph under discussion and to which the amendment is offered says "and the contract for the construction of said vessels"—without any limitation as to the armor or armament and without excluding the same-shall be let so and It then provides general legislation for the construction of said vessels, how the contracts for their construction shall be awarded, etc., and requires that they "in all their parts shall be of domestic manufacture." It seems to the Chair to cover all parts of the vessel. This is made even more clear by the provision in the paragraph that their construction shall be in accordance with the act of 1886, which specifically includes armor and provides for testing it. The paragraph itself, to which the amendment is offered, contains many provisions changing existing law, and must have been ruled out had a point of order been made against it; but having been permitted to remain in the bill, no point having been made against it, its perfection by any germane amendment is in order. The Chair is of opinion that the amendment offered by the gentleman from North Carolina is germane, and therefore overrules the point of order.

Mr. Chairman, I desire to state to the members of the committee that the Secretary in his report this year gives his reasons why he made the contract for the armor plate as he did. He says:

In urging this conclusion I was influenced partly by the fact that the Midvale Company was a little behind in its deliveries under pre-vious contracts, but mainly by the probability that if no work was given to the old companies, since the Government was their only cus-

tomer and they would soon complete their deliveries under the contract, after going out they would transform their plants for the production of armor plate and devote them to other productions for which there is a commercial demand, thus reducing the facilities for production of an article essential to the national defense and leaving the Government no source of supply except the Midvale Company. The conditions of the Department were accepted by all three companies and the contract was thus divided, the contract being on the whole the most favorable one of this character ever made by the Government.

Mr. Chairman, I call for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken; and on a division (demanded by Mr. William W. Kitchin) there were—ayes 88, noes 124.

The Clerk read as follows:

That the provision in the naval appropriation act approved June 29, 1906, authorizing the Secretary of the Navy to contract for submarine boats after certain tests to be completed by March 29, 1907, is hereby amended, in accordance with the recommendation of the Secretary of the Navy, so as to extend the test period until May 29, 1907; and the limit of cost provided for in the authorization aforesaid is hereby increased to \$3,000,000, and the sum of \$1,000,000, which includes the half million dollars heretofore appropriated, is hereby appropriated, and to remain available until expended.

Mr. BURTON of Ohio. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee what submarines, if any, we now have in use?

Mr. FOSS. We have about a dozen submarines now, eight

already constructed and some in process of construction.

Mr. BURTON of Ohio. Is this an additional appropriation of \$3,000,000 or is it an addition of \$2,000,000?

Mr. FOSS. Last year we made an appropriation of \$500,000, with an authorization of a million dollars, for the purchase of submarine boats after tests had been made by the Secretary of the Navy of the different boats submitted to see which was the best. Now we increase that appropriation of last year by \$500,000, making in all, the appropriation of last year and this, a million dollars. An increase of authorization after tests is made of from \$1,000,000 to \$3,000,000—that is to say, an increase of \$2,000,000 in authorization,

Mr. BURTON of Ohio. Can the gentleman state about what amount has already been expended for submarines prior to this

Mr. FOSS. A submarine boat costs about \$170,000. We have already built and have in process of construction twelve. Eight are already built and four are building, making a total of twelve, so that we have expended for submarines a good deal over a million dollars.

Mr. BURTON of Ohio. Is not this a very unusual increase,

pointing toward a different policy almost?

Mr. FOSS. Well, I do not know. Perhaps I can not answer that as well as some other members of the committee. Personally I am not in favor of submarines, but the majority of the committee is in favor of it, and I should prefer that the gentleman from Ohio would interrogate some other member of the committee.

Mr. BURTON of Ohio. Mr. Chairman, I would like to ask one further question, whether this has the approval of the Navy Department; whether this is in accordance with the recommen-

dation of the Navy Department?
Mr. FOSS. Mr. Chairman, the Navy Department made no recommendation as to submarines this year except to extend the time for tests under the provision of the bill of last year.

Mr. BURTON of Ohio. Mr. Chairman, I move to strike out the paragraph. It seems to me that this is quite unusual.

The CHAIRMAN. The question is on the motion of the

The question is on the motion of the gentleman from Ohio to strike out the paragraph.

The question was taken; and the amendment was rejected. Mr. McNARY. Mr. Chairman, I move to strike out the last word. My reason for doing this is the fact that four years ago I offered an amendment to the naval appropriation bill providing for an increase of torpedo boats, torpedo-boat destroyers, and submarines. It was opposed by the committee at that time on the ground that these boats were not useful and not dangerous to the enemy, though they had proved their usefulness at about that time in the Japanese attack on the Russian fleet at Port Arthur. I have in my hand the official report of Vice-Admiral Fournier, of the French navy, showing the admirable achievements of the submarines in the French maneuvers, and also his article in Le Continent on torpedo boats and submarines. This document contains probably the most valuable information as regards submarine boats that has ever been written, proving their utility and efficiency. In view of its great interest and of its immense importance, I hope that every Member of this House will have an opportunity to read it, because I believe it will convince all who do so that the submarine boat, as the Admiral says, is one of the most important, if not the most important, adjuncts of any fleet. Therefore I ask unanimous consent that I may be allowed to include this in the RECORD as a part of my remarks for the information of the House.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks for the purpose stated. Is there objection?

There was no objection.

The documents referred to are as follows:

The documents referred to are as follows:

Vice-Admiral Fournier, of the French navy, who was in command of the combined Mediterranean and Channel feets during the French naval maneuvers last summer (1906), has made an official report on the same, in which he points out the remarkable achievement of the submarines, and has also contributed to Le Continent an appreciation of the submarine boat, based on his intimate knowledge and experience with these craft in the maneuvers and in general service. Admiral Fournier, besides being commander in chief, is inspector-general, member of the superior council of the navy, and permanent inspector-general of stations for torpedo boats and submarines. The following is taken from his article in Le Continent:

"The great naval powers are now building battle ships of 20,000 tons, costing \$10,000,000. To oppose these larger torpedoes will be necessary; but we all know that the dimensions of the torpedoes will increase their tonnage the torpedoes will increase their explosive force.

necessary; but we all know that the dimensions of the torpedoes will increase with the dimensions of the hostile ship—that is, as the ships increase their tonnage the torpedoes will increase their explosive force.

"The damage caused by this weapon is terrible. A large hole is blown into the ship, no matter how strong it be, through which the water rushes in, and immediately the ship heels over. Even a small inclination of 10 to 12 degrees renders the battle ship incapable of serving its guns, and all this may be done by a single torpedo. This being the case, you may well ask, why commission these enormous ships, costing \$10,000,000, when a single torpedo may either destroy them or put them out of action?

"I, however, must not be understood as saying that we do not need the heavy fighting ships; they form a useful part of a battle fleet, since it is desirable to have an attacking force to throw the enemy into disorder, and thus give opportunity for the smaller vessels to perform their functions. Nevertheless, a flotilia of submarine and torpedo boats would be sufficient to destroy a large battle fleet, for these units, which are only a fortieth or fittleth as large as battle ships and which may be constructed at a moderate cost in from a year to eighteen months, each carry six or even eight torpedoes, any one of which may sink a ship. What fleet could resist such a power?

"Moreover, a submarine has nothing to fear for itself, since it escapes all danger by diving. The principal difference between the battle ship and submarine lies in the fact that the latter has nothing to fear from the battle ship, while the battle ship has everything to fear from the battle ship, while the battle ship has everything to fear from the battle ship, while the battle ship has everything to fear from the battle ship, while the lattle ship has everything to fear from the battle ship, while the battle ship has everything to fear from the battle ship, while the lattle ship has everything to fear from the submarines, I would much pre

ADMIRAL FOURNIER'S OFFICIAL REPORT ON THE FRENCH NAVAL MANEUVERS OF 1906.

Admiral Fournier gives ample reasons for the faith which is in him with regard to the efficiency and value of submarines not only for the local defenses of harbors and coast, but for offensive work in the narrow seas. The maneuvers included attacks under war conditions by the combined battle ship and cruiser fleet on Algiers, Bizerta, and Marsellie, which was defended in the daytime by submarines and at night by surface torpedo boats. The operations at Algiers and Marsellie took the form of bombardments, and at Bizerta of an attempt to land troops.

On the first two operations Admiral Fournier reports as follows:

"In the first place, following the chronological order, the attempted bombardment of Algiers by the fleet demonstrated the fact that a small flotilla of submarines covering the waters and commanded by the guns was sufficient to render the attack abortive, and even to force the commander of the fleet to abandon the attempt on account of the excessive risks run by his ships. The superiority of the mobile defense of a port by submarines over a fixed defense by batteries, even when the latter are strong enough to repulse the enemy, was demonstrated, for the submarine can prevent damages by the enemy's guns which the coast artillery can not do, since they are only able to repulse the fleet after an engagement more or less prolonged.

"In other words, among all the methods of harbor defense, the submarine alone is able to prevent merely by the moral effect of its presence any attempt at bombardment or the landing of troops, and, in consequence, the damages and disastrous consequences which would result therefrom.

"In all that concerns the second operation—that is, landing of troops on the coast near Bizerta—the maneuvers of July 21 demon-

result therefrom.

"In all that concerns the second operation—that is, landing of troops on the coast near Bizerta—the maneuvers of July 21 demonstrated the importance of the losses which a flotilla of submarines could inflict during the day upon the enemy's ships attempting to land troops, and to hold station afterwards for the purpose of supplying the troops and covering them with their guns."

After reporting upon the successful use of the ordinary torpedo boats for night attacks in the operations off Bizerta and Toulon, the admiral says:

says:

"As to the attacks of the submarines, which took place off Bizerta and Marsellle during the 13th, 17th, and 31st of July and the 2d of August, their success was still more astonishing.

"On the first two days the average number of successful attacks for each submarine was two and one-half, and on the third day the average was three times for each boat. By 'successful attack' is meant to

approach without being seen to a point well within torpedo range of the

approach without being seen to a point well within torpedo range of the enemy."

Speaking of the improvement in the tactical handling of the submarines which has taken place, the report goes on to say:

"On account of the lack of public knowledge in France, as well as abroad, with regard to the progress accomplished in the last two years in the tactical use of our submarines, the figures I have given will cause much surprise. This surprise will apply also to naval circles, which are even less well informed and which are almost unbelievably ignorant of the progress made, and which still retain the erroneous impression, gathered from our first maneuvers, that the attack of the submarine is always revealed by the presence of its periscope in sufficient time to enable the enemy to defeat the attack which it is menaced by a maneuver either defeasive or offensive.

"One of these maneuvers consists in running away as rapidly as possible from the submarine when discovered and before the latter is within torpedo range of the ship. The other, on the contrary, consists in running directly toward the submarine in an attempt to prevent the effective firing of the torpedo by forcing the boat to divequickly in order to avoid a collision of which it might be the victim.

"But of these two maneuvers, the first one only is prudent and safe, assuming, of course, that it is possible under the conditions that I am defining. As to the other, well as it may look in a tactical study, its efficacy is very doubtful when the first is impossible, and it may well end disastrously. Those who speak of it deliberately as a possible maneuver might well hesitate to apply it at the critical moment in time of battle. It can not be put into effect without exposing the ship attempting it to the danger of being torpedoed, since, on account of the relative positions and courses, she may be able to reach her adversary soon enough. Practically, in such a case the submarine, before being obliged to dive in order to avoid collision, can fire a torpedo wh

the ver within torped distance unobserved is solely a matter of practice and professional judgment, so that the relative number of successful attacks under similar circumstances is a measure of the efficiency of the officers in charge.

Commenting upon the use of the smaller types of defensive submarines in preventing bombardmenis, etc., in bad weather, the Admiral points out that both sides suffer about equally, and then goes on to point out a constant advantage possessed by a mobile harbor defense composed of submarines by day and torpedo boats by night, "which lies in the fact that the ships of a naval force engaged in a bombardment or in the landing of troops always find themselves more exposed to the attacks of these small vessels than is the case when the ships are isolated on the high seas with entire liberty of movement. That is to say, so far as daylight attacks by submarines are concerned, ships occupied in landing troops are obliged to be stationary, thus presenting targets to the submarines much easier to strike than when under way, and, moreover, they are unable to execute any maneuvers, either offensive or defensive, to protect themselves. In the case of a bombardment ships are obliged, when batteries are present, to follow regular routes at fixed distances and at uniform and moderate speeds in order to insure accurate shooting at different targets, and this fact greatly facilitates the attack of the submarines, which is rendered still more easy by the fact that under these circumstances the battle ships can get no protection from their escort of torpedo-boat destroyers, which, owing to the artillery fire, can not interpose themselves between the shore and the ships, whereas the submarines, being invulnerable to choosing the most a cassio for predoces are carried and accordance of the objective and of returning to the attack upon one or the other of the objective and of returning to the attack upon one or the other of the ships until all their torpedoes are exhausted.

"All of this furnishes the m

cusses at some length the enormous possibilities of the use of this type as an offensive weapon, terming it, in fact, "the most redoubtable arm." Concluding this portion of his report, he says:

"The conditions for the success of such a submarine attack will evidently not exist in every encounter in war times, but in the regions most frequented by the battle-ship fleet or the enemy, where the submarines may serve continuously, each submarine will certainly find sooner or later (provoking it, if necessary, by an ambuscade) a favorable occasion for disabling or destroying several important ships of the enemy's fleet, and this, of course, according to the measure of their number and activity. This prospect should give us pause, particularly if we remember that the submarine of large tonnage, of which the military rôle will become so important and even decisive in naval war, costs only about one twenty-fifth the price of a single modern battle ship."

As an example of the usefulness of such a flotilla of independent submarines, the admiral, speaking of the case of the sea defense of Tunis, says:

marines, the admiral, speaking of the case of the sea defense of Tunis, says:

"As is now manifest after the success of the attack of the submarines in the recent maneuvers off Bizerta, fortified by the even more brilliant results off Marseille, a flotilla of this character having the necessary effective radius of action would most certainly render it impossible or disastrous for the enemy's fleet to attempt a landing of an army corps on the south coast, or, better still, in the Gulf of Tunis, where it could take in reverse the capital, our arsenal Sedi-Abdallah, and the formidable batteries on the sea front of Bizerta."

The admiral urges upon his Government the necessity of hurrying forward as much as possible the construction of flotillas of independent submarines.

forward as much as possible the construction of flotillas of Independent submarines.

At the close of the maneuvers in his order of the day Admiral Fournier states:

"The operations of coast warfare which have been carried out by the fleet before Algiers, Bizerte, Toulon, and Marseille have shown incontestably that the chief arm of defense of ports is the torpedo in all its forms, but especially when used by torpedo boats at night and by submarines by day. The following figures show what ravages the torpedo boats and submarines have made in the ranks of a fleet which took part in these operations:

"The fleet had put out of action five vessels before Bizerte, five before Toulon, sixteen before Marseille during the morning of July 31, twenty-five before Marseille during August 2, without counting those which would have been torpedoed before Algiers, where the submarines were not present during the manuevers of July 6. It can not, therefore, be too emphatically insisted upon that the protection of the coast of France in the future will be by a numerous fleet of torpedo boats and submarines covering the ports and the points on the shore most accessible to attack by an enemy. Such a fleet will have even greater effect than shore batteries. At sea the arm to win must incontestably be the vessel of large displacement, but torpedo boats and submarines can destroy a victorious fleet wishing to take advantage of its success by finally attacking the enemy's ports. From this point of view the coast operations of our fleet have profitably taught us lessons which carry us beyond the point where they were left by the English navy in its brilliant mobilization maneuvers on the high seas last month."

In his final conclusion the Admiral declares that in the future no battle fleet will be able to attain its full efficiency, defensive and offensive, and above all as a preventive of all possible aggression unless there be associated in its composition submarines with the heavy fighting ships.

ing ships.

The Clerk read as follows:

Armor and armament: Toward the armament and armor of domestic manufacture for vessels authorized, \$9,000,000.

Mr. WEBB. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Add after "dollars," in line 17, page 83:

"Provided, That before said money shall be expended, in order to determine the least thickness of armor plate necessary to defeat penetration of armor-plercing shell at a minimum fighting range of 5,000 yards, a test shall be made at the earliest practicable date by the Ordnance Department of the Navy with the service 12-inch gun, employing service powder charges and projectiles, against a target composed of a 10-inch Kruppized armor plate, rigidily backed and located, at an actual distance from the gun of 5,000 yards, and the results of such test reported to Congress."

Mr. DALZELL. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The Chair sustains the point of order. The paragraph itself, to which the amendment is offered, is a plain, straight appropriation of money. It does not change existing law. The amendment is new legislation, changing existing law, and violates the rule upon that subject. This is not the case of a germane amendment to a paragraph, itself out of order.

Mr. WEBB. Then, Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Provided, That no part of said money shall be expended until a test shall be made to ascertain whether said plate can be penetrated by a 12-inch service gun at a distance of 5,000 yards from the gun.

Mr. DALZELL. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The Chair thinks the point of order well taken. The amendment amounts to a direction to the Secretary of the Navy to make a certain test not required by existing law.

Mr. WEBB. Mr. Chairman, I beg the Chair's pardon. This no direction to the Secretary of the Navy to do anything.

is a limitation on this appropriation.

The CHAIRMAN. The paragraph appropriates some money, and the amendment implies that the Secretary of the Navy must do certain things before he gets the money. The Chair sustains the point of order.

Mr. WEBB. Mr. Chairman, then I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Provided, That no part of said sum shall be expended for any armor plate that has not been subjected to a test showing said plate can not be penetrated by a 12-inch service gun at a distance of 5,000 yards from such gun.

Mr. DALZELL. Mr. Chairman, I make the point of order against that.

Mr. WEBB. Mr. Chairman, I contend that that is a distinct limitation, and it has been ruled that such a limitation is in

Mr. DALZELL. Mr. Chairman, it is clearly legislation.
The CHAIRMAN. The Chair would like to hear the gentleman from Pennsylvania on this.

Mr. DALZELL. It is clearly legislation. It is not a limitation on the appropriation. It is legislation.

The CHAIRMAN. The Chair will ask the gentleman from Illinois [Mr. Foss], interrupting the gentleman from Pennsylvania, a question. The Chair observes that in this paragraph it states that the armor appropriated for is for vessels "author-The Chair will ask the gentleman from Illinois whether that is for vessels heretofore authorized and already contracted for, and whether this armor is included in the contract?

Mr. FOSS. Mr. Chairman, I will say there is no test for vessels already authorized, including the vessel authorized in

last year's act.

Mr. WEBB. In answer to that I will say that no appropriation has yet been made of any of this \$9,000,000. This is a limitation upon this individual appropriation in this bill, and, I do not care where the money goes, this amendment is a limitation upon this individual appropriation, for there was no contract made by Congress last year to appropriate this \$9,000,000, because we did not know at that time how much it was going to be.

The CHAIRMAN. The Chair will ask the gentleman from Illinois specifically whether this item of \$9,000,000 is appropriated for armor already authorized and contracted for?

Mr. FOSS. This appropriation is for the armor of vessels already authorized. I could not state positively whether the contract for the armor of the ship authorized last year has been made, but the contract for all armor up to that ship authorized by the act of last year has been made, and of this appropriation \$1,192,000 is toward the purchase of armor for the ship authorized by last year's act.

Mr. WEBB. I will ask the gentleman the question-

The CHAIRMAN. In the absence of specific information that the armor appropriated for in this paragraph is under contract, and that this amendment would change existing law or a contract made under existing law, the Chair thinks the amendment is in the nature of a limitation upon the appropriation, and overrules the point of order. The question is upon the amendment offered by the gentleman from North Carolina.

The question was taken; and the Chair announced the "noes"

appeared to have it.

Mr. WEBB. Division, Mr. Chairman.

The committee divided; and there were—ayes 68, noes 102.

So the amendment was rejected.

Mr. FOSS. Mr. Chairman, I move that the committee do now rise and report the bill and amendments with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24925, the naval appropriation bill, and had instructed him to report the same with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. FOSS. Mr. Speaker, I move the previous question upon the bill and amendments to its final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded upon any amendment?

Mr. WATSON. Mr. Speaker, I demand a separate vote upon that proposition which appropriates \$100,000 for a brass and iron foundry here at the Washington Navy-Yard.

The SPEAKER. Is a separate vote demanded upon any other

Mr. SULZER. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. SULZER. The gentleman not having given notice that he would demand a separate vote-

The SPEAKER. It does not require a notice. If there is no further separate vote demanded upon any other amendment, the vote will be taken in gross upon the remaining amendments

The remaining amendments were agreed to.

The SPEAKER. The Clerk will report the amendment upon which a separate vote was demanded.

The Clerk read as follows:

Page 33, after the word "dollars," in line 15, insert: "For an addition to brass and iron foundry, \$100,000."

The SPEAKER. The question is on agreeing to the amend-

question was taken; and the Chair announced the " noes " seemed to have it.

Mr. MUDD. Division, Mr. Speaker.

Mr. WATSON rose.

Mr. MUDD. Mr. Speaker, I demand

Mr. WATSON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 161, answering "present" 11, not voting 97, as follows:

#### YEAS-109.

Adamson Alken Beall, Tex.	Garner Garrett Gill	Lever Lewis Lloyd	Sheppard Sherley Sims
Bell, Ga.	Gillespie	McLain	Slayden
Birdsall	Goldfogle	McNary	Small
Brantley	Granger	Macon	Smith, Ky.
Brundidge	Greene	Maynard	Smith, Tex.
Burgess	Gregg	Meyer	Southall
Burnett	Griggs	Moon, Tenn.	Southard
Burton, Ohlo.	Gronna	Moore, Tex.	Spight
Butler, Tenn.	Gudger	Mudd	Stephens, Tex.
Byrd	Hale	Otjen	Sullivan
Candler	Hardwick	Overstreet, Ga.	Sulzer
Clark, Mo.	Haugen	Page	Talbott
Cooper, Wis.	Hay	Pearre	Taylor, Ala.
Davis, Minn.	Heflin	Pou	Thomas, N. C.
Davis, W. Va.	Hopkins	Prince	Trimble
Dawes	Houston	Rainey	Underwood
Dawson	Howard	Randell, Tex.	Wallace
De Armond	Hubbard	Reid	Watkins
Dixon, Ind.	Hunt	Rhinock	Webb
Ellerbe	James	Rhodes	Weems
Field	Johnson	Roberts	Wiley, Ala.
Finley	Kitchin, Wm. W.	Robinson, Ark.	Williams
Fitzgerald	Knowland	Rucker	Zenor
Flood	Lamar	Russell	
Floyd	Lamb	Ryan	
Garber	Landis, Chas. B.	Shackleford	

#### NAVS-161

	NAIS	5—161.	
Acheson Alexander Allen, Me. Allen, Me. Allen, N. J. Babcock Bannon Barchfeld Bates Bede Beidler Bennet, N. Y. Bishop Bonynge Bowersock Brick Brownlow Burke, S. Dak. Burleigh Calderhead Campbell, Kans. Capron Cassel Chaney Chapman Cole Conner Cooper, Pa. Cousins	Dunwell Dwight Edwards Englebright Esch Fassett Fletcher Fordney Foss Foster, Ind. Foster, Vt. Fulkerson Fuller Gaines, W. Va. Gardner, Mass. Gardner, Mich. Gilhams Graff Graham Hamilton Hedge Henry, Conn. Higgins Hill, Conn. Hinshaw Holliday Howell, N. J. Howell, N. J.	Lafean Landis, Frederick Law	Pollard Powers Reeder Reynolds Rives Samuel Scroggy Shartel Sibley Smith, Cal. Smith, Ill. Smith, Iowa Smith, Mich. Smith, Pa. Smyser Snapp Southwick Sperry Stafford Steenerson Stevens, Minn. Sulloway Tawney Taylor, Ohio Thomas, Ohio Townsend Volstead Wasbburn
Capron	Henry, Conn.	Marshall	Sulloway
	Hill, Conn.	Michalek	Tawney Taylor, Ohio
Chapman Cole			Thomas, Ohio
Conner	Howell, N. J.		Volstead
Cousins	Huff	Morrell	Washburn
Crumpacker Currier	Hughes Hufl	Mouser Murdock	Watson Weeks
Cushman	Humphrey, Wash.	Murphy	Wharton
Dale Dalzell	Jones, Wash. Keifer	Needham Nelson	Wiley, N. J. Wilson
Deemer Denby	Kennedy, Ohio Kinkaid	Norris Olcott	Woodyard Woodyard
Dickson, Ill.	Klepper	Olmsted	Young
Dixon, Mont. Dovener Draper Driscoll	Kline Knapp Knopf Lacey	Overstreet, Ind. Parker Payne Perkins	The Speaker
TO LIBOUIL		AIMO	

#### ANSWERED "PRESENT"-11.

Brumm	Ellis	Grosvenor Padgett	
Burleson	French	Humphreys, Miss. Richardson, Als	١.
Butler, Pa.	Goulden	Jenkins	

	NOT V	OTING—97.	
Ames Andrus Bankhead Bartholdt Bartlett	Bennett, Ky. Bingham Blackburn Boutell Bowers	Bowie Bradley Broocks, Tex. Brooks, Colo. Broussard	Brown Buckman Burke, Pa. Burton, Del. Calder

ABBB

Slemp Smith, Md. Sparkman Stanley Sterling Tirrell Towne Tyndall Van Duzer Van Winkle Vreeland Wachter Wadsworth Waldo Webber Weisse Henry, Tex.
Hepburn
Hermann
Hill, Miss.
Hogg
Jones, Va.
Kahn
Keliher
Kennedy, Nebr.
Kitchin, Claude
Lee Clark, Fla. Clayton Cockran McLachlan Madden Moon, Pa. Moon, Pa. Nevin Paimer Parsons Patterson, N. C. Patterson, S. C. Pujo Ransdell, La. Coudrev Coudrey Cromer Darragh Davey, La. Davidson Dresser Fowler Gaines, Tenn. Gardner, N. J. Gilbert Gillett Ransdell, La. Reyburn Richardson, Ky. Riordan Robertson, La. Rodenberg Lee Lilley, Conn. Lilley, Pa. Lindsay Livingston Glass Goebel Haskins Hayes Hearst Longworth Lorimer McCleary, Minn. McDermott McKinley, Ill. Ruppert Saunders Schneebeli Scott Sherman Welborn

So the amendment was rejected.

The following pairs were announced:

On foundry amendment:

Mr. Lorimer (against) with Mr. Humphreys of Mississippi (in favor of).

Mr. Calder (in favor of) with Mr. Parsons (against). Mr. Brown (in favor of) with Mr. Boutell (against) Mr. Wachter (in favor of) with Mr. French (against).

Mr. Ames (against) with Mr. Glass (in favor of).
Mr. Bradley (against) with Mr. Goulden (in favor of).
Mr. Lilley of Connecticut with Mr. Padgett.

For the session:

Mr. VAN WINKLE with Mr. McDERMOTT.

Mr. SHERMAN with Mr. RUPPERT.

Until further notice:

Mr. Lilley of Pennsylvania with Mr. Gilbert.

Mr. MADDEN with Mr. BURLESON. Mr. BINGHAM with Mr. COCKBAN.

Until the 17th:

Mr. Ellis with Mr. Ransdell of Louisiana.

On this vote:

Mr. McKinley of Illinois with Mr. Smith of Maryland, Mr. Vreeland with Mr. Patterson of North Carolina, Mr. Grosvenor with Mr. Gaines of Tennessee,

For the day:

Mr. Jenkins with Mr. Broocks of Texas.

Mr. Longworth with Mr. Richardson of Alabama.

Mr. Andrus with Mr. Bowers. Mr. REYNOLDS with Mr. Pujo.

Mr. Cocks with Mr. Lee.

Mr. Wadsworth with Mr. Jones of Virginia.

Mr. RODENBERG with Mr. BROUSSARD.

Mr. Buckman with Mr. Keliher. Mr. McCleary of Minnesota with Mr. Riordan.

Mr. Waldo with Mr. Van Duzer. Mr. Tirrell with Mr. Weisse. Mr. Scott with Mr. Sparkman. Mr. Sterling with Mr. Saunders. Mr. REYBURN with Mr. STANLEY.

Mr. Moon of Pennsylvania with Mr. Robertson of Louisiana.

Mr. McLachlan with Mr. Richardson of Kentucky. Mr. Kahn with Mr. Patterson of South Carolina.

Mr. Hepburn with Mr. Livingston. Mr. Haskins with Mr. Claude Kitchin. Mr. Goebel with Mr. Henry of Texas. Mr. COUDREY with Mr. HILL of Mississippi. Mr. Burton of Delaware with Mr. Hearst.

Mr. Darragh with Mr. Davey of Louisiana. Mr. Davidson with Mr. Clayton.

Mr. Burke of Pennsylvania with Mr. Clark of Florida.

Mr. BARTHOLDT with Mr. BOWIE. Mr. GILLETT with Mr. LINDSAY.

Mr. CROMER with Mr. BANKHEAD. Mr. Butler of Pennsylvania with Mr. Bartlett.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I find that I am paired with the gentleman from Georgia, Mr. BARTLETT. I voted "no." I desire to withdraw my name and be marked

present." The SPEAKER. The Clerk will call the gentleman's name. The name of Mr. Butler of Pennsylvania was called, and he

answered "present."

The SPEAKER. The Clerk will call my name.

The name of the Speaker was called, and he voted "no." The result of the vote was announced as above recorded.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

On motion of Mr. Foss, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET of Indiana. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the post-office appropriation bill; and, pending that, I ask unanimous consent that the general debate shall continue until 12 o'clock on Tuesday, at which time the reading of the bill shall begin under the five-minute rule.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the postoffice appropriation bill and, pending that, asks unanimous consent that general debate shall close on Tuesday at 12 o'clock.

Mr. OVERSTREET of Indiana. And, Mr. Speaker, in connection with that, that the time be equally divided between myself and the gentleman from Tennessee [Mr. Moon]

The SPEAKER. And that the gentleman from Indiana control one half of the time and the gentleman from Tennessee the other. Is there objection? [After a pause.] The Chair hears

The question was taken on the motion to go into Committee of the Whole.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. Currier in the

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 25483, the post-office appropriation bill, the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 25483) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes.

Mr. OVERSTREET of Indiana. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. OVERSTREET of Indiana. Mr. Chairman, I move that

the committee do now rise.

The motion was agreed to.

The House accordingly rose; and the Speaker having resumed the chair, Mr. Currer, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25483, the post-office appropriation bill, and had come to no resolution

#### PORTO RICO.

The SPEAKER laid before the House the following messages from the President of the United States, which were severally read and severally referred to the Committee on Insular Affairs, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith, in accordance with the provisions of section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," two ordinances enacted by the executive council of Porto Rico and approved by the President of the United States.

Theodore Roosevelt.

THE WHITE HOUSE, February 15, 1907.

Also:

To the Senate and House of Representatives:

I transmit herewith, in accordance with the provisions of section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," an ordinance enacted by the executive council of Porto Rico, with the approval of the governor thereof.

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 15, 1907.

#### ROBERT B. TUBBS.

The SPEAKER also laid before the House the bill (H. R. 11153) to correct the military record of Robert B. Tubbs, with a Senate amendment, which was read.

Mr. LOUD. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

# ADDITIONAL LAND DISTRICT IN MONTANA.

The SPEAKER also laid before the House the following request of the Senate; which was read, considered, and agreed to.

IN THE SENATE OF THE UNITED STATES,
February 14, 1907.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 7512) to provide for an additional land district in the State of Montana, to be known as the Glasgow land district.

VALDEZ, MARSHALL PASS AND NORTHERN RAILROAD.

The SPEAKER also laid before the House the bill (S. 8283) to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes, a similar House bill being upon the House Calendar.

The bill was read, as follows:

A bill (S. 8283) to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes.

A bill (S. S283) to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes.

Be it enacted, etc., That the time for the compliance of the Valdez, Marshall Pass and Northern Railroad Company with the provisions of sections 4 and 5 of chapter 295 of the laws of the United States, entitled "An act extending the homestead laws and providing for the right of way for railroads in the district of Alaska, and for other purposes," approved May 14, 1898, by locating and completing its railroad in Alaska, is hereby extended—

First. Said company shall have three years from the passage of this act within which to complete the first 20 miles of its railroad, by way of Keystone Canyon, Marshall Pass to Copper River, and from thence to Tanana River, and six years from the date of the passage of this act within which to complete said railroad to the Tanana River, all to be within such rights as it possesses and not in any way affecting or contravening any vested rights of any other company or person or the rights of the Government, provided said company carry out the requirements of law.

Second. Said company shall be exempt from license tax during the period of construction and for four years thereafter: Provided, That the total period of exemption shall not exceed ten years from the time of the passage of this act: And provided further, That this exemption shall exist and operate only during the continuance of the construction of said road in good faith, and in the event of unnecessary delay and failure in the construction and completion of said road the exemption from taxation herein provided shall cease and said tax shall be collectible as to so much of said road as shall have been completed.

Third. Congress reserves the right to alter, amend, or repeal this act.

Mr. UNDERWOOD. Mr. Speaker, I rise to make a point of

Mr. UNDERWOOD. Mr. Speaker, I rise to make a point of order. I make the point of order that this bill is not in order, because it affects the revenue of the Government and it affects It exempts a road in Alaska from taxation and therefore affects the revenues of the Government.

The SPEAKER. As a question of fact, will some member from the Committee on Territories, or the gentleman himself, inform the Chair as to whether this license tax goes to Alaska

or to the United States?

Mr. UNDERWOOD. I can not say that, but I raise the point of order because I wish an explanation to be made in reference to the bill. I am willing that the gentleman shall ask unanimous consent, and, if he can get it, explain the bill. I will not object; but it is an important bill, and I want an opportunity to hear an explanation.

Mr. BRICK. Mr. Speaker, my understanding is that these revenues go to the Alaskan government for their expenditures there, but I am not absolutely certain of that. I can make an explanation of the bill. As it stands now, as well as I understand-

Mr. WILLIAMS. Let it all go over without prejudice. It is getting late.

The SPEAKER. With the point of order pending?
Mr. WILLIAMS. I ask unanimous consent that it go over with the point of order pending.

Mr. PAYNE. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. If the House should adjourn, would it not go

over with the point of order pending until to-morrow morning?

The SPEAKER. The Chair is inclined to think not. question is whether it can be taken from the Speaker's table and come before the House. It is not in the nature of unfinished business. The Chair would suggest to the gentleman from Alabama and to the gentleman from Indiana that this matter, with or without information, can probably be settled in

a minute or two.

Mr. UNDERWOOD. I think the bill is an important one.

Mr. BRICK. I would suggest to the gentleman from Alabama that he will find an explanation can be made in one or two minutes

Mr. WILLIAMS. Mr. Speaker, it is twenty minutes after 5 o'clock, and I ask unanimous consent that the bill and the point of order and all of it go over without prejudice to be considered to-morrow.

The SPEAKER. Is there objection?

There was no objection.

# ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 529. An act granting an increase of pension to Francis L. Arnold ;

H. R. 830. An act granting an increase of pension to Hezekiah

H. R. 1019. An act granting an increase of pension to Daniel B. Bayless;

H. R. 1233. An act granting an increase of pension to Lucretia Davis:

H. R. 1373. An act granting an increase of pension to Florence

H. R. 2049. An act granting an increase of pension to Henry

H. R. 2246. An act granting an increase of pension to Henry

Damm; H. R. 2777. An act granting an increase of pension to Albert F. Durgin;

H. R. 2781. An act granting an increase of pension to Martin V. B. Wyman;

H. R. 2878. An act granting an increase of pension to John M. Cheevers

H. R. 3204. An act granting an increase of pension to Charles H. Anthony

H. R. 3352. An act granting an increase of pension to George R. Roraback ;

H. R. 3720. An act granting an increase of pension to Joseph

H. R. 3977. An act granting an increase of pension to John

H. R. 5709. An act granting an increase of pension to Mary H. Patterson;

H. R. 5854. An act granting an increase of pension to Jonas Gurnee

H. R. 5856. An act granting an increase of pension to Martin

H. R. 6161. An act granting an increase of pension to Horatio

H. R. 6491. An act granting an increase of pension to Albert

H. R. 6575. An act granting an increase of pension to Raw-

leigh M. Monin; H. R. 6589. An act granting an increase of pension to Manoah W. Dunkin:

H. R. 6880. An act granting an increase of pension to Marine D. Tackett

H. R. 6887. An act granting an increase of pension to James E. Taylor;

H. R. 6943. An act granting an increase of pension to Linas

Van Steenburg H. R. 7415. An act granting an increase of pension to George

W. Brawner; H. R. 7416. An act granting an increase of pension to Joseph

R. Boger; H. R. 7538. An act granting an increase of pension to Thomp-

son H. Hudson; H. R. 7918. An act granting an increase of pension to John M. Buxton:

H. R. 8164. An act granting an increase of pension to Jackson Mays

H. R. 8586. An act granting an increase of pension to Milton J. Timmons

H. R. 8673. An act granting an increase of pension to Marcena C. S. Grav

H. R. 8718. An act granting an increase of pension to William

H. R. 9073. An act granting an increase of pension to Melissa McCracken H. R. 9450. An act granting an increase of pension to Alex-

ander Brown ; H. R. 9576. An act granting an increase of pension to Henry

Wagner: H. R. 9655. An act granting an increase of pension to William

H. R. 10188. An act granting an increase of pension to James

L. Conn H. R. 10598. An act granting an increase of pension to Robert W. Mills :

H. R. 10874. An act granting an increase of pension to Frederick Pfahl:

H. R. 11098. An act granting an increase of pension to Joseph

H. R. 11523. An act granting an increase of pension to Robert L. Hamill:

H. R. 11693. An act granting an increase of pension to James H. Davison

H. R. 11740. An act granting an increase of pension to Robert

H. R. 11754. An act granting an increase of pension to Charles W. Helvey

H. R. 11980. An act granting an increase of pension to William H. Boulton;

H. R. 11994. An act granting an increase of pension to Martha W. Wright:

H. R. 12033. An act granting an increase of pension to George W. Irwin ;

H. R. 12095. An act granting an increase of pension to Atticus

H. R. 12154. An act granting an increase of pension to Henry E. Collins: H. R. 12250. An act granting an increase of pension to Samuel

Naus H. R. 12355. An act granting an increase of pension to Thomas

B. Thompson; H. R. 12458. An act granting an increase of pension to Thomas

J. Saylor : H. R. 12496. An act granting an increase of pension to Hurl-

butt L. Farnsworth; H. R. 13706. An act granting an increase of pension to Albert

H. R. 13769. An act granting an increase of pension to David

H. R. 13835. An act granting an increase of pension to William

Crane H. R. 13920. An act granting an increase of pension to Oren D.

Curtis H. R. 13960. An act granting an increase of pension to Thomas

B. Manning H. R. 15012. An act granting an increase of pension to Oliver Curry; and

H. R. 15136. An act granting an increase of pension to George H. Justin.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below

S. 2011. An act granting a pension to Lucinda L. McCorkle-

to the Committee on Invalid Pensions.

S. 7359. An act to provide for the investigation of the water resources in the United States-to the Committee on Interstate and Foreign Commerce.

S. 7431. An act to correct the military record of Otis C. Mooney-to the Committee on Military Affairs

S. 7269. An act for the erection of an addition or extension to the post-office and court-house at Sioux Falls, S. Dak .to the Committee on Public Buildings and Grounds.

S. 8469. An act granting an increase of pension to Thomas L. Hewitt-to the Committee on Invalid Pensions,

S. 8456. An act granting an increase of pension to Margaret Baber—to the Committee on Pensions.

S. 8422. An act granting an increase of pension to Overton E. Harris-to the Committee on Invalid Pensions.

S. 8327. An act to provide for the establishment of an immigration station at Galveston, in the State of Texas, and the erection in said city, on a site to be selected for said station, of a public building-to the Committee on Immigration and Naturalization.

# LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted-To Mr. BOUTELL, for this day, on account of illness in his family.

To Mr. Rhodes, indefinitely, on account of death in his

Mr. OVERSTREET. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 25 minutes p. m.) the House, under the order heretofore adopted, adjourned until Saturday, February 16, at 11 o'clock a. m.

# EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for payment of Army and Navy pensions—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of State, asking that permission be given to Mr. Leslie Combs to accept a gold cup from the President of Guatemala-to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmit-

ting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for completion of Elbow of Cross Ledge light station, New Jersey—to the Committee on Appropriations, and ordered to be printed.

Application of the legislature of Kansas for the calling of a constitutional convention to consider amendments to the Constitution of the United States—to the Committee on Election of President, Vice-President, and Representatives in Congress.

# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8762) to finally adjust the swamp-land grants, and for other purposes, reported the same without amendment, accompanied by a report (No. 7617); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DIXON of Montana, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 22599) to grant certain lands to the city of Boulder, Colo., reported the same with amendment, accompanied by a report (No. 7618); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 23826) for the settlement of conflicting claims of the State of Wisconsin and its grantees and of the La Pointe band and other Chippewa Indians to lands on sections 16 in La Pointe Indian Reservation, in Ashland County, Wis., reported the same with amendment, accompanied by a report (No. 7619); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the Senate (8. 8362) to authorize the city council of Salt Lake City, Utah, to construct and maintain a boulevard through the military reservation of Fort Douglas, Utah, reported the same without amendment, accompanied by a report (No. 7624); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HARDWICK, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 24117) to establish an assay office at Dahlonega, in Lumpkin County, Ga., reported the same with amendment, accompanied by a report (No. 7626); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL of Ohio, from the Committee on Patents, to which was referred the bill of the Senate (8, 7676) to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other purposes, reported the same with amendment, accompanied by a report (No. 7628); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 25542) to amend an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906, reported the same without amendment, accompanied by a report (No. 7620); which said bill and report were referred to

the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (8, 8274) to amend an act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn., reported the same without amendment, accompanied by a report (No. 7621); which said bill and report were referred to the House Calendar.

Mr. BARTHOLDT, from the Committee on Labor, to which was referred the bill of the House (H. R. 25605) to establish the Foundation for the Promotion of Industrial Peace, reported the same with amendment, accompanied by a report (No. 7627); which said bill and report were referred to the House Calendar.

# REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bill of the following title was reported from committee, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BURNETT, from the Committee on the Public Lands, to

which was referred the bill of the House (H. R. 22182) to authorize W. D. Clay and others to select lands in lieu of lands purchased by the father of said parties from the United States Government and lost by said heirs, reported the same with amendment, accompanied by a report (No. 7625); which said bill and report were referred to the Private Calendar.

### ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clark and laid on the table as follows:

to the Clerk, and laid on the table, as follows:

Mr. GROSVENOR, from the Committee on Ways and Means, to which was referred the resolution of the House (H. Res. 829) regarding tariff negotiations with Germany, reported the same adversely, accompanied by a report (No. 7622); which said resolution and report were laid on the table.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 19941) to remove the charge of desertion against John Roper, as of Battery L, First United States Artillery, reported the same adversely, accompanied by a report (No. 7623); which said bill and report were laid on the table.

# PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MANN: A bill (H. R. 25671) to authorize the construction of a bridge across the Grand Calumet River, State of Illinois—to the Committee on Interstate and Foreign Commerce.

By Mr. DIXON of Montana: A bill (H. R. 25672) to amend an act entitled "An act to authorize the Ox Bow Company, of South Dakota, to construct a dam across the Missouri River"—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON of Alabama (by request): A bill (H. R. 25673) for the purpose of improving the navigation of the Tennessee River over the Elk River shoals and the Big and Little Muscle shoals, in the State of Alabama, by the construction of locks and dams, and to authorize the construction, maintenance, and operation of power stations in connection therewith—to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Minnesota: A bill (H. R. 25674) making a temporary addition to the compensation of the civil employees of the Government—to the Committee on Appropriations.

By Mr. KENNEDY of Nebraska: A joint resolution (H. J. Res. 243) instructing the Interstate Commerce Commission to investigate as to the legality of the business done by the various express companies in the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. MUDD: A joint resolution (H. J. Res. 244) authorizing the President to make investigation into the "Regie contract" system of the purchase and sale of American tobacco in foreign markets—to the Committee on Ways and Means.

By Mr. SHACKLEFORD: A resolution (H. Res. 840) to amend Rule X of the House of Representatives—to the Committee on Rules.

By Mr. GRANGER: A resolution (H. Res. 841) requesting the Secretary of the Department of Commerce and Labor to report to the House of Representatives the evidence taken in the investigation into the recent collision off Block Island, Rhode Island, resulting in the sinking of the steamer *Larchmont*, and the findings and result of such investigation—to the Committee on the Merchant Marine and Fisheries.

By Mr. WACHTER: A resolution (H. Res. 842) authorizing the appointment of two assistant clerks to the Committee on Enrolled Bills—to the Committee on Accounts.

By Mr. GRONNA: Memorial of the legislature of North Dakota, relating to grain inspection—to the Committee on Interstate and Foreign Commerce.

state and Foreign Commerce.

By Mr. BOWERSOCK: Memorial of the legislature of Kansas, asking pensions for the survivors of the battle of Beechers Island—to the Committee on Pensions.

Also, memorial of the legislature of Kansas, favoring an amendment to the Constitution of the United States—to the Committee on Election of President, Vice-President, and Representatives in Congress.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 25675) for the relief of George W. Peterson—to the Committee on Military Affairs.

By Mr. CLARK of Florida: A bill (H. R. 25676) granting an increase of pension to John B. Wood-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25677) granting an increase of pension to William T. Ewing—to the Committee on Invalid Pensions. Also, a bill (H. R. 25678) granting an increase of pension to

Susan A. Bell—to the Committee on Pensions.

Also, a bill (H. R. 25679) granting an increase of pension to Jesse N. Jones-to the Committee on Pensions.

By Mr. GUDGER: A bill (H. R. 25680) granting an increase

of pension to Ellen M. Golyean—to the Committee on Pensions. By Mr. LAMB: A bill (H. R. 25681) for the relief of the legal epresentatives of Elias Ayres, deceased—to the Committee on War Claims.

By Mr. LEVER: A bill (H. R. 25682) granting an increase of

pension to Mary Hutchinson—to the Committee on Pensions. By Mr. MURDOCK: A bill (H. R. 25683) granting an increase of pension to Richard F. Nugent—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25684) granting an increase of pension to Israel Metzger-to the Committee on Invalid Pensions.

Mr. RHINOCK: A bill (H. R. 25685) granting a pension to James W. Mullins-to the Committee on Invalid Pensions

By Mr. RHODES: A bill (H. R. 25686) for the relief of Hiram Williams—to the Committee on Military Affairs.

Also, a bill (H. R. 25687) for the relief of Charles Dulaney

to the Committee on Military Affairs.

Also, a bill (H. R. 25688) for the relief of James Dellinger-

to the Committee on Military Affairs. By Mr. SMITH of Maryland: A bill (H. R. 25689) granting

an increase of pension to John R. Allen-to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 25690) granting an increase of pension to William T. Cooper—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows

By the SPEAKER: Petition of German Bricklayers' Union No. 11, of New York City, against the course of procedure in the courts of Idaho in the cases of Moyer, Heywood, and Pettibone—to the Committee on the Judiciary.

Also, petition of various organizations in the United States, against passage of the Littlefield bill-to the Committee on the Judiciary.

Also, petition of the Merchant Tailors' National Protective Association of America, for a system of parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of the legislature of the State of Missouri, for the sixteen-hour bill-to the Committee on Interstate and Foreign Commerce

Also, resolution of the legislature of Kansas, for legislation granting pensions to survivors of the battle of Beechers Island-to the Committee on Pensions.

By Mr. AIKEN: Petition of the Commercial Club of Abbeville, S. C., for the reciprocal demurrage bill—to the Committee

on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: Petition of St. Louis Typographical Union, No. 8, against procedure in cases of Moyer, Heywood, -to the Committee on the Judiciary. and Pettibone-

By Mr. BATES: Petition of George Preston, International Association of Machinists, of Washington, D. C., for a new foundry in the Naval Gun Factory, in Washington, D. C.—to the

Committee on the District of Columbia.

By Mr. BEALL of Texas: Petition of the Texas Baptist Herald, of Dallas, Tex., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BELL of Georgia: Paper to accompany bill for relief

of Francis A. Shipman—to the Committee on Pensions.

By Mr. BENNET of New York: Paper to accompany bills for relief of Charles E. Rowe and Francis H. Britton—to the Committee on Invalid Pensions.

Also, petition of International Rapid Transit Company, and papers to accompany the resolution appropriating \$50,000 for investigation of safety appliances for railways—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Convention for the Extension

of the Foreign Commerce of the United States, for a dual tariff—to the Committee on Ways and Means.

Also, petition of the National Wool Growers' Association for forest reserves only on timbered land—to the Committee on the Public Lands

By Mr. BINGHAM: Petition of Henry H. Roelofs & Co., of

Philadelphia, Pa., for bill H. R. 24131, in amendment of the

free-alcohol bill—to the Committee on Ways and Means.

By Mr. BONYNGE: Petition of the Good Roads Convention held at Denver December 4, 5, and 6, 1906, against withholding public lands from settlement—to the Committee on the Public Lands.

By Mr. BURLEIGH: Petition of Charles E. Dwilley, superintendent of schools at Franklin, Me., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Adeline T. Odom-to the Committee on War Claims. By Mr. CLARK of Florida: Paper to accompany bill for relief of Jesse N. Jones-to the Committee on Pensions.

Also, paper to accompany bill for relief of Susan A. Bell-to the Committee on Pensions.

Also, papers to accompany bills for relief of John B. Wood and William F. Ewing-to the Committee on Invalid Pensions.

Also, petition of Typographical Union No. 162, of Jacksonville, Fla., for bills S. 6330 and H. R. 19853 (the copyright bills)-to the Committee on Patents.

Also, petition of Washington Camp, No. 1, Sons of America, of Jacksonville, Fla., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of the National Convention for the Extension of the Foreign Commerce of the United States, for a dual tariff-to the Committee on Ways and Means.

Also, petition of the International Association of Machinists of the District of Columbia, for a new foundry in the Naval Gun Factory at Washington, D. C.—to the Committee on the District of Columbia.

By Mr. DUNWELL: Petition of the Association of Master Plumbers of New York City, for bill S. 6923-to the Committee on Military Affairs.

Also, petition of the New York State League of Republican Clubs, for an investigation of the general subject of immigration, etc.—to the Committee on Immigration and Naturalization.

Also, petition of the Japanese and Korean League, for the United States to decide as to its own interest in all matters of immigration-to the Committee on Immigration and Naturaliza-

Also, petition of the Guild of St. Philip's Episcopal Church, of Brooklyn, N. Y., for the Beveridge-Parsons bill on child labor—to the Committee on Labor.

By Mr. ESCH: Petition of La Crosse Typographical Union, No. 448, for the new copyright bills (S. 6330 and H. R. 19853)-

to the Committee on Patents.

By Mr. FITZGERALD: Petition of the Guild of St. Philip's Episcopal Church, of Brooklyn, N. Y., for the Beveridge child-labor bill—to the Committee on Labor.

Also, petition of the Japanese and Korean League, for a speedy adjustment of difficulties with Japan—to the Committee on Foreign Affairs

By Mr. FORDNEY: Petition of residents of Michigan and volunteers of the civil war, for bill H. R. 8989, for a volunteer retired list-to the Committee on Military Affairs.

By Mr. FULLER: Petition of the National Business League, for amendment of the consular laws-to the Committee on Foreign Affairs

Also, petition of the Philadelphia Board of Trade, against repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. GOLDFOGLE: Petition of the National Convention for the Extension of the Foreign Commerce of the United States, for a dual tariff—to the Committee on Ways and Means. Also, petition of the governor and legislature of Massachu-

setts, for revision of the tariff-to the Committee on Ways and Means.

By Mr. GREENE: Petition of William Logan Rodman Post, No. 1, Grand Army of the Republic, of Massachusetts, against abolition of the pension agencies—to the Committee on Appropriations.

By Mr. GRAHAM: Petition of the International Association of Machinists, for a new foundry at the Washington Navy-Yard—to the Committee on Naval Affairs.

Also, petition of M. Kairch & Co., of Allegheny, Pa., for increase of salaries of postal clerks-to the Committee on the Post-Office and Post-Roads.

Also, petition of the governor and legislature of Massachusetts, for revision of the tariff—to the Committee on Ways and Means.

Also, petition of L. N. Cushman, of Boston, Mass., for an improved system of fractional currency—to the Committee on Coinage, Weights, and Measures.

By Mr. HOPKINS: Paper to accompany bill for relief of J. P. Hayslette-to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of the common council of Newark, against the amendment to the river and harbor bill closing drawbridges on the Passaic and Hackensack to the Committee on Rivers and Harbors.

By Mr. HUFF: Petition of Mount Chestnut Grange, for the Marshall bill relative to amendment of the free-alcohol bill-

to the Committee on Ways and Means.

By Mr. HUGHES: Petition of citizens of West Virginia, for enlargement of the power of the Interstate Commerce Commission, for reciprocal demurrage—to the Committee on Interstate and Foreign Commerce.

By Mr. HUNT: Resolution of the senate and house of representatives of the State of Missouri, for the sixteen-hour bill— to the Committee on Interstate and Foreign Commerce.

By Mr. KINKAID: Petition of citizens of North Platte, Nebr., against reduction of the compensation for carrying the mails by railways-to the Committee on the Post-Office and Post-

By Mr. LAMB: Paper to accompany bill for relief of heirs of

Peyton L. Thomas—to the Committee on War Claims. By Mr. MOORE of Pennsylvania: Petition of the National Convention for the Extension of the Foreign Commerce of the United States, for dual tariff—to the Committee on Ways and Means.

By Mr. OLCOTT: Petition of the governor and legislature of Massachusetts, for a revision of the tariff—to the Committee on Ways and Means.

By Mr. OLMSTED: Petition of Typographical Union No. 14, of Harrisburg, Pa., for bill H. R. 19853 (the copyright bill)

to the Committee on Patents.
Also, petition of Samuel W. Lascomb Post, No. 351, Grand Army of the Republic, of Steelton, Pa., against change of pension agencies—to the Committee on Appropriations.

By Mr. RHINOCK: Paper to accompany bill for relief of James W. Mullins—to the Committee on Invalid Pensions.
By Mr. SCHNEEBELI: Petition of the Academy of Natural Sciences, against the abolition of the Bureau of Biology—to the Committee on Appropriations,
Also, petition of Old Hundred Lodge, No. 100, Brotherhood

of Railway Trainmen, for the sixteen-hour bill-to the Com-

mittee on Interstate and Foreign Commerce. Also, petition of Lehigh Lodge, No. 251, Brotherhood of Loco-

motive Firemen, for the sixteen-hour bill—to the Committee on

Interstate and Foreign Commerce.
Also, petition of Mauch Chunk Division, No. 153, Order Railway Conductors, for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Washington Camp, No. 429, of Freemansburg, Pa., favoring restriction of immigration (S. 4403)—to the Com-

mittee on Immigration and Naturalization.

Also, petition of F. K. Taylor Post, No. 182, Department of Pennsylvania, Grand Army of the Republic, of Bethlehem, Pa., against abolition of pension agencies-to the Committee on Appropriations.

Also, petition of the Grand Army Association of Philadelphia and Vicinity, against abolition of pension agencies-to the Com-

mittee on Appropriations.

By Mr. SHACKLEFORD: Petitions of W. E. Morse Division, No. 611, Brotherhood of Locomotive Engineers; Gasconade Lodge, No. 690, Brotherhood of Railroad Trainmen; Osage Division, No. 438, Order of Railway Conductors, and Eldon Lodge, No. 641, Brotherhood of Locomotive Firemen and Engineers, all of Eldon, Mo., for the sixteen-hour bill-to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Maryland: Paper to accompany bill for

relief of John R. Allen—to the Committee on Invalid Pensions. By Mr. SPERRY: Petition of the State Business Men's As-

sociation of Connecticut, for a new classification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the State Business Men's Association of Connecticut, for forest reserves—to the Committee on Agriculture.

Also, petition of Camp Henry W. Lawton, No. 11, Spanish War Veterans, of Derby, Conn., for restoration of the Army canteen-to the Committee on Military Affairs.

Also, petition of the Connecticut State Association, United Brotherhood of Carpenters and Joiners of America, favoring classification of post-office clerks-to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of the governor and legislature of Massachusetts, for revision of the tariff—to the Committee on Ways and Means.

Also, petition of the National Board of Trade, against repeal

of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Japanese and Korean Exclusion League, for maintenance of the right of the United States to determine for itself all questions of immigration-to the Committee on Immigration and Naturalization

Also, petition of the Association of Master Plumbers of New York City, for bill S. 6923-to the Committee on Military Affairs

By Mr. TIRRELL: Petition of William A. Perkins and other citizens of Massachusetts, for free-art legislation as per bill I. R. 15268-to the Committee on Ways and Means.

By Mr. TOWNSEND: Petition of the Western Fruit Jobbers' Association, for enlargement of the powers of the Interstate Commerce Commission-to the Committee on Interstate and Foreign Commerce.

Also, petition of members of the Presbyterian Church of Petersburg, Monroe County, Mich., for the Littlefield bill—to

the Committee on the Judiciary.

By Mr. WOOD: Petition of Trenton (N. J.) Typographical Union, No. 71, for bills S. 6330 and H. R. 19853-to the Committee on Patents.

### SENATE.

# Saturday, February 16, 1907.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Hansbrough, and by unanimous consent, the further reading was dispensed with. The VICE-PRESIDENT. The Journal stands approved.

INTERNATIONAL CONGRESS ON HYGIENE AND DEMOGRAPHY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a letter from Charles Harrington, M. D., professor of hygiene of the Harvard Medical School and secretary of the State board of health of Massachusetts, relative to the enactment of legislation authorizing the President to extend an invitation to the forthcoming International Congress on Hygiene and Demography, which is to meet at Berlin in September next, to hold the following session of the Congress in Washington in the year 1909 or 1910; which, with the accompanying paper, was referred to the Committee on Foreign Relations, and ordered to be printed.

# CHICKASAW INDIAN SCHOOLS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a memorial of the national legislature of the Chickasaw Nation relative to the manner of conducting the schools of that nation, and requesting the enactment of additional legislation that will either abolish the Chickasaw schools or restore them under the supervision of the tribal officers; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 7793. An act to fix the time of holding the circuit and district courts of the United States in and for the northern district

of Iowa:

S. 7879. An act granting to the Los Angeles Inter-Urban Railway Company a right of way for railroad purposes through the United States military reservation at San Pedro, Cal.; and

S. 8283. An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 3356. An act to correct the military record of Timothy Lyons:

H. R. 11153. An act to correct the military record of Robert B. Tubbs; and

H. R. 21194. An act to authorize J. F. Andrews, J. W. Jourdan, their heirs, representatives, associates, and assigns, to construct dams and power stations on Bear River, on the southeast quarter of section 31, township 5, range 11, in Tishomingo County, Miss.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing rotes of the two Houses on the amendments of the House to the bill (S. 6364) to incorporate the National Child Labor Committee.

The message also returned to the Senate, in compliance with its request, the bill (S. 7512) to provide for an additional land district in the State of Montana, to be known as the Glasgow land district.

The message further announced that the House had passed

the following bills; in which it requested the concurrence of the Senate

H. R. 10095. An act making certain changes in the postal

H. R. 24925. An act making appropriation for the naval service for the fiscal year ending June 30, 1908, and for other pur-

H. R. 25046. An act to authorize the construction of a bridge

across the Mississippi River at Louisiana, Mo.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24103) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1908, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Gillett, Mr. Gardner of Michigan, and Mr. Burleson managers at the conference on the part of the House.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President;

H. R. 529. An act granting an increase of pension to Francis L. Arnold;

H. R. 830. An act granting an increase of pension Hezekiah Dezarn:

H. R. 1019. An act granting an increase of pension to Daniel B. Bayless

H. R. 1233. An act granting an increase of pension to Lucretia Davis:

H. R. 1373. An act granting an increase of pension to Flor-

H. R. 2049. An act granting an increase of pension to Henry

H. R. 2246. An act granting an increase of pension to Henry

Damm; H. R. 2777. An act granting an increase of pension to Albert

F. Durgin; H. R. 2781. An act granting an increase of pension to Martin

B. Wyman : H. R. 2878. An act granting an increase of pension to John M.

H. R. 3204. An act granting an increase of pension to Charles H. R. 3352. An act granting an increase of pension to George

R. Roraback

H. R. 3720. An act granting an increase of pension to Joseph McNulty

H. R. 3977. An act granting an increase of pension to John H. R. 5709. An act granting an increase of pension to Mary H.

Patterson

H. R. 5854. An act granting an increase of pension to Jonas Gurnee H. R. 5856. An act granting an increase of pension to Martin

H. R. 6161. An act granting an increase of pension to Horatio

H. R. 6491. An act granting an increase of pension to Albert Riley

H. R. 6575. An act granting an increase of pension to Rawleigh M. Monin: H. R. 6589. An act granting an increase of pension to Manoah

W. Dunkin H. R. 6880. An act granting an increase of pension to Marine

H. R. 6887. An act granting an increase of pension to James

E. Taylor H. R. 6943. An act granting an increase of pension to Linas

Van Steenburg H. R. 7415. An act granting an increase of pension to George

W. Brawner H. R. 7416. An act granting an increase of pension to Joseph

R. Boger : H. R. 7538. An act granting an increase of pension to Thomp-

son H. Hudson; H. R. 7918. An act granting an increase of pension to John

M. Buxton : H. R. 8164. An act granting an increase of pension to Jackson

H. R. 8586. An act granting an increase of pension to Milton

J. Timmons

H. R. 8673. An act granting an increase of pension to Marcena

H. R. 8718. An act granting an increase of pension to William T. Rowe;

H. R. 9073. An act granting an increase of pension to Melissa McCracken

H. R. 9450. An act granting an increase of pension to Alexander Brown

H. R. 9576. An act granting an increase of pension to Henry Wagner

H. R. 9655. An act granting an increase of pension to William

H. R. 10188. An act granting an increase of pension to James L. Conn

H. R. 10598. An act granting an increase of pension to Robert Mills

H. R. 10874. An act granting an increase of pension to Frederick Pfahl

H. R. 11098. An act granting an increase of pension to Joseph A. Robinson :

H. R. 11523. An act granting an increase of pension to Robert L. Hamill

H. R. 11693. An act granting an increase of pension to James H. Davison

H. R. 11740. An act granting an increase of pension to Robert R. Dill:

H. R. 11754. An act granting an increase of pension to Charles W. Helvey H. R. 11980. An act granting an increase of pension to William

H. Boulton H. R. 11994. An act granting an increase of pension to Martha

W. Wright H. R. 12033. An act granting an increase of pension to George

W. Irwin H. R. 12095. An act granting an increase of pension to Atticus

Lewis H. R. 12154. An act granting an increase of pension to Henry

H. R. 12250. An act granting an increase of pension to Samuel

H. R. 12355. An act granting an increase of pension to Thomas B. Thompson;

H. R. 12458. An act granting an increase of pension to Thomas J. Saylor

H. R. 12496. An act granting an increase of pension to Hurlbutt L. Farnsworth:

H. R. 13706. An act granting an increase of pension to Albert C. Roach:

H. R. 13769. An act granting an increase of pension to David Angel

H. R. 13835. An act granting an increase of pension to William Crane:

H. R. 13920. An act granting an increase of pension to Oren

H. R. 13960. An act granting an increase of pension to Thomas B. Manning; H. R. 15012. An act granting an increase of pension to Oliver

Curry; and H. R. 15136. An act granting an increase of pension to George

H. Justin.

# PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of Thomas P. Ivy, of Dunline, Conway Center, N. H., remonstrating against the enactment of any legislation providing for the loan of \$5,000,000 to the Forest Service for the construction of roads and trails in the Western Forest Reserve; which was referred to the Committee on Forest Reservations and the Protection of

He also presented petitions of the Woman's Christian Temperance Unions of Bedford and Middlebury, in the State of Indiana, praying for an investigation of the charges made and filed against Hon. Reed Smoot, a Senator from Utah; which were ordered to lie on the table.

He also presented a petition of the Harrison Realty Company, of Washington, D. C., praying for the adoption of an amendment to section 824 of the District Code providing that the word "owner" shall be inserted in lieu of the word "occupant; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Republican League of Clubs of the State of New York, praying for the appointment of a commission to investigate the general subject of immigration; which was ordered to lie on the table.

He also presented a petition of the Traders' League of Phila-delphia, Pa., praying that an appropriation be made for the survey of a 35-foot channel of the Delaware River in the interests of the commerce of the country; which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of the State

of Pennsylvania, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented a memorial of the German-American Central Union of Wheeling, W. Va., remonstrating against the enactment of legislation to further restrict immigration; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Frewsburg, of the congregation of the Baptist Church of Frewsburg, in the State of New York, and of sundry citizens of Crystal ley, Mich., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Wisconsin, Georgia, West Virginia, Pennsylvania, Kansas, Iowa, Illinois, Texas, Connecticut, Michigan, District of Columbia, Ohio, Delaware, Missouri, New York, Maryland, Indiana, New Jersey, Alabama, Massachusetts, Virginia, Kentucky, and Rhode Island, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. PLATT. I present resolutions adopted at a recent meeting of the general committee of the New York State League of Republican Clubs, which I ask may be read and lie on the table.

There being no objection, the resolutions were read, and or-

dered to lie on the table, as follows:

dered to lie on the table, as follows:

\*Resolved\*\*, That we hereby indorse the intelligent, courageous, and progressive administrations of President Roosevelt and Governor Hughes, and appeal to our representatives at Washington and Albany to give effect to the recommendations of the President and governor contained in their annual messages to the Congress and the State legislature.

\*Resolved\*\*, That we respectfully petition the Congress of the United States to enact into law the bill favorably reported by the House committee for the establishment of an efficient and satisfactory mail and transportation service between the United States and South America and the United States and the Orient.

\*Resolved\*\*, That we urge upon the House and Senate conferees on immigration an agreement that will insure the passage at this session of the Congress of a law creating a commission to investigate the general subject of immigration, and that we respectfully declare our disapproval of any so-called educational test, at the same time recording our hearty support to such measures as shall tend to the rigid exclusion at ports of embarkation of all emigrants found to be physically or morally unfit.

\*Mr. PLATT presented petitions of sundry citizens of New\*\*

Mr. PLATT presented petitions of sundry citizens of New York City, N. Y., praying for the enactment of legislation to amend and consolidate the acts respecting copyrights; which

were referred to the Committee on Patents.

He also presented petitions of sundry citizens of the State of New York, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented a memorial of the New York Tract Society, of Rome, N. Y., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the

Committee on the District of Columbia.

He also presented petitions of the congregation of the Immanuel Presbyterian Church, of Binghamton; of the congregation of the Methodist Episcopal Church of Frewsburg; of the Woman's Christian Temperance Unions of West New Brighton and Staten Island, and of sundry citizens of Smithboro, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. McCUMBER. I present, in the form of a telegram, resolutions of the legislature of the State of North Dakota, which I ask may be printed in the RECORD, and referred to the Committee

on Commerce.

The resolutions were referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

[Telegram.]

BISMARCK, N. DAK., February 15, 1907.

Hon. P. J. McCumber, Washington, D. C .:

Hon. P. J. McCumber, Washington, D. C.:

Concurrent resolutions:

Whereas the honorable chairman of the Rivers and Harbors Committee of the House of Representatives is laboring under misapprehension or ill advice as to the volume of water therein, and the value of the upper Missouri and Yellowstone rivers for navigation purposes; and

Whereas the volume of traffic on both of the navigable streams north of the forty-sixth parallel will continue to increase with the now rapidly increasing immigration and the wonderful development of the country tributary to said rivers incident to the completion of the Irigation ditches along said rivers now under construction by the United States: Now, therefore, be it

Resolved by the house of representatives of the State of North Dakota (the senate concurring), That our Senators and Representatives are respectfully urged to secure proper recognition at the hands of Congress and to have proper surveys made and adequate appropriations provided for the immediate snagging of the upper Missouri and Yellowstone rivers, the dredging of shoal places, the removal of rocks from the channel, and the protection of the landing at the several important places, particularly at Rockhaven, Washburn, Mannhaven, Expansion, Bismarck, Williston, Buford, and Glendiye.

Resolved, That a copy of these resolutions when passed be sent by the chief clerk of the house of representatives to Hon T. E. Burrox, the chairman of the Rivers and Harbors Committee of the House of Representatives and to each of our Senators and Representatives of

Congress,

TREADWELL TWITCHELL,
Speaker of the House,
P. D. Norton,
Chief Clerk of the House,
R. S. Lewis,
President of the Senate,
JAMES W. FOLEY,
Secretary of the Senate.
I, P. D. Norton, chief clerk of the house of representatives, do hereby certify that the foregoing concurrent resolution originated in and was adopted by the house of representatives of the tenth legislative assembly of the State of North Dakota on February 9, 1907, and was duly concurred in by the Senate on February 13, 1907.
P. D. Norton, Chief Clerk of the House.

Mr. FLINT presented positions of syndry citizens of Senate

Mr. FLINT presented petitions of sundry citizens of Santa Ana, Hueneme, Los Angeles, and El Modena, all in the State of California, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. GAMBLE presented a memorial of sundry citizens of Springs, S. Dak., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Com-

mittee on the District of Columbia.

Mr. GALLINGER presented a petition of the W. S. Thompson pharmacy of Washington, D. C., praying for the adoption of certain amendments to the present law to regulate the practice of pharmacy in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the United Master Butchers' Association of America of Troy, N. Y., praying for the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was re-ferred to the Committee on the District of Columbia.

He also presented the petition of C. D. Howard, of the United States, praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Com-

mittee on Finance.

Mr. FRAZIER presented petitions of sundry citizens of Knox, Mount Eagle, Gallatin, Fayetteville, Trezevant, Selmer, Tullahoma, Daisy, and Howell, all in the State of Tennessee, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

He also presented the petition of James M. Armstrong, of Knoxville, Tenn., praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

He also presented a petition of the delegates to the National Foreign Commerce Convention, praying for the enactment of legislation providing for the extension of the foreign commerce of the country; which was referred to the Committee on Commerce.

Mr. OVERMAN presented a petition of sundry citizens of igh Point, N. C., praying for the enactment of legislation High Point, to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary

Mr. SIMMONS presented petitions of sundry citizens of North Carolina, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred

to the Committee on Finance.

He also presented memorials of sundry citizens of North Carolina, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of the North Carolina Conference of the Methodist Episcopal Church South, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary

Mr. LONG presented a memorial of sundry citizens of Hill City, Kans., remonstrating against any reduction in the appropriations for the transportation of United States mails; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Topeka, Kans., praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Galva, Ottawa, and Valley Falls, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FULTON presented a petition of sundry citizens of

Grants Pass, Oreg., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary

Mr. BURKETT presented the memorial of John Bratt and W. W. Birge, of North Platte, Nebr., remonstrating against any reduction being made in the appropriation for railway mail contracts; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry affidavits to accompany the bill (S. 870) granting an increase of pension to Alfred Opelt; which were referred to the Committee on Pensions.

Mr. HEMENWAY presented a petition of sundry citizens of Madison, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented petitions of the Indiana Manufacturing Company, the Indiana Mirror Manufacturing Company, and the Evansville Mirror and Beveling Company, of Evansville, all in the State of Indiana, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. CURTIS presented a petition of sundry citizens of Washington, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which

was referred to the Committee on the Judiciary.

He also presented a petition of the Kansas State board of agriculture, praying for the ratification of reciprocal treaties with foreign countries; which was referred to the Committee on Foreign Relations.

Mr. BULKELEY presented a petition of the Methodist Ministers' Association of the State of Connecticut, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Local Union No. 97, Brotherhood of Carpenters and Joiners of America, of New Britain, Conn., and a petition of the State Business Men's Association, of Derby, Conn., praying for the enactment of legislation providing for a reclassification and increase in the salaries of postal clerks in all first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 41 citizens of Bridgeport, Conn., and a petition of the congregation of the South Congregational Church, of Bridgeport, Conn., praying for the enactment of legislation to regulate the employment of child labor; which were ordered to lie on the table.

He also presented a petition of the New Haven District Methodist Ministers' Association of Connecticut, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry business firms of Bethel, Guilford, Meriden, Bridgeport, and Middletown, all in the State of Connecticut, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

#### REPORTS OF COMMITTEES.

Mr. TALIAFERRO, from the Committee on Finance, to whom was referred the bill (H. R. 1371) to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and thereafter returned, reported it with an amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 8299) to confer certain civic rights on the Metlakahtla Indians, of Alaska, reported it with amendments, and submitted a report thereon.

### BALTIMORE AND WASHINGTON TRANSIT COMPANY.

Mr. WHYTE. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (S. 8486) to amend an act to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia, approved June 8, 1896, to report it favorably without amendment, and to ask for its immediate consideration. I submit a report upon the bill, and if I can get unanimous consent for its consideration, I should like to have it put on its passage.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its con-

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### EXTENSION OF NEW HAMPSHIRE AVENUE.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 23576) to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes, to report it favorably with an amendment, and I submit a report thereon. As the bill will probably have to go to conference, I ask

unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration

The amendment was, in section 1, page 1, line 11, to strike out the words "in accordance with the highway extension plans" and insert "on a straight extension of the lines thereof as now established in the city of Washington;" so as to make the section read:

That within ninety days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court, under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, a proceeding in rem to condemn the land that may be necessary for the extension of New Hampshire avenue on a straight extension of the lines thereof as now established in the city of Washington, from its present terminus north of Buchanan street to the District line, with a uniform width of 120 feet.

The amendment was agreed to.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 7811) to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes, submitted an adverse re-port thereon; which was agreed to, and the bill was postponed indefinitely.

#### J. W. BAUER AND OTHERS.

Mr. MONEY. I report back from the Committee on Finance, without amendment, the bill (H. R. 2326) for the relief of J. W. Bauer and others.

The purpose of the bill is to relieve certain persons who had small amounts assessed against them for failure to make return for special tax as retail dealers of oleomargarine, and to repay the money. I ask for the present consideration of the bill. They are small dealers in oleomargarine in the city of Louis-

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. SCOTT. From what committee does the bill come? The VICE-PRESIDENT. The Committee on Finance. Mr. MONEY. If the Senator will allow me, the bill comes

from the Committee on Finance. It is the unanimous report of a House act. There is no objection to it. It is approved by the Commissioner of Internal Revenue. It is to remit small

amounts imposed as a penalty.

Mr. SCOTT. I know the Internal-Revenue Bureau is hav-

ing a great deal of trouble—

Mr. MONEY. These small amounts were collected, and this is to repay the money. It amounts to only three or four hundred dollars

The Internal-Revenue Bureau is having a great deal of trouble, and possibly these people were violating the law. I was not in the Chamber at the time or I would have objected to the consideration of the bill until I knew more about it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOHN M'KINNON, ALIAS JOHN MACK.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the message from the President of the United States, returning Senate bill 1160, entitled "An act to correct the military record of John McKinnon, alias John Mack," reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring). That the action of the Speaker of the House of Representatives and of the Vice-President of the United States in signing the enrolled bill (S. 1160) to correct the military record of John McKinnon, alias John Mack, be rescinded, and that in the reenrollment of the bill the word "military" in line 5 of the bill be stricken out and the word "naval" substituted therefor; also amend the title so as to read: "An act to correct the naval record of John McKinnon, alias John Mack," so as to correctly state the service of the beneficiary, inaccurately stated in the bill.

UNION STATION, WASHINGTON, D. C.

I am authorized by the Committee on Mr. HANSBROUGH. the District of Columbia to report back favorably without amendment the bill (H. R. 9329) to amend an act approved February 28, 1903, entitled "An act to provide for a union station in the District of Columbia, and for other purposes," and I submit a report thereon. As this is a House bill, I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its con-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NOTICES OF MEMORIAL ADDRESSES.

Mr. BURROWS. Mr. President, I give notice that one week from to-day, on Saturday, the 23d, if agreeable to the Senate, I will ask that the business of the Senate may be suspended that fitting tribute may be paid to the memory of my late colleague,

Senator Russell A. Alger.
Mr. CULLOM. In accordance with an understanding I will ask that on the same day, immediately after the close of the ceremonies with reference to the late Senator Alger, I shall submit resolutions commemorative of the life, character, and public services of the late Mr. Hrrr, a Member of the House

from the State of Illinois.

Mr. LODGE. I desire to give notice that on Saturday the 23d, after the conclusion of the ceremonies in regard to the late Mr. Hitt. I shall ask the Senate to take up resolutions commemorative of the late Rockwood Hoar, formerly a Member of the House of Representatives from the State of Massachusetts.

Mr. BACON subsequently said: I should like to make an inquiry of the Senator from Massachusetts. I understood the Senator to give notice that on next Saturday he would call up resolutions relative to the death of the late Representative HOAR.

wish to ask the Senator what hour he indicated?

Mr. LODGE. I indicated no hour. The Senator from Michigan gave notice that he would on that day call up resolutions in regard to the late Senator ALGER, and the Senator from Illinois gave notice that he would follow those with resolutions relative

to the late Mr. HITT. I shall follow those.

Mr. BACON. I did not know of the number of notices, but the session is growing so short and I find so very little margin for the selection of days, I give notice that on the same day I will ask the Senate to take up resolutions relative to the death of the late Representative Lester, of my State. In view of the number of notices I shall endeavor to have the addresses not too numerous to be heard on that day. I suppose that subsequent to this time it is the intention of the Senator from Massachusetts to ask that some particular hour be fixed.

Mr. LODGE. No; it was thought best not to fix the hour to

begin the eulogies, but to have them follow each other.

Mr. BACON. The hour then will be taken advantage of on that day and will be chosen with reference to the fact that there

are a number of eulogies to be delivered. Mr. CULLOM. The main portion of the day will be consumed

by the eulogies.

HOUR OF MEETING ON MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet at 12 o'clock on Monday.

Mr. GALLINGER. At 12 o'clock?
Mr. HALE. At 12 o'clock. I do that for this reason: The Senate has agreed that on and after Monday it will meet at 11, but if several very important committees can have Monday or Tuesday and not be brought here so early they will mature their business. So I believe that we shall forward the general business more by meeting Monday at 12 o'clock and allow the committees to complete their work.

The VICE-PRESIDENT. The Senator from Maine moves

that when the Senate adjourns to-day it be to meet at 12

o'clock on Monday next. The motion was agreed to.

JUDICIAL DISTRICTS OF OREGON.

Mr. KITTREDGE. I am directed by the Committee on the Judiciary, to whom was referred the bill (8, 275) to divide the State of Oregon into two judicial districts, to report it favorably with an amendment, and I submit a report thereon. I ask the attention of the senior Senator from Oregon [Mr. Fulton] to the report

Mr. FULTON. I ask unanimous consent to the present con-

sideration of the bill.

I shall not object to the consideration of this Mr. LODGE. bill, but as there is a unanimous-consent agreement to begin the consideration of the conference report on the immigration

bill at the close of the routine business I give notice that after this measure is disposed of I shall ask for the regular order.

The VICE-PRESIDENT. The bill will be read for the in-

formation of the Senate.

The Secretary. The Committee on the Judiciary report to strike out all after the enacting clause and insert:

The SECRITARY. The Committee on the Judiciary report to strike out all after the enacting clause and insert:

That there shall be, and hereby is, created an additional judicial district in the State of Oregon, said State being hereby divided into two judicial districts, which shall be known as the eastern and shall complete the shall district and the shall be known as the eastern and shall include the counties of Baker, Malbeur, Harney, Grant, Union, Wallowa, Umatilla, Morrow, Sherman, Gilliam, Crook, Wheeler, and Lake, with the waters thereof. The western district shall include the residue of said State of Oregon, with the waters thereof.

SEC. 2. That the district judge and all officers who have been here-tofore appointed for the district of Oregon as heretofore constituted and are in office at the time of the taking effect of this act shall condition of the shall good of the shall appointed and qualified, and the said judge shall have the same powers and jurisdiction, except territorial, and the said judge and all such officers shall perform the same duties and receive the same powers and jurisdiction, except territorial, and the said judge and all such officers shall perform the same duties and receive the same compensation as heretofore.

SEC. 3. That the President, by and with the advice and consent of the Senata shall appoint for said eastern district of Oregon a district and district court and all other necessary officers shall be appointed in the same manner as is now provided by law in respect to such officers in the district of Oregon.

SEC. 3. That the courts and judges of said eastern district of Oregon shall within said district, respectively, possess the same jurisdiction and powers and perform the same duties as are now respectively of the limital states of the district of Oregon, shall receive the same compensation as is by law provided for the district of the same and performed by the like district of the same performed by the like district of Oregon, and performed by the like district of the

proceeded with and finally determined as if this act had not been passed.

SEC. 9. That all crimes and offenses hereafter committed within either of said districts shall be prosecuted, tried, and determined within the district in which committed.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF HENRY WARE,

Mr. McENERY. I ask permission at this time to call up for consideration the bill (S. 1217) for the relief of the estate of Henry Ware, deceased.

The Secretary read the bill.

Mr. KEAN. Is there not an amendment to the bill? The VICE-PRESIDENT. There is no amendment. Is there

objection to its present consideration?

Mr. KEAN. I understood that the amount in the bill was reduced to something like \$20,000 instead of \$64,000. I do not see the Senator who has had it in charge present.

Mr. LODGE, I must ask for the regular order if the bill is to give rise to debate.

The VICE-PRESIDENT. The Senator from Massachusetts demands the regular order. The bill will retain its place on the Calendar without prejudice.

#### BILLS INTRODUCED.

Mr. LONG introduced a bill (S. 8498) to amend sections 16, 17, and 20 of an act entitled "An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 16, 1906, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

He also introduced a bill (S. 8499) for the relief of William Coker; which was read twice by its title, and referred to the Committee on Claims.

Committee on Claims.

Mr. FRAZIER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 8500) for the relief of the Methodist Episcopal Church South, of Germantown, Tenn. (with an accompanying paper); and

A bill (S. 8501) for the relief of the First Presbyterian Church of Nashville, Tenn.

Mr. DUBOIS introduced a bill (S. 8502) granting a pension to Talcott M. Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Particles.

Mr. FULTON introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8503) granting a pension to William Lind; and A bill (S. 8504) granting an increase of pension to Clark

Thompson.

Mr. CARMACK introduced a bill (8, 8505) for the relief of the legal representative of the estate of John T. Shumate; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 8506) for the relief of the Missionary Baptist Church of Antioch, Davidson County, Tenn.; which was read twice by its title, and referred to the Committee on Claims

Mr. HOPKINS introduced a bill (S. 8507) to authorize the construction of a bridge across the Grand Calumet River, State

of Illinois; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. DILLINGHAM introduced the following bills; which, with the accompanying papers, were referred to the Committee on Pensions:

A bill (S. 8508) granting an increase of pension to Miranda W. Howard; and

A bill (S. 8509) granting an increase of pension to Isaac H.

#### DISPOSAL OF TIMBER ON PUBLIC LANDS.

Mr. CLARK of Montana submitted an amendment intended to be proposed by him to the bill (8, 7494) to provide for the disposal of timber on public lands chiefly valuable for timber, and for other purposes; which was ordered to lie on the table and be printed.

# AMENDMENTS TO NAVAL APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing to appropriate \$170,000 for the purchase of a water-supply system, \$61,200 to complete pattern shop for steam engineering, and \$10,000 for extension of track for 40-ton crane at navy-yard, Portsmouth, N. H., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. CURTIS submitted an amendment providing that veterans of the civil war on the retired list, of the age of 62 years and over shall be considered of a permanent specific disability equivalent to incident of service within the meaning of the retirement laws, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

#### LEGAL REPRESENTATIVES OF JOSEPH WHITE, DECEASED.

Mr. FORAKER submitted the following resolution; which was referred to the Committee on Claims:

Resolved, That the bill (H. R. 1571) for the relief of the legal representatives of Joseph White, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

REPRINT OF NORTHERN PACIFIC RAILROAD ACT.

Mr. BURKETT. I submit a concurrent resolution, and ask for its present consideration.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed, for the use of Senators and Representatives in Congress, 500 copies of the act of July 2, 1864, Thirty-eighth Congress, first session, volume 13, page 365, United States Statutes at Large.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

Mr. ALLISON. What is the act that is to be printed?
Mr. BURKETT. It is the act for the organization of the
Northern Pacific Railroad. I will state that the reason why
copies are requested is because there has been a resolution referred to the Committee on Pacific Railroads and we have had no copies of this act. Inasmuch as it has to be given some consideration, we want to have copies of it for our committee.

Mr. ALLISON. I call the attention of the Senator to the designation by date of the act in the resolution. It is possible that several acts may have been passed on that day.

The concurrent resolution was agreed to.

#### PEND D'OREILLE RIVER DAM, WASHINGTON.

Mr. ANKENY. I wish to call up the bill (H. R. 24760) authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes

Mr. KEAN. I have no objection to the bill, but I think the Senator from Massachusetts called for the regular order.

The VICE-PRESIDENT. If there is no objection, the bill will be read for the information of the Senate.

Mr. LODGE. I thought the regular order was asked for.

Does the demand have to be renewed?

The VICE-PRESIDENT. The Chair feels bound to recognize a Senator who rises in his place at any time and asks unanimous consent. The Senator from Washington asks unanimous consent for the present consideration of a bill, which will be read for the information of the Senate, if there is no objection.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# INDIAN TRIBAL FUNDS.

Mr. CLAPP. I move that the bill (H. R. 5290) providing for the allotment and distribution of Indian tribal funds be recommitted to the Committee on Indian Affairs.

The motion was agreed to.

### DISTRICT OF COLUMBIA APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24103) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1908, and for other purposes, and requesting a conference with the Senate on the

disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments and agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. Gallinger, Mr. Warren, and Mr. Tillman as the conferees on the part of the Senate.

#### HOUSE BILLS REFERRED.

The bill (H. R. 10005) making certain changes in the postal laws was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 24925) making appropriations for the naval

service for the fiscal year ending June 30, 1908, and for other purposes, was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 25046) to authorize the construction of a bridge across the Mississippi River at Louisiana, Mo., was read twice by its title, and referred to the Committee on Commerce.

#### REPORT OF BUREAU OF ANIMAL INDUSTRY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Agriculture and Forestry, and ordered to be printed: To the Senate and House of Representatives:

I transmit herewith the report of the operations of the Bureau of Animal Industry of the Department of Agriculture for the fiscal year

ending June 30, 1906, in compliance with the requirements of section 11 of the act approved May 20, 1884, for the establishment of that Bureau.

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 16, 1907.

JOHN W. M'WILLIAMS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying bill, ordered to lie on the table:

To the Senate:

In compliance with the resolution of the Senate (the House of Representatives concurring) of the 15th instant, I return herewith Senate bill No. 5854, entitled "An act granting an increase of pension to John W. McWilliams."

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 16, 1907.

SARAH R. HARRINGTON.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 21579) granting an increase of pension to Sarah R. Harrington, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the sum proposed insert thirty-five dollars.

N. B. Scott,
Jas. P. Taliaferro,
Conferces on the part of the Senate.
H. C. Loudenslager,
WM. H. Draper,
WILLIAM RICHARDSON,

P. J. McCumber,

Conferces on the part of the House.

The report was agreed to.

RESTRICTION OF IMMIGRATION.

Mr. HALE rose.

The VICE-PRESIDENT. The morning business is closed. The Senator from Maine.

Mr. HALE. I rose to ask the Chair to enforce the order that was made yesterday.

The VICE-PRESIDENT. Under the agreement made yesterday, debate is now in order upon the report of the conferees on

the immigration bill.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (8, 4403) entitled "An act to amend an act entitled "An act to regulate the immigration of aliens into the

United States,' approved March 3, 1903."

Mr. SIMMONS. Mr. President, I have always since I have been a member of the Senate, whenever an opportunity offered, acted with the representatives of the Pacific coast upon questions affecting Oriental immigration and settlement in this country, because while the social and industrial conditions created by the presence in our midst of these unassimilable peoples create a situation of national interest and concern, their concentration in the States of the Pacific coast makes the Chinese and Japanese problem more distinctly a Pacific coast problem, just as the concentration of the negro in the South makes the negro problem more particularly a Southern problem.

The people of the South feel that, being more familiar with the negro character and the conditions out of which the negro problem arises than the people of the balance of the country, they understand better what kind of legislation is necessary and proper to meet these conditions.

For the same reasons the people of the South feel that as the people of the Pacific coast are more familiar with the Oriental character and the conditions out of which our Chinese and Japanese problem arises they understand that problem better than the balance of the country and know better what kind and character of legislation is necessary to meet that situation.

As the people of the South demand the right to settle the negro question in its local aspects, and as they insist that in its national aspects their interest and counsel should to a large extent control, so they think the people of the Pacific coast should be allowed to deal with the Japanese problem in its local aspects as they think best, and that in its national aspects their interest and counsel should control, as long as the action they propose is proper and within constitutional limitations.

In many ways in public speech and by private assurances Representatives upon this floor and in the other branch of Con-

gress from the Pacific coast have shown their appreciation of these sentiments of the South toward them in respect to their race problem, and that they entertain a like sentiment toward the South with respect to its race problem.

For these reasons I should deeply regret to have to cast a vote affecting these questions which would tend to create friction or to alienate the feeling of mutual sympathy between these sections upon these questions, and I will not do it except under a strong sense of duty and compulsion.

It is unfortunate, Mr. President, that the bill as amended and framed by the conferees should couple a provision concerning Japanese immigration satisfactory to the Senators from the Pacific coast with a provision affecting the methods by which the South is endeavoring to supply its need for more labor in a way unsatisfactory to some Southern Senators at least.

This question of exclusion of Japanese laborers by legislation or treaty is in itself a great question—I might say now an acute if not an overshadowing question—and I think it would have been far better for the Administration and Congress to have dealt with it as a separate question. But it has been determined otherwise, and the two questions have been joined in one measure which is presented to us in such a form that we can not separate them. In a way we can not vote against one and accept the other, but we must accept or reject both.

If I believed, as does the Senator from Georgia [Mr. Bacon] and as does the Senator from South Carolina [Mr. Tillman] that the proposed amendments would, if adopted, handicap or embarrass the South in its efforts to secure foreign immigration through State promotion and aid, I would vote against concurrence in the report, as much as I would regret to oppose a measure which Senators from the West think offers their section protection against an influx of cheap Japanese coolie labor.

Mr. President, in these conditions I have decided to vote for the bill as amended by the conferees because, after careful study of it, I have reached the conclusion that the changes it makes in existing law will not embarrass or injuriously affect the South in its efforts to solve its labor problem through means of the so-called South Carolina method of State promotion.

The Senator from South Carolina [Mr. Tillman] and the Senator from Georgia [Mr. Bacon] have not overstated or exaggerated the labor situation and demands of the South. This is especially true of those Southern States in which manufacturing has been in recent years introduced and developed as rapidly and as extensively as it has been in States like North Carolina, Georgia, and South Carolina; States which twenty-five years ago were almost purely agricultural communities and which to-day count their mills and factories by the hundreds. Surely they have not overstated these demands so far as my State is concerned. I believe I am within the bounds of moderation when I say that in North Carolina we could profitably use in the lines of agriculture probably sixty thousand and in our mills and factories probably twelve or fifteen thousand more laborers than we now have.

As a result of this labor scarcity hundreds of thousands of acres of land which would yield profitable crops are uncultivated and between one-fifth and one-fourth of the cotton spindles in the State are idle.

Unless we can get this labor from elsewhere, either in this country or abroad, it means curtailment in our present activities and a halt in that wonderful development and progress, along both agricultural and manufacturing lines, which has contributed so much to the wealth and prosperity of the country at large and changed the balance of world trade in our favor.

We have tried to get this labor from other parts of our own country, because we have felt and thought it would be better, if possible, that it should be drawn from other parts of the United States, where the people are more in harmony with the native population than foreigners would be, but we have failed. It is not my purpose to go into the reasons for that failure, but simply to state the fact. In these conditions we have been compelled to look abroad for this additional labor.

While the volume of foreign immigration to this country dur-

While the volume of foreign immigration to this country during recent years has been enormous, scarcely any of it has gone to the South. If unsolicited and allowed to follow its own trend but little of it is likely to go there for a long time to come, especially if measures are not taken to correct false and erroneous notions of the social and labor conditions there which have been disseminated abroad by adverse interest.

Something in the direction of inducing and directing immigrants toward the South can be accomplished through State agencies for that purpose located at Ellis Island and at other places of alien debarkation in this country. The immigration bill as it passed the Senate contained the substance of a bill which I introduced two years ago providing for the maintenance by the States at Ellis Island of bureaus for this purpose. The

House struck this provision out of the bill, but I am glad to see that the conferees have restored it. These agencies will help to some extent to solve the labor problem of the South, and to relieve the congestion incident to the settlement of a large per cent of our present immigration in the great cities and centers of population, but as the destination of the great mass immigrants, especially the better class of them, is determined before they leave the other side, no great measure of relief from the labor conditions we have in the South is probable or even possible from this source.

If the South must supply its labor needs through foreign immigration, and, as I have said before, it seems reasonably certain that it must, the only way in which it can supply it from this source, and at the same time get a fairly acceptable class of immigrants, is by reaching the immigrant before he leaves his foreign home. This, of course, can be done only through solicitation of representatives or agents either of indi-

viduals, corporations, or the State.

Under our contract-labor laws an individual or a corporation is not permitted to solicit or aid foreign immigration unless the immigrant be a skilled laborer and "like labor unemployed can not be found in this country." Under these laws there is an exemption in favor of the States from this prohibition against individuals and corporations by which a State may, through its agents located abroad, not only solicit but induce and assist

Some of the cotton-mill men of North Carolina have recently had rather an unpleasant experience with the Department of Justice growing out of an attempt on their part to take advantage of the exception with reference to skilled labor which I

have mentioned.

These cotton-mill men, unable to find sufficient skilled labor in this country to operate their plants, and being advised that they might import this labor from abroad under the section in our Federal labor laws to which I have just referred, and which provides "that skilled labor may be imported if labor of like kind, unemployed, can not be found in this country," imported a number of mill operatives from England. They did not intend to violate the law, and they did not think they were violating They are among the best men of my State and the law. They are among the best men of my State and would not knowingly violate the law. They were advised, and thought the proviso quoted meant they might import "skilled labor" if "available" labor of like kind unemployed could not be found in this country, and they claimed there was no skilled labor of like kind unemployed in this country reasonably "available" to them.

For this they have been indicted in the Federal courts "for importing labor under contract" and suits for penalties under the statute amounting to more than a hundred thousand dollars have been brought against them by the Government upon the contention of the Department of Justice that this proviso does not warrant the importation of skilled laborers under contract if laborers of like kind unemployed can be found anywhere in this country and which could be employed at the scale of wages which obtains in that section of the country where they could be found, notwithstanding it may be an entirely different scale from that obtaining in the section where they are wanted.

Under this strict, and I feel compelled to say rather hard, construction of the language of the proviso, all chance of securing skilled laborers for our factories under the initiative of the mill owners has probably been destroyed unless the courts shall overrule the construction placed by the Department of Justice upon the proviso to the statute to which I have referred.

I regret that the cotton-mill men of my State have gotten into is trouble. They are all good men. We have none better in this trouble. They are all good men. We have note that the State. They are law-abiding citizens, and did not intend to violate the law, if they have done so, and I hope the Government, as the facts in the case are more fully disclosed and understood, will become convinced that if the law violated it was a technical and not an intentional violation.

But while I feel this way about this matter, Mr. President, I can not but believe that our contract-labor laws are wise and that, except in cases of great emergency, it is better that immigration to this country should be either voluntary, and then that it should be restricted by such exclusions as may be necessary to safeguard our citizenship and protect American labor, or under State control to the end that only such classes of immigrants may be solicited and aided to come as the State's agents abroad, uninfluenced by any considerations except that of public good, may know or believe would make good and acceptable citizens.

The success of the South Carolina scheme through promotion

commissioner of immigration offers to the South what I regard as a safe and practical plan to supply from abroad its labor while safeguarding it against the dangers of unrestricted immigration. This decision has raised high hopes in the South. I believe it furnishes the long-sought means of relief from a situation which has been growing more emergent every day.

I would not support the amendments proposed by the conferees if, in my opinion, they would change the present law so as to interfere with the rights of the States under the law to promote foreign immigration by solicitation and inducement through its properly constituted officials and agents abroad. I am going to vote for the bill as amended by the conferees because I am convinced it makes no such changes in respect to this right of the States as the Senator from Georgia [Mr. BACON] and the Senator from South Carolina [Mr. TILLMAN] fear, and because, as I said before, I am anxious to aid the people of the Pacific coast in their effort to protect themselves against an influx of cheap and undesirable oriental labor.

Now, Mr. President, let up examine and analyze for a minute the so-called South Carolina plan, the decision of the Department of Commerce and Labor with regard to it, and the effect of the proposed amendments upon that plan, that we may see whether I am right in my conclusions and contentions.

As I understand it, the ruling of the Secretary in the South Carolina case, based upon the legal opinion of Mr. Earl, the solicitor of that Department, holds that under the exemption in favor of the States, it is competent for a State to send its agent to a foreign country; it is competent for that agent, in the name of the State, to advertise the inducements and the advantages of his State. He may set out climatic conditions; he may set out health conditions; he may state soil conditions; he may set forth the resources and industries of the State; he may set forth the wage scale and the demand for labor, and he may advertise any other inducement, such as free houses and fuel, or short hours of labor, etc., which his State may and does hold out to settlers. He may go further than that, under this ruling; he may, acting for the State, prepay the transportation charges of the immigrant to this country. He may go even further still. He may give the immigrant an assurance which is, in my opinion, almost, if not quite in effect, a contract that he shall have employment at a fixed scale of wages and a guarantee that, if he is not given such employment, or if he shall find any of the essential representations made to him untrue, or even if he is dissatisfied, he shall be returned to the country from which he has come at the expense of the State.

It appears from the opinion of the Solicitor of the Treasury in this case that the money to defray practically all the expenses incurred by the commissioner of immigration of South Carolina in securing and bringing over these immigrants was furnished by certain individuals and manufacturing corporations of that State, and that most of the immigrants upon their arrival were employed by these contributors.

The admission to this country of the immigrants brought over under these circumstances is a recognition by the Secretary of Commerce and Labor of the right of the State under existing law to receive these contributions from individuals and corporations, and with them pay expenses of immigrants so long as it is not shown that there was a contract giving the contributors to this fund preferential consideration in the distribution and employment of such alien laborers as might be induced to come.

Now, Mr. President, if the amendments proposed by the conferees are adopted, the Secretary of Commerce and Labor will have to modify to some extent his ruling as I have stated it; but I do not think that the modification will embarrass the States of the South in their efforts through State agency to

secure needed immigration from abroad.

In what respects, Mr. President, would the opinion have to be changed? Giving full force and effect to the amendments proposed, there will still be left to the State the right to appoint an agent, to send that agent to any foreign country, with full power to advertise any and all inducements and advantages the State has in truth and in fact to offer to the settler. He may set forth labor conditions; he may set forth the scale of wages; he may give a positive assurance to the immigrant that if he comes he will find employment, and find that employment at a fixed and certain wage. He can go further; he can, using State funds for that purpose, pay his transportation expenses. He can likewise pay his transportation back to the country from which he came, if he is dissatisfied with the conditions as he finds them, or if he shall find that he can not secure employby State agency and the ruling of the Department of Commerce and Labor sustaining the right of the State to induce foreign ised and guaranteed. The only thing that the agent may immigration along the lines pursued by the South Carolina not do, Mr. President, that he can now do is to enter into

a contract with the immigrant before his debarkation for services to be performed in this country at a fixed rate of wage, and the bureau of immigration of the State can not receive from individuals or corporations contributions to defray the expenses of solicitation and importation when those con-tributions have "a string tied to them," or when they are received upon an understanding of any kind or nature whatever, whether expressed, implied, or otherwise, that the contributor is to have a preference in the distribution of such immigrants as may thereby be induced to come.

Mr. President, there are serious objections to the importation to this country of alien contract labor under individual or corporation initiative, and these objections obtain with equal force against individuals or corporations using the State as their agent to do the same thing. The right to solicit and aid foreign immigration, while denied individuals and corporations, given to the States upon grounds of wise public policy which would be manifestly defeated if the individual or the corporation is allowed to do through a State agent what the law will not permit him or it to do directly. The objections therefore which obtain against contract labor directly induced by individual or corporation initiative in a large measure obtain where the individual or corporation supplies the money and means to the State, because under these conditions he or it will likely be the beneficiary of whatever success may attend the State's efforts.

For these reasons the law ought not, in my judgment, permit the State to receive from individuals or corporations money to be used in connection with promoting immigration under the exemption allowed to the State with any understanding or-expectation on the part of the contributors to such fund that they will enjoy or be given any preference or advantage in the distribution of aliens who might thus be brought to the State over other citizens.

Of course, there could be no sort of objection to contributions to this fund by anyone who contributes solely because of his desire as a citizen to aid in supplying a public demand in this regard, neither reserving nor demanding for himself any greater consideration in the distribution and employment laborers as may be induced to come than is accorded to other citizens of the State.

In recent years the subject of foreign immigration has been much discussed in North Carolina, and this discussion has disclosed more or less prejudice among the people against the importation of foreigners. That prejudice is based, not upon any hostility to foreigners as such, but upon an apprehension that if once the doors were opened objectionable and dangerous elements might and probably would be brought into the State and the standard of its citizenship thereby lowered. Mr. President, that prejudice has to some extent been overcome, but there is still a strong feeling among the people of North Carolina against foreign immigration except upon conditions which will guarantee the selection of those classes they desire and the ex-

Clusion of those they do not desire.

They believe that if this matter of immigration is left to individual and corporate initiative, following a rule of human nature, the individual or corporation will seek that class of labor which is cheapest. They know that cheap labor does not generally mean good labor or give promise of a high standard of citizenship, and our people are more concerned about preserving the high standard of their citizenship than in supplying their labor demand.

When it was suggested to the people of my State that, under the method of State encouragement and State stimulation, these dangers could be avoided, and that the State, through its agents in foreign countries, would invite and assist to come only such foreigners as would make good citizens, that opposition largely I am advised that the legislature of my State which is now in session will enact before it adjourns legislation looking to the promotion of foreign immigration under State control and guidance along the lines followed by South Carolina and covered by the ruling of the Secretary of Commerce and Labor. I hope and believe, however, that the amount appropriated for this purpose will be amply sufficient to cover all reasonable expenses. It was the inadequaey of the South Carolina appropriation that made it necessary for the commissioner of immigration of that State to accept contributions from private

The South Carolina legislature only appropriated \$2,000, as I understand it, to defray the whole expenses of its bureau of immigration in prosecuting the work of promoting and assisting immigrants to that State. Of course, \$2,000 was utterly insufficient, and it was necessary to get the money from elsewhere. It is not shown nor do I mean to charge that these contributions were received with any unlawful or prohibited under-

standing or agreement; but I do believe and I do say that such a practice tends to defeat the very object of the law, which, while allowing States to promote foreign immigration, denies that right to the private citizen, and I do believe and I do say that it tends to defeat our laws against the importation of foreign contract labor.

If I thought, as I said in the beginning, that the changes proposed would so modify and change the present law upon this subject and the decision which has been rendered thereon as to embarrass any Southern State in carrying out its schemes get additional labor from abroad, I would vote against the bill. But, as I have said, I am satisfied that nothing of that kind will happen. I am satisfied that the only effect of these amendments will be to prevent an actual contract between the State and the intended immigrants and to prevent corporations from intervening and by making contributions to the State immigration funds become the beneficiary of the State success to the exclusion of the other citizens of the State.

Mr. President, I do not, as I have said before, apprehend any embarrassment to the States of the South growing out of the amendments under discussion, but I do not think there is any present necessity for this legislation. The object sought in making these changes in the law is not to provide against an actual or demonstrated evil or abuse, but against a possible abuse and a contingent evil. It would have been just as well to wait until there was an actual abuse by the States in their efforts to promote immigration. So far as the facts show there has been no abuse up to the present time. There may be none. This scheme, Mr. President, of promoting immigration through State agency has just been initiated. But one State has acted upon it—the State of South Carolina. There has been brought over up to this time but one shipload; I think about five hun-

dred persons in all.

Mr. TILLMAN. Two shiploads.

Mr. SIMMONS. Two shiploads of five hundred each, probably.

Mr. TILLMAN. Six hundred and fifty in all.

Mr. SIMMONS. The Senator says six hundred and fifty in Nobody up to this time has charged, certainly it has not been shown, that there has been any abuse of the authority of the State in this regard, so far as our contract-labor laws are concerned in the action of that State.

Other States in the South, encouraged by the success of South Carolina, seeing the opportunities that are offered by that method, are getting ready to take advantage of the ruling in that case. If in the process of development, as the States one after another adopt this plan and begin to operate under it, abuses shall arise, it will be time enough to resort to legislation. If abuses shall arise, growing out of contributions from corporations and individuals, resulting at least in an obligation which is likely to be recognized and give the contributor to those funds an advantage in the distribution of the immigrants they could probably be effectively dealt with by departmental regulations.

In fact, Mr. President, I am advised that the Commissioner Immigration has this matter in mind, and that he has warned the authorities of South Carolina that there must be no agreement between State authorities and contributors to immigration fund providing for a preference, nor must there be actual preferential treatment in distribution. I am also informed that the Department would, if an unlawful understanding or preference of this kind should be disclosed, hold itself authorized under existing law in deporting immigrants brought in under such conditions.

Mr. President, I wish to emphasize my opposition and that of the people of my State to unrestricted immigration. opposed and the people of my State are opposed to the importation of foreign contract labor under individual or corporate initiative, largely because that would let down the bars to indiscriminate immigration. To stop and prevent the present unrestricted and indiscriminate influx into this country of aliens I offered the educational-test amendment to the pending measure, which the Senate adopted, but which the House struck I am sorry the conferees on the part of the Senate, after standing out for months for its restoration to the bill, should, under the stress of circumstances, have felt impelled to leave it out. I am glad to know that the commission of nine (for which the bill provides) to investigate the whole subject of immigration will give special consideration to the feasibility of applying this test.

Every consideration of public policy and equitable treatment of American labor requires that some effective restraint should be placed upon the ignorant hordes that are to-day pouring in upon us from nearly every quarter of the globe. In my opinion State selection, under conditions which will guarantee perfect independence and freedom in selecting the good and passing by the undesirable, is the most effective scheme of accomplishing

this desirable restriction.

The people of my State would rather, in my judgment, struggle along with the hard labor conditions they have there to-day than to open the doors of that State to unrestricted immigration. They are especially opposed to the introduction into that State of immigrants from southern and eastern Europe, and I am advised that no immigration bill can likely pass our legislature which does not expressly provide that State agents abroad shall not solicit and induce to come to the State any except persons of Celtic, Scandinavian, or Anglo-Saxon origin and extraction.

The South must have more labor, and it is willing to get it abroad since it can not get it elsewhere, but it wants those who are to come selected with a view to safeguarding its citizenship from further race and class problems. This State method of stimulating immigration obviates the difficulty which has confronted us heretofore. It secures, by the process of juexclusion, the dicious and discriminating preferences and kind and class of immigrants we want and excludes in a measure those not wanted. We would get a class of people who would come to us, not as the Italians of southern Europe, not as the Huns and the Poles come, with the purpose of re turning just as soon as they can make a little money; not as the Chinaman or the Japanese come, with the purpose of going back as soon as he has exploited our labor markets; but with a fixed purpose when they come of staying; with a fixed purpose of making this country their home; with the purpose of adopting our customs and our habits, of learning our language, of assimilating with our people, of intermarrying with them and becoming a part of a homogeneous whole; with a purpose of making themselves true and loyal citizens of our country, ready to defend its flag, and able to comprehend and understand the genius of its free institutions.

That is the kind of labor and immigrants we want. If you let down the bars, if you permit corporations to go and bring in immigrants as they may desire, either directly or through a State agent, by furnishing to the State its immigration fund, that can not be accomplished, and the immigration we are likely to get in the South will largely be of a kind that we do not want, that will not help us, that will become an element of discord and disturbance, further complicating the social and labor problems which now, unfortunately, vex and distract us.

For that reason, Mr. President, so far as I personally am concerned, I am satisfied with this report, because I think it

leaves to the States all the power in this regard that is needed, and all that the State has to do is to take up the burden itself and not ask somebody to bear it under an agreement or contract that they shall have an advantage. As it does this, it accomplishes that purpose which I say our people have of safeguarding this influx of immigration against the admission of that element that we think would be dangerous to our society and to our civilization.

### UNION STATION, WASHINGTON, D. C.

During the delivery of Mr. Simmons's speech,

Mr. KEAN. Will the Senator from North Carolina yield to me to make a motion?

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Jersey?

Mr. SIMMONS. Certainly. Mr. KEAN. I ask that the vote by which the bill (H. R. 9329) to amend an act approved February 28, 1903, entitled "An act to provide for a union station in the District of Columbia, and for other purposes," was passed be reconsidered.

VICE-PRESIDENT. The Senator from New Jersey asks that the vote by which the bill named by him was passed Without objection, it is so ordered.

Mr. BEVERIDGE. Mr. President, I give notice that hereafter whenever a Senator is taken off his feet by the interposition of matter

Mr. SIMMONS. I had no objection to it, Mr. President. That is all right.

Mr. BEVERIDGE. It is not all right.

Mr. SIMMONS. I knew it was in violation of the rules, but I did not care anything about it.

Mr. KEAN. I thank the Senator.

Mr. BEVERIDGE. But other Senators are interested, as well as the Senator from North Carolina. The Senate is interested.

Mr. McCREARY. A speaker ought not to be interrupted in

After the conclusion of Mr. Simmons's speech,

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 24991) making appropria-tions for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, to report it favorably with amendments.

I should like consent that 200 additional copies of the bill be

printed for the use of the Senate.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that 200 copies of the bill, in addition to the usual number, be printed for the use of the Senate. Is there objection? The Chair hears none, and it is so ordered. The bill will be placed on the Calendar.

Mr. FRYE. I give notice that I will endeavor to secure the consideration of the bill as soon as the agricultural appropria-

tion bill is disposed of.

#### RESTRICTION OF IMMIGRATION.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 4403) entitled "An act to amend an act entitled 'An act to regulate the immigration of aliens into the United States,' approved March 3, 1903."

Mr. DUBOIS. Mr. President, I do not like this clause in the

conference report:

Provided further, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

In the first place, I do not think that provision has any place properly in this bill. It has never been considered by either branch of Congress. So far as I can learn, that provision was prepared by the Secretary of State under the direction of the President of the United States and put into this bill six gentlemen, three conferees on the part of the House and three on the part of the Senate. I do not think the President of the United States ought to be allowed to legislate directly in regard to any subject, much less one of such vast importance as this. I am aware of the fact that you can not exclude it on a point of order, and that in order to defeat it the entire conference report must be rejected, and therefore it is necessary, if anyone objects to a particular clause, to give his reasons, and if there are enough objections by individual Senators to sufficient clauses the conference report will be sent back and another one brought to the Senate.

What does this clause mean, Mr. President? the Japanese coolies and laborers are to be excluded, that will not be satisfactory to the Japanese Government. If it does not mean that they are to be excluded, in my judgment, it will not be satisfactory to the Pacific coast. A temporary exigency of a political nature has arisen which seems to demand some legislation for the present. I can not, as the representative of one of the States of the Pacific slope, give my consent to this legislation. If it is satisfactory to the Senators from California, well and good for them. Under a certain condition, it is provided that the President of the United States may refuse to allow Japanese to come into the United States, the condition being where they are coming in to the detriment of labor conditions in the United States. That is not the only question involved in regard to Japanese cooly immigration. Every representative from the Pacific coast knows that there are objections to Japanese coolies besides their competition with our labor. There is on the Pacific coast more objection to Japanese coolies than to Chinese coolies. We do not need either Japanese or Chinese labor on the Pacific coast. If you could land them at Charles-ton, or New Orleans, or New York, or Boston, we would be better satisfied. We on the Pacific coast can get along better without them than with them. Wherever a Japanese cooly or a Chinese cooly comes in competition with our labor anywhere, our white laborers quit. They will not compete with it. They will not put themselves on an equality with it, not because they fear it, but there are moral questions involved which are not cured by this amendment.

Every representative from the Pacific coast knows that we do not need this labor. Every one of us can illustrate in our own State. I will take the great Coeur d'Alene mining camp, in Idaho, the greatest almost in the world, to illustrate that we do not need oriental labor. Fifteen thousand laborers are employed there. There are eight or ten large towns within a radius of 50 miles. It is the greatest lead-producing camp in the world. Twenty-five years ago, when it was started, the miners said, "No Chinaman shall come into this camp," and from that day to this no Chinaman has gone there. no trouble about labor. There is no trouble about waiters. There is no trouble about laundrymen. White men and white girls perform all the labor satisfactorily, and it is so in other parts of the West and in regard to labor for all our industries. But you let a half a dozen Chinamen go into that camp and you will get no white labor to compete with them in any employ-

The Senator from Texas [Mr. Culberson] yesterday offered the following resolution:

Resolved, That the conferees on the part of the Senate on the bill S. 4403 be instructed to present to the conferees an amendment providing for the exclusion of Japanese laborers and coolies from the United States and their Territories and insular possessions and the District of Columbia, to be effective January 1, 1908.

That is what the Pacific coast wants, if I understand the condition, and they would prefer to wait until they can convince the balance of the country, as they did in regard to the Chinese, that this legislation is necessary in order to maintain our civilization on the coast. If they can not convince them, then, of course, this legislation will fail. They do not want this make-shift. It has no business here; it is not properly here; and, as I say, it is brought in to bridge over a temporary difficulty and one which ought not to have arisen.

It seems to me that the Senate ought to agree with me that San Francisco, under the laws of California, should regulate her own schools, and that the President of the United States ought not to have entered into that controversy, and that you ought not by this legislation here to pass on a question which is already deeply agitating the Pacific coast. It ought to be left out until you can take it up properly and settle it finally. The Pacific coast representatives, I aver here, within one week after this passes, will be demanding the exclusion of Japanese coolies and laborers, not solely because they compete with our labor, but for other reasons which I will not go into detail in open session. But the reasons are there, and they are urged more against the Japanese than they were against the

I have nothing to offer in opposition to the civilization of the Japanese. I am not so certain but taking it altogether it is the equal, if not the superior, of ours. I am not attacking their civilization. But it is not our civilization. I have spent some time in Japan, many months, and have studied these people, and I yield to no one in my admiration for them. Their wealth is They have miles and miles of little shops equally distributed. in their cities, the families living in the shops, the members of the families manufacturing one particular article. they have gone into larger manufacturing. But in no country in the world at the present day, in my judgment, is wealth so evenly distributed as in Japan. The devotion of the children to their parents is most beautiful and touching, and the tenderness of the parents to the children is almost sublime. They have magnificent schools, commencing with the kindergarten and going to the highest education.

There are a great many commendable things about the Japanese, but there is a racial difference between them and us which can not be bridged over. I have known many persons who have lived with them for many years, and I have yet to find one who has ever made an intimate friend of one of them. Their hearts and consciences do not touch ours. We can not assimilate. It is impossible. And we of the Pacific coast who come in contact with the Orientals understand it better than you do. is legislation which ought not to be brought in here and fastened

on us by six men in an immigration bill.

There are 45,000,000 Japanese in a territory the size of Montana. About one-twelfth of that area is agricultural. They have not as much agricultural land in all the Empire of Japan as there is in one of our large counties. There are 45,000,000 They are seeking some place to go. We do not want them. It will be much more difficult for us to legislate to keep them out if this clause goes through. not to legislate, very well. If the balance of the country do not agree with us and the evil is not sufficient so that they will aid us in what we believe ought to be done to preserve our civilization, we will accept that. But we do not want to be estopped through this legislation, which gives a power to the President and says he may exclude and for reasons which do not touch the main question at all, which govern us in our opposition.

I wish to say also that under this bill Japanese can go to Hawati, to the Philippine Islands, and our other possessions. There is no adequate restriction upon them. It is rather an encouragement to them to go to those islands, because, as I said, they are seeking places to go with their great population and limited agricultural country.

There has been a bill pending for two or three yearspassed the House twice-to give us free trade with the Philippine Islands. That means free trade in sugar and tobacco. The contention of those of us who oppose that bill has been, among others, that the Japanese market is close at hand, and if they could not get Filipino labor they could get Japanese labor to compete with our labor here, and our great corporations would go there and erect sugar factories. Under this law we invite the Japanese to go to the Philippine Islands and labor for these corporations for 15 or 20 or 25 cents a day, and they would establish other manufacturing plants in addition to sugar plants.

I think we ought to guard the Filipino as much as we guard our own people against this class of labor. We can compete with them here much better than the Filipino. It is difficult to get the Filipino to labor at all, and he would be utterly swamped, as the Hawaiians have been, if you send to that

country the Japanese and the Chinese.

It does not make so much difference as far as Hawaii is concerned. There are only a handful of Americans there, five or six thousand, and some forty or fifty thousand Hawaiians. The Hawaiians will not labor anyway. They are very similar The Hawaiians will not labor anyway. They are very similar to our American negro. They love to lie in the sun, play their guitars, and sing, and loaf and fish, and take life easily, and in that tropical climate they can do this. They do not care to labor, and they do not care that the Japanese and Chinese have utterly and absolutely supplanted them, and there is nothing in the Hawaiian Islands to speak of except the sugar plantations. So I would have no particular objection to their getting their labor from Japan and China.

But it not just and fair to the Filipino to give this invitation to the Japanese to go there. Every Senator knows that in due course of time, probably at the next session, Congress will pass a free-trade bill with the Filipinos, and manufacturing plants will be established down there, and they will get their

labor from Japan.

I could not allow this bill to pass without stating, as one of the representatives of the Pacific coast, that I think it would be more manly to meet this question fairly-to exclude the Japanese coolies and laborers or allow them to come in-and not by this subterfuge, to meet a pressing political exigency in San Francisco, fasten this legislation on the country.

I shall be constrained, feeling as I do in regard to it, to vote against the conference report; and if it is beaten, I hope the conferees will bring in the resolution offered by the Senator

from Texas [Mr. Culberson].

Mr. BACON. Mr. President, I do not design to occupy the time of the Senate much longer. There is a matter, however, to which, in justice to myself and to others, I should allude.

Otherwise, we might be very much misunderstood.

It has been published in the papers that the action taken on yesterday by those of us who are opposed to the adoption of this report in consenting to a vote being taken to-day was done under a threat. It was published in the most conspicuous manner in the papers of this city, and I presume telegraphed all over the United States, to the effect that the Senators who are onposing this report had been induced to abandon any further opposition to it and to consent to a vote by a threat on the part of the President of the United States that if we did not do so there would be an extra session called, and furthermore giving a very sensational statement that the Senator from Rhode Island [Mr. Aldrich] had sent a dispatch to one of his colleagues on this floor to the effect that if this opposition were not abandoned the river and harbor bill should be so amended as to cut out all the appropriations which were made for Southern States.

Now, Mr. President, of course no Senator on this floor-Mr. ALDRICH. Mr. President—

Mr. BACON. Please let me finish the sentence. on this floor who has any knowledge of the Senator from Rhode Island would for a moment credit the truth of that statement, and I should say nothing about it if it were limited in its consideration to members of the Senate. But it has gone out to the world, and not to deny the motive attributed to those of us who are opposing the adoption of this report, but in putting it upon a higher ground, I simply want to say that so far from that being the case, without ever having had any communication to me to such an effect by any of the colleagues of the Senator, I knew it was a falsehood when I saw it; and I only state it in order that the public may know that so far from considering it necessary to deny that we were influenced in that way we recognized it as untrue when it was first brought to our atten-

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. BACON. I will, if the Senator desires to interrupt me Although I have not quite completed what I have at this point. at this point. Although I have not quite completed what I have to say, I yield to the Senator.

Mr. ALDRICH. I should not have noticed the ridiculous

statement referred to by the Senator from Georgia if it had not been alluded to here. It is entirely the creation of the reporter's imagination.

Mr. BACON. I am quite sure of that.

Mr. ALDRICH. There is not a particle of truth in it as a whole or in any of its parts.

I have done the Senator the justice to say that Mr. BACON. I am satisfied it is absolutely false, and I only alluded to it because it has doubtless gone to the country at large, and it was necessary that this statement should be made.

I desire to say further, Mr. President, that the course given by those of us who are opposing this report in agreeing that the vote should be taken to-day was not even at the invitation of Senators on the opposite side of the Chamber. The request was made by a Senator on this side of the Chamber, and after consultation with those of us who had been active in opposition to the measure.

wish to say very frankly that one reason why no further resistance in the way of debate was determined upon was that some Senators on this side of the Chamber had assurances which they deemed to be reliable and satisfactory to them that the Department of Commerce and Labor, which had made the ruling heretofore upon the existing law which was satisfactory to the people of their immediate section, had upon an examination of the proposed law expressed the opinion that it in no wise changed the law. While I did not agree with that construction, at the same time I was not disposed to take issue with the Department, if it sees proper so to rule. a very great misfortune, Mr. President, to the people of my section if a contrary rule should be made.

I think it proper to say, furthermore, that the action of those of us who have opposed this report has been somewhat misunderstood. Senators will remember that on the first day there was resentment on the part of myself and others because of the effort which was made to require us to vote upon a report of some thirty or forty pages which we had just had placed in our hands, and which we had not even had time to read. But it will be remembered that the assurance was given by the Senator from South Carolina [Mr. TILLMAN] and concurred in by me that the only demand we made was that we should have that opportunity, and that when we did have that opportunity what we proposed to do was simply to discuss it fully. terday, it will be remembered, when I resumed the floor I put a number of papers in without reading them, to be published in the RECORD, which would have been read if my purpose had been, as is intimated, simply to consume time. Our purpose has been simply to place this matter fully before the country and to discuss the important interests which are involved, in order that they may be understood.

So far as I am concerned, I have as fully as I have desired placed that matter before the Senate and before the country. The Senator from South Carolina has done the same thing. We believe that the attention of the Senate and of the country has been interested, at least, if not arrested, by the magnitude of the interests which are involved and the presentation of that magnitude. Whatever may be the outcome of this question, we believe the country will be appreciative of the fact that we in the South are in a condition where we are entitled to consideration at the hands of the Federal Government in the removal of restrictions which will enable us to get not undesirable immigrants, but desirable immigrants, and which will enable us to get them not by objectionable contract negotiations, but by methods which will enable us to introduce into the country the best class of immigrants who shall come here, unbound by any contracts, and free to make contracts when they get here such as it may be to their interest to make.

Mr. President, there is another matter that I do not desire to go into at length, but still I think it proper that I should allude The Senator from Massachusetts [Mr. Lodge], who I regret is not now in his seat, spoke of the fact that he had 500,000 workmen in his State who are opposed to a contractlabor law

The VICE-PRESIDENT. Will the Senator from Georgia suspend? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The Secretary. Table Calendar No. 26, Senate resolution 214, by Mr. CARTER.

Mr. HEYBURN. I ask unanimous consent that the unfinished business be temporarily laid aside

The VICE-PRESIDENT. Without objection, it is so ordered;

and the Senator from Georgia will proceed.

Mr. BACON. Mr. President, that is not singular or peculiar to the State of Massachusetts. That is a general sentiment throughout the country. There is a general sentiment in oppo-sition to the abuse of the importation of immigrants. There is a strong sentiment to that effect in my own State, which I of course most profoundly respect and which I do not wish to violate. I repeat there is in my State, as well as in all other States, a just opposition to the introduction of immigrants whose presence in our country is not desirable, and the great advantage in the plan which we may call hereafter, I presume, the South Carolina plan is that which results in the introduction of those who are desirable.

But I wish to say, Mr. President, that it is not simply the presence of the laborers to whom the operation of the law as it now exists is undesirable, and I say that that is especially true in the State represented by the Senator from Massachusetts. The fact can not be concealed that there is a serious and growing jealousy on the part of the manufacturers in the State of Massachusetts against the growing and increasing manufacturing in-There is great jealousy over the growing terests in the South. and increasing manufacturing interests of the South, and every disposition to interfere with the further development of that manufacturing interest.

Mr. President, no surer method can be adopted to arrest the development and growth of the manufacturing interests of the South than to say that the South shall not have a proper class of immigrants with which that development can be made. Because of conditions, to which I have already alluded, the negro population are not available for the purpose of being utilized in the cotton mills; and the white population, the native population, which is alone available, has already been drawn on to the full extent and limit of its capacity. Therefore, if other labor can not be introduced the development of the cotton industry must cease. Furthermore, as conditions now show that which has already been inaugurated must in part remain without being fully utilized. As stated by the report of the Department of Commerce and Labor and as stated to-day by the Senator from North Carolina [Mr. Simmons], it is a fact estimated reliably that there are to-day 20 per cent of the spindles of the South idle.

Mr. President, I said that there was a jealousy and a disposition to repress development of this growing industry in the South on the part of those engaged in the same industries in Massachusetts, and I want to present to the Senate a marked evidence of that fact.

I may not discuss what occurs in another House, but I am at liberty to read to the Senate the records of the other House so far as relates to the introduction of bills. It is a fact that a Representative from the State of Massachusetts has during four Congresses, beginning with the Fifty-sixth Congress, introduced a joint resolution looking to the amendment of the Constitution of the United States, in order that there may be neutralized the advantages which the South has in the manufacture of cotton by reason of climatic and other conditions. That joint resolution was introduced in the Fifty-sixth Congress, Fiftyseventh Congress, Fifty-eighth Congress, and Fifty-ninth Congress, all of them practically identical, if not absolutely identical. I will read only one—the one that was introduced in the Fifty-ninth Congress. It was introduced December 4, 1905, and is in these words:

Joint resolution (H. J. Res. 1) proposing an amendment to the Consti-tution of the United States relating to uniform hours of labor.

Joint resolution (H. J. Res. 1) proposing an amendment to the Constitution of the United States relating to uniform hours of labor.

Whereas under State regulation there now exists and must always exist great diversity in the hours of labor in manufacturing establishments, as fixed by law or custom in the several States of the United States, the present variation in the working week being from fifty-eight hours to seventy-two hours; and

Whereas this variation in the length of the legal working week creates conditions of discrimination as between the citizens of the several States of the Union, which operates to the disadvantage of both labor and capital in many localities, resulting in unequal earnings for a given amount of capital and unequal wages for a given amount of labor, which unequal conditions are contrary to the fundamental theory of the Constitution of the United States, which contemplates equal rights and uniform privileges to all citizens of the United States, irrespective of the particular State in which they may happen to dwell; and

Whereas this lack of uniformity in the hours of labor is the outcome of State legislation, and is beyond the power of the States, acting through their legislatures, to make uniform, by reason of the decision of the supreme courts of several States to the effect that all laws regulating hours of labor are unconstitutional in those States; and

Whereas unequal and partial restrictions disturb the equilibrium of industry and are serious obstacles to national progress: Therefore Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the Congress of the United States do recommend

to the several States of the Union the adoption of the following amendment to the Constitution of the United States, to wit:

"ARTICLE XVI.

"The Congress shall have power to establish uniform hours of labor in manufactories throughout the United States."

Mr. President, if I were disposed to consume the time of the Senate I could read several other bills which have been introduced in Congress by Senators or Representatives looking to the same end-the national control of the manufacturing industries of the South-in order, as specified in this resolution, that unequal conditions of advantage and opportunity may be equalized by Federal legislation.

Mr. President, it does seem to me that if there was ever any section of any country in the world against which such a resolution should not be attempted to be leveled, not only as found in the proposed amendment to the Constitution which I have read, but as found in the particular bill now before the Senate, it is the South, because no people have ever dealt so heroically with the most deplorable conditions, and dealt with them successfully, as has the South. So far from there being any disposition to repress them in this regard, so far from any disposition to throw any impediment in their way, there ought to be every disposition and every effort to bid them godspeed and to give them all the aid which can possibly be given them.

I have said, Mr. President, that opportunities at the South by reason of the peculiar conditions are restricted in the matter of

development. I want to show the contrast between the States of the South and the State from which the Senator from Massa-While we can not use the negro population, chusetts comes. constituting probably an average of nearly 40 per cent in the cotton States of the total population, and while the white population has been drawn on to the limit of exhaustion, it is not only true that the State of Massachusetts has this unlimited tide of immigration which flows on the northern borders every year from Europe, but, if I am correctly informed, the State of Massachusetts draws from Canada its mill operatives to the extent of from two-thirds to three-fourths—opportunities which are shut to us because of the difference in locality.

Mr. President, I want to bring to the attention of the Senate in this connection something which will, I am sure, challenge attention as to the wonderful work which has been done by the Southern States in their rehabilitation after absolute desolation. I am going to read an article which I clipped from the New York Sun of September 19 last. It is very short:

#### MATERIAL PROCESS IN THE SOUTH.

The Business Magazine, of Knoxville, Tenn., prints some figures which give a good idea of the great material progress of the South in the past few years. The following is a condensation and continuation: Individual bank deposits.

	1896.	1900.	1905.
National banks		\$201, 605, 167 150, 440, 319 17, 369, 650 5, 306, 131 322, 081	\$372, 383, 409 369, 652, 112 6, 052, 503 13, 643, 521 5, 590, 629
Total	221, 685, 019	375, 043, 348	767, 322, 174

Increase 1905 over 1896 \$153, 358, 269 545, 637, 155

These figures show an average increase of \$60,626,349 a year during the nine years.

The percentage of increase in deposits in the banks and trust companies of the South between 1896 and 1905 is, according to the reports of the Comptroller of the Currency, 246 per cent. This is the largest percentage of increase in the time named of any section of the United States, not even excepting the Western States.

In one year, 1905, southern financial institutions added nearly as much to their deposits as they did in four years a decade ago.

The capital invested in manufacturing in seven Southern States—Alabama, Arkansas, Georgia, Louisiana, Kentucky, Tennessee, and Texas—was \$117,000,000 twenty years ago: now, according to the census of manufactures, 1905, it is \$803,000,000, an increase of \$686,000,000. The yearly manufacturing product of these seven States in 1880 was \$221,000,000; in 1905 it was \$948,000,000, an increase of \$727,000,000.

In the same seven States the increase in value of farm

\$727,000,000.

In the same seven States the increase in value of farm property between 1880 and 1900 was \$2,053,000,000, or more than \$100,000,000 a year. For poultry and eggs alone those farms get \$45,000,000 a year. Their animal products bring \$250,000,000, and the total product, \$900,000,000 a year, exceeds that of any other section of the United States except the North Central division, composed of the upper Mississippi Valley States from the Ohio to the Dakotas.

These seven Southern States, with Mississippi added, now raise nearly 500,000,000 bushels of corn each year; they have more than 18,000,000 head of cattle, and produce more than 200,000,000 pounds of rice each year.

year. Only 44 per cent of the southern farms now derive their principal income from cotton. Still, cotton production has steadily increased from 7,000,000 bales, worth \$300,000,000, about twenty years ago, to 13,000,000 bales last year, worth \$628,000,000. The home-grown cotton demand of the mills of the United States is now about 4,000,000 bales a year. The census of 1900 shows that in twenty years the im-

proved acreage of twelve Southern States increased from 78,082,484 acres to 107,573,679.

The output of manufactures of the Southern States south of the Potomac and the Ohfo, without West Virginia, was \$450,000,000 greater in 1900 than in 1890 and \$150,000,000 greater in 1905 than in 1900.

Mr. President, I shall ask leave to insert in full, with the permission of the Senate, an article from the Manufacturers' Record of January 10, 1907, headed "Remarkable Exhibit of

Southern Prosperity."

The PRESIDING OFFICER (Mr. MULKEY in the chair). In the absence of objection, permission will be granted.
The article referred to is as follows:

[From Manufacturers' Record, January 10, 1907.] REMARKABLE EXHIBIT OF SOUTHERN PROSPERITY

REMARKABLE EXHIBIT OF SOUTHERN PROSPERITY.

In 1860, when the United States had a population of 31,443,000, the wealth of the country was reckoned to be \$16,159,000,000, of which the South possessed \$6,332,000,000. Within five years the South's wealth had been reduced to quite \$4,000,000. With a population of between 25,000,000 and 26,000,000, or 5,000,000 or 6,000,000 less than the country's population in 1860, the South's wealth is now in the neighborhood of \$19,390,000,000, a sum greater by more than \$3,000,000,000 than the wealth of the United States forty-seven years ago. Much of the increase in this wealth has been made in the past six years, and its stages are indicated in the accompanying table comparing the assessed valuations of property in the fourteen Southern States in 1900, 1905, and 1906, the figures of one of the States being estimated, it is believed, conservatively.

\*\*Assessed southern property values.\*\*

Assessed southern property values.

	1900.	1905.	1906.
Alabama	\$270, 408, 432	\$344, 224, 221	\$373, 468, 462
Arkansas	201, 908, 783	290, 576, 108	a 321, 700, 000
Fiorida	96, 686, 954	131, 436, 593	142, 018, 871
Georgia	433, 323, 691	577, 967, 938	624, 465, 472
Kentucky	640, 688, 240	795, 771, 834	808, 041, 918
Louisiana	276, 659, 407	396, 821, 157	459, 271, 270
Maryland	616, 719, 782	705, 561, 456	738, 762, 161
Mississippi	215, 765, 947	281, 343, 137	366, 799, 080
North Carolina	306, 597, 715	461, 520, 668	489, 799, 456
South Carolina	176, 422, 288	220, 224, 505	249, 534, 422
Tennessee	396, 363, 566	445, 832, 036	474, 416, 837
Texas	914, 007, 634	1, 139, 022, 730	1, 221, 159, 869
Virginia	480, 425, 025	554, 188, 687	629, 641, 533
West Virginia	240, 634, 580	332, 948, 351	857, 839, 858
Total	5, 266, 594, 044	6, 680, 439, 421	7, 756, 919, 209

a Estimated.

The increase in assessed valuation between 1900 and 1905 was from \$5,266,594,044 to \$6,680,439,421, or by \$1,413,845,377, or 26.9 per cent, an average of 5.3 per year. The increase during the past year was to \$7,756,919,209, or by \$1,076,479,788, equal to 16.1 per cent. This increase is to be accounted for partly by the bringing within range of assessment in some States property that had not previously been included in assessable property, and, consequently, probably not in estimates of true wealth, and partly by such facts, as in Mississippi, that the realty assessment was made in 1906 for the first time since 1902. The increase in assessed values between 1890 and 1900 was \$155,668,807. The increase between 1900 and 1906 was \$2,409,325,165, or more than three times as great. But it will be recalled that the earlier ten-year period was synchronous with one of the most notable periods in American history of low prices for cotton and of consequent retardation of southern energies, while the past year was still materially affected by the prosperity which began for the cotton growers about the turn of the century. The cotton crop of 1899–1900, with its seed, brought about \$362,000,000 for 9,922,000 bales. It is too early to give the value of the 1906–7 crop, but with the seed the crop may bring \$675,000,000 or over.

The bettering of the cotton situation was quickly followed by an enhancement of the value of farming lands, adding to the wealth of the South at the rate of \$500,000,000 or \$600,000,000 annually during the past three or four years. Then, too, increasing attention given to other crops than cotton in application of the lessons of the lean years—the crop-lien years—at the end of the nineteenth century had brought the South into a position of greater strength as to general crops, enabling it to have a greater interest, though not its full potential interest. In the enhanced prices of farm products; in fact, the value of eight of its crops in 1906 was nearly equal the value of its cotton. These crops were a

Corn	\$390, 921, 625
Wheat	62, 329, 774
Hay	54, 899, 200
Tobacco	39, 924, 815
Oats	28, 341, 394
Irish potatoes	17, 199, 329
Rice	16, 121, 298
Rye	1, 045, 596

\$54,899,200, or 29 per cent, and the value of the crop in the whole country from \$445,538,870 to \$592,539,671, or 33 per cent. The comparison of the South with the whole country is quite favorable to the South in view of the fact that in a great portion of that section it has never been necessary to provide for indoor feeding during the winter, and of the additional fact that cotton-seed products and other things than hay are being used for feedstuffs in constantly increasing quantities

	Amount.		Val	ues.
	1900.	1906.	1900.	1906.
Alabama	29, 355, 942	47, 849, 392	\$17,026,446	\$30, 623, 611
Arkansas	45, 225, 947	52, 802, 569	19, 447, 157	24, 817, 207
Florida	4, 156, 192	6,875,000	2, 493, 715	4, 262, 500
Georgia	34, 119, 530	52, 086, 596	19, 448, 132	34, 884, 619
Kentucky	69, 267, 224	105, 437, 376	27, 706, 890	44, 283, 698
Louisiana	24, 702, 598	26, 217, 633	12, 851, 299	15, 730, 580
Maryland	15, 232, 802	22,007,825	6, 245, 449	9, 903, 521
Mississippi	25, 231, 998	40, 789, 207	14, 634, 559	24, 881, 416
North Carolina	29, 790, 180	41, 796, 846	16, 980, 403	28, 421, 855
South Carolina	13, 129, 137	23, 611, 233	8, 402, 648	17, 236, 200
Tennessee	56, 997, 880	86, 428, 912	27, 928, 961	40, 621, 589
Texas	81, 962, 910	155, 804, 782	38, 522, 568	77, 902, 391
Virginia	28, 183, 760	45, 188, 523	13,810,042	24, 853, 688
West Virginia	19, 299, 708	22, 725, 000	9,649,854	12, 498, 750
Total South Total United	476, 655, 808	729, 600, 894	234, 648, 123	390, 921, 625
States	2, 105, 102, 516	2, 927, 416, 091	751, 220, 034	1, 166, 626, 479

N. A. Till Co., Market	Amount.		Values.	
	1900.	1906.	1900.	1906.
Alabama Arkansas Florida Georgia Kentucky Louisiana Maryland Mississippi North Carolina	94, 061	109, 882	\$992, 344	\$1,461,431
	228, 580	113, 491	2, 022, 993	1,123,561
	6, 418	30, 000	87, 927	453,900
	190, 237	145, 289	2, 425, 522	2,288,302
	390, 064	603, 723	4, 427, 226	7,999,330
	50, 302	41, 472	472, 839	476,928
	302, 292	353, 167	4, 247, 203	4,767,754
	99, 922	83, 359	994, 224	954,461
	176, 680	193, 475	1, 978, 816	2,902,125
South Carolina Tennessee Texas Virginia West Virginia	192, 453	88, 596	2, 213, 210	1, 351, 089
	313, 432	512, 563	3, 698, 498	6, 893, 972
	548, 879	683, 705	3, 782, 377	5, 811, 492
	589, 133	534, 066	7, 835, 469	8, 278, 023
	547, 600	724, 338	7, 337, 840	10, 140, 732
Total South	3, 730, 053	4, 217, 126	42, 466, 428	54, 899, 200
	50, 110, 906	57, 145, 959	445, 538, 870	592, 539, 671

The larger part of the sweet potato crop of the country is raised in the South, but that is not preventing that section from gradually increasing its production of Irish potatoes. While its crop advanced between 1900 and 1906 from 16,940,410 bushels to 24,331,545 bushels, or 43 per cent, and the crop of the country from 210,226,897 bushels to 308,038,382 bushels, or 46 per cent, the value of the South's crop increased from \$10,254,497 to \$17,199,329, or more than 67 per cent, and the crop of the whole country from \$90,811,167 to \$157,547,392, or 73 per cent.

The increased values of the South's crops of corn, hay, and potatoes in the six years aggregate \$175,651,106, or more than 60 per cent, while the value of the cotton crop increased by probably \$313,000,000, or 86 per cent. The aggregate value in 1906 of the nine crops in the South which have been mentioned here was \$1,285,000,000. To that should be added \$159,000,000 for poultry products, \$136,000,000 for darry products, \$110,000,000 for fruits and vegetables, \$160,000,000 for live-stock products, \$40,000,000 for swear and its products, \$18,000,000 for sweet potatoes, and \$16,000,000 for miscellaneous products, \$18,000,000 for sweet potatoes, and \$16,000,000 for miscellaneous products, \$18,000,000 for sweet potatoes, and \$16,000,000 for products consumed, would bring the total up to quite \$2,000,000,000.

Trisk positions.					
	Amount.		Values.		
	1900.	1906.	1900.	1906.	
Alabama Arkansas Florida Georgia Kentucky Louisiana Maryland Mississippi North Carolina South Carolina Tennessee Texas Virginia West Virginia West Virginia	916, 918	694, \$50 1, 666, 960 335, 410 664, 279 2, 848, \$52 744, 000 2, 673, 843 478, \$89 1, 785, 900 743, 330 1, 739, 600 2, 394, 469 4, 174, 200 3, 334, 472	\$342, 705 1, 212, 855 110, 537 301, 698 1, 403, 745 426, 308 685, 506 288, 088 691, 258 335, 946 792, 083 806, 888 1, 312, 029 1, 544, 851	\$645,746 1,116,863 368,951 730,707 1,737,495 558,000 1,497,352 416,191 1,321,566 1,112,032 2,083,188 2,796,714 2,034,028	
Total South	16, 940, 410 210, 926, 897	24, 331, 545 308, 038, 382	10, 254, 497 90, 811, 167	17, 199, 329 157, 547, 392	

Consideration of increasing wealth in the South must add to the \$2,000,000,000 worth of farm products \$2,225,000,000 worth of manufactured products, and \$260,000,000 worth of mineral products. Such annual productivity, now aggregating about \$4,485,000,000, accounts for an increase of nearly \$50,000,000 in the capital of national banks in

the South in six years, and an annual increase of \$40,000,000 or \$50,000,000 in the deposits in national, State, savings, and private banks and loan and trust companies in that section, and the general progress has an expression in and is immediately contributed to by rall-road construction, every mile of new track stretching toward great lumber tracts or toward deposits of coal, iron ore, and other minerals, or bringing closer to markets virgin agricultural sections, being just that much power added to productivity. In 1906, as shown by the accompanying table, 3,055 miles were added to the South's mileage, 26.7 percent of the total addition since 1900, and bringing the total to 64,035 miles. That is more than double the railroad mileage of the whole country in 1860, and within less than 30,000 of the total mileage of the country in 1880. Texas alone has 3,600-miles more railroad than the whole country had in 1850, and during the past year it led in the increase in the South with \$10 miles, the State nearest to it in new construction having been Louisiana, with 472 miles. Arkansas ranked third in new mileage, the promise of an enormous advance in the farther South, but it is almost equally significant to note 162 new mileage in Virginia, 192 in North Carolina, and 216 in West Virginia, telling of mineral and timber developments in those States.

Southern railway mileage extension.

Southern railway mileage extension.

	1900.	1905.	1906.
Alabama	4, 197	4,644	4,746
Arkansas	3, 109	4,216	4, 499
Florida	3, 256	3,933	4,088
Georgia	5,730	6,415	6,641 3,405
Kentucky Louisiana	2,801	3, 820	4, 292
Maryland	1,364	1,462	1,496
Mississippi	2,934	3,604	3,836
North Carolina	3,733	4,004	4, 196
South Carolina	2,919	3, 107	3, 133
Tennessee	3, 185 9, 992	3,598	3,668 12,689
Texas	3,795	11,879 3,920	4, 082
West Virginia	2,485	3,048	3, 264
Total	52,594	60,980	64,035

Summarizing farm activities, embracing the raising of practically every crop grown in the country, in addition to crops exclusively southern, manufacturing energies with 262 of the 339 separate industries of the country represented in the South, mineral production in which the South is to become more and more dominant, especially as to coal and petroleum and iron ore, lumbering operations in which the cut of the South is about 40 per cent of the total in the country, railroad building, foreign commerce, etc., a magnificent display of progress is made.

Six years' southern progress.

	· 1900.	1906.
Population	23, 500, 000 \$1, 272, 000, 000	25, 900, 000 \$2, 000, 000, 000
Manufactures: Capital Products.	\$1, 153, 000, 000 \$1, 464, 000, 000	\$1,700,000,000 \$2,225,000,000
Cotton mills: Capital Spindles	\$112,837,000 6,267,000	\$250,000,000 9,760,000
Bales used	1,597,000	2, 374, 000 3, 500, 000 83, 250, 000
Lumber value.  Exports do Railroad mileage	\$188,000,000 \$464,317,000 52,594	\$300,000,000 \$642,000,000 64,035
Assessed property True value of property	\$5, 266, 000, 000 \$12, 934, 333, 376	\$7,756,000,000 \$19,390,000,000

In six years, with an increase in the population of about 2,400,000, or something more than 10 per cent, the South has increased the value of its farm products by \$728,000,000, or 57 per cent, and the value of its manufactures \$761,000,000, or 52 per cent. It has added 3,493,000 spindles to its cotton-mill outfit, an increase of 55 per cent, and its mills used in 1906 about 2,375,000 bales of American cotton, or 48 per cent more than in 1900. In the six years the South's annual pig-iron production has increased by \$96,000 tons, or 34 per cent; its coal production by 34,202,000 tons, or 69 per cent; the value of exports at its ports \$177,000,000, or 38 per cent, though it furnishes more merchandise for export than it handles through its own ports, and in that time its railroad mileage has increased by \$1,441, or nearly 22 per cent, and the assessed value of its property by \$2,490,000,000, or nearly 48 per cent.

the assessed value of its property by \$2,490,000,000, or nearly 48 per cent.

With all this money-making going on, it is not surprising that the South is spending millions of money for improvements of many kinds. Counties are building better roads, better bridges, and better school-houses. Municipalities are erecting modern public buildings, installing waterworks and sewerage systems, and using up-to-date methods and materials in improving streets. Railroad operations are double tracking their old lines and extending new ones, are building handsome passenger stations, increasing terminal facilities, and adding to rolling stock. Individuals are devoting their earnings to improving their homes in town or country, or in building new ones, in enlarging barns, in buying stock, farm implements and machinery, in installing fencing, and in adding to the machinery for manufacturing. These investments are likely to increase during the coming year and to keep pace with the increasing earning capacity of the South. They are some of the manifestations of a prosperity that is adding every day of the year about \$7,280,000 to the wealth of the South, and which has brought that wealth close to \$20,000,000,000.

Mr. President, I do not desire to further take

Mr. BACON. Mr. President, I do not desire to further take the time of the Senate. I want to say simply that in the presentation of this matter I have been animated solely by the desire to preserve to the enjoyment of our people the benefits of the existing law. We have not sought in any manner and

I have not asked in any manner that there shall be any change as to contract labor; and I do not desire that there shall be any change as to contract labor, especially if we can have the advantage of the law as it now stands. These words were put here for a purpose. They are meaningless and the language was futile unless they have an enlarging influence upon the law as it now exists. The Senator from Massachusetts [Mr. Lodge] yesterday defended the change on the ground that the Massachusetts procedure was one which would be destructive of the contract-labor law, the conclusion to be drawn being unavoidable, that he desired this change in the law in order that there might hereafter be no opportunity for South Carolina or any other State to induce immigrants to come under the present law, and to shut the door against us of the South.

Mr. TILLMAN. Mr. President—
The PRESIDING OFFICER. Does the Senator from Georgia

yield to the Senator from South Carolina?

I do.

Mr. TILLMAN. The Senator quoted from the Washington Post of this morning in reference to the "big stick" White House making the threat of an executive session, and the "big stick" in New York telephoning to Senator Crane orders about the river and harbor bill, and the little appropriations which South Carolina and Georgia have in that bill.

Mr. KEAN. "Little appropriations!

Mr. TILLMAN. Well, there is mighty little for South Carolina; Georgia may have a whole ham of the beef, but we get a

very small part in South Carolina this year.

In that same article I noticed that the Cabinet met at some time yesterday and discussed the conference report which we now have under consideration; and it was said that they had reached the conclusion that the changes to be made in the immigration law by the proposed legislation which we are discussing do not affect the decision of Secretary Straus. the Senator from Massachusetts [Mr. Longe], who is well informed as to what occurs at the White House, and on occasion telephones [laughter], could enlighten us as to whether the Cabinet did meet on yesterday and decide that question or not.

[A pause.] I hope the Senator will either say "yes" or "no."

[A pause.] Well, I have tried to get some enlightenment, but

it seems I have failed. [Laughter.]

Mr. BACON. Mr. President—

Mr. DEPEW. Mr. President, the Senator from South Carolina [Mr. Tillman] said something about a communication, if the Senator will permit me—
Mr. BACON. With pleasure.

Mr. DEPEW. The Senator from South Carolina said something about a communication having been sent to somebody representing some kind of a big stick in New York to the Senators here in regard to the appropriations for Georgia and South Carolina in the river and harbor bill. I have not heard a single word from New York on that subject.

Mr. TILLMAN. Perhaps the Senator from New York did not read the Washington Post this morning.

Mr. DEPEW. Yes; I read the Washington Post this morning.
Mr. TILLMAN. And moreover, the Senator from New York And moreover, the Senator from New York must realize that there are other Senators who get communica-

tions from New York besides himself. [Laughter.]
Mr. BACON. I want to say to the Senator from New York [Mr. Depew] that if he understood me to say that the statement was that a communication had been sent by the Senator from New York he misunderstood me. I said the statement was that the communication had been sent from New York by a Senator, and I afterwards stated that it was the Senator from Rhode Island [Mr. Aldrich], and that I only mentioned the fact to state that I was perfectly satisfied that it was an absolute I think, Mr. President, that it is very unfortunate that any such publication should be made. It was unauthorized; and the truth could have been very easily ascertained by making inquiry.

Mr. President, I have got a few words further to say, and I am glad that the Senator from Maine [Mr. Hale] is in his seat, as are also the Senator from Rhode Island [Mr. Aldrich] and the Senator from Massachusetts [Mr. Lodge] in their seats. only wish that two or three other Senators, who have heretofore expressed themselves with so much vigor on the subject of the usurpation of power by conference committees, were also in their seats. I am satisfied, however, with the representation now before me, because from them we have heretofore had the most emphatic and unequivocal condemnation of any usurpation of such power by a conference committee as is assumed and

exercised in this particular report.

Mr. President, the Senators whom I now see before me, whom I have named, have upon occasions when the most important measures were before the Senate expressed themselves in the

most drastic language to the effect that no gravity of a subject, no emergency of a situation, can justify a conference committee in assuming to report to the two Houses on a matter which is not in difference between the two Houses

Language could not be found in the dictionary, if searched with a fine-tooth comb, to make it more emphatic than the Senators of whom I now speak have made it in the hearing of this Senate. The Senator from South Carolina [Mr. TILLMAN] on yesterday read from the RECORD the utterances of these Senators on that subject, and, Mr. President, I want to say that those Senators have never said anything on that subject which was too extreme to meet with my approval, because if that rule can be violated, if a conference committee can bring in and submit on a conference report to the Senate matter which is not included in the differences between the two Houses, there is no limit. They can do as they have done here. They can bring in a bill of forty-odd sections, and under the rule which governs the consideration of conference reports there is nothing which can be done but to reject that report in full or to ac-

cept it in full. In other words-Mr. SPOONER. Will the Senator allow me to ask him a

question?

Mr. BACON. The Senator will pardon me for a moment. I

am coming to specifics before I get through.

In other words, when a bill is presented by a conference committee in its report, something of paramount importance may be included in that bill-something which would control the action of the body—and there is no opportunity to amend or exclude other matter which the Senate would exclude if it had the opportunity to amend. Consequently it is an evil of the very first magnitude. For that reason I say that the Senators who have heretofore condemned this have not used language more extreme than I would approve of and could not use language more extreme that I would approve it. Why do I say that, Mr. President?

Mr. SPOONER. Mr. President The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. I do. Mr. SPOONER. Does the Senator contend that the clause to

which he has made such strenuous objection is within the rule?

Mr. BACON. I do not. I have not alluded to that. I have opposed that upon a different ground altogether. I think that was within the limit, provided there were differences on that general subject. I do not think the conference committees are limited to an absolute amendment or the exact amendment between the two Houses. They can report an amendment which shall reconcile the differences, and of course they need not fol-

low either amendment for that purpose

But what I call attention to, and which I hope I may have the attention of the Senator from Maine [Mr. Hale] to-because he is a very properly recognized authority on this subject, a Senator whose familiarity with it is unsurpassed by that of any other Senator, and a Senator who has most rigidly, unalterably, and immovably put himself in opposition to any usurpation by conference committees—is that here is a section that I say distinct violation of the rule as to conference committees. tion 42 is one which amends the act of 1882 with reference to the requirements of the carriage of passengers on shipboard-a matter which was not in the bill either of the Senate or of the House, a matter which was in no manner referred to or related to any single matter of difference between the two Houses.

But, Mr. President, it does not limit itself to the question of being related to something not in difference. There may be a criticism upon a committee of conference where it adds a section even if it relates to the same subject, and they would have no right to do it; but when they go outside to amend an existing statute on a different subject, what possible opportunity is there for a difference on the question as to whether or not the conference committee has violated the rule as to conference reports?

Mr. President, if that is so, how do we stand to-day? Here is

a matter of great importance, a question of the settlement of the Japanese question on the Pacific coast, something that all of us Here is a method for the disposition want to have disposed of. proposed in the report of this conference committee, and at the same time, in order to do that; to adopt the conference report, it is necessary to violate in the most distinct possible manner this fundamental rule as to conference committees. face to face with the proposition that, wherever there is a matter of sufficient importance involved, we will violate this rule rather than take further time to secure the main end which is sought to be accomplished by a conference report, or are we going to adhere to the rule? It is a sacred rule, Mr. President, and the word "sacred" is not too strong a word when we recollect the indignation with which Senators have heretofore met

provisions in conference reports which were outside of the juris-Senators have met them with an indiction of the conferees. dignation which indicated that they regarded it as a sacred safeguard against improper legislation, and one under no circumstances to be violated.

If we accept this report—I care not what we may think about the merits of it—if we accept this report the most serious blow has been struck at the safety of the legislative body in regard to reports of conference committees that has ever been attempted since I have been in the Senate or that I have ever

read about in any work, on parliamentary law.

The Senator from Massachusetts, Mr. President, took the position two days ago that a conference committee was turned loose—and he used the word "unlimited"--was turned loose for an unlimited consideration of anything which related to the subject and to the formulation of amendments to be proposed to the Senate or to the House. Anything which related to the subject was within their jurisdiction, according to the Senator's contention, and he used the word "unlimited." When I called his attention to the fact that he had used the word "unlimited." he made no correction of it in his subsequent remarks.

Mr. President, even if we were to consent to such a construction as that, if we were to concede-which I would not for a moment—that a conference committee has jurisdiction as to anything within the limits of the subject-matter, that still would not cure all the trouble in this case, because this is as to mat-

ter outside of the limits.

Mr. TILLMAN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. BACON. I do, with pleasure.

Mr. TILLMAN. Mr. President, if the Senator from Georgia will permit me in the line of what he has just been saying, I want to call the attention of the Senator from Maine [Mr. Hale] particularly, because he has been my guide, counselor, and friend, my mentor and adviser and exemplar, especially in this particular, and because I have great admiration-I am not speaking now in any persiflage or nonsense or mock compliment; I am saying honestly what has been the fact and is the fact now-I want to just give the Senator a little of his own utterances and his position six months ago. It is in reference to the conference report on the rate bill last June, when the conferees took the liberty of putting in two or three slight verbal amendments which were not in the bill as it passed either House, and therefore were out of order. Even putting in the words "sixty days" instead of "immediately," in order to make the bill workable and enable the railroads to prepare their schedules so as to comply with the law—so necessary a provision as that was objected to. Senators will recall the fact that the conferees were harassed and bedeviled, if I may say that; certainly lectured and censured here for three whole days, especially by the two gentlemen on my right [Mr. Hale and Mr. Lodge], and I just want to give a brief quotation from that debate.

that debate.

Mr. Pattersox. While the rule is a good rule and should as a general proposition be enforced, I have no hesitation in maintaining in a case of this kind, and as to a bill of this character, that when the conferees meet for the purpose of discussing a matter and reaching an agreement, if they discover that there is something needed to make a measure effective as a whole, they have not only the power, but it is their duty to insert that, and then submit it both to the House and to the Senate.

Mr. Hale. But, Mr. President, does the Senator not see the far-reaching, dangerous, and disastrous results of his proposition? Legislation is matured here and in the House of Representatives. Conferees are not a legislative body. They are to confine themselves to disagreements between the two Houses and to report only as to those.

Mr. Patterson. I understand precisely.

Mr. Hale. But when the Senator says the conferees have a right, when they believe that in order to make a measure effective they may put in new propositions, he is transferring the legislative power, which ought to be confined to the two bodies, to a conference committee that is only appointed and constituted not to newly legislate, but to consider differences between the two Houses.

The Senator is not a radical Senator; he is a conservative Senator, and he ought to see the wide and far-reaching and dangerous proposition which he has made, that the conferees can take upon themselves the power of legislation that only inheres in the two bodies.

As I understand the Senator's attitude now, it is that we

As I understand the Senator's attitude now, it is that we have need for a modus vivendi or easement or something to relieve the distressed conditions of the Californians in regard to their Japanese-exclusion policy, and in view of the necessity, we will say, of something being done, the Secretary of State prepared the amendment which is in the bill—so the papers The Senator from Massachusetts [Mr. Lodge] can correct me if I am in error, and if he remains silent I take it for granted that the newspapers are correct in this regard. Secretary of State prepared the proviso in regard to the passports of certain persons who might be coming to the United States. Mind you, the Japanese school question had not arisen

until December, when it was called to the attention of the country by the President's message. The bill which we are discussing passed the Senate last May and passed the House last June, and the subject-matter of this proviso with regard to passports was not considered by either branch of Congress, and yet it has been inserted here.

The attitude of the Senator from Maine has been the same since I have been here whenever this matter has been under discussion. He can explain, if he sees fit, why he has changed front, why he yields to necessity, when we could just as easily provide for the passage of this proviso by a joint resolution in ten minutes by unanimous consent, as we did about the "sixty days" for the rate bill, and I have no doubt it would go through, so that when the conferees take upon themselves that dangerous power of legislating—six men assuming to do the work of ninety Senators and three hundred and eighty odd Representatives—if the Senator from Maine has suddenly changed from his rigid adherence to fundamental doctrine and principles governing our procedure here and can reconcile his expressed attitude, as I understand it, with his attitude six months ago that is for him to say, but I must confess, Mr. President, that I am woefully, woefully, woefully disappointed if the Senator from Maine does not continue to stand by his wise and proper decision last June instead of yielding to this emergency, we will say, and becoming an opportunist. I ha never thought the Senator from Maine was that type of man. I have

Mr. HALE. Mr. President-The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. With very much pleasure.
Mr. HALE. If the Senator from South Carolina will let me

in between one of his "woefullies"—

Mr. TILLMAN. Mr. President, I might get up another "woefully" after a while [laughter], especially if the Senator from Maine shall fall down and disappoint me so "woefully."

Mr. HALE. The Senator has got another "woefully." Mr. TILLMAN. I will put in still another one if the Senator

shall, as I say, become an opportunist.

Mr. HALE. The Senator has been firing away at me and has enjoyed it almost as much as I have.

Mr. TILLMAN. I have not enjoyed it at all.

Mr. HALE. The Senator assumes that I have changed my ground. I do not know what reason he has for that. I have not interfered in this discussion. I have not interfered on the side of the Senator from South Carolina and the Senator from Georgia because they are presenting their case very tersely and very briefly and are doing their best. They are doing admirably. There is no necessity why I should say that I agree with them, but the Senator has no right to say that I have changed my ground simply because I choose to sit in my seat and not take part in a debate which is so perfectly conducted upon both sides as the one that has been proceeding. Let the Senator wait to see what my attitude is in this matter.

Mr. BACON. Mr. President—

Mr. TILLMAN. If the Senator from Georgia will pardon

The VICE-PRESIDENT. Does the Senator from Georgia yield further to the Senator from South Carolina?

Yes, sir; I do.

Mr. TILLMAN. My interpretation of the attitude of the Senator from Maine lies in this, that no Senator is better informed of what is going on in this Chamber than he. He is thoroughly well informed as to every move that is made here on all important issues that arise, and the Senator from Maine has so often stood in his place and whenever this thing of the conferees exceeding their authority and inserting new matter has been attempted to be done he has always been so aggressive in maintaining the rule which he laid down in the quotation I have just read that I am "woefully "-I will repeat that offensive phrase again, without any intention to offend-I am woefully surprised and disappointed at the Senator's silence.

Mr. HALE. Now, does not the Senator see that so admirably

are he and the Senator from Georgia presenting this case that it would only be carrying coals to Newcastle for me to say that

agree with them?

Mr. TILLMAN. It is not a question of agreeing with us. It is a question of the Senator from Maine voting and exerting his great influence to maintain to-day the attitude that he maintained last June.

Mr. HALE. Has the Senator been able to put any finger of his upon any vote that I have given on this question?
Mr. TILLMAN. No.

Mr. HALE. I did not know that it had come to a vote.
Mr. TILLMAN. We have not got to a vote yet.

Mr. TILLMAN. We have not got to a vote yet.
Mr. HALE. It seems to me it is something for a Senator to

come in here when he is very busy with appropriation bills and sit and listen to the Senator from South Carolina and the Senator from Georgia, and he ought to be credited for that.

Mr. TILLMAN. The Senator has not done us the honor to

listen, except this morning.

Mr. HALE. I have done that. I have sat here and listened for a long time, when important matters are calling me outside. But for the Senator to now declare—because I have not joined with him and have not indicated what my vote would be upon this matter-that I ought to thrust myself into this debate that is so well cared for already is absurd, and the Senator knows that he has not the right to do that. I do not need to say that he has not the technical right, but he has not the right to assume how anybody is going to vote on this matter. know that I have changed my mind in the slightest degree, and he will find out before this matter is through whether I have or not; but I wish the Senator, instead of berating me in his remarks because I do not get up and join in this debate, would attend strictly to the subject-matter and not make himself so personal.

Mr. TILLMAN. Mr. President, I am sorry that I have given offense to my friend from Maine, but the Senator will recall that we have had some little private conference about this matter, and that I appealed to him to stand by his own attitude last June, and he has told me that he could not do that.

Mr. HALE. How does the Senator know that? He has not the right to say it. Moreover, Mr. President, it is not often done here, that Senators retail conversations that have taken place between them. I have never known that to be done much. There are certain things which are observed here in the Senate. We have little side talks. I may have said that this report might go through, but I have never committed myself to the Senator by saying that I was going to vote for it. He has no right, he has no business-and he knows it as well as I doto refer here to an interlocutory talk between him and me. shall never do that as to matters between him and me. If I did, I should get him in hot water every day.

Mr. TILLMAN. I had no purpose or desire to inject anything unpleasant into this debate. I was merely calling attention to a grave and serious matter of public moment and a grave and serious infraction of the unwritten law of the Senate, whatever may be the written law, that we should not inject into conference reports extraneous and new and entirely foreign matter, and have the conferees legislate, a thing which the Senator from Maine has condemned time and again; I felt called upon to direct attention to the Senator's attitude

Now he sees proper to lecture me because he says I am disclosing personal conversations. I do not usually betray personal confidences, and I had no conception that what we were discussing was private or secret, or that the Senator from Maine would talk to me in private one way and then do or say something in public another way. I have no such conception of that Senator's honor and honorable character.

Mr. HALE. The Senator from South Carolina grows more and more offensive. He has no right to intimate that I have said anything to him which commits me upon this proposition in any way as to how I shall vote when it finally comes up. may have said this proposition would go through and would be a relief, and that I might not interpose myself in the matter by making myself busy, but I have never intimated to the Senator in any way, shape, or form what my attitude was to be upon this matter when it is finally brought up. When it does come up I shall vote as I always try to vote, in accordance with what I believe is the wisdom of legislation.

I do not forget my record of the past. The Senator need not say himself by reading all that. That is not called for. I busy himself by reading all that. do not forget easily. I say to the Senator now that I have never intimated to him that in this matter I would change the attitude which I have always held about this matter of the right of conferees—never. If he says to the contrary, then he states what no conversation between him and me justifies his

stating.

Mr. TILLMAN. I do not want any issue with the Senator from Maine in regard to veracity. I do not think it worth while to bring it to that issue, and I can only say that from what conversation I have had with the Senator, I understood that he would no longer occupy the position he occupied last June.

Mr. HALE. The Senator had no right whatever to assume

that.

Mr. TILLMAN. Well, the question of my rights, Mr. President, must rest upon my understanding of what has taken place. I am sorry I mentioned anything of our private conversation, but as the Senator so positively denied any knowledge on my part as to his present attitude, I could not be bottled up in that

kind of a way or snuffed out when I knew we had talked about it, and that I had appealed to him, and I had reason to believe he would change his attitude by his vote, if nothing more.

Now the Senator will do as he pleases, of course. I can not do anything with him. I do not propose to try. I have no such desire. I am merely calling attention to the fact that such desire. there has been in the Senate on various occasions which I recall the issue raised as to whether conferees could do such and such a thing or whether they could not, and the Senator from Maine has always occupied a pronounced and aggressive attitude against the power of the conference committee to inject into its report anything that was new, that had not been

considered by either House.

The Senator will not deny that that is his unbroken record, so far as I know; and as to what the Senator may do in this case he, of course, as I said, will do as he pleases. purpose or intention of wounding that Senator's feelings or of doing anything to bring him into an attitude of inconsistency with himself. With his views of the wisdom and the necessity of a great issue, he will follow that course which seems to him best, and with that I shall not find fault. I simply contend that Senators here ought not to presume to hector one set of conferees, to lecture them, to call attention to these little lapses from custom and the rules in regard to conference reports. and the regular and proper thing to do in respect to them, and then six months later turn around and vote with another set who have done the very thing for which they lectured the first t. That is what I am complaining about.

My remarks, while I quoted the Senator from Maine, apply

with equal force to other Senators here who have occupied that attitude, among them the Senator from Massachusetts [Mr. He says he was overruled, and that his view of the parliamentary status and rights was not sustained by the Senate, and that he bows to the will of the Senate as expressed by the Vice-President in his ruling with regard to conference reports—that we can not amend them; that we can not instruct the conferees; that all we can do is to reject the entire report regardless of what it may contain; that the point of

order does not lie.

The Senator from Massachusetts called attention to a necessity, which I think other Senators will-realize must exist here, that the rules of this body should be so shaped and such amendment should be had that when a conference report is brought in here and discovery is made that there are new things in it-extraneous matter, legislation by six men instead of by Congress-the point of order would lie and we would have the right to have the Vice-President declare whether this was new or not, and rule it out rather than be compelled to reject the whole report, and thereby kill, possibly, very important legislation.

That is what I am contending for now. If I have said anything to my friend that he thinks I ought to withdraw, if I can do so honorably I will do it.

Mr. HALE. The Senator has chosen his way, and I have

nothing further to say.

Mr. TILLMAN. Then, Mr. President, I am satisfied.

Mr. BACON. Mr. President, I want to add only a few words. I desire to say for myself that in particularizing Senators it was for the purpose of citing them as authorities and with no view of visiting upon them any particular expression as to their attitude. I was emboldened to do this by the fact that Senators on the other side of the Chamber had yesterday said that they thought this bill was open to the objection of having introduced into it extraneous matter. It was a violation of the fundamental rule, and my sole purpose was to cite the very high authority of the Senators whom I took the liberty of naming, and in it I hope I did not trespass upon their sense of propriety.

I wish to call the attention of those Senators to the particular matter which I say in this bill violates the rule. This bill is a bill with reference to the exclusion of aliens. The bill as it passed the Senate had exclusive reference to the question of the admission or exclusion of immigrants. The bill as it passed the House was to the same effect. That went into the conference, and when the conference report is brought it assumes to amend the act of 1882, entitled "An act to regulate the carriage of passengers by sea," altogether an independent piece of legislation. While, of course, immigrants come by sea the act which is thus sought to be amended is not one which relates to immigration. The act is found in chapter 374, on page 186, of the Statutes, in the third volume, Forty-seventh Congress, 1881–1883, and is entitled "An act to regulate the carriage of passengers by sea."

This bill, on page 32 of the pamphlet before us, makes an amendment to the extent of a page of that act, which was not in any manner alluded to or touched upon in either the bill

that passed the Senate or the bill that passed the House, and, in order to show that it is not simply the making of regulations which shall affect immigrants and that it is specifically an act to amend the act of 1882, I call the attention of Senators to the fact that on page 33, in the next clause, there is an express reference made to the act of 1882, to save the conflict which might be between the two, showing that it was intended that it should be an amendment of the act of 1882.

Mr. President, I do not think that anything could justify an approval by the Senate of that act on the part of the conferees. I do not think, even if it would entail the practical defeat of the measure with reference to the Pacific coast, it would justify our direct and radical violation of this fundamental, vital, and important rule. But we do not stand con-fronted with any such necessity. As I have said repeatedly in this debate, the purpose sought to be effected with reference to the Pacific coast situation can be effected by a joint resolu-tion, which can be passed through the Senate by a unanimous vote of the Senate, which shall embrace every detail as embraced in this bill relative to the Japanese situation on the Pacific coast, and it can become a law, and become a law speedily and promptly, by the unanimous vote of the Senate and, I presume, by the unanimous vote of the House. And we would still preserve inviolate our regard for and observance of this fundamental rule as to conference reports not bringing in matter here which was not in difference between the two Houses, and which in this case goes still further and relates to matters which were not within the subject of that which was within the purview of the bill of the Senate or the purview of the bill

of the House.

Mr. CARTER. Will the Senator from Georgia, before re-

suming his seat, answer a question?
The VICE-PRESIDENT. Does t Does the Senator from Georgia yield to the Senator from Montana?

Mr. BACON. With pleasure.
Mr. CARTER: During the long-continued debate yesterday afternoon it was frequently asserted by the Senator from Georgia [Mr. Bacon] and also by the Senator from South Carolina [Mr. Tillman] that this conference report contained matter extraneous and not considered in either House of Congress in the original bill. Further still, I understood the contention to be that the subject-matter was not germane to the question upon which either House had legislated and upon which the conference was ordered.

I desire to know from the Senator if it is true that section 42, found on page 32 of the printed pamphlet (Document No. 318), is the only subject-matter to which his objection is directed.

Mr. BACON. The Senator from South Carolina [Mr. TILL MAN] had already made the same criticism upon the section which relates to the power of the President to exclude Japanese. I do not mean to say there is no other extraneous matter in the bill. On the contrary, there is. I will call attention to it. To the provision with reference to the exclusion of Japanese I did not raise any point, because while I thought there might be some room for argument on that question, I did not concede that there was the slightest room for legitimate argument as to the particular section which I have indicated to the Senate and which the Senator has just repeated. There is another one, if the Senator desires me to point it out.

Mr. CARTER. My purpose in propounding the interrogatory to the Senator is to bring an issue here upon the question whether this conference report actually contains subject-matter not germane to the question or not passed upon by either House

I take it to be true that a conference committee has reasonable latitude in attempting to reconcile the disagreeing views of the two Houses, provided always that the conferees shall confine themselves to subject-matter germane to the legislation The contention of those who raise this point of order or the bill. The contention of those who raise this point of order has been, I believe, that this is entirely new matter, and that neither House of Congress has passed on the subject-matter, and that the subject-matter itself is not germane to the legislation being considered or confided to the conference committee, and, to the end that we may know the exact issues, I desire to have pointed out the particular portions of the bill to which these objections go.

Mr. BACON. If the Senator will pardon me, I think in addition to that there is also a violation of the rule governing conference committees to be found on page 31. I am very frank to say that this not so marked a violation as the one to be found on the succeeding page, 32, which is section 42. section 42 as being as pronounced and marked a violation of the rule as it is practicable to find.

Mr. CARTER. To what portion of page 31 does the Senator

Mr. BACON. I will read the part. On page 31, about the middle of the first paragraph, after the semicolon following the word "Congress," are these words:

word "Congress," are these words:

And the President of the United States is also authorized, in the name of the Government of the United States, to call, in his discretion, an international conference, to assemble at such point as may be agreed upon, or to send special commissioners to any foreign country for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the emigration of allens to the United States; of providing for the mental, moral, and physical examination of such allens by American consuls or other officers of the United States Government at the ports of embarkation, or elsewhere; of securing the assistance of foreign governments in their own territories to prevent the evasion of the laws of the United States governing immigration to the United States; of entering into such international agreements as may be proper to prevent the emigration of allens who, under the laws of the United States, are or may be excluded from entering the United States, and of regulating any matters pertaining to such emigration.

The ground upon which I base the criticism that that is a

The ground upon which I base the criticism that that is a violation of the rule which governs and should govern conference committees is that there is not in either the Senate bill or the House bill the remotest reference to any such provision of law, and it is a most important and drastic and far-reaching provision, the limits of which it is very difficult for us to realize until it has been put in practical operation and we see what power is assumed to be exercised under it.

Mr. CARTER. I further ask the Senator if he considers the

subject-matter last referred to as germane to the legislation under consideration or the questions confided to the conferees of the respective Houses?

Mr. BACON. I do not consider it within the questions confided to the conferees. I do not agree with the Senator from Massachusetts [Mr. Lodge] that when a bill has been put into conference the conferees are at liberty to frame any provision of law they may see so it relates to the subject-matter. not agree with that proposition, and my criticism on this is that it is distinctively without any provision relating in any manner to any part of either the Senate bill or the House bill and could not consequently have been in difference between the two Houses, because there is nothing in either bill about it.

Mr. CARTER. Do I then understand that the portion of section 39 referred to and section 42 constitute the only two portions of this report to which objection is raised on the question of order?

Mr. BACON. They are the only ones that I have suggested as being thus.

Mr. CARTER. That, I think, reduces the matter to a simple question as to whether or not the subject-matter comes within the rule.

Mr. LODGE. Mr. President, I am indebted to the Senator from Montana [Mr. Carter] for bringing the points of order down finally to the exact provisions in the conference report to which Senators object.

There has been, I will not say a tacit assumption, but there has been a very vocal assumption by the Senator from Georgia [Mr. Bacon] and the Senator from South Carolina [Mr. Till-MAN] that this is a pure usurpation, and that the conferees have gone beyond their powers. I should not have taken the floor again if I had not desired to dispel the idea, so far as I could, from the minds of the Senate, if any Senator has the idea, that the conferees admit for one moment that they have usurped powers or gone beyond the powers confided to them. The two conferees who signed the report with me, the chairman of the committee, the Senator from Vermont [Mr. Dil-LINGHAM], and the Senator from Mississippi [Mr. McLaurin], are two of the ablest and most conservative lawyers on this floor. They were both perfectly aware of exactly what we were doing.

Mr. President, I assert—and I shall try to demonstrate my position to the satisfaction of the Senate—that in the situation presented to the conferees we have not gone beyond our powers, either in contemplation of the Senate practice or of the House, where the rules are much more stringent than they are with us.

The Senator from South Carolina [Mr. Tillman] yesterday consumed a great deal of time in showing or trying to show that I have been guilty of inconsistency. Since I have been in Congress, in both branches, I have seen a great deal of time devoted to exhibiting individual inconsistencies, and it has always seemed to me a great waste of time. Individual inconsistencies are of very little importance. But I think I can demonstrate in this case that there is no such inconsistency as the Senator spoke of. In the first place, he confuses two dis-One was on the ruling of the Chair as to points of order in the Senate under its rules and practice as to conference reports. The other point was as to the powers of conferees, and whether in this case, as a matter of fact, they had exceeded their powers.

As to the first point I argued here as well as I was able to do in favor of the House practice of a point of order lying against a conference report. The Chair overruled that position and was sustained in his ruling by the Senate, and I am convinced that under our rules and practice that decision of the Chair was correct. I am not now speaking of the policy or its expediency, but simply of what it is under our rules and prac-That being the ease, of course I no longer argued against a settled decision of the Senate.

Now, as to the usurpation of powers by the conferees in this instance, this case is not on all fours at all with the case of the rate bill. That was a House bill with certain numbered amendments, excluding absolutely from the consideration of the conferees matters agreed upon by both Houses. In this case the House substituted for the bill of the Senate not only a new bill, but the entire immigration statute of the United States, with amendments of their own. They did not omit a single section. They even went so far as to change the title of the Senate bill. They preserved nothing but the enacting clause. They preserved nothing but the enacting clause, and to that bill of theirs they added a number of sections which were not in the Senate bill at all.

Mr. President, in the judgment of the conferees, there being only one amendment, and that being a complete statute, that entire statute and the whole subject-matter of that statute were open to the conferees. I may say that very early in our conferences I thought it best to take the opinion of the Speaker of the other House as to the general powers of conferees in the conditions which then arose. I have no right to quote, and shall not, a private conversation, but on the parliamentary matter I think I am at liberty to say that the conferees, in their interpretation of the situation, did not go beyond the views and the opinion of the Speaker of the other House, who is recognized as one of the great parliamentarians of the country.

Now, take the three sections to which the Senators object as new matter. In the first place, dismiss the idea that this is a clause about the Japanese. No nation's name is mentioned in the statute, except in the repealing clause, which excepts from repeal the Chinese-exclusion statute. The proviso in regard to passports applies to all nations who issue passports to their subjects or citizens and who compel them to have passports to go to particular countries. It is a general provision relating to the exclusion of a certain class of immigrants under certain conditions. It is a mere extension of the section to

which it is added.

As I take it and as I believe the best parliamentarians hold, the test of the powers of the conferees in a case where an entire statute has been substituted for the bill of one House is whether the subject-matter is germane to the general subject committed

Will anybody read the section which makes exceptions in regard to our neighbors in contiguous territory—we have named those countries and made a special exception in their caseand deny that it is legitimately within the power of the conference to add an additional section as to the admission of immigrants under certain conditions of passports which would enable them to enter the country? If we are confronted by a question as to the admission of aliens holding certain passports, it is just as legitimate to add them to that section as it is to strike out the clause which permits the Canadian and the Mexican to come in after one year's residence without paying a head tax, a privilege which is refused to all the rest of the

The international conference to which the Senator also made the point of order is an extension of a House section. The House bill contained what the Senate bill did not-provisions for the establishment of a commission to inquire into the whole subject of immigration, both at home and abroad. The work of the conference was practically merely to extend the power of that commission to enable them to make an agreement, if they could, with other countries so that other countries would recognize and aid us in enforcing the laws relating to immi-

grants into the United States.

Now, Mr. President, I come to the case of the air space, and on that I should like the attention of the Senate, because that is the clause to which most objection has been made. It is an amendment of what is commonly called "the navigation act," the act regulating the carrying of passengers. Every immigration bill that has been passed has modified our navigation acts. Always relating to immigrants, of course, we have demanded new forms of manifests. That was put in the last law. We have put in penalties relating to the clearance of vessels. I could read from the act, with its amendments, large and extensive changes in the navigation laws, all made in immigration acts because they related to the subject of immigration.

This question of the air space was debated in the Senate when

the bill passed. It was the general desire of the Senate that there should be abundant air space for the health of the immigrants, and at that time I can only say, speaking for myself, I supposed that the air space provided by the navigation laws was sufficient. It has become very evident in the last six months (the Department of Commerce and Labor has taken up the matter) that the air spaces are not sufficient. The amount of air space, the accommodation for immigrants coming to this country, is a direct matter connected with the well-being and the health of the immigrants who land on our shores. We require those immigrants to be in a certain physical and mental condition. We require them to be healthy. If not, they are liable to be sent back to the country from which they came, often at the cost of great suffering.

President, nothing is more important to those people arriving here in ships than that they should have quarters which will not stimulate or produce disease. There is nothing more absolutely essential to the health and well-being of the immigrants than the air space and the condition they are in on

board the ship.

There are other regulations in regard to immigrants contained in the navigation acts and in the immigrant laws. should have the right to deal with them. It was on that theory that the conference acted, that they had to take this matter apparently new, but which really related only to the immigra-Although it involved the amendment of another statute, it related only to the particular condition of the immigrants. They felt that with an entire statute before them it was legitimately within their scope.

I have not changed my mind as to the powers of conferees. I hold to the same view as the Senator from Maine, and the view that I myself expressed. I have not the least desire to put into the hands of conferees powers which do not belong to them. I believe that I am as jealous of the integrity of the

powers of the Houses as any Senator can be.

My contention is that we have not exceeded our powers under the situation presented, the very unusual one of not only striking out an entire bill, but placing in the conference an entire statute relating to the care, the exclusion, and the admission of immigrants into the United States. The subject-matter being before us in that way, it seemed to me the true test was, Is the subject properly germane to the subject intrusted to the conferees:

In my judgment, Mr. President, the conferees had a right to make the addition with which fault is now found. I am informed to-day-and I venture to quote it that I may not be supposed to be advancing something which only a member of conference would be supposed to hold-I am informed today that the man whom I consider, and whom I think all consider who have examined his books, to be the greatest parliamentary expert living as to the parliamentary law of the Congress of the United States, Mr. Hinds, clerk at the Speaker's table, pronounced both these amendments to be entirely germane and within the power of the conferees.

Mr. STONE. Mr. President, I do not wish to discuss the labor-contract feature of the bill further than to say that I

think that practically every American is opposed to the admission to our shores of laborers who have made contracts in foreign countries to engage in employment in our domestic in-

I do not know of anyone who favors any relaxation or modification of the restrictions upon that character of immigration. I think it is safe to say, and it ought to be, that every political party in this country is committed to the policy of restricting and to the policy of maintaining these restrictions against the introduction of foreign contract labor. It is almost as fixed a policy in American public opinion as the Monroe doctrine; it is

That is all I care to say about that phase of the question which has so far occupied the Senate in this discussion. I do not care either, Mr. President, to discuss that other phase of the subject embraced in the conference report which relates especially to the Japanese further than to say that every proper effort ought to be made to adjust the differences that seem to exist between this country and Japan. I would regard it as a very great mistake if the Senate or the Congress failed to pass such legislation as might be necessary to bring a satisfactory adjustment of that situation.

Mr. President, there may be some question about the wisdom, and I have heard some question raised as to the constitutional power of Congress to pass a law confiding to an executive officer, though he be the President of the United States, the power reposed in and conferred upon him by the provisions of this bill. It is a matter of such grave consequence in preserving the peace between this nation and Japan, and our interests in the Orient are such that every possible effort ought to be made within the bounds of reason and by the power of Congress to effect satisfactorily an adjustment and disposition of these differences. So much for that.

But, Mr. President, the particular question I arose, not to discuss, but to inquire about, relates to the provision which I find on page 17 of Senate Document No. 318, being the confer-

ence report.

I ask the attention for a moment of the Senator from Vermont [Mr. Dillingham], who has the bill in charge. amendment is proposed to section 2 of the present law, which find, as I said, at the bottom of page 17 of this document. The amendment is in these words:

Persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living.

Under the law as it is and under some amendment inserted before the amendment I have read it would exclude "all idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with tuberculosis, a loath-some or dangerous contagious disease." Then comes the provision to which I have adverted, which is as follows:

Persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical de-fect being of a nature which may affect the ability of such allen to

And then follow other classes who are excluded, such as persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral

turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists," etc.

Mr. President, I do not know whether Senators have had the same experience, but I have received numerous protests against the clause to which I have called especial attention from citizens of Jewish extraction, not only from my own State, but from other States. These protests have come sometimes from Jewish organizations and sometimes from individuals. Within the last twenty-four hours I have received this telegram from New York:

NEW YORK, February 14, 1907.

Hon. W. J. STONE, United States Senate, Washington, D. C.:

Important that right of appeal conferred by other sections of immigration law should be granted to review decisions of inspectors account of low vitality. H. A. GUINZBURG.

I know this gentleman, Colonel Guinzburg.
Mr. GALLINGER. Is that "low vitality?"
Mr. STONE. Yes, sir. The low-vitality clause is the one to which I am trying to direct attention. Colonel Guinzburg formerly lived in St. Louis, and when I had the honor to be governor of my State he served on my staff, and I knew him well. He was very prominent in the social and business life of that city and a prominent Jew. I have just received a letter from New York, which I shall read also. Although I have received numerous protests of like kind from my own State, this having come within the last few hours, I am reading samples of others that I have had. This is from Mr. I. B. Rieinert, of New York, who is at the head of the I. B. Kleinert Rubber Company, one of the largest rubber manufacturing concerns in the East. He says:

Hon. William J. Stone,

United States Senate, Washington, D. C.

My Dear Senator: There is, according to the papers, a concerted attempt to restrict the immigration of the poor, unfortunate, persecuted Russian Jews. While the contemplated law does not say so in plain language, it does say so by inference. The same nefarious object was pursued in England. No one thought of it before the massacres occurred in Russia, but when the exedus began these measures were brought to light. It is useless to waste time writing on the unbounded injustice toward these unfortunates. The causes given are without foundation in fact. In Russia it is simply a hierarchical policy to prevent the liberal-mindedness and broad-principled tenets of these people to become known and perchance adopted by the ignorant hordes which sustain the hierarchical institutions. The Jew is shown to the multitudes to be a caricature after the laws had made him so. In liberal countries, while the people are still fed with the same nefarious pap of the infancy of humanity, with lies and calumnles about the Mosale people, yet where the laws are liberal the result is soon seen on them, inasmuch as they are citizens among citizens, comparatively free from the vices which make police and police courts a necessity. Look at the showing these people make in this country. No one, man for man, can conjure up superiority to them neither in citizenship nor in performance of a citizen's duties. The prejudice existing has its root in the ignorance of the true status. The features of the bill referred to which are vicious, positively vicious, is that a man is to be judge and jury at the port of embarka-

tion who is and who is not fitted to come to this country. Now, we must certainly keep our shores free from the vicious element, as also from paupers, but we must not discriminate against anyone who is willing to work and who will make himself or his children good American citizens. The Jew makes, above all, a good, law-abiding citizen, is always educated in some way, and very soon acquires our education and citizenship. Please put your interposition against the unjust clauses, so that the measure may emerge as a just and truly American measure, aiding the good and preventing the evil influence and influence.

Sincerely, yours,

Mr. President, having gone so far—and it is far enough to show the reason which induces me to take the matter up—I wish to ask the Senator from Vermont what the reason was for introducing this amendment; what evil exists that is not covered by the present law or which this provision is necessary to cure, or what the purpose of it is?

Mr. DILLINGHAM. Mr. President—
The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Vermont?

Mr. STONE. I do. Mr. DILLINGHAM. Mr. President, it should be remembered, and it will be remembered by those who listened to the debates last winter, that this bill was not intended so much as a restrictive measure as one that should provide for a better selection from those offering themselves as residents of the United The statistics show that the law of 1903 has operated very well indeed; that 821 per cent of the aliens who have come into the United States during the period of five years have been between the ages of 14 and 44 years-just in the very prime of life-and that 12 per cent have been below 14 years of age, leaving only about 6 per cent above the age of 44 years.

The existing law provides that certain classes enumerated— and the enumerated classes have been very largely read by the Senator from Missouri-shall be excluded, and among them are paupers and those liable to come to want. In this 6 per cent, of which I have spoken, above 44 years of age are some in whom perhaps will not be found the specific diseases for which exclusion may be claimed; nevertheless they may be deficient mentally; they may be deficient physically, so that they are liable to become public charges and to swell the number that already fill the hospitals, particularly in the State of New York.

On page 44 of the document containing the conference report

will be found the provision of the House bill containing the clause in relation to the excluded classes, and among them are those found "to be of a low vitality or poor physique such as would incapacitate them for such work."

The clause of the Senate bill is one which has been read, and in conference the Senate clause was adopted. It is the clause that was approved by this body a year ago when the matter was under consideration. The Senator from Missouri will see that it has been treated in such a way that it can do no injustice to anybody. The examination must be a medical examination.

Persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living.

Mr. STONE. Does that mean that the defect must be per-

manent or temporary?

Mr. DILLINGHAM. I do not know that I can make it any more clear than the language of the bill itself. The clause, I may say, was drawn with great care, was submitted to the officers having this matter in charge, was taken to the Department of Justice, submitted to the Assistant Attorney-General, who has charge of all the litigation growing out of immigration cases, and it was under his advice and with his aid, in order that no injustice might be done to any, that the language was adopted which has been incorporated in the report.

I do not think that the fear expressed by the writer of the letter from whom the Senator has read is any longer entertained by those representing that class. They objected to the language of the House bill; but, so far as I know, they do not have the same objection to the language of the Senate bill,

which was adopted by the conferees,

I ought to say further, inasmuch as the writer of the letter which the Senator from Missouri has read supposes that there was an arbitrary examination at the port of embarkation, that such is not the case. The examination of the immigrant is made after he reaches our own shores and at our own station.

Mr. STONE. My only object in rising at all, Mr. President, was to call the attention of the Senators in charge of this measure to this objection. I am sure there is no purpose on the part of any Senator to discriminate against the Jews, for instance, who are the people who have been writing to me about the

Mr. DILLINGHAM. I will say to the Senator that such a thought as that never entered into the mind of any person who had anything to do with the drafting of that clause

Mr. STONE. Of course, I know it did not; but on account of the fear that was entertained I simply desired to call attention to it and to have an expression from the Senator that it was not intended by any possible consideration to affect those people.

Mr. CULBERSON. Mr. President, the point of order which has been made to certain paragraphs of this conference report presents one question, but the report itself presents an entirely different question. In my judgment, some of the paragraphs of the report are subject to the point of order made by several Senators, among them the Senator from South Carolina [Mr. TILLMAN] and the Senator from Georgia [Mr. Bacon], and as they are, in my opinion, against the rules of the Senate, against orderly legislation by Congress, and subtract from the authority of the two Houses of Congress, I will, if an opportunity presents

itself, vote to sustain the point of order.

That does not mean, Mr. President, that I will vote against the passage of such a law as is presented in this report. On the contrary, as I believe not only in the enforcement of the contract-labor law, but, if need be, would increase its efficiency, and inasmuch as I believe in the exclusion of Japanese coolies and laborers from the United States, whether entirely or to the extent proposed in this measure, I shall vote for this report

disconnected from the point of order.

The Senator from Massachusetts [Mr. Lodge] a few moments ago suggested that the proposed legislation with reference to passports did not name the Japanese. That is true; but the Senator will not, I apprehend, deny that it was intended to meet the Japanese situation.

Mr. President, how does this Japanese situation arise, and what is there in it to cause apprehension and alarm? I take it that it results, first, from the fact that we own the Philippine Islands, and that somebody somewhere is afraid of a controversy which may ultimately involve that eastern situation. I take it that the Japanese situation arises, and it has become acute, furthermore, because the President of the United States, in his two messages to this Congress which dealt with the question, has seen proper to misstate the situation in California in the interest of the Japanese, so that those people, taking the case from the President himself, assert and claim that great injustice has been done to their countrymen on the Pacific coast on the school question. I will not stop to read at this time the messages of the President upon this subject; but I call the attention of the Senate to the fact that in each of these messages to Congress he has misstated the situation there to the effect that the Japanese had been denied the benefits of education, when the truth is, that they have only been denied the privilege of attending the same schools which the white children of California were attending.

Mr. President, what is the remedy proposed here for this situation by this bill which has been brought in by the conferees? I shall not read it again, but it appears on page 17 of the report of the conferees, and is to the effect that the President of the United States himself shall exclude laborers from other countries that come here under false pretenses, as it were, and that the exercise of that right shall rest in the discretion of the President alone.

Let us look at that a moment. I read from the Washington Herald of this morning a statement purporting to have been issued by Mayor Schmitz, of San Francisco. That statement is as follows:

We have come to a satisfactory understanding upon the assumption that Congress will pass the amendment to the immigration bill introduced February 13. Until this amendment is enacted into law we shall make no statement as to what the understanding is.

E. E. Schmitz,

Mayor of San Francisco, for the Board of Education.

In the Washington Post of this morning, what do we find?

Mayor Schmitz and the members of the San Francisco school board, having been assured by the President that this immigration report would be agreed to either at this session or at an extra session he would call, if this action were necessary, and the school board having been turned down by the Japanese Government on its proposition to establish a separate school for Japanese children, the California authorities now in Washington yesterday capitulated. They agreed to admit Japanese children into their public schools, believing that greater good will come from the exclusion of Japanese laborers and coolies.

I do not know. Mr. President, whether this statement is an-

I do not know, Mr. President, whether this statement is authoritative. If any Senator in this Chamber desires to correct it, I should be very glad to have him do so. What, then, is the situation, Mr. President? What is implied by these matters to What, then, is the which I have called attention? It is this: The President will have authority under this law to exclude Japanese laborers and coolies; he will hold the exercise of that authority in abeyance and over the heads of the California authorities, and will keep

out the laborers and coolies, provided the civil authorities of California will admit Japanese children indiscriminately to the public schools of San Francisco. Is that the understanding? that the meaning of this? Does any Senator from California or elsewhere deny that these facts are susceptible to this interpretation?

Mr. FLINT. Mr. President-

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from California?

Mr. CULBERSON. Certainly.

Mr. FLINT. Mr. President, I desire to say that, so far as I am concerned, I know of no agreement between the California delegation and the President in reference to the adjustment of the school matters of San Francisco. I have not been a party to any such agreement or attended any conference of the California delegation or members of the school board of San Francisco with the Secretary of State or the President of the United States

Mr. PERKINS. Mr. President—
The VICE-PRESIDENT. Does the Senator from Texas yield to the senior Senator from California?

Mr. CULBERSON. Certainly.

Mr. PERKINS. I think it is also incumbent upon me, Mr. President, to make the same assertion that has been made by my colleague [Mr. Flint]. I know nothing whatever of any arrangement having been made, directly or impliedly, other than that which the Senator from Texas read or has quoted from the newspapers. While the truth is almost always in the newspapers, yet it is sometimes painted in Titian colors. It is highly colored, I think, in this instance; at any rate, I can say the truth has been embellished to a high degree.

Mr. CULBERSON. There is no statement, Mr. President, which I have read which says that any agreement or understanding has been entered into by the delegation in Congress from California. The statement is to the effect that an understanding has been reached between the President, the mayor, and the school authorities of San Francisco upon this subject, and the extent of the statements which have been made by the Senators from California is that they are not apprised of any such arrangement. Of course their statements are entirely acceptable and satisfactory to us all.

to the Senator from Indiana?

Mr. CULBERSON. Certainly. Mr. BEVERIDGE. Does the Senator think that such an agreement as he details has been reached?

Mr. CULBERSON. I stated that the newspapers reported that such an agreement had been made.

Mr. BEVERIDGE. What is the Senator's opinion? He is

making a speech upon that supposed agreement.

Mr. CULBERSON. I am not on as good terms with the President as is the Senator from Indiana, and of course I have

Mr. BEVERIDGE. That is the Senator's misfortune. Mr. CULBERSON. I dare say; but that is a question of opinion also. [Laughter.]

Mr. BEVERIDGE. I should like the Senator's opinion, since he is making a speech upon it, as to whether he thinks such an agreement has been reached?

Mr. CULBERSON. Mr. President, I would not be surprised, in view of all the circumstances connected with this matter,

if such an agreement as that has been reached.

Mr. BEVERIDGE. Now, Mr. President, assuming that such an agreement has been reached, and, as the Senator has said, that it affects California, and San Francisco particularly, since the city authorities of San Francisco are satisfied and the school authorities of San Francisco are satisfied and the Senators from California are satisfied and the President is satisfied, why should the Senator from Texas be dissatisfied?

Mr. CULBERSON. I am dissatisfied, Mr. President, if this kind of an agreement has been entered into, because the President of the United States and the majority in this Chamber intend that the people of California and San Francisco shall surrender their right to local self-government, or else Japanese coolies and laborers may be continued to be admitted into this

Mr. BEVERIDGE. Mr. President—
The VICE-PRESIDENT. Does the Senator from Texas yield further to the Senator from Indiana?

Mr. CULBERSON. Yes.

Mr. BEVERIDGE. Does the Senator from Texas think that he is a better guardian of the interests of San Francisco than are the city and school authorities of San Francisco themselves?

Mr. CULBERSON. I think, Mr. President, that there is no such whip held over me by the President of the United States as he holds over the citizenship of California with respect to this immigration.

Mr. BEVERIDGE. But would the Senator mind-

The VICE-PRESIDENT. Does the Senator from Texas yield further to the Senator from Indiana?

Mr. CULBERSON. Yes.

Mr. BEVERIDGE. Would the Senator mind answering that question, since the Senator says that he thinks an agreement has been made by the authorities of San Francisco?

Mr. CULBERSON. I have said nothing of the kind. simply read from a newspaper, which states that an agreement of that character has been entered into, and I said that I would not be surprised, from all the circumstances, if it did state the truth.

Mr. BEVERIDGE. The Senator's entire speech is based upon the supposition that such an agreement has been reached. Now, I have twice asked the Senator-and I trust he will answer me so that the Senate may be informed-whether in his earnest defense of the rights of San Francisco and of California the Senator from Texas thinks he is a better guardian of those rights than are the authorities of San Francisco and California themselves

Mr. CULBERSON. Mr. President, I express it as my belief that after this controversy is over it will be seen that the authorities of California and the school authorities of San Francisco will admit the Japanese to the public schools of that city indiscriminately, and that the President will enforce to a degree this authority to exclude Japanese coolies and laborers, and that thus, in all probability, subsequent events will develop the truth of this statement.

Mr. BEVERIDGE. Mr. President—
The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Indiana?
Mr. CULBERSON. Mr. President, of course I would be very glad to answer any question of the Senator from Indiana, but I only intended to speak a moment upon this question and not defer the vote longer than 4 o'clock, the original time suggested for taking the vote.

Mr. BEVERIDGE. I will not be persistent with the Senator. I will submit to the Senate and to the Senator that he has not yet answered my question. I was only going to repeat it, after venturing to recall the Senator from the realms of prophecy, which he has entered and in which he is always so engaging, and ask him to state to the Senate whether the Senator from Texas thinks he is a better guardian of the rights of the people of San Francisco than are the authorities of San Francisco themselves and of the rights of the people of California than are the Senators from California themselves?

Mr. CARMACK rose.

Mr. BEVERIDGE. Of course, if the Senator from Texas does not want to answer that question, I see the Senator from

Tennessee [Mr. CARMACK] has risen-

Mr. CULBERSON. I would state to the Senator from Indiana that if I were less modest than I am and less modest than some I know, I would unquestionably express the opinion that was a better judge of those things than are the people of

Mr. BEVERIDGE. Then, I take it, Mr. President, that the Senator is proceeding upon the assumption that the Senator from Texas is a better guardian of the rights of the people of California than are the Senators from California on this floor and of the people of San Francisco than are the authorities of the people of San Francisco.

Mr. CARMACK. Mr. President-

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Tennessee?

Mr. CULBERSON. Certainly.
Mr. CARMACK. I just wanted to suggest to the Senator from Texas that the question of coercing a sovereign State into a surrender of its right to govern its internal and domestic affairs is a question that concerns every Senator in this body

and every citizen of every State.

Mr. BEVERIDGE. Mr. President—
The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Indiana?

Mr. CULBERSON. Mr. President, of course if the Senator from Indiana

Mr. BEVERIDGE. No; I will not interrupt the Senator further. I am going to venture to reply to the Senator from Tennessee merely by saying that the Senator from Tennessee is always vigilant and alert, and, I might almost say, militant to find a violation of the sovereign rights of the States all over the country all the time under this and every other Administra-

tion. [Laughter.] If there is one thing that the Senator from Tennessee is more careful of than another, it is to find the rights of the States being violated at every minute of every night of every day of every year, and, in his defense, I pay him the tribute of saying that he is always watchful, wakeful, and brave.

Mr. CARMACK. Mr. President, if the Senator from Texas will permit me

The VICE-PRESIDENT. Does the Senator from Texas yield

to the Senator from Tennessee?

Mr. CULBERSON. Yes.
Mr. CARMACK. I will say if there is anything with respect to which the Senator from Indiana is more vigilant than any other, it is to find a chance to violate the Constitution. [Laughter.]

Mr. BEVERIDGE. Mr. President-

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Indiana?

Mr. CULBERSON. Mr. President-

Mr. BEVERIDGE. I hope the Senator will yield merely to let me say

The VICE-PRESIDENT. Does the Senator from Texas vield?

· Mr. CULBERSON. Of course.

Mr. BEVERIDGE. I merely hope the Senator will let me say, in answer to the more or less truthful observation of the Senator from Tennessee, that no matter how fell might be my purpose or that of any other Senator upon this floor, it never could be accomplished while the Senator from Tennessee was present. The Constitution, Mr. President, is absolutely safe so long as he is here. [Laughter.]
Mr. CARMACK. Then it will be a short-lived Constitution.

[Laughter.]

Mr. CULBERSON. I have referred, Mr. President, to this question for the purpose of indicating that not only have the rules of this Chamber been violated, in my opinion, by bringing in such a report as this under the circumstances, but that it has been done for the purpose, not known perhaps to all, of compelling the people of California and of San Francisco to surrender their right under the Constitution to regulate their public schools. If not, Mr. President, why do they propose this indefi-nite discretion in the President of the United States? Why does the mayor of San Francisco insist that until this is adopted he will not state what the understanding is? If they want to exclude the Japanese, if they want to answer the demand of the people of California and the people of the other States of the Union to exclude Japanese coolies and laborers from coming in contact with the labor of this country, why do they not do it by express law? Why do they leave it merely to the disit by express law? cretion of the President, and allow him to stand there with this authority on his part, and on his part alone, to exclude them under such conditions as he may see proper to dictate?

Mr. President, yesterday, having this situation in view, I proposed in effect that the conference report should be recommitted and the conferees should be instructed to bring in an amendment excluding Japanese coolies and laborers from the United States absolutely and positively, and not leave it to the discretion of the President to do so, provided, as I believe, the understanding is that the people of California shall surrender their rights upon this local question.

Now, let me read the resolution I proposed yesterday:

Resolved, That the conferees on the part of the Senate on the bill S. 4403 be instructed to present to the conferees an amendment providing for the exclusion of Japanese laborers and coolies from the United States and their Territories and insular possessions and the District of Columbia, to be effective January 1, 1908.

Upon that I challenge those in charge of this bill and on the other side of the Chamber to vote upon the question. Do not get behind a point of order. Points of order are convenient or inconvenient in this Chamber as party purposes are to be sub-

Mr. BEVERIDGE. I will suggest to the Senator from Texas that no point of order lies here.

Mr. CULBERSON. I was about to say that even the Senator from Indiana can be mistaken.

Mr. BEVERIDGE. Of course the Senator could not expect the Senator from Indiana to admit that, but upon this particular point the Senator from Texas will have to admit that he is in error, since a point of order does not lie upon a conference report.

Mr. CULBERSON. I am very glad to hear the Senator from Indiana say, contrary to the opinion of the Senator from Massachusetts, that a point of order against this resolution which I have proposed will not lie, and I am satisfied the distinguished occupant of the chair, from the same State, will concur in so just a ruling.

Mr. BEVERIDGE. The point of order about which I was talking was the Senator's suggested point of order against the conference report. I did not know anything about his resolu-tion. The Senator from Texas has so many resolutions here all the time that I could not possibly be supposed to expect that this was the particular one he had in mind.

The Senator from Texas has introduced good many resolutions, but they have always brought forth

Mr. BEVERIDGE. Splendid resolutions, Mr. President.

Mr. CULBERSON. What I desired to say was that I hoped the Senator from Massachusetts would withdraw his point of order as to this resolution, and let us have a direct vote of the Senate upon the proposition whether or not Japanese laborers and coolies should be excluded from the United States, so that the people of San Francisco and of the entire State of California might be allowed to exercise their sovereign rights as to their schools without coercion on the part of the President.

Mr. CLARK of Montana. Mr. President, it is not my purpose to take up the time of the Senate in any general discussion of this bill or the point of order raised on the several propositions. The points in the bill which are objectionable to some of the southern Senators have been ably presented, and I am in accord with their views upon those matters. But, Mr. President, I will direct the few words that I intend to say-and I do not purpose to detain the Senate long-to the provision found on page 17, which I will not read, as it has been already read several times It is the one to which the distinguished Senator from to-day. Texas [Mr. Culberson] has just alluded.

Mr. President, upon a careful examination of this clause I confess—and it may be possible that my mental machinery is not capable of grasping the subject presented—that I can not understand the scope and the purpose of the provision. I presume, in view of what has been said, that it is a proposition relating to the exclusion of certain undesirable Asiatic people from our shores. It appears to me that a question of such import, a question involving the rights and welfare of several million people in the western part of this continent, should have some kind of affirmative legislation, instead of the indirect, vague, uncertain, and inexplicable clause which has been hastily inserted in this bill.

We had pending during the last session of Congress the rate bill, which was discussed here during several months. It elicited the greatest and ablest debates, or amongst the greatest, ever heard in this Chamber. It was only after months of careful investigation and discussion that a conclusion was arrived at. We have now here a question, Mr. President, which, so far as it concerns the area in the western part of the country which may be affected by the provisions contained in the pending bill, is of more significance and of more importance than the rate bill as applied to that same territory. And yet we are to consider and pass upon a question of such immense importance. couched in such language that it is difficult to understand, and without any chance, except in a few hours, to discuss it, and we are called upon to pass it blindly, simply to help the President out of a dilemma.

I suppose that this clause grew out of the fact that there has been some difference of opinion between the Chief Executive and the citizens of San Francisco on the question of excluding Japanese pupils from their schools, a case in which, in my opinion, as has been ably contended, the President has largely exceeded his authority. If this be true and the people of Oregon and California are content with the provision of this bill, as their States will receive the first impact of the Asiatic hordes which may attempt to flood our shores, we, perhaps, of the intermountain States, who live away from the coast, might be supposed to rest content. But I want to say, Mr. President, that there are several hundred thousand citizens of this country adjacent to the Pacific coast States-and I speak only for the State which I have the honor in part to represent here-who, notwithstanding the decision of the representatives from California, will not be satisfied with this flimsy subterfuge. The question of Asiatic immigration affects all of the western part of the United States. We have a large Chinese and Japanese population now in that part of the country, and the great labor organizations whose members are occupied in mining and other industrial pursuits which are the basis of prosperity in all that vast region are a unit against the further immigration of Asiatics into this country, and the people generally support them in that contention.

Mr. President, we find here a provision that when the President of the United States shall be satisfied that the purpose of the people to whom passports have been issued to go to the insular possessions of the United States or to the Canal Zone is to enter the United States ultimately to the "detriment of Porto Rico, Hawaii, and Philippines, giving President power to restrict

the interests of labor," he may refuse to admit them. Now, we know that the President of the United States recently in a communication to the Congress expressed himself in the broadest and most liberal terms concerning the influx of Japanese into this country, and went so far as to recommend that they be allowed full privileges of citizenship. Is it probable that a Chief Executive who entertains such favorable impressions of the Japanese people is going to exercise the discretion set forth in this provision in favor of the labor interests of the country which it is supposed to be intended to protect?

It is, in my opinion, clothing one man with too much power. It is giving him the authority to legislate, as has been ably stated by the Senator from Idaho [Mr. Dubors]. Now let us look a little further into this proposition. The President may refuse to admit these people if he believes that their admission is to "the detriment of labor conditions." Who is to judge whether or not the admission of 10,000, 50,000, perhaps 100,000 Asiatics into this country might be detrimental to the labor interests? The President alone can determine that matter. As I said, it is a question of such far-reaching results that we ought not to rely upon the judgment and discretion of any one man, even though he occupy the exalted position of President of the United States. I do not know whether or not, in the absence of a treaty with Japan, the President will be warranted in exercising the discretion which this provision confers upon him with regard to subjects of Japan and other countries who might go to the insular possessions or the Canal Zone. It might be that the exercise of such discretion might involve us in trouble with that nation. I am confident that we have no treaty with Japan which would allow the President the power to exclude Japanese subjects from entering our ports if they should come directly from Japan to the United States.

Now, it seems to me, to make this provision consistent and complete—I should not say complete, because, in my opinion, nothing could be added to it that would make it complete-that it should go further and say that the President of the United States, when he believes that laborers or coolies coming directly from Japan into the United States, to the detriment of the labor interests, should have the power to refuse them entrance. Why was not such a provision as this included? Is it because the temporary residence of these people in Hawaii or the Philippine Islands or the Canal Zone might so demoralize them as to render them unfit to dwell amongst us? In my judgment, if these people who come around Robin Hood's barn to get into the United States should be excluded, the President should likewise be clothed with power to exclude those who come directly from Japan to this country. But it seems the friends of the Administration are afraid to take such a bold stand and have

concluded to work by a plan of circumvention and indirection. This whole proposition, in my mind, is ill advised, crude, and vague, and will accomplish nothing, and it is unworthy of being framed into an important immigration bill like this. It is one of those exclusion propositions which does not exclude, and never will exclude, undesirable people; and if our friends in California believe that it will meet their requirements and solve the difficulties concerning which they were recently up in arms, in my opinion, their hopes will hang by a slender thread.

Mr. President, I shall content myself with simply making this further statement, that, in my opinion, it is due to the people of the Pacific coast and of the great States of the entire West that the influx of hordes of coolies, whether they come from China or Japan or any other country, should be absolutely pro-hibited by a well-considered act of Congress, and that we should not attempt to deal with the question by such a proposition as this, which no one can completely comprehend and which will be barren of important results.

Mr. PATTERSON. Mr. President, in the last hour I received a couple of dispatches that relate to the proviso which the Senator from Montana [Mr. Clark] has just been discussing, and I think it my duty to lay them before the Senate. I ask that they be read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DENVER, COLO., February 16, 1907.

Hon. T. M. PATTERSON, M. C., Washington, D. C.:

We trust that Japanese labor will not be permitted entrance, but certainly not limited to Porto Rico. Hawaii, and the Philippines. If it must come, the mainland should be included. C. S. MOREY.

HOLLY, COLO., February 16, 1907.

them from mainland, very much against beet-sugar interests, as it gives cane-sugar countries cheap labor we need so much here. Please have clause modified so that we may have benefit of this cheap labor. The adoption of this clause as now formulated means very serious handleap

W. M. WILEY, Vice-President, The Holly Sugar Company.

Mr. PATTERSON. Mr. President, these dispatches show how easy it is for those who do not follow closely the proceedings in Congress to be mistaken as to the scope and meaning of The theory upon which those measures before the two Houses. dispatches were sent is that under this bill Japanese are to be excluded from the mainland and to be permitted to enter, without limit, Hawaii, the Philippine Islands, and our other insular

The point that was made by the Senator from Montana [Mr. CLARK | shows clearly that there is nothing at all in the proviso which excludes them from the mainland. In other words, so far as the proviso itself is concerned, if that were all there is that will operate upon immigration, the Japanese can come to this country directly from Japan as freely as they choose. I suppose the failure to provide for excluding Japanese who come directly from Japan to the United States is upon the theory that the Japanese will not be permitted to come directly to the mainland by the Japanese Government. I have understood-and whether my understanding of the thing is accurate I can not say—that Japanese are not allowed to leave the home country except upon passports, and that it is the policy of the Japanese Government to give no passports to its labor or cooly subjects to come to the United States. If that is the case, we can very well understand why there is no provision in this proviso that will exclude Japanese who come directly from the home country. But it must be clear to the most careless thinker that it is only necessary for the Japanese Government to change this policy, if that is its policy, so as to open its gates and so many as please will pass through them, and enter gates, and so many as please will pass through them and enter the United States directly from Japan.

Mr. RAYNER. Will the Senator from Colorado permit me? Mr. PATTERSON. Certainly.

Mr. RAYNER. I merely want to say to the Senator from Colorado that so far as my knowledge goes there is no law of Japan upon the subject. It is merely a custom and usage. It can be changed at any time. There is no law which prohibits the Japanese from leaving Japan without a passport.
Mr. PATTERSON. It is simply a custom?

Mr. RAYNER. A custom which may be changed at any time. Mr. PATTERSON. Oh, yes; I only mentioned that fact for the purpose of making a statement with reference to this proviso. If that is the only legislation, whether in the nature of acts of Congress or treaties, in which the Senate would play its part, that is to be had upon the subject, then I would vote against this proviso, and therefore against the entire conference report, because the proposed legislation would be wholly inadequate to accomplish the end that not only the Pacific coast seeks, but that all of the midwestern States have in view, and particularly the States in which mining is carried on to any very great extent.

The Japanese question has already become a burning one in Colorado, and the labor organizations of that State have commenced to take action upon it and to speak without reserve their opposition to Japanese immigration. Only yesterday I clipped this from a Colorado paper:

FIVE HUNDRED ADDED TO JAP COLONY AT PUEBLO IN TWO WEEKS—THIS NUMBER JOINS THE 1,100 ALREADY EMPLOYED BY THE C. F. AND I. COMPANY.

The Japanese invasion of Colorado is no fallacy. At the meeting of the Trades Assembly yesterday it was reported that within the past two weeks 500 Japs have arrived at Pueblo to augment the 1,100 already there. The latter number are employed by one concern alone, the Colorado Fuel and Iron Company.

I have been aware for a year or more that this company, the Colorado Fuel and Iron Company, a large steel manufacturing company in Colorado, has been engaged in replacing a large number of its white workingmen with Japanese. I suppose they do so because they find it profitable. It may be both in the quality of the labor and the wages paid; although I understand that up to this time no discrimination between the Caucasian and the Asiatic has been made by this company in the compensation paid for labor. But it shows that this Mongolian invasion, which commenced nearly half a century ago on the Pacific coast, and which was stopped and turned back, has commenced again from another country, and that Colorado, like all the other mountain States where labor is heavily employed, has already commenced seriously to feel the effect of this invasion.

I recall that in going from Denver to Grand Lake a year ago crossed a spur railroad then being constructed upon which a large number of Japanese were working in the grading outfit.

I was told that there was one group in the neighborhood of 130 strong. Since then from many parts of the State have come reports of the certain, the quick, but silent invasion of the labor

ranks of Colorado by Japanese cooly laborers.

Mr. President, I intend, so far as I am concerned, to vote for this proviso, but I do it upon the theory that it is simply a tentative proposition. It is intended merely to stay the unrest, the clamor, the dissatisfaction that has manifested itself, commencing on the Pacific coast and extending eastwardly from there, a dissatisfaction that is made known in no uncertain ways and in a voice that has at last reached the capital of the nation.

The proposed legislation as a permanent proposition would not be worth the paper upon which it is written. In the first place, direct immigration is in no wise provided against. In the next place, I take it, under the very language of the proviso, if Japanese subjects should receive passports in good faith to go to some other country, say to go from Japan to the Ha-waiian or the Philippine islands, and they did not at the time they received the passports entertain a fraudulent purpose to use them to get away from Japan to enter the United States, then we could not deny them admission should they subsequently come here. To do so would be a casus belli, for, Mr. President, I can imagine no greater affront to a high-spirited country than to deny admission to its subjects into a country to which, either under treaty or legislation, they had a right to come. Arbitrary or unjust exercise of a power in the Ex-ecutive of one nation to exclude the subjects of another nation would justly cause grave dissatisfaction, and with most nations it would result in war.

Mr. MALLORY. Will the Senator permit me to ask him a question?

Mr. PATTERSON. With pleasure.
Mr. MALLORY. I should like to inquire of the Senator if he understands the proviso to mean that when the President discovers certain fraudulent entries into this country have been made by means of passports, he can issue an edict or an order prohibiting the ingress into this country of all subjects of the country that issues such passports, or does he construe it to be confined to the individual case of fraudulent ingress or entry?

Mr. PATTERSON. To my mind the language clearly limits the hostile operation of the President to those who fraudulently

use passports.

Mr. MALLORY. Only to individual cases?

Mr. PATTERSON. Only to individual cases; and it does not empower the President to issue a general order prohibiting, say, in the case of Japan, all Japanese from coming into this country in the event we find that passports are generally abused.

The persons against whom the Executive is to direct his order are specifically named; they are "such" persons—that is, those foreigners who have secured passports from their home government fradulently, intending to use them to gain entrance into this country. Against "such," and such only, the edict of the President may be issued excluding them from our country.

Mr. President, if this is to be the full measure of relief the Western States are to receive, whether through a treaty or legislative action, I can see in the future a stormy time either between the citizens of our own country or between this country

and a foreign country.

There can be no doubt as to what the people of the West will demand. I do not confine my designation to the Pacific coast. I extend it to the people, especially to the laboring people, of the West, the mechanics and workingmen of every class and degree in the West. There can be no doubt as to what the people will demand. It will be the exclusion of Japanese laborers and coolies from the United States and its colonies. and nothing less. If they demand that, and the President shall execute this provision in the spirit of that demand, then offense will inevitably be given to the countries whose passports are challenged and whose citizens are excluded, because it must be, and it is undeniable from the careful wording of this provision, that it is neither the intention nor expectation of the Executive of the United States to use drastic measures to exclude the subjects of Asiatic governments from our shores. That is shown from the very nature of the authority that is given. It is all to depend upon the judgment of the Executive, first, as to whether passports to other countries or to our insular possessions were originally obtained to gain entrance into this country. It is the mind of the President that is to be satisfied upon that subject. Then, in addition to that, the mind of the President must be satisfied that the entry even of the interdicted classes will be detrimental to the labor of the country.

If this proposed law is administered in that spirit, if the executive department should use its discretion generously and admit any considerable number of the proscribed people, then,

Mr. President, there is disturbance, unrest, and dissatisfaction at home that must inevitably lead to trouble and discord with other nations.

If this law is executed in the spirit in which the working people of the West expect exclusion laws to be administered, then the President must, in my opinion, go outside and beyond the language of the proviso and enforce exclusion in such a way as to properly incense the governments whose subjects become the objects of our Executive's action. In other words, under it we are certain to have either grave and serious trouble at home or serious trouble with foreign nations.

The only excuse, Mr. President, for legislation of this character and upon a great subject like this is that it bridges over a troublesome time; that it will make easy negotiations which will accomplish the aims of the western people, and that there is a fair promise that the President will be untiring and unceasing in his efforts to secure by treaty the kind of exclusion that is needed, and if the President should be unable to secure that character of exclusion, then that Congress will not fail to come up to the full measure of its duty to the working people of the

Mr. President, upon the theory that this legislation is tentative or experimental in its character, upon the theory that the Executive and Congress are confronted with a crisis that demands palliation at the present time, upon the theory that this will tend measurably even to satisfy the dissatisfied elements of the western part of the country, and further, upon the theory that either the President or Congress or both will be prompt and earnest and energetic in securing the only kind of legislation that will satisfy the section of the country which is so deeply interested in the class of immigration that reaches our western shores, I shall support this measure.

The East is not disturbed. This undesirable population by

the time it has been sifted through the thousands of miles of territory between the Pacific Ocean and the Atlantic, by the time it has been absorbed here and there in the numerous industries that stand ready to employ cheap or sufficient labor, by the time those needs have been filled only a scattering few will be left to reach the East, and that few will be there accepted as an advantage rather than be regarded as a menace.

But the people of the West have cause of complaint, and they will continue to have cause of complaint until this new threatened invasion has been arrested and a check put upon it as effective in every respect as were the exclusion laws of forty years ago that were particularly directed against the population of the Chinese Empire.

Mr. CARMACK. Just a word, Mr. President.
I thoroughly agree with what the Senator from Texas [Mr. Culberson] said in his criticism of the provision in this report giving the President the power and discretion in the exclusion of citizens of foreign countries. I agree with him as to the significance and the purpose of that provision.

I believe, Mr. President, speaking in plain words, the fact is that a foreign power has browbeaten the Government of the United States and it has browbeaten a sovereign State of this Union into a surrender of its rights to control its own affairs. The attitude of this Government toward California has been harsh and turbulent and offensive to the last degree. Its attitude toward Japan has been cringing, obsequious, and almost

pusillanimons

One of the President's favorite aphorisms has been to speak softly and carry a big stick. He seems to have interpreted that in this instance so as to speak softly to foreign nations and

carry a big stick for the backs of his own people.

I object to this provision, Mr. President, because I believe that it will arm the Executive-and it is intended to arm the Executive-with a power to coerce the people of a sovereign State into a surrender of a right to control their own affairs, and that this is being done upon the demand of a nation made without a shadow of reason, without a shadow of right, without a shadow of foundation based upon any treaty stipula-tion or the Constitution of the United States.

Mr. NEWLANDS. Mr. President, I believe that the President of the United States has created the difficulty which he now seeks to remedy. Had he, in the first instance, met the demand of Japan with the insistence that the domestic affairs of the State of California were outside of the control of the President of the United States, and had he sought to insure lasting friendship between the two countries by urging a treaty that would prevent economic friction upon her own soil caused by the juxtaposition of two laboring classes differing essentially in their standards of life and their standard of wages; had he stood firmly for this, I believe there would have been no danger of the enmity of Japan.

The people of the United States have nothing but admiration

for Japan and for the people of Japan. The people of the Pacific coast have nothing but admiration for Japan and the people of Japan. But the people of the United States and the people of the Pacific coast are determined that there shall be no increase of race complications upon American soil, and they know that the best way of cementing forever the friendship between Japan and the United States is to prevent a race conflict by refusing to bring in juxtaposition the workingmen of both races, differing as they do in their standards of life and of wages.

Instead of that the President of the United States arraigned the sentiment of the Pacific coast, arraigned the local authorities there for exercising the power which was theirs as a local there for exercising the power which was theirs as a local sovereignty, and added fuel to the flame by insisting upon it that the Japanese people should not only be permitted to come here practically without restriction, but that they should be admitted to citizenship in the United States. He has thus created a movement upon the Pacific coast that will not rest until it

ends in Japanese exclusion.

Mr. President, Japan has reason to complain of the United States, but not in the particulars to which the President has called attention. Within the past eight or ten years we have intruded our sovereignty into the Orient and taken possession of numerous islands there adjacent to Japan. Japan is a great maritime power, the carrier nation of the Orient, with ships floating upon every sea, with a splendid navy and a splendid merchant marine, and by reason of her nearness to those islands and her foresight and energy entitled to her accustomed share of the carrying business, What have we done?

We have extended our navigation laws to the Philippine Islands, though we have delayed temporarily their operation. For what purpose? To drive out the carrying trade of Japan and other nations from their accustomed fields and to monopolize the carriage of the Philippine Islands as well as that between the islands and the United States for American ships, imposing upon the Filipinos and upon their trade the extra burden of increased cost in ships and administration, and at the same time aiming a blow at Japan's operations in her legitimate field.

This Administration is to-day, under the misguiding name of "reciprocity," urging the maintenance of a tariff wall in the Philippines against the products of all nations except our own. Those islands have to-day a fair revenue tariff imposed equally upon the products of all countries, including our own, and it is sought now by this Administration to catch an underhold, to maintain the tariff wall or raise it as to these other countries, Japan included, and to level it to the ground so far as our own products are concerned. It is the very purpose of this measure by preferences given to ourselves to take away from Japan and other nations the opportunity to manufacture for and to trade with the Philippine Islands and to monopolize for American manufacturers and producers the trade of these islands. islands are in the Orient, at Japan's very door, within the field of her rightful operations.

While claiming preferences for ourselves in the Philippines, we deny Japan's right to preferences in Manchuria and Korea. Administration is insisting upon the open door in Manchuria and Korea and proposing to close it in the Philippines. We insist that Japan, occupying toward Manchuria and Korea practically the same relation that we have toward the Philippine Islands—those of protection—should open the door of trade to us, and yet at the same time we are proposing to close the door

on Japan in the Philippines.

These are possible causes of friction between Japan and this country, which are likely to increase in the future, which we should avoid, because we are wrong in our contentions. we are not wrong in our contention that whilst we wish to maintain friendship with Japan we can not establish such relations of free immigration and intercourse of our people as to produce disturbance, economic revolution, and race conflict at home. We have the right to state that calmly and frankly to Japan. Whilst we insist upon this as involving no breach of interna-tional friendship, we should take care not to give cause of enmity between the two countries by economic changes in the Philippines, which will be sure to arouse the enmity and hostility of Japan.

I do not intend, Mr. President, to enlarge upon the difficulties of the situation, though a vast field of discussion is opened as to the future regarding the relations between Japan and this country, particularly if we retain our possessions in the Orient, Friendship with Japan, if we retain them, is essential, and we never shall be able to retain them if Japan says "No." We shall not be able to retain them, because they are 7,000 miles away from our base of operations. We shall not be able to retain them, because to fortify them would involve a greater expenditure than would be involved in the fortification of the soil.

Aldrich

entire coast of the United States. We shall not be able to retain them, because our transports, carrying our men there to defend them, will be cut down in midocean.

I suggest to the President of the United States, if a suggestion can reach him from this Chamber, that he address himself to the real cause of future trouble between Japan and this country, and while seeking to remedy that, that he also give

Japan some idea of the Government of this country, its dual government—the government of the nation and the government of the State, each supreme within its jurisdiction-and that he impress upon that nation-and I have no doubt that the suggestion will be received with hospitality—that the best way of preserving international friendship is to prevent economic warfare, the conflict of dissimilar standards of labor on the same

Mr. MALLORY. Mr. President, I shall detain the Senate for but a moment. I shall vote for this measure, although I dislike the manner in which it has been brought into this body, whereby we have been prevented from offering such amendments as we think appropriate and proper, and notwithstanding the fact that this proviso, which has excited so much discussion, is, in my judgment, ambiguous and is practically, if it is intended for the purpose which is assigned to it here, a Dead Sea apple-

\* \* \* that tempts the eye, But turns to ashes on the lips-

of the people whom it is intended to benefit.

I do not think, Mr. President, that under this proviso anything like the relief from the menace which is threatening the Pacific coast will be accomplished. However, the Pacific coast has its own representatives here, and for the present, at least, this question is confined to the area represented by a certain number of Senators, and inasmuch as they have made no protest against this, I do not feel called upon to obtrude my objections to this particular feature of the bill.

I hope, Mr. President, that the amendment proposed by the

Senator from Texas [Mr. Culberson] will be submitted to the Senate, and that we shall be allowed to put on record our views

regarding that proposed feature of the bill.

Mr. CULBERSON. Mr. President The VICE-PRESIDENT. Does the Senator from Massachusetts insist on his point of order against the resolution offered by the Senator from Texas [Mr. Culberson].

Mr. LODGE. I do, Mr. President. The VICE-PRESIDENT. The Chair sustains the point of

Mr. CARMACK. Mr. President, I appeal from the ruling of the Chair.

The VICE-PRESIDENT. The Senator from Tennessee appeals from the decision of the Chair.

Mr. LODGE. Mr. President, I move to lay the appeal on the

The VICE-PRESIDENT. The Senator from Massachusetts moves to lay the appeal of the Senator from Tennessee on the table.

Mr. CULBERSON. On that we demand the year and nays, Mr. President.

The yeas and nays were ordered.

Mr. President, I rise to a parliamentary in-Mr. BACON. I request that the Chair again state, or have stated from the desk, the point of order which was made by the Senator from Massachusetts [Mr. Lodge] against the resolution of the Senator from Texas [Mr. Culberson].

The VICE-PRESIDENT. The Secretary will read the resolution offered by the Senator from Texas [Mr. Culberson].

The Secretary read as follows:

Resolved, That the conferees on the part of the Senate on the bill S. 4403 be instructed to present to the conferees an amendment providing for the exclusion of Japanese laborers and coolies from the United States and their Territories and insular possessions and the District of Columbia, to be effective January 1, 1908.

The VICE-PRESIDENT. The Senator from Massachusetts [Mr. Lodge] made the point of order that nothing can take precedence of the question of concurrence in the conference restricts.

port. The Chair sustains the point of order. The Senator from Tennessee [Mr. Carmack] appeals from the decision of the Chair, and the Senator from Massachusetts moves to lay the appeal on the table, on which motion the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.
Mr. CULLOM (when his name was called). I am paired with the junior Senator from Virginia [Mr. Marin]. If he were present, I should vote "yea;" but as he is not present, I withhold my vote.

Mr. McCUMBER (when his name was called). I have a

general pair with the junior Senator from Louisiana [Mr. Fos-TEB]. That Senator not being present, I will withhold my vote. If he were present, I should vote "yea."

Mr. TALIAFERRO. I have a general pair with the junior Senator from West Virginia [Mr. Scort]. If he were present, I would vote "nay."

The roll call was concluded.

Mr. McCUMBER. I transfer my pair with the junior Senator from Louisiana [Mr. Foster] to the junior Senator from New Jersey [Mr. Dryden] and will vote. I vote "yea."

Mr. PATTERSON. I wish to announce that my colleague [Mr. Teller] is, I understand, paired with the Senator from Delaware [Mr. Du Pont]. I desire to say that my colleague is still unwell and unable to attend the sessions of the Senate.

Mr. TALIAFERRO. As announced, I have a pair with the Senator from West Virginia [Mr. Scott], who is absent. I transfer that pair to the Senator from Mississippi [Mr. Mc-

LAURIN] and will vote. I vote "nay."

Dillingham

Mr. CULLOM. I understand the Senator from Rhode Island [Mr. Wetmore] is absent and not paired. I will take the liberty of transferring my pair with the Senator from Virginia [Mr. MARTIN] to the Senator from Rhode Island and will vote. I vote "yea.

The result was announced—yeas 45, nays 24, as follows:

## YEAS-45

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Elkins Foraker So the motion of Mr. Lodge to lay on the table the appeal of Mr. Carmack from the decision of the Chair was agreed to.
Mr. CARMACK. Mr. President, I rise to a parliamentary

inquiry

The VICE-PRESIDENT. The Senator from Tennessee rises to a parliamentary inquiry. He will state his inquiry.

Mr. CARMACK. I should like to inquire if that was a strict

party vote? [Laughter.]

The VICE-PRESIDENT. The question is, Will the Senate agree to the conference report?

The report was agreed to.

Mr. HALE. I move that the Senate adjourn.

Mr. LODGE. I ask the Senator to withhold that motion for moment.

Mr. HALE.

Mr. HALE. Very well. Mr. LODGE. I desire to make a request. I ask, Mr. President, that there may be ordered a reprint of Senate Document No. 318, containing the immigration bill. I trust it will be put in the document room as soon as possible, because the document is desired by the House immediately.

The VICE-PRESIDENT. Is there objection to the request?

Mr. KEAN. Is that the same print of the immigration bills

that we have had?

Mr. LODGE. It is just the same as we have had. The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

# EXECUTIVE SESSION.

Mr. HALE. I withdraw my motion that the Senate adjourn, and move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, February 18, 1907, at 12 o'clock meridian.

## NOMINATIONS.

Executive nominations received by the Senate February 16, 1907.
SURVEYOR OF CUSTOMS.

Sydney O. Weeks, of New York, to be surveyor of customs for the port of Patchogue, in the State of New York. (Reappointment.)

APPOINTMENT IN THE ARMY-INFANTRY ARM.

To be second lieutenant.

Frank Thorp, jr., of Maryland, with rank from February 13,

Note.—The person above named was nominated to the Senate February 13, 1907, under the name of Frank Thorpe, jr. This message is submitted for the purpose of correcting an error in the name of the nominee.

## PROMOTIONS IN THE NAVY.

Asst. Surg. Harry Shaw to be a passed assistant surgeon in the Navy from the 28th day of October, 1906, upon the completion of three years' service. Asst. Surg. Burt F. Jenness to be a passed assistant surgeon

Asst. Surg. Burt F. Jenness to be a passed assistant surgeon in the Navy from the 11th day of November, 1906, upon the completion of three years' service.

## POSTMASTERS.

# CALIFORNIA.

Charles H. Fernald to be postmaster at Santa Paula, in the county of Ventura and State of California, in place of Harry H. Youngken. Incumbent's commission expires March 2, 1907.

CONNECTICUT.

Charles H. Dimmick to be postmaster at Williamntic, in the county of Windham and State of Connecticut, in place of Charles H. Dimmick. Incumbent's commission expired February 13, 1907.

Nathaniel P. Noyes to be postmaster at Stonington, in the county of New London and State of Connecticut, in place of Nathaniel P. Noyes. Incumbent's commission expired February 13, 1907.

Courtland C. Potter to be postmaster at Mystic, in the county of New London and State of Connecticut, in place of Courtland C. Potter. Incumbent's commission expired February 13, 1907.

FLORIDA.

John C. Beekman to be postmaster at Tarpon Springs, in the county of Hillsboro and State of Florida, in place of George F. Fernald, resigned.

HAWAII

Frank Crawford to be postmaster at Lihue, in the county of Kauai and Territory of Hawaii, in place of Frank Crawford. Incumbent's commission expires March 3, 1907.

IDAHO.

Arthur P. Hamley to be postmaster at Kendrick, in the county of Latah and State of Idaho, in place of Arthur P. Hamley. Incumbent's commission expires February 26, 1907.

Thalia L. Owen to be postmaster at Genesee, in the county of Latah and State of Idaho, in place of Thalia L. Owen. Incumbent's commission expires March 18, 1907.

# ILLINOIS.

Edward S. Baker to be postmaster at Robinson, in the county of Crawford and State of Illinois, in place of Samuel T. Lindsay. Incumbent's commission expired January 9, 1906.

John T. Clyne to be postmaster at Joliet, in the county of Will and State of Illinois, in place of John T. Clyne. Incumbent's commission expires March 3, 1907.

Edward D. Cook to be postmaster at Piper City, in the county of Ford and State of Illinois, in place of Edward D. Cook. Incumbent's commission expired February 9, 1907.

Thomas G. Laws, to be postmaster at Coffeen, in the county

Thomas G. Laws, to be postmaster at Coffeen, in the county of Montgomery and State of Illinois. Office became Presidential January 1, 1907.

James Porter to be postmaster at Martinsville, in the county of Clark and State of Illinois, in place of James Porter. Incumbent's commission expired February 9, 1907.

# INDIANA.

David A. Shaw to be postmaster at Mishawaka, in the county of St. Joseph and State of Indiana, in place of David A. Shaw.

Incumbent's commission expired February 9, 1907.

Clinton T. Sherwood to be postmaster at Linton, in the county of Greene and State of Indiana, in place of Oscar Fitzpatrick. Incumbent's commission expired February 4, 1907.

IOWA.

Earl M. Cass to be postmaster at Sumner, in the county of Bremer and State of Iowa, in place of Earl M. Cass. Incumbent's commission expires February 19, 1907.

George W. Cook to be postmaster at Guthrie Center, in the county of Guthrie and State of Iowa, in place of George W. Cook. Incumbent's commission expired February 11, 1907.

Ernest D. Powell to be postmaster at Exira, in the county of Audubon and State of Iowa, in place of Ernest D. Powell. Incumbent's commission expired February 9, 1907.

#### KANSAS.

George A. Benkelman to be postmaster at St. Francis, in the county of Cheyenne and State of Kansas. Office became Presidential January 1, 1907.

James M. Morgan to be postmaster at Osborne, in the county of Osborne and State of Kansas, in place of James M. Morgan. Incumbent's commission expired February 12, 1907.

Charles Smith to be postmaster at Washington, in the county of Washington and State of Kansas, in place of Charles Smith.

Incumbent's commission expired February 12, 1907.

C. G. Webb to be postmaster at Stafford, in the county of Stafford and State of Kansas, in place of Asbury L. McMillan. Incumbent's commission expires February 28, 1907.

#### KENTUCKY.

Joseph Insko to be postmaster at Augusta, in the county of Bracken and State of Kentucky, in place of Benjamin F. Ginn. Incumbent's commission expired January 13, 1906.

### MAINE.

Jarvis C. Billings to be postmaster at Bethel, in the county of Oxford and State of Maine, in place of Jarvis C. Billings. Incumbent's commission expired January 6, 1907.

Varney A. Putnam to be postmaster at Danforth, in the county of Washington and State of Maine. Office became Presidential January 1, 1907.

MASSACHUSETTS.

Frank E. Briggs to be postmaster at Turners Falls, in the county of Franklin and State of Massachusetts, in place of Frank E. Briggs. Incumbent's commission expired February 13, 1907.

Alexander Grant to be postmaster at Chicopee, in the county of Hampden and State of Massachusetts, in place of Alexander Grant. Incumbent's commission expired February 11, 1907.

James W. Hunt to be postmaster at Worcester, in the county of Worcester and State of Massachusetts, in place of James W. Hunt. Incumbent's commission expired December 8, 1906.

Adolphus R. Martin to be postmaster at Chicopee Falls, in the county of Hampden and State of Massachusetts, in place of Adolphus R. Martin. Incumbent's commission expired February 4, 1907.

James F. Shea to be postmaster at Indian Orchard, in the county of Hampden and State of Massachusetts, in place of James F. Shea. Incumbent's commission expired February 4, 1907.

# MICHIGAN.

George Barie to be postmaster at Pinconning, in the county of Bay and State of Michigan, in place of George Barie. Incumbent's commission expires February 23, 1907.

Leonard W. Feighner to be postmaster at Nashville, in the county of Barry and State of Michigan, in place of Leonard W. Feighner. Incumbent's commission expired February 2, 1907.

Sidney E. Lawrence to be postmaster at Hudson, in the county of Lenawee and State of Michigan, in place of Sidney E. Lawrence. Incumbent's commission expires February 28, 1907.

# MINNESOTA.

Samuel Aaberg to be postmaster at Harmony, in the county of Fillmore and State of Minnesota. Office became Presidential January 1, 1907.

January 1, 1907.

Leonard W. Bills to be postmaster at Park Rapids, in the county of Hubbard and State of Minnesota, in place of Florance A. Vanderpoel. Incumbent's commission expired January 23, 1907.

Carl S. Eastwood to be postmaster at Heron Lake, in the county of Jackson and State of Minnesota, in place of Clark A. Wood. Incumbent's commission expired February 4, 1907.

Frank Hagberg to be postmaster at Winthrop, in the county of Sibley and State of Minnesota, in place of Frank Hagberg. Incumbent's commission expired February 9, 1907.

John F. Wrabek to be postmaster at New Prague, in the county of Le Seuer and State of Minnesota, in place of John F. Wrabek. Incumbent's commission expired February 9, 1907.

Edward Yannish to be postmaster at St. Paul, in the county of Ramsey and State of Minesota, in place of Mark D. Flower. deceased.

# MISSOURI.

William T. Elliott to be postmaster at Houston, in the county of Texas and State of Missouri, in place of William T. Elliott. Incumbent's commission expires February 28, 1907.

#### NEBRASKA.

Stephen E. Cobb to be postmaster at Emerson, in the county of Dixon and State of Nebraska, in place of Stephen E. Cobb. Incumbent's commission expired February 11, 1907.
Timothy C. Cronin to be postmaster at Spalding, in the

county of Greeley and State of Nebraska. Office became Presi-

dential January 1, 1907.

Joseph W. McClelland to be postmaster at Fullerton, in the county of Nance and State of Nebraska, in place of Loring W. Morgan. Incumbent's commission expired May 19, 1906.

Clarence E. Stine to be postmaster at Superior, in the county of Nuckolls and State of Nebraska, in place of Clarence E. Stine. Incumbent's commission expires March 11, 1907.

Wesley Tressler to be postmaster at Ogallala, in the county of Keith and State of Nebraska. Office became Presidential

January 1, 1907.

Tyndale to be postmaster at Central City, in the county of Merrick and State of Nebraska, in place of Lucius G. Comstock. Incumbent's commission expired March 14, 1906.

## NEW HAMPSHIRE

Natt A. Cram to be postmaster at Pittsfield, in the county of Merrimack and State of New Hampshire, in place of Natt A. Cram. Incumbent's commission expires February 28, 1907.

## NEW JERSEY.

William H. Mackay to be postmaster at Rutherford, in the county of Bergen and State of New Jersey, in place of Charles Burrows. Incumbent's commission expired February 7, 1906.

Truman T. Pierson to be postmaster at Metuchen, in the county of Middlesex and State of New Jersey, in place of Edward Burroughs, removed.

Horace L. Burrill to be postmaster at Weedsport, in the county of Cayuga and State of New York, in place of Horace L. Burrill. Incumbent's commission expires February 26, 1907.

John H. Eadle to be postmaster at New Brighton, in the county of Richmond and State of New York, in place of John Incumbent's commission expired February 4, 1907. Harrold R. Every to be postmaster at Athens, in the county

of Greene and State of New York, in place of Harrold R. Every. Incumbent's commission expires March 2, 1907.

L. F. Goodnought to be postmaster at Cornwall-on-the-Hudson,

in the county of Orange and State of New York, in place of John J. Taylor. Incumbent's commission expires February 19,

George P. Nickels to be postmaster at Rye, in the county of Westchester and State of New York, in place of Alexander M. Harriott, resigned.

# NORTH CAROLINA

Eugene Brownlee to be postmaster at Tryon, in the county of Polk and State of North Carolina, Office became Presidential January 1, 1907.

# NORTH DAKOTA.

William J. Hoskins to be postmaster at Rolla, in the county of Rolette and State of North Dakota, in place of William J. Hoskins. Incumbent's commission expired January 29, 1907.

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Elmer C. Jesse to be postmaster at Mineral City, in the county of Tuscarawas and State of Ohio, in place of Elmer C. Jesse. Incumbent's commission expires March 3, 1907.

William E. Moulton to be postmaster at Canal Fulton, in the county of Stark and State of Ohio, in place of William E. Moul-Incumbent's commission expired February 2, 1907.

Clifford N. Quirk to be postmaster at Chardon, in the county of Geauga and State of Ohio, in place of Richard King. Incumbent's commission expired December 20, 1906.

# OKLAHOMA.

C. C. Curtis to be postmaster at Cordell, in the county of Washita and Territory of Oklahoma, in place of James W. Utterback. Incumbent's commission expired June 10, 1906.

Perry C. Hughes to be postmaster at Busch, in the county of Roger Mills and Territory of Oklahoma, in place of Perry Hughes. Incumbent's commission expired February 3, 1907.

# OREGON.

William B. Curtis to be postmaster at Marshfield, in the county of Coos and State of Oregon, in place of William B. Curtis. Incumbent's commission expires March 10, 1907.

Thomas P. Randall to be postmaster at Oregon City, in the county of Clackamas and State of Oregon, in place of Thomas P. Randall. Incumbent's commission expires March 18, 1907.

# PENNSYLVANIA.

John F. Austin to be postmaster at Corry, in the county of Erie and State of Pennsylvania, in place of John F. Austin. Incumbent's commission expires February 19, 1907.

Anna B. Beatty to be postmaster at Cochranton, in the county of Crawford and State of Pennsylvania, in place of Anna B. Beatty. Incumbent's commission expires March 2, 1907.

Charles Crouse to be postmaster at Wyoming, in the county of Luzerne and State of Pennsylvania, in place of Charles Crouse. Incumbent's commission expires February 23, 1907.

George W. Honsaker to be postmaster at Masontown, in the county of Fayette and State of Pennsylvania, in place of George W. Honsaker. Incumbent's commission expires March 2, 1907.

Warren B. Masters to be postmaster at Jersey Shore, in the county of Lycoming and State of Pennsylvania, in place of Warren B. Masters. Incumbent's commission expires February 26, 1907,

Allen C. W. Mathue's to be postmaster at Media, in the county of Delaware and State of Pennsylvania, in place of Allen C. W. Mathues. Incumbent's commission expired January 26, 1907.

Nathaniel B. Miller to be postmaster at North Clarendon, in the county of Warren and State of Pennsylvania, in place of Nathaniel B. Miller. Incumbent's commission expired February 11, 1907.

William W. Reber to be postmaster at Lehighton, in the county of Carbon and State of Pennsylvania, in place of William W. Reber. Incumbent's commission expired February 11, 1907

William E. Root to be postmaster at Cambridge Springs, in the county of Crawford and State of Pennsylvania, in place of William E. Root. Incumbent's commission expired January 26,

James H. Wells to be postmaster at Wilcox, in the county of Elk and State of Pennsylvania. Office became Presidential January 1, 1907.

Leonidas T. Reagor to be postmaster at Shelbyville, in the county of Bedford and State of Tennessee, in place of James H. Neil, jr. Incumbent's commission expired June 30, 1906.

Norvell L. Scobey to be postmaster at Newbern, in the county of Dyer and State of Tennessee, in place of Norvell L. Scobey. Incumbent's commission expired February 12, 1907.

Edward Blanchard to be postmaster at San Angelo, in the county of Tom Green and State of Texas, in place of Edward Incumbent's commission expires February 19, 1907.

George W. Burkitt, jr., to be postmaster at Palestine, in the county of Anderson and State of Texas, in place of Thomas all. Incumbent's commission expires February 19, 1907. J. J. Cypert to be postmaster at Hillsboro, in the county of

Hill and State of Texas, in place of Harry Beck. Incumbent's commission expires February 27, 1907.

Harry Harris to be postmaster at Gatesville, in the county of Coryell and State of Texas, in place of Harry Harris. Incumbent's commission expires February 19, 1907

W. H. Ingerton to be postmaster at Amarillo, in the county of Potter and State of Texas, in place of James M. Kindred. cumbent's commission expired January 20, 1907.

Johnnie J. Kelly, to be postmaster at Eastland, in the county of Eastland and State of Texas. Office became Presidential January 1, 1907.

J. J. Smith to be postmaster at El Paso, in the county of El Paso and State of Texas, in place of Theodore B. Olshausen, resigned.

William W. Wilson to be postmaster at Sandy, in the county of Salt Lake and State of Utah. Office became Presidential January 1, 1907.

# VIRGINIA.

John W. Davis to be postmaster at Rural Retreat, in the county of Wythe and State of Virginia. Office became Presidential October 1, 1906.

R. W. Garnett to be postmaster at Farmville, in the county of Prince Edward and State of Virginia, in place of Charles Bugg. Incumbent's commission expired January 29, 1907.

William H. Parker to be postmaster at Onancock, in the county of Accomac and State of Virginia, in place of William H.

Parker. Incumbent's commission expires February 28, 1907.

Thomas H. Smith to be postmaster at Manchester, in the county of Chesterfield and State of Virginia, in place of Henry C. Beattie. Incumbent's commission expired December 20, 1906.

# WEST VIRGINIA.

S. A. Posten to be postmaster at Morgantown, in the county of Monongalia and State of West Virginia, in place of James P. Fitch. Incumbent's commission expired June 2, 1906.

WISCONSIN.

William Campbell to be postmaster at Oconto Falls, in the county of Oconto and State of Wisconsin. Office became Presi-

dential January 1, 1907.

Robert Downend to be postmaster at Osceola, in the county of Polk and State of Wisconsin, in place of Robert Downend. In-cumbent's commission expired February 4, 1907.

Joseph W. Fritz to be postmaster at Ladysmith, in the county of Rusk and State of Wisconsin, in place of Joseph W. Fritz. Incumbent's commission expired January 23, 1907.

Cyrus C. Glass to be postmaster at River Falls, in the county of Pierce and State of Wisconsin, in place of Cyrus C. Glass.

Incumbent's commission expires February 26, 1907.
Thomas Hughes to be postmaster at Beaver Dam, county of Dodge and State of Wisconsin, in place of Thomas Hughes. Incumbent's commission expires March 3, 1907.

Nicholas T. Martin to be postmaster at Mineral Point, in the county of Iowa and State of Wisconsin, in place of Nicholas T.

Martin. Incumbent's commission expired February 4, 1907.

Andrew Moberg to be postmaster at Amherst, in the county of Portage and State of Wisconsin. Office became Presidential January 1, 1907.

Eldon D. Woodworth to be postmaster at Ellsworth, in the county of Pierce and State of Wisconsin, in place of Eldon D. Incumbent's commission expires February 26, Woodworth. 1907.

# CONFIRMATIONS.

Executive nominations confirmed by the Senate February 16, 1907.

## APPOINTMENTS IN THE ARMY.

### CAVALRY ARM.

To be second lieutenants with rank from February 11, 1907.

Sergt. Bruce LaMar Burch, Troop E, Fifteenth Cavalry. Sergt. Edgar Mason Whiting, Troop H, Fifteenth Cavalry. First Sergt. Edward Goff Elliott, Troop M, Sixth Cavalry. Q. M. Sergt, Guy Herbert Wyman, Troop K, Eleventh Cavalry.

Sergt. Verne Raymond Bell, Troop G, Fifteenth Cavalry. Squadron Sergt. Maj. Henry Welles Baird, Fifteenth Cavalry. Sergt. Alexander Hamilton Jones, Troop H, Thirteenth Cavalry.

Sergt. Charles Louis Stevenson, Troop A, First Cavalry.

# INFANTRY ARM.

To be second licutenants with rank from February 11, 1907.

First Sergt. Jacob Earl Fickel, Company K, Twenty-seventh Infantry.

Private Jesse Wright Boyd, infantry, unassigned

Sergt. Ebenezer George Beuret, Company A, Third Infantry. Corpl. Rush Blodget Lincoln, Company G, Eighteenth Infantry

Corpl. William Fletcher Sharp, Company G, Second Battalion, Corps of Engineers

Sergt. Walter Francis Llewellyn Hartigan, Forty-sixth Company, Coast Artillery.

Sergt. Bruce Magruder, Eighty-seventh Company, Coast Ar-

Sergt. George Herman Huddleson, Company H, Twenty-ninth Infantry.

Corpl. Hampton M. Roach, jr., Company L, Third Infantry. Sergt. George Edward Maurice Kelly, Eighty-fourth Company, Coast Artillery.

Corpl. George Cassidy Keleher, Company K, Fifth Infantry. Battalion Sergt. Maj. Clarence McPherson Janney, Sixteenth Infantry.

Sergt. Harry Hall Pritchett, Company A, Twenty-seventh

Corpl. Edgar Lee Field, Troop E, Fifteenth Cavalry

Sergt. Earl Carlton Buck, Company F, Sixteenth Infantry. Corpl. Jere Baxter, Ninety-eighth Company, Coast Artillery. CAVALRY ARM.

# To be second lieutenant.

Frank Kirby Chapin, of New York, with rank from February

# INFANTRY ARM.

# To be second lieutenants.

Russell James, of Virginia, with rank from February 12,

·Lloyd Ralston Fredendall, of Massachusetts, with rank from February 13, 1907.

Rowan Palmer Lemly, of the District of Columbia, with rank from February 13, 1907.

Frank Thorpe, jr., of Maryland, with rank from February

Albert Ellicott Brown, of New Jersey, with rank from February 13, 1907.

James MacDonald Lockett, at large, with rank from February 13, 1907.

Eugene Robinson, of Michigan, with rank from February 13,

Chester Hood Loucheim, of New York, with rank from February 13, 1907.

## I COMOTIONS IN THE ARMY.

### CAVALRY ARM.

## To be captains.

First Lieut. John McClintock, Ninth Cavalry, from October

First Lieut. Paul T. Hayne, jr., Fourteenth Cavalry, from October 28, 1906.

First Lieut. Fred E. Buchan, Third Cavalry, from January 19,

First Lieut. Edward A. Sturges, Fifth Cavalry, from January 21, 1907.

# To be first lieutenants.

Second Lieut. Irvin L. Hunsaker, Third Cavalry, from October 22, 1906.

Second Lieut. Clifton R. Norton, Fifteenth Cavalry, from October 28, 1906.

Second Lieut. Eugene J. Ely, Fifteenth Cavalry, from January 21, 1907.

# To be brigadier-general on the retired list.

Col. George E. Pond, assistant quartermaster-general, to be placed on the retired list of the Army, with the rank of briga-dier-general from the date on which he shall be retired from active service.

#### POSTMASTERS.

### ALABAMA.

Mary M. Force to be postmaster at Selma, in the county of Dallas and State of Alabama.

## KANSAS.

Edwards J. Byerts to be postmaster at Hill City, in the county of Graham and State of Kansas.

Irving Hill to be postmaster at Lawrence, in the county of Douglas and State of Kansas.

# MINNESOTA.

Edward Yannish to be postmaster at St. Paul, in the State of

# MISSOURI.

Harry O. Halterman to be postmaster at Mount Vernon, in the county of Lawrence and State of Missouri.

# HOUSE OF REPRESENTATIVES.

# Saturday, February 16, 1907.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of the proceedings of yesterday was read and

approved.

# VALDEZ, MARSHALL PASS AND NORTHERN RAILROAD.

Mr. UNDERWOOD. Mr. Speaker, on yesterday evening, just as the House was about to adjourn, I made a point of order against the bill (S. 8283) to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes. Since investigating the question I still think it is subject to the point of order, but I see no objection to the bill itself and therefore withdraw the point of order.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. Brick, a motion to reconsider the last vote

was laid on the table.

# HERMAN GAUSS AND L. SEWARD TERRY.

Mr. CASSEL. Mr. Speaker, in lieu of House resolutions 793, 794, and 819 I am directed by the Committee on Accounts to report the following.

.The resolution was read, as follows:

# In lieu of House resolutions 793, 794, and 819.

Resolved. That there shall be paid out of the contingent fund of the House to Herman Gauss \$750, and to L. Seward Terry \$500, for extra and expert services to the Committees on Invalid Pensions and Pensions, respectively, as assistant clerks to said committees by detail.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, is this a unanimous report from the Committee on Accounts? Mr. CASSEL. It is; and it is the usual resolution. The resolution was agreed to.

JAMES H. CASSIDY AND JOSEPH H. M'GANN. Mr. CASSEL. Mr. Speaker, I also submit the following. The Clerk read as follows:

In Hen of House resolutions 805 and 806.

Resolved, That there shall be paid out of the contingent fund of the House to James H. Cassidy, clerk to the Committee on Rivers and Harbors, the sum of \$500, and to Joseph H. McGann, assistant clerk to said committee, the sum of \$200, for extra services rendered.

Mr. WILLIAMS. Is this also a unanimous report?

Mr. CASSEL. It is. All the reports that I shall present this morning are unanimous.

The resolution was agreed to.

D. P. THOMAS.

Mr. CASSEL. I also submit the following. The Clerk read as follows:

In lieu of House resolution 763.

In lieu of House resolution 763.

Resolved, That there shall be paid out of the contingent fund of the House to D. P. Thomas, messenger in the office of the Chief Clerk of the House, the sum of \$300, for extra services rendered; and that there shall also be paid out of the contingent fund of the House to the messenger to the Chief Clerk amounts equal to the rate of \$300 per annum until the salary of said office at the rate of \$1,200 per annum is otherwise provided for by law.

The posolution was canced to

The resolution was agreed to.

MESSENGER TO THE SPEAKER.

Mr. CASSEL. I also submit the following. The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House, miscellaneous items, fiscal year 1907, payable in equal monthly installments, a sum equal to \$240 per annum, as additional compensation to the messenger to the Speaker, until his salary at the rate of \$1,440 per annum shall be otherwise provided for by law.

The resolution was agreed to.

R. E. FLEHARTY.

Mr. CASSEL. I also submit the following. The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House, miscellaneous items, fiscal years 1907 and 1908, payable in equal monthly installments, a sum equal to the rate of \$400 per annum as additional compensation to R. E. Fleharty as assistant stationery clerk by detail, unless and until his salary at the rate of \$2,000 per annum shall be otherwise provided by law.

The resolution was agreed to.
On motion of Mr. Cassel, a motion to reconsider the several votes by which the various resolutions were agreed to was laid on the table.

UNITED STATES DISTRICT COURT, EASTERN DISTRICT, NORTH CAROLINA.

Mr. THOMAS of North Carolina. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 23391) to change the time of holding the United States district courts in the eastern district of North Carolina, and to provide for the appointment of a clerk of the courts at Washington, N. C.

The SPEAKER. Without objection, the Clerk will read the committee amendment in the nature of a substitute instead of the original bill.

The Clerk read the substitute, as follows:

The Clerk read the substitute, as follows:

Be it enacted, etc., That hereafter the regular terms of the circuit and district courts in and for the eastern district of North Carolina shall be held as follows: At Elizabeth City on the second Monday in April and October; at Washington on the third Monday in April and October; at Weshington on the third Monday in April and October; at Wilmington on the second Monday after the fourth Monday in April and October; at Wilmington on the second Monday after the fourth Monday in April and October; and terms of said courts shall be held at Raleigh on the fourth Monday after the fourth Monday in April and October, thus allowing for terms of one week each at Elizabeth City and Washington; and terms of two weeks each at Newbern and Wilmington, and terms at Raleigh to last until the business of each term is disposed of.

Sec. 2. That section 2 of an act entitled "An act to provide for terms of the United States district and circuit courts at Washington, N. C.," approved March 3, 1905, be, and the same is hereby, amended to read: "And the judge of the district or the circuit court in term may appoint a clerk of the circuit and district courts at Washington, N. C., who shall qualify by taking the boaths and giving the bonds as provided by statute for other clerks of the circuit and district courts of the United States: Provided, That said clerk shall reside in Washington, N. C., Provided purther, That the city of Washington, N. C., shall provide and furnish at its own expense a suitable and convenient place for holding the circuit and district courts of the United States courts at Washington, N. C.

Sec. 3. That all acts or parts of acts so far as inconsistent with this act are hereby repealed.

Sec. 4. That this act shall be in force from and after its approval. Thes PEAKER. Is there objection?

The SPEAKER. Is there objection? There was no objection.

The amendment in the nature of a substitute was agreed to. The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.
On motion of Mr. Thomas of North Carolina, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SALE OF UNALLOTTED LANDS IN ROSEBUD RESERVATION.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24987) to authorize the sale and disposition of a portion of the surplus or unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect.

The Clerk read the bill, as follows:

of South Dakota, and making appropriation and provision to carry the same into effect.

The Clerk rend the bill, as follows:

Be it enocted, cic. That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinatter provided, to sell or dispose of all that portion of the Rosebud Indian Reservation in South Dakota lying south of the Big White River and east of range 25 west of the sixth principal meridian, except such portions thereof as have been, or may hereafter be, allotted to Indians: Provided, That sections 16 and 36 of the lands in-each township shall not be disposed of, but shall be reserved for the use of the common schools and paid for by the State of South Dakota for such purpose.

SEC. 2. That the land shall be disposed of by proclamation, under the general provisions of the homestead and town-site laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and enteredmitted to settle upon, occupy, or enter any of said lands except as prescribed in such proclamation: Provided, That prior to the said proclamation the Secretary of the Interior, in his discretion, may permit Indians who have an allotment and to receive in lieu thereof an illotment anywhere within said reservation, and he shall also allot mother is or was, in case of death, a duly enrolled member of the Sioux tribe of Indians belonging on the Roseboul Reservation who is living at the time of the passage and approval of this act and who has not heretofore received an allotment: Provided purther, That the rights of honorably discharged Union soldiers and sailors of the late dvil and Spanish wars or Thilipphe heurer of said and secretary of the provisions of this act shall be a sold lands entered as homesteads under the provisions of this act shall be a soldier. Sec. 3. That the price of said lands entered as homesteads under the provisions of this act shall be selected, an

sale of such lands shall be credited to the Indians as hereinafter provided.

Sec. 5. That from the proceeds arising from the sale and disposition of the lands aforesaid, exclusive of the customary fees and commissions, there shall be deposited in the Treasury of the United States, to the credit of the Indians belonging and having tribal rights on the Rosebud Reservation, in the State of South Dakota, the sum of \$1,000,000, which shall draw interest at 3 per cent per annum for ten years, the interest to be paid to the Indians per capita in cash annually, share and share alike; that at the expiration of ten years, after \$1.000,000 shall have been deposited as aforesaid, the said sum shall be distributed and paid to said Indians per capita in cash; that the balance of the proceeds arising from the sale and disposition of the lands as aforesaid shall be deposited in the Treasury of the United States to the credit of said Indians and shall be expended for their benefit under the direction of the Secretary of the Interior, and he may, in his discretion, upon an application by a majority of said Indians, pay a portion of the same to the Indians in cash, per capita, share and share alike, if in his opinion such payments will be for the best interests of said Indians.

Sec. 6. That sections 16 and 36 of the lands in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at \$2.50 per acre, and the same are hereby granted to the State of South Dakota for such purpose; and in case any

of said sections, or parts thereof, are lost to said State of South Dakota by reason of aliotments thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, within the tract described herein, to locate other lands not occupied, not exceeding 2 sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement.

Sec. 7. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$165,000, or so much thereof as may be necessary, to pay for the lands granted to the State of South Dakota, as provided in section 6 of this act.

Sec. 8. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections 16 and 36 or the equivalent in each township, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received, as herein provided: Provided, That nothing in this act shall be construed to deprive the said Indians of the Rosebud Reservation, in South Dakota, of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this act.

The following committee amendments were read:

Page 2, line 16, after the word "is," insert "or was, in case of death."

death."

Page 2. line 17, strike out the word "Rosebud" and insert the word "Sioux:" and after the word "Indians" insert the words "belonging on the Rosebud Reservation."

Page 3, line 21, after the word "law," insert "at the same price that it was first entered."

Section 3, page 3, amend as follows: Line 4, after the word "entry," strike out "five" and insert "six."

Line 7, after the word "dollars," insert "and 50 cents."

Section 5, page 5, amend as follows: Line 9, after the word "at," strike out the word "five" and insert "three."

The SPEAKER. Is there objection?
Mr. WILLIAMS. Mr. Speaker, reserving the right to object to the request to consider the bill in the House as in Committee of the Whole, the bill seems to be a rather long and complicated one, deals with a very important matter, and ought at least to receive very careful consideration. I will further state to the gentleman from South Dakota that I do not notice a single minority member of the committee from whence the bill comes, and so I have no one of whom to take counsel. I reserve the right to object

Mr. BURKE of South Dakota. Mr. Speaker, the bill has the unanimous report of the Committee on Indian Affairs, in which committee it was very carefully considered. The bill is substantially in accordance with an agreement which has just been made with the Indians, signed by forty-two more than a majority of the male Indians over the age of 18 years. It is in line with the recent bills that have been passed affecting the sale of the Indian reservations. It is along the line of the bill which passed in the Fifty-eighth Congress for the sale of that portion of this same reservation that is located in Gregory County. The maximum price of the land in that bill was fixed at \$4 per acre, while the maximum price in this bill is \$6 per acre.

The Indians, as I have stated before, have agreed to the disposition of it under the terms of the bill. They will have left, after this land is disposed of, a reservation that is substantially 50 miles square, and there are only 5,000 Indians. I certainly hope, in view of the fact that no opposition developed from any source to the bill in its present form, that there will be no objection to the consideration of it at this time.

Mr. FINLEY. Will the gentleman yield for a question?

Mr. BURKE of South Dakota, Certainly,

Mr. FINLEY. Does not the gentleman think that the State of South Dakota should have land for school purposes, as is provided in the bill, and that the Government should pay for the

Mr. BURKE of South Dakota. I will answer that question by stating that in at least six different instances since South Dakota was admitted into the Union Congress has made an appropriation and paid for the school sections under the guaranty that was given to the State when we came into the Union.

Mr. FINLEY. Why is that where certain sections have been allotted or patented the Government is called upon to pay for

sections 16 and 36?

Mr. BURKE of South Dakota. That refers to sections that have been allotted to the Indians, and it has always been the custom where school sections have been allotted to give to the State in lieu of such sections other sections, not exceeding two in any township.

Mr. FINLEY. Is it true that some of these lands have been allotted to the Indians?

Mr. BURKE of South Dakota. It is true that a portion of the lands have been allotted to the Indians. Mr. FINLEY. Does the gentleman think the Government

Mr. FINLEY. Does the gentleman think the Government should be called upon to pay to the State of South Dakota for

lands allotted to the Indians? Doesn't the land belong to the Indians? I ask the gentleman if that practice has been the

Mr. BURKE of South Dakota. We have heretofore appropriated to pay for sections 16 and 36 in every township, or where they had been taken to pay for a section in lieu thereof.

Mr. FINLEY. Has that been the rule where lands are allotted to Indians?

Mr. BURKE of South Dakota. Yes; that has been the rule and was the rule in the former Rosebud bill which passed the Fifty-eighth Congress, and is exactly in line with this provision, and the price is the same.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. Certainly.

Mr. FITZGERALD. The Commissioner of Indian Affairs recommended that all after the enacting clause be stricken out and the agreement be inserted and ratified. That has not been done, and that has not been the practice for several years. wish to ask this question: Have the provisions of the treaty been inserted in this bill?

Mr. BURKE of South Dakota. I may say to the gentleman

that they have been.

Mr. FITZGERALD. Is the gentleman able to state how many acres were sold at \$4 an acre under the bill which was passed opening that portion of the Rosebud Reservation of Gregory County two or three years ago?

Mr. BURKE of South Dakota. Somewhere near 250,000 to

300,000 acres out of 400,000 acres.

Mr. FITZGERALD. At \$4 per acre?

Mr. BURKE of South Dakota. Yes. The land that sold readily sold at \$4 per acre. But very little sold at the \$3 price. Since that the rougher portions have been taken at \$2.50. I may say to the gentleman, as he was familiar with that legislation, that under the agreement that was made with the Indians they had agreed to sell that land for \$1,040,000; that the opposition to that legislation came from the fact that the friends of the Indians were claiming they would not get as much under the terms of the bill as they would have gotten under the treaty. They will, however, receive nearly much, and have already received over \$900,000, and if those that have taken lands pay up, as they undoubtedly will, there will be over \$1,600,000 received, with nearly 100,000 acres to be disposed of, which will be sold ultimately.

Mr. FITZGERALD. One of the objections that have since been made to the method by which that reservation was opened is based upon this alleged statement of facts, that a great number of persons who could not possibly obtain homesteads under the bill were brought great distances into South Dakota and that great suffering resulted from the fact that the time they were required to remain there practically exhausted their resources, and they had great difficulty, after their dis-

appointment, in leaving South Dakota.

Mr. BURKE of South Dakota. I do not think that statement

is founded on any facts.

Mr. FITZGERALD. The gentleman is familiar, of course, with that particular locality?

Mr. BURKE of South Dakota. Entirely so, and I was at the opening at the time it took place.

Mr. MANN. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. Certainly,

Mr. MANN. How many people are supposed to have gone to South Dakota at the time of this previous opening?

Mr. BURKE of South Dakota. The total number of regis-

trations was 105,000.

Mr. MANN. And how many people entered land?

Mr. BURKE of South Dakota. Twelve to fifteen hundred. I don't remember exactly, but not to exceed 2,000. Mr. MANN. Not over 10 per cent?

Mr. BURKE of South Dakota. No.

Mr. MANN. What does the gentleman assume was the average cost to the people who went there, and how long a time did they have to remain there?

Mr. BURKE of South Dakota. They had to remain only a part of one day, or not to exceed one day. I don't know that there is any way of estimating what each one spent, but from eight to ten dollars.

Mr. MANN. They had to go there to make the registration? Mr. BURKE of South Dakota. They had to go into the State, but not right to where the land is. They had to go into the State to be registered?

Mr. BURKE of South Dakota. Yes. Mr. MANN. Then they had to remain there if they wanted Mr. MANN. Then they had to obtain and fulfill a chance?

Mr. BURKE of South Dakota. No; they did not.

Mr. MANN. Oh, they did not have to remain there. Of

course they could go home and come back. Mr. BURKE of South Dakota. I may say to the gentleman they did not remain. Those that were successful at the draw-

ing were notified and had plenty of time to go there and get their filing. I think it was thirty days.

I know the complaint was made to me very bitterly at the time this opening was had, from people in our town who wanted to get in on the ground floor, that it was an expensive proposition—an expensive gamble. That is what it expensive proposition—an expensive gamble. That is what it was. It has been charged that a great deal of land that was then sold at \$4 per acre was worth nearer \$40. Can the gentleman inform us about that?

Mr. BURKE of South Dakota. That is not true. Four dollars an acre was a fair price for the land. In fact, it was more, in my opinion, than I thought it was worth at the time, and it was disposed of largely because the people had an idea that it was of greater value than it was, due to the fact that it had received so much advertising during the time the legislation

was in progress.

Mr. MANN. How much land is covered by this bill?

Mr. BURKE of South Dakota. About 1,000,000 acres.

The SPEAKER. Is there objection? [After a pause Chair hears none. The question is on the amendments. [After a pause.]

The question was taken; and the amendments were agreed to. The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time,

read the third time, and passed.

On motion of Mr. Burke of South Dakota, a motion to reconsider the last vote was laid on the table.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Repre-

sentatives was requested:

S. 8189. An act granting to the St. Louis, Iron Mountain and Southern Railway Company, a corporation, the right to construct, maintain, and operate a single-track railway across the lands of the United States in the southeast quarter of the northeast quarter of section 21, township 14 north, range 6 west of the fifth principal meridian, in the county of Independence and State of Arkansas, reserved for use in connection with the construction of Lock No. 1, upper White River, Arkansas; S. 8377. An act to amend an act entitled "An act permitting

the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4,

S. 3267. An act granting an increase of pension to George C. Veile:

S. 6838. An act granting an increase of pension to Samuel Shepherd;

S. 8279. An act granting a pension to Edward Dunscomb; S. 8101. An act granting an increase of pension to Jacob B.

Getter S. 8485. An act granting an increase of pension to Ann Hudson:

S. 7994. An act authorizing the State of North Dakota to select other lands in lieu of lands erroneously entered in sections 16 and 36, within the limits of the abandoned Fort Rice and Fort Abraham Lincoln military reservations, in said State;

S. 7895. An act granting an increase of pension to William Wallace

S. 6996. An act granting an increase of pension to John Snyder: S. 7983. An act granting an increase of pension to Samuel

Dubois: S. 7632. An act granting an increase of pension to Elias W.

Garrett;

S. 8404. An act granting an increase of pension to Nelson W. Jameson;

S. 8214. An act granting a pension to Jeremiah Bowman;

S. 8317. An act granting an increase of pension to Annie C. Stephens

S. 8342. An act granting an increase of pension to George W. Walter:

S. 5383. An act granting an increase of pension to Greenberry B. Patterson;

S. 7907. An act granting an increase of pension to Wilkison B.

S. 3527. An act granting an increase of pension to Samuel S. Watson;

S. 7561. An act granting an increase of pension to Charles A. Woodward;

S. 5981. An act granting an increase of pension to John H. La Vaque

S. 8340. An act granting an increase of pension to Maria L. Philbrick;

S. 5125. An act granting an increase of pension to Nancy A. E. Hoffman:

S. 6970. An act granting an increase of pension to Alcnzo W.

S. 7604. An act granting an increase of pension to John M. Morgan ;

S. 7671. An act granting an increase of pension to C. H. Alden; and

S. 8443. An act granting a pension to Fanny M. Grant.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 7515) to authorize the Missouri River Improvement Company, a Montana corporation, to construct a dam or dams across the Missouri River.

The message also announced that the Senate had passed with-

out amendment bills of the following titles:

H. R. 24760. An act authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes; and

H. R. 2326. An act for the relief of J. W. Bauer and others, The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of Senators and Representatives in Congress 500 copies of the act of July 2: 1864. Thirty-eighth Congress, first session, volume 13, page 365, United States Statutes at Large.

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and the Vice-President of the United States in signing the enrolled bill (S. 1160) to correct the military record of John Mack be rescinded, and that in the reenrollment of the bill the word "military," in line 5 of the bill, be stricken out and the word "naval" substituted therefor; also amend the title so as to read: "An act to correct the naval record of John McKinnon, alias John Mack," so as to correctly state the service of the beneficiary, inaccurately stated in the bill.

## SENATE BILLS REFERRED

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 8377. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, to the Committee on Interstate and Foreign Commerce.

S. 7994. An act authorizing the State of North Dakota to select other lands in lieu of lands erroneously entered in sections 16 and 36, within the limits of the abandoned Fort Rice and Fort Abraham Lincoln military reservations, in said State—to

the Committee on the Public Lands.

S. 8189. An act granting to the St. Louis, Iron Mountain and Southern Railway Company, a corporation, the right to con-struct, maintain, and operate a single-track railway across the lands of the United States in the southeast quarter of the northeast quarter of section 21, township 14 north, range 6 west of the fifth principal meridian, in the county of Independence and State of Arkansas, reserved for use in connection with the construction of Lock No. 1, upper White River Arkansas—to the Committee on Rivers and Harbors.

S. 3267. An act granting an increase of pension to George C.

Veile—to the Committee on Invalid Pensions.

S. 3527. An act granting an increase of pension to Samuel S.

Watson—to the Committee on Invalid Pensions. S. 5125. An act granting an increase of pension to Nancy A. E. Hoffman—to the Committee on Invalid Pensions.

S. 5383. An act granting an increase of pension to Greenberry B. Patterson—to the Committee on Invalid Pensions

S. 5981. An act granting an increase of pension to John H. La Vaque—to the Committee on Invalid Pensions.

S. 6838. An act granting an increase of pension to Samuel Shepherd—to the Committee on Invalid Pensions.

S. 6970. An act granting an increase of pension to Alonzo W. Fuller—to the Committee on Invalid Pensions.

S. 6996. An act granting an increase of pension to John Snyder—to the Committee on Invalid Pensions.

S. 7561. An act granting an increase of pension to Charles A. Woodward—to the Committee on Invalid Pensions.

8. 7604. An act granting an increase of pension to John M. Morgan—to the Committee on Invalid Pensions.

S. 7632. An act granting an increase of pension to Elias W. Garrett-to the Committee on Invalid Pensions.

S. 7895. An act granting an increase of pension to William Wallace—to the Committee on Invalid Pensions.
S. 7907. An act granting an increase of pension to Wilkison

B. Ross-to the Committee on Invalid Pensions.

S. 7983. An act granting an increase of pension to Samuel Dubois-to the Committee on Invalid Pensions.

S. 8101. An act granting an increase of pension to Jacob B. Getter-to the Committee on Invalid Pensions.

S. 8279. An act granting a pension to Edward Dunscomb-to the Committee on Invalid Pensions.

S. 8317. An act granting an increase of pension to Annie C. ephens—to the Committee on Invalid Pensions. Stephens-

S. 8340. An act granting an increase of pension to Maria L. Philbrick—to the Committee on Invalid Pensions.

S. 8404. An act granting an increase of pension to Nelson W. Jameson—to the Committee on Invalid Pensions.

S. 8485. An act granting an increase of pension to Ann Hudson-to the Committee on Pensions.

S. 8342. An act granting an increase of pension to George W. Walter—to the Committee on Pensions.

S. 8214. An act granting a pension to Jeremiah Bowman—to the Committee on Pensions.

S. 8443. An act granting a pension to Fanny M. Grant—to the

Committee on Invalid Pensions. S. 7671. An act granting an increase of pension to Charles H. Alden—to the Committee on Invalid Pensions.

Senate concurrent resolution 49.

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of Senators and Representatives in Congress 500 copies of the act of July 2, 1884, Thirty-eighth Congress, first session, volume 13, page 365, United States Statutes at Large to the Committee on Printing.

## ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 22881. An act granting an increase of pension to Thomas L. Williams

H. R. 22927. An act granting an increase of pension to William A. Leach:

H. R. 22929. An act granting an increase of pension to John O. McNabb;

H. R. 22941. An act granting an increase of pension to Lucinda Davidson

H. R. 22951. An act granting an increase of pension to Alice E. Ragan;

H. R. 22976. An act granting an increase of pension to Milton

H. R. 22978. An act granting an increase of pension to Thomas

Adams; H. R. 22985. An act granting an increase of pension to Henry Bauerlin:

H. R. 22990. An act granting an increase of pension to Francis A. Lander;

H. R. 22993. An act granting an increase of pension to Emily Hibernia Trabue;

H. R. 22994. An act granting an increase of pension to Lucinda

H. R. 22995. An act granting an increase of pension to Nathaniel Y. Buck

H. R. 23036. An act granting an increase of pension to John C. Mitchell:

H. R. 23051. An act granting an increase of pension to Volna S. Topping

H. R. 23057. An act granting an increase of pension to James M. Davidson H. R. 23096. An act granting an increase of pension to James

H. R. 23121. An act granting an increase of pension to Frank

H. R. 23122. An act granting an increase of pension to Melissa D. Whitman H. R. 23133. An act granting an increase of pension to John

Cowan; H. R. 23136. An act granting an increase of pension to Syl-

vanus Sloat H. R. 23143. An act granting an increase of pension to John H.

Robbins

H. R. 23153. An act granting an increase of pension to George

H. R. 23166. An act granting an increase of pension to Wil-

liam S. Voris; H. R. 23171. An act granting an increase of pension to Harmon Veatch:

H. R. 23182. An act granting an increase of pension to Martha Ella Wrenn:

H. R. 23195. An act granting an increase of pension to Aurora Garwood Ellis

H. R. 23197. An act granting an increase of pension to Agnes E. Brown;

H. R. 23234. An act granting an increase of pension to James W. Walsh, alias James Powers;

H. R. 23241. An act granting an increase of pension to Mary Loomis

H. R. 23247. An act granting an increase of pension to George I. Stults

H. R. 23263. An act granting an increase of pension to Michael Downs

H. R. 23265. An act granting an increase of pension to Henry Helton;

H. R. 23278. An act granting an increase of pension to James M. Morris

H. R. 23279. An act granting an increase of pension to David H. Moore

H. R. 23281. An act granting an increase of pension to Wil-

liam T. Fisher; H. R. 23299. An act granting an increase of pension to Henry Goodlander

H. R. 23327. An act granting an increase of pension to Paul Sheets:

H. R. 23339. An act granting an increase of pension to Martha L. Burnham;

H. R. 23357. An act granting an increase of pension to James M. Houston:

H. R. 23365. An act granting an increase of pension to William Seitz;

H. R. 23371. An act granting an increase of pension to Clark Crecelius

H. R. 23423. An act granting an increase of pension to Elbridge Simpson :

H. R. 23458. An act granting an increase of pension to Edgar D. Ellis

H. R. 23468. An act granting an increase of pension to Martin Becker H. R. 23475. An act granting an increase of pension to Thomas

H. R. 23477. An act granting an increase of pension to Caro-

line Vick H. R. 23481. An act granting an increase of pension to John

G. Price;

H. R. 23495. An act granting an increase of pension to Adam H. R. 23522. An act granting an increase of pension to George

W. Shacklett: H. R. 23526. An act granting an increase of pension to Stephen

D. Jordan : H. R. 23527. An act granting an increase of pension to Joseph

E. Knighten H. R. 23528. An act granting an increase of pension to John

M. Smith: H. R. 23549. An act granting an increase of pension to Isaiah

Carter H. R. 23550. An act granting an increase of pension to Eliza-

H. R. 23503. An act granting an increase of pension to Charles M. Buck

H. R. 23599. An act granting an increase of pension to Alfred B. Stansil;

H. R. 23608. An act granting an increase of pension to John Manley

H. R. 23622. An act granting an increase of pension to Benja-

min Maple; H. R. 23624. An act granting an increase of pension to Albina M. Williams;

H. R. 23644. An act granting an increase of pension to Charles J. Schreiner;

H. R. 23645. An act granting an increase of pension to Isaac L. Griswold ; H. R. 23651. An act granting an increase of pension to John

W. Wilson; H. R. 23652. An act granting an increase of pension to Wil-

liam H. Zimmerman; H. R. 23653. An act granting an increase of pension to Dewitt

C. Chapman H. R. 23656. An act granting an increase of pension to John

Kilpatrick; H. R. 23683. An act granting an increase of pension to Thomas Phillips;

H. R. 23684. An act granting an increase of pension to Harry C. Cadwell;

H. R. 23686. An act granting an increase of pension to William H. Kehlbeck;

H. R. 23774. An act granting an increase of pension to James

H. R. 23777. An act granting an increase of pension to James Marshall;

H. R. 23778. An act granting an increase of pension to Henry

Clapper; H. R. 23739. An act granting an increase of pension to Elizabeth Pillow

H. R. 23781. An act granting an increase of pension to Honora Higgins

H. R. 23699. An act granting an increase of pension to Joseph

Countryman; H. R. 23703. An act granting an increase of pension to Clarendon Kelly:

H. R. 23705. An act granting an increase of pension to Frederick P. Gaudineer:

H. R. 23762. An act granting an increase of pension to Adeliade Wagner;

H. R. 23764. An act granting an increase of pension to Joseph C. Fisher

H. R. 23770. An act granting an increase of pension to Henry D. Combs:

H. R. 23772. An act granting an increase of pension to Temperance Davis

H. R. 23783. An act granting an increase of pension to George W. Buzzell;

H. R. 23792. An act granting an increase of pension to Zeurial McCullock;

H. R. 23795. An act granting an increase of pension to Pat-

rick McMahon H. R. 23803. An act granting an increase of pension to David

C. Jones H. R. 23804. An act granting an increase of pension to Phoebe

E. Sparkman H. R. 23805. An act granting an increase of pension to Thomas

Hamilton: H. R. 23810. An act granting an increase of pension to Ira J.

H. R. 23811. An act granting an increase of pension to Theron

H. R. 23812. An act granting an increase of pension to Joseph

H. R. 23845. An act granting an increase of pension to George

W. Cassle: H. R. 23846. An act granting an increase of pension to Sarah

Ann Kendig H. R. 23858. An act granting an increase of pension to Hugh

M. Cox H. R. 23872. An act granting an increase of pension to Charles

Blacker: H. R. 23874. An act granting an increase of pension to Wil-

liam R. Horn; H. R. 23877. An act granting an increase of pension to Mary

A. Edwards

H. R. 23899. An act granting an increase of pension to James P. Hanna

H. R. 23973. An act granting an increase of pension to Henry Loor Reger

H. R. 23969. An act granting an increase of pension to William Morson

H. R. 23958. An act granting an increase of pension to Thomas

H. R. 23957. An act granting an increase of pension to John Heinrichs

H. R. 23981. An act granting an increase of pension to Sarah Elizabeth Fuller

H. R. 23984. An act granting an increase of pension to Jacob Miller ;

H. R. 24017. An act granting an increase of pension to Timothy Hanlon;

H. R. 24018. An act granting an increase of pension to John Adams Miller

H. R. 24019. An act granting an increase of pension to John

H. R. 24023. An act granting an increase of pension to Joseph H. Clark

H. R. 24056. An act granting an increase of pension to Reuben Copher:

H. R. 24078. An act granting an increase of pension to Warren J. Sevey;

H. R. 24096. An act granting an increase of pension to Oscar F. Peacock

H. R. 24099. An act granting an increase of pension to Benjamin J. Puckett

H. R. 24155. An act granting an increase of pension to Richard N. Porter

H. R. 24182. An act granting an increase of pension to John Delaney

H. R. 24185. An act granting an increase of pension to William S. Weller

H. R. 24187. An act granting an increase of pension to Nancy G. Reid

H. R. 24188. An act granting an increase of pension to Samuel H. R. 24192. An act granting an increase of pension to Charles

H. R. 24208. An act granting an increase of pension to Albert

Sunderland: H. R. 24214. An act granting an increase of pension to Eliza-

beth Hodge H. R. 24231. An act granting an increase of pension to Ab-

salom Siyley: H. R. 24259. An act granting an increase of pension to Han-

nibal A. Johnson; H. R. 24268. An act granting an increase of pension to Louisa Olin:

H. R. 24303. An act granting an increase of pension to Gillam M. Ezell

H. R. 24321. An act granting an increase of pension to Belah H. Wilcox

H. R. 24360. An act granting an increase of pension to Jeremiah F. Pittman;

H. R. 24380. An act granting an increase of pension to Charles Woodruff Woolley

H. R. 24383. An act granting an increase of pension to Shadrack H. J. Alley; H. R. 24415. An act granting an increase of pension to Laura

G. Hight H. R. 24418. An act granting an increase of pension to Kate

Flowers H. R. 24479. An act granting an increase of pension to Simeon

H. R. 24513. An act granting an increase of pension to Bow-

man H. Buck; H. R. 24616. An act granting an increase of pension to Mathias

H. R. 24620. An act granting an increase of pension to Elizabeth Balew

H. R. 24671. An act granting an increase of pension to Augusfine Sorrell:

H. R. 4678. An act granting an increase of pension to John F. Casper

H. R. 21529. An act granting an increase of pension to Charlotte Game

H. R. 22282. An act granting an increase of pension to Edward H. Lunn H. R. 22264. An act granting an increase of pension to Sibby

Barnbill H. R. 23870. An act granting an increase of pension to Amer-

ica J. Austin; H. R. 21808. An act granting an increase of pension to Levi

Mitchell H. R. 17334. An act granting an increase of pension to Henry

H. R. 24323. An act granting an increase of pension to Talcott

M. Brown H. R. 22092. An act granting an increase of pension to Simon

H. R. 22094. An act granting an increase of pension to Albert J. Hamre

H. R. 22099. An act granting an increase of pension to Libbie

D. Lowry; H. R. 22102. An act granting an increase of pension to Barre H. R. 22103. An act granting an increase of pension to Warren

P. Hubbs :

H. R. 22155. An act granting an increase of pension to Andrew J. Armstrong

H. R. 22203. An act granting an increase of pension to Oliver J. Burns:

H. R. 22214. An act granting an increase of pension to Thomas

J. Prouty; H. R. 22215. An act granting an increase of pension to Eliza A. Hughes;

H. R. 22217. An act granting an increase of pension to George

W. Boughner; H. R. 22222. An act granting an increase of pension to John W. Booth:

H. R. 22223. An act granting an increase of pension to Uriah

H. R. 22237. An act granting an increase of pension to Nathan

H. R. 22238. An act granting an increase of pension to James Stinson;
H. R. 22239. An act granting an increase of pension to Eliza-

H. R. 22241. An act granting an increase of pension to Stephen Robinson

H. R. 22243. An act granting an increase of pension to James W. Campbell:

H. R. 22252. An act granting an increase of pension to William W. Tyson;

H. R. 22266. An act granting an increase of pension to Delphie Thorne

H. R. 22269. An act granting an increase of pension to John L. Rosencrans

H. R. 22270. An act granting an increase of pension to Michael

Hogan;
H. R. 22272. An act granting an increase of pension to George

W. Rodefer; H. R. 22276. An act granting an increase of pension to Warren

A. Sherwood; H. R. 22279. An act granting an increase of pension to Thomas

M. Griffith: H. R. 22284. An act granting an increase of pension to George

Ruhle: H. R. 22285. An act granting an increase of pension to Dennis Remington, alias John Baker

H. R. 22288. An act granting an increase of pension to Samuel L. Davis:

H. R. 22297. An act granting an increase of pension to Hugh L. Dicus

H. R. 22306. An act granting an increase of pension to Louisa

Duncan: H. R. 22310. An act granting an increase of pension to Mary

A. Kerr H. R. 22318. An act granting an increase of pension to James

D. Cox H. R. 22322. An act granting an increase of pension to Maria

Cross H. R. 22359. An act granting an increase of pension to Louisa

L. Wood;

H. R. 22376. An act granting an increase of pension to William M. Colby; H. R. 22388. An act granting an increase of pension to Daniel

A. Peabody H. R. 22408. An act granting an increase of pension to Aaron

Preston: H. R. 22409. An act granting an increase of pension to Marga-

ret A. McAdoo;

H. R. 22420. An act granting an increase of pension to Edward Wesley Ward;

H. R. 22422. An act granting an increase of pension to William J. Johnson; H. R. 22425. An act granting an increase of pension to Thomas

H. R. 22428. An act granting an increase of pension to Dora T. Bristol

H. R. 22431. An act granting an increase of pension to Alden Youngman : H. R. 22434. An act granting an increase of pension to Peter

McCormick H. R. 22440. An act granting an increase of pension to Daniel

Mose H. R. 22442. An act granting an increase of pension to John

Clark H. R. 22444. An act granting an increase of pension to Wil-

liam Oliver Anderson;
H. R. 22447. An act granting an increase of pension to Frank

Schadler

H. R. 22451. An act granting an increase of pension to John

H. R. 22452. An act granting an increase of pension to William A. Narrin

H. R. 22462. An act granting an increase of pension to Aaron Chamberlain .

H. R. 22500. An act granting an increase of pension to Minor Cleavenger;

H. R. 22501. An act granting an increase of pension to Austin B. Truman ;

H. R. 22502. An act granting an increase of pension to Oren D. Haskell:

H. R. 22506. An act granting an increase of pension to James F. Smith;

H. R. 22522. An act granting an increase of pension to Susan Harroun ; H. R. 22528. An act granting an increase of pension to Daniel

H. R. 22542. An act granting an increase of pension to Char-

lotte S. O'Neall; H. R. 22550. An act granting an increase of pension to Jona-

than B. Reber

H. R. 22551. An act granting an increase of pension to Wilson Siddell;

H. R. 22601. An act granting an increase of pension to John J. Clark H. R. 22602. An act granting an increase of pension to John

H. Passon; H. R. 22605. An act granting an increase of pension to John

R. Hargrave H. R. 22609. An act granting an increase of pension to Thomas

Bayley; H. R. 22620. An act granting an increase of pension to

Charles S. Abbott; H. R. 22623. An act granting an increase of pension to George W. Willison;

H. R. 22624. An act granting an increase of pension to Lou-

isa M. Carothers; H. R. 22634. An act granting an increase of pension to Helon

Wilson; H. R. 22635. An act granting an increase of pension to Cath-H. R. 22642. An act granting an increase of pension to John

Gregory; H. R. 22651. An act granting an increase of pension to Sarah

E. Cadmus H. R. 22706. An act granting an increase of pension to Wil-

liam Smoker H. R. 22710. An act granting an increase of pension to Nelson Cornell;

H. R. 22711. An act granting an increase of pension to Jacob

H. R. 22715. An act granting an increase of pension to Terrance Doyle;

H. R. 22718. An act granting an increase of pension to William Dean;

H. R. 22734. An act granting an increase of pension to Michael Maier; H. R. 22746. An act granting an increase of pension to Felix

G. Cobb: H. R. 22748. An act granting an increase of pension to Willard P. Fisher

H. R. 22749. An act granting an increase of pension to Della S. Easton:

H. R. 22750. An act granting an increase of pension to William Jenkins

H. R. 22756. An act granting an increase of pension to Levi E. Curtis:

H. R. 22757. An act granting an increase of pension to Joshua E. Hvatt

H. R. 22762. An act granting an increase of pension to John M. Gilbert

H. R. 22764. An act granting an increase of pension to Samuel H. R. 22766. An act granting an increase of pension to Soren V.

Kalsem H. R. 22771. An act granting an increase of pension to Wil-

liam J. Courter; H. R. 22772. An act granting an increase of pension to Mary S. Sanders

H. R. 22776. An act granting an increase of pension to James E. Converse

H. R. 22820. An act granting an increase of pension to George S. Schmutz:

H. R. 22827. An act granting an increase of pension to Mary

H. R. 22829. An act granting an increase of pension to George Spalding; H. R. 22838. An act granting an increase of pension to W. Ira

Templeton: H. R. 22842. An act granting an increase of pension to William C. Hodges;

H. R. 22846. An act granting an increase of pension to Martin Holmes, alias George Langin;

H. R. 22853. An act granting an increase of pension to Burden H. Barrett:

H. R. 22858. An act granting an increase of pension to John A. Henry

H. R. 21432. An act granting an increase of pension to Benja-

min Bragg;
H. R. 21433. An act granting an increase of pension to George W. Lasley

H. R. 21446. An act granting an increase of pension to William A. Crum;

H. R. 21448. An act granting an increase of pension to Jesse

H. R. 21461. An act granting an increase of pension to Henry

H. R. 21462. An act granting an increase of pension to Wil-

liam H. Wickham; H. R. 21470. An act granting an increase of pension to Mary Rebecca Carroll:

H. R. 21471. An act granting an increase of pension to Adaline H. Malone

H. R. 21472. An act granting an increase of pension to Wiley H. Jackson ;

H. R. 21473. An act granting an increase of pension to James

H. R. 21481. An act granting an increase of pension to Lucy

H. R. 21483. An act granting an increase of pension to George S. Woods

H. R. 21496. An act granting an increase of pension to Samuel B. Davis

H. R. 21497. An act granting an increase of pension to Mary E. Hobbs;

H. R. 21499. An act granting an increase of pension to Henry A. Weiand;

H. R. 21506. An act granting an increase of pension to Jacob

H. R. 21508. An act granting an increase of pension to Samuel

Barber; H. R. 21515. An act granting an increase of pension to Joseph Wheeler

H. R. 21516. An act granting an increase of pension to James Murtha

H. R. 21524. An act granting an increase of pension to Elison

H. R. 21532. An act granting an increase of pension to William Dobson

H. R. 21534. An act granting an increase of pension to Henry

H. R. 21535. An act granting an increase of pension to William E. Feelev

H. R. 21540. An act granting an increase of pension to John L. Wilson:

H. R. 21542. An act granting an increase of pension to Erastus

H. R. 21543. An act granting an increase of pension to Addison

H. R. 21551. An act granting an increase of pension to Alfred E. Lucas

H. R. 21563. An act granting an increase of pension to Merritt M. Smart

H. R. 21564. An act granting an increase of pension to Daniel

French; H. R. 21588. An act granting an increase of pension to Robert

H. R. 21603. An act granting an increase of pension to Calvin S. Mullins

H. R. 21604. An act granting an increase of pension to William Girdler

H. R. 21603. An act granting an increase of pension to Felix G Morrison

H. R. 21612. An act granting an increase of pension to James S. Hart

H. R. 21615. An act granting an increase of pension to David

H. R. 21617. An act granting an increase of pension to William

H. R. 21618. An act granting an increase of pension to Leonidas W. Reavis;

H. R. 21621. An act granting an increase of pension to Minerva A. Mayes; H. R. 21624. An act granting an increase of pension to Wil-

liam H. Willey;

H. R. 21626. An act granting an increase of pension to Calvin Barker

H. R. 21630. An act granting an increase of pension to John F. Yeargin :

H. R. 21634. An act granting an increase of pension to Emma

H. R. 21636. An act granting an increase of pension to Elias Miller

H. R. 21643. An act granting an increase of pension to Edward Ford: H. R. 21644. An act granting an increase of pension to Sheldon

Hess H. R. 21648. An act granting an increase of pension to Michael

Gans H. R. 21651. An act granting an increase of pension to Jacob

B. Butts : H. R. 21660. An act granting an increase of pension to Emma

Fehr: H. R. 21667. An act granting an increase of pension to John W. Towle;

H. R. 21718. An act granting an increase of pension to Franz

Z. F. W. Jensen; H. R. 21724. An act granting an increase of pension to John D. Martin :

H. R. 21740. An act granting an increase of pension to Maria R. Klindt

H. R. 21761. An act granting an increase of pension to John

H. R. 21764. An act granting an increase of pension to Ment Stannah;

H. R. 21767. An act granting an increase of pension to George Young H. R. 21782. An act granting an increase of pension to Ander-

son Graham : H. R. 21787. An act granting an increase of pension to Alex-

ander Porter; H. R. 21793. An act granting an increase of pension to Charles

H. Pratt; H. R. 21798. An act granting an increase of pension to An-

drew Spencer H. R. 21819. An act granting an increase of pension to Joseph

Peach; H. R. 21832. An act granting an increase of pension to John

H. R. 21836. An act granting an increase of pension to Mary

C. Hall H. R. 21837. An act granting an increase of pension to James

H. R. 21838. An act granting an increase of pension to Fannie

J. Terry H. R. 21843. An act granting an increase of pension to Robert H. Delaney

H. R. 21848. An act granting an increase of pension to Charles W. Arthur

H. R. 21852. An act granting an increase of pension to James M. Eaman:

H. R. 21853. An act granting an increase of pension to William A. Whitaker; H. R. 21856. An act granting an increase of pension to John

G. Viall

H. R. 21881. An act granting an increase of pension to Mahala M. Jones

H. R. 21886. An act granting an increase of pension to John Bryant

H. R. 21887. An act granting an increase of pension to James H. Hayman; H. R. 21888. An act granting an increase of pension to Andrew

Canova H. R. 21894. An act granting an increase of pension to Jacob

W Pierce

H. R. 21882. An act granting an increase of pension to Frank Breazeale H. R. 21896. An act granting an increase of pension to George

H. Field:

H. R. 21906. An act granting an increase of pension to John M. Bruder : H. R. 21909. An act granting an increase of pension to George

W. W. Tanner H. R. 21913. An act granting an increase of pension to Henry

H. R. 21915. An act granting an increase of pension to John

A. Smith: H. R. 21923. An act granting an increase of pension to Sebastian Fuchs;

H. R. 21960. An act granting an increase of pension to Sarah Retts

H. R. 21961. An act granting an increase of pension to Harvey F. Wood

H. R. 21962. An act granting an increase of pension to Henry Osterheld

H. H. 21991. An act granting an increase of pension to Red-

H. R. 21997. An act granting an increase of pension to Mar-

H. R. 22002. An act granting an increase of pension to John W. Hall;

H. R. 22003. An act granting an increase of pension to Alexander Matchett

H. R. 22007. An act granting an increase of pension to Sanford D. Paine;

H. R. 22015. An act granting an increase of pension to Wil-

H. R. 22017. An act granting an increase of pension to Adolphus Cooley

H. R. 22018. An act granting an increase of pension to Charles Sells

H. R. 22020. An act granting an increase of pension to Samuel Keller

H. R. 22022. An act granting an increase of pension to Josiah H. Shaver

H. R. 22024. An act granting an increase of pension to Eldridge Underwood;

H. R. 22025. An act granting an increase of pension to Thomas

H. R. 22034. An act granting an increase of pension to James

H. R. 22035. An act granting an increase of pension to Benja-

min Swayze H. R. 22047. An act granting an increase of pension to George Tinkham :

H. R. 22048. An act granting an increase of pension to Orrin

H. R. 22050. An act granting an increase of pension to John

H. R. 22065. An act granting an increase of pension to Henry

H. R. 22067. An act granting an increase of pension to Levi E.

H. R. 22068. An act granting an increase of pension to John

P. Macy; H. R. 22069. An act granting an increase of pension to Caro-

line W. Congdon;
H. R. 22073. An act granting an increase of pension to Eliza

M. Scott H. R. 22079. An act granting an increase of pension to James

D. Gravson: H. R. 22085. An act granting an increase of pension to Ran-

H. R. 22088. An act granting an increase of pension to Gott-

lieb Schweizer H. R. 22089. An act granting an increase of pension to Ada-

line G. Bailey H. R. 22090. An act granting an increase of pension to Severt

H. R. 15189. An act granting an increase of pension to Sidney

S. Skinner H. R. 15353. An act granting an increase of pension to Abbie J.

H. R. 15965. An act granting an increase of pension to Stephen Gangwer

H. R. 16020. An act granting an increase of pension to Andrew

H. R. 16046. An act granting an increase of pension to David Province

H. R. 16181. An act granting an increase of pension to Ann Rafferty

H. R. 16283. An act granting an increase of pension to Archibald H. R. Calvin;

H. R. 16322. An act granting an increase of pension to George

H. R. 16340. An act granting an increase of pension to William M. Harri

H. R. 16391. An act granting an increase of pension to Wil-

liam Jackson : H. R. 16458. An act granting an increase of pension to Daniel

H. R. 16487. An act granting an increase of pension to Martha Lavender;

H. R. 16506. An act granting an increase of pension to Kate S. Church

H. R. 16698. An act granting an increase of pension to Henry H. Davis

H. R. 16813. An act granting an increase of pension to Charles Brumm

H. R. 16855. An act granting an increase of pension to Milton

H. R. 16886. An act granting an increase of pension to Eliza-

H. R. 16907. An act granting an increase of pension to Clarke

H. R. 16978. An act granting an increase of pension to Max Mueller

H. R. 17058. An act granting an increase of pension to James H. O'Brien

H. R. 17061. An act granting an increase of pension to Iva O. Shepardson:

H. R. 17251. An act granting an increase of pension to John J. Higgins:

H. R. 17266. An act granting an increase of pension to Henry W. Alspach

H. R. 17330. An act granting an increase of pension to William Tuders; H. R. 17331. An act granting an increase of pension to Doug-

las V. Donnelly

H. R. 17335. An act granting an increase of pension to Lewis

H. R. 17369. An act granting an increase of pension to Minor B. Monaghan :

H. R. 17483. An act granting an increase of pension to William H. Loyd;

H. R. 17581. An act granting an increase of pension to Aquilla Williams

H. R. 17618. An act granting an increase of pension to Anna F. Burlingame H. R. 17620. An act granting an increase of pension to Michael

Pendergast, alias Michael Blake; H. R. 17634. An act granting an increase of pension to John

S. Cochran H. R. 17642. An act granting an increase of pension to Roland

M. Johnson; H. R. 17712. An act granting an increase of pension to Frank

J. Biederman H. R. 17750. An act granting an increase of pension to John

Gustus H. R. 17783. An act granting an increase of pension to James

H. R. 17817. An act granting an increase of pension to John Grimm

H. R. 17831. An act granting an increase of pension to James

H. R. 18014. An act granting an increase of pension to Elbridge P. Boyden;
 H. R. 18042. An act granting an increase of pension to James

H. Sinclair

H. R. 18213. An act granting an increase of pension to William Ingram;

H. R. 18245. An act granting an increase of pension to Samuel D. McCurdy

An act granting an increase of pension to Heze-H. R. 18322. kiah James

H. R. 18323. An act granting an increase of pension to Richard B. Rankin;

H. R. 18344. An act granting an increase of pension to William Todd; H. R. 18383. An act granting an increase of pension to Fred-

erick Shinaman

H. R. 18433. An act granting an increase of pension to Wil-H. R. 18450. An act granting an increase of pension to Eliza

Howell H. R. 18602. An act granting an increase of pension to James

E. Netser H. R. 18681. An act granting an increase of pension to Wil-

liam E. Gray H. R. 18723. An act granting an increase of pension to Wil-

liam E. Hanigan ; H. R. 18881. An act granting an increase of pension to Alex-

ander B. Mott H. R. 18969. An act granting an increase of pension to Her-

man Hagemiller H. R. 19067. An act granting an increase of pension to Thomas J. Smith;

H. R. 19131. An act granting an increase of pension to Edward K. Mull ;

H. R. 19133. An act granting an increase of pension to Fergus P. McMillan;

H. R. 19175. An act granting an increase of pension to Josiah B. Arnott;

H. R. 19263. An act granting an increase of pension to John

H. R. 19271. An act granting an increase of pension to Joseph J. Branyan

H. R. 19294. An act granting an increase of pension to Francis M. Hatten:

H. R. 19369. An act granting an increase of pension to John F. G. Cliborne;

H. R. 19384. An act granting an increase of pension to Susan

H. R. 19385. An act granting an increase of pension to Agnes E. Calvert

H. R. 19400. An act granting an increase of pension to Washington M. Brown; H. R. 19401. An act granting an increase of pension to Camp-

bell Cowan

H. R. 19450. An act granting an increase of pension to Henry

H. R. 19498. An act granting an increase of pension to Sarah

H. R. 19499. An act granting an increase of pension to Thomas

Milson; H. R. 19526. An act granting an increase of pension to Judson

H. R. 19537. An act granting an increase of pension to Edward S. E. Newbury

H. R. 19578. An act granting an increase of pension to Mary A. Rogers

H. R. 19581. An act granting an increase of pension to Mary E. Bookhammer;

H. R. 19592. An act granting an increase of pension to Wil-

liam B. Corley H. R. 19613. An act granting an increase of pension to James

A. Pryce H. R. 19628. An act granting an increase of pension to Eliza-

beth Mooney: H. R. 19650. An act granting an increase of pension to Alex-

ander W. Taylor;

H. R. 19706. An act granting an increase of pension to Almon

H. R. 19770. An act granting an increase of pension to James G. Van Dewalker; H. R. 19775. An act granting an increase of pension to Greenup

Meece H. R. 19832. An act granting an increase of pension to George

W. Smith: H. R. 19863. An act granting an increase of pension to Walter

B. Swain;

H. R. 19869. An act granting an increase of pension to John E. H. R. 19943. An act granting an increase of pension to Edward

La Coste H. R. 19969. An act granting an increase of pension to Henry

K. Burger; H. R. 20000. An act granting an increase of pension to Thomas

R. Elliott: H. R. 20008. An act granting an increase of pension to Caro-

line A. Smith; H. R. 20036. An act granting an increase of pension to Oliver

T. Westmoreland; H. R. 20079. An act granting an increase of pension to Richard

F. Barret

H. R. 20091. An act granting an increase of pension to John A.

H. R. 20107. An act granting an increase of pension to William A. Brown H. R. 20125. An act granting an increase of pension to Mary

H. R. 20126. An act granting an increase of pension to Mar-

garet Pint H. R. 20187. An act granting an increase of pension to John J.

H. R. 20188. An act granting an increase of pension to John

H. McCain, alias John Croft; H. R. 20189. An act granting an increase of pension to Thomas W. Daniels

H. R. 20201. An act granting an increase of pension to Charles W. Airey;

H. R. 20212. An act granting an increase of pension to George W. Green ;

H. R. 20215. An act granting an increase of pension to Riley J. Berkley

H. R. 20224. An act granting an increase of pension to Philip Hamman:

H. R. 20236. An act granting an increase of pension to William E. Richards

H. R. 20243. An act granting an increase of pension to Anton Heinzen:

H. R. 20244. An act granting an increase of pension to Alfred

H. R. 20261. An act granting an increase of pension to Burris Subers; H. R. 20291. An act granting an increase of pension to Emma

F. Buchanan ; H. R. 20283. An act granting an increase of pension to Henry

D. Bole H. R. 20356. An act granting an increase of pension to Mary

T. Mathis H. R. 20446. An act granting an increase of pension to Andrew

H. R. 20455. An act granting an increase of pension to Harvey

McCallin: H. R. 20493. An act granting an increase of pension to Charles

F. Connerv H. R. 20557. An act granting an increase of pension to Webster Miller

H. R. 20558. An act granting an increase of pension to Mark W. Terrill;

H. R. 20568. An act granting an increase of pension to Chester R. Pitt;

H. R. 20615. An act granting an increase of pension to Julia T. Baldwin;

H. R. 20616. An act granting an increase of pension to Isaac Fornwalt; H. R. 20618. An act granting an increase of pension to George

W. Brinton H. R. 20647. An act granting an increase of pension to Dom-

inick Garvey II. R. 20654. An act granting an increase of pension to William

H. R. 20684. An act granting an increase of pension to William

H. R. 20685. An act granting an increase of pension to Joseph

R. Benham H. R. 20686. An act granting an increase of pension to Joshua

S. Javne: H. R. 20687. An act granting an increase of pension to John

M. Dixon H. R. 20688. An act granting an increase of pension to Joseph M. Storey

H. R. 20689. An act granting an increase of pension to Francis Doughty:

H. R. 20713. An act granting an increase of pension to Timothy Quinn

H. R. 20719. An act granting an increase of pension to James C. Price ;

H. R. 20727. An act granting an increase of pension to William Conwell;

H. R. 20728. An act granting an increase of pension to Ira D. Hill

H. R. 20729. An act granting an increase of pension to Benjamin Lyons

H. R. 20730. An act granting an increase of pension to John Carpenter H. R. 20731. An act granting an increase of pension to Peter

Buchmann; H. R. 20732. An act granting an increase of pension to Le

Roy Benson H. R. 20733. An act granting an increase of pension to Oscar

Andrews H. R. 20734. An act granting an increase of pension to Amos

Kellner H. R. 20737. An act granting an increase of pension to Wil-

liam G. Whitney; H. R. 20740. An act granting an increase of pension to Guth-

ridge L. Phillips; H. R. 20821. An act granting an increase of pension to John

L. Newman : H. R. 20822. An act granting an increase of pension to Milton

H. R. 20823. An act granting an increase of pension to William H. Webb;

H. R. 20831. An act granting an increase of pension to James R. Dunlap;

H. R. 20834. An act granting an increase of pension to Frank-

lin Comstock; H. R. 20842. An act granting an increase of pension to Henry

H. R. 20854. An act granting an increase of pension to Thomas Welch:

H. R. 20855. An act granting an increase of pension to George Hierl, alias George Hill;

H. R. 20856. An act granting an increase of pension to Catharine A. Greene

H. R. 20858. An act granting an increase of pension to William Thompson

H. R. 20859. An act granting an increase of pension to Henry C. Hughes

H. R. 20860. An act granting an increase of pension to Charles T. Chapman:

H. R. 20861. An act granting an increase of pension to Catharine Weigert;

H. R. 20862. An act granting an increase of pension to August

H. R. 20882. An act granting an increase of pension to Luther

H. R. 20887. An act granting an increase of pension to Emma Walters

H. R. 20929. An act granting an increase of pension to Thomas

H. R. 20930. An act granting an increase of pension to Joseph

H. R. 20931. An act granting an increase of pension to John

H. R. 20953. An act granting an increase of pension to James

H. R. 20057. An act granting an increase of pension to William Chagnon :

H. R. 20960. An act granting an increase of pension to Sarah M. Bickford :

H. R. 20966. An act granting an increase of pension to Thomas

H. R. 20967. An act granting an increase of pension to Samuel

H. R. 20070. An act granting an increase of pension to Edgar

H. R. 20973. An act granting an increase of pension to Henry

H. R. 21000. An act granting an increase of pension to Mary

Evans; H. R. 21002. An act granting an increase of pension to William Wiggins

H. R. 21022. An act granting an increase of pension to Thomas N. Gootee

H. R. 21025. An act granting an increase of pension to Enoch

H. R. 21039. An act granting an increase of pension to Nelson

H. R. 21047. An act granting an increase of pension to Jesse J.

H. R. 21060. An act granting an increase of pension to Gottlieb Kirchner

H. R. 21061. An act granting an increase of pension to James Collins

H. R. 21077. An act granting an increase of pension to Andrew

H. R. 21078. An act granting an increase of pension to Henry

H. R. 21079. An act granting an increase of pension to Patrick

H. R. 21087. An act granting an increase of pension to Albert Manice

H. R. 21097. An act granting an increase of pension to Henry W. Martin

H. R. 21298. An act granting an increase of pension to John

H. R. 21294. An act granting an increase of pension to Lissie

H. R. 21289. An act granting an increase of pension to Jesse

H. R. 21283. An act granting an increase of pension to Frederick De Planque

H. R. 21281. An act granting an increase of pension to Catharine Ludwig:

H. R. 21280. An act granting an increase of pension to Isaac

H. R. 21227. An act granting an increase of pension to Parthena Lasley :

H. R. 21238. An act granting an increase of pension to John

W. Gahan; H. R. 21255. An act granting an increase of pension to Thomas McDowell

H. R. 21256. An act granting an increase of pension to William Foster

H. R. 21257. An act granting an increase of pension to Thomas

H. R. 21258. An act granting an increase of pension to James Dopp:

H. R. 21264. An act granting an increase of pension to David J. Wise

H. R. 21270. An act granting an increase of pension to Ellen Sullivan:

H. R. 21274. An act granting an increase of pension to Jeremiah Buffington :

H. R. 21276. An act granting an increase of pension to Christian Roessler;

H. R. 21277. An act granting an increase of pension to Robert

H. R. 21279. An act granting an increase of pension to Martin

Heiler; H. R. 21301. An act granting an increase of pension to John R. Goodier

H. R. 21303. An act granting an increase of pension to James Edward Bristol ;

H. R. 21312. An act granting an increase of pension to Ernst

H. R. 21316. An act granting an increase of pension to Samuel

Rhodes H. R. 21320. An act granting an increase of pension to Ma-

linda H. Hitchcock ; H. R. 21322. An act granting an increase of pension to Elizabeth Wilson;

H. R. 21325. An act granting an increase of pension to George O. Tibbitts;

H. R. 21331. An act granting an increase of pension to Robert O. Bradley

H. R. 21332. An act granting an increase of pension to John R. Smith;

H. R. 21335. An act granting an increase of pension to Harvey S. Nettleton; H. R. 21343. An act granting an increase of pension to James

H. R. 21347. An act granting an increase of pension to Jean-

H. R. 21355. An act granting an increase of pension to John

H. R. 21356. An act granting an increase of pension to Edward

H. R. 21373. An act granting an increase of pension to Carrie E. Cosgrove

H. R. 21374. An act granting an increase of pension to Charles H. Homan; H. R. 21375. An act granting an increase of pension to John S.

H. R. 21376. An act granting an increase of pension to John

W. Stichter H. R. 21410. An act granting an increase of pension to Blanche

M. Kell H. R. 21423. An act granting an increase of pension to Martha

E. Wood H. R. 21425. An act granting an increase of pension to Jasper

H. R. 21426. An act granting an increase of pension to John J.

H. R. 21427. An act granting an increase of pension to Thomas

L. Moody; and H. R. 21428. An act granting an increase of pension to Cornelius H. Lawrence.

BRIDGE ACROSS MISSISSIPPI RIVER AT LOUISIANA, MO.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25046) to authorize the construction of a bridge across the Mississippi River at Louisiana, Mo., which I send to the Clerk's desk. The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That D. A. Ball, R. H. Goodman, Harry Higbee, William E. Williams, Charles Dustin, Ed. A. Glenn, and David Wald, their successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad, electric road, and highway bridge and approaches thereto across the Mississippi River at Louisiana, in the State of Missouri, in accordance with the provisions of the

act entitled "An act to regulate the construction of bridges over navigable waters." approved March 23, 1996.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. HUGHES. I would like to ask the gentleman from Missouri if this is a unanimous report from the Committee on Interstate and Foreign Commerce?

Mr. CLARK of Missouri. Yes; it is in conformity with the ironclad regulations we have here.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Clark of Missouri, a motion to reconsider the last vote was laid on the table.

#### CERTAIN CHANGES IN THE POSTAL LAWS.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10095) making certain changes in the postal laws.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That from and after thirty days from the final passage of this act, when in addition to the stamps required to transmit any letter or package of first-class matter through the mails there shall be attached to the envelope or covering 10 cents' worth of ordinary stamps of any denomination, with the words "special delivery" written or printed on the envelope or covering, the said package shall be handled, transmitted, and delivered in all respects as though it bore a regulation "special-delivery" stamp.

The amendment recommended by the committee was read, as

In line 9, after the word "covering," insert "under such regulations as the Postmaster-General may prescribe."

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I understand that this bill has been reported from the Committee on Post-Offices and Post-Roads and recommended by the Post-Office Department.

Mr. CLARK of Missouri. Yes; it is a unanimous report. I

yield to the gentleman from Indiana.

Mr. OVERSTREET of Indiana. Mr. Speaker, I do not wish to object, but I wish to be heard upon it.

The SPEAKER. The Chair hears no objection.
Mr. OVERSTREET of Indiana. The gentleman is in error.

It has not been recommended by the Department.

Mr. CLARK of Missouri. Maybe I am.

Mr. OVERSTREET of Indiana. I desire to offer an amendment, to which I think the gentleman from Missouri will have no objection and its real and the second of the second o objection, and in order to expedite it I will submit it in one amendment. I move to amend by striking out all the language in line 3 following the word "after," and also the first word in line 4, and insert "July 1, 1907;" also strike out in line 5 the words "first class," and insert, in line 8, following the word "delivery," the words "or their equivalent."

Mr. CLARK of Missouri. I think this amendment ought to be

accepted. It improves the bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 3 strike out all after the word "after," and the first word on line 4, and insert "July 1, 1907."

In line 5 strike out the words "first class."

In line 8, after the word "delivery," insert the words "or their equivalent."

Mr. OVERSTREET of Indiana. And I suggest the bill as proposed to be amended be read.

Mr. MANN.

Mr. MANN. Let us hear the bill read.

The SPEAKER. The Clerk will read the bill as if the committee amendment and these amendments just offered by the gentleman from Indiana were agreed to.

The Clerk read as follows:

Be it enacted, etc., That from and after July 1, 1907, when in addition to the stamps required to transmit any letter or package of mall matter through the malls there shall be attached to the envelope or covering 10 cents worth of ordinary stamps of any denomination, with the words "special delivery" or their equivalent written or printed on the envelope or covering, under such regulations as the Postmaster-General may prescribe, the said package shall be handled, transmitted, and delivered in all respects as though it bore a regulation "special delivery" stamp.

Mr. STEENERSON. Mr. Speaker-

The SPEAKER. Does the gentleman yield to the gentleman from Minnesota?

Mr. CLARK of Missouri. Yes, sir.

Mr. STEENERSON. I would ask the gentleman if he is aware of the fact this bill was referred to the Post-Office De-

partment and they refused to recommend its passage?

Mr. CLARK of Missouri. I do not know about that, but I know this, that one of the Assistant Postmasters-General, or

somebody in the Department, suggested this very thing in one of his reports

Mr. STEENERSON. I saw a letter, and I will inquire of the chairman if there was not a letter in the Post-Office Committee that refuses, or does not recommend the passage of this bill, and I fear that its passage will complicate matters very much in the Department.

Mr. CLARK of Missouri. You are going to complicate matters this much, that it will bring four or five hundred thousand

dollars of revenue into the Post-Office Department

Mr. STEENERSON. I do not think so, and I am afraid it will be impossible to keep track over all revenues under that. would like for the chairman of the Post-Office Committee to state the facts in regard to the recommendation of the Department, as I think the House ought to know what the facts are.

Mr. OVERSTREET of Indiana. I have already stated the facts, and I fear the gentleman from Minnesota did not hear The Post-Office Department, in answer to the inquiry concerning this bill when it was first referred to it, simply suggested that it doubted the propriety of it. Nevertheless, the Committee on the Post-Office and Post-Roads thought the bill a wise measure, and have reported it to the House.

Since the report of the committee, in discussing the matter with the Third Assistant Postmaster-General, it was thought best to offer these amendments which I have offered, which are in the interest of the proper administration of the law. my own part, I agree with the gentleman from Missouri [Mr. Clark] that this will undoubtedly result in benefit to the public; and, the Department always having the control with respect to the regulations under which the service will be rendered, I see no disadvantage even to the Department. I therefore favor the passage of the bill.

Mr. KEIFER. Both the gentleman from Missouri [Mr. Clark] and the gentleman from Indiana [Mr. Overstreet] seem to think that this will bring in additional revenue. I do not think it is very clear to the Members just how that is to be brought about and how it is to be paid. I have been giving a little attention here to this, and do not understand it myself, and I think the bill ought to be explained, as it is an important matter, in that respect at least,

Mr. OVERSTREET of Indiana. Under existing law a special-delivery letter can not be given any favor or preference

unless it bears a special-delivery stamp.
Mr. KEIFER. That we understand.

Mr. OVERSTREET of Indiana. That stamp is a peculiarly manufactured stamp, and many instances occur where individ-uals desiring to use the special delivery have not access to a post-office where the special-delivery stamps can be purchased, and under existing practices, whereby letter carriers and rural-delivery carriers sell stamps and have not the special-delivery stamps to sell to a patron, a patron not having a special-delivery stamp is put at the disadvantage of going to the office to The only propriety of some additional compensation is to cover the additional cost incident to the service in the delivery of the mail. Therefore, if in addition to the ordinary postage which is exacted by the statute there should be attached to the letter or package 10 cents' worth of stamps with the words "special delivery" or their equivalent written upon the envelope, the same revenue will be obtained by the Govern-

Mr. KEIFER. Who is to write the words "special delivery?" The sender?

Mr. OVERSTREET of Indiana. The sender.

And put on the additional stamps?

Mr. OVERSTREET of Indiana. And put on the additional And I will say to the gentleman that if he fails to do it there is no loss to the Government, and the letter would

then be treated as an ordinary letter.

Mr. KEIFER. This experiment with special delivery letters has been an expensive one?

Mr. OVERSTREET of Indiana. By no means. It has been

a profit to the Government.

Mr. STEENERSON. I would like to inquire if the informa-tion the chairman of the Post-Office Committee now gives is from a communication from one of the Assistant Postmasters-

General before the Post-Office Committee.

Mr. OVERSTREET of Indiana. It was not. It came in after the committee had adjourned, and there has been no meeting since.

Mr. STEENERSON. It came in after this bill had been reported?

Mr. OVERSTREET of Indiana. Yes.

The SPEAKER. The question is on the committee amendments and the amendments offered by the gentleman from Indiana [Mr. OVERSTREET].

The question was taken; and the amendments were agreed to. The bill as amended was ordered to be engrossed and read a third time; was read a third time, and passed.

On motion of Mr. OVERSTREET of Indiana, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CLARK of Missouri. Mr. Speaker, I do not desire to detain the House with any extended remarks on this little bill. I am certain that it will not only be a great convenience to millions of people, but will at the same time bring a snug revenue into the Treasury.

I was asked to introduce the bill by one of my most valued constituents, Col. Frank W. Buffum, of Louisiana, Mo., a business man of large experience and of extensive and multifarious interests. The idea grew out of his own experience and observation. It may be interesting to state that Colonel Buffum is a nephew of the four Washburn brothers, three of whom sat together in this House as Representatives—one from Maine, one from Illinois, and one from Wisconsin. The fourth Washburn was subsequently a United States Senator from Minnesota and the Illinois Washburn was Secretary of State and minister to France.

I hereby incorporate a letter from a traveling salesman in Texas as a sample of numerous letters which I have received on the subject and which in itself is a sufficient argument to pass the bill:

TULSA, IND. T., February 3, 1907.

Hon. Champ Clark,
Washington, D. C.

Dear Sir: The inclosed clipping, whether true or untrue, would certainly do two things—render valuable service to the public and increase the sale of stamps materially.

In the last ten years. I would have made use of at least \$1 per month more stamps had this been possible. I am a traveling salesman and often telegraph when I would have written, but office being closed, could get no special-delivery stamp. It is urged that another stamp is needed, one something like a postage-due stamp could be made by letting the post-office, either where forwarded or received, place this on the letter beside the other stamp.

One hundred thousand traveling men will use \$500,000 worth of stamps each year if this is done.

Yours, truly,

John L. Andrews,

Dallas, Tex.

JOHN L. ANDREWS, Dallas, Tex.

Here is the newspaper clipping to which my traveling friend refers:

WOULD USE ANY STAMPS—CONGRESSMAN CLARK OBJECTS TO SPECIAL-DELIVERY LIMIT.

WASHINGTON, February 1.

CHAMP CLARK wrote a letter to a Missouri politician touching political affairs, and to get quick delivery decided to send it by special delivery. He hunted all around for a special stamp, but, as it was after office hours, he couldn't find one. He then decided to change things by act of Congress and introduce a bill providing when additional stamps are required to transmit a letter or package containing first-class mail matter through mails there be attached to the envelope 10 cents' worth of ordinary stamps of any denomination, with the words "special delivery" written on the envelope or package, and that they be handled and delivered in all respects as though they bore the regulation "special-delivery" stamp.

I could furnish many letters of the same tenor, but this will

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection?

There was no objection.

HOMESTEAD LAWS IN NEBRASKA.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 21944) to amend section No. 2 of an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," approved April 28, 1904, to restore to and confer upon certain persons the right to make entry under said act, and to amend existing law as to the sale of isolated tracts subject to entry under said act.

The SPEAKER. Without objection, the substitute will be read instead of the original.

read instead of the original.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That all qualified entrymen who during the period beginning on the 28th day of April, 1904, and ending on the 28th day of June, 1904, made homestead entry in the State of Nebraska within the area affected by an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved public lands in Nebraska," approved April 28, 1904, shall be entitled to all the benefits of said act as if their entries had been made prior or subsequent to the above-mentioned dates, subject to all existing rights.

"Sec. 2. That the benefits of military service in the Army or Navy of the United States granted under the homestead laws shall apply to entries made under the aforesaid act approved April 28, 1904, and all homestead entries hereafter made within the territory described in the aforesaid act shall be subject to all the provisions thereof.

"Sec. 3. That within the territory described in said act approved April 28, 1904, it shall be lawful for the Secretary of the Interior to order into market and sell, under the provisions of the laws providing for the sale of isolated or disconnected tracts or parcels of land, any isolated or disconnected tract not exceeding three quarter sections in

area: Provided, That not more than three quarter sections shall be sold to any one person."

The SPEAKER. Is there objection?

Mr. SMITH of Kentucky. Reserving the right to object, I would like to hear some explanation of the matter; I confess that I do not understand it.

Mr. MANN. Mr. Speaker, I am not willing to let this bill pass without a chance to see it. It seems to contain some legislation outside of Nebraska.

Mr. KINKAID. No; not outside of my district. Mr. MANN. The section does it at least. F The section does it at least. For the present shall object.

Subsequently

Mr. KINKAID. Mr. Speaker, the gentleman from Illinois has withdrawn his objection to the bill which I had up for consideration

The SPEAKER. Is there further objection to the considera-tion of the bill offered by the gentleman from Nebraska?

There was no objection.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. Kinkaid, a motion to reconsider the last

vote was laid on the table.

FIXING THE LIMITATION APPLICABLE IN CERTAIN CASES.

Mr. DE ARMOND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 25472.

The bill was read as follows

A bill (H. R. 25472) to fix the limitation applicable in certain cases A bill (H. R. 25472) to fix the limitation applicable in certain cases. Be it enacted, etc., That the limitation of the act approved April 27, 1904, entitled "An act to amend an act approved March 3, 1899, entitled "An act to amend an act entitled "An act to reimburse the governors of States and Territories for expenses incurred by them in adding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," approved July 8, 1898, etc., and for other purposes," and the limitation of the acts of which it is amendatory shall be January 1, 1909.

The SPEAKER. Is there objection?
Mr. WILLIAMS. I would like some explanation of the bill.
Mr. DE ARMOND. Mr. Speaker, in 1898 there was passed an act for reimbursing the States and Territories under certain circumstances on account of expenses connected with getting volunteer soldiers into the Army for the war with Spain. That act was amended in 1899, and there was further amendment in 1904, the principal object being to allow pay to officers and men, at the usual rates, for the period between the dates of gathering at the rendezvous and the muster in. All the States, I believe, but five have already, through their respective governors, received the allowances for the troops of those States, or have the matter in the process of settlement. The law provides that the fund paid shall not go to the State treasury or elsewhere, but only to the officers and men, the governor being the medium for the transmission of it. The State of Missouri, among others, has a claim that is not yet adjudicated. As presented, it is informal. Four other States have made no claim yet. All the others have made their claims, and they have been allowed and paid, or soon will be. Now, there is the limitation of January 1, 1906, for the presentation of these claims by the governor.

This bill provides that the limitation shall be January 1, 1909. It makes no other change in any of these acts, and its effect, if it becomes a law, will be simply to enable the volunteer soldiers of the Spanish war in those States where they have not yet received this money from the Government to get it. A failure to amend the law would be a denial to the volunteer officers and soldiers of a few States of the same benefits of the legislation which have already gone to many others having precisely the same rights and merits. The officers and men can not make the application. It must be made through the executive of the State or Territory. To my mind there can be no reasonable objection to this bill. Nobody can get any part of the money except the individual soldier and officer, and he can get no more than any other officer or soldier in proportion to his right—pay for the time he was at the place of rendezvous before muster into the service, at the same rate that soldiers from other States have already been paid.

The SPEAKER. Is there objection? [After a pause.] Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. DE ARMOND, a motion to reconsider the vote by which the bill was passed was laid on the table.

TIME OF HOLDING CIRCUIT AND DISTRICT COURTS IN THE NORTHERN DISTRICT OF IOWA.

Mr. HUBBARD. I ask unanimous consent for the present consideration of Senate bill No. 7793. I ask that the Com-

mittee on the Judiciary be discharged from the further consideration of the bill.

The SPEAKER. Does the gentleman desire to take up this bill of the Senate?

Mr. HUBBARD. There is a House bill which has already

been passed upon by the Committee on the Judiciary
The SPEAKER. This is a Senate bill. The Cl

formed a similar House bill has been considered by the Committee on the Judiciary and is now on the Calendar, and the request of the gentleman is to discharge the committee from

further consideration of the Senate bill and that it do pass.

Mr. WILLIAMS. The Chair used the word "similar." Is
the bill identical with the bill that was reported to the House? The SPEAKER. The gentleman from Iowa will answer that

question Mr. HUBBARD. The Senate bill is identical.

Mr. WILLIAMS. With this bill?

Mr. HUBBARD. This is merely a local bill. I will move to lay the House bill on the table,

Let the bill be reported.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Senate bill 7793-

Mr. MANN. Reserving the right to object, I would like to know what the bill is.

Mr. HUBBARD. It is merely a local bill. The SPEAKER. Let the Clerk read the bill.

The bill was read, as follows:

bill (8, 7793) to fix the time of holding the circuit and district courts of the United States in and for the northern district of Iowa.

courts of the United States in and for the northern district of Iowa.

Be it enacted, etc., That hereafter terms of the circuit and district courts of the United States in and for the northern district of Iowa shall be held in the several divisions of said district in each year as follows: In the Cedar Rapids division at Cedar Rapids, on the first Tuesday in April and the fourth Tuesday in September; in the eastern division at Dubuque, on the fourth Tuesday in April and the first Tuesday in December; in the western division at Sloux City, on the fourth Tuesday in May and the third Tuesday in October; in the central division at Fort Dodge, on the second Tuesday in June and the second Tuesday in November.

Sec. 2. That no action, suit, proceeding, information, indictment, recognizance, bail bond, or other process in either of said courts shall abate or be rendered invalid by reason of the change of time of holding the terms of said courts in either of said divisions, and the same shall be deemed to be pending in, returnable to, and triable at the terms of said courts as herein fixed.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Chair suggests that this bill be temporarily laid aside until the original bill itself is procured from the Judiciary Committee, as the Clerk has read from the printed copy. By unanimous consent, when the bill arrives, the House will again recur to it.

Subsequently

The SPEAKER. Senate bill 7793, called up by the gentleman from Iowa [Mr. Hubbard], is now upon the Speaker's table, and if there be no objection, it will be considered.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. Hubbard, a motion to reconsider the last

vote was laid on the table. By unanimous consent, the similar House bill, H. R. 24281, was ordered to lie on the table.

# NATIONAL CHILD LABOR COMMITTEE.

Mr. TAYLOR of Ohio. Mr. Speaker, I desire to call up the conference report on the bill (S. 6364) to incorporate the National Child Labor Committee.

The conference report and statement were read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6364) entitled "An act to incorporate the National Child Labor Committee," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same.

E. L. TAYLOR, Jr., SAMUEL W. SMITH, T. W. Sims,
Managers on the part of the House.

JOHN C. SPOONER,
A. O. BACON,
Managers on the part of the Senate.

#### STATEMENT.

The House recedes from its amendment numbered 1, which was to add the words "and of the District of Columbia" after the words "United States" in line 3 on page 2. It is believed that this was unnecessary, as the section in which this amendment was made provides that the constitution or by-laws of the corporation shall not conflict with any laws of the United States.

The Senate recedes from the amendment of the House numbered 2, which struck out section 5 of the Senate bill and inserted in lieu thereof the regular form of the reservation by Congress of the right to alter, amend, or repeal the act.
E. L. TAYLOR, Jr.,

SAMUEL W. SMITH, T. W. SIMS, Managers on the part of the House.

Mr. TAYLOR of Ohio. I move the adoption of the report. The conference report was agreed to.

LOS ANGELES INTER-URBAN RAILWAY COMPANY, CALIFORNIA.

Mr. KAHN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 7879) granting to the Los Angeles Inter-Urban Railway Company a right of way for rail-road purposes through the United States military reservation at San Pedro, Cal.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That there is hereby granted and leased to the Los Angeles Inter-Urban Rallway Company, a corporation organized and existing under the laws of the State of California, and its successors and assigns, authority to construct, maintain, and operate a railroad, to be operated by electricity or other motive power, over and through the United States military reservation at San Pedro, in the county of Los Angeles, State of California, on such line and location as may be approved by the Secretary of War.

Sec. 2. That said right of way hereby granted and leased to said Los Angeles Inter-Urban Railway Company shall be subject to termination by the Secretary of War upon sixty days' previous notice; and if said company shall fail or refuse to remove its tracks, poles, wires, and other structures and appurtenances from the reservation within said period of sixty days after notification so to do, then and in that event the Secretary of War may cause the same to be removed at the expense of the said company and without liability to damages therefor.

Sec. 3. That said company shall pay such reasonable annual rental for such right of way and at such time as may be fixed by the Secretary of War.

Sec. 4. That no structure other than said railroad and the necessary poles and wires for the operation of the same shall be placed upon said right of way hereby granted and leased without being first approved by the Secretary of War.

The SPEAKER. Is there objection?

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. Kahn, a motion to reconsider the last vote was laid on the table.

# DAM ACROSS ROCK RIVER AT LYNDON, ILL.

Mr. LOWDEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25234) permitting the building of a dam across Rock River at Lyndon, Ill.

The bill was read, as follows

Be it enacted, etc., That Edward A. Smith, Harvey S. Green, and John J. Hurlbert, of Morrison, Ill., their heirs, administrators, executors, successors, and assigns, are hereby authorized to construct and maintain a dam across Rock River at or near Lyndon, Whiteside County, Ill., the south end of said dam to be located near the line between sections 21 and 22 in township 20 north, range 5 east, fourth principal meridian, and the north end of said dam to intersect the bank of said river in section 21 in the same township, range, and meridian, and all works incident thereto in the utilization of the power thereby developed, in accordance with the provisions of an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

Sec. 2. That the right to amend or repeal this act is hereby expressly served.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time:

and it was accordingly read the third time, and passed.

On motion of Mr. Lowden, a motion to reconsider the last vote was laid on the table.

# TIMOTHY LYONS.

The SPEAKER laid before the House the bill (H. R. 3356) to correct the military record of Timothy Lyons, with a Senate amendment thereto.

Mr. DAWSON. I move that the House concur in the Senate amendment.

The motion was agreed to.

# E. J. WATSON.

Mr. GARDNER of Massachusetts. Mr. Speaker, I move to discharge the Committee on Immigration from the consideration of House resolution 815, and that the same be considered by the House.

The resolution was read, as follows:

The resolution was read, as follows:

Resolved, That the Secretary of the Department of Commerce and Labor be, and he is hereby, respectfully requested, if not incompatible with the public interests, to send to the House of Representatives any information in his possession relative to the introduction of foreign laborers into the State of South Carolina by one E. J. Watson, together with a copy of his solicitor's legal opinion, if any be on file in said Department, as to whether said laborers were lawfully admitted to the United States, and a copy of any documents in his possession furnishing the grounds for said opinion.

Mr. WILLIAMS. Mr. Speaker, what motion does the gentleman from Massachusetts make?

man from Massachusetts make?

Mr. GARDNER of Massachusetts. To discharge the Committee on Immigration and Naturalization. The motion is privileged, and I believe it is not debatable.

Mr. WILLIAMS. Does the gentleman move that the resolution be passed by the House?

Mr. GARDNER of Massachusetts. I have made no such motion.

The motion of Mr. Gardner of Massachusetts was agreed to. The committee is discharged, and the reso-The SPEAKER. lution is before the House.

Mr. GARDNER of Massachusetts. Mr. Speaker, I offer the following amendments.

The Clerk read as follows:

In line 6 strike out the words "a copy."
In line 7 strike out the words "of" and "solicitors legal."
In lines 7 and 8 strike out the words "if any be on file in said Dertment."

In lines 9 and 10 strike out the words "a copy of any document in s possession furnishing."

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask for the previous question on the resolution and the amendments to its final passage

Mr. UNDERWOOD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.
Mr. UNDERWOOD. If the previous question is ordered,
there will be twenty minutes debate on a side?
The SPEAKER. There will. The gentleman from Massachusetts moves the previous question on the resolution and amendments to a final vote.

The question was taken; and the previous question was

Mr. FINLEY. Mr. Speaker, I wish to ask the gentleman from Massachusetts a question.

The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman from South Carolina?

Mr. GARDNER of Massachusetts. I yield.
Mr. FINLEY. The purpose of the resolution is simply to bring whatever information there is in the Department of Commerce and Labor before the House.

Mr. GARDNER of Massachusetts. The purpose is clear, if

the gentleman will read the resolution.

Mr. FINLEY. There was so much confusion in the House I couldn't hear the reading of the resolution very well.

Mr. GARDNER of Massachusetts. I am about to explain the whole matter. Mr. Speaker, the legislature of South Carolina in 1904 created a position which they called the "commissioner of immigration." This commissioner of immigration had the duty assigned to him of encouraging immigration into that State-immigration from certain specified nations in the north of Europe. The State of South Carolina appropriated \$2,000 to pay the expenses of the importation of those immigrants.

An association—and it does not appear whether it was the Cotton Manufacturers' Association or the South Carolina Immigration Association—but at all events an association of private parties raised \$30,000, which they placed in the hands of Commissioner Watson for the purpose of bringing alien labor-

ers into the United States under a quasi contract.

Now, the South Carolina law especially said that Commissioner Watson might become the agent of any private individuals or any association, provided they paid all the bills. Whereupon Mr. Watson goes abroad with the \$30,000 or more contributed by the association, establishes agents in six cities of Europe, collects together a body of 500 laborers, charters a special vessel from the North German Lloyd, and lands them last November in Charleston, S. C. The question at once arises whether they are admissible under our contract-labor laws, not only whether they are admissible, but whether the second shipload, which arrived last week, are admissible. Now, if this resolution as amended passes, we shall have all the facts before the House together with the Commissioner of Commerce and Labor's opinion as to whether these men were lawfully admitted or not. Contrary to the generally received opinion, Secretary Straus has rendered no decision that these men were lawfully admitted to the United States. No decision has been rendered by any man, woman, or child in the United States that these alleged contract laborers were lawfully admitted to the United States.

The Secretary has published, to be sure, decision No. 111, a very intelligent opinion of the Solicitor of his Department, Mr. Earl; but the question submitted to Mr. Earl and by him decided was not whether or not these laborers were lawfully admitted. The question submitted to Mr. Earl was as to whether Watson's activities were illegal; in other words, as to whether he had violated the contract-labor law.

Now, Mr. Earl's decision exonerates Commissioner Watson, but the opinion distinctly indicates that if the question had only been put in another form, if the question asked had been as to whether these immigrants were lawfully admitted, the answer would have been a very different one.

Now, there is the question that we want to get at. Obviously, the Secretary of Commerce and Labor believes that these were lawfully admitted, although he does not say so. He would have debarred them if he had not thought them entitled to land. We want to find out just why he thought so, because as clearly as any layman can read the law they were distinctly forbidden admission to the United States. We should like to hear what the reasons are on which their entry was based, in order that the law may be changed should Congress deem it necessary.

Many careful men believe that the present law is quite suffi-Many careful men believe that the pending bill to regulate immigration manifestly strengthens our contract-labor law. I am one of those; but we can not possibly tell until we know why these men were admitted whether the proposed legislation

is sufficient or not.

Mr. DRISCOLL. I would like to know, Mr. Speaker, if the gentleman has any suspicions as to any irregularities which

were practiced by Mr. Watson over there?
Mr. GARDNER of Massachusetts. I am very pleased to say that I have not; none whatever. The matter was done in the most aboveboard fashion by Commissioner Watson, in continual consultation with the Department of Commerce and Labor. dispute the validity of the decision, if any there be, by which those men were admitted.

Mr. DRISCOLL. From what countries did they come?

Mr. GARDNER of Massachusetts. Belgium largely, I believe. I think there were stations in England, in Scotland, in Holland, in Belgium, in Germany, and in Denmark. I understand, however, the bulk of them came from Belgium. Twenty-two of them were returned within a month.

Mr. LEVER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. GARDNER of Massachusetts. I should like to ask first

how much time I have left?

The SPEAKER. The gentleman has eleven minutes remain-

Mr. GARDNER of Massachusetts. I yield to the gentleman. Mr. LEVER. Mr. Speaker, as I understood the gentleman from Massachusetts a moment ago, he excuses the commissioner of agriculture of the State of South Carolina from any under-

handed procedure?
Mr. GARDNER of Massachusetts. Absolutely. It has been

aboveboard from one end to the other.

Mr. LEVER, One other question. That being true, then if there has been violation of the labor contract law, it is up to the Department of Commerce and Labor, the Secretary of that

Department, as a violator of that law. Is that true?

Mr. GARDNER of Massachusetts. The Secretary of Commerce and Labor has interpreted the law, very likely on perfectly sufficient grounds, but not grounds that seem sufficient to me. I think this House is entitled to ask on what grounds he has arrived at his determination. Does that answer the gentleman's question?

Yes; and I would like to say to the gentleman from Massachusetts that so far as we are concerned, we have no

objection to a thorough investigation of it.

Mr. WILLIAMS. If the gentleman from Massachusetts will permit one other interruption. I understand him to charge that there has been a violation of the immigration laws. Then. if there has been, it became of course the duty of the Department of Justice to prosecute the people who did violate them. Has there been any prosecution or any initiation of any prose-

Mr. GARDNER of Massachusetts. Will the gentleman from Mississippi please say that again and say it a little more slowly?

Mr. WILLIAMS. Has there been any prosecution undertaken by the Department of Commerce and Labor or the Department of Justice?

Mr. GARDNER of Massachusetts. I know of none. Does the gentleman from Mississippi know of any?
Mr. WILLIAMS. "The gentleman from Mississippi" does

Mr. GARDNER of Massachusetts. Then, Mr. Speaker, I shall continue my address.

Mr. WILLIAMS. In other words, the gentleman from Massachusetts is attacking the Administration for not executing the law. That is the proposition, is it?

Mr. GARDNER of Massachusetts. If the gentleman from Mississippi has finished putting words into the mouth of "the gentleman from Massachusetts" "the gentleman from Massachusetts" begs his permission to continue his own address.

Mr. WILLIAMS. "The gentleman from Mississippi" is per-

fectly willing and delighted to have the gentleman from Massachusetts proceed.

Mr. CLARK of Missouri. Oh, go ahead.

Mr. GARDNER of Massachusetts. The country cares very little whether Commissioner Watson obeys the law; but it cares a great deal as to whether or not the contract-labor law has been violated and whether or not contract laborers are being admitted contrary to the laws of the United States. I think it is quite possible, I will say in answer to the gentleman from Mississippi [Mr. WILLIAMS] and the gentleman from South Capalina Live Laws 1 that the Capalina Live Laws 1 South Carolina [Mr. Lever], that the Secretary of Commerce and Labor will reply that the admission of these immigrants is permitted under that clause in the law which admits skilled labor if labor of like kind unemployed can not be found in the United States. I do not understand that the facts will bear out the contention which I heard made in the Senate only yester-day as to the labor situation in South Carolina; but it may be that the Secretary of Commerce and Labor thinks that the presentation of the case made by the Senator from Georgia and the Senator from South Carolina is a correct one. If such is the Secretary's view, Mr. Speaker, it simply shows that we must amend our contract-labor law in order to safeguard that clause under which skilled labor may be admitted into the United States if labor of like character unemployed can not here be

I feel some hesitancy in trying to compress Mr. Eari's decision into a few lines, especially as its ingenuity makes the

document worthy of most careful perusal.

Nevertheless, I hope that the short statement I will make will do Mr. Earl no injustice. As the statute is penal, he holds that none are guilty under it unless the letter and spirit are transgressed; that a State is not a "person" within the meaning of the contract-labor law, because evidence can be brought forward tending to show that Congress intended to control State action in securing immigration; that section 6 of the act of March 3, 1903, permits States to advertise in foreign countries the inducements they offer for immigration; that this is the equivalent to granting them permission to "offer inducements or make promises to foreign laborers by advertisements; that Congress has thus distinctly authorized States "to encourage the immigration of foreign laborers (sic);" that therefore the proviso in section 6 should be held to have applied also to section 4, which forbids the prepayment of the fare of contract laborers; and therefore that the activities of the agent of the State of South Carolina were lawful.

Mr. Speaker, I reserve the balance of my time. How much

more time have I left?

The SPEAKER. The gentleman from Massachusetts has

seven minutes remaining.

Mr. ELLERBE. Mr. Speaker, I want to know if the gen-

Mr. ELLERBE. Mr. speaker, I want to know it the gentleman will answer one more question?

Mr. GARDNER of Massachusetts. I will answer the question of the gentleman from South Carolina.

Mr. ELLERBE. I want to ask the gentleman from Massachusetts if he believes the contract-labor law has been violated by the commissioner of agriculture of South Carolina, Mr.

Mr. GARDNER of Massachusetts. The decision of the Secretary is that Commissioner Watson did not violate it. I believe the law has been violated in the admission of these immigrants, which is a very different proposition. There are three propositions. First, was Commissioner Watson liable? Second, were the steamships liable? Both of those are penal questions. tions. Third, were the immigrants lawfully admitted? Now, to decide the last question the statute need not be construed in the same spirit that would be requisite in deciding the other

Mr. ELLERBE. Let me ask the gentleman this: Does he mean to state that the contract-labor law was violated by Com-

missioner Watson?

Mr. GARDNER of Massachusetts. I have already answered the gentleman's question. The Secretary of Commerce and Labor said it was not. I have no opinion to offer about it further than that which I have already indicated.

Mr. ELLERBE. I will ask the gentleman if he means to

state there is any evidence that any contract was made before they landed at Charleston?

Mr. GARDNER of Massachusetts. Oh, unquestionably there was a contract in the meaning of the law, namely, an agreement, parol or special, expressed or implied. If I pay the passage of 500 laborers to the United States; if I have a contract with the Belgian Government to return them to their homes on demand; if I take money from manufacturers and various other people to supply them with laborers, I believe any court on earth would hold that those acts constituted an agreement, parol or special, expressed or implied.

Mr. BENNET of New York. Will my colleague allow me

about a minute and a half?

Mr. GARDNER of Massachusetts. With pleasure; as much time as the gentleman wishes. How much shall I yield? I yield the balance of my time to the gentleman from New York.

Mr. BENNET of New York. I will yield back what I do not use. Mr. Speaker, I think this resolution ought to pass. Certainly I disagree with my colleague on the committee as to what the report will be. I prefer to follow the opinion of the distinguished Massachusetts lawyer who wrote this opinion, decision No. 111, Mr. Earl, but I have no hesitancy in agree-ing with my colleague that to decide these mooted questions there ought to be the opinion of the Secretary of Commerce and Labor, and then, with the information before us, if there is any question as to the right of a State of this Union to bring in desirable immigrants to its own borders at its own expense, I think this House will resolve that doubt.

Mr. DRISCOLL. I would like to know whether they have any facts or information of any sort which lead them to believe that something is wrong, or whether this is a fishing

excursion?

Mr. BENNET of New York. Mr. Speaker, answering both questions, I agree with my colleague [Mr. Gardner] that Commissioner Watson, of South Carolina, acted in the most honorable and straightforward manner. There is nothing concealed. We are simply getting the opinion of the Secretary of Commerce and Labor as to the grounds on which he acted, and the further information as to whether these 414-odd people are lawfully in the United States, and if they are not, and future actions of that kind can not be taken, I think the House ought to know it. There is nothing concealed and nothing wrong. I yield back the balance of my time to the gentleman from Massachusetts.

The SPEAKER. The gentleman has three minutes remaining, which he reserves.

Mr. FINLEY. Mr. Speaker, speaking for myself I wish to say I have no objection to the passage of this resolution. think if there has been any violation of law that Congress and the people of this country are entitled to know. I want to say further that there can be no question that the State of South Carolina has acted in her sovereign capacity, and her commissioner of agriculture and immigration, E. J. Watson, has acted openly and aboveboard. This matter has been gone about in a direct way, and the immigration law of South Carolina, defining the class of immigrants, is in my judgment one of the very best laws that can be passed. When people come to this country, I am one of those who believe that they should be of a class and character qualified and fitted and equipped to become first-class American citizens.

Mr. GARDNER of Massachusetts. Does the gentleman refer to this clause which says that the immigrants shall be confined to white citizens of the United States and citizens of Ireland,

Mr. FINLEY. I want to say to the gentleman that the part of the law that limits the Commissioner to white immigrants is the very best part of it, and is one that should be in all immigration laws in this country.

Mr. GARDNER of Massachusetts. And confines it to other foreigners of Saxon origin?

Mr. FINLEY. Yes; we are of Saxon origin. Mr. DRISCOLL. I would like to ask the gentleman one question.

Mr. FINLEY. Certainly.

Mr. DRISCOLL. I would like to ask the gentleman what he means by "Saxon origin?"

Mr. FINLEY. I think it includes the people of northern Eu-

rope to a very general extent.

But, Mr. Speaker, it is said that twenty-three of these people were sent back. I am sure the gentleman from Massachusetts did not mean to intimate that they were sent back by any officer of the law or anything of that sort.

Mr. GARDNER of Massachusetts. It was because they were

dissatisfied with conditions in South Carolina.

Mr. FINLEY. They were very foolish people, very foolish to

be dissatisfied. But they came here at the solicitation of Commissioner Watson who simply informed them that there was labor and work in South Carolina for each and every one of them who would come; and as to what money he received from private sources, I am not informed and I do not know, but I do say that if the cotton-mill corporations in South Carolina, about which the gentleman from Massachusetts [Mr. Gardner] speaks with a good deal of feeling, if they did contribute, they have done no more than the great transcontinental railroads of this country have been doing for the past forty years directly or indirectly. Has there been any complaint about this by the gentleman from Massachusetts or anybody else? Has there been offered any resolution concerning them?

Mr. GARDNER of Massachusetts. Is the gentleman asking

me a question?

Mr. FINLEY. No; I do not think the gentleman would answer it if I did about that matter.

Mr. GARDNER of Massachusetts. I did not understand the

Mr. FINLEY. So, Mr. Speaker, I have no doubt that Commissioner Watson was able to do financially and did all he promised to do. At any rate, this same practice has been followed time and again by the transcontinental railroads and owners of vast tracts of land in the great Northwest. Mr. GARDNER of Massachusetts. Will the gentleman per-

mit an interruption?

Mr. FINLEY. Oh, certainly.
Mr. GARDNER of Massachusetts. Does the gentleman state
that the transcontinental railroads have been importing immi-

Mr. FINLEY. No more than the cotton-mill corporations of

South Carolina have, but equally as much.

Mr. GARDNER of Massachusetts. Can the gentleman state a

single instance?

Mr. FINLEY. I will say to the gentleman that he knows as well as I do that they advertise all over Europe for immigrants, and when they come here they are taken care of.

Mr. GARDNER of Massachusetts. It is a penal offense to ad-

vertise for immigrants in Europe.

Mr. FINLEY. Well, it is done indirectly. The cotton-mill corporations in South Carolina did not do it directly. In the cases mentioned they advertise their lands and the desirability of a place for immigrants to come to. Now, I want to say this further, that if the gentleman from Massachusetts [Mr. Gard-NERl will exert himself with equal interest and ability and bring into this House and pass through the House an immigration bill with an educational clause in it, I think we will agree with him

Mr. FITZGERALD. We dissent from that, if the gentleman

please, so that there may be no mistake about it.

Mr. FINLEY. When I say "we" I mean myself, of course. I would not be egotistical enough to include the gentleman from New York [Mr. FITZGERALD].

When the gentleman says "over here" Mr. FITZGERALD. he is attempting to indicate this side of the House. Therefore I beg to differ with him.

Mr. FINLEY. I believe a majority of the Democrats over

here are in favor of that proposition.

Mr. FITZGERALD. I disagree with the gentleman on that. FINLEY. That is a matter about which we can disagree. So, Mr. Speaker, I will join the gentleman from Massachusetts and do what I can to help along the passage of that law; and why such a law has not been passed here, doubtless he knows better than I do.

Mr. WEBB. Can I ask the gentleman a question?
Mr. FINLEY. Certainly.
Mr. WEBB. Coming back to the passengers who came over on the vessel Whittekind, was the gentleman advised as to the character or fitness of those immigrants?

Mr. FINLEY. I do not know, but I am informed that they

are of the highest class of immigrants.

Mr. WEBB. One more question. Is it not your understanding and information that your Commissioner Watson kept in constant touch and communication with the immigration de-

partment here in Washington?

Mr. FINLEY. There is no doubt about that. that was done in the matter was after full consultation with the Department of Commerce and Labor; and he was acting openly, as I stated before. I want to say as to unrestricted and unlimited immigration, I am opposed to it as much as anybody. The gentleman from Massachusetts has found something that will, perhaps, distract the attention of the country from the fact that the immigration bill, about which he was so anxious last session, is as yet not enacted into law. I yield five minutes to the gentleman from Alabama [Mr. Underwood].

Mr. GROSVENOR. Before the gentleman takes his seat I want to ask him a question. Independent of the merits of this discussion, are you opposed to the facts called for being brought

Mr. FINLEY. I stated that I wanted the facts. I think the resolution is largely a matter of buncombe, however:

Mr. GROSVENOR. Would not the debate better be held off until the facts come?

Mr. FINLEY. We might just as well have it now. I yield

five minutes to the gentleman from Alabama. Mr. UNDERWOOD. Mr. Speaker, I am heartily in favor of the resolution of my friend from Massachusetts. I want light thrown on this situation. I am glad to see the gentleman from Massachusetts indict the present Administration on the question of the restriction of immigration. I have been in favor of restricting immigration for many years, for protecting the American standard, for protecting the American workman; and it is only a few years ago that the President of the United States sent in a message here in favor of restricting immigration. Those who are informed well know that, although openly the President of the United States favored the restriction of immigration, when the crucial time came in the contest, when the President's hand was needed to aid in passing a bill through this House, adopting an educational test and fairly restricting immigration coming into this country, and to protect the American workmen from the slum labor of Europe, the President's hands did not come to the relief of those who wanted that kind of a bill. And to-day we are about to go to the country with a bill, an Administration bill, not a restriction bill, with the aid and assistance of the President of the United States. [Applause.1

Mr. BENNET of New York. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. Certainly.

Mr. BENNET of New York. Can the gentleman inform the House could the President of the United States under his constitutional limitations have gone further than he did favoring the bill which was advocated last session by himself and the gentleman from Massachusetts?

Mr. UNDERWOOD. Yes; I will inform the gentleman. I do not believe the President of the United States is in the habit of keeping within his constitutional limitations. [Laughter and applause on the Democratic side.] He knows, I will say, that when the crucial test came last spring there was not a man in this House who did not know that the attitude of the President would make or defeat that measure, and those who desired a restrictive measure were looking to him for a message to this House in favor of such a measure, and they failed to get it. It is well known, too, throughout the country generally that the hand of the President was removed, and that the restrictive features of that bill were not put in it.

Mr. BENNET of New York. Will the gentleman yield for

inst one second?

Mr. UNDERWOOD. Let me finish; I have only five minutes. Mr. BENNET of New York. I simply say, as one who was opposed to restriction and who signed a minority report, that I never felt the time when the President's hand was removed either in this House or at the White House, but that the President of the United States was absolutely for it.

Mr. UNDERWOOD. That was the impression I had, and that was the impression the country had. Now, so far as these people who are coming into South Carolina are concerned, they are from northern Europe. They are the kind of people we want, and the people that come into the northern ports generally are from the slums of southern Europe, and no protection is made against them. But I think it is wise to pass this resolution. I do not know whether the Administration has violated the law—the law as it stands on the statute book for the protection of American labor from the slum labor of Europe—and I am in favor of putting that question up to the Administration. If the Administration has violated the law for South Carolina, it has probably violated the law for Boston and New York and other ports. I say to the gentleman that I am here in favor of putting the question right back to this Administration and let them answer whether they have been violating the restrictive immigration laws of the United States. [Applause.]

Mr. FINLEY. Mr. Speaker, how much time have we re-

The SPEAKER. The gentleman has seven minutes remain-

Mr. FINLEY. I yield five minutes of that time to my colleague [Mr. Lever].

Mr. Lever]. Mr. Speaker, as I see it, there is only one ques-

tion involved in this resolution of the gentleman from Massa-

chusetts, and that is a question of getting information before this House.

As far as I am concerned, and I think as far as the delega-tion from South Carolina is concerned, there is absolutely no I was glad to hear the gentleman from Massachusetts [Mr. Gardner] say that the commissioner of agriculture, immigration, and commerce of South Carolina, Mr. Watson, had made his arrangements to bring these immigrants to South Carolina in an open-handed and aboveboard way. That is the way we do things in South Carolina. It seems to me that if there has been a breach of the law in this case that breach must rest upon the present Administration, which is charged with the enforcement of the law. If there has been a violation of the law, such violation comes as the result of the action of the Secretary of the Department of Commerce and Labor, in Washington, and not from anything done by the secretary of agriculture, immigration, and commerce of South Carolina.

But in my opinion, Mr. Speaker, there has been no violation the law. This resolution seeks to settle that question. We of the law. are quite willing to have it settled. It means a great deal to the people of the South to have it settled, and as far as we are concerned we are not opposing it, nor shall we oppose it. I hope, therefore, the resolution will pass. I know Mr. Watson personally. He happens to be a constituent of mine, and I know him to be a cautious, level-headed, sensible man, who I know is too high-minded and patriotic to go out of his way to violate the I repeat, if there has been a violation of the law that violation rests upon the present Administration. I have no ob-

jection to the passage of the resolution.

Mr. THOMAS of North Carolina. Will the gentleman allow me to add, as a part of his remarks, that the people of the South, as I understand our position, want immigration, but they want it from the desirable classes, from northern Europe mainly.

Mr. LEVER. Of course, and the law of South Carolina fully

Mr. THOMAS of North Carolina. We do not want another race problem on our hands.

Mr. LEVER. Certainly not. One is sufficient. Mr. THOMAS of North Carolina. I interject that remark simply for the purpose of emphasizing and making clear our position in the matter of immigration as I understand it.

Mr. LEVER. I thank the gentleman from North Carolina for his suggestion. I thoroughly agree with him. The people of South Carolina have provided in their law that the slums of Europe shall not be dumped upon them, and I feel sure that the people of South Carolina are greatly in favor of the educational test in the immigration bill, which I believe the gentleman from Massachusetts [Mr. Gardner] reported last year, and which seeks to stem the overwhelming tide of undesirable foreign immigration.

Mr. GARDNER of Massachusetts. Will the gentleman yield? Mr. LEVER. Yes.

Mr. GARDNER of Massachusetts. What does the gentleman

refer to when he speaks of the slums of Europe?

Mr. LEVER. I will say to the gentleman from Massachusetts that the law of South Carolina is plain upon that proposition. and that it confines its immigration operations to the countries of northern Europe.

Mr. GARDNER of Massachusetts. Italy and Russia are ad-

mitted under your law.

Mr. LEVER. The law of South Carolina confines immigra-tion to people of Anglo-Saxon origin from the northern part of Europe. Certainly that has been the practical operation of the law

Mr. GARDNER of Massachusetts. That is what I wanted to arrive at. Your State does not approve of any other kind?
Mr. LEVER. The law speaks for itself.

The SPEAKER. The question is on agreeing to the amend-

The amendment was agreed to.

The resolution as amended was agreed to.

# DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent that the District of Columbia appropriation bill that has passed the Senate with Senate amendments be taken from the Speaker's table; that the House disagree to all of the amendments and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. GILLETT, Mr. GARDNER of Michigan, and Mr. BurlePOST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET of Indiana. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 25483, the post-office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. Currier in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consid-

eration of the post-office appropriation bill.

Mr. OVERSTREET of Indiana. Mr. Chairman, the bill which the Committee on Post-Offices and Post-Roads presents for the consideration of the House is, I believe, the largest in aggregate in money appropriated ever before recommended by a single bill. The total footings of the bill carry \$209,416,802, which is \$17,720,803 in excess of the appropriation for the current year. Members are familiar with the growth of the postal service, which has in late years, by reason of the establishment of rural delivery, advanced more rapidly than formerly, and yet, while each year shows a gradual increase in expenditure, strangely enough the expenditure for the service for each of the last several years has been equaled, if not surpassed, by the receipts of the preceding year, so that we are virtually about one year behind as between actual expenditures and receipts.

The so-called "deficiency," or the difference between the re-ceipts and expenditures, has demonstrated that notwithstanding the advance made in the expenditure for rural delivery service this item of deficiency, or the difference between receipts and expenditures as relates to the total appropriations, has been decreasing. The so-called "deficiency" for the fiscal year 1905 was a little over fourteen and one-half million dollars, and for the fiscal year ending June 30 last a little over ten and one-half mil-

lion dollars

The growth of the receipts of the service this last year showed a greater per cent of increase than the average per cent of receipts which prevailed for the preceding ten years. Last year the per cent of increase in receipts was 9.9 per cent, approximately 10 per cent increase. Assuming, therefore, that the same per cent of increase will probably prevail during the current fiscal year, the total increase as compared with the appropria-tion for the current year would show a less deficiency than prevalled during the preceding fiscal year of 1906; and if we add, for the purpose of estimate solely, an additional 10 per cent for the receipts for the fiscal year 1908, assuming that the total expenditure for 1908 would equal the total appropriations carried by this measure, the so-called "deficiency" for the fiscal year 1908 would be \$6,218,135.

I mention these facts simply to call the attention of the House to the growth of receipts of the service as compared with the growth of expenditures for the service, and, as matter of fact, there is a decreasing per cent of the so-called "deficiency."

Let me say in passing just a word with reference to the socalled "deficiency." I am of the opinion that in numbers of cases in the past ten or fifteen years many needed facilities, many worthy expenditures, have been withheld because of the so-called "economy" which ought to have prevailed with Congress, occasioned by the presumed deficiency in the revenue. last year, following the recommendations of the Committee on Post-Offices and Post-Roads, the Congress adopted a provision directing each of the various Departments and governmental establishments having headquarters in Washington to maintain for a period of six months, ending with December 31, 1906, a record which would show the amount in dollars and cents of what the appropriation would be if appropriation were made to cover postage for penalty mail. The reports of various establishments have been filed with the House aggregating a total for the six months' period of \$2,285,427.

The several reports, tabulated for convenience of reference, are as follows:

Mail matter entered at Washington post-office under the penalty privi-lege during the six months ending December 31, 1996.

	First class.	Second class.	Third class.	Fourth class.	Total all classes.
State Department Treasury Department	\$900.16 311,950,05		\$6, 101. 93 20, 475, 59		\$7,002.09 332.718.77
War Department	14, 778, 60		19,053.35	3, 954. 08	37, 785, 98
Post-Office Department Interior Department			117, 124. 67 71, 696, 45	1, 068, 580, 94 8, 453, 99	
Agricultural Department Department of Commerce	23, 066. 76				
and LaborInterstate Commerce Com-	8, 628. 10	1, 236. 05	47,002.46	442.10	£7, 308. 71
mission	2, 562.34		2, 216. 44	1.04	4,779.82

a Transient second-class rate 1 cent for each 4 ounces or fraction.

Mail matter entered at Washington post-office under the penalty privi-lege during the six months ending December 31, 1905—Continued.

	First class.	Second class.	Third class.	Fourth class.	Total all classes.
Government Printing Office. Navy Department			\$44,667.86 10,990.14	\$2,691.38 238.10	
Attorney-General	1, 355. 86		3, 203. 01	3, 648. 19	
mission	172, 22 436, 20		48.12 6,370.32	151.48 6.14	371.82 6,812.66
Library of Congress Howard University	4,761.82		2,038.90		6, 800. 72 4. 62
Bureau of American Repub- lics	42.56 7,534.95	\$172.12	175.68 2,815,84	1, 60	690, 31 10, 352, 39
	_M. H.S. 192	2000	11.00000000	2000	2, 285, 427. 71

That was only for a period of six months. Assuming therefore that the same amount of penalty mail would have entered the Washington post-office for the entire year, it would have amounted to a little under \$5,000,000 postage which would have been required to cover the charge for penalty mail which the Post-Office Department rendered the Government for which it now receives no credit. When you take into account the fact that the thousands of post-offices throughout the country and the thousands of internal-revenue agents and customs officers the various Federal employees entitled to the privilege of official penalty mail, have not been taken into account in connection with this data, it is quite reasonable to assume that if the postal service secured even a book credit for the service which it renders the Government in the carriage of penalty mail, then the amount of postage which would be necessary to cover that amount would be vastly more than the \$5,000,000 which we have demonstrated would emanate from Washington City

Even then we have not completed the elements of this charge. No account has yet been made of the franking privilege of the officials of the Government, and if it were possible to aggregate the entire charge which falls upon the postal service incident to the service which it renders for franking and penalty privileges, the amount which that credit would make would, in my judgment, reach much more than twice, possibly more than three times, the amount which has been evidenced by the record from Washington. I make no criticism, Mr. Chairman, of either the penalty privilege or the franking privilege. They are very proper privileges, and essential, in my judgment, to the proper administration of the service of the Government; but I believe that the Post-Office Department should in some way enjoy a credit of record to indicate the amount of labor which it renders these various officials of the Government for which it receives no credit.

Notwithstanding we have no record which is definite and accurate, I think we have demonstrated sufficiently, Mr. Chairman, that the so-called "deficit" is purely artificial and ought no longer to operate to establish a theory that we are extravagant, or that we should curtail the necessary facilities of the service and not make appropriations which we believe are essential to a complete and efficient administration of the service. So your committee has in the preparation of this bill been guided by what is believed to be the necessities of the service in order to render to the mail-using public every facility, under proper economic pay and use, that will be essential to a complete, speedy, and proper collection and distribution of the mail. Without going into the details, permit me to say that the amounts recommended in this bill for increased number of employees in the various branches of the service, the increased sum of money necessary for the payment of the various characters of work which falls upon the service, have been made liberally and fully with a view that there shall be no impairment whatever of the service in the fiscal year 1908.

In addition to our recommendation for the regular service of the postal system, your committee has made some recommendations for increases of salaries of the various employees of the There are four characters of employees of the service, which may, for easy recollection, be designated as clerks in the post-offices, city carriers, railway mail clerks, and rural delivery If the number of employees for the new service recommended by this bill should be approved by Congress, then there will be authority of law, with ample provision of money, to permit of the employment during the fiscal year 1908 of 28,728 clerks, 25,530 city letter carriers, 15,222 railway mail clerks, and 42,646 rural carriers.

We have, in connection with the recommendation for these various employees, submitted a scheme of promotion for all of these employees, and that scheme of promotion, resulting in increases of salaries of all of those employees, is conditioned upon two elements, one an efficiency record, or a merit record,

and the other upon at least one year's continuous service in one So far as the clerks and carriers are concerned, the committee believes that opportunity ought to be given both clerks and carriers to maintain an equal standard of efficiency in the service. Generally throughout European countries the carrier service is looked upon entirely as a messenger servicesomething a little above an ordinary laborer—who is required to know but little more than the names of the patrons of his route and to have little more intelligence than sufficient to decipher the addresses. We are of the opinion that under American institutions, particularly in the governmental service, we ought to encourage a higher standard of efficiency, and our letter carriers are of a higher standard to-day than the ordinary laborer and maintain in their individual capacity a higher degree of intelligence than in the ordinary messenger service. We have, therefore, in our suggestions for promotions recommended a classification of both carriers and clerks which is uniform so far as they are concerned, so that they have uniform grades running from \$600 a year to \$1,100 a year, and with uniform privileges of advancement, with equal eligibility for promotion into higher grades of the service, with equal privileges for transfer from one employment to the other; so that if a clerk by reason of confinement in the office needs outdoor experience, or a carrier by reason of exposure in the outdoor service needs indoor employment, they will be permitted to transfer from one grade to the corresponding grade of the other service without loss of any of their privileges. And then, under the scheme, after entrance at the lowest, or \$600, grade, they advance automatically after one year's service in each grade, conditioned upon an efficiency record of proper standard, to the next higher grade until they have reached the highest grade authorized by law.

And the committee suggests by its recommendation that the general character of the work in offices of larger or smaller gross receipts ought to have some consideration, and therefore suggests that \$900 be the highest compensation to which the automatic advancement of clerks and carriers will take them in all offices where the gross receipts are less than \$50,000, and where the gross receipts are in excess of \$50,000 and less than \$200,000 then to the grade of \$1,000, and in all offices where the gross receipts are in excess of \$200,000 the arbitrary advancement is to \$1,100. So far as clerks are concerned, the \$1,200 grade is still retained by the law. Members will recall that in the grade of \$1,200 compensation the clerks are engaged upon the more important duties of the office.

Mr. HUGHES. Will the gentleman yield?
Mr. OVERSTREET of Indiana. In just a moment, when I have concluded this. The distributing clerk is a clerk of \$1,200 grade, requiring the very highest order of intelligence, and the service in the grade of \$1,200, so far as the clerks are concerned, is retained and a provision of money is made for the increase of 50 per cent of the \$1,100 men to the \$1,200 grade.

Mr. HUGHES. I want to ask the gentleman this question: Why they put that amount \$50,000? In a post-office where the receipts amount to \$40,000 they make that a first-class postoffice, and does not the gentleman think that that amount should be \$40,000 in which they shall receive the increased amount of salary-both the clerk and the carrier, too?

Mr. OVERSTREET of Indiana. Answering the second question of the gentleman first, I will say that I do not think it ought to be made \$40,000 as the dividing ine. To answer his first question last, I will explain why we made it \$50,000 instead of \$40,000. Forty thousand dollars gross receipts is now the di-There are, viding line between a first and second class office. however, many offices throughout the country located in very small communities where by reason of some one or possibly two local industries which purchase large quantities of stamps advance the office from the second to the first class.

The committee believe that in those small communities where the gross receipts were in excess of \$40,000 and under \$50,000 the general standard of compensation in civil life outside of the Federal service would be lower than the standard which would be recommended if we made \$40,000 the dividing line, and that the size of the town in connection with the gross receipts of the office ought to a certain degree at least be considered in making up that standard of compensation. For example, there are a few offices in communities of scarcely more than 1,500 population where, by reason of the location in such communities of some concern which does a very large mail-order business and purchases a large amount of stamps, the receipts of the office, governed by the sale of stamps, makes the office a first-class office above \$40,000 gross receipts, and to fix a standard of pay for clerks in that office on a basis of a first-class office above \$50,000 would be unfair because it would give them a higher standard of compensation than maintained in the other lines of industry of that small community. So far as the carriers are concerned, their employment is not determined by the gross receipts, but by the population, by reason of its distribution and whether it is congested or scattered, and therefore often where there are large gross receipts in a small community, as I have explained, a limited number of carriers would be needed because of the limited population, and the committee therefore believes that substantial justice would be done by determining the highest grade of salaries for clerks and carriers under the automatic scale of promotion by fixing \$50,000 gross receipts as the line of demarcation rather than \$40,000.

Will the gentleman yield? Mr. HUGHES. Mr. OVERSTREET of Indiana. I do.

According to your own statement, then, you Mr. HUGHES. have admitted that in a few cases this would work a hard-

Mr. OVERSTREET of Indiana. No, sir; I have made no such admission

Mr. HUGHES. And in the general case it will work hardship by not putting this amount at \$40,000 instead of \$50,000?

Mr. OVERSTREET of Indiana. I specifically disclaim that

it works any hardship anywhere.

Mr. HUGHES. Well, I can inform the gentleman and will show at the proper time that it does work a hardship, and I have a case in mind where the town has 20,000 inhabitants and the receipts of the office are about \$48,000. According to this paragraph in the bill those clerks will be cut out of being advanced to the one grade, which I do not think should be done, and I think that amount should be changed from \$50,000 to \$40,000 in accordance with the rule of the Post-Office Department changing a second-class office to a first-class office.

Mr. OVERSTREET of Indiana. The weak spot in the gen-

Mr. OVERSTREET of Indiana. The weak spot in the gentleman's argument is that he is thinking of the highest grade in the office, while I am speaking of the grade to which the auto-

matic promotion will carry the employee.

Mr. STERLING. May I ask the gentleman a question?
Mr. OVERSTREET of Indiana. Certainly.
Mr. STERLING. I understood the gentleman to say that the twelve-hundred-dollar salary for clerks was retained, or that the grade of twelve hundred dollars was retained. Is that limited by the same rule that you limit the salary of the carriers in regard to the receipts of the office, making \$50,000 gross receipts the dividing line?

Mr. OVERSTREET of Indiana. It is not. The grades for clerks run from \$600 to \$1,200 in offices of the first and second class. So that it is possible to pay a clerk in an office of the second class \$1,200. However, the committee so fixes the scale of arbitrary promotion that no clerk or carrier can advance by the arbitrary promotion beyond \$900 in offices where the gross receipts are less than \$50,000, nor beyond a thousand dollars where the gross receipts are in excess of \$50,000 and less than \$200,000, nor beyond \$1,100 in offices where the gross receipts are in excess of \$200,000. It says, however, that the salaries in those respective offices, divided by the fifty thousand and two hundred thousand dollars gross receipts, shall not exceed those amounts, except where unusual conditions prevail. the provision exactly, it says:

That the salary of clerks in second-class offices, except in localities where unusual conditions exist, shall not exceed \$1,000.

The reason for that is this:

The rule now is that a thousand dollars is the limit which a clerk in the second class can be paid. There is not to-day a single clerk employed in any second-class office in the United States at a higher grade than a thousand dollars. But we think there may be instances, and particularly in newly developed communities, like the creation of a large community by the discovery of minerals, where the office advances pretty rapidly, and the conditions may exist where they can not get proper employment at that amount, and that exception is made to meet those conditions. But the duty of the Department will be to ascertain and determine the specific fact that unusual conditions do exist. So this recommendation does not demote anybody. It does not provide any lower compensation than now prevails in any office. It does provide for automatic, direct annual promotion each year of \$100, conditioned only upon two one a year's service and the other a proper standard

Mr. STERLING. Then there might be cases where it would

Mr. OVERSTREET of Indiana. But we have provided, Mr. Chairman, that both as to clerks and carriers they should be eligible for promotion from the highest grade in their respective offices to the designated places in the service. To illustrate: You take an office of \$50,000 gross receipts and less, or a second-

class office where the gross receipts are less than \$40,000 annually, and there is not to-day, and there never has been, a clerk employed in one of those offices at a higher compensation The very nature of the business, the character of the receipts, the size of the community, the freedom of the employment of efficient employees, has by natural laws fixed a reasonable standard of compensation in those particular communities, and those offices are now receiving those same grades of pay. But in order to give eligibility to both clerks and carriers for advancement into the higher grades of those offices, assistant superintendents or superintendents or any of the designated positions, we make specific provision that they shall be eligible to the higher grades in their respective offices.

Mr. STERLING. There are cases now, are there not, where they are getting more than a thousand dollars, and where the gross receipts of the office are between \$40,000 and \$50,000?

Mr. OVERSTREET of Indiana. Getting more than a thou-

sand dollars

Mr. STERLING.

Mr. STERLING. Yes, sir.
Mr. OVERSTREET of Indiana. Can the gentleman name one?

Mr. STERLING. I do not know. Are there not some? Mr. HUGHES. I can answer the gentleman's question and

Mr. OVERSTREET of Indiana. I thought the gentleman said under \$40,000.

Mr. STERLING. Between \$40,000 and \$50,000.

Mr. OVERSTREET of Indiana. There are some instances of that kind.

Mr. STERLING. Under the provisions of this law the clerks in offices of between \$40,000 and \$50,000 in gross receipts can not be promoted beyond a thousand dollars.

Mr. OVERSTREET of Indiana. The grade is held specific,

and automatic promotion is not provided.

Mr. STERLING. They may be promoted to a salary as large as \$1,200?

Mr. OVERSTREET of Indiana. They can be promoted to the designated positions above \$1,200.

yield to the gentleman from Massachusetts.

Mr. AMES. I would like to ask the gentleman if it was not a rule of the Department that fixed the salaries of clerks and carriers, and I would like to ask him if he knows of any other instance in the service of the Government where the rate of compensation is fixed on receipts and not on the labor and faithful service?

Mr. OVERSTREET of Indiana. Postmasters' salaries are all based on receipts.

Mr. OVERSTREET of Indiana. I have answered your ques-

Mr. AMES. In that particular case. But does the gentleman think that in this case receipts should be the criterion for recompense rather than service?

Mr. OVERSTREET of Indiana. I do.
Mr. AMES. I would like to ask the gentleman one more question: Following up that reason, should not the rural freedelivery carriers have compensation only according to the re-

Mr. OVERSTREET of Indiana. No; because he is obliged to furnish the horse and wagon and maintain the equipment and be at the expense for repairs, the feed of the horse, and

many other things.

Mr. GRAHAM. I would like to ask the gentleman to give me and the committee some little information as to the charge made in the public prints that under a clause in the bill permitting clerks to be promoted there is a clause in regard to discipline that would enable politics to enter into the thing, that a man who was efficient and active in politics that the postmaster might recommend his promotion, or if he was not active in politics that the postmaster would refrain from approving the recommendation increasing his salary? Mr. OVERSTREET of Indiana. If the gentleman from Penn-

sylvania had been as careful in reading the bill as he has been

in reading the newspapers

Mr. GRAHAM. He had no opportunity to read the bill, as it was only presented this morning.

Mr. OVERSTREET of Indiana. Oh, it has been in print for very many days

Mr. GRAHAM. I have to read the newspapers, and I am not always able to read the bill.

Mr. HUGHES. I would like to ask the gentleman a question. Mr. OVERSTREET of Indiana. I am busy with Pennsylvania. I hope the gentleman will excuse me from undertaking to run down and explain all the hundreds and thousands of rumors based upon nothing, which the gentleman from Pennsylvania, as well as others, undoubtedly read in the newspapers. There is no basis of truth whatever for that general charge the gentleman refers to.

Mr. GRAHAM. I am satisfied, so far as the gentleman is concerned

Mr. OVERSTREET of Indiana. Not only is there no truth in it, but every provision recommended by the committee is against that very condition.

Mr. GRAHAM. I am very glad to have that explanation. Mr. OVERSTREET of Indiana. I want to say to my friend from Pennsylvania, along with other gentlemen who are much disturbed, as I have found by numerous inquiries made to me in person about the things in the newspapers, that neither the gentlemen nor the representatives of the papers have made any investigation of the matter.

Mr. HUGHES. I want to ask the chairman of the committee if he will agree to amend this bill and reduce these gross receipts of the office from \$50,000 to \$40,000, if there can be inserted in the bill that it should not apply to towns where the patrons of the office that cover, say, in population, 10,000 and over? That would seem to cover the most of them.

Mr. OVERSTREET of Indiana. I see the general scope of the gentleman's question, and in the interest of expedition I suggest that he let me answer—not to shut him off peremptorily. The difficulty in legislation for a service of this character, where every community of the country, big and little, is more or less affected, grows out of the disposition, and the inclination to groups our work by what cognize in our work by the country. gauge our work by what occurs in our particular district; and I have no doubt but what the gentleman from West Virginia is prompted in this suggestion by some condition which exists in some community or locality in his Congressional district. But, Mr. Chairman, when you come to legislate for the entire country, particularly when you want to fix some general statute which shall become permanent and operative along a general line on a fair basis, we find that it is utterly impossible to circumscribe ourselves by local conditions. I have no doubt we could frame a measure for mail privileges on the basis of each of the Congressional districts represented in this House, and when you have done this there would be found some particular community that lies in that district which some Member might claim was unjustly affected. Therefore, we can not, Mr. Chair-man, prepare a statute measured only by the local interests which are brought to our attention. And the committee has been impelled in the study of this subject and in the recommendations which it makes by the general situation throughout the

country, and not by one or two specific localities.

It therefore brings into this House for its action a general scheme of promotion of the more than 100,000 employees of the service, creating an expenditure from the National Treasury in the next year alone of almost \$9,000,000, practically 50 per cent increase of the postal service recommended for the next fiscal year, and if we are to be persuaded and controlled by every little incident that is called to our attention from our own communities the total amount would probably be multiplied

We have taken this great body of clerks out of the uncertainty under which they have rested their entire service, out of the chaotic condition that always prevails under the discretionary authority lodged in some official, and propose to give them a permanent constant statute classifying them in a body for their entire service. They will have full knowledge that they will advance step by step as long as they maintain a proper standard of efficiency. We give to each equal eligibility, equal opportunity, so that a man may start with a \$600 position and advance to the blacket state. vance to the highest salarled position in his office. When your committee has done that, when it has recognized the just classification, when it has endeavored to fix the compensation at a proper standard, I think this House is not going to overthrow that recommendation and saddle upon the Treasury more or less expenditure because there may be here and there some community where some employees prompt some Member of the House to urge higher salaries for their benefit.

Mr. HINSHAW. Will the gentleman permit me to ask him a

question?

Mr. OVERSTREET of Indiana. I will.

Mr. HINSHAW. Have you any information at hand showing approximately the number of such clerks in cities having receipts of from ten to fifty thousand dollars? It is not large,

Mr. OVERSTREET of Indiana. No; I do not think it is.
Mr. HINSHAW. The bill provides that carriers in cities
where the gross receipts shall be less than \$50,000 may be promoted until they receive \$900 a year, and in cities where the gross receipts are \$50,000 and not in excess of \$200,000 that

they may be promoted until they receive \$1,000. Now, the carriers in those two kinds of cities work equally hard, they have the same number of hours a day. Does the gentleman believe that that is just?

Mr. OVERSTREET of Indiana. I believe that is a just provision. I will ask the gentleman if that was called to his attention by some carrier in his district?

Mr. HINSHAW. No; by a postmaster. Mr. GREENE. In lines 13 and following that, on the sixth page, there is a provision that letter carriers employed in cities recognized by the Post-Office Department as now having a population in excess of 75,000, where the gross receipts are less than \$200,000, shall be entitled to all the privileges applicable to postoffices where the gross receipts are in excess of \$200,000. I have had several inquiries as to the condition of clerks in the same

Mr. OVERSTREET of Indiana. If the gentleman will permit me to interrupt him, I can anticipate his question and say that as far as I am concerned I shall have no objection and will not oppose the insertion at that point of the word "clerks."

Mr. GREENE. Very well.

Mr. OVERSTREET of Indiana. Will that satisfy the gentleman?

Mr. GREENE. Yes.

Mr. OVERSTREET of Indiana. I will say what I was about to say some little time ago, that the recommendation for the increase of salaries of clerks and carriers alone for the next

fiscal year will aggregate \$3,700,000.

Now, in order that the committee may show its entire fairness in its recommendations for these increases of clerks and carriers, a provision is made that seeks to cover any mistake on our part by reason of the change from the population basis to the basis of gross receipts as to carriers. Under existing law carriers are paid not to exceed \$850 a year when located in offices in communities whose population is not in excess of 75,000, and \$1,000 where the population is in excess of 75,000. Therefore the committee discovered in its analysis that when it fixed the grades between \$50,000 gross receipts and \$200,000 gross receipts it was quite possible that there might be some offices where the population being 75,000 and the gross receipts under \$200,000, those carriers would get no promotion. Hence, for the purpose of taking care of that situation, the following provision is inserted in the bill, which will result in a promotion of every letter carrier from the thousand dollar to the eleven-hundred-dollar grade when located in a community having 75,000 population, even though that office does not have as much as \$200,000 gross receipts. And I may say at this point the gentleman from Massachusetts [Mr. Greene] made an inquiry about clerks, and I stated that I would have no objection to the insertion of the word "clerks." I will read what is in the bill, and Members can insert the word "clerks." now read from page 6 of the bill, lines 14 to 21.

That letter carriers employed in cities recognized by the Post-Office Department as now having a population in excess of 75,000, where the gross receipts of said offices at the time of the passage of this act are less than \$200,000, shall be entitled to all the privileges and subject to all the requirements of this act applicable to post-offices whose gross receipts are in excess of \$200,000.

The provision for these promotions was intended for present employees, and therefore if we inadvertently made use of language which would operate against carriers living in a community of 75,000 people and upward, where the gross receipts were less than \$200,000, they would not enjoy that promotion, and so we have inserted this provision. That will affect 453 carriers. If clerks should be added, it would affect 251 clerks, making a total of 704 men only, entailing a charge of about \$7,000.

Mr. AMES. I should like to ask the gentleman what per cent of increase would this amount to for the clerks and carriers in the country?

Mr. OVERSTREET of Indiana. I have not the figures at

hand. Mr. AMES. Does it not amount in cities of 50,000 and under

to \$50 a year? Mr. OVERSTREET of Indiana. It amounts in cities under \$50,000 gross receipts to \$50.

Mr. AMES. I mean \$50,000 gross receipts.

Mr. OVERSTREET of Indiana. It is \$50 on a basis of \$850. The gentleman can figure up the percentage for himself.

Mr. WILSON. Did I understand the gentleman from Indiana to say that he was willing to have a provision put into this section, between lines 14 and 21, which would apply to the clerks also of the offices in this particular grade?

Mr. OVERSTREET of Indiana. I have stated that I shall

make no opposition to that. Now, Mr. Chairman

Mr. BRUMM. I would like to ask the gentleman a question. Mr. OVERSTREET of Indiana. I will yield to the gentle-

Mr. BRUMM. I want to ask if you have increased the salary of the employees in the bag and lock shop in the city of Washington?

Mr. OVERSTREET of Indiana. We have not.

Mr. BRUMM. Is it not true that they get much less than any other employees in the whole Department, and why not apply the rule to these men as you do to others, especially as in the city of Washington living is perhaps dearer than any other

place in the United States?

Mr. OVERSTREET of Indiana. I will say frankly, speaking personally, I have no sympathy with the movement to increase the salaries of all the Federal employees in the city of Washington. But that is not within the jurisdiction of the Post-Office Committee, although the particular instance to which the gentleman from Pennsylvania refers may be. We are recommending these increases with regard to the service throughout the country and without respect to the city of Washington.

Speaking briefly with reference to the increase of the salary of the railway mail clerks, we provide for \$100 increase by simply elevating the total number of grades in which they are at present employed, which would of course elevate each one of these employees by \$100.

Mr. HILL of Connecticut. Mr. Speaker, I would like to call the gentleman's attention to the proviso on page 6. necessity of the word "now" in there?

Mr. OVERSTREET of Indiana. I will say what I suggested a moment ago, that we are seeking to give an increase of salary to present employees, and if we did not insert this proviso—

Mr. HILL of Connecticut. I am only speaking of the word " now.

Mr. OVERSTREET of Indiana. I am coming to that. It is not an oversight, it is premeditated and has a reason. We would avoid the promotion in cities having a population of 75,000, less than \$200,000 gross receipts. We make this exception directly to those cities where the employment at the present date, when this bill is to be signed, applicable to those employees. We did not intend to make it in the future to other conditions similar in character.

The total amount of increase alone for the railway mail service for the next fiscal year is \$1,452,083. We make a recommendation so far as the rural carriers are concerned by changing the existing law, which fixes the maximum salary at \$720, so as to provide \$840 for the maximum, and the estimate of the Department is that the increase for the increase of rural carriers' compensation for the fiscal year will be \$3,722.310, making a grand total for the increase of salaries alone of these various classes of employees in the postal service about \$8,900,000.

Mr. CROMER. Did the committee consider the proposition of fixing a standard route in the rural free-delivery service?

Mr. OVERSTREET of Indiana. It did not give that subject an exhaustive consideration on account of the limited time of the session and the necessity of the passage of this measure at as early a day as possible. We were obliged to postpone some considerations. Therefore, as far as the rural service is concerned, we thought we could continue the present method of a maximum compensation, leaving the length of route to be determined under the regulations of the Department.

Mr. CROMER. I wanted to know what regulations the De-

partment has now.

Mr. OVERSTREET of Indiana. The regulation under which this service is administered fixes \$720 as the maximum salary. That will be changed if our recommendation is followed to \$840. I have the scale here. For 23 to 24 miles it is \$702; 22 to 23 miles, \$684; 21 to 22 miles, \$666; 20 to 21 miles, \$648; 18 to 20 miles, \$612; 16 to 18 miles, \$576; 14 to 16 miles, \$540; 12 to 14 miles, \$504; and 10 to 12 miles, \$468.

So that we have fixed the maximum salary at \$840, and the

same proportionate scale will be maintained by reason of the

difference in the length of routes.

Do not the number of houses also figure?

Mr. OVERSTREET of Indiana. Not in the scale of compen-The number of houses is an element and a very important element in the establishment of the service.

Mr. DRISCOLL. The gentleman said that the increase in the salaries proposed by the bill would make a difference of \$8,000,000 from the present compensation. Does that increase include the extra force?

Mr. OVERSTREET of Indiana. Oh, no; that is in addition the extra force. The \$8,900,000 is for increases of salaries to the extra force. only. I now yield to the gentleman from South Carolina [Mr.

Mr. LEVER. The gentleman said a moment ago that the

number of houses was a very important element in the establishment of the service. I would like to ask the gentleman if it is not a fact that the number of houses is a very important element in the continuation of the service afterwards?

Mr. OVERSTREET of Indiana. Undoubtedly, because the number of houses indicates the number of families.

Mr. HUGHES. Does not the gentleman, in his opinion, think the amount paid the carriers should be increased when they have increased population on a shorter route? For instance, if the route is only 16 miles long, and the carrier, on account of the dense population on the route, would take as much time as the carrier to go over a 24-mile route that is not so thickly populated, does the gentleman not think his compensation

populated, does the gentleman not think his compensation should be increased in accordance with the work he does?

Mr. OVERSTREET of Indiana. No; the gentleman fails to understand the administration of this service. The gentleman from South Carolina has a much more accurate understanding, because he is familiar with the facts or of the number of houses. The number of houses on a short route, a number of houses congested, would not take as long as if you had to travel a longer route, and therefore I do not think that is a proper basis. I want to state, Mr. Chairman, that the rural-delivery service, so far as its installation is concerned, has apparently been reduced to a substantially normal status. We made ample been reduced to a substantially normal status. We made ample provision, in the judgment of the committee, following the rec-ommendation of the Department, for the installation of practically all that will be demanded during the next fiscal year, and while four years ago, as I now recall, there was over 65 per cent increase in the appropriation for rural-delivery service, yet this year there is only a little over 16 per cent, as I recall, including the increase of salaries, and if there would be no increase of salary for the rural-delivery service the increase of this appropriation for the next fiscal year would be about 3.85 per cent. Showing very clearly, Mr. Chairman, that while this service grew with astounding rapidity for several years it has finally apparently reached a substantial normal basis.

Mr. LEVER. Mr. Chairman, will the gentleman yield for just one question?

Mr. OVERSTREET of Indiana. Yes.

Mr. LEVER. Is it a fact that the Post-Office Department has regulation which requires that a standard route shall handle

a certain number of pieces of mail per month—3,000?

Mr. OVERSTREET of Indiana. I am inclined to think that it has a regulation substantially like that—I do not recall the exact number of pieces—and I think it ought to have some sort of a regulation of that kind, because we ought not to pay some fellow who drives over a route where there is no business, and unless a given number of people along a certain established route secure and deposit a reasonable amount of mail it is pretty strong evidence they do not care for the service.

Mr. LEVER. Let me say to the gentleman from Indiana this, if he will permit me: In my own district I happened to have called to my attention in the last few days a situation like this: On a normal route of 24 miles 99 per cent of the patrons have their own boxes, and yet this route does not come up to the standard set by the Department. Now, would the gentleman think it fair to that route that it should be reduced in service to

three times a week or finally discontinued?

Mr. OVERSTREET of Indiana. Unless they have real mail service, something reasonable in the number of pieces received and dispatched, I think the gentleman will agree with me that it would be pretty strong evidence they did not care for the service. The mere nailing up of a box upon the gatepost does not establish a mail service, and if there is not a receiving or a depositing of mail, I see no reason for the continuation of the service. Now, Mr. Chairman, the time is rapidly passing, and I wish to make some brief suggestions relative to two other recommendations of the committee

Mr. JONES of Washington. Before the gentleman passes to that-

Mr. OVERSTREET of Indiana. I yield to the gentleman from Washington.

Mr. JONES of Washington. The gentleman may have referred to the point, but I have not heard it. Is there any provision in this bill in reference to the pay of substitute carriers?

Mr. OVERSTREET of Indiana. Yes; we put the pay of the

substitute on the basis of pay by the hour.

Mr. JONES of Washington. So if they work a day they get paid?

Mr. OVERSTREET of Indiana. Undoubtedly, as they should. Mr. CROMER. Does that apply to the rural substitutes also? Mr. OVERSTREET. No; the rural substitute is paid at the same rate as the principal.

Mr. Chairman, the committee has made recommendation for

a change of existing law relative to railway mail pay, and from the number of telegrams and letters which the Members of the House have received for the past week or ten days from railroad representatives I can imagine that the committee is pretty familiar with the opposition to this recommendation. It is a business question, Mr. Chairman-a question that ever since I was drafted to go upon this committee by the present Speaker of the House has always been before us. It is an important question. It is a complicated one. There are almost as many different opinions upon it as there are individuals who give it any consideration. The committee has made some recommendations, There is a division within the committee, I will say, for the first time since my connection with this service, and that division is with reference to this question only.

I believe something ought to be done to reduce the present rates of railway mail pay. I follow my judgment as other gentlemen follow theirs, and I believe the more you study, the more evidence you read, the more witnesses you examine, the more telegrams and the more letters you receive upon the subject, the more doubt you are apt to entertain as to what ought to be done. In the last analysis you must approach the subject, first, with a spirit of fairness, then with a spirit of some courage; otherwise you would be floated off your feet by the onslaught of the opposition from the transportation companies.

The present law, Mr. Chairman, was enacted on March 3, 1873, and if time permitted, which it does not, I would be glad to pay a tribute to the genius and intellectual strength of whoever it was that conceived the method of pay for the carrying of the mail. Briefly, that method is that the rate decreases as the weight increases—a principle that I think is eminently fair and just. Under that law the scheme of weight was read into the statute, and the corresponding rates to be paid was given alongside of it.

On the 12th day of July, 1876, the rate was reduced 5 per cent; on the 17th day of June, 1878, the rate was reduced 10 A 5 per cent reduction in 1876 followed by a 10 per per cent. cent reduction in 1878 resulted in a 141 per cent reduction from the original rate fixed by the law of March 3, 1873. Your committee recommends a further reduction of 5 per cent on routes carrying daily in excess of 5,000 pounds and not in excess of 48,000 pounds; 10 per cent on routes carrying a daily average in excess of 48,000 pounds and not in excess of 80,000 pounds.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I move that the gentleman's time be extended until he completes his remarks.

The CHAIRMAN. If the gentleman desires to take more time, he can do so, but it will come out of the time which he controls.

Mr. OVERSTREET of Indiana. And above 80,000 pounds daily average, a flat rate of \$19 per ton a year. Under existing law, after the reduction of 141 per cent, the flat rate on each ton of mail in excess of 5,000 pounds carried over each route a day per year was \$21.37; so that the reduction recommended by your committee to \$19 is a reduction on that character of weight from \$21.37. In addition to that—because I can speak of it in connection with the railway mail pay—we make a recommendation for a change of rate on post-office car pay. That law was passed at the same time with the other law.

Mr. PRINCE. Will the gentleman yield? Mr. OVERSTREET of Indiana. I yield to the gentleman from Illinois

I may not understand the statement of the gentleman clearly. Is it the gentleman's statement that the law was passed in 1873, the first modification in 1876, the second modification in 1878, and that there has been no modification since that time?

Mr. OVERSTREET of Indiana. I have not stated the latter, but that is true. I am coming to that. The rate of pay, which is an extra allowance for the service of railway post-office cars, was provided in the statute of 1873. Those rates are \$25 upon 40-foot cars, \$30 upon 45-foot cars, \$40 upon 50-foot cars, and \$50 upon 55-foot cars and upward. We recommend a change of rate so as to fix those rates at \$25 on 40-foot cars, the same as now, \$27.50 on 45-foot cars, \$32.50 instead of \$40 upon 50-foot cars, and \$40 instead of \$50 upon 55-foot cars and upward. There has been no change of law with reference to the railway post-office car pay since the original act was passed in 1873. There has been no change of law with respect to railway mail pay since the deduction in 1878.

Now, Mr. Chairman, it would be utterly impossible for me Mr. YOUNG. Will the gentleman permit a question right

Mr. OVERSTREET of Indiana. I will.

Mr. YOUNG. I should like to ask the chairman of the com-

mittee if it is not a fact that the rate decreases automatically, and that there has been no change in the law because of the increasing volume of business, which of itself automatically decreases the rate?

Mr. OVERSTREET of Indiana. Oh, yes; and so it did under the original law.

Mr. YOUNG. So that the rate now received by the railroads

is considerably lower than in 1878?

Mr. OVERSTREET of Indiana. Not the rate, because the

rates have never changed.

Mr. YOUNG. But in proportion, because of the greater increase in the proportionate amount carried?

Mr. OVERSTREET of Indiana. I started to say that it is utterly impossible for me to go into great detail in discussing this matter. I have already trespassed upon the patience of the House, and merely plead as my excuse the many interrup-tions. But let me say this, that within the last quarter of a century there has been great outlay by railroad companies and a revolution in the construction of freight cars. The added equipment, the air brakes, and so forth, have increased that expenditure. The double tracking of roads in order to make more rapid speed in the delivery of freight, the hundreds of thousands of sidings upon which to lodge that freight, and the added expenses of terminals not only for the benefit of transportation companies, but for the shippers as well, have greatly increased the expenditure. Yet with all that added outlay, covering a quarter of a century, freight rates have been materially

It may be said that competition has controlled it, but whatever has controlled it, the fact still remains that freight rates have materially reduced, notwithstanding the great outlay incident to the construction of cars, the double tracking of roads, and the increased facilities of sidings and terminals.

Within the same period of time there has been another revolution in the construction of passenger coaches. The present passenger coach, with its well-lighted and well-ventilated accom-The present modations, equipped with modern appliances, with air brakes and other things for the safety and convenience of travelers, is a palace as compared with the coach carried by the transportation companies a quarter of a century ago. Yet, with all the added increase of expenditure by the roads, incident to increased comforts and facilities, throughout the entire country to-day and for many years past there has been a steady reduction of passenger rates. And with all of this, notwith-standing the increased expenditures of the transportation companies to better their roads and to increase the compensation of their employees, the dividends of these companies have shown the most remarkable development in profits ever known in this or any other country in the history of railroad business

But, Mr. Chairman, while within this period of a quarter of a century we have witnessed the reduction of freight and passenger rates, notwithstanding the great increase of expenditures, never since July, 1878, has there been any reduction in railway mail pay. Yet it is claimed that the Government has added new burdens to the companies. What are they? Higher speed, more trains, better accommodations for mail and mail employees, but no better than for the same character of employees and service which have obtained with reference to passenger and freight traffic.

This law of increased weight, resulting in decreased rates, has grown since its inception in 1873 more rapidly than its conceivers dreamed. The highest development on any railway mail route in 1873 showed a total weight upon the most dense route in the country of an average of 16 tons per day. Last year the highest development of the traffic showed a route carrying 244 tons a day, or sixteen times the maximum volume at the time of the passage of this law.

The gentleman from Michigan [Mr. Young] seeks to have the attention of the House called to the fact that the decreased rate has been such a benefit to the country, by reason of the increased weight, that it would not justify any change of the law. But it was upon that basis that the law was originally drafted. Therefore the committee believes that by virtue of the great development in this service, whereby we now have 3,146 railway mail routes throughout the country, where over 90 per cent of the mail is carried upon routes carrying in excess of 5,000 tons a day, the railway companies carrying this mail have been able to put into operation economies which thoroughly justify some reduction, and, in the judgment of your committee, at least the reduction which I have here named.
Mr. SIBLEY. Mr. Chairman, I would like to ask the gentle-

man a question.

Mr. OVERSTREET of Indiana. I will yield to the gentleman.

Mr. SIBLEY. Is it not true that the automatic reduction

of compensation since the report of the Wolcott commission has amounted to 16 per cent through the augmentation of heav-

ier transportation of mail matter?

Mr. OVERSTREET of Indiana. I do not know, and I do not think it makes any difference. Let me say a word about the Wolcott commission. I have no doubt the attention of this committee will be called by the gentleman from Pennsylvania and others to the so-called "Wolcott commission." That was a commission appointed by Congress to inquire into the rates of railway mail pay. If there was a full representation of this body present at this time I would ask every man who had read the report to hold up his hand. I submit there has 2 per cent of the membership of this House that has read the evidence submitted to the commission. port was submitted practically seven years ago, and we have continually been told that because that commission did not recommend a reduction, that therefore no reduction ought now to be recommended.

I have said on this floor, and I presume my statements will be quoted in this debate against me (I have made statements before I read the commission's evidence), that I felt that in view of the fact that that commission had made no recommendation for reduction we might well rest upon that.

Mr. SIBLEY. Will the gentleman yield further?

Mr. OVERSTREET of Indiana. I will.

Mr. SIBLEY. I would like to ask the chairman, who I know has given a great deal of attention to this subject, if he does not know whether there has been an automatic reduction of 16 per cent, what reduction, in his judgment, has been worked through the automatic decrease in pay as the volume of matter increased?

Mr. OVERSTREET of Indiana. I make the same answer to my friend from Pennsylvania that I did a moment ago to the gentleman from Michigan, that the original law was based upon the theory of decreased rates as the weight increases, but if the gentleman's argument is that because the increased weight results in a decreased rate, why the reduction of 1878 and 1876?

Why would not that have been a bar to action in that day?

Mr. SIBLEY, I would like to ask the gentleman if the fig-

ures show that there was a decrease or an increase?

Mr. OVERSTREET of Indiana. When?

Mr. SIBLEY. Between the dates the gentleman just mentioned.

Mr. OVERSTREET of Indiana. There has been a decrease of the amount of money they received as compared with the less weight. But in our judgment the time has come when the rate which fixes the amount of money ought also to be further

I submit that we have been conservative in this recommendation, and a more exhaustive examination might result, and I am sure would result, in even recommending a larger percentage of reduction than this to which I have just addressed myself.

Mr. CROMER. What consideration did the committee give to this subject? I have received some information from the railroads that the committee gave no consideration to this subject of decrease of pay.

Mr. OVERSTREET of Indiana. I presume the gentleman has received a number of those telegrams which I think very appropriately fell upon this House on St. Valentine's Day, to the effect that 35 per cent reduction has been recommended.

Now, Mr. Chairman, I started to state that I have no doubt that not 2 per cent of the membership of this House has read the evidence before the Wolcott commission. I stated that I had made statements on the floor before I read the evidence, resting upon the security of that report. Now, I concede to every man just as much right to his judgment as I claim for myself, and I admit there is doubt about the report of the Wolcott commission being based on the evidence. But, so far as I am concerned, simply exercising the best opportunities I have for marshaling what little intellectual ability I have, I do not think the Wolcott commission made the proper recommendation, and I believe in the light of my study of that evidence, although I may be in error, that, had I been a member of that commission, I would have recommended a reduction of the pay. Therefore we have before Congress the Wolcott commission report and evidence.

Mr. SOUTHARD. Mr. Chairman, I would like to ask the gentleman a question.

Mr. OVERSTREET of Indiana. I yield to the gentleman from Ohio.

Mr. SOUTHARD. I have heard it stated that the carriers of the mail—the railroad companies, I suppose—were not given an opportunity, or sufficient opportunity, to present their side of the case. I suppose that is what the gentleman from Indiana referred to.

Mr. OVERSTREET of Indiana. Yes, sir; that is what his inquiry was. If the gentleman will bear with me, I will come Therefore the House has-Congress has-all the evidence submitted by the Wolcott commission seven years ago. In addition to that it has had before the committee, I think without exception, in each session of Congress when it has been my privilege to have been a member of that committee, railroad representatives who have been in to make inquiry about the chances for a reduction, at which times I have uniformly taken opportunity to interrogate them and secure as much evidence No; this session there were no representatives of the railroad companies heard by the committee, but I do not believe that, so far as these per cents of reduction here recommended are concerned, any such hearing was necessary, because sufficient information was already in the possession of the com-

But, sir, the Members of Congress have heard from the representatives of the railroads. They have heard little else in the last week, and just like the gentleman from Pennsylvania interrogated me with reference to newspaper reports on account of some other provision in this bill, so hundreds of messages and letters are sent here, filled with inaccuracies, trying to stampede this Congress in regard to this matter. Was any hearing given in 1878 or in 1876? Was there a scintilla of evidence before this House by report or otherwise as to whether any hearing was asked for at those dates? And if after thirty years, after a voluntary reduction of passenger and freight rates, we can not take this action without bending the knee to these representatives and dictators of legislation, I submit that we had just as well abandon any efforts whatever to recommend action to this House. [Applause.] Did we not hear last year that the rall-road companies would be utterly annihilated by the passage of the rate bill? Was it not heralded by every newspaper controlled by them that the efforts of Congress to control them under the interstate-commerce act would injure them, and that their property was being taken from them without due process There will never come a time when you can get any satisfaction from them by giving them the hearing which they desire, and, as I said to one of them, I believed it was perhaps a mercy we did not give them a hearing, because I thought that after thirty years we were justified in making a reasonable recommendation without having Congressional committees and commissions befuddled and confused by expert cross-examination and a tabulation of statistics which would overwhelm any individual who sought to analyze them.

Mr. BURLESON. I want to ask the gentleman this question, premising it with this short statement. I have received a number of telegrams, not alone from attorneys representing railroads, but from business men, protesting against this proposed action on the part of Congress, stating that it would result, they thought, in an impairment of the efficiency of the passenger and freight service. I would like to hear from the gentleman whether or not he thinks these fears are without grounds.

Mr. OVERSTREET of Indiana. I was coming to that. state, Mr. Chairman, that I am absolutely confident that the postal service will not be impaired in the slightest degree by adopting these reductions to which I have addressed myself thus There will not be a single train changed in a schedule, and the scarecrow of these telegrams and letters ought not to persuade Members against the exercise of proper control of their own votes on the theory that the people have been frightened lest the service be impaired. I will venture to say that there has not been a telegram received either by the gentleman from Texas or any other gentleman in this House from a business organization or a commercial organization in his district that has not been prompted by the request of some railroad organization. [Applause.] They are not volunteer telegrams sent because of the solicitude of these communities. I think there is no more fear of the impairing of an efficient high standard administration of this postal service by these reductions than resulted after the reduction of 1878.

Mr. SIMS. Will the gentleman permit a question?

Mr. OVERSTREET of Indiana. I yield to the gentleman. Mr. SIMS. Is this legislation proposed by your committee subject to the point of order?

Mr. OVERSTREET of Indiana, It is.
Mr. SIMS. Does the gentleman not believe with a minority report filed that there will be a point of order made against it? Mr. OVERSTREET of Indiana. I presume there will be one

I would like to know whether or not a rule could not be brought in making it in order?

Mr. OVERSTREET of Indiana. The committee thought it wise to call this subject to the attention of the House and urge upon the House its adoption. We propose to take advantage of all of our rights under the rules and subject to the rules. I hope, and sincerely hope, that some provision may be made whereby this subject may be brought before the House and let the House determine

Mr. SHACKLEFORD. I would like to ask the gentleman in that connection

The CHAIRMAN. Does the gentleman from Indiana [Mr. Overstreet] yield to the gentleman from Missouri [Mr. Shackleford]?

Mr. OVERSTREET of Indiana. I yield.
Mr. SHACKLEFORD. If every other method should fail, would that not be properly brought before the House by appealing from the decision of the Chair?

OVERSTREET of Indiana. Yes; and I would be opposed to such a revolutionary method, even though I favor this proposition. I am not yet ready to join a revolution.

Mr. SHACKLEFORD. The gentleman would not go that far to save a few million dollars for the people?

Mr. OVERSTREET of Indiana. Not with my assistance, nor, I think, of those who are associated with me on this committee. There are fair methods of procedure, and when they have been exhausted I am ready to quit.

There are one or two other features of this special provision which I wish to call to the attention of the committee, and I preface my remarks upon those by admitting that there is more doubt in my mind with reference to those provisions than with reference to the reductions to which I have addressed myself. The first one of those is a provision that at the times of the weighing of the mail the empty mail bags shall not be weighed or taken into account in connection with determining the pay for the transportation of the mail. We have made this recommendation without knowing specifically to what extent it would affect the

compensation of the carriers.

is recommended entirely from a principle that when a bag having once been weighed, with contents of mail, it ought not to be weighed a second time when it was empty and being reto be weighed a second time when it was empty and being re-turned for additional contents. And on the principle that empty kegs, crates, baskets, and bags are now returned to the shipper without extra charge, we thought that principle ought to obtain to the advantage and profit of the Government. To-day the Government in the administration of this service carries by freight in freightable lots empty mail bags, and distributes them where the demand is the greatest. tice and authority will be in no degree interfered with by this provision which we recommend, and, indeed, ample appropriation is carried by this bill to carry the necessary freight charges in the handling in freightable lots of empty mail bags to be transported from one section of the country to another for the additional mail which they are supposed to carry. But this provision that no empty mail bags shall be weighed at the time of the weighing applies entirely and wholly to those bags which are to be found in the cars at the time the mail is being weighed, but which contain no mail. There will always be a limited number of them, just how many nobody knows. have uniformly been weighed just the same as the bag which contains letters of the first class are weighed, and their weight has been estimated as part of the weight of the whole mail in determining the amount of compensation. I say frankly that while I advocate the principle and believe it ought to be maintained, nevertheless I concede a doubt as to the time of its adoption, perhaps, without knowing absolutely what effect it would have. But, nevertheless, I so favor the principle that I stand by the recommendation.

Another recommendation is the striking out of the present law of the word "working" with respect to the authority of ascertaining the average daily weight of the mail. I entertain equal doubt with respect to that, although it is a very decidedly debatable question. And it is recommended by the committee. The law of 1873 provides that at least once in four years the mail shall be weighed and the daily average weight upon each mail shall be weighed and the upon that weight as a basis the rate route obtained, and then upon that weight as a basis the rate for the entire four years succeeding shall be applied. The law provided originally that for "thirty" consecutive working days that mail shall be weighed. A later statute changed the "thirty" to "ninety," so the present law authorizes once in four years in order to establish the rate of compensation for a four-year period, that the mail shall be weighed for ninety successive working days. And by the elimination of the word "working" and by the addition of "one hundred and five," which this recommendation contains, the law would read that for "one hundred and five consecutive days the mail should be weighed."

I would like to ask the gentleman a question. The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Iowa?

Mr. OVERSTREET of Indiana. I yield.

Mr. LACEY. Right in this connection, there has been, of course, a steady increase in the amount carried during the whole four years?

Mr. OVERSTREET of Indiana. Had the gentleman been

present he would have heard that statement.

Mr. LACEY. Is that figured in making the compensation? Mr. OVERSTREET of Indiana. There is no change made in that.

Mr. HAUGEN. I would like to ask the gentleman a question.

Mr. OVERSTREET of Indiana. I yield to the gentleman. Mr. HAUGEN. Have you made any comparison of the amount paid by the Government to the express companies and

that which is paid to the transportation companies?

Mr. OVERSTREET of Indiana. The only investigation which I have made personally has been a study of the evidence before the Wolcott Commission and a certain amount of evidence which was before the Postal Commission last summer and fall, showing these comparisons.

Mr. HAUGEN. Has the gentleman made a comparison as to the average cost of mile per pound?

Mr. OVERSTREET of Indiana. No; because they are in an entirely different service. It is very difficult, in my judgment, to make comparison between the express service and the transportation of mail service, which is entirely different. I do not think the services are sufficiently similar for comparison.

Mr. HAUGEN. Has the gentleman any information as to the number of pounds carried by them?

Mr. OVERSTREET of Indiana. I do not recollect.

Mr. HAUGEN. A billion pounds.

Mr. OVERSTREET of Indiana. There are over a billion pounds of mail, I understand. The last statement was approximately one billion; but I have no information as to what number of those pounds were carried by the railroads.

Mr. HAUGEN. I know it is about 41,000,000 of the 1,000,-000,000, for which there were paid about 4.1 cents a pound, and then, with nearly \$6,000,000 for the cars, we have another

half cent, and we employ about 15,000 clerks—

Mr. OVERSTREET of Indiana. I would rather that you put that into a question.

Mr. HAUGEN. I wanted to get at the expense. about 6 cents a pound for every pound carried by the trans-portation companies. Now, is it not a fact that the express companies carried it at a much less rate—200,000 pounds at 2 cents, an average being about 400 pounds?

Mr. OVERSTREET of Indiana. While the gentleman from Iowa and myself are in accord as to reducing the price, I do not agree with him in that. I do not believe the cost of carrying is 6 cents a pound. But that is a matter for debate, and I have answered the question and prefer not to yield further.

Mr. SMITH of Kentucky. Will the gentleman allow me to set him a question?

ask him a question?

Mr. OVERSTREET of Indiana. Certainly.
Mr. SMITH of Kentucky. I did not exactly understand the chairman's statement about the weighing of the mails. The

number of days at present the mail is weighed is thirty?

Mr. OVERSTREET of Indiana. No, sir; ninety.

Mr. SMITH of Kentucky. And the committee proposes to increase that to one hundred and five?

Mr. OVERSTREET of Indiana. I was at that point, I will say to the gentleman, when I was interrupted. I think, perhaps, I will cover his proposition; if not, I will yield for an inquiry.

Mr. SMITH of Kentucky. All right; I will ask no further

questions just now

Mr. OVERSTREET of Indiana. At the time of the passage of the act of 1873, which read "thirty consecutive working days," I think there is little dispute but what an exceedingly limited number of trains of any kind were operated upon Sundays. Certainly not to the extent that they have been operated upon Sunday in recent years; and I am of the opinion, without tangible record proof, I admit, but I am of the opinion that the word "working" was used constructively, to apply to the labor actually incident to the weighing of the mail. There were many railroads, as there are now, that did not operate daily. There are many cases where there is service only three times a week, and a great many cases seven times a week. I presume I would not be disputed when I made the statement that in 1873 the proportion of service on daily routes was much less than it is to-day. But the actual labor or working incident to the weighing of the mail meant the consecutive days that it was possible to weigh the mails, or work in weighing them, by reason of the operation of the trains which carried them. If the train operated for six days only, under the law it could not be weighed on Sunday, the seventh; whereas if it

operated daily, the number of working days would apply to the seven days in the week. For my part I am constrained to the opinion that "working" applied to the labor incident to the weighing, and not to the Sabbath day as distinguished from the

other six days of the week.

But in ascertaining the average daily weight, the practice of the Department has been upon roads where the service has been daily, seven days in the week, to exclude the seventh day or Sabbath, and divide the weight carried seven days by six in ascertaining the average. The theory is specifically stated in the explanation made to your committee, a theory which I admit is susceptible of very fair argument, that the failure to carry the mail on the seventh day would be followed by that particular amount of weight being held over until the following day, or Monday, and then, if it were carried on Monday, be counted as the weight of that day, whereas by carrying it on Sunday it would give expedition to the service, and therefore the road was entitled to fair compensation, and by dividing by six instead of seven, a fair proportion of compensation was granted the carrying road, and that the road which rendered daily service and thereby distributed and collected the mail for the benefit of the people, was doing better service than the road which operated less than seven days, even if the service was for

But the law in reference to the weighing for a certain number of consecutive working days was for the purpose of ascertaining

the average weight.

Mr. LACEY. I should like to ask the gentleman—
Mr. OVERSTREET of Indiana. I want to state the law:
The average weight to be ascertained in every case by actual weighing of the mails for such a number of "successive working days" is the language of the statute. Therefore, in the judgment of your committee that average weight should be obtained by dividing the total weight by the total number of days' weighing and following the precedent fixed by this House at the present session of Congress in declaring by resolution in favor of the integrity of the spelling book, we may be pardoned for our approval of Ray's arithmetic.

Mr. YOUNG. I wish to ask the gentleman, then, if, under the

statement which he has so clearly made just now, it is not a fact that the railroad company by taking off its Sunday service and carrying all the mail for the week in six days instead of seven would, under the provision of the bill you propose, increase its compensation, so that for the poorer service it would get more

pay and for the better service less pay?

Mr. OVERSTREET of Indiana. The gentleman's inquiry is founded upon the assumption that the Sunday mail will be discontinued. Mr. Chairman, in my judgment no Sunday service will be discontinued. The gentleman fails to appreciate the fact that the Sunday operation of trains is not occasioned by the mail, but by the commerce of the country, and that they will be operated upon Sunday for that commerce even if they should not take up the mail, which would lie over until Monday; and there are just about as many instances where the Sunday service is carried because of the express business as where it is carried because of the mail business. It is true that there are a limited number of exclusively mail trains; but that number is Those trains are operated only for the mail, and if the gentleman's inquiry was entirely as to that class of mail I sub-mit that whereas in hundreds of instances the daily papers of this country, which are second-class mail matter, constituting more than two-thirds of the weight of all the mail, are sent by express within a zone of 500 miles, they would still be able to get the benefit of the Sunday service upon those routes.

But the gentleman will recognize that I stated at the outset that this particular recommendation is undoubtedly a debatable question, and there may be some instances where if it were followed by an actual discontinuance of Sunday mail service it would undoubtedly result in an impairment of the service. But I do not believe that the recommendations of your committee, to which I have addressed myself with respect to the 5 and 10 per cent reduction, are susceptible to the same doubts that this proposition may possibly be.

Mr. STEENERSON. I wish to state that in my argument upon this question I shall undertake to answer the gentleman from Michigan [Mr. Young] and demonstrate that it would make no difference whatever in the railway mail pay whether the mail is carried on Sunday or simply carried on six days in the week.

Mr. OVERSTREET of Indiana. Then I will remand my friend from Michigan to the tender mercies of my colleague from Minnesota.

Mr. YOUNG. I ask the gentleman to yield a moment further. Mr. OVERSTREET of Indiana. I will yield to the gentleman.

Mr. YOUNG. Even assuming, as the gentleman from Indiana says, that these trains will not be discontinued on Sunday, might they not well take off the mail service, and would they not be likely to take off the mail service on the Sunday train if they could increase their compensation under the law by so doing, as it clearly appears they could do if this provision should become the law

Mr. OVERSTREET of Indiana. I am not prepared to accept the gentleman's conclusion as to the fact that it would result in increased pay, but I am quite ready to agree with him that any conduct on the part of the carriers which would result in increased compensation they most certainly would avail them-

Mr. LACEY. I should like to ask the gentleman: The Sunday mail is the heaviest, is it not, on account of these tremendous Sunday newspapers?

Mr. OVERSTREET of Indiana. There is a serious doubt about that being the fact. Indeed, there is quite a little information to the effect that, as a whole, the Sunday mail is lighter

than the average week-day mail.

But the gentleman must understand-and if he does not know, I will be glad to give him the information-that, while the weight of the mail is practically now one thousand million pounds, over 600,000,000 pounds of that is mail of the second-class matter, and yet of the daily newspapers there is not to exceed 10 or 15 per cent of the circulation issue which enters the mail. So the talk about the daily papers being a tremendous burden on the mail is a mistake. The great bulk of the daily papers issued which is not distributed by local carriers is carried by ex-press within a limited zone, carried by express at a lower rate than the rate of mail within that limited zone. The New York papers are carried as far west as Pittsburg by express cheaper than the postage would be, but going beyond that zone the mail rate for the same amount of weight would be cheaper.

Now, Mr. Chairman, just to recapitulate and to hurry on. The recommendation, so far as the railway mail pay and railway post-office car pay are concerned as carried in this bill, will result in the next fiscal year in a saving to the Government of \$3,000,000 by reason of the reduction of the 5 and 10 per cent which I explained a little while ago, and by reason of the change of rate of railway post-office cars it will result in a saving of an additional \$1,000,000.

So far as these two specific propositions go, there will be a saving for the next fiscal year of \$4,000,000. I do not believe there can be any question about the justice of these recommendations or the wisdom of their adoption. If, on the other hand, the empty-mail-bag recommendation should prevail, we have no estimate as to what that saving would be, because the empty bags have been treated throughout the weighing period just as the full bags have been treated.

So far as the change of method of ascertaining the average rate of pay based upon what we call "the Sunday service" is concerned, that would result in a saving next year of approximately \$2,000,000. That would not cover any except the third weighing division, and that would also apply to the empty mail bags, because both recommendations with respect to elimination of empty bags would apply only to the division at the time of weighing the mail under existing law, and this year that weigh-

ing section is the third, or the Middle West.

The estimate of the Department of the difference in compensation in that third, or Middle West, division by the change of method of ascertaining the average weight based on the last year's pay would be about \$1,750,000, and so we assume that the same proportion, where it would be weighed this year, would carry it a little beyond the \$2,000,000 in the change brought about by the change of method of computation. But next year there will be a weighing in one of the other three divisions, and in the limited time of three years this provision would apply to all the country. So that if you should assume that the estimates of the Department, which were submitted to the committee with reference to the saving of difference in pay based upon the difference in divisor in ascertaining the daily weight, were applied to the entire country, as compared with the items last year, it would in time amount for that purpose alone, taking the entire country, to approximately \$6,000,000. That is as nearly accurate as we now have statistics to make it.

If you will take the first recommendation, upon which I have laid considerable stress, of the saving of \$4,000,000, and these two additional recommendations should be adopted, it would make a difference in excess of \$10,000,000 of pay, based upon estimates for last year's pay, but only applying fully at the

end of three years.

Therefore we have only eliminated from the appropriation for transportation purposes the \$3,000,000, and the item carried in the bill for compensation for the transportation of mail does not suffer by any reduction in dollars and cents on account of the change of divisor or the elimination of the empty

But I believe, Mr. Chairman, that certainly the House has ample statistics and sufficient evidence to warrant at least the \$4,000,000 reduction and leave the other two to be debated when these items occur in the reading of the bill to determine whether or not if the change of divisor, based upon the ordinary rules of arithmetic, must be followed, and there is any danger of it resulting in the impairment of proper Sunday service provision can be made by way of amendment to secure ample safeguards against being unfair in the treatment for that service.

Now, just a word upon this final suggestion which I desire to The last session of Congress we adopted a provimention. sion in the post-office appropriation bill requiring the keeping of a record by the Post-Office Department of second-class mail matter, dividing it into its several elements of the different classes of mail of the second class. We have been so pleased with the result of the record that we have thought it advisable to recommend a further weighing for another six months, and then not only a weighing of the second class, but a weighing of all other classes of mail, in order that we may have more accurate statistics, which we do not now possess in any degree with respect to the various classes of mail, their amounts in weight, the number of pieces, and relative proportions of one to the other. This provision is recommended in the report of the Postal Commission, which was filed but a short time ago. Another recommendation by the Postal Commission was for the creation of a commission of three Senators and three Representatives, to be appointed by the presiding officers of the respective bodies, to investigate the entire postal service with a view primarily of recommending to Congress, if possible at the next session, some improved methods of business based upon more modern ideas than now obtain in the administration These are the only recommendations of the of the service. Postal Commission which the committee has given any consideration to since the report of the Commission was filed. It had been my purpose to discuss briefly the action and recommendations of that Postal Commission, but so much time has already been occupied by me that I feel that it would be unfair to the committee and to my colleagues upon the House committee if I took further of your time.

Simply let me say that the committee did not take up for consideration any of the recommendations of the Postal Commission except these two to which I have just referred, letting the matter go over to a further session, and to be followed with the information which might be secured from this system of general weighing and counting of pieces during the six months beginning next July 1, and in connection therewith whatever information and recommendations may be made by the new Commission which we have recommended. I would like to say, how-ever, just this much with respect to the report of that Postal Commission: It is with great regret that I have observed from reading a number of papers throughout the country, in their criticisms of the report of the Postal Commission, an absence of a fair investigation of the report and an exaggeration of deof a fall investigation of the report and a case at the second class. We will never be able, Mr. Chairman, in my judgment, to reach any kind of satisfactory adjustment of the great problem of the second-class matter of mail unless we can have the cooperation of the great press of the country, daily and periodical. It is in the interest of those great enterprises that legislation is needed. The antiquated laws of to-day are scarcely enforceable. It would be an easy matter, in my judgment, for a strict enforcement of existing laws relative to the second-class matter of mail to result in great harm and loss to the publishers of the coun-But so long as the newspapers and periodicals of the country. But so long as the newspapers and periodicals of the country insist upon wholesale criticism without fair and reasonable cooperation on their part I fear we will always have an unfortunate entanglement and a contest which will bring about no Much, much of misinformation has been spread abroad with respect to the action of that Commission. It is not proper at this time, and I have not the time if it were, to specify that unfortunate situation.

If I had the time I would be glad to inform this House upon some methods which have been adopted by some periodicals, daily and otherwise, which have been stimulated for the purpose of defeating action. I could point out to this House wherein some of these misguided and unfortunate representatives of a great and influential press have even sought to aid some railroad corporations in a joint movement to defeat all legislation by Congress relative to the second-class matter of mail and the reduction of railway mail pay. I think that the great volume of the American press should be exonerated from

any such criticisms which I have just made in reference to some. I believe in the integrity, the influence, and high purposes of that press, and they can subserve a splendid purpose and aid in a cause which has been urged for their benefit by giving better attention to the efforts of honorable gentlemen of Congress in studying and seeking to bring about some wise laws which will result in their benefit. But until the press as a whole can give ear at least to fair and reasonable efforts we can never hope for final action upon this great problem. A united press is more powerful than Congress. Surely with such power Congress is entitled to its aid in any proper effort to solve

so important a problem.

Much is to be conceded to them and none would I take away, except now to call the attention of the House to the fact that the House is powerless in the settlement of this great question of second-class matter of mail unless the press itself shall give a more courteous attention to the efforts which are made. principle, the central principle of the recommendation of that commission, is that an added cost should be made, occasioned by the handling of the article itself, separated from its trans-portation. We therefore recommend that so long as the matter of the second class is carried in bulk in an unbroken package to a single addressee there should be no change either of rate or of method of treatment. But where the individual copy falls as a burden upon the entire machinery of the postal service, to be handled first by the clerk at the office of entry, and by the railway mail clerk, and by the clerk at the office of destination, and then possibly by the carrier, we thought that individual copy should pay an additional fair charge, based upon a fair estimate of the cost for the additional handling. That is the central idea in the recommendation. There are many details which undoubtedly would have to be whipped into shape before final action, and the limited time of that commission and the limited time of this session, with its many crowded duties, made it impossible for full and complete consideration at this session and made it impossible for as complete an investigation of the details that possibly ought to be made and necessarily would be made before final action.

That difference between the transportation charge and the charge for the copy which falls for handling purposes on the machinery of the service is recognized by every civilized country on which the sun shines except the United States and Canada. It is not a new principle. It is only my purpose at this time to call the attention of the House to the importance of that great subject, to my personal fear of absolutely no action except upon a proper and fair cooperation upon the part of the press, by which we mean the creators of second-class matter of mail. I hope to see the day come, Mr. Chairman, and that at no distant time, when we may have this cooperation, and when by the aid of the reasonable and influential means of that great service there can be brought about a fair and a proper change of law, eliminating these intricate, complicated, and vexatious problems which invest and surround us under existing statutes

which conditions have so vastly changed.

And so, Mr. Chairman, your committee has after much labor and very thorough consideration brought to this body for its action this great bill carrying more than \$200,000,000 and asks for your approval. Eighteen States are represented upon that These men have brought to the consideration of these problems as good ability as any equal number of men in this House could do. I bespeak for them at your hands a fair consideration of their recommendations, believing that when you have so considered those recommendations you will agree with us that we are rendering to the people of this country a high standard of postal facilities and a proper recognition of the hard-working employees and fair recommendations for changes in existing laws. I thank you. [Loud applause.] I suggest that the gentleman from Tennessee [Mr. Moon]

take control of the time.

Mr. MOON of Tennessee. Mr. Chairman, I yield thirty min-

utes to the gentleman from Kentucky [Mr. James].

Mr. JAMES. Mr. Chairman, I desire to call to the attention of the committee H. R. 23017, commonly called the "Fowler bill," providing for credit, or asset, currency. This bill has been favorably reported by the majority of the Committee on Banking and Currency, composed of the Republican members of the committee, and was opposed by myself and the other Democratic members of said committee.

This bill provides that national banks shall have the right to issue an amount of money equal to 40 per cent of their outstanding bond-secured circulation. The interest which they are to presumably pay upon this issue is  $1\frac{1}{2}$  per cent every six months, which is to constitute a reserve fund for the purpose of redeeming said money so issued of failed banks. This money is not secured by national bonds, as are the national-bank notes.

Government does not guarantee the payment of this money issued as proposed under this bill, but merely becomes the trustee of the interest so paid or the amount of 5 per cent deposited until the interest paid in upon the issuance of said notes becomes 5 per cent, then the 5 per cent can be withdrawn. There is nothing said in the bill about who shall pay the notes when the reserve fund of 5 per cent is exhausted. This money is made a legal tender, just like a national-bank note. The provision relative to its legal-tender qualities is as follows:

Sec. 9. That said national bank guaranteed credit notes, issued in accordance with the provisions of this act, shall be received at par in all parts of the United States in payment of taxes, excises, public lands, and all other dues to the United States, except duties on imports; and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States except interest on the public debt and in redemption of the national currency. Said notes shall be received upon deposit and for all purposes of debt and liability by every national banking association at par and without charge of whatsoever kind.

Under this provision all debts due the Government can be paid

Under this provision all debts due the Government can be paid in this money, including taxes, excises, public lands, and all other dues to United States except duties on imports, and can be paid out by United States for all salaries and other debts owing by the United States to persons or corporations. In other words, the Government has to receive it for all things except duties on imports and can pay it out for all things except interest on the public debt. The pension roll of one hundred and fifty million can be paid in this money to every soldier who draws a pension. Every Southerner whose property was taken during the civil war would have to accept it. Every person who does public work of any kind would have to accept it. It is legal tender in "reality" for all purposes in the usual avenues of trade, however much the advocates may attempt to call it "credit money," or check, or by whatever deceptive phrase described.

The Government does not guarantee the redemption of this money, notwithstanding the legal-tender qualities accorded to it, as I have set forth. It only provides as follows:

SEC. 6. That the taxes upon national bank guaranteed credit notes, provided for in sections 2 and 3 of this act, shall be paid in gold coin to the Treasurer of the United States. Said taxes, when received, shall constitute a guaranty fund to redeem the notes of failed banks and to pay the cost of printing and current redemption.

So we observe there is a striking and rather singular silence on what shall become of these notes when the reserve fund is exhausted; it only says the Government shall redeem "out of the fund" notes of failed banks. Where we shall go when "the fund" is exhausted is not disclosed; but I insist, Mr. Chairman, this is a place many of us desire information upon.

Mr. Chairman, our friends, the Republicans, are wanting to foist upon the country, not the despised 50-cent silver dollar, for which we Democrats were called "anarchists," "repudiationists," and other delectable names, but in its stead you propose a "rag-baby dollar," worth nothing at all "intrinsically," and only 5 per cent "prospectively." [Applause.]

Mr. Chairman, the Republican party has been exceedingly kind to the national banks, so kind, indeed, that its kindness has ripened into love. Under the beneficent laws that party has enacted the national banker can buy \$100,000 worth of bonds, upon which he gets interest and upon which no taxes can be collected, and by this saves at least 2 per cent, which is the amount, when we include State, county, school, municipal, and sometimes railroad tax, and then the United States allows him to issue, by depositing these bonds, the sum of \$100,000 in money, which he lends to the public at from 6 per cent to 10 per cent per annum, or whatever the market will stand, and every time a bank note of the \$100,000 issued is lost, burned, or destroyed the banker is this much additional ahead. What per cent this would be I have no accurate information, but it undoubtedly is considerable.

Mr. Chairman, the Government of the United States does not stop here in its special favors and class legislation, but it continues its friendly aid to these "struggling bankers," and lends money collected from all the people by taxation, without any interest at all, to the national bankers, year in and year out. What a vast sum it is! The statement of the United States Treasury issued on the 29th of January, 1907, shows in national-bank depositories of the United States \$161,061,798.25.

This wonderful sum of the people's money in the national banks, without the payment of one single cent of interest, and which great sum of money they are charging from 6 to 10 per cent per year when they lend this money back to the people, from whom it came and to whom it rightly belongs. Mr. Chairman, I challenge the world for a greater or more vicious act of class legislation. I challenge anyone to present a scheme of spollation or graft to excel it. Almost every State in the Union charges interest upon its public funds so deposited. The State

of Missouri loans its money at public auction to competitive bidders and realizes upon it 3 per cent interest per annum. The laboring man who counts his weary hours of toil in his battle for bread to feed his family gets no such kindly assistance, in hours even of distress, from his Government, nor does the farmer, whose energy feeds the world. The drought may blight his crop, the waters may wash it away, the frost may kill it, misfortune may hover about him, but under this benign system of Republicanism he is given the poor privilege of paying high taxes, by tariffs upon necessities of life, that the money may accumulate in the Treasury to make greater the surplus to loan to the bankers for nothing. To the farmer, the business man, and the laborer no such charity or favor is shown. They might tell of mortgages about to be foreclosed, of the officer ready to sell their all under the hammer, yet empty-handed they would return from the marble counters of these men, realizing the truth of Kentucky's inspired poet's words as they rang in their ears, when he said:

Go, look in the banks, where Mammon has told His hundreds and thousands of silver and gold; Where, safe from the hands of the starving and poor, Lies pile upon pile of the glittering ore! Walk up to their counters—ah, there you may stay Till your limbs grow old, till your hairs grow gray, And you'll find at the banks not one of the clan With money to lend to a moneyless man.

In the Fifty-eighth Congress the minority leader, Mr. Williams, introduced an amendment to the Hill bill, which provided as follows:

All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositories of public moneys under such regulations, requiring payment of interest on amount deposited, and limiting the amount in any one bank "bidding in competition" for same, as may be prescribed by the Secretary.

The solid Democratic vote, aided by some patriotic Republicans, adopted this amendment, which would have brought many millions of money as interest on these deposits into our Treasury. But, Mr. Chairman, what became of the bill as amended? The Republican party killed it in the Senate, and the "system" continues to use the public money without interest.

The bankers urge the Fowler bill because they say this money is needed to move crops. Yes, Mr. Chairman; they are great crop movers, but not crop makers; they want to move crops—into their already overflowing coffers, where they have been moving them for twenty years. [Applause,]

moving them for twenty years. [Applause.]

Their contention is that we need more money at certain times of the year-crop time-and that the volume of money is great enough except at this particular time; that they want an emergency currency, which will appear at this time and disappear when this function is performed. If they really want this elasticity, let them support an amendment which I propose offering to this bill loaning the public money out to highest bidder, secured by bonds. This will give elasticity. This will take the millions by bonds. This will give elasticity. This will take the millions of the Treasury to that part of the United States which needs it to pay for crops. This will aid in moving crops, and besides it will move a crop of interest from the national banks into the Federal Treasury. [Applause.] This will give elasticity; this will take these millions away from Wall street, the muchfavored money center, and give the great crop-making sections of this country—the South and West—a chance to borrow this money from their banks, who would be willing to pay interest. In this part of the country it would be used for legitimate purposes and not for gambling upon the stock market, and by this the people would save many millions which are now given to the banks.

Mr. Chairman, I urge that this money should be loaned at auction to competitive bidders, because it would prevent either party from favoring certain banks by depositing money in such institutions and then in return get large contributions for campaign purposes to corrupt elections. As it is now, with one hundred and sixty millions of money to loan to banks without interest, the party in power could deposit it with favored banks and when contributions were asked for campaign purposes, a hint to the wise would be sufficient; and such gentlemen do not need even the "hint," for they are exceedingly wise, This system could be used to procure an immense fund to be used in putting voters in blocks of five and debauching the public will.

I am going to send to the Clerk's desk and have read a statement of the different times that the Secretary of the Treasury has gone to the relief of Wall street, showing the amount of money and the names of those who are interested in the corporations who have been benefited.

The CHAIRMAN. The paper will be read in the time of the gentleman.

The Clerk read as follows:

SHAW'S FRIENDSHIP FOR WALL STREET—THE TREASURY AND WALL STREET.

[The Commoner, January 11, 1907.]

[The Commoner, January 11, 1907.]

Instances within the last two years in which the Secretary of the Treasury went to the relief of the money markets are cited by the New York World, together with the names of the favored banks, their directors, and their insurance company connections as follows:

Secretary Shaw took the first step to relieve the financial stringency in 1905 when, during July and August, he permitted the banks to deplete their 25 per cent reserves by allowing them to use \$7,000,000 of this fund. On September 28 he offered to receive in exchange for consols of 1930 securities of the loan of 1907, 4 per cents, and those of 1908, 3 per cents. The amount of money placed in circulation as the result of this transaction was \$915,033.

From January 1 to July 15, 1905, to help out the Treasury on account of the deficiency in the revenues, the Secretary called from the national banks \$51,316,800, as follows: January 15, \$8,999,000; March 15, \$13,489,300; May 15, \$14,169,000; July 15, \$14,659,500.

December 15, 1905, he anticipated the interest due January 1, 1906, and paid out \$4,149,663 to relieve the financial stringency.

January 5, 1906, he anticipated interest on bonds due February 1. The amount placed in circulation as a result of this transaction was \$1,644,489.

SECURITY FOR DEPOSITS.

SECURITY FOR DEPOSITS.

Late in February, 1906, Secretary Shaw deposited \$9,941,000 in national banks of New York, Baltimore, Chicago, New Orleans, Boston, Philadelphia, and St. Louis. Early in April, 1906, Mr. Shaw authorized the assistant treasurer at New York to accept State and municipal bonds as security for deposits in national banks desiring to import gold. Under this arrangement \$49,870,000 was turned over to the banks between April 12 and May 31. Gold was imported to cover this amount, and the money was returned to the Treasury when the gold arrived from Europe.

and the money was returned to the Treasury when the gold arrived from Europe.

May 1, 1906, the Secretary of the Treasury deposited \$4,220,000.

Between May 31 and June 30 \$15,116,269 was deposited in national

Between May 31 and June 30 \$13,170,259 was deposited in national banks.

Between September 10 and October 15 Mr. Shaw facilitated gold imports by accepting Government, State, and municipal bonds as security. The amount of gold imported under this arrangement was \$46,606,000.

These funds were returned to the Treasury when the gold arrived, the last payment being made November 14.

September 27 Mr. Shaw deposited \$26,000,000 in the national banks, State and municipal bonds being accepted as security for these deposits. October 22, 1906, Mr. Shaw offered to stimulate national-bank circulation to the extent of \$18,000,000 by accepting approved securities other than Government bonds for deposits that had been made, the bonds released to be used immediately as a basis of circulation without withdrawals from the Treasury. On this offer circulation was increased by \$15,837,850.

Secretary Shaw had also anticipated the interest on bonds due May 1, 1906. This action released \$12,000,000 from the Treasury.

DEPOSITS TO STIMULATE GOLD IMPORTS.

Of the \$49.870,000 deposited to stimulate the importation of gold between April 24 and July 10, the following sums were deposited in New York banks:

National City Bank, New York	\$31,000,000
Hanover National Bank, New York	4, 000, 000
Chase National Bank, New York	2, 000, 000
National Bank of Commerce, New York	3, 370, 000
First National Bank, New York	7, 000, 000
Fourth National Bank, New York	1, 500, 000

Of the \$46,606,000 deposited between September 10 and October 10 to

New York banks:	deposited in
National City Bank, New York	\$25, 078, 000
Hanover National Bank, New York	298, 000
Chase National Bank, New York.	2, 180, 000
National Bank of Commerce, New York	9, 105, 000
First National Bank, New York	2, 340, 000
Bank of New York (National Banking Association), New	
York	1, 170, 000
Fourth National Bank, New York	3, 815, 000

THE DIRECTORS.

THE DIRECTORS.

The directors in the favored banks are as follows:

National City Bank.—Francis M. Bacon, Cleveland H. Dodge, Charles S. Fairchild, Henry C. Frick. E. H. Harriman, Henry O. Havemeyer, Edwin S. Marston, Cyrus H. McCormick, Stephen S. Palmer, George W. Perkins, James H. Post, M. Taylor Pyne, William Rockefeller, Jacob H. Schiff, Samuel Sloan, William Douglas Sloane, John W. Sterling, James Stillman, James A. Stillman, Henry A. C. Taylor, Moses Taylor, P. A. Valentine, and G. S. Whitson.

Fourth National Bank.—Cornelius N. Bliss, James G. Cannon, William S. Opdyke, J. Edward Simmons, Charles Stewart Smith, Robert W. Stuart, Richard T. Wilson.

Honover National Bank.—William Barbour, Vernon H. Brown, James M. Donald, James Francis Fargo, Sigourney W. Fay, William Halls, jr., William De F. Haynes, Edward King, Charles H. Marshall, Cord Meyer, John S. Phipps, William Rockefeller, Elijah P. Smith, James Henry Smith, Samuel Spencer, James Stillman, Isidor Straus, Alfred G. Vanderbilt, James T. Woodward. William Woodward.

Chase National Bank.—Henry W. Cannon (chairman), George F. Baker, George F. Baker, Jr., A. B. Hepburn, James J. Hill, Oliver H. Payne, Grant B. Schley, John I. Waterbury, Albert H. Wiggin.

First National Bank.—F. A. Baker, G. F. Baker, James A. Blair, Henry P. Divison, H. C. Fahnestock, James J. Hill, F. L. Hine, D. Willis James, John J. Mitchell, William H. Moore, J. Pierpont Morgan.

LIFE-INSURANCE CONNECTIONS. LIFE-INSURANCE CONNECTIONS.

Of these men, George F. Baker, William Rockefeller, George G. Haven, A. D. Jullliard, Charles A. Peabody, Frederic Cromwell, J. N. Jarvie, and H. McK. Twombly are trustees in the Mutual Life Insurance Company, Mr. Peabody being president of the Mutual.

George W. Perkins, Charles S. Fairchild, James Stillman, Alexander E. Orr, John Claffin, Woodbury Langdon, and James A. Blair are trustees in the New York Life Insurance Company, Mr. Orr being president of the New York Life.

Paul Morton is president of the Equitable Life Assurance Society and Thomas F. Ryan owns the controlling stock, while Cornelius N. Bliss was a director under the Hyde régime.

The same men who control these five favored banks also control the life-insurance companies which contributed \$148,702 to Mr. Cortelyou's campaign fund.

Mr. JAMES. Mr. Cortelyou comes in as Secretary of the Treasury with all these millions to place in banks without interest. He, I presume, knows who contributed to the last campaign fund, because he was chairman. Would he loan it to those who contributed abundantly, or those who did not; to an enemy or a friend? I do not charge any corruption against any public official, but I am calling attention to the viciousness of this system. A Secretary of the Treasury, if the Treasury is to be used as an adjunct to Wall street, might deposit money to-day; this would gid the bull. He wight withdraw it port day; this would aid the bulls. He might withdraw it next week; this would aid the bears. My understanding is that a person may on Wall street be a bull to-day and a bear to-morrow, but always a hog. [Laughter and applause.]

Why, we are told that in the Senate a bill will soon be passed that will come through here with the rapidity of a streak of lightning, providing that the "customs duties" shall be deposited in the national banks, and the national banks shall keep that money there, perhaps three hundred millions a year, without any interest, and loan it to whom they please at 6 to 10 per cent. The farmers must come and borrow it, the laboring man must come up and borrow it, and when he asks the banker from whence it comes, he tells him that Uncle Sam let him have it; and the farmers ask at what interest, and the banker says, "We don't pay any at all." The farmer asks, "Where did Uncle Sam get it?" The reply is, "It came from the people." But the farmers are expected to turn around and sing:

The star-spangled banner, oh, long may it wave O'er the land of the free and the home of the brave.

[Applause and laughter.]

Mr. WEEKS. Will the gentleman from Kentucky allow an interruption?

Mr. JAMES. Certainly.

Mr. WEEKS. I suppose the gentleman from Kentucky will admit that when money is deposited in the national banks the banks always furnish security for that money.

Mr. JAMES. So does every laboring man who pays 8 per cent interest. He has to give security.

Mr. WEEKS. The bulk of the money deposited in national

banks is secured by Government bonds.

Mr. JAMES. Oh, no; Secretary Shaw allows them to deposit railroad bonds and municipal bonds. I should say not.

Mr. SULZER. The gentleman from Kentucky is right. banks of issue must give security by depositing Government bonds. They are like the farmer's trap to catch the coon, they get interests going and coming; they get interest on the money from the people and they get interest on the bonds from the Government. It is a system that can not be beat. [Laughter and applause.]

Mr. WEEKS. I do not want to take up the time of the gentleman from Kentucky, but I want to bring out the fact that the banks do deposit security, which is largely Government bonds; that they have to buy these bonds, and they get 2 per cent interest on them.

Mr. JAMES. Frequently 3 and 4. Mr. WEEKS. The bulk of them, 2\*per cent. Therefore the

Mr. JAMES. Oh. Mr. Chairman, I can not yield to the gentleman for that. I have heard that argument for the last twenty years about how little the banks make. We know one thing, that whenever the Treasury of the country is open to the national banks and they are allowed to take the money and to lend it to the people, for which the banks pay no interest at all, and they lend it to the people at an interest of 6 or 8 per cent, we all know that they make 6 or 8 per cent profit from the people's money, that is gathered from every avenue in this country by the hand of the taxgatherer. I say the banker has no more right to the people's money without interest than they have themselves.

Mr. HILL of Connecticut. If the gentleman will allow me, did not the gentleman from Kentucky vote two years ago to loan it to the banks at 2 per cent, as provided by the amendment of Mr. WILLIAMS?

Mr. JAMES. No; I did not. I voted to lend it out to competitive bidders at 2 or 3 or 4 per cent, or whatever interest it would bring at auction by competitive bids rather than to have it loaned to the banks for nothing, as is now the case. But I want to say one thing to my friend from Connecticut, that when this House passed that bill making the bankers turn into the public Treasury six or eight million dollars by requiring them to pay interest on Government deposits it made that bill as dead as a mackerel. [Laughter.]

Mr. HILL of Connecticut. That was the amendment.

Mr. JAMES. Ah, but didn't the amendment pass?

Mr. HILL of Connecticut. Yes.
Mr. JAMES. And that killed it, because it provided for in-

[Laughter.]

Mr. Chairman, in 1896 our contention was that we did not have money enough to meet the business needs of the country; that we should have a larger per capita of circulation. Republicans said we had money enough; that all we needed was confidence. Our per capita circulation in 1896 was \$21.41; was confidence. Our per capita circulation in 1896 was \$21.41; now it is \$33.78. In 1896, with \$21.41 per capita, the Republicans said we had enough; now, with \$33.78 per capita, they say we have not enough, but should have more, provided, of course, that we shall allow the banks to issue it at 3 per cent, and as I verily believe without any interest, as I shall, I think, presently show. The United States has to-day the largest per capita circulation of any country of the world except The per capita of the principal countries of the world is

United States	\$33. 78
Austria-Hungary	8, 72
	22, 37
Great Britain	18. 81
Australia	24. 49
Canada	18. 04
France	39, 13
Germany	20, 48
South African Republic	25, 33
South American States	30. 43

So we see that the only country on earth that exceeds us in per capita circulation is the Government of France.

they have a circulation of \$39.13.

Mr. HILL of Connecticut. The gentleman has just read the per capita circulation in the various countries of the world. want to ask the gentleman if he does not honestly think that that demolishes his idea about the quantitive theory of money?

Mr. JAMES. No, sir; but I think it absolutely demolishes the

idea that you ought to allow the national banks to get their hands further into the Public Treasury. [Applause.] But I notice one thing, that much as you gentlemen disputed the quantitive theory of money, and much as you assailed us and called us anarchists in 1896, because we wanted more money-we did not care whether it was silver or gold, so it was money—you gentlemen saying that there was money enough, yet when you get into power the only way you can get any applause from the people is by turning your backs upon your former doctrines and following the teachings of the Democratic party, as you have done on this question. [Applause on the Democratic side.]

Mr. Chairman, the circulation per capita in 1860 was \$13.85; to-day it is almost three times that amount. I want to read the per capita circulation of the United States from 1860 to 1907,

which is as follows:

Statement showing the per capita circulation of the United States from 1860 to 1907.

Year.	Amount.	Year.	Amount.	Year.	Amount.
1860	\$13.85	1876	\$16.12	1892	
1861	13.98	1877	15.58	1893	24, 03
1862	10. 23	1878	15. 32	1894	24, 59
1863		1879		1895	23, 20
1864	19.67	1880	19, 41	1896	21, 41
1865	20.57	1881	21,71	1897	
1866		1882	22, 37	1898	
1867		1883		1899	
1868	18.39	1884	22, 65	1900	26.9
1869	17.60	1885	23, 02	1901	
1870	17.51	1886	21, 82	1902	
1871	18.10	1887	22, 45	1903	
1872	18.19	1888	22,88	1904	
1873	18.04	1889	22, 52	1905	
1874	18.13	1890		1906	
1875	17.16	1891	\$3,42	1907	33, 78

Our per capita circulation has advanced from \$13.85 in 1860 to \$33.78 in 1907. It will be observed that our per capita circulation has been increasing about one hundred millions a year. Our per capita decreased from \$24.52 in 1894 to \$23.20 in 1895, and further decreased from \$23.20 in 1895 to \$21.41 in 1896, and it has gradually risen since then at the rate of about \$1.30 per capita each year. No stronger argument, to my mind, can be made in favor of a quantitative theory of money than is pre-The circulating medium is increasing at the rate of about one hundred millions annually. I am in favor of large per capita circulation. I am in favor of an abundant supply of money. I believe the prosperity of our country to a great degree depends not only upon the toil, thrift, and industry of our people, but upon a sufficient supply of money to readily perform the business of the country, but I am unwilling to turn the money-issuing function from the Government, to which it rightly belongs, over to the banks that they may profit by getting it for nothing to lend to the people.

Secretary Shaw, in a speech in New York at a banquet given by the Missouri Society on January 31, 1907, used the following language relative to the bill I am now discussing:

PROPOSED BILL FAVORS THE BANKS.

PROPOSED BILL FAVORS THE BANKS.

If any legislation is to be had, let it be solely for the purpose of relieving the country from these frequently recurring stringencies. No plan should be devised primarily to enable the banks to make greater profit. The banks of the country are doing fairly well now and business is prosperous. Nevertheless, we are confronted several times a year with conditions admittedly dangerous. Let a plan be devised which will effectually protect against this danger and all will be well. I doubt not the proposed legislation would prove profitable to national banks, especially elsewhere than in reserve and central reserve cities, but I do not believe it would result in any perceptible elasticity. In other words, its remedial features are inadequate, and remedial legislation is all we need.

Mr. Chairman, when Secretary Shaw sounds the five alarmy

Mr. Chairman, when Secretary Shaw sounds the fire alarm against legislation on the ground that it is too favorable to the bankers, it is time for all Americans to grab a hose; the great surprise is that with the Secretary balking at this legislation that any could be found to advocate it. There is no doubt in the Secretary's mind that this bill would "prove profitable to the national banks." He is entirely convinced that "business is fairly prosperous with them." I can not take issue with him upon this statement, when I review the statement issued on September 4, 1906, by the Secretary of the Treasury, which is as follows

CONDITION OF NATIONAL BANKS.

The Treasurer states that on September 4, 1906, there were 6,137 banks with a paid-in capital stock of \$835,066,796, with surplus and other profits of \$670,814,981. The surplus proper was \$490,245,124, which the Treasurer states "is nearly three times the amount required to be accumulated and maintained under the law." He further states that the surplus and other undivided profits amount to over \$0 per cent of the paid-in capital. The total liabilities of the banks at that date were \$8,016,021,066, over one-half, or \$4,199,038,310, being individual deposits. The deposits to the credit of banks amounted to \$1.589,001,462, and to the credit of the United States and disbursing offices of the Government, \$107,831,814.

It is worthy of comment that nothing is said in the Fowley

It is worthy of comment that nothing is said in the Fowler bill of what is to become of the accumulated interest which the Government holds as trustee only. There is no provision for it to go into the Treasury. My judgment is that it will be held there and when these notes are finally retired then the na-tional banks will come and ask that the money shall be returned to them, saying it was only intended to be a reserve fund and has performed its purpose and is therefore rightly theirs. This will be the next step of the "system." They will urge that it could not have been the purpose of the Government to charge them interest on money when they now get the use of one hundred and sixty millions free of interest, which they secure with bonds-not even always Government bonds-that the 3 per cent required on these notes was only required instead of bonds to make it secure. This would as certainly be their contention in this step as this Government endures.

I am confirmed in my belief upon this question by the bill introduced in the Fifty-seventh Congress by Mr. Fowler, the same author of this present bill now under discussion, which was a similar bill to the one now pending before this House, the difference being in the rate of interest, the interest being in the bill in the Fifty-seventh Congress one-fourth of 1 per cent, payable every six months, or one-half of 1 per cent per year. if it is not the intention of the gentlemen to allow this money to be returned to the bankers and it is to go to the Treasury, then the Democrats, by opposing the bill providing for one-half of 1 per cent interest per year on \$215,000,000, which the banks were to have the right to issue, have by this fight saved to the people the difference between one-half of 1 per cent interest and 3 per cent interest now proposed, the sum of 2½ per cent interest yearly upon \$215,000,000, or the huge sum of \$5,375,000 per year, which, if it should run twenty years, would amount to \$107,500,-000. The whole system of allowing national banks to issue money is wrong. If there is money to be made out of issuing money, let the people make it by the Government issuing it. The vicious system which has grown up, and to all quite apparent, only further sustains the contentions and opposition of Thomas Jefferson and Andrew Jackson made in the twilight of the Republic.

The National Bankers' Association have not only told Congress what we should do for them in this bill, but their scope of wisdom is not circumscribed by the narrow limits of finance. They are experts on shipping, for on October 12, 1905, they passed the following resolution:

AMERICAN BANKERS' ASSOCIATION, October 12, 1905.

Resolved by the American Bankers' Association assembled:

1. That the members of this association are deeply interested in any measure which will promote the interest of the whole country commercially and industrially, and especially with reference to our foreign commerce.

2. That we favor and most respectfully urge the passage by Congress of some measure to foster and encourage the upbuilding of our mer-

chant marine and to give us back the prestige upon the high seas which

chant marine and to give us back the prestige upon the high seas which we once enjoyed.

3. That we favor the ship-subsidy measure which has received consideration by Congress, which we think would tend to restore our flag upon the seas and build up our merchant marine to the extent that the necessities of our trade now and in the future may demand.

4. That we recommend that our Senators and Congressmen favor some just and equitable measure that will bring about the results and afford the relief above suggested.

5. That through our legislative committee we memorialize the Senate and House of Representatives of the United States with a copy of these resolutions.

resolutions.

These gentlemen don't balk at calling this measure by its These gentlemen don't bank at calling this measure by its right name—a subsidy. Some of its equally ardent friends try to coat over its bitter taste by calling it "a bill to encourage shipping," or a "subvention," but gentlemen so long favored by subsidies from the Treasury think it all right to aid the shipowners, and do not hesitate to so declare. They, however, fa'l to say how much stock they own in the ship monopoly.

Mr. Chairman, in my honest judgment no more un-Americau, un-Democratic, unpatriotic measure ever sought favor at the hands of the people's Representatives. I do not believe the "system" in its wildest dream for gold and graft ever surpassed the demands of this bill. The national bankers, so emboldened by former successes, now brazenly throw off the mask. After already having demanded and received the pound of flesh they now ask for the heart itself. I challenge the patriotism of this House in opposition to this bill. [Applause.]

Let us meet them upon the threshold of this last attempt and tell them plainly that they must stand within this Republic's sacred circle of equal rights to all and special privileges to [Loud applause.]

Mr. MOON of Tennessee. I yield forty minutes to the gentleman from North Carolina [Mr. Webb].

Mr. Webb. Mr. Chairman, the power to make a treaty is an attribute of sovereignty. A government without the power to conclude treaties can not be either national or sovereign. The various nations of the earth lodge their treaty-making power in the different branches of their governments. In Great Britain the power to conclude a treaty is a prerogative of the Crown, exercised by and with the assistance of a minister.

Prior to 1875, with few exceptions, the King of France had accusive power to execute treaties. The national lawmaking exclusive power to execute treaties. The national lawmaking power in France, however, repudiated the treaty of peace made by King John after the battle of Poitiers, and also the treaty signed by Francis I at Madrid after the loss of the battle of Pavia. These kings, it will be remembered, were actual captives when they executed the treaties, and this may have been the reason which moved their nation to repudiate their acts. Under the French constitution of 1875 the treatymaking power is left to the President. There are certain classes of treaties which he is forbidden to make, however, except with the consent of the national lawmaking power.

The Belgian constitution lodges the treaty-making power in the King, and forbids him to make certain classes of treaties

without the consent of the lawmaking power.

In the Netherlands the ruler makes and ratifies treaties, but certain kinds of treaties must be ratified by the States-General before becoming effective.

Likewise in Italy the king alone has the treaty-making power, being forbidden, however, to conclude certain classes of treaties without the consent of the Chambers.

The German constitution of 1871 lodges the treaty-making power in the Emperor, and forbids him making certain kinds of treaties without the consent of the Reichstag.

The King of Spain has the power to make peace treaties and conduct the diplomatic and commercial relations with other powers, but he is expressly forbidden to make certain kinds of

treaties unless authorized by law.

In the United States, under the Articles of Confederation, Congress exercised the treaty-making power by appointing commissioners, whose duty it was to originate and conclude treaties, to be afterwards ratified by nine States. From the 4th of July, 1776, to the inauguration of the Government under the Constitution in 1789, the United States concluded fourteen treaties, ten of which were signed by Benjamin Franklin and another commissioner, and three of which were signed by Thomas Jefferson and another commissioner. The Articles of Confederation provided that the sole and exclusive right and power to conclude treaties vested in the Congress, and the States without the consent of Congress were specifically forbidden to enter into any treaty with a foreign prince or state, or alliance, or confederation whatever, or with any other State of the Confederation. The Articles further provided that no treaty should be made by Congress without the assent of nine States. The same articles further prohibited Congress from entering into any treaty whereby the States should be restrained from im-

posing such duties and imposts on foreigners as their own people were subjected to.

In the convention which gave birth to our present Federal Constitution there was wide difference of opinion among the great men as to where the treaty-making power should be lodged, but the extent of that power or its limitations were not discussed fully; in fact, the debates on that particular subject were strikingly brief. Some of the great minds of that historic body wanted this power lodged in the President alone. Those who were extremely jealous of the rights of the States and suspicious of the enlargement of Executive powers demanded that no treaty should be made without the consent of Congress. Finally the compromise was reached by which it was provided that the President, by and with the advice and consent of two-thirds of the Senators present, should make The idea seems to have been that the dual existence of the Republic should be recognized, and that in concluding treaties the President would represent the Republic's national existence, while the Senate would represent the States in their sovereignty. The powerful sentiment in favor of protecting the States is seen in that provision of the Constitution requiring the advice and consent of two-thirds of the Senators present to make a valid treaty. The idea of requiring two-thirds of the Senators present to ratify a treaty was no doubt taken from the Articles of Confederation, requiring nine States, or two-thirds of the original States, to make a treaty valid. This same remarkable instrument, which Mr. Gladstone said was the "most wonderful work ever struck off in a given time by the brain and purpose of man," provides:

This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under authority of the United States, shall be the supreme law of the land, anything in the Constitution or laws of any State to the contrary.

This clause is a contradiction in itself, for it declares three classes of laws to be supreme. There can not be three supreme laws emanating from the same source. "Supreme" expresses the highest degree, and it is hard to conceive how three different branches of our Government can possess this extreme superiority. The fact that a treaty forbidden by the Constitution, or an act of Congress not permitted by that instrument, are void and must give way shows conclusively that neither is really and actually supreme, but are necessarily subordinate in some respects. I well conceive how a treaty made entirely within the scope of the treaty-making power is the supreme law of the land in its own particular field, and the same might be said of an act of Congress when it does not conflict with the Constitution, with a subsequent treaty, or the reserved powers of the State.

The fact that this is a constitutional Republic precludes the idea of absolutely unlimited power anywhere and negatives the doctrine of absolute supremacy in any one department of our Government. However, the interesting question is, What is the extent of the treaty-making power under our Constitution and what are its limitations? The Federal Government during its existence of more than a hundred years has executed more than 300 treaties according to the provisions laid down in the Constitution, and yet where is the man so bold as to undertake to define the treaty-making power of the Federal Government or the limitations that can be placed upon that power? This power is undefined and undefinable. No arm of our Government seems so little comprehended.

There are those who contend that because the States before the formation of the Union had the right to make treaties with foreign nations, when the States agreed to delegate the treaty-making power to the President and Senate that immediately the President and Senate were clothed with absolute power and right to make any treaty affecting any State constitution or law which those States had the power to make before the adoption of the Constitution. The States, in forming the Constitution, delegated in unequivocal terms the sole and entire treaty-making power to the Federal Government, and went so far as to forbid any State to make any treaty. If this view is correct—and I do not assent to it—then any treaty made in accordance with the formalities prescribed by the Constitution is superior to all the reserved powers of the States, notwithstanding the tenth amendment to the Constitution, which would mean that all the reserved powers are not reserved, but confided to the President and Senate.

There are others who contend that no treaty is valid which contravenes the Federal Constitution or any State law any State constitution, if the said State law or constitution is within the reserved powers of the State. Both of these contentions have much in our legislative, judicial, and political history that tends to sustain them. However, this last contention has been apparently somewhat shaken by Supreme Court decisions, which I will notice further on in this discourse.

It may be said generally that the treaty-making power does not extend so far as to authorize that which the Constitution itself forbids, nor can a treaty change the character of our Government or that of any State. This power, while full and to a degree supreme, must always "be exercised agreeably to the fundamental principles of liberty," which form the foundation stones of our Republic. The power must, therefore, be exercised to maintain and preserve our national life, and not encroach upon it or destroy it. No further general limitations than these can be gathered either from the Constitution or from the opinions of the Supreme Court for more than a century. In view of the dual existence of our Government—State sovereignty coexistent with national sovereignty—there is no power in the Constitution so difficult to define and so impossible of limiting by any one definition.

It is generally understood, and has been declared more than once by the Supreme Court, that a treaty can not contravene any provision of the Federal Constitution, and yet we find the Supreme Court, notwithstanding the right of trial by jury guaranteed in that instrument, has upheld a treaty which provided for the trial of an American citizen by an American consul in Japan without indictment by grand jury or hearing before petit jury, in which trial one Ross was convicted by the consul of murder and sentenced by him to be hanged.

The Constitution declares that a treaty is the supreme law of the land, and yet our highest court has held that Congress itself can repeal any treaty, though made according to constitutional requirements; and, on the other hand, it is generally admitted, and so held by our courts, that a treaty executed after the passage of an act of Congress is superior to such legislative act, which indicates that an act of Congress and a treaty are coordinate in their effect, and whenever they conflict they are regarded as legislative enactments, and the last one is held to be the law of the land by repealing the former.

Whenever a treaty is concluded which requires legislative enactment to make it effective, such a treaty remains inoperative until the Congress has enacted the necessary legislation.

A treaty can not usurp the power which the Constitution expressly lodges in the Congress, and although the Constitution says that a treaty is the supreme law of the land, yet such an instrument stipulating the payment of sums of money to foreign powers can be rendered nugatory by the refusal of Congress to appropriate money for this purpose, for the Constitution expressly provides that no money shall be paid out of the Public Treasury unless Congress so directs.

A treaty which undertakes to levy customs duties, although declared to be the supreme law of the land, becomes invalid unless Congress shall ratify the same, for the reason that the Constitution provides that all bills for raising revenue shall originate in the House of Representatives. It is therefore clear that a treaty is not the supreme law of the land whenever an act of Congress is required to make it effective. No treaty, therefore, can compel Congress to appropriate money, because the representatives of the people are responsible only to their constituents and are not dependent upon the treaty-making power, and a high authority says that "every foreign government may be presumed to know that when a freaty stipulates the payment of money the legislative sanction is required."

The rights of aliens in this country have usually been defined in our treaties with foreign countries, but the Congress of the United States has the undoubted power to bar or deport aliens regardless of any treaty, or all treaties, which the President and Senate may have made to the contrary.

Congress has the power under the Constitution to declare war, but the President and Senate by treaty can terminate it at any time without Congressional sanction, and no legislative act is required to give the treaty-making power the right to "transform the condition of war established by the declarations of Congress into the condition of peace established by treaty." In fact, all the great wars between the United States and foreign powers have been terminated by the President and Senate—namely, the war of 1812, the war with Mexico, and the war with Spain.

The question of the power of treaties of cession and their limitation is one of great perplexity, and one upon which the greatest legal minds from the beginning of the Government to the present time have had different opinions. The United States have acquired territory by legislative enactment and by treaty. The Republic of Texas and the Hawaiian Islands are the only instances where territory has been acquired by legislative enactment, and by mutual enactment on the part of the Republics of Texas and Hawaii, In these instances the Re-

public of Texas and the Government of Hawaii became extinct and each ceased to be an independent power. Many authors, and the Supreme Court itself, have discussed the question as to whether the treaty-making power can cede territory belonging to a State of the Union without the consent of such State.

In the Constitutional Convention Colonel Mason, in urging

In the Constitutional Convention Colonel Mason, in urging the right of the House of Representatives alone to originate bills for raising revenue, declared that he did so because "he was extremely anxious to take this power from the Senate, which could already sell the whole country by means of treaties."

Mr. Mercer contended that treaties could not alter the laws of the land till ratified by Congress. Colonel Mason contended that the Senate and President could alienate territory without Congressional sanction. "If Spain should possess herself of Georgia," said he, "therefore the Senate might by treaty dis-member the Union." The distinguished John Bassett Moore, in his work on International Law, says that nothing in contradiction of this statement is reported to have been said in the Constitutional Convention. Jefferson, however, in 1792, when Secretary of State, gave instructions that the right to alienate even a part of the territory of any State did not belong to the Central Government. He seems to have admitted, however, in another part of the same writing, that as a result of a disastrous war United States territory might be abandoned. Alexander Hamilton differed with Jefferson on this question, and contended that the treaty-making power could alienate United States territory, especially if the territory were uninhabited. When the northeastern boundary dispute arose in 1842, the question of the power to cede a State's territory by treaty universally discussed. Judge Story declared that he did not think it universally true that territory within a State could not be ceded to a foreign nation, since such a cession might, for example, be indispensable to purchase peace, or might be of a nature calculated for the safety of both nations, or be an equiva-lent for a like cession on the other side. He further said that Chief Justice Marshall, in a conversation with him, said that he was unequivocally of the opinion that the treaty-making power did extend to cession of territory, although he would not under-take to say it could extend to all cases; yet he did not doubt that it must be construed to extend to some. boundary disputes have always been settled by treaty, but a United States treaty in only one case has ever professed to cede territory belonging to a State, but even in this case the consent of the interested States to the provisions of the treaty was obtained. Kent, in his Commentaries, lays it down that the power of cession belongs exclusively to the United States, though a sound discretion might forbid its exercise without the consent of the local government, except in cases of great necessity, when their consent might be presumed. The eminent writer, Duer, maintained this view also. Woolsey suggests that a whole State could be wiped out of existence if the extreme necessity arose.

In Geoffroy v. Riggs the court says in a dictum that the consent of a State is necessary to a cession of its territory. Justice White, in the Insular cases, says that "a State's territory can not be alienated by the action of the treaty-making power alone, but it might be done from the exigency of a calamitous war, or necessity of the settlement of boundaries if such action be expressly or impliedly ratified by Congress." The weight of authority, therefore, is that ordinarily no part of a State's territory can be ceded away from it by treaty without the State's consent, and yet it is undoubtedly true that the weight of authority is also to the effect that in extreme cases an entire State could be ceded to a foreign power if necessary to preserve the national existence.

The most interesting question to-day is as to what extent the treaty-making power can supersede a State law or State constitution. The construction of treaties and United States statutes is comparatively easy, but when we come to consider the treaty-making power and the power of the States we tread upon much unmarked ground, for there is no one who can say specifically what the power of each is as regards the other. It is agreed that Congress can not pass a law interfering with State statutes in regard to the descent of property, as this would be interfering with the internal affairs of a State, and yet it has been decided by the Supreme Court that such State statutes in so far as they apply to foreigners can be absolutely set aside and nullified by treaty stipulations, which is another way of saying that the treaty-making power extends farther into the local matters of States than acts of Congress. It is interesting to note that of the 300 treaties concluded by the United States since 1776 not one of them has ever been declared unconstitutional.

The weight of authority is to the effect that a treaty properly ratified, concerning a subject within the treaty-making sphere, is superior to any State constitution or State law, although Mr. Calhoun contended that a treaty could not affect matters wholly within the State's jurisdiction to any greater extent than Congress could do so; but the Supreme Court has expressly over-ruled this view. He further contended that the supremacy of the treaty-making power was not absolute, but limited both in extent and degree; that it did not extend beyond the delegated powers, all others being reserved to the States and to the people of the States. He said:

\* \* Beyond these the Constitution is destitute of authority and is as powerless as a blank piece of paper, and the measures of government mere acts of assumption.

The fact that the Federal Government is a Government of delegated powers proves that there is sovereignty left in the States. Full sovereignty was originally in the people of the States and only a portion of their sovereignty was given to the National Government. Yet the extent of that sovereignty which still resides in the States has never yet been accurately defined, and it is only possible to define it as each particular case arises.

In Ware v. Hylton, decided in 1796, the court said that if it had the power to declare a treaty void, it would never exercise that power except in a very clear case. Such a case has never arisen, as no treaty has yet been declared unconstitutional. The courts have always regarded it as their duty to construe treaties.

In the Passenger cases, decided in 1849, Chief Justice Taney said:

The first inquiry is whether, under the Constitution of the United States, the Federal Government has the power to compel the several States, the Federal Government has the power to compel the several States, the Federal Government has the power to compel the several States to receive and suffer to remain in association with its citizens every person or class of persons whom it may be the policy or pleasure of the United States to admit. In my judgment, this question lies at the foundation of the controversy in this case. I do not mean to say that the General Government have, by treaty or act of Congress, required the State of Massachusetts to permit aliens in question to land. I think there is no treaty or act of Congress which can justly be so construed. But it is not necessary to examine that question until we have first inquired whether Congress can lawfully exercise such a power and whether the States are bound to submit to it. For if the people of the several States of this Union reserved to themselves the power of expelling from their borders any person or class of persons whom it might deem dangerous to its peace or likely to produce a physical or moral evil among its citizens, then any treaty or law of Congress invading this right, and authorizing the introduction of any person or description of persons against the consent of the State, would be an ansurpation of power which this court could neither recognize nor enforce. I had supposed this question not now open to dispute.

In 1866, in the case of the United States v. Rhodes, Judge

In 1866, in the case of the United States v. Rhodes, Judge Swayne said:

A treaty is declared by the Constitution to be the law of the land. But adds:

What is unwarranted or forbidden by the Constitution can no more be done in one way than in another. The authority of the National Government is limited, though supreme in its sphere of operation. As compared with the State governments, the subjects upon which it operates are few in number. Its objects are all national. It is one wholly of delegated powers. The States possess all which they have not surrendered; the Government of the Union only such as the Constitution has given it, expressly or incidentally, and by reasonable intendment. Whenever an act of that Government is challenged a grant of power must be shown or the act is void.

But even this expression of opinion on the part of Judge Swayne was obiter and not essential to the decision of the point at bar.

The people on the Pacific slope, and especially those of the State of California, and more particularly those of the city of San Francisco, were thrown into a state of fright, which almost amounted to furor, by the vigorous words of the President in his message to the present session of Congress, wherein he declared his purpose, if need be, to exhaust the civil and military power at his command to enforce the provisions of the "most-favored-nation" clause of the Japanese treaty in regard to separate public schools in the city of San Francisco. Since that time the attention of lawyers and public men everywhere has been sharply drawn to the question of the treaty-making power as it affects the States, and to the specific question as to whether the Japanese, under the treaty of 1894, can compel their admission to the white schools of California. Many years ago the legislature of that State passed a law empowering school trustees, whenever they should see-fit, to establish separate schools for Indians, Mongolians, and for the children of Chinese or Mongolian descent, and providing further that when such schools were established, Indian and Chinese children, or children, of Mongolian descent, must not be permitted to attend the white schools.

The number of Japanese in San Francisco and California has been growing very rapidly for the past ten years, until at the present time it is claimed that more than a thousand Japanese enter the port of San Francisco every month, and that there are more than 50,000 Japanese wage-earners in California at present. The rapidly increasing number of these people constrained the authorities to establish separate schools for orientals and others

provided for in the statutes. The Japanese in their controversy with the United States contend, as I understand it from the public press, that Article I of the treaty of 1894, which declares—

That in whatever relates to the rights of residence and travel the citizens or subjects of each contracting party shall enjoy in the territories of the other the same privileges, liberties, and rights, and shall be subjected to no higher imposts or charges in these respects than native citizens and subjects, or citizens and subjects of the most-favored nation—

gives them the right to attend the white schools of the Commonwealth of California, or, for that matter, anywhere in the United States. This contention and the President's threat alarm the people of California. If the situation were changed a little many other States of the Union would be alarmed also. I noted in the press dispatches of a few days ago that the legislature of California had directed her attorney-general to defend the suit instituted by the Federal Government in behalf of the Japanese and had appropriated \$10,000 for the employment of extra counsel. It thus appears that the people of California are terribly in earnest and are determined to fight to the bitter end any effort to force orientals into their white public schools. The Supreme Court will now be called upon to decide whether or not the treaty rights of the subjects of the Mikado are violated by this statute providing for the separate schools, and if violated by the statute, then to say whether or not the State of California has the right in managing her internal affairs, in pursuance of the police powers reserved to her by the makers of the Constitution, to enact and enforce her school laws. No one will contend that the Congress of the United States can pass a law nullifying her school act in this respect. Has, then, the Senate and President more power than Congress in this respect? Dr. John Bassett Moore says:

That a treaty is no more the supreme law of the land than is an act of Congress is shown by the fact that an act of Congress vacates pro tanto a prior inconsistent treaty. Whenever, therefore, an act of Congress would be unconstitutional, as invading the reserved rights of the States, a treaty by the same effect would be unconstitutional.

If the Supreme Court should decide that the Japanese have the right to force themselves into the white schools of California, then every subject of Great Britain, whether he be the black man of Jamaica, the Mongolian from Hongkong, or the Hottentot from South Africa, would have the right to enter any white public school in the United States. So it will at once be appreciated by people everywhere that the question now at issue is a very grave one, and its determination may have very far-reaching effect if it be decided in favor of the Japanese contention.

However, as I come from a section of this Republic where the conviction is innate that the Caucasian race is superior to the Mongolian as well as to the African—in fact, superior to all other races [applause]—I must be pardoned for looking at the problem from the standpoint of a southern Caucasian, and also from the standpoint of a lawyer who has read the decisions of our Supreme Court on questions very much akin and parallel to the Japanese question under discussion. I am aware that the Supreme Court has uttered many strong general expressions in regard to the treaty-making power. For instance, I quote from the opinion of Judge Cushing, delivered in the famous case of Ware v. Hylton, decided one hundred and eleven years ago. The judge says:

The State may make what rules it pleases, and those rules must necessarily have place within itself. But here is a treaty, the supreme law, which overrules all State laws on the subject to all intents and purposes; and that makes the difference. There is no want of power, a treaty being sanctioned as the supreme law by the Constitution of the United States, which nobody pretends to deny to be paramount and controlling to all State laws, and even State constitutions, wheresoever they interfere or disagree.

The court which passed upon this famous case, which has been affirmed many times since, was composed of judges some of whom had taken part in the Constitutional Convention, and therefore had large understanding of the opinions of members of the convention as to the limit and extent of the treaty-making power. I am aware that Judge Iredell, of my own State, dissented, but his dissent was not based upon the treaty-making power, but upon the application of the particular treaty executed before the Constitution was formed to the case at bar. All fair-minded lawyers must admit that the general principles enunciated in Ware v. Hylton are the law to-day as much so as a hundred years ago, and, in fact, our Supreme Court during all of its history has adhered strictly to this case as leading authority.

In Pollard's case, the judge writing the opinion of the court among other things said:

In Ware v. Hylton it was held that the treaty of peace repealed and nullified all State laws by its own operation, revived the debt. removed all lawful impediments, and was a supreme law, which overrules all State laws on the subject, to all intents and purposes; and is of equal force and effect as the Constitution itself. In Hopkirk v. Bell the treaty

was held to repeal the Virginia statute of limitations. In Hunter v. Martin the treaty of 1794 was held to be the supreme law of the land; that as a public law it was a part of every case before the court and so completely governed it that in a case where a treaty was ratified after the rendition of a judgment in the circuit court which was impeachable on no other ground than the effect of a treaty the judgment was reversed on that ground. All treatles, compacts, and articles of agreement in the nature of treatles to which the United States are parties have ever been held to be the supreme law of the land, executing themselves by their own flat, having the same effect as an act of Congress, and of equal force with the Constitution.

In Hauenstein v. Lynham, decided in 1879, Judge Swayne, delivering the opinion of the Supreme Court, among other things

There can be no limitation on the power of the people of the United States. By their authority the State constitutions were made, and by their authority the Constitution of the United States was established; and they had the power to change or abolish the State constitutions or make them yield to the General Government and treaties made by their authority. A treaty can not be the supreme law of the land—that is, of all the United States—if any act of the State legislature can stand in its way. If the constitution of a State must give way to a treaty and fall before it, can it be questioned whether the less power, an act of the State legislature, must not be prostrate before it? If a law of a State contrary to a treaty is not void, but voidable only by a repeal or nullification of a State legislature, this certain consequence follows, that the will of a small part of the United States may control or defeat the will of the whole.

In Geoffrov v. Riggs, decided in 1889, Judge Fields says:

In Geoffroy v. Riggs, decided in 1889, Judge Fields says:

That the treaty-making power of the United States extends to all proper subjects of negotiation between our Government and the governments of other nations is clear.

Mr. Butler asserts that no matter what grievance a State may have in regard to an international matter, it can only obtain relief through the Central Government, and that the State has no power to deal with foreign nations interested, neither has it power to legislate within its own territory in any way which affects a foreign power or citizens of a foreign power having treaty relations with the United States if such legislation violates in any manner existing treaty stipulations or provisions.

In 1879 the United States circuit court of Oregon held that a statute of Oregon prohibiting the employment of Chinese on public works was void because it conflicted with our treaty with China. This was in no sense a police regulation. In this opinion the presiding judge said:

Admit the wedge of State interference even ever so little and there is nothing to prevent its being driven home and destroying the treaty and overriding the treaty-making power altogether.

In 1879 California in her new constitution prohibited corporations from employing Chinese labor. The legislature at once enacted statutes making such employment a misdemeanor. whereupon one Parrott was arrested for violating this statute. The case came before Judge Sawyer, of the United States circuit court of California, who, among other things, said:

The States have surrendered the treaty-making power to the Government and vested it in the President and Senate; when duly exercised by the President and Senate the treaty resulting is the supreme law of the land, to which not only State laws but State constitutions are in express terms subordinated.

The learned judge declared the constitutional provision enacted thereunder void, as conflicting with the Chinese treaty.

In the case of Chy Lung v. Freeman, decided by the Supreme Court of the United States in 1875, Justice Miller declared void a statute of California which was ostensibly passed to close California's doors to lewd and debauched women. This statute was general in its terms, but was really directed at Chinese women. The court held the statute void because it went beyond the necessities of State control and invaded the right of the National Legislature to regulate commerce.

In 1880 it was decided by the United States circuit court of California that a State law prohibiting aliens who could not be naturalized from fishing in public waters was void because it violated stipulations in the Chinese treaty as discriminating against the subjects of that Kingdom and in favor of other aliens, since Chinese could not be naturalized.

Mr. GARRETT. Will the gentleman permit an interruption?

Mr. WEBB. Certainly.
Mr. GARRETT. Was not that case of Ware v. Hylton a case that involved a treaty that was adopted before the Con-

Mr. WEBB. A peace treaty. That is one difference, too. It was a peace treaty adopted prior to the creation of our present Federal Constitution. I believe that treaty with England was concluded in September, 1783, while our Constitu-

tion was not formed until 1789.

In the famous Chinese Queue cases, decided by the circuit court of California in 1879, an ordinance of the city of San Francisco providing that every person imprisoned in the county jail upon a criminal judgment upon arriving at the jail should have his hair clipped to the uniform length of 1 inch from the scalp, was declared void on the ground that the ordinance was

in conflict with the fourteenth amendment, which prevents discrimination against a particular class of people, and on the further ground that it was aimed at certain aliens, the Chinese, and was void because it contravened certain stipulations of the Chinese treaty. This case was never carried to the Supreme Court. The able judge who delivered the opinion in this case expressed correctly the feeling which even then existed against the Chinese in California, and also expressed the feeling which now seems to exist in that State against the Japaneses. anese:

We are aware-He said-

of the general feeling, amounting to positive hostility, prevailing in California against the Chinese, which would prevent their further immigration hither and expel from the State those already here. Their dissimilarity in physical characteristics, in language, manners, and religion would seem, from past experience, to prevent the possibility of their assimilation with our people. And thoughtful persons, looking at the millions which crowd the opposite shores of the Pacific and the possibility at no distant day of their pouring over in vast hordes among us, giving rise to ferce antagonism of race, hope that some way may be devised to prevent their further immigration. We feel the force and importance of these considerations; but the remedy for the apprehended evil is to be sought from the General Government, where, except in certain special cases, all power over the subject lies.

In 1827, and since that time, the supreme court of Illinois has decided that treaty stipulations are paramount to State statutes affecting descents and disposals of property.

In Iowa the court has held in several cases that nonresident aliens can inherit property when United States treaty stipulations remove the disabilities of aliens.

Tennessee, by her supreme court, as early as 1826, declared the superiority of proper treaties over all State statutes. In the case of Cornet v. Winton the judge writing the opinion

Shall it be allowed the State legislatures, by their acts, to oppose and prevent the executing of a treaty in which the whole Union is interested? Must the whole Union, because of the misconduct of one State, be forced into a war? A treaty should be a law operating immediately and directly upon the people. If the legislatures must be applied to to pass laws for the execution of treaties which are in any respect burthensome they will never do it.

The supreme court of Kentucky in 1862 also decided that a proper treaty had precedence over any State law. The Michigan supreme court, 1859, declared that-

When a treaty has been made by the proper Federal authorities, and ratified, it becomes the law of the land, and the courts have no power to question or in any manner look into the powers or rights of the nation or tribe with whom it is made.

Even in 1788, before the present Constitution went into effect, the Pennsylvania courts upheld the supremacy of the treaties, and in 1806 declared their superiority over a provision in the constitution of that State. This was rendered in Gordon v. Carr in the United States circuit court of Pennsylvania. Massachusetts has followed the general ruling and sustained treaty stipulations where they conflict with state statutes.

I believe I have quoted in the foregoing opinions the strongest expressions that can be found in our Supreme Court reports in favor of the large and almost limitless power and effect of the treaty, but it is readily seen that the particular cases passed upon are not "on all fours" with the present Japanese controversy and rarely affected the police powers of the States.

I now wish to cite a few authorities that tend to sustain more

strongly the rights of the States to govern their internal affairs in the full exercise of the police powers which are still reserved to them; and upon these grounds our Federal courts in many instances have refused to interfere with State action concerning matters under State control.

Treaties may be made on all subjects by the United States not inconsistent with its nature or its relations with the States. (Holden v. Joy, 17 Wall., 243.)

Laws and treaties of the United States in order to be binding

must be within the legitimate powers vested by the Constitution in the General Government. (Daniel, Judge, License cases, 5

How., 613.)
Mr. Butler, in his work on the treaty-making power of the United States, says:

The Constitution provides that all powers not delegated to the United States nor prohibited by it to the States are reserved to the States, respectively, or to the people, and certainly the police power is reserved to the States.

In 1885 the Supreme Court of the United States declared that a municipal ordinance of San Francisco imposing regulations and restrictions upon laundries, and which ordinance was aimed directly at the Chinese in that State, was valid. The court further held that such regulations of laundries was a question which came within the rights of the municipality. The ordinance was a constant. nance in question prohibited washing and ironing in public laundries within certain territorial limits of the city within the hours of 10 o'clock at night and 6 in the morning. The court

distinctly declared that this was a police regulation, and sustained it as such.

As to what subject the treaty power extends, we find Jefferson's Manual of Parliamentary Practice says:

(1) It is admitted that it must concern foreign nations, or it would be a nullity, res inter allos acta.

(2) By the general power to make treatles the Constitution must have intended to comprehend only those objects which are usually regulated by treaty and can not be otherwise regulated.

(3) It must have meant to except out of these the rights reserved to the States, for surely the President and Senate can not do by treaty what the whole Government is interdicted from doing in any way.

(4) And also to except those subjects of legislation in which it gave a participation to the House of Representatives.

In the United States—

says Judge Brewer, in the matter of Heff (197 United States,

there is a dual system of government, national and State, each of which is *supreme* within its own domain, and it is one of the chief functions of this court to preserve the balance between them.

In 1857 the New York court of appeals declared that an act of the legislature prohibiting intrusion on certain Indian lands within the State, notwithstanding the treaty of 1842, was a police regulation, and that the State had the right to enact such a law and could not be deprived of the right to exercise such power to preserve the peace. This case was affirmed by the United States Supreme Court. (Cutler v. Dibble, 21 Howard.)

We find in the opinion of the court, among other things:

The statute in question is a police regulation for the protection of the Indians from white people and to preserve the peace. It is the dictate of a prudent and just policy. The power of a State to make such regulations to preserve the peace of the community is absolute and has never been surrendered.

Possession and enjoyment of all rights are subject to such reasonable condition as may be deemed by the governing authority essential to safety, health, peace, and good order of the community. (Crowley v. Christensen, 137 U. S., 89.)

In 1893 the United States circuit court of South Carolina

held that the State dispensary statute did not contravene the rights of Italian citizens to freely carry on business in this country as guaranteed them in the Italian treaty of 1871. Simonton, in his opinion, after referring to the treaty stipula-

Under these articles the complainants have the same rights as citizens of the United States. It would be absurd to say they had greater rights. The police power is a right reserved by the States and has not been delegated to the General Government. In its lawful exercise the States are absolutely sovereign. Such exercise can not be affected by any treaty stipulations. Salus populi suprema lex.

The distinguished writer on the treaty-making power, Mr. Butler, has well declared:

The Supreme Court has in regard to treaties, as it has in regard to Federal statutes, ever kept in view the exclusive right of the States to regulate their internal affairs, and have not allowed either treaty stipulations or Federal statutes to be so construed as to prevent the proper exercise of police powers.

In the License cases (5 How., 504), Judge McLean said

A State regulates its domestic commerce, contracts, the transmission of estates, real and personal, and acts upon all internal matters which relate to its moral and political welfare. Over these subjects the Federal Government has no power.

In Foster v. Kansas (112 U. S.) the court said:

These cases rest upon the acknowledged right of the States of the Union to control their purely internal affairs, and in so doing to protect the health, morals, and safety of their people by regulations that do not interfere with the execution of the powers of the General Government or violate rights secured by the Constitution of the United States. The power to establish such regulations, as was said in Gibbons r. Ogden (Wheat, 1) reaches everything within the territory of a State not surrendered to the National Government.

In Patterson v. Kentucky (97 U. S., 501) on this particular question the court says:

But obviously this right is not granted or secured without reference to the general powers which the several States of the Union unques-tionably possess over their purely domestic affairs, whether of internal commerce or of police.

Judge Miller, fifteen years after he had written his famous opinion in the Slaughterhouse cases, which opinion will ever remain a monument to his ability, integrity, and fearlessness,

The necessity of the great powers conceded by the Constitution to the Federal Government originally, and the equal necessity of the autonomy of the States and their power to regulate their domestic affairs, remain as the great features of our complex form of government.

This able jurist in his remarkable opinion in the Slaughterhouse cases, speaking of the police power, said:

This power is and must be from its very nature incapable of any very exact definition or limitation. Upon it depends the security of social order, life and health of the citizen, the comfort of an existence in a thickly populated community, the enjoyment of private and social life, and the beneficial use of property.

Judge Miller then quotes Chief Justice Marshall in Gibbons

v. Ogden, wherein Judge Marshall, speaking of inspection laws and the police powers, said:

They form a portion of that immense mass of legislation which comprises everything within the control of a State not surrendered to the General Government—all which can be most advantageously administered by the States themselves.

A statute of New York which required every master of a vessel arriving from a foreign port in that of the city of New York must report the names of all his passengers, with certain particulars as regards their age, their last place of settlement and place of their birth, was held not to be an invasion of the exclusive right of Congress to regulate commerce, but that such a statute was within the exercise of the police power of the State.

In the case of The United States v. De Witt an act of Congress which made it a misdemeanor to mix naphtha and illuminating oils for sale or to sell oil of petroleum inflammable at less than a prescribed temperature was declared void because the power to make such a law belonged to the State as a police regulation and Congress had nothing to do with such a matter, even though it undertook to make it a part of the internalrevenue law.

In the case of Railway v. Mississippi, decided in 1890 by the Supreme Court of the United States, the State statute of Mississippi providing that railroads carrying passengers in that State should provide separate but equal accommodations for the white and colored races was upheld as being entirely within

the power of the State to pass such a law.

In the celebrated case of Plessy v. Ferguson (163 U. S.) it was decided that a Louisiana statute requiring railroad companies to provide equal but separate accommodations for the white and colored races, and providing that no person should be permitted to occupy coaches other than those assigned to them on account of the race to which they belonged, and further requiring the officers of the railroad company to assign to each passenger the coach to which his race designated him, and imposing penalties upon any passenger insisting on going into any other car than the one set aside for him according to his race was constitutional and not in conflict with the thirteenth and four-teenth amendments to the Constitution of the United States, but was entirely within the police power of the State. Brown, in the opinion, says: Justice

We think the enforced separation of the races as applied to the internal commerce of a State neither abridges the privileges or immunities of the colored man, deprives him of his property without due process of law, nor denies him the equal protection of the laws, within the meaning of the fourteenth amendment.

The learned judge, quoting from People v. Gallagher, 93 N. Y.,

When the Government, therefore, has secured to each of its citizens equal rights before the law and equal opportunities for improvement and progress, it has accomplished the end for which it was organized and performed all the functions respecting social advantages with which it is endowed.

Legislation is powerless to eradicate racial instincts—

Says the eminent judge-

or to abolish distinctions based upon physical differences, and attempts to do so can only result in accentuating the difficulties of the present situation. If the civil and political rights of both races be equal, one can not be inferior to the other civilly or politically. If one race be inferior to the other socially, the Constitution of the United States can not put them on the same plane.

[Applause.]

I take it, therefore, that no lawyer who cares anything for his professional reputation will deny that if the separation of races on railroad cars is a police regulation, likewise the separation of races in public free schools is a similar police regulation—in fact, the two cases are "on all fours." One of the earliest cases declaring that the States have a right to make provision for the instruction of colored children in separate schools established for them and prohibiting their attendance upon other schools is that of Robinson v. City of Boston (5 Cushing, 198), and this opinion is quoted with approval in Cushing, 198), and this opinion is quoted with approval in Plessy v. Ferguson. The further assertion is made in that celebrated case that "similar laws have been enacted by Congress under its general power of legislation over the District of Columbia, as well as by the legislatures of many States, and have been generally, if not uniformly, sustained by the courts."

Now, we have seen that a law passed by a State legislature in the exercise of her police power is a supreme enactment, and therefore no Federal Constitution or treaty can vary, amend, or annul it any more than a State legislature could repeal the fifteenth amendment to the United States Constitution. exerci e of police powers the States are supreme and absolutely free from aggressions, whether in the form of Federal enactments or treaty stipulations. [Applause.] And in the exercise of police powers there is a large discretion given to the legislature as to whether or not their police regulations are reasonable and as to whether or not such regulations are wise or unwise is beyond the power of the Federal courts to correct. (Patterson

v. Kentucky, 97 U. S., 504; Plessy v. Ferguson, 163 U. S., 553.)
No treaty executed by the United States, within my knowledge, has ever undertaken to give an alien any rights superior to those enjoyed by our own citizens. I think a treaty which should undertake such a thing would be void as unconstitu-tional. Could, then, the State of California pass a law requir-ing separate coaches for the Japanese and whites? The State has a right to do it with reference to her own citizens, and unless a treaty undertakes to give larger rights and privileges to aliens than natives possess, most certainly such a State law would be valid. Shall it be contended that the black man of Jamaica, a subject of Great Britain, taking up residence in any of the States that have separate passenger-car laws, could force himself into white cars when an adjoining car on the same train is occupied by native negro passengers who would not have this same right?

State laws forbidding the intermarriage of certain races are held universally to be within the police powers of the State. State can forbid the marriage within her borders of any white person and negro, which would prevent a white Englishman from marrying a negro woman, no matter what a treaty might provide in this regard. In like manner, could a marriage between a white person and a Japanese be prohibited, or a white person and an Indian?

The public free school is wholly a State institution, to the maintenance of which the Federal Government does not contribute a penny. The States have the absolute right to establish public free schools or to refuse to have one within their borders. Neither the Constitution nor the Congress has any power to coerce a State into establishing a free public school system. Neither can Congress nor the Constitution prohibit a State from enacting a law requiring different native races to attend different schools. Then, if Congress and the Constitution can not force a State to admit black or brown pupils into white schools, how can the treaty-making power, which gets its force and vitality from the Constitution, compel such action? [Applause.]

The free-school privilege of California is a gift to the Japanese which they are not compelled by any law, regulation or ordinance to accept. The only condition which the State attaches to the gift is that, if they do accept it, they must do so in certain school buildings, which are as comfortable as those in which the whites attend school and in which they find training equal in quality and duration to that of the white schools, It is the height of oriental conceit to demand more; it is the climax of Japanese swellheadedness to persist in their demand. [Applause.] This insistence in demanding that they be allowed to attend white schools proves their unifiness to enjoy such a privilege. [Applause.] The sons of Nippon should be made to understand that notwithstanding their recent victory over decrepit Russia they can not compel the young Giant of the West to abrogate her laws or destroy her customs simply to meet the Japanese caprice or tickle Japanese vanity. [Applause.]

Take another view of the case. Suppose California should abolish her public free schools. Suppose, then, a citizen of Great Britain, residing in New York State, attends New York free schools under the "most favored nation" clause of the English treaty. Now, could a citizen of Japan, residing in California, compel that State to establish free schools for him to attend, on the ground that subjects of Great Britain enjoyed free-school privileges in New York? Carrying the treaty-making powers to the extent that some would have us go, a Japanese subject residing in North Carolina could compel that State to give him a ten months' school term instead of four months, because a subject of Great Britain in the State of New York has the privilege of a ten months' term.

Of course this is absurd, and shows clearly that the public schools and all rules and regulations governing their administration, even unto the separation of the sexes and races, are entirely in the control of the States that establish them, and every person, including foreigners of most favored nations, must accept such schooling under such length of term, rules, and regulations as the State of his residence prescribes. Could a Japanese girl compel the State authorities to admit her into the separate male schools, set apart for male students alone? If not, why not? The question answers itself. Does anyone contend that a white pupil of San Francisco could compel his admission to the oriental school in the face of a provision of the State statute, or even a regulation of the school board forbidding same?

My own conviction is that no treaty can grant foreigners in

the United States any greater privileges and immunities than a citizen of the United States has the right to demand and enjoy under the Federal Constitution, and these privileges and immunities are: The right to life, liberty, ownership of property, and the equal protection of the laws. "Equal protection of the does not grant to everyone the right to attend any school within the State, nor does it guarantee social equality. This clause in the Constitution and the treaty stipulation in question are entirely met and satisfied when a State furnishes, as in the case of California, to the oriental schools teachers of equal competence, terms of equal length, and schoolhouses of equal comfort with those of the white schools; and this it is admitted is

A statute which implies merely a legal distinction-Says Judge Brown-

between the white and colored races—a distinction which is founded in the color of the two races, and which must always exist so long as white men are distinguished from the other race by color—has no tendency to destroy the legal equality of the two races. (163 U. S.,

tendency to destroy the legal equality of the two races. (163 U. S., 543.)

Laws permitting, and even requiring, their separation in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other, and have been generally, if not universally, recognized as within the competency of the State legislatures in the exercise of their police power. The most common instance of this is connected with the establishment of separate schools for white and colored children, which has been held to be a valid exercise of the legislative power even by courts of States where the political rights of the colored race have been longest and most earnestly enforced. (163 U. S., 544.)

We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it. The argument necessarily assumes that if, as has been more than once the case, and is not unlikely to be so again, the colored race should become the dominant power in the State legislature, and should enact a law in precisely similar terms, it would thereby relegate the white race to an inferior position. We imagine that the white race, at least, would not acquiesce in this assumption. (163 U. S., 551).

No one would contend that every Japanese student would have

No one would contend that every Japanese student would have the right to be taught by one particular teacher, in one particular room, or in one particular part of the city, if his whim should so dictate, just because some other pupil of school age was so

But, Mr. Chairman, although it should be held that the third clause of Article I of the Japanese treaty of 1894 is in direct conflict with the school law of California, which I can not for a moment admit, still, sir, it is clear to me that the fourth paragraph of Article II provides that no stipulation in the treaty shall affect the police and public-security regulations of any State. The paragraph to which I refer reads as follows:

It is, however, understood that the stipulations contained in this and the preceding article do not in any way affect the laws, ordinances, and regulations with regard to all immigration of laborers, the police and public security, which are in force, or which may hereafter be enacted in either of the two countries.

It is therefore clear that those who drafted the treaty were careful to avoid an apparent clash between the treaty power and the police power reserved to the States.

It is within the police power, therefore, of every State not only to establish public schools, but to govern them by reasonable rules and regulations and provide for a separation of both Such regulations are clearly in the interest sexes and races. of the peace, health, and safety of the community and State. I predict, therefore, that when we hear from the Supreme Court—if a decision of the case pending shall be finally de-manded—California will be left undisturbed in her right to maintain separate schools, and at the same time the Japanese treaty will be held to be constitutional and the school law of California construed by that court as not to conflict there-

So I contend, Mr. Chairman, first, that there is no conflict between the treaty and the California school law; second, that if there is conflict, the treaty must give way, for the California school law is an exercise of the police power, and therefore su-preme, subject to repeal by no authority on earth save by her State legislature. [Applause.]

The good sense of the Supreme Court of our country can be depended upon to settle such cases wisely and justly and at the same time preserve our civilization and the spirit of our Government by refusing to interfere with purely local internal affairs of a State, regardless of the vehement and egotistical Jap, who yearns for and demands social as well as civil equality with

our best American blood. [Loud applause.]

Mr. LOWDEN. Mr. Chairman, there are several bills pending before Congress which involve the relations to the public of those corporations engaged in interstate commerce. Among them is one requiring publicity on the part of those corpora-tions. In brief, this law requires such publicity of its affairs

on the part of the corporation as to afford the public a knowledge of those things which concern the relations of the corporations to the public. It does not require the revelation of those business secrets which are important as between the corporation and its rivals. I desire to address myself to the principle of this law. I wish to state at the outset that a distinction should be made between those corporations which are in the nature of a partnership, whose securities are not dealt in by the public, and the larger corporations which in reality have become agencies of the State. It is only to the latter that the principle of publicity should apply.

Publicity would enable the Congress of the United States to act intelligently in reference to proposed legislation which affects corporations. Up to the present time the Congress has been largely in the dark as to the real facts which existed in the particular case. Only recently the country was startled by the charge that one great railroad company had mortgaged its property for a large amount of money, and with the proceeds of that mortgage had gone into the market and acquired control of a competing line. If this charge be true, publicity would have disclosed this danger long ago. A law, then, could have been enacted, and probably would have been enacted, requiring that no corporation engaged in interstate commerce should have the power to acquire or own shares in other transportation companies. Publicity would reveal any tendency to exceed the real power which it was intended to confer upon corporations and this tendency could be checked by law. licity would also discover any dangers of corporation development which menace the public. Without publicity the harm is

requently done before any effective action can be taken.

Publicity is desirable for other reasons. The total wealth of the United States, according to the figures of the Census of 1900, is \$90,000,000,000. It is stated on excellent authority that one-fifth of this total is in corporations which would become subject to the provisions of this law. There is already a vast number of our people who hold securities in these corporations. What, however, can most of them know what these securities represent, either in tangible value or in earning capacity? They must depend for their knowledge of their property upon rumors in the newspapers and quotations in the stock market. Opportunity is thus afforded to the unscrupulous manipulator upon the stock exchange to set in circulation all kinds of slanders and depress the stock. In the condition of panic which follows, he can frighten the legitimate investor in that stock into selling for whatever he can get. Then, when the manipulator has acquired all the stock he desires, he takes his hand from off the market, and the stock rises once more to its real value, or beyond it, for speculative purposes again. The result of this is not only a great financial loss to those who can least afford it, but they also lose something more, and that is, confidence in the integrity of our commercial conditions. Let this confidence disappear and havoc always comes. To illustrate, it is not only important that our banks should be safe, but that the people of this country should know this fact. A distinguished Member of this House gave me only the other day an illustration of this in the city where A woman visited one Saturday afternoon the savings he lives. bank in which she had a substantial deposit. She saw upon the door of the bank the sign, "Bank closed." She misunderstood this sign and started the report that this bank, one of the soundest in the city, had failed. A disastrous run ensued and the bank survived only through the generous aid its rivals gave. Confidence in our business institutions is the life blood of commerce. This can only be gained and held by the fullest and freest publicity. In the complex conditions under which we live, to throw suspicion upon the soundest business may bring wreck. Confidence in anything is impossible without knowledge. A Gibraltar obscured in fogs no longer seems a fortress to the world.

Many businesses, which insist on secrecy in their business, injure no one quite so much as themselves. Any corporation which conceals its assets and its earnings is popularly supposed to earn incomparably larger returns upon its capital than it actually does. I venture to say that the money invested in the average corporation a quarter of a century ago—certainly, a half century ago—if it had been invested in farm lands in the Mississippi Valley, would to-day realize more to the investor than it now does. And yet the farmer in that region, knowing nothing for certain and listening only to the extravagant stories told of its wealth, is impelled to believe that the generous returns which the land he then purchased yields do not begin to compare with the dividends the investor in corporate stock receives. The feeling of distrust he thus cherishes would never have found logment in his brain if the corporation had been

simply frank with the public. Secrecy defeats its own object, It only magnifies in the average mind what it aims to minimize.

The smallest shareholder in one of these corporations is entitled by every standard of business ethics to as complete knowledge as is the most powerful "insider." Make it possible for the owner of a single share of stock to feel the same security and share on equal terms with the largest stockholder the privileges of the corporation, and the money of the people will go, not into savings banks, but into the business of the country. [Applause.] Hundreds of thousands of people therefore would become equal partners in proportion to their investments in the expanding industries of to-day. They now prefer the small interest which they receive from the banks they regard secure to an interest in a corporation, of the affairs of which only a small group has any accurate knowledge. Their money would thus, instead of earning more for those already rich, return to its owners the increment it actually creates.

Publicity of its affairs would lift the management of a corporation to a higher plane. The majority of men who are charged with the care of corporations are not different from other men. It is not true that they carry other ideas of business ethics into their corporate management than obtain with them elsewhere. It must be confessed, however, that there are men in control of corporations, just as there are in every other walk of life, whom this visitorial power is needed to keep within their proper sphere. With the latter class, publicity by itself would restrain them from much that is wrong. Equally important, however, is it to the great body of honest corporate officials. They shrink from taking rebates, but if their competitor has this advantage they can see nothing but business ruin unless they, too, give way to this pernicious practice. They know that to bribe an official to escape the payment of just taxes is a detestable wrong. At first they When they learn that their rivals have committed this offense they, too, are tempted to yield in order that competition may be upon equal terms. I might multiply these illustrations, but it hardly seems necessary. Publicity would hold the dis-honest corporate manager up to shame and fortify the honest manager in his purpose to walk within the lines of right and law

There is nothing new in the principle of this legislation. More than forty years ago, when national banks were authorized, the Government reserved the right to examine minutely into their affairs and required reports. If there is any business which is sensitive to a visitorial power from without, it is the business of the banker. And yet who can doubt but that publicity, which has been impressed upon these institutions, has been of infinite good? How often has the hand of the manager of one of these banks been stayed when tempted to use the funds of the bank for private speculations? Who can say how many panies have been averted during this time by the requirements of this law?

The corporations complain to-day that the people are so prejudiced against corporations that they can not do them jus-There is much of truth in this. But who is primarily to blame for this unfortunate condition? Is it not in a large measure the corporations themselves? I recall the fact that when the railroad first came to the West, it was welcomed by the people. Those who built it were hailed as benefactors, as indeed they were; for without the railroad the most productive portions of our country would still be on the frontier. In the early days of the railroad it was treated not only fairly, but generously, by the people. How did it repay the people for this treatment? In some instances it used its popularity and growing power to attempt to dictate the politics of a State. It intrigued for the elevation of some one to the bench whose decisions would be favorable to the railroad. I recall that when I first came to the bar it was the quite general practice for railroad companies to resist any claim made upon them, whether just or not. One frequently heard railroad officials declare that the railroad company must resist any suit brought against it; must, by technical defenses and long delays, wear out the litigant, so that in the future men would not dare prosecute these railroad companies in the courts. What was the result? The people became justly irritated. New parties arose. The granger movement swept over the West. Any economic policy, no matter how unsound, promising to overcome the abuses of the railroads was given a welcome hearing. All suffered, and the railroad companies not least of all. Receiverships came in a large number, and the railroad companies became sobered by adversity.

After a while they found that they could not win a jury case, even where the merits were plainly with them. They then discovered that their policy had been altogether wrong. Many of

them reversed this policy and adopted the wiser one of settling every just claim. But the harm had been done, and the railroad companies are suffering to-day from the mistaken policy

of those early years.

About twenty years ago the interstate-commerce act became a law. The principle of this law was sound; it simply aimed to prevent a railroad company from using its vast power arbitrarily to build up one individual at the expense of his business rival or one community at the expense of another. And to-day the best men in the railroad world admit the soundness of this principle. What, however, did most of the railroad companies do then? Instead of admitting the wisdom and justice of the law they set their finely organized legal departments to work to thwart, obstruct, and nullify the law in every way they could. Who can doubt but that if the railroad companies at that time had cooperated with the Commission, to the end that the law might be enforced, they would be infinitely better off to-day, and in the meantime would have been spared many a stretch of thorny road?

I remember that years ago the city of Chicago, where I then lived, passed an ordinance requiring the gradual elevation of the railroad tracks within the limits of the city. The railroad companies had bitterly opposed this ordinance. It was alleged by them that to comply with the terms of this ordinance would bankrupt every railroad company entering Chicago. Elaborate figures were prepared, which seemed to prove their The railroad companies, however, were worsted in this Recently I chanced to be riding out of Chicago with a high official of one of these roads. I asked him how track elevation had affected them in practice. He told me that, merely from a selfish standpoint, they had never made a better invest-This instance illustrates the great truth that what is best for the public is also, in the long run, best for the corpora-It is equally true that any legislation which does an injustice to the corporation must, in the end, injure the whole people. For if you render insecure any class of investment I will pass by. There is a striking illustration before us It appears that from 1895 to 1905 the track mileage of capital will pass by. the railroads of the United States increased about one-fifth, and the freight ton-mileage increased about one and one-fifth. result is that there is to-day a freight blockade which is paralyzing the commerce of the country. Nor is that all. The increase in the railroad mileage of the country was less in 1906 than at any time for thirty years, though it is perfectly obvious that never was so great a need for increase as now. Does not this come in a large measure from the fear of Government ownership of the public-utility corporations, and the uncertainty as to what the attitude of the public toward them will be in the future? Can you expect men to invest their money in an enterprise which a large body of the people declare that this Government should take over at its own price?

We are just beginning to learn that the industries of this country are so related, so mutually interdependent, that fairness and justice to every one of them is essential to the welfare of the whole. It is equally true that no interest can gain a special advantage at the expense of the public which will not, in the long run, react upon itself. The sole inquiry with reference to legislation upon this subject should be, Will such legislation benefit the country as a whole? If it will not stand this test

it will benefit no one in the end.

Expediency has always been the first milestone in the painful progress of the race to a higher individual, national, and political life. Our ancestors found that life was easier and pleasanter when they decided among themselves to create values rather than steal them. Laws were enacted against larceny. What at first was only a sense of expediency in some mysterious way after a while became worked up into conscience, and a theft seemed to scar the soul. Even then the nation thought it could gain by dishonest practices. It enjoined one code of morals upon its subjects and practiced another upon its neighbors. It encouraged the people to shun falsehood, at the same time it decorated its diplomats who had lied successfully to a foreign court, and beheaded those who had been betrayed into telling the truth. But the nations learned that perfidy in their relations with one another resulted in devastating and needless Fallow fields and silent workshops, desolate firesides and bankrupt treasuries suggested an extension of the law of honesty so that it should apply to nations in their intercourse with one another, until to-day nations have almost developed

Corporate interests, too, must learn that every immunity or benefit secured at the expense of the public becomes a menace, not a gain. A corporation, it may be, desires a franchise from the public. It argues that securing the franchise will result in the public good. This meritorious end is made to justify dishonest means. The people, however, have never taken kindly to this precept, which is the first principle in the devil's own casulstry. They soon come to suspect that every measure which this corporation presents contain a covert steal. Finally it can only secure what the public would otherwise gladly give by a purchase of corrupt officials whom the corporation taught their trade. It finds that at the same time it first bribed a council or a legislature, it sowed a crop of dragon's teeth which has sprung up into an army of mailed highwaymen. Corporations must learn the lesson that honesty is the best policy in their dealings with the public. Irrespective of the question of ethics, that corporation is the wisest which meets the public honestly. Any contest between it and the people in which it does not employ honest means to an honest end must ultimately result in defeat, if not destruction.

I do not wish to be misunderstood. I do not commend honesty as a rule of conduct for the reason only that it is the best policy. But human nature is so constituted and self-interest is so powerful a motive that the average man will read the decalogue in a new light when he has discovered that every one of its laws leads to a higher and more perfect happiness.

Isn't it time for the senseless war between the corporations and the public to end? That abuses grow out of corporations just as they do out of every other human institution no one can deny. But when those abuses come and Congress feels constrained to act, what is the answer of the corporations themselves? They suggest nothing but that they be left alone. They hold sullenly aloof and resent any suggestion that legislation

could possibly help.

In a state of war it almost always happens that reprisals are made by either side. It doubtless sometimes happens that the reprisals are made by the Government. It also happens at other times that the reprisals are made by the corporation upon the public. This is an unhappy condition in which the people suffer at both times. If injustice is rendered to the corporation, the development of our resources is checked and the people suffer. If, however, the corporations make reprisals on the public, the public suffers again. Whichever way the pendulum swings the public uniformly loses. Wouldn't it be better, intinitely better, if the public and the corporation, in lieu of this state of war, were to seek a common ground of justice and fairness to all? In the labor world we are told by experts on both sides that conciliation is rapidly coming to take the place of open war, and even arbitration. It is not possible that a like principle shall one day rule the relations between the public and corporations? Open and unchecked warfare between them must finally result in one of two things: Either the supremacy of the corporations over the Government, which means the passing of the American democracy, or the acquisition by the public of the means of production and distribution, which equally signifies the triumph of socialism. I can not believe that the American people desire either of these extremes.

A great opportunity confronts the corporations of this country. Corporate ownership is upon trial. So far, in the main, it has proven a beneficent influence in the development of our common country. If, however, the good it brings to the people as a whole shall be exceeded by the evils it bears in its train, it is doomed to perish. Under the operation of a law which supersedes all human laws, no human institution can endure unless it renders a real service to mankind. The earth is filled with giant forms of life long dead, which ceased to be because in the evolution of the universe they no longer performed functions of use to the world. The time has come when corporations must decide whether they will jeopardize the security of property for all the future in order to gain a temporary advantage for to-day. On the one hand is private property, under the law, and on the other a socialistic state, from which

Americans must shrink.

Let there be light. When fair-minded men agree upon the facts they do not differ much as to conclusions. Prejudice on either side is born of ignorance. Bacon says: "Suspicions among thoughts are like bats among birds; they fly ever best at twilight." Let in the light. These agencies of the public, called "corporations," will then obey their mission. Creations of the State, they then will be made to serve the purpose of their creator.

Who can rightfully object to this publicity? Some one, perhaps, may say that it is an interference with the exercise of property rights. I answer that this is one of the functions of government. The moment man emerged from savagery he began to circumscribe man's property rights. To protect and to limit property rights are the dual office of the state. Centuries ago it was ordained, "Thou shalt not steal," and there followed as a corollary that other injunction, "Thou shalt not use thine own to another's injury." [Applause.]

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Sterling having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 24103) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1908, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. Gallinger, Mr. WARREN, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 23576. An act to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 8486. An act to amend an act to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia, approved June 8, 1896.

#### POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. MURDOCK. Mr. Chairman, I, too, am in favor of letting in the light, as is the gentleman from Illinois [Mr. Lowden] who preceded me, but I expect after letting in the light, having given publicity to a wrong, to be put out on a point of order. [Laughter.] I want to talk to the membership of this House in regard to one provision, one of four provisions, which proposes to cut down the pay for the transportation of mails by the railroads, namely, that provision which strikes out of the exist-ing law the word "working," seeking by the elimination of that word "working" to save to this Government in the next four

years something like \$5,000,000.

The bill, known as the "post-office supply bill," now before the House, makes four provisions relating to the annual compensation to railroads for transportation of mails. One is a horizontal reduction of 5 per cent of present rates on routes carrying from 5,000 to 48,000 pounds daily; 10 per cent on routes carrying from 48,000 to 80,000 daily, and a rate of \$19 for each 2,000 pounds above 80,000 pounds. Another provides for reductions in pay for railway postal cars. Another provides for the elimination of return empty mail bags from weights at weighings. Another provides for the striking out of the word "working" before the word "days" in the statute, wherein it is directed that "The average weight is to be ascertained, in every case, by the actual weighing of the mails for such a number of successive working days \* \* \* as the Postmaster-General may direct." This last provision would make a reduction of some \$5,000,000 in the pay to railroads in the four In December last I introduced a bill folweighing sections. lowing the line of three of these provisions. I do not agree with the interpretation of the statute, construed briefly in 1884, which contends that the presence of the word "working" forces the use of a divisor of six on a dividend of seven days' weights, in the computation to secure, as a quotient, an average daily weight. But the Department holds by the construction given it twenty-three years ago, and the proviso in this bill seeks to change the practice by dropping the word "working," upon which that construction hangs.

The proposition to which I wish to address myself is that three hundred and thirteen days do not make a year; that forty-two days is six weeks, and not seven weeks; that the great bulk of mail goes upon routes that have Sunday trains, and that not until the last six weeks has anyone claimed that Sunday service, in the transportation of the mails, is "extra

service.

As I pointed out in a speech here December 11 last, the practice of the Department is this: To weigh the mails for a certain period and including all weights on all days of weighing, Sunday and week days, then to divide this total weight by the number of days, less the Sundays, in the period. That is, the Sundays are left in the dividend, and are taken out of the divisor, with the result that the quotient is enlarged. This quotient is, in practice, the average daily weight. This average daily weight is the basis of railway mail pay. The larger the average daily weight, above 200 pounds, the larger the compensation paid to the railroads. The pay is based on a table of pay which begins with \$42.75 per mile per annum for 200 pounds average. begins with \$42.75 per mile per annum for 200 pounds average weight per day and ends with \$171 per mile per annum for

5,000 pounds average weight per day, and \$21.37 for every additional 2,000 pounds average weight per day when over 5,000 pounds average weight per day is carried.

As this matter of weighing for a period of one hundred and five days and dividing by ninety-that is, with the Sundays out of the divisor-has never before been publicly at issue, so far

as I can discover, I will treat it with detail.

At the start I desire to call the attention of Members to two kinds of railway mail routes, and in order to do it briefly will cite from the records for the Post-Office Department the smallest route in mail carried that I can find, and the largest route in pay in the country. If the report of the Post-Office Department is correct the smallest route in mail carried is route No. 165065, the Chicago, Burlington and Quincy, from Sterling, Colo, to Cheyenne, Wyo., which three times a week carries an average daily weight of 4 pounds for 106 miles, for which the compensation is set down (at page 85, Report of Second Assistant Postmaster-General, 1906) at \$4,564.41. This seems incredible, and I expect the Department does not pay that, but, inasmuch as the mail is carried but three times a week, just half that sum, or \$2,282.20, it being the practice, I have been told, to permit but half pay for routes making three trips a week. Now, this is not a typical route. It is the smallest of all small routes. and is serviceable in this connection as emphasizing a class of mail routes, being one of many side lines which are no part of the great arteries of mail transmission. There are in the small class of routes some 750 in the entire country, side lines which carry 200 or less pounds daily average at a cost of only a half million dollars to the Government, about 1 per cent of all expenditure for railway mail carriage. These small side lines, they run six trips a week, get for any amount of mail under 200 pounds, according to the published tables, the same pay per mile per annum—that is, \$42.75. They will not be affected by a change in the divisor in arriving at the daily average, or by a change in the divisor in arriving at the daily average, or by a change in rate of pay for railway postal cars, or by elimination of empty bags from weighings, or by the horizontal reductions of pay provided in this bill. There are 750 routes, therefore, out of the 3,100 in existence, which are not affected by the provisions of this bill.

Now, the largest route in pay in the country is No. 107011-York-Buffalo, New York Central-which carries 411,000 pounds average daily weight, and receives for this one route alone in postal-car pay and weight compensation \$2,251,801. All the provisions in this bill, should they become law, will reach and reduce the pay of this route, namely, the provision for a change in divisor, the provision reducing car pay, the horizontal reduction in weight pay, and the provision for elimination of empty bags.

What I desire to emphasize is this, that all the routes in the country are broadly divisible into two classes: First, the small subsidiary side lines; second, the great through lines of mail

I have shown that these side lines, where the six-trips-a-week service abounds, where there are few Sunday trains, number nearly one-third of the routes in the country and receive but 1 per cent of the pay.

Now, three railroad systems in this country receive nearly \$16,000,000 of the pay—the Pennsylvania, the New York Central, and the Burlington systems; that is 32 per cent of the whole compensation. Thirty-two systems receive thirty-nine millions, or 78 per cent of the pay. There are eighty-three contract routes in the country which receive annually for weight pay alone over \$80,000 each. Altogether these routes receive \$21,000,000, or 47 per cent of the pay.

In other words, the great arteries of mail transmission carry and have had concentrated upon them the great bulk of moving mail matter. The tracks followed by dense mail are clearly They are distinct from the small side lines, and unless defined. the distinction is kept in mind the provisions of this bill can not

be fully grasped.

All four of the provisions reach these great arteries. do not reach the small routes. The conditions surrounding a small mail route and a large one are different. On most of the small routes commercial traffic does not warrant Sunday trains. On the great routes Sunday trains are dictated by commercial conditions in no wise induced by the dispatch of mails. All mails could be removed from the railroads and on the great routes Sunday trains would continue. It is not tenable to maintain that the eighty-three contract routes which receive over \$21,000,000 annually are induced in the slightest into Sunday service by the mail.

The difference between the great routes and the small routes may be better illustrated, perhaps, by taking a single State—Kansas. There are in Kansas 100 contract routes, 64 with Sunday service, 36 without Sunday service. Ninety-seven per cent of the weight of mail in Kansas passes over routes with Sun-Three per cent passes over routes without Sunday service. The week-day routes in Kansas carry 13,322 pounds. The Sunday routes carry 472,698 pounds. The Sunday routes receive for pay \$1,617,639. The week-day routes receive for pay

To recapitulate, much of the week-day service is not affected by these provisions. Sunday service is dictated by commercial conditions, and the dense volume of mail follows the Sunday routes. The passenger-traffic conditions which necessitate Sunday trains predominate, and the week-day service is ex-

Therefore I submit that a law which makes the basis of pay a computation based on 3 per cent of the traffic, to the disadvantage of the Government on 97 per cent of the traffic, is

unbusinesslike and no longer justifiable.

I submit that if any of these four provisions are to be eliminated from this bill, here or elsewhere, that the change of di-visor to find the average daily weight should be the last to be

The proposition that the law shall be changed to permit the Department to follow a mathematical method, dictated by the simplest rules of arithmetic and warranted, more than that demanded by modern conditions, it seems to me is incontrovertible. An average can not be found by the use of an incorrect divisor. It is mathematically impossible. Seven days' weights divided by six does not give an average daily weight, and so long as over 90 per cent of the weight of mails goes on routes carrying seven days a week, a continuation of the practice ought not to pass without protest. A divisor of seven instead of six makes a difference to the Government of \$5,000,000

I do not see how other provisions for reduction in the bill can be retained and this one provision stricken out with

justification.

If it is to fall here or elsewhere, I desire to leave a history of the practice which will save others from the trouble of rebecause I am convinced that whatever the fortune of the provision here and now the correction must ultimately come. This is a history centering about the word "working," digged from dry-as-dust documents. Some one here a few moments ago spoke about the first railroad train that went into the The first railroad train that ever ran into Washington came from Baltimore, and the then Postmaster-General-Barry, of Kentucky—went down and looked at it, no doubt. A short time afterwards he tried to make the railroad comply with the regulations of the Department, which before that time had dictated the time of the arrival and departure of the stage The railroad refused, and in the report of the first Postmaster-General who ever dealt with the question of rail-way transportation the comment occurs substantially "that if the people didn't watch out, this new-fangled railroad will develop into a dangerous monopoly."

Mr. JOHNSON. He was a prophet.
Mr. MURDOCK. In 1867 the word "working" in connection with the phrase "working days" began to appear.

In 1867 the Department forced upon the railroads a weighing of the mails—forced because the pay was then partly based indefinitely on "size of mails," and some of the railroads were claiming sizes of mail not warranted by fact; an average daily weight was not then part of any law. A circular was sent daily weight was not then part of any law. A circular was sent out by the Department asking the railroads to fill out their weights for thirty consecutive working days, most of the trains then being only week-day trains. The idea apparently was to give the railroads a square deal by permitting them to show full weight. No idea of average weight was mentioned. The word "working" was included to get a test of complete size of mails. Some of the roads refused to comply, but many sent in returns. Several of the roads had heavy weights, making long, cumbersome figures. When it came to tabulating these figures some one in the Department, for convenience, reduced these figures to average daily weights. Whether or not Sunday train weights were included in any of the returns there is nothing of record to show. The average daily weight was taken for convenience. It was not part of the statutes. In 1873 the new and present law was passed. The provision of "thirty working days" was incorporated into the law. It was a departmental recommendation. I can not believe that Congress understood that an incorrect divisor was to be used because of the presence of the word "working," because to argue that Congress did so understand, that is to argue that Congress meant to eliminate the Sabbath day, and to interpret "working" day as "week" day is to argue that Congress, feeling itself helpless to stop the actual transmission of mails on Sunday, still with fine religious fervor decided to eliminate Sunday mails arithmetically.

As I believe, the word was included in the law because no one knew of its possible effect. There was a horizontal reduction of rates in 1876 and another in 1878, but so far as I can find, the word "working" was not at issue.

Notwithstanding these reductions, almost every Postmaster-General afterwards criticised the system, and without being specific, condemned it. In 1881, twenty-six years ago, Post-master-General James wrote as follows of the law, the law

which has not been changed to this day:

I am satisfied that public sentiment and justice to the Department demand a reduction of the cost of the railway mail service. It is undoubtedly true that while some railroads may not be fully paid for the service they render, the great majority are overpaid. There is and always has been a disposition on the part of the railroad corporations in dealing with the Department to exact their own terms. The subject is a complex one, and while it demands immediate attention, it should have a most careful consideration. There can be no doubt that if the pay for this branch of the postal service is adjusted upon a basis alike equitable and just to the Department and the railroad companies, the result will be a very large saving.

There is no detail here. Something was wrong, and a later Postmaster-General found part of the trouble—the Department was paying in instances for apartment cars, which is against the law

In 1882 Richard Elmer, Second Assistant Postmaster-General, wrote in the same strong strain of condemnation, but without detail:

In executing the present law it has become clear to me that under its insufficient provisions an unnecessary expediture of public money might be made for carrying the mails on railroad routes. Therefore, having in view the large annual expediture for this branch of the service, I can not too strongly urge the great importance of at once perfecting the present crude and incomplete laws, so that an uncalled for expenditure would be rendered impossible.

The "crude and incomplete laws" are those on the statutes

All this anxiety led to something-a bill, recommended by a committee, whether of Congress or the Department the records do not show. This bill is printed in the Postmaster-General's report of 1884. The bill left the word "working" out, but no was not acted upon. In the latter part of 1884 Mr. Gresham was Postmaster-General. He found the word "working," and realized its importance. Up until five weeks ago, so far as I can find, there was no public record of Gresham's discovery. But on January 5, 1907, the present Second Assistant Post-master-General submitted, with other interesting and hitherto unpublished matter, to the Committee on Post-Offices and Post-Roads, from the files of the Department, an order Mr. Gresham made September 18, 1884.

# Order No. 44.

That hereafter when the weight of mails is taken on railroad routes performing service seven days per week the whole number of days the mails are weighed, whether thirty or thirty-five, shall be used as a divisor for obtaining the average weight per day.

If Gresham had remained Postmaster-General for six months after making that order and held to it, the Government would have paid for the carriage of the mail from then until to-day the sum of \$60,000,000 less than it has paid. But a little over a week later Gresham became Secretary of the Treasury. He was

succeeded by Postmaster-General Hatton. Mr. Hatton at once sent a letter to the Attorney-General, now for the first time made public. In it Hatton makes no mention of the Gresham order. He submits a method of computation and two supposititious examples, which are to me and to those to whom I have submitted them utterly confusing. No such routes as he submitted then existed. The rate allowable per mile per annum cited by him as \$150 was not then \$150. per ton per mile of road per annum" and "pay per mile run of road per annum" are not part of the computation of pay. his letter meant I do not know. I submit it:

OCTOBER, 24, 1884.

OCTOBER, 24, 1884.

SIR: The act of March 3, 1873 (17 Stat. L., p. 558), regulating the pay for carrying the mails on railroad routes provides:

"That the pay per mile per annum shall not exceed the following rates, namely:

"On routes carrying their whole length an average weight of mails per day of 200 pounds, \$50; 500 pounds, \$75; 1,000 pounds, \$100; 1,500 pounds, \$125; 2,000 pounds, \$150; 3,500 pounds, \$175; etc. \* \* \*

"The average weight to be ascertained in every case by the actual weighing of the mails for such a number of successive working days, not less than thirty \* \* "."

Upon a large number of the railroad routes mails are carried on six days each week—that is, no mail is carried on Sunday. On others they are carried on every day in the year.

It has been the practice since 1873 in arriving at the average weight of mails per day on these classes of service to treat the "successive working days" as being composed of the six secular or working days in the week, which is explained by the following illustrations:

Two routes, No. 1 and 2, over each of which 313 tons of mails are carried annually.

On route No. 1 mails are carried twice daily, except Sunday, six days per week, and are weighed for thirty successive working days, covering

usually a period of thirty-five days. The result is divided by 30 and an average weight of mails per day of 2,000 pounds is obtained.

Transportation per mile of road per annummiles	1, 252
Weight per mile of road per annumtons	313
Pay per ton per mile of road per annumcents_	47. 92
Pay per mile run of road per annumdo	11. 9
Rate of pay allowable per mile per annum	\$150

On route No. 2 mails are carried twice daily, seven days per week, and are weighed for thirty successive working days, and for the intervening Sundays, the weight on the Sundays being treated as if carried on Mondays, the weighing, as before, covering usually a period of thirty-five days. The result is divided by 30 and an average weight of mails per day of 2,000 pounds is obtained.

Transportation per mile of road per annummiles	1,460
Weight per mile of road per annumtons	
Pay per ton per mile of road per annumcents	47, 92
Pay per mile rundo	10, 2
Rate of pay allowed per mile per annum	\$150

I have thought it necessary to give the foregoing illustrations in order that the practice of this Department under the law cited may readily appear, and I will thank you to advise me whether that practice is in compliance with or in violation of the statute.

If not in conformity with the law, will you please indicate the correct method by which the average weight per day should be obtained and the compensation adjusted thereon?

Very respectfully,

FRANK HATTON,

Postmaster Greenel

FRANK HATTON, Postmaster-General.

Hon. B. H. Brewster, Attorney-General, Department of Justice.

If this letter had been published, this present matter of divisor would have been at issue long ago. In answer to the Hatton letter there was received at the Department this:

DEPARTMENT OF JUSTICE, Washington, October 31, 1884.

The POSTMASTER-GENERAL.

The POSTMASTER-GENERAL.

SIR: I have considered your communication of the 22d instant, requesting to know whether the construction placed by the Post-Office Department on section 4002, subsection 2, prescribing the mode in which the average of the weight of mails transported on railroad routes shall be ascertained is correct, and am of opinion that that construction is correct, and that a departure from it would defeat the intention of the law and cause no little embarrassment.

I have the honor to be, your obedient servant,

WM. A. Maury,

Acting Attorney-General.

This letter is the warrant the Department now holds for the present construction of the law. It was found in the files of the Department. It is also found in the regularly published opinions of the Attorney-General for 1884, but signed there not by William A. Maury, but by S. F. Philips. If this letter had not been written, we would have paid since the day it was written \$60,000,000 less for the carriage of the mails.

The Department now produces from its files a letter from William F. Vilas, written when he was a United States Senator in 1895, to the then Second Assistant Postmaster-General. letter was written unofficially and without solicitation or apparent invitation and is of interest. It attempts to justify the practice. At the beginning of the present decade the Wolcott Commission, which spent months upon the subject of railway mail pay, made its report on the subject in three volumes. Clearly, its significance was overlooked, for I have examined the reports carefully and find no mention of this potent word "working." This report included a voluminous analysis by Doctor Adams, the statistician. He has told me that the manner of computing the average was not called to his attention.

In 1905 the Congress lengthened the weighing period from thirty working days to ninety working days. The word "work-

g" was not at issue. It has been overlooked. Taking the history of the section, I again submit that while it is proper to make changes in rates of pay, if Congress desires, it is mandatory, because it is business, because the present method is warranted neither by conditions nor by the rules of arithmetic, to eliminate this incorrect computation.

Mr. RYAN. Will the gentleman permit a question right there?

Mr. MURDOCK. Certainly.

The gentleman has stated if that letter had not Mr. RYAN. been written that the Government would have paid the railroads from that time up to the present \$60,000,000 less than they have paid for the transportation of the mails. Is the committee to understand from that that they would have paid the railroads sufficient for the service rendered if they paid \$60,000,000 less?

Mr. MURDOCK. I myself think so. But, as the chairman of

this committee said in a very able speech to-day, there is a division and room for difference of judgment, Mr. Chairman. upon this question in toto. I am talking about this manner of computation in particular and what it has done.

Mr. NORRIS. Will the gentleman allow me to ask him a

question?

Mr. MURDOCK. Certainly.

Mr. NORRIS. If I understand the gentleman correctly, he said this word "working" day was dropped out of the law?

Mr. MURDOCK. Oh, no; it was dropped out of a bill in 1884, which the Post-Office Department recommended, but

which did not pass. There was no mention of the word "working," or of its omission.

Mr. NORRIS. As I understand, it is in the law now.
Mr. MURDOCK. Yes; it is in the law.
Mr. NORRIS. Will the gentleman permit another interruption, just for the sake of getting the facts right?

Mr. MURDOCK. Yes.

Mr. NORRIS. Does not the present law provide for ninety days?

Mr. MURDOCK. Ninety successive working days.

Mr. NORRIS. And do they actually weigh for one hundred and five days:

Mr. MURDOCK. One hundred and five, or fifteen days more than ninety.

Mr. FITZGERALD. Are these working days then, one hun-

dred and five working days?

Mr. MURDOCK. To my knowledge, understanding, and belief, when on Sunday there is actual service, a Sunday upon which the work is performed, it is a working day.

Mr. FITZGERALD. And has the Department two ways, one of weighing the mails and another of having it divided?

Mr. MURDOCK. Oh, no; I think not.
Mr. FITZGERALD. If the mail is weighed for ninety working days, how does it work for one hundred and five?

Mr. MURDOCK. I do not think that the gentleman has that correct. The mail is weighed for one hundred and five days when working Sundays are in the week.

Mr. FITZGERALD. If Sunday is not a working day, why

is the weighing on that day included in this total?

Mr. MURDOCK. I think that Sunday is a working day and is properly included if you are going to weigh for one hundred and five days, but if you are going to weigh for ninety days and if Sunday is a working day, it should be included in the ninety

Mr. STEENERSON. I think the gentleman has inadvertently made a mistake when he said the mail is weighed on one hundred and five days.

Mr. MURDOCK. Oh, no. If I made the statement that it is weighed one hundred and five week days, I made a misstatement.

Mr. STEENERSON. As I understand it, it is only weighed ninety days

Mr. MURDOCK. Now, 750 of the roads of this country receive the maximum pay for the minimum amount of mail, most of these will not be affected by any change in the divisor.

Mr. STEENERSON. As I understand it, in the six-day-aweek route the daily weighing is on six days.

Mr. MURDOCK. Oh, certainly.

And they are divided by 90, which is all Mr. STEENERSON. the days upon which the weighing is made for that period.

Mr. MURDOCK. Yes; exactly, on six-day-a-week routes. on seven-day-a-week routes the weighing is for 105 days.

Mr. STEENERSON. So that when you say that it is weighed on all roads one hundred and five days, you meant to indicate the calculation?

Mr. MURDOCK. I thank the gentleman for making that emendation.

Now, what is, first, the defense of the practice and, second, the contention for its continuance?

The present Second Assistant Postmaster-General justifies the practice because of established usage and the wording of the

The contention for its equity and a resistance to any change in the statute are found in three sources—Hatton's letter to the Attorney-General, Vilas's letter to the Department, and the very recent discovery by some that Sunday service is an extra service.

Let me take up these contentions in order. First, Hatton's contention is that we pay on a basis of three undred and thirteen days to the year. This is to be inferred hundred and thirteen days to the year. from his curious letter. I call attention simply to the fact that the law provides pay per annum and not for any arbitrary period fixed by construction. If the railway mail year is fixed arbitrarily at a period of three hundred and thirteen days, why at the expiration of such period, can not the railroads demand their full annual pay? The fact remains that a year contains three hundred and sixty-five days. We pay for the carriage of the mails over 3 miles of track to the St. Louis Terminal Association \$50,000 a year, \$16,000 per mile per annum. there here who will contend that that pay is for three hundred and thirteen days of service? Who is there here who will contend that if the proposed change in the divisor would work an injustice here?

Second. Vilas's proposition is that working day means week day, and that the elimination of the day of rest commanded is essential. An answer to that ought to be, indubitably, that we permit the violation of the Sabbath actually, but save ourselves by observing it arithmetically.

Third and finally. The contention that Sunday trains are extra service and should receive extra compensation and its corollary contentions:

(a) The assertion that if a train which has been running six days a week becomes a seven-day-a-week train it would get the same pay for more service, or, the reverse, that if a train which has been running seven days a week becomes a six-day-a-week train, it would get the same pay for less service.

(b) The related assertion that if the six-day-a-week weights are averaged by a divisor of six and the seven-day-a-week trains are averaged by a divisor of seven, the seven-day trains

would receive one-seventh less pay for more service.

(c) The related assertion that Sunday mails are treated as Monday weights, the Sunday mails being arithmetically turned into Monday weights on seven-day-a-week routes and actually turned into Monday weights on six-day-a-week routes.

In answer to the first proposition that Sunday trains are extra service, Sunday trains are the result of commercial conditions, of traffic and competition, and the railroads are compensated for them additionally, because it has been the practice of the Department for years to give those roads with the greatest frequency of trains and highest speed the most mail. Let me illustrate briefly.

The New York Central's route from New York to Buffalo is 439 miles long. It carries (on an incorrect divisor) 411,000 pounds of mail daily. The average speed of the trains is 37 miles an hour. Its average trips per week, 129. Its pay is \$2,251,801 a year. Now, the Delaware, Lackawanna and Western route, New York to Buffalo, is 29 miles shorter than the New York Central's. If all the through mail were shipped via the Lackawanna, the Government, which pays by the mile, would make a great saving. But the great through mails go by the New York Central. Why? The New York Central is given special recognition because of the frequency of its trips and its average speed. For while the Delaware, Lackawanna and Western is 410 miles, New York to Buffalo-29 miles shorter than the New York Central-the Delaware, Lackawanna and Western has only an average of 55 trips as against 129 on the New York Central; the Delaware, Lackawanna and Western has an average speed of 30 miles an hour as against the New York Central's 37 miles an hour; the Delaware, Lackawanna and Western gets only 20,000 pounds daily of mail, while the New York Central secures 411,000 pounds. The Delaware, Lacka-wanna and Western gets \$159,407 in pay; the New York Cen-Who is there here who will contend that tral gets \$2,251,801. greater frequency of service is not additionally compensated? The answer to the first proposition can be closed with the declaration that as to volume of mail the six-day-a-week service in this country is exceptional; that the seven-day-a-week service is the normal service.

Now, as to the corollary (a), that if a train has been running six days a week becomes a seven day-a-week, it would get the same pay for more service, and its reverse as given. That is refuted in the fact that when a six-day train becomes a seven-day train it is because of commercial conditions, and that it receives more mail because it is giving more service. If a seven-day train becomes a six-day train, it does so because of commercial conditions and receives less mail.

As to the corollary (b), the assertion that if a six-day-aweek train's weights are averaged by a divisor of 6 and the seven-day-a-week train's weights are averaged by a divisor of 7, the seven day's train would receive one-seventh less pay for more service; this assumes that the normal condition is sixdays-a-week service. It is refuted by the facts and by the circumstance that on 750 six-day-a-week routes, if the divisor of 7 was used the pay would not change, because the amount of mail they carry is so small that each now receives the maximum pay. On those six-day-a-week routes carrying above the minimum weight, which would be affected by a change of divisor from 6 to 7, if a mathematical exactitude is desired, it can be found in administration by making the divisor 7 and then giving the compensation proportionally, a practice now followed in certain instances by the Department. That is, if a six-day-a-week route carried in a 105-day period 105,000 pounds of mail, the average would be found by using 105 for a divisor, which would give 1,000 pounds average daily weight. Under this law the compensation is \$85.50. Correctly the six-day-a-week route would receive six-sevenths of this amount. And the Department does this very thing on three-day-a-week routes to-day. On the three-day-a-week routes the Department does not allow full compensation. It allows one-half, according to testimony given at hearings-that is, three-sixths of full compensation.

Now, on the corollary (c) the assertion that Sunday mails are treated as Monday weights, and the averages now taken by a divisor of six instead of seven brings a just conclusion, it may be answered briefly that if it is fair in finding an average daily weight to turn Sunday weights into Monday and divide ' by six to get an average daily weight, then why isn't it also fair to turn Sunday, Monday, Tuesday, Wednesday, Thursday, and Friday weights into Saturday and divide by one to get an average daily weight? If one is fair, the other is. Neither is fair. If the word "working" forces this construction and practice, it is the duty of Congress to strike it out.

Now, to return to an example I gave in my remarks here on December 11. By the use of the diminished divisor we pay the New York Central for weight on its Buffalo-New York route \$1,985,000 per year. By the use of a correct divisor, on a route carrying Sunday mails, not on one train, but on many trains, we would pay the New York Central for this route \$1,728,000 that is, we are paying \$257,000 in excess annually. Mr. Chairman, the sanctity in which long-established usage is held here. I know the power of departmental wont, the tyrrany of precedent. I believe that the defense will in this case gather around the claim that Sunday service is an extra service, though the statute is silent, and up until a month ago no public document voiced such a pretext. But let me say in answer to this new claim (that Sunday service is extra service) that no one can stand here now and, knowing the facts, assert that extra service, frequency of service, and speed are not fully compensated by the fact that the Department routes the mail to that route which gives the greatest frequency of trips and the

Mr. STEENERSON. I do not want to be understood as disputing any statement of the gentleman, but suppose, for the sake of argument, that there were no Sunday trains in the United States carrying any mail. What would be the right divisor? Would you then propose 90 or 105? Take a ninety-Would you then divide by 105 or by 90?

day weighing period. Would you then divide by 105 or by 90?
Mr. MURDOCK. I have made up my mind on that a long while ago. I will say to the gentleman from Minnesota that this pay is annual pay. Mr. STEENERSON.

What divisor?

Mr. MURDOCK. Three hundred and sixty-five days, or on that basis.

Mr. STEENERSON. Does the gentleman divide by 105 or

90? I would like to have an answer of yes or no.

Mr. MURDOCK. The gentleman from Minnesota and I have thrashed all that out in the lobby and in the committee room, and we never yet have gotten together.

Mr. STEENERSON. I will take the gentleman's answer, if he will make it, but I want to ask him another question.

Mr. MURDOCK. I have only ten minutes, and I want to get brough. I think I will get to the gentleman's point.

Mr. STEENERSON. But the gentleman hasn't answered my question yet. Which divisor would the gentleman take provided there were no Sunday mail trains and they only carried mail six days in the week?

Mr. MURDOCK. I want to say to the gentleman that the whole trouble on this question is that the men who confuse it-I think unintentionally and without design-always put hypothetical things in things that do not exist. Now, Mr. Chairman, I have only a short time and I decline to yield just now further. I hope that I shall answer the gentleman in the course of my remarks. On page 4 of the minority views of the Post-Office Committee is an example which shows this: That if a seven-day train and a six-day train carried the same amount of mail, and different divisors are used, 313 in one and 365 in the other, that the train running the less number of days in the week would get the most pay. Now, that is a wonderful thing as presented by the minority of this committee. What does it mean? Why, it means this: That a given number divided by two different divisors will give different results. Of course it will. Furthermore, I said a minute ago that the confusion coming to this question is by the use of fictitious instances. Now, the minority have used for illustration a route that carries 2,000 pounds per day six days in the week, and gets for it \$128.25 per mile. That is the legal rate. It is a hypothetical route. There are only twelve routes in the United States that get that rate. Every one of the twelve routes averages above six trips a week.

Now, I will yield to the gentleman from Minnesota. Mr. STEENERSON. I understood the gentleman to say that

his proposition would not affect the six-day-a-week route.

Mr. MURDOCK. It will not affect the six-day week routes where they carry less than 200 pounds per day.

Mr. STEENERSON. It does not make any difference how

much they carry. My understanding is your proposition, as

embodied in the amendment to the bill, will reduce the pay upon the six-day route and upon the seven-day route oneseventh.

Mr. MURDOCK. Let me ask the gentleman a question, There is a route in the gentleman's own State.

Mr. STEENERSON. That would not make any difference.

Mr. MURDOCK. Yes; it does. Mr. STEENERSON. I am asking what you propose by this bill. Do you propose to reduce the rate of pay by reducing the average daily rate upon all routes, or do you claim it only affects the six-day routes?

Mr. MURDOCK. This change of method?

Mr. STEENERSON. Yes.
Mr. MURDOCK. I claim it does not affect the six-day route where it is carrying the minimum amount of mail and getting the maximum pay. There is a route in the gentleman's from Hastings to Cologne, which receives pay of \$38.99. There is a route in the gentleman's State, the gentleman contend this change in divisor is going to affect that road?

Mr. STEENERSON. I say it does not make any difference to the road that carries the full 200 pounds.

Mr. MURDOCK. Then the gentleman agrees with me.

Mr. MURDOCK. The Mr. STEENERSON. Because—
The CHAIRMAN. The gentleman's time has expired. Mr. STEENERSON. Because you pay the same.
Mr. MURDOCK. Concluding let me say: The present method

is mathematically absurd; its practice is disadvantageous to the Government. And while the matter may be pushed aside now, it cries out for correction, and will continue to cry out until it is corrected.

Mr. OVERSTREET of Indiana. Mr. Chairman, I yield ten minutes to the gentleman from Pennsylvania [Mr. Sibley]

Mr. SIBLEY. Mr. Chairman, I doubt if the bill reported from the Committee on the Post-Office and Post-Roads represented the real views of a single member of that committee. I do not be-lieve there is one man a member of that committee who is satisfied that in our action we have accorded strict justice. I think the difficulty has arisen because we have had no hearings to afford us evidence as a basis for intelligent action. evidence upon the question of fairness of compensation is the report of the Wolcott commission. I quoted a year ago the remarks of Mr. (now Justice) Moody, a member of that commission, who said he gave to this subject the hardest work he had ever given in his life, starting with the belief the railways were unduly compensated and finishing his labors by affirming and believing that if there was any service rendered to the Government at a fair compensation it was that of the railway mail Since that time not one word of evidence has ever been presented to the committee or the country of a contrary character, and the country and every gentleman here recognizes the great increase in the cost of operation of railways during recent years, the higher rate of wages, and the higher cost of all materials have made this service a greater expense to them.

The figures submitted in the report, which I shall ask to have printed as a portion of my remarks, show that where the earnings from a railway train carrying the fast mails amount to 98 cents per train mile, the earnings from the same line from its passenger service is \$1.40 per train mile and from its freight trains \$2.57 per train mile; therefore if this statement be true—and they can be fully verified by the Interstate Commerce Commission—then we can not be unduly compensating these railways for the cheapest service they perform, and earning less than 50 per cent of the sums earned in other branches of service. Now, then, in the very brief time I shall weary this committee I desire to call attention to one or two items. friend the chairman would tell this committee that what he had in mind was a cut that would reduce the railway compensation perhaps three or four million dollars. My judgment is that he has underestimated, not being a man trained in the technique of railway matters, the extent of that cut where he has reduced by 5 per cent from 5,000 pounds up to 48,000 pounds, and 10 per cent from 48,000 up to 80,000 pounds, and then at \$19 per ton in excess of that instead of \$21.37. I think his estimate of \$3,000,000 is at least a million too low, and in his deduction for the compensation for the use of railway mail cars I think he is half a million too low. My belief is that he has made a cut of five and a half millions where he thinks he has made a cut of perhaps \$4,000,000.

But in addition to these direct cuts, there is one provision in this bill that I do not believe commends itself to him or to any member of the committee, and that is the provision that the empty railway mail sacks, which is just as much a service rendered as is any other portion of the mail to be carried, shall be a compulsory service without any compensation whatsoever. The Department estimates that the empty sacks amount to 25

per cent of the entire weight of the railway mails, and if this is correct, that means \$12,000,000 that you cut in this one item. Does any gentleman think that there is evidence before the committee or elsewhere to justify such summary and drastic action?

My friend from Kansas [Mr. MURDOCK], an eloquent and able gentleman, and whose talents, genius, and energy we admire, has brought another case before us. He states that the provision which he has incorporated will by the change in divisors effect an economy of \$5,000,000 more. In all, a total, under the present weighing period, of about \$13,000,000. Three years from now, when the last weighing period shall have elapsed, we will add \$9,000,000 more, or cut of, say, \$22,000,000, or very nearly 50 per cent in the compensation. That is pretty radical,

without any evidence whatever.

My friend from Kansas believes that there has been a great injustice in the matter of the divisor. These are the facts, plain and simple, as they impress themselves upon my mind, and as I think they have impressed themselves upon the Department for forty years. I do not think there has been any fraud or maladministration. I think we have an honest administration of our postal affairs. But in the early days when that law was passed fixing this compensation the mails were carried six times each week, a daily mail. With the growth and the development of your community and mine, with its wider industrial and commercial development, we demanded more frequent service. We petitioned the railways, and the Department went to the railways and said: "Give us this increased facility." My friend does not like a hypothetical quescreased facility." My friend does not like a hypothetical question, and so I will endeavor to make it clear, say that the total received was \$100,000 a year for the transportation of that mail six days a week. The railways, listening to the demands of the people of your community and mine, gave them seven days' service without one penny of additional compensation of any kind or form or character whatsoever; and in this proviso we are penalizing those who without compensation have rendered such service in addition to the service under which the contract was made. That is the thing simplified and boiled down, and there can be no mathematical juggle about it. It is not a question of hypothetical statement. It is a question of fact. The increase in service from six days to seven days was given, and now it is proposed to penalize by 14 per cent those railways which have, without additional compensation, given this seven days' instead of six days' service, for their total is \$100,000 at the end of the year just the same when they have carried it seven days as it was when they carried it but six days

And I submit to the gentlemen of this body that, in this era, when corporations have not too many friends who dare defend them even when right, when the railways have few defenders who will stand on the floor of this House and plead for equal and exact justice, none the less in my judgment if the cause can be fairly and fully presented the greatest corporation can come before this body and receive the same measure of justice, or, at least, should receive the same measure, neither more nor less than that accorded to the poorest and humblest private citizen

of our Republic. Let the square deal fall where it will.

Mr. Chairman, I shall ask to incorporate with my remarks several statements, because the railways feel that in our action, as radical and sweeping as I think it is, amounting, in my deliberate judgment to more than 25 per cent reduction—I may be wrong—that they are entitled at least to ask you to carefully consider it from their standpoint that your determination shall be from a full knowledge of the facts as they exist. I submit herewith and bespeak the careful consideration of the Members of this body to the statements of the Great Northern Railway Company and the Chicago, Milwaukee and St. Paul Railway Company, showing precisely the cost of the service and the compensation received.

On behalf of the Great Northern Railway Company—Protest against adoption of certain provisions of H. R. No. 25,83, known as the Post-Office appropriation bill, making a reduction in pay for railway mail transportation.

#### THE OBJECTIONABLE FEATURES.

1. Reducing compensation 5 per cent on routes carrying over 5,000 pounds and less than 48,000 pounds daily.
2. Reducing compensation 10 per cent on routes carrying over 48,000 pounds and less than 80,000 pounds daily.
3. Reducing rates on routes carrying over 80,000 pounds daily to \$19 for every additional 2,000 pounds.
4. Changing the method of reaching the daily average.
5. Eliminating from the weights empty mail sacks.
6. Reducing pay for furnishing, equipping, and hauling railway post-office cars.

6. Reducing pay for turnishing, equipments, office cars.

This company protests against the above features of said bill and each of them because any subtraction from present compensation will reduce its earnings from mail transportation sources below a fair and reasonable profit upon its expenditures on account of the services performed; and, further, because—

If the reduction proposed is enacted into law this company will be compelled to perform over a portion of its line (the land-grant portion)

services for the Government at confiscatory rates, contrary to its constitutional rights, or be subject to process by the United States to show why it should not perform said services.

These objections are emphasized at this time because the committee of the House which reported this bill did so without full information on the subject (p. 5 of report), and because the reduction called for by this bill is not demanded by a fair and equitable apportionment of the cost of the mail service to its various branches.

#### CHARACTER OF SERVICE RENDERED.

This service is highly preferential. It can not be compared with any other class of transportation. The Post-Office Department requires for, and this railroad gives, the mail right of way and right of attention and of care over every other class of traffic. Trains carrying important mails are expedited far beyond the necessities and requirements of passengers. The running speed per mile is increased and stops are eliminated to facilitate the dispatch of mails and meet the demands of the Post-Office Department.

The schedule time of this company's principal mail-carrying train between St. Paul, Minn., and Seattle, Wash., 1,829 miles, is fifty-seven hours and fifteen minutes, being four to five hours in excess of passenger requirements. This is obtained at heavy cost of operation, represented by coal and other expense incident to high speed and by seven local-service trains designed to eliminate stops and running between the following points:

Miles.

	Diffes.
St. Paul, Minn., and Evansville	318
St. Paul, Minn., and Willmar	204
Barnesville and Crookston	164
Glasgow, Mont., and Havré	306
Spokane, Wash., and Wilson Creek	196
Skykomish, Wash., and Seattle	170
Bonners Ferry, Idaho, and Spokane, Wash	218
Total	1.576

Besides the above 1.576 miles of daily service performed, this company could, with profit to its passenger department, cease for three months during the winter operation of one of its transcontinental trains between Minot, N. Dak., and Spokane, Wash., 963 miles each way. This total of 3,502 miles daily service is performed solely to facilitate the dispatch of the mails. Except for mail considerations, it is superfluous.

Besides special speed and the above regular schedule demanded by the high requirements of the mail service, this company subordinates one of its transcontinental trains so completely to the accommodation of the mails that its departing time from St. Paul is hastened seven hours, to the recognized prejudice of the passenger business. Fast service is inaugurated frequently at a loss, especially where the arriving time is made so early in the morning as to discommode travelers, as is the case with the mails between St. Paul and Winnepeg (trains arrival would be better adapted to passenger demands and prove less costly of operation; hence more profitable.

Again, upon long runs, as from St. Paul to Seattle and Vancouver, special trains are run for the sole accommodation of the mail. The mail cars are detached from their trains and sent forward specially to insure arrival on time. When trains are run in sections the mail has the first section.

to insure arrival on time. When trains are run in sections the mail has the first section.

Every train is subject to be made a mail train on orders from the Post-Office Department, carrying with it the extra cost of such service, and on this system every passenger train does carry mail.

Lights and heat are required, and the former must be of double

Lights and heat are required, and the former must be of double brilliancy.

For every delinquency a fine is imposed.

This company is required to carry the mail between its depot and the post-office, and reverse, where the distance is not over 80 rods; it is required to care for and is held responsible for the mails when in its care: to provide catchers and cranes and exercise special care in the handling of the mail, that it be not delayed or damaged. If derelict, a fine is imposed. It transports free of charge all employees of the Post-Office Department when properly credentialed. It is estimated that this service is alone worth \$125,000 per annum.

In every direction of better, safer, and particularly of speedier service the Department's demands are increasing. As the public require more improved mail facilities, the Department calls upon the railroads to respond, when within its scope of performance, and the response is almost invariably made.

Competition having been solely along the lines of superiority of service, the quality has continually improved, contrary to what must be the result if compensation is fixed below the point of profit or reaches that place by any other means.

These facts serve to distinguish the mail service from that of any other class rendered by railroads.

#### TO ASCERTAIN COST IMPOSSIBLE.

It was conclusively shown through the investigations of the joint commission, of which Mr. Wolcott was chairman (act of June 13, 1898), that no exact method of reaching the cost of performing mail service could be devised under the present system.

With certain exceptions, mail cars form a part of passenger trains. Just what part of the cost of the service the mail should bear can not be ascertained. The consensus of the opinion of railway and Government experts was then and is now that the value of the service—that is, the per pound cost of the service rendered—was of a higher degree of value than either passenger or express; yet it is well known that mails pay less, pound for pound, than many items of freight and most items of express.

The following comparisons will illustrate:

Farro, N. Dak., to Snokane, Wash.

# Fargo, N. Dak., to Spokane, Wash. Express, general merchandise, per cwt\_\_ Mail, per cwt\_\_\_\_

# QUADRENNIAL PAY OF GREAT NORTHERN BAILWAY COMPANY.

The annual rate of compensation to this company for transporting the United States mails and providing, maintaining, and hauling railway post-office cars and compartment cars (for the latter there is no special compensation) is \$1,457,325.71, as follows:

Transporting the mails, including providing, furnishing and maintaining, heating and lighting, and hauling compartment cars, and including messenger and other incidental service, and transportation of post-office officials and employees. \$1, 350, 024, 24

Railway post-office cars, providing, furnishing, and maintaining and hauling, etc

\$107, 301, 47 1, 457, 325, 71

Average per track mile per annum over system, exclusive, of railway post-office pay\_\_\_\_\_

PRESENT RATE OF COMPENSATION ONLY OSTENSIBLE.

PRESENT RATE OF COMPENSATION ONLY OSTENSIBLE.

Because the weighings are quadrennial and because the weights of mails increase every year, the true compensation is greatly less than \$221.15 per mile per annum on this system. The weighings of 1906 produced an increase in compensation over the weighings of 1906 of a fraction over 50 per cent. It is fair to assume the same rate of increase will occur during the period 1906–1910; hence at the end of increase will occur during the period 1906–1910; hence at the end of free fiscal year 1907 this company will be performing service worth \$248.70 per mile per annum; at the end of 1908 it will be \$276.43; at the end of 1909 it will be \$276.43; at the end of 1909 it will be worth \$331.72, yet during all this time the pay remains stationary at \$221.15.

From the above it is manifest that this company has never received the rate it is popularly supposed to be paid. It is paid at the rate of 24 per cent less than supposed.

#### DEDUCTIONS.

The appropriation act of 1906 contained a provision as follows:

"That hereafter the Postmaster-General shall require all railroads carrying the mails to maintain their regular train schedules as to time of arrival and departure of said mails, and it shall be his duty to impose and collect reasonable fines for delay when such delay is not caused by unavoidable accidents or conditions."

This act made mandatory what has heretofore been discretionary with the Department, and resulted in the return to a system of deductions which had been tried and found ineffectual.

The Postmaster-General is also, under the law, authorized to impose fines for other "delinquencies."

The imposition of deductions for failure to arrive and depart on schedule time (20 per cent of the cost of the trip has been fixed), together with the fines for other delinquencies, results, as experience shows, in reducing pay over lines such as the Great Northern 5 per cent.

shows, in reducing pay countries.

In addition to said fines and deductions, when trains for any cause are annulled or reach destination over twenty-four hours late the entire price of the trip is deducted, although the train actually delivers the mail.

The above observations are applicable generally to the entire proposition of the entire proposition of the entire proposition are pay as to the special points of reduction proposed:

The above observations are applicable generally to the entire proposition to reduce pay. As to the special points of reduction proposed:

THE 5 AND 10 PER CENT PROPOSITIONS.

sition to reduce pay. As to the special points of reduction proposed:

THE 5 AND 10 PER CENT PROPOSITIONS.

The proposed legislation in this respect is essentially objectionable because it strikes the carriers at the only point where there is a profit possible. The light trains, particularly those calling for apartment cars, for which there is no compensation, offer the least opportunity to put the traffic on a paying basis; hence it is to the heavy mails resort must be had to bring up the general average. Here the rate is, by reason of the silding scale of pay, the lowest and the profit per pound infinitesimal. Here, too, the greatest ratio of cost is lodged by reason of impediment to passenger traffic, special service, greater risk of safety, heavier fines, and deductions, etc. Yet, in accordance with the recognized rule of railroading by reason of the heavy weights, a fair prospect of profit in bulk arises. But it can not stand a further reduction of 5 to 10 per cent and above. It is the small routes, requiring no compartments, and the large ones, by reason of volume, that show the nearest to a reasonable return. On this company's route between Fargo and Everett the proposed reduction of 5 per cent will show a loss of \$38,831.31 per annum over present figures. The inconsistency of the proposition is manifest in this: To carry 5,500 pounds daily will cost \$167.52 per mile; to carry 5,000 pounds daily will cost \$167.52 per mile; to carry 5,000 pounds daily will cost \$167.52 per mile; to carry 5,000 pounds daily will cost \$167.52 per mile; to carry 5,000 pounds daily will cost \$167.52 per mile; to carry 5,000 pounds daily will cost \$167.52 per mile; to carry 5,000 pounds daily will cost \$167.52 per mile; to carry 5,000 pounds daily will cost \$167.52 per mile; to carry 5,000 pounds daily will cost \$167.52 per mile; to carry 5,000 pounds daily will cost \$167.52 per mile; to carry 5,000 pounds daily will cost \$167.52 per mile; to carry 5,000 pounds daily will cost \$167.52 per mile; to carry 5,000 pounds daily will

CHANGING METHOD OF DAILY AVERAGE.

The objection to this is not that the method is not correct, but that it reduces compensation already as low as it should be and which has not been increased in pace with the demands for more expensive service. ELIMINATING EMPTY SACKS.

ELIMINATING EMPTY SACKS.

The reason for this is found in the committee's report, taken from the report of the Postal Commission:

"The practice which has universally obtained with reference to the return by carriers without extra charge of empty crates, kegs, baskets, and vehicles of like character ought to obtain with reference to the Government in respect to empty mail bags."

The fallacy of this reasoning is that the class of empties referred to constitutes almost invariably, when full, objects of express, upon which the pay for original carriage is considerably more than for the mail.

Again, empties are always returned by the line of the shipper of the original package and at the shipper's convenience. Here the empties would occupy valuable space already underpaid for and often by a carrier who reaped no return from the original.

The following are examples of empties returned practically free, with cost stated in comparison with mail:

FARGO TO SPOKANE.

# FARGO TO SPOKANE.

Egg crates, chicken crates, butter, eggs, meat, and poultry, per	00
hundredweight Return of crates, for each crate	\$5.50
Mail, per hundredweight	4. 75

# RAILWAY POST-OFFICE CARS.

The railway post-office car pay of this company is \$107,301.47 per annum, subject to fines and deductions. Service is rendered amounting to 6,966.38 track miles, a car mileage of 2,531,212.22. It receives pay for 5,783.25 track miles, a car mileage of 2,100,369.77. It performs annually 430,842.45 miles of service for which it is not paid, worth at present rates \$54,198.53 per annum.

The Department feels justified in calling upon the railroad for a 60-foot car from St. Paul to Minot, N. Dak., and for a 50-foot car from Minot to Havre, and a half line of 50-foot—that is, a line one way—from Havre to Spokane; then a line of 50-foot Spokane to Seattle.

This is one continuous run of a fast daily transcontinental train. Manifestly, the company can not afford to purchase equipment and maintain three sets of cars for this run, nor would the Department be inclined to sacrifice the time necessary to make the transfers of contents if the cars were furnished. In the case of the half line, the return haul is always at the service of the Postal Department. The only solution is to furnish a 60-foot car clear through at the reduced rates. This is a crying evil and should call for increase of pay rather than a reduction. This is only one instance to illustrate, and not an exception.

Railway post-office cars, weighing 45 tons and carrying a comparatively small weight of mail, offer serious obstacles to speed and economy of operation of the train of which they form a part. The working of the mails after the present advanced methods requires these cars to be filled with racks and cases, hence they can not be loaded. Storage cars for the overflow, or a part of the baggage car, are then required, largely increasing the cost of operation of the train and depriving it of passenger and express room.

This is a class of service for which this company has always felt the pay was insufficient, as it is applied.

Comparative pay for hauling railway post-office cars shows as follows:

SPOKANE TO SEATTLE,

Empty passenger cars, 15.8 cents per mile Empty freight cars, 8.6 cents per mile	\$290, 95 158, 30
Foreign new freight equipment (with privilege of loading on outward trip)	
Railway post-office cars, 5 cents per mile	91. 33

	From New York to—			
	Seattle.	Spokane.	Butte.	Grand Forks.
Mail Express Freight	\$1,00 7,98 2,00	\$1.00 7.98 3.65	\$1.00 7.98 3.40	\$1.00 7.98 1.75

A QUESTION WHETHER THE RAILROADS SHOULD NOT LIMIT THE SERVICE RENDERED EVEN AT PRESENT RATES.

This company has for some time been considering whether it should not cease to subordinate its principal features of traffic to the transportation of the United States mails. It has been deferring the matter, nowever, until a fair trial at concentrating mail upon its lines could demonstrate the situation. By combining speed with schedule of departure and arrival and in many other ways it has brought its mail business to its present proportions. It appears that the mail constitutes a reasonable adjunct to the passenger and express service up to a certain point. Beyond that the mail is a source of loss. If rates are decreased as this bill proposes, the mail service on the Great Northern lines will have already passed the point of profitable consideration, and must naturally give way to a higher class of business.

Respectfully submitted.

B. Campbell.

B. CAMPBELL, Fourth Vice-President Great Northern Railway Company.

Statement of the Chicago, Milwaukee and St. Paul Railway Company - relative to the transportation of United States mails, 1906. Ninety mail routes have been established by the Post-Office Depart

ment upon the times of this company. Or these-	Miles.
18 carry 200 pounds per day or less, over	399 741 1, 869
Total mileage covered	6, 928 2, 425 4, 895

of the lines above mentioned, the following are land-grant lines, on which the compensation is based upon a reduction of 20 per cent from the established rate for the same class of service on other portions of the system.

and the trace of account	
tween-	Miles.
St. Paul and Austin	100.00
Hastings and Ortonville	$-\begin{cases} 147.31 \\ 55.94 \end{cases}$
Austin and Lyle	301, 40
La Crosse and Airlie	
Mendota and Minneapolis	9. 20

Between— Dubuque and Tete des Morts Creek———————————————————————————————————	Miles. 10. 78 210. 70
Total This total is 12.2 per cent of the total mail-route mileage	846, 73

system.

The maximum compensation allowed by the Government for the

	Pay per mile per annum.			
Average weight of mails per day earried over whole length of route.	Rates under act of March 3, 1873.	Rates under acts of July 12, 1876, and June 17, 1878.	Rates for land-grant railroads.a	Interme- diate weight.b
200 pounds		\$42.75	\$34.20	Pounds.
000 pounds 000 pounds to 1,000 pounds	75, 00	64.12	51.30	
.000 pounds	100.00	85, 50	68, 40	
,000 pounds to 1,500 pounds ,500 pounds ,500 pounds to 2,000 pounds	125.00	106.87	85.50	
.000 pounds	150.00	128.25	102.60	
,000 pounds to 3,500 pounds	175,00	149.62	119.70	
,500 pounds to 5,000 pounds ,000 pounds every additional 2,000 pounds ever 5,000 pounds	200.00 -25.00	21.37	136, 80 17, 10	

<sup>6</sup> Being 80 per cent of maximum rates under act of July 12, 1876.
<sup>b</sup> Warranting allowance of \$1 per mile under the custom of the Department, subject to acts of July 12, 1876, and June 17, 1878.

No allowance is made for weights not justifying the addition of \$1.

Pay for railway post-office cars. [Not subject to any reduction.]

Length of car.	Rate per an- num per mile of track for daily line.	Rate per mile run by cars, daily service.	Six times a week.
40 feet	\$25.00 30.00 40.00 50.00	Cents. 3. 424 4. 109 5. 479 6. 849	Cents. 4.00 4.79 6.39 8.00

MAIL SERVICE V. EXPRESS SERVICE.

MAIL SERVICE V. EXPRESS SERVICE.

It has been frequently alleged as an argument for a reduction in the current rates for carrying mails that they are considerably higher than the rates paid by the express companies for substantially the same service and accommodations. The facts in the case are as follows:

This company owns and operates, as required by the Post-Office Department, the following equipment, viz, sixty-six railway post-office cars and seventy-one mail apartment cars, having an aggregate length for mail matter of 5,340 feet.

This company owns and operates under conditions which it practically controls the following cars in express service, viz, fifteen full express cars and seventy-one express apartment cars, having an aggregate length for express matter of 1,866 feet. The equipment furnished exclusively for mail matter is, therefore, 286 per cent of the equipment furnished exclusively for express matter.

In addition to this special equipment there are in use for mail and express business a large number of baggage cars. The mileage made by the total mail equipment exceeds the mileage made by the total express equipment (mileage of apartment cars being credited in proportion to space allotted to mail or express traffic) by 49 per cent.

This excess of car mileage corresponds almost exactly with the difference in gross earnings from the two classes of traffic, and shows conclusively that on the basis of car mileage the rates upon mail matter do not exceed the rates upon express matter. As the express company does not compile statistics of tonnage, it is impossible to compare the rates per ton per mile, but if such comparison was available, it would be a far less accurate measure of the operating expense than a comparison of the rates per car mile.

In further refutation of the claim of greater compensation to the railway companies from handling mails as compared with express, note the following table, compiled from the annual reports of the Interstate Commerce Commission, showing that of the total

Year.	Mail earnings.	Express earnings,	Per cent of express earn- ings to mail earnings.
1894	\$30, 059, 657	\$23, 035, 300	76
1895 1896	30, 969, 746 32, 379, 819	24, 284, 508 24, 880, 383	78 76
1897	33, 754, 466	24, 901, 066	73
1898	34, 608, 352	25, 908, 075	74
1899	35, 999, 011 37, 752, 474	26, 756, 054 28, 416, 150	74 75
1900	38, 453, 602	31, 121, 613	80
1902	39, 835, 844	34, 253, 459	85
1903	41, 709, 396	38, 331, 964	91
1904	44, 499, 732 45, 426, 125	41, 875, 636 45, 149, 155	94

The service performed for the express company consist in hauling the cars attached to regular passenger trains, including the messengers, safes, and express matter, to and from stations at which said trains make regular stops. The railway company is not compelled to furnish more than one car on any train when the use of a second car would entail the running of an additional train or section of train.

But the mail must be transported without delay on specific trains, and, if necessary, the railway company must haul more than one car. Trains carrying mail are obliged to slacken their speed at points where the Department deems an exchange of the mails necessary, and at such points, as well as at others (about 263 in all), the railway company is required to erect and maintain devices satisfactory to the Department for receiving and delivering mails.

Railway employees are required to handle and guard the mails carefully and prevent any exposure on platforms, mail cranes, or elsewhere. For the last three years the Government has in many cases declined all responsibility for the proper handling and transferring of mails at terminal stations to connecting trains and has required this company to perform the service. No one but an expert who has been educated in the service and has a thorough knowledge of the post-offices and the railway post-office lines in the several States is competent to make the separations and transfers now required of railway employees; and where mistakes occur the railway company is held responsible and fined therefor.

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the service and has a thorough knowledge of the post-offices and the railway post-office lines in the several States is competent to make the separations and transfers now required of railway employees; and where mistakes occur the railway company is held responsible and fined therefor.

In addition to the above, the Post-Office Department requires the railway company to furnish men at certain terminal stations to check pouches out of one train and into another, although the Department has transfer clerks at each of these terminal stations.

There being many more clerks employed in the mail service than in the express service, there is a proportionately greater liability on account of personal injuries. The railway company is not released from loss on account of personal injury to employees of the Post-Office Department, but is so released in the case of express agents and messengers, except where the loss is occasioned solely by the carelessness or negligence of employees of the railway company.

The railway company has no liability for loss of or damage to express matter, but the Post-Office Department penalizes the railway company in all such cases. A fine of \$200 was lately imposed for loss of a single pouch, and a demand made for \$975 in another case, although the liability of the Government to the owner for the loss of first-class registered matter is limited by law to \$25.

The railway company keeps no record of express matter handled, whereas the Post-Office Department requires the railway company to keep a record of all closed pouches handled by train or station baggagemen and to report the failure of any pouches to arrive at or depart from a station where they are usually handled.

At principal points the express company owns or leases buildings to accommodate its business and loads and unloads express matter, while the mail is transferred by employees of the railway company, and postal cars are held on very valuable ground in large cities for the convenience of the Department in loading, unloading, a

The express company carries all the remittances of agents and other

The express company carries all the remittances of agents and other company packages free. This amounts to 950 packages daily.

The number of men employed in the postal service on this company's lines is 432; the number of miles traveled per annum, 19,502,459. At 2 cents, the minimum price of mileage tickets, this would amount to \$390,049.18. This does not include transportation furnished officials of the railway mail service, superintendents, assistant superintendents, chief clerks, and inspectors, nor transportation given rural free agents, which the railway company is required to furnish, as the general commissions issued to such officials cover all lines, and no record is made of them. This number of railway mail service employees does not include extra men employed by the railway company at Chicago, Milwaukee, St. Paul, and Minneapolis to sort, load, and unload mails and to run on trains between Chicago and Minneapolis to pile mails.

mails and to run on trains between Chicago and Minneapolis to pile mails.

The number of men in the express service is 228; number of miles traveled during same period, 12,392,617, which at 2 cents per mile would amount to \$247,852.34. The free transportation furnished railway mail service employees, therefore, exceeds that furnished the express company by \$142,196.84 per annum.

A great deal of extra service is performed in conducting mail transportation which is not performed in passenger or express service and which was not contemplated under the law, and the attending expense has grown rapidly year by year. For example, on the main line of this company, between Chicago and Minneapolis, in train 1 there are two 60-foot cars which are held at the passenger station in Chicago about five hours prior to the departure of the train, to be used for the distribution of mails. Similarly, two 60-foot cars in train No. 55 are held about eight hours; one car in train No. 7 about five hours; two cars in train No. 5 about three hours, and two cars in train No. 57 about eight hours. (Postal cars on these heavy mail routes are labeled for certain trains and are held over for those trains.)

At Council Bluffs the railway post-office cars for trains 15, 4, 3, and 6 are switched daily without pay from Union Pacific transfer (the end of the route) to Omaha, 2½ miles, and back. In addition to the hault the company is obliged to pay trackage for each car that crosses the bridge.

It is the custom of this company to run full railway post-office cars for some time before service is authorized by the Department. On one line of 230 miles full railway post-office cars were run for several years before pay was allowed; and there are now running a line of 50-foot cars between Marion, Iowa, and Kansas City, Mo. (300 miles), without pay; a line of 60-foot cars between Marion, Iowa, and Omaha, Nebr. (264 miles), without pay; a line of 60-foot cars between Milwaukee and North McGregor (200 miles) at 40-foot pay; a line of 60-foot cars between St. Paul and Milbank (191 miles) at 40-foot pay; a line of 60-foot cars between St. Paul and Milbank (191 miles) at 40-foot pay; a line of 60-foot cars between Milbank and Aberdeen (96 miles) without pay; two lines of 60-foot cars between Dubuque and Sanborn (271 miles) at 50-foot pay; one line of 60-foot cars between Sanborn and Cham berlain (200 miles) without pay; two lines of 60-foot cars between St. Paul and Austin (100 miles) at 40-foot pay; one line of 50-foot cars between Manilla and Sloux Falls (181 miles) at one-half of 40-foot pay; one line of 60-foot cars between Chicago and Minneapolis at one-half of 50-foot pay; two lines of 60-foot cars between Chicago and Minneapolis at one-half of 50-foot pay; two lines of 60-foot cars between Chicago and Minneapolis at 40-foot pay.

An item of great expense given scant consideration in the discussion of the mail question is that of running apartment cars. The railway company is frequently called upon to furnish such a car on a run where the balance of the space can not be used, thus compelling the company to haul an extra car, not only without any car pay, but with light mails.

This company runs seventy-one apartment cars equipped with mail distributing facilities, according to Post-Office Department specifications and requirements, for which no compensation is received, as they are

mails.

This company runs seventy-one apartment cars equipped with mail distributing facilities, according to Post-Office Department specifications and requirements, for which no compensation is received, as they are less than 40 feet inside measurement, viz, eight cars with apartments 11 to 15 feet long; seventeen cars with apartments 16 to 20 feet long; fourteen cars with apartments 21 to 24 feet long; thirty-two cars with apartments 25 to 31 feet long.

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The number of feet of floor space occupied for mail purposes in apartment cars for which no pay is received is almost one-half as much as the space in full railway post-office cars—l. e., car pay is received for only two-thirds the car space furnished.

On new routes where mails are heavy the company is allowed only \$42.75 per mile per annum, and is frequently called upon to furnish an apartment car. For example, route No. 135038, between Presho and Murdo, S. Dak. (35.43 miles), was established just after the close of the weighing period in 1906, and compensation was fixed as per statute at the figure above named irrespective of the weight of mails carried. This new route has carried several hundred pounds of mail daily; indeed, the mails have been so heavy as to require an apartment car and a postal clerk part of the time twice each way daily.

There are several routes on this company's lines where, in order to get mail service established, the railway company is required to carry the mails until the next regular weighing at only \$30 per mile, although \$42.75 per mile per annum is the minimum pay allowed by Congress. As the Department does not feel justified in authorizing service unless a lower rate is obtained, a \$30 rate is occasionaly agreed to irrespective of the amount of mail carried.

As heretofore mentioned, apartment cars are placed in position several hours before trains are scheduled to depart, for the purposs of allowing postal clerks to work the mails. When steam and electricity are used for heating and lighting these cars in the train, stoves and lamps must often be substituted at terminals at additional cost.

At one point this company has just been required to have a mail car lighted and heated and mail delivered into car promptly at 2 o'clock a. m., so clerks can commence work at that hour, the train leaving such point at 5.30 a. m.

The tonnage in mail cars is necessarily light, as the room

a. m., so clerks can commence work at that hour, the train leaving such point at 5.30 a. m.

The tonnage in mail cars is necessarily light, as the room is largely taken up with racks and boxes. The average weight of mail carried in a mail car on this company's lines is 2,673 pounds (not including fixtures). The weight of fixtures in a 60-foot railway post-office car is 4,900 pounds. The weight of fixtures in a 28-foot mail apartment car is 1,450 pounds. It will thus be seen that the weight of fixtures necessary to the proper distribution and handling of mails, for which no pay is received, is more than the average weight of mail carried.

The number of pouches handled exclusively by train employees on this road for the year just passed was 1,432,960. It is estimated that 15 cents a package or pouch would be a fair charge for handling, recording, and caring for this matter. At that rate this extra service would amount to \$214,944 per annum; but no pay is received for handling such pouches.

The number of stations on this road where this company performs messenger service is 751, of which 124 are terminals. The number of stations where the Government performs messenger service is 260, of which 24 are terminals. It is estimated that it would cost the Government \$131,078.25 per annum to take care of the mails at the stations where the service is now rendered by the railway company.

At many stations where no night man is needed for the railway company's service, the Department requires it to furnish a man for the exclusive purpose of handling the mails.

The following statement shows certain items of expense incurred in handling the mail business which are not incident to the express business. It also shows services performed by the express company for the railway company in addition to the compensation received from the express company in the handling mail is \$25.29.05

and other equipment for handling mail is	\$2, 529, 05	
One-fourth cost for extra help to assist in weighing mails once in four years	2, 088, 15	
Pay for mail-messenger service Per cent of agents' salaries where they per-	11, 653. 87	
formed messenger service	34, 468, 67	
Expense of loading and unloading mail	25, 285, 27	
For space used for storage in different build-		
ings	5, 387, 10	
Light, heat, etc	3, 118. 38	
Difference in cost of transporting employees_	142, 196. 84	
Handling the pouch service, 1,432,960 pouches,		
at 15 cents each	214, 944. 00	\$441, 671, 33
		\$441, 671. 33
Amount of salaries paid by the express com- pany to employees on trains of this com-		
pany	34, 698, 00	
Amount of salaries paid to station employees		4
of this company	126, 887, 44	

950 packages of Chicago, Milwaukee and St. Paul Rallway matter handled daily, at an average of 15 cents each\_\_\_\_\_

Making a total to the credit of the express traffic when compared with the mail business of\_\_\_\_\_

	Cents
Passenger cars	22. 88
Mail cars	16.44
Express cars	16. 09

The cost of any particular line of service rendered by a common carrier can not be accurately determined, but when the high and exclusive character of the service and the great responsibilities are considered, the present compensation for the transportation of the mails can not be claimed to be unreasonably high, nor in excess of the compensation derived from the express business.

#### DENSE ROUTES.

DENSE ROUTES.

In reply to the argument that on some of the dense routes pay is excessive, it may be stated that not only are extra facilities in the way of additional trains, higher rate of speed, extra help, etc., required on these routes, but extra cars also, to furnish room for distributing mail before placing the cars in trains; and it would be unfair to single out a route where heavy traffic may be carried at a possible profit without taking into account the routes where cars are run without pay or at a loss. On the Fast Mail Line between Chicago and Minneapolis, the heaviest of this company's mail routes, there are run over the first division, between Chicago and Milwaukee, eighteen trains carrying railway postoffice or apartment cars; on the second division, between Milwaukee and La Crosse, there are run twenty-three trains carrying railway postoffice or apartment cars; on the third division, between La Crosse and Minneapolis, there are run sixteen trains carrying railway postoffice or apartment cars.

On this line the Government has 181 postal clerks employed and the express company but 18 messengers.

At Minneapolis and Chicago mail cars are used for receiving and distributing mails from one to eight hours before departure of trains; and these cars must be heated, lighted, and otherwise equipped for the convenience of postal clerks when in use.

Fast mail trains are given the preference over trains of all other classes. To insure their making schedule time and recovering time lost in waiting for connections, all other trains, passenger as well as freight, must give a greater clearance to fast mail trains than is given to other first-class trains. With freight trains in particular the delays result in considerable expense.

The following are cited as examples of routes yielding very low revenue to the railway company:

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The following are cited as examples of routes yielding very low revenue to the railway company:

Route 139041, Elkhorn to Eagle, Wis., 17 miles. Annual compensation, \$42.75 per mile—\$748.55. Speed of train, 18 miles per hour. Average weight per day, whole distance, 169 pounds. Service in charge of railway employees; earnings, 60 cents per trip of 17 miles.

Route 139044. Brodhead to New Glarus, Wis., 22.79 miles. Annual compensation, \$45.32 per mile—\$1,032.84. Speed of train, 12.4 miles per hour. Average weight per day, whole distance, 246 pounds. Service in charge of railway employees. Compensation, 11 cents for each pouch handled and recorded.

A comparison of mileage made by 20 sleeping cars, 20 coaches, and 20 full railway post-office cars between Chicago and Minneapolis shows the following results: Coaches and sleeping cars, average mileage per car per year, 112,886.

The coaches and sleeping cars therefore made an average of 41,874 miles per annum in excess of the average mileage made by full railway post-office cars.

It has been stated that idle railway post-office cars or cars in reserve were paid for. On the contrary, the railway companies are required to keep a sufficient number of cars in reserve to meet possible emergencies, but no pay is allowed for railway post-office cars not actually run. In many cases only half-pay is allowed when they are run, and they can not be used for any other service.

The statement has been frequently made that a railway post-office car carns \$5,500 (practically its cost) per annum. In some statements it is admitted that the yearly repairs east \$1,200 or more, but the principal item of expense is omitted entirely from the calculation, viz, the cost of hauling the car, which is from 10 to 12 cents per mile, or more than twice the maximum pay allowed by the Government.

Receipts and expenditures of the Post-Office Department.

Year.	Receipts.	Expenditures,	Deficit.	Appropriated for rural free delivery.
1898 1899 1900 1091 1902 1903 1904 1906	\$89, 012, 618. 55 95, 021, 384. 17 102, 354, 579. 29 111, 631, 193. 39 121, 848, 047. 26 134, 224, 443. 24 143, 582, 624. 34 152, 826, 585. 10	\$98, 033, 523, 61 101, 632, 160, 92 107, 740, 267, 99 115, 554, 920, 87 124, 785, 697, 07 138, 784, 487, 97 152, 362, 116, 70 167, 399, 169, 23	\$9,020,905.06 6,610,776.75 5,385,688.70 3,923,727.48 2,937,649.81 4,560,041.73 8,779,492.36 14,572,584.13	\$50, 250, 35 150, 032, 79 450, 000, 00 1, 750, 796, 29 4, 089, 075, 20 8, 580, 364, 31 12, 926, 905, 44 21, 116, 600, 00 25, 828, 300, 00

It would appear from the above that but for the inauguration of rural free-delivery service the business of the Post-Office Department would have shown a handsome surplus the last four years.

The nine principal items of expense in the Post-Office Department from 1898 to 1905, inclusive, are as follows:

	1898.	1905.	Increase.	Per cent of in- crease,
Transportation of mails on railroads and rail- way post-office car pay	\$34, 203, 253, 98	\$44, 893, 960, 82	\$10,690,706,84	31
Compensation of post-	901, 200, 200. 30	g11, 000, 000. 02	210,000,700.01	01
masters	17, 453, 433, 58 13, 386, 593, 69	22, 743, 342, 03 20, 919, 078, 13	5, 289, 908. 45 7, 582, 484. 44	30 56
in post-offices Compensation of railway	10, 589, 069, 23	21, 215, 303. 41	10, 626, 234. 18	100
post-office clerks Transportation of mails	8, 066, 602. 54	13, 120, 155. 78	5, 053, 553. 24	62
on star routes Transportation of foreign	5, 286, 614. 87	7, 326, 596. 57	2,039,981.70	38
mails	1,620,282,71	2, 693, 812. 09	1,073,529.38	66
class offices	1,581,649.80 50,000.00	2,568,572.73 20,819,944.69	986, 922, 93 a20, 769, 944, 69	62
	92, 237, 500. 40	156, 300, 766, 25	64, 063, 265. 85	69
Total expenditures Total receipts	98, 033, 523, 61 89, 012, 618, 55	167, 399, 169, 23 152, 826, 585, 10	69, 375, 656. 62 63, 813, 966. 55	71 72
Excess of expendi- turesover receipts.	9, 020, 905. 06	14, 572, 584. 13		

a Commenced in 1898.

It will thus be seen that with the single exception of postmaster's pay the percentage of increase in the amount paid to the railway companies is much less than any other item. The actual increase in total receipts was six times, and the percentage increase two and one-third times, the increase in the total payments to the railway companies.

The claim that the method of computing the daily average tonnage of mail handled by the railway companies is erroneous has again been brought forward, regardless of the rulings of the Post-Office Department and the formal decision of the Department of Justice to the contrary. The law recognizes working days only, and the total tonnage carried in a period including ninety working days is divided by ninety, regardless of the fact that part of the service may have been rendered on the intervening Sundays. Because of a compliance with the demand of the Department to run mail cars and fast mail trains on Sundays, the railway companies are now rendering one-sixth more mileage service than the law contemplates, without any increase in the compensation.

The method of computation advocated by the critics of the Department would, if enforced, penalize the railway companies for furnishing additional facilities at the request of the Department. What valid reason can be assigned for granting less compensation, for carrying a given tonnage of mails a given distance on seven trains than would be granted if the same service was performed on six trains? Does the Government penalize any other contractor who, at the demand of its represent basis, as the compensation for any four-year period is computed on the lowest weight carried instead of the actual or the average weight carried instead of the actual or the average weight carried instead of the actual or the average weight carried instead of the amount would have been \$40, 844,599. From this it is evident that the Government obtained service with the value of \$3,345,699 per annum during the period named for which it paid nothing. The fre

revenue received from the Railway Mail Service is considered. The rate complained of was the result of an effort of the express companies to recover a portion of the traffic which was diverted from them by the remarkably low rate made on second-class mail matter. The large increase in the amount of second-class matter from year to year forwarded by mail (41.674.000 pounds in 1906) indicates the failure of the express companies' efforts. The rates in question apply to shipments moving 450 miles or less, while the postal rates apply throughout the length and breadth of the country.

The appropriation act for the current year provides for the withdrawal from the mails of all postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps, immediately preceding the weighing period, whenever practicable. This will reduce the weight of mails and thereby the compensation of the railroads to a considerable extent.

From the foregoing facts the conclusion is drawn that, considering the character of the service, no class of traffic yields to the railway company less net revenue, and in no other direction does the Government get greater consideration for money expended than in connection with the Railway Mail Service.

Chicago, December, 1996.

# THE RAILROAD MAIL PAY-MAIL RATES AND EXPRESS RATES-A COMPARISON.

The Government conducts one large business enterprise—the postoffice. It sells stamps and agrees for the price of the stamp to carry
the letter or package to which the stamp may be affixed any distance
the sender may desire. No question of the reasonableness of the charge
is considered. Whether the article is carried 1 mile or 6,000 miles the
charge is the same. Where the package consists of what are called
"letters" it is required to pay at the rate of 90 cents per pound,
while the package called "newspapers" or "magazines" is only required to pay 1 cent per pound. Business principles are not followed
in the conduct of this enterprise by the Government. What principles are followed? Simply considerations of what Congress regards
as for the general welfare—the same considerations which lead to the
maintenance of courts and the Navy, without question of pecuniary
profit. This business of the post-office is all transportation; it simply
carries letters and packages of limited weight from place to place. In
that respect it conducts the same line of business as railroads and
express companies.

But instead of allowing a private company to compete with it, the
Government, from considerations of public policy, creates a monopoly
for itself of carrying letters and enters into direct competition with
express companies for carrying packages, including newspapers and
other printed matter.

Neither the Government nor any express company owns any railroad
or has any facilities whatever for carrying on this sort of business
over the country generally. Both the Government and the express company are therefore obliged to arrange with the railroads for transportation.

#### THE CONTRACT FOR EXPRESS.

THE CONTRACT FOR EXPRESS.

The express company negotiates with the railroad company a written contract for the carriage of its freight at the lowest rates it can possibly secure. To obtain this contract it guarantees to the railroad company a minimum yearly sum, regardless of the volume of business done, which is of itself a very important consideration. It agrees to accept undivided space in bare baggage cars and to place its freight on such trains as the railroad company may designate; it has no voice in the making of time schedules or connections with other roads. It agrees to handle all its freight with its own employees not only to and from the cars, but while on the cars, and to assume all liability for loss and damage not only in regard to the freight carried, but the express messengers in charge. In addition to the direct compensation, the express company handles daily remittances of cash for the railroad from each railroad station to the treasury, and transports free over all its lines all railroad packages, such as time cards, advertising, etc. This service is said to amount in value to 10 per cent of the general pay.

# WHAT THE GOVERNMENT REQUIRES.

Should the Government without any contract secure for its mail business from railroad companies the same terms as the express company is able to negotiate for carrying its freight? The Government receives 90 cents per pound for carrying letters and can well afford to pay a fair rate for their transportation. Its aim is the dissemination of intelligence among the people in the swiftest and most confidential manner possible as a public function and to promote the public welfare. The Government does not guarantee to the railroad any return; there is no "minimum" in this case, regardless of the amount of pushess done.

turn; there is no "minimum" in this case, regardless of the amount of business done.

In the character of the service rendered, no comparison with express service can readily be made. That portion of the mail known as "ponch service" is perhaps 15 per cent of the whole. Eighty-five per cent of the mail is carried in post-office cars in which the space and facilities furnished in order to secure quick distribution are the all-important features. In these cars it is not a question of carrying freight, but of facilities for the distribution of letters and packages. In the pouch service, comparison with express fails because one service is the handling of freight and the other of valuable packets containing letters, registered packages, and it may be jewels, money, and things of special value. Not 4 per cent of express matter would be mailable at all. By express are sent shipments of machinery, steam engines and boilers, bicycles, automobiles, oysters, fish, fruits in carload and train load lots, horses and live animals of all kinds, fresh meats, vegetables, trees, seeds, butter and eggs, etc.

In all cars where there is no postal clerk the railroad employees handle all pouches of mail and the railroad company is responsible for their safe-keeping. Not only is the railroad company is responsible for their safe-keeping. Not only is the railroad company compelled to carry postal clerks in mail cars and hundreds of postal employees in passenger cars free, but it is liable in damages in case of injury to them the same as to passengers generally.

At all points where the post-office is not over one-fourth of a mile from the railroad station the railroad company must carry all mail to and from the post-office. This is called "mail messenger service." The report of the Wolcott Commission (1901) says: "Out of 27,000 stations supplied by messenger service, not one of the railroads."

Upon routes which have a closed pouch service, where the average upon routes which have a closed pouch service, where the average upon the con

of the railroads."

Upon routes which have a closed pouch service, where the average mail pay amounts to \$900 a year, the cost to the railroad for messenger

service is \$400 per year, calculated at \$100 for each town of station where they are required to perform this service; in some instances they actually pay out for messenger service considerably more in cash than their entire compensation from the Government.

There is no such feature in the express business.

#### A PREFERENCE TRAFFIC.

One of the most important features of the mail is that it is a preference traffic. The Government postal authorities specify upon what trains and in what kind of cars it shall be handled; they dictate time schedules and connections with other roads, and upon all heavy routes they specify the speed at which trains shall run; all other cars and trains, including passenger trains and express cars, are sidetracked and delayed whenever necessary to expedite the mails.

THE SERVICE ON ALL HEAVY ROUTES.

trains, including passenger trains and express cars, are sidetracked and delayed whenever necessary to expedite the mails.

THE SERVICE ON ALL HEAVY ROUTES.

But the most important difference, it seems to me, results from the exceptional manner in which the postal authorities require railroads to handle 85 per cent of the mails. A large per cent is carried in what are called "apartment cars." Certain space is designated by the Government in such cars as being required for "distribution" purposes and must be fitted up according to Government specifications with racks, pigeonholes, and other necessary appliances for distributing mails en route and to accommodate the clerks in charge. In the apartment cars, and full post-office cars, in which five-sixths of the mail is carried, no pretense is made of treating or considering or handling the mail as freight in the way that express is handled. In apartment cars the space in which 6 or 7 tons of express matter is often carried is occupied frequently by 1 ton of mail. That portion of a car is set apart for a distributing post-office. What comparison, under such methods of doing the business, whether we consider the cost to the railroad or the value of the service, can reasonably be made between mail rates and express rates?

If the Government requires, for the distribution en route of five-sixths of its mails three times or even twice the space and accommodations from the railroads which the express company requires, why should it not pay double the express rate, pound for pound? A private shipper would be required to do that and more. Any man can have a car all to himself, as a passenger, if he pays full fares for the ordinary load of a passenger car, in most cases fifteen fares. The freight shipper given a carload rate pays for what is called the "minimum," say 12 tons, at the full rate, although he may only load 2 tons into the car. Can the Government in fairness do less?

This indicates that weights and rates per pound or per fon or per mile that may be figured out

In the full post-office car service, where 50 per cent of the weight of mail in this country is now carried, the contrast with the service performed by the railroad for express companies becomes still more striking. The report of the Wolcott Commission speaks as follows regarding this comparatively modern service:

"To-day the railroad post-office cars are elaborate structures, weighing between 90,000 and 100,000 pounds; built as strongly and fitted up so far as suitable to the purpose for which intended as expensively as the best Pullman and palace cars; costing from \$5,200 to \$6,500; maintained at a cost of \$2,000 per year; traveling on an average 100,000 miles per annum; provided with the very best appliances for light, heat, water, and other comforts and conveniences; placed in position for two and one half to seven hours before the departure of the trains, and, owing to the small space allowed in them for the actual transportation of the mails, accompanied on the denser lines by storage cars for which no additional compensation is paid by the Government. "These cars are constructed and fitted up by the railroads in accordance with plans and specifications furnished by the Department, and the amount of mail transported therein is determined exclusively by the postal authorities. It results that the railroad must haul 100,000 pounds of car when the weight of the mail actually carried therein is only from 3,500 to 5,000 pounds—often very much less and occasionally somewhat more."

Upon the railroads where the mails are heaviest the Government now requires these elaborately equipped post-offices to be massed in special trains, run at great and unusual speed, and involving special expense to the railroad. It is manifestly not possible to compare either the expense or the earnings of such a train from a basis of weight per ton, or of rates per ton or per mile, with express business not provided with such cars nor furnished with such space in cars nor with such special train service. The Pennsylvania Company oper

MAILS SHOULD PAY A HIGHER RATE THAN EXPRESS.

MAILS SHOULD PAY A HIGHER RATE THAN EXPRESS.

Taking into account the greater cost of handling, including the messenger service, the unusual space required in apartment cars and full post-office cars, and therefore the excessive proportion of dead weight to paying load, and the unusual special-train service on the heavy lines, it is probably true that the average cost per ton to the railroad for carrying the mails is 50 per cent greater than the average cost of carrying express. At any rate, it is clear that the service required at this time by the Post-Office Department from railroads is of a much more expensive character to the railroad companies than the service they render for express companies; it is a much more valuable service; it involves the carriage of more important articles; it ought to receive not simply a higher but a much higher rate of pay.

It is not unusual for express companies to charge for carriage one and a half times the freight rate upon first-class goods, which, together with their rate upon single packages and articles of special value, make their average rate very much in excess of the average freight rate. That is called paying for the value of the service rendered. Upon a similar principle the Government, receiving as it does from the railroad company a more valuable service, and having transported for it a

more valuable class of business, should pay a much higher rate than the express company pays.

DOES THE MAIL PAY AS HIGH RATES AS EXPRESS?

DOES THE MAIL PAY AS HIGH RATES AS EXPRESS?

As a matter of fact which class of business does pay to the railroad the higher rate? That is a matter of evidence. For single packages of nominal weight the minimum charge of all express companies is probably 25 cents for short distances. A careful examination of the results upon many routes where the railroads perform pouch service, resembling that of the express, has disclosed that the railroads receive less than 10 cents per package or pouch handled for the Government, the cost of messenger service being deducted.

The ablest and most competent witness who testified before the Wolcott Commission on this subject was Henry S. Julier, general manager of the American Express Company, who said that he had no interest in any railroad company. He stated:

"Without question the Government has the cheaper service by far. Upon the New York Central and Hudson River Railroad, for the year ending June 30, 1897 (the latest year then available for comparison) the cost per ton per mile paid by the American Express Company to the railroad was 7.01 cents, while the Government paid to the same railroad over the same lines for mail carriage in the same period 6.90 cents per ton per mile, including post-office car pay (p. 520, part I).

"The Boston and Albany, in the same period, received for mails, exclusive of post-office cars, 6.35 cents per ton per mile; for express it received 7.53 cents, or 18 per cent greater compensation pound for pound from the carriage of express than from the mails."

The railroad carrying the heaviest mail west of Chicago is the Chicago, Burlington and Quincy. Mr. John H. Sturgis, auditor, testified:

"The Burlington Railroad carried last year 8.489,000 tons of express 1 mile for the Adams Express Company and 14,243,000 tons of mail for the Government, and ton for ton, pound for pound, it received from the express company more money than it did from the Government." (P. 549, part II.)

Mr. Samuel Spencer, president of the Southern Railway, testified:

"Th

sidered.)

was 5.6 cents." (Reciprocal service and messenger service were considered.)

"The average amount received by the Southern Railway per ton per mile for hauling express is 6½ cents."

"In other words," he says, "The Southern Railway Company, upon a fair and proper basis of comparison, obtained from the carriage of express an average rate per ton per mile 17 per cent greater than it received for carrying the mail." (P. 682, Pt. I.)

Mr. E. T. Postlethwaite, of the Pennsylvania road, testified that his company receives for the carriage of mails between New York and Philadelphia 27 cents per hundred, and for express 87 cents per hundred, and for express 87 cents per hundred, and for express 87 cents per hundred, and for express 87.2 cents per hundred, and for express load of mail in the post-office car, but with that load the average load of mail in the post-office car, but with that load the earnings of the mail car between those two points would be \$22.51.

These are the actual rates in force for express and for mail between those cities, the only theoretical point being the size of the load. (P. 647, Pt. I.)

This line of evidence for other railroads can be duplicated from the testimony given before the Wolcott Commission. There was no testimony in contradiction. Similar investigation into the conditions upon other railroads would develop like results.

upon other railroads would develop like results.

COMPARISONS BASED ON SPACE.

The foregoing comparisons are of results upon specific railroads, the net results of their actual earnings, ton for ton and pound for pound, from all their business in transporting express and the mails. The railroad companies, however, almost without an exception, object to mere tonnage comparisons between mail and express, because the two kinds of service are so unlike. Some of them claim that space occupied in cars, with due consideration given to the extra cost and value of special train service and other points of difference, furnishes a better basis for comparison than tonnage. Several roads have submitted careful measurements of the space in all the cars upon all their trains set apart exclusively for mail and for express. The Northern Pacific Railway has recently prepared an elaborate statement of this character. Based upon actual measurements, it shows as to that road that to compensate the company for the space it devotes exclusively to mails at the same rate it is now being paid for the space it devotes to express would result in an increase of its mail pay from \$910,000 to \$1,128,000. Other investigations of a similar character upon other roads have led to like results. There does not appear to be any disposition on the port of the Post-Office Department to abandon the weight basis and adopt the "space theory," either for the purpose of fixing the mail pay or for comparing the mail compensation with railroad earnings from express.

COMPARISONS BASED UPON RATES.

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COMPARISONS BASED UPON RATES.

The published criticisms of the railroad mail pay have come, not from the Government officials familiar with, the business, but largely from persons employed for the purpose by publishers of magazines and newspapers Interested in the continuance of the postage rate upon second-class matter at 1 cent per pound. This postage rate is a source of great profit to them for their long distance distribution. By occupying the public mind with attacks upon the railroad compensation for mail transportation they divert attention from that feature of the post-office administration which is so expensive to the Government and causes the present "deficit" in the postal revenues.

These critics have dwelt to some extent upon comparisons of mail cost and express cost based upon the "rates."

In many cases they have used for purposes of comparison nominally quoted express rates, or express rates upon which little if any business is actually done, or rates for handling newspapers for short distances. Comparisons of the results of the application of certain published rates for certain assumed distances may mislead in a business of this character.

One of the most serious errors into which Prof. Henry C. Adams, the expert of the Wolcott Commission, was led was the promulgation of a table of comparisons of mail rates paid by the Government to railroads with earnings of the same road from express, based upon a published express rate for hundred-pound shipments. There is practically no such express rate. The hundred-pound shipments by express are so few that they afford no basis for determining what the railroad actually receives per hundred on the business which it carries for an express company. The express business is a package business, and much more per hundred-pound ate. Mr. Julier, of the American Express Company, at once called attention to this mistake.

Because it illustrates in a rather striking manner the difficulty of making rate comparisons to show the earnings of the railroad from mail and from express, I quote briefly from Mr. Julier's evidence (p. 516, Pt. II):

"Professor Adams gives the amount received by the New York to Chicago as \$1.25; our actual payment to them is \$2.59. From New York to Indianapolis he gives the rate as \$1.13; we, in fact, pay the railroad \$2.57. He calls the rate per hundred from Chicago to Minneapolis \$1; the express company actually pays to the railroad \$2."

This same error, resulting from taking the quoted hundred-pound rate as a basis, was carried into all the computations made by Professor Adams in comparing mail and express rates.

Mr. Julier further stated that 7 pounds is the average weight of package, and therefore the earnings from carrying such packages are the true index of the rates actually received. In the case of some railroads, they receive as their compensation 50 per cent of the express company's earnings.

Mr. Julier was asked by the Commission to file statements showing from the rates in force exactly the revenue received per hundred weight from the rates in force exactly the revenue received per hundred weight by the railroad company from the express in comparison with the mail rates given by Professor Adams and accepted as correct. These two tables are as follows:

EXHIBIT No. 1.

Table showing and comparing rate received by railways per hundred-weight for transportation of United States mail and rates received for the carriage of express business between points named below.

		Mail.	Exp	ress (estima	ted).
	Distance.	Rate per 100 pounds,a	Amount actually re- ceived by railroads per 100 pounds, b	50 per cent of express companies' earnings on fourteen 7- pound packages,c	50 per cent of express companies' earnings on twenty- eight 1 to 7 pound packages.
New York to— Buffalo Chicago Omaha Indianapolis Columbus East St. Louis Portland, Me. Chicago to—	Miles. 440 980 1,480 906 761 1,171 347	\$1, 58 3, 57 5, 38 3, 27 2, 49 4, 38 1, 33	\$1.16 2.592 4.89 2.57 2.06 3.50 1.22	\$2,80 4,55 5,95 4,55 3,85 4,90 2,80	\$4, 40 6, 30 7, 20 6, 30 5, 60 6, 70 4, 40
Milwaukee	85 421 922 284 306	.34 1.83 5.27 1.34 1.20	.404 2.00 3.165 .75 1.07	2, 10 3, 85 5, 95 2, 80 3, 15	3, 60 5, 60 7, 20 4, 40 4, 60
St. Louis Chicago Cleveland	374 306 263	1.61 1.20 1.26	1.31 1.07 .92	3.15 3.15 2.80	4.60 4.60 4.40

Allowed railroad companies under last weighing, including the cost

of railroad post-office cars.

On all classes of business carried for express companies, including heavy merchandise, fish, live stock, fruit, machinery, etc.

Weighing in the aggregate 100 pounds, yields the railroad companies the rate per 100 pounds noted below.

#### EXHIBIT No. 2.

Table showing and comparing rate received by railways per hundred-weight for transportation of United States mail and rates received for the carriage of express business between points named below.

		Mail.	Exp	ress.
	Distance. Rate per 100 pounds.		Amount actually re- ceived by railroad companies per 100 pounds, b	Amount actually re- ceived by railroad companies per 100 pounds. c
New York to—  Buffalo. Chicago Omaha Indianapolis Columbus. East St. Louis. Portland, Me	Miles. 440 980 - 1,480 906 761 1,171 347	\$1, 58 3, 57 5, 38 3, 27 2, 49 4, 38 1, 33	\$1.16 2.592 4.89 2.57 2.06 3.50 1.22	\$4, 13 5, 47 6, 62 5, 04 5, 32 5, 70 4, 83
Chicago to— Milwaukee Minneapolis New Orleans Detroit. Cincinnati to—	85 421 922 284 306	.34 1.83 5.27 1.34 1.20	.404 2.00 3.165 .75 1.07	3, 30 4, 52 6, 43 3, 48 3, 98
St. Louis Chicago	374 306 263	1, 61 1, 20 1, 26	1.31 1.07 .92	3. 72 3. 58 3. 47

Allowed railroad companies under last weighing, including the cost

of railroad post-office cars.

\* On all classes of business carried for express companies, including heavy merchandise, fish, fruit, live stock, machinery, etc.

\* On shipments weighing 7 pounds and under carried for express com-

Hon, E. F. Loud was for many years a member of and chairman of the Post-Office Committee. He was a member of the Wolcott commis-

sion. After the filing of the report of that commission he made (February 6, 1901) in the House a notable speech reviewing its work. In the course of that speech he took up the question of comparing mail rates with express rates. Based upon the information at his command and the testimony before the commission, he submitted the following table, making a comparison based upon 2 tons as the average load of mail per car and 8 tons the average load of express per car:

Earnings of mail and express cars-Average loading.

From—	то	Mail, 2 tons.	Express, 8 tons.
New York	Buffalo Chicago U. P. Transfer Ogden San Francisco Indianapolis New Orleans	\$63, 30 148, 78 215, 34 385, 70 531, 26 130, 60 234, 36	\$100,00 200,00 360,00 840,00 1,080,00 180,00 400,00
Chicago	Minneapolis. Denver Pittsburg	72, 60 150, 54 82, 58	160.00 - 480.00 140.00
Cincinnati	St. Louis	64. 40 50. 52	120.00 100.00

Conclusions of the Wolcott commission and their investigations and deliberations were extended over a period of more than two years. The question of comparing mail and express rates was brought to their attention in various ways. The conclusion of the commission on this point, concurred in by all except two members, was in the following language:

"The evidence leads us to believe that if a comparison with express should be accepted as controlling it would be found that, taking everything into consideration, the revenue and services rendered to the railroads by the express companies exceed in amount and value the compensation paid the railroads for the transportation of mail."

Two members of the commission (Senator Chandler and Representative Fleming) did not subscribe to the report, but their difference was not stated to be based upon the point in question, but upon other considerations. The principal dissent was by Hon. William H. Fleming, who, however, stated as follows regarding the matter of comparing mail and express rates:

"I do not see that Professor Adams's conclusions have been impaired, except, perhaps, in the matter of his comparison of mail rates with express rates. Mr. Julier, of the American Express Company, seems to have shown that the 100-pound rate selected for comparison by Professor Adams was not a fair typical rate for that purpose."

It is unquestionably true that the railroad companies, particularly the large lines on which the mails are carried at the minimum rate and which operate special mail trains and furnish the most expensive facilities, are receiving less compensation than they receive from express companies do not pay them more than a fair and reasonable compensation, and it would follow, as the Wolcott commission decided, that the mail rates as a whole are not unreasonable. This being the case, the chief concern now, from the standpoint of the Government, should be to preserve and foster the present favorable disposition of the railroad for further extension and development of

# STATEMENT OF HENRY S. JULIER.

[Made under oath to the Wolcott Commission December 8, 1898.]

[Made under oath to the Wolcott Commission December 8, 1898.]

I am general manager of the American Express Company; have been forty years with the company; am not in any way connected with a railroad company. There is no similarity whatever between the mail and express. In my judgment, not 4 per cent of the business handled by express is mallable. To determine this I had a record kept for ten days from forty different offices, which forwarded more than 5,000,000 pounds, and of this total weight there were only 52,000 pounds of mailable matter, or less than 3 per cent. We carry by express all sorts and sizes of commodities—steam engines, boilers, large and small machinery, gas cylinders, bicycles, horses, and various kinds of animals, fruit in car and train loads, beer, liquors of all kinds, cheese, butter and eggs, fresh meats, vegetables, plants, trees, etc. I know of no business with which the mail service can properly be compared. Mail cars are especially equipped and set apart exclusively for the handling of mail and can not be used for any other purpose. The business of the Post-Office Department has precedence over all other classes of business. The Department claims the right and does dictate the hours at which special trains shall depart and arrive and the speed at which such trains shall be run. These fast mail trains take precedence over all other trains, both passenger and express. A large number of mail clerks and employees are carried free, three to one, I think, as compared with the number carried free, three to one, I think, as compared with the number carried free by express companies. A large proportion of the express business is carried in baggage cars, and in these cases baggage has the preference over the express. The railroads do not perform any service for the express companies have to handle their business both into and out of the cars at all points. Railroad companies furnish facilities at terminal points for the mail service, but such facilities are not extended to the express companie

matter handled by express and the additional service which the railroad companies perform for the mail, it would seem to me without any question that the Government has the cheaper service by far.

The New York Central and Hudson River Railroad, for the entire business year ending June 30, 1897, received from the American Express Company 7.01 cents per ton per mile for carrying pail 6.90 cents per ton per mile. The Boston and Albany Railroad received from the Government 6.35 cents per ton per mile for carrying mails; it received for carrying express per ton per mile for carrying mails; it received for carrying express of 1.28 cents.

On all merchandise shipments our minimum charge is 25 cents, irrespective of weight. We have in some cases special rates as low as 15 cents, but that is a very small proportion of our business. If the express companies should undertake to handle the mails under the present law governing the charges they could not by any possibility do it at the present rate paid to railroads and come out even. The Government might reduce the cost for railroad transportation by making less demands upon the railroads, accept an inferior service, and send long-distance second-class matter by freight.

Regarding the statement often made that the express companies handle second-class matter at a rate of 1 cent a pound when the average haul is 500 miles, that statement that the express companies are entering into competition with the Government in the carriage of second-class matter—absolutely none. We carry some newspapers by express, but it does not amount to one-half of 1 per cent of our gross tonnage.

Mr. NORRIS. Will the gentleman yield?

tonnage

Mr. NORRIS. Will the gentleman yield?

Mr. SIBLEY. Very cheerfully.

Mr. NORRIS. I want to ask the gentleman if it is not true, as I can not find my pamphlet here, that what he is asserting and what he is asking to be incorporated on behalf of the Great Northern Railway Company, I think it is they admit that the proposition as made by the gentleman from Kansas [Mr. Mur-nock] is right, and that the present system of dividing is wrong, and that the only reason they ask that it be not put in force is that it will reduce their pay?

Mr. FOSTER of Vermont. Mr. Chairman, in view of the interest that is now taken in newspaper postage, I will ask permission to incorporate in the RECORD an article taken from one of the leading dailies in my district-an editorial of February

1907

The CHAIRMAN. Is there objection?

There was no objection. The article is as follows:

[From the Burlington, Vt., Daily News, February 5, 1907.] NEWSPAPER POSTAGE.

During a period of several months past a committee of Congress has been investigating the postal system of this country with reference especially to proposing a change in the second-class classification to remove certain alleged abuses and increase the revenues. This committee was composed of Senators Pennose, Carter, and Clay, and Representatives Overstreer, Gardner, and Moon, and it has made a report within a few days. This report must have been a shock to every publisher in the country. We venture to say, weighing our words, that it is the most extraordinary report, all things considered, that ever emanated from a committee of national legislators. In the first place, it opens with not only 'implied, but expressed, hostility to the papers, and it proposes a set of rules that are ridiculous, unworkable, and would be embarrassing and costly to every publisher. Instead of clearing up confusion in the Department, it would create "confusion worse confounded."

This committee sat for months and heard from scores of publishers on this question, yet they give no evidence of having the slightest inkling of the publishing business or its conduct. In fact, they give the clearest evidence that they have learned nothing about it. If a Member of the Congress of the United States from Vermont should, after reading this committee's bill, give an indication that he would vote for such a ridiculous mishmash, the News would undertake to get an order from our supreme court for a commission of lunacy to sit upon him. The proposed changes, it has been well said, "are uniformly burdensome and harassing and avowedly hostile." They are not only all that, but they are silly and complicated. They would burden every newspaper and compel an increase in advertising and subscription rates and unduly burden the Post-Office Department in their enforcement.

This extraordinary report provides that no newspaper or part or section of a newspaper must have advertis-

tion of a newspaper or other periodical must consist wholly or substantially of fiction.

No newspaper or part or section of a newspaper must have advertising to a greater extent than 50 per cent of its superficial area.

Each part or section of a newspaper must be of the same size, form, and weight of paper.

Supplements must be of the same form as the main body of the publication, save in the case of maps and plans illustrative of the text; must contain no advertisements, and must be supplied only to complete matter left incomplete in the main body of the publication.

The number of sample copies authorized must not exceed 10 per cent of the paid issue of the paper.

With each issue of his publication the publisher must make, under oath, a statement showing the number of copies mailed to subscribers of different classes, the number in bulk, the weight thereof, and the average weight of a single copy.

The publisher is also required to furnish, under oath, "such other information with respect to the publication as the Postmaster-General may by regulations prescribe."

Newspapers must be folded as the Postmaster-General may prescribe. The present rate of 1 cent a pound is abolished save for packages weighing not less than 10 pounds.

For other copies the proposed rate is one-eighth of a cent for 2 ounces or less, one-quarter of a cent for 4 ounces or less, and one-half cent for each additional 4 ounces or fraction thereof, thus penalizing the larger papers.

Indelivered papers

cent for each additional 4 ounces of fraction thereof, thus penalizing the larger papers.

Undelivered papers are penalized by a charge of double the third-class rate.

Free copies are forbidden save to exchanges, to advertisers as samples, and to agents or solicitors.

It will be seen that by these-provisions the Government would enter upon an attempt to seelously damage if not to destroy newspaper provision as attempt to seelously damage if not to destroy newspaper provision and activation of a state of facts to which the post-office scales would testify without any onth. It would also permit the Postmaster-General to put-the upublisher on earlier of facts to which the post-office scales would testify without any onth. It would also permit the Postmaster-General to put-the upublisher on earlier of the publisher on earlier of the provision of the press by restricting the publisher to what matter he shall print and in what quantity. It attempts to say that a publisher shall not give away what he chooses of his private property. It even gives the postmaster power to say that his press shall fold his papers as the postmaster orders. In short, this remarkable proposed has abridges—and is really intended to shridge—the freedom of the introduced into the United States, and it would come perilously near to volonting the constitution of most States and the United States regarding the freedom of the press.

The proposed in the case states and it would come perilously near to volonting the constitution of most States and the United States regarding the freedom of the press.

The proposed in the case shall be a basel rate of 1 cent perpound for all papers distributed within the first 100 miles from the proposed of the press. The proposed for the proposed in the class shall be a basel rate of 1 cent perpound for all papers distributed within the first 100 miles from the place of publication. The rate for each additional 100 miles or fraction thereof shall be one-tenth of a cent per pound. The price to be place of publication to the capital of the State to which the papers are addressed. Every publication regularly issued and malled to suisceribles at intervals not more than one month apart, shall be conditioned by double the receipts from that classification, probably make it pays a prof

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. McMorran having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his sectaries, who also informed the House of Representatives that the President had approved and signed bills of the following

On February 15:

H. R. 24109. An act to authorize the Norfolk and Western Railway Company to construct sundry bridges across the Tug

Fork of the Big Sandy River; H. R. 25123. An act providing for the construction of a bridge across the Mississippi River;

H. R. 18007. An act to authorize the appointment of Acting Asst. Surg. Julian Taylor Miller, United States Navy, as an assistant surgeon in the United States Navy; and

H. R. 22291. An act to authorize the reappointment of Harry McL. P. Huse as an officer of the line in the Navy.

On February 16:

H. R. 23578. An act to authorize the county of Clay, in the State of Arkansas, to construct a bridge across Black River at or near Bennetts Ferry, in said county and State; and H. R. 25043. An act to authorize the Atlanta, Birmingham-and-

Atlantic Railroad Company to construct a bridge across the Chattahoochee River in the State of Georgia.

#### POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. OVERSTREET of Indiana. Mr. Chairman, I yield to the gentleman from Illinois,

Mr. STERLING. Mr. Chairman, on page 6 of the bill it is provided that in cities where the gross receipts are less than \$50,000 the carriers may be promoted to the fourth, or \$900, I do not think this distinction should be made between the larger and smaller cities. I propose when that part of the bill is reached to offer an amendment reducing that to \$40,000. I wish to insert in the Record a list of the cities that will be affected by that amendment. I also wish to insert in the Record a statement showing the effect of the proposed law upon carriers and clerks during the first five years of the service as compared with five years in the service under the present law.

As a matter of fact, the clerks and the carriers in the cities having over 75,000 population will have no more pay for the first ten years of their service than they do under the present law. In cities where the receipts are not \$50,000 the clerks and carriers in five years' service will receive \$100 less under the new law than under the old law, and in cities with less than 75,000 population and with offices where gross receipts are between \$50,000 and \$200,000 it requires six years to work an increase

under this proposed plan.

Mr. STAFFORD. Will the gentleman permit an interruption

there?

Mr. STERLING. Certainly. Mr. STAFFORD. The gentleman must certainly be in error if he believes that statement that in those cities above 75,000 population the average pay for clerks in the first ten years will not be greater in the classification that we recommend than it would be prior to the new law.

Mr. STERLING. I do not think I am in error. I will insert the statement in the Record and the gentleman can estimate it

for himself.

The CHAIRMAN. The time of the gentleman has expired.
Mr. STERLING. I ask leave to insert these statements in the RECORD.

RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to insert certain statements in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. STERLING. Also to insert in the Record an editorial clipping from a newspaper relating to salaries of employees generally, which I think every Member should consider.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Chair hears none.

The statements and clipping are as follows:

annual receipts of cities between 40,000 and 50,000.

	Gross re- ecipts.	Representative
Arkansas:		
Hot Springs	\$46, 210, 72	Robinson (D.).
Texarkana	40, 372. 88	Little (D.).
California: Berkeley	46, 521, 77	Knowland (R.).
		STATES INSTITUTE ASSESSMENT
Connecticut: Danbury	44, 925, 95	Hill (R.).
Danbury	40, 010, 54	Sperry (R.).
Middletown		Larner (D.).
Florida: Pensacola	42, 635, 76	
Idaho: Boise	43, 449. 59	French (R.).
Illinois:		a to the
Cairo	42, 147. 20	Smith (R.).
Freeport	46, 481. 28	Lowden (R.).
Freeport	46, 607. 67	Prince (R.).
Indiana.		
Anderson	48, 346, 78	Cromer (R.).
Attica	46, 780, 19	Landis (R.).
	200 1000000	STORESTED ACTOR
Iowa:	41,006,40	Dawson (R.).
Iowa City	40, 654, 48	Cousins (R.).
Marshalltown	40,001.40	Cousins (16.).
Kentucky:	44, 843, 14	Rhinock (D.).
Newport		James (D.).
Paducah	48, 647. 10	
Maryland: Cumberland	46, 127. 44	Pearre (R.).
Massachusetts:		T
North Adams	40, 305. 08	Lawrence (R.).
Waltham	42, 564, 57	Tirrell (R.).
Michigan: Muskegon	45, 384, 46	Bishop (R.).
Minnesota: Mankato	40, 976. 25	McCleary (R).

Gross annual receipts of cities between 40,000 and 50,000-Continued.

	Gross re- ceipts.	Representative.
Mississippi:		
Jackson	\$46, 832, 39	Williams (D.).
Vicksburg	44, 747, 15	Williams (D.).
Meridan	44, 564, 14	Byrd (D.).
Missouri: Joplin	46, 867, 64	Shartel (R.).
New Jersey:	10,007.01	Sharter (16.).
Asbury Park	43, 059, 64	Howell (R.).
Bayonne	48, 025, 66	Wiley (R.).
Morristown	43, 061. 58	Fowler (R.).
New York:		
Amsterdam	41, 397. 46	Littauer (R.).
• Flushing	46, 564. 92	Cocks (R.).
Geneva	41, 624, 23	Payne (R.).
Kingston	49, 546, 17	LeFevre (R.).
Mount Vernon	48, 427, 22	Ruppert (D.).
New Rochelle	46, 813, 52	Andrus (R.).
Oswego	37, 526, 28	Knapp (R.).
Saratoga Springs.	47, 647, 78	Littauer (R.).
Stapleton	40, 425, 21	Fitzgerald (D.).
North Carolina: Asheville	41, 841, 30	Gudger (D.).
North Dakota: Grand Forks	41, 977. 75	Marshall (R.).
Ohio:		
East Liverpool	45, 244, 23	Kennedy (R.).
Newark	47, 526, 75	Smyser (R.).
Portsmouth	42, 210. 96	Bannon (R.).
Sandusky	40, 869, 95	Mouser (R.).
Pennsylvania:		
Bradford	42, 219, 05	Dresser (R.).
Chester	46, 948, 91	Butler (R.).
McKeesport	46, 149, 94	Dalzell (R.).
Oil City	47, 077, 87	Sibley (R.).
Warren	47, 947, 95	Acheson (R.).
Washington	40, 534, 92	Butler (R.).
		Butter (K.).
Westchester	41, 518. 67	
Porto Rico: San Juan	47, 587. 97	Larrinaga (R.).
Vermont: Rutland	42, 145, 94	Foster (R.).
Virginia:		
Newport News	40, 834, 24	Maynard (D.).
Petersburg	40, 126, 92	Southall (D.).
West Virginia: Huntington	41, 843, 57	Hughes (R.).
Wisconsin:		
Sheboygan	40, 373, 02	Weisse (D.).
Superior	40, 906, 43	Jenkins (R.).
	207 6001 30	Committee (111)

#### IN CITIES OF OVER 75,000 POPULATION.

On the proposition as proposed by the House committee a man would have to work ten years before receiving any increase—i. e., if he was appointed a regular carrier July 1, 1907—

	Present law.	Proposed law.
First year of service	\$600 800	\$600 700
Third year of service	1,000	800
Fifth year of service	1,000 1,000	900 1,000
Sixth year of service	1,000	1,100 1,100
Eighth year of service	1,000 1,000	1,100 1,100
Total salary received	8,400	8,400

Would have to work ten years before getting an increase. In offices in cities of 75,000 population and under \$50,000 gross annual receipts

	Present law.	Proposed law.
First year of service. Second year of service Third year of service Fourth year of service Fifth year of service.	\$600 850 850 850 850 850	\$600 700 800 900 900
Total salary	4,000	3,900

In five years by the proposed plan a man would get \$100 less.

In offices under 75,000 population, and with gross receipts between \$50,000 and \$200,000, a man would have to work six years before he would get any increase.

	Present law.	Proposed law.
First year of service Second year of service Third year of service Fourth year of service Fifth year of service	\$600 850 850 850 850 850	\$600 700 800 900 1,000
Total salary	4,000	4,000

The average pay of Government clerks in Washington in 1857 was \$1,460.83 a year. In 1887 it was \$1,348.25, or \$112.58 less than it had been thirty years before. Since 1887 the average salary in the classified civil service in Washington has been reduced, until, in December, 1903, when the last figures were taken, in was \$1,072, a reduction since 1887 of over 20 per cent. The average salary in the entire classified civil service, in Washington and out, is \$758.23. The lowest

salary paid at the establishment of the civil service, in 1883, was \$1,200. This was equivalent to at least \$2,000 now, with the increased cost of living.

While Congress is considering the salary question, therefore, it has an opportunity not only to do justice to itself, but to the Government clerks, who are absolutely dependent upon it for a square deal.

Mr. OVERSTREET of Indiana. I yield to the gentleman

from Idaho [Mr. French].
Mr. FRENCH. Mr. Chairman, I am sorry I am compelled to limit my remarks on this bill to a few words, and in the time at my disposal I shall only give an outline of a part of what I hope The Department of our Government that is in closest touch with the great masses of our people is the Post-Office Department. Inefficiency in that Department is most promptly felt by our whole country. Inefficiency can only be avoided by keeping that Department upon a plane as regards its employees as high as that of business concerns employing similarly responsible workmen.

It is a notorious fact that the salaries paid to the mail carriers on rural free-delivery routes and in our cities, and to the clerks in post-offices and on mail trains are lower than the salaries paid to other workmen of equal responsibility in private enterprises. So long as this is true, one of two things must result: The employees of the Post-Office Department must perform their work at a sacrifice, because they hope for better pay and because it is difficult to disturb home and home surroundings in order to enter upon other activities, or the employees of the Post-Office Department will be compelled to accept positions of better pay as fast as opportunity affords. No matter which of these courses may be pursued a wrong must surely follow, either to the employee or to the public. In the first place, if the employee is underpaid, he is the one wronged, and our Government is big enough and great enough to deal justly by those whom it finds necessary to do its work. It should not force men and women to serve for insufficient pay merely because of the hardship attendant upon seeking a new

position-hardship to self and hardship maybe to family. On the other hand, if the employees are compelled to leave the service and take up other lines of work an injustice is done the public, by reason of poorer work that must result by the constant changing of employees and the breaking in of new help. In this connection I wish to call attention to a statement of Mr. J. R. Collins, the postmaster at Moscow, Idaho. The statement is important, because it is from the postmaster of an office the annual receipts of which are about \$11,000 or \$12,000 per year, and there are hundreds of offices of about this same size. They employ about four clerks, and the change of a single one is bound to produce a noticeable effect. But no matter whether the office is larger or smaller, the principle is the same. Mr. Collins says in part:

the same. Mr. Collins says in part:

When I took charge of this office, April 1, 1905, I succeeded in interesting several efficient persons in the work, and they took the civil-service examination and for about one year I had a very good eligible list to choose from. As soon as an appointment was made and an appointee had an opportunity to investigate the inducements offered and the chances for promotion, he began to look around for some other kind of work. I have lost four men during the past year because of the salaries paid elsewhere. The result is that this office has been a training school for young men.

This works a hardship on the patrons of the office as well as myself. I would urge you to use your influence in support of any measure that will tend to give us relief. Some provision for a substantial increase in salary after one year's service would, I think, help materially.

Now a word in regard to the rural carriers. When the expense of repairs on harness and cart and the care of the horses are taken into consideration (and, added to this, about \$300 in equipment) \$60 per month is a very small salary. I think they should have \$75 per month. I would urge you to do all in your power to afford these carriers some relief.

The modifications proposed in the pending bill will work.

The modifications proposed in the pending bill will work some relief. I still think the pay proposed is not sufficient.

There is another matter in this connection to which I would

invite attention, and I refer to the compensation that is allowed to third and fourth class postmasters. In few of these offices is the pay sufficient.

The pay of fourth-class postmasters is based practically upon the cancellation of stamps, and, as a general thing, so far as Idaho is concerned, the keeping of the office is a public service, which the postmaster renders the community for far too little pay. Communities must have post-offices, but it is not right that the office should be maintained at a sacrifice to the community or to the postmaster, while the highly developed free-delivery mail service is maintained in the cities of our land, where the mail is brought, not once or twice a week, or even six times a week, but two or three or maybe more times a day. There is an inequality here that it would seem it is now time to correct.

Again, the fourth-class postmaster, as his work mounts up even beyond that required of a third-class office, has no relief sufficient to meet the hardship till the work, and, I may say, the hardship shall have been borne for four successive quarters.

I have in mind a post-office in my home county where the work of the last quarter almost equals the work required for an entire year of an office eligible to enter the third class, yet this office must continue as a fourth-class office for twelve months, no matter if each succeeding month adds to the hardship already imposed.

But this is not all. A hardship is imposed upon the postmasters of many third-class offices during many months prior to their eligibility to assume rank of the second class. not have and can not have, under the law, the clerical assistance necessary to do justice to the postmasters and to the public. We should adopt a system that will relieve the injustice that is being done both classes of postmasters I have referred to, and at the same time give to the public the efficient service which is their due. The means of relief may lie in a fairer classifica-tion or in an allowance for sufficient clerical assistance. We can provide either.

Mr. OVERSTREET of Indiana. Mr. Speaker, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25483-the post-effice appropriation bill—and had come to no resolution thereon

#### BUREAU OF ANIMAL INDUSTRY.

The SPEAKER laid before the House the following message from the President of the United States, which was read, referred to the Committee on Agriculture, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the report of the operations of the Bureau of Animal Industry of the Department of Agriculture for the fiscal year ending June 30, 1906, in compliance with the requirements of section 11 of the act approved May 29, 1894, for the establishment of the

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 16, 1907.

#### ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

8, 7211. An act to amend an act entitled "An act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo." approved March 19, 1904;

S. 8288. An act authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Portland and Seattle Railway Company, its successors and assigns;

S. 6691. An act granting to the Columbia Valley Railroad Company a right of way through Fort Columbia Military Reservation, at Scarborough Head, in the State of Washington, and through the United States quarantine station in section 17 township 9 north, range 9 west of Willamette meridian, in said State of Washington, and for other purposes; and

S. 7515. An act to authorize the Missouri River Improvement Company, a Montana corporation, to construct a dam or dams across the Missouri River.

### REPRINT OF DOCUMENT.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent for a reprint of Senate Document No. 318 for the use of

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

CONVEYING GROUND IN ST. AUGUSTINE, FLA., FOR SCHOOL PURPOSES.

Mr. CAPRON. Mr. Speaker, I call up the conference report on the bill S. 1726.

The conference report and statement were read, as follows:

The committee of conference on the disagreeing votes of the The committee of conference of the disagreeing votes of the two Houses on the amendment, in the form of a substitute, of the House to the bill (S. 1726) entitled "An act making provision for conveying in fee the piece or strip of ground in Saint Augustine, Florida, known as 'The Lines,' for school purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows;
That the Senate recede from its disagreement to the amend-

ment of the House and agree to the same with amendments as

Page 1, line 4, after the word "Matanzas," insert the words " or San Sebastian."

Page 1, line 5, strike out the words "Chief of Engineers" and

Page 1, line 9, strike out the words "Chief of Engineers and insert in place thereof the words "Secretary of War."

Page 1, line 9, strike out the word "city."

Page 1, line 9, after the word "instruction," insert the following words: "of Saint Johns County, Florida."

That the title of said act read as follows:

"An act making provision for conveying in fee the piece or strip of ground in Saint Augustine, Florida, known as 'The Lines,' for school purposes to the board of public instruction of Saint Johns County, Florida."

And the Senate agree to the same.

H. O. YOUNG, ADIN B. CAPRON, JAMES L. SLAYDEN, Managers on the part of the House. KNUTE NELSON, A. J. MCLAURIN, FRED T. DUBOIS, Managers on the part of the Scnate. STATEMENT.

The original bill as it passed the Senate provided for the transfer of the property known as "The Lines," connected with the Fort Marion Reservation at St. Augustine, Fla., to the board of public instruction of St. Johns County, Fla., absolutely for school purposes, with a provision that said board might sell so much of the western portion of said strip as would enable the board to reclaim the eastern portion thereof. The House struck out all after the enacting clause and amended the same by the way of a substitute which provided that the Secretary of War might convey to the said board of public instruction, on condition that said board should lay and maintain a suitable drain from a point on Fort Marion Reservation to the Matanzas River to drain said reservation, so much of The Lines as he should deem sufficient for school purposes, provided that said deed shall contain a clause to the effect that when said property, or any portion thereof, ceases to be used for school purposes, so much of the same as is not so used shall revert to and become the property of the United States.

The Senate receded from its disagreement to the amendment of the House and agreed to the same with four amendments and

amendment to the title.

Amendment No. 1 inserts the words "or San Sebastian" after the word "Matanzas" in line 4, on page 1, so that the drain to be built may empty either into the Matanzas or San Sebastian river.

The effect of amendment No. 2 is to provide that the drain should be approved by the Secretary of War instead of the Chief of Engineers.

Amendments 3 and 4 simply correct the proper name of the board of instruction of St. Johns County, Fla.

The change in the title is merely to make it conform to the changed character of the bill.

H. O. Young, A. B. CAPRON, JAMES L. SLAYDEN, Managers on the part of the House.

Mr. CAPRON. I move the adoption of the conference report. The question was taken; and the motion was agreed to.

#### JOHN M'KINNON.

Mr. CAPRON. Mr. Speaker, I call up Senate concurrent resolution 48, and ask that the amendment be agreed to. The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, February 16, 19.)7.

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and the Vice-President of the United States in signing the enrolled bill (S. 1160) to correct the military record of John McKinnon, alias John Mack, be rescinded, and that in the reenrollment of the bill the word "military," in line 5 of the bill, be stricken out and the word "naval" substituted therefor; also amend the title so as to read: "An act to correct the naval record of John McKinnon, alias John Mack;" so as to correctly state the service of the beneficiary, inaccurately stated in the bill.

Mr. WILLIAMS. I want to ask the gentleman from Rhode Island whether the rapidity of his operation in the chair as Chairman of the Committee of the Whole is responsible for this little error?

Mr. CAPRON. I will say to the gentleman that this error is not due to the rapidity of the passage of the bill. The neces-

is not the to the rapidity of the passage of the bill. The hecessity for this correction was discovered after the bill was passed.

Mr. WILLIAMS. The gentleman finished his part correctly?

Mr. CAPRON. The procedure of the House was entirely correct, and this has nothing to do with its rapidity.

Mr. WILLIAMS. I am glad to hear that, because I was a

little afraid that sometime a cog might slip.

Mr. CAPRON. I move the adoption of the substitute.

The Clerk read as follows:

Strike out all after the resolving clause and insert:

"That the action of the Speaker of the House and the Vice-President of the United States and the President of the Senate in signing the enrolled bill (8, 1160) to correct the military record of John McKinnon, alias John Mack be rescinded, and that in the reenrollment of the bill the words 'Secretary of War,' in line 2, be stricken out and the words 'Secretary of the Navy' be inserted; that the word 'military,' in lines 4 and 7, be stricken out and the word 'naval' inserted; also that the title be amended so as to read: 'An act to correct the naval record of John McKinnon, alias John Mack;' so as to state correctly the service of the beneficiary, inaccurately stated in the bill."

The amendment was agreed to, and the concurrent resolution as amended was adopted.

#### ORDER OF BUSINESS.

Mr. NORRIS. Mr. Speaker, I ask unanimous consent for the present consideration-

Mr. WILLIAMS. Monday, or some other time, I may not make any objection. I do not want to hear even what the bill is for fear I may be tempted not to object.

Mr. NORRIS. I have not made my request.

Mr. WILLIAMS. Monday or some other time I will probably not object. But we are meeting at 11 o'clock; it is now 25 minutes to 6, and Members have other work to do besides the work to be done here.

#### CHARLES B. SAUNDERS.

By unanimous consent, reference of the bill (S. 4008) granting an increase of pension to Charles B. Saunders was changed from the Committee on Invalid Pensions to the Committee on Pensions.

#### VALDEZ, MARSHALL PASS AND NORTHERN RAILROAD.

The SPEAKER. Without objection, the bill (H. R. 25244) to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes, will lie on the table.

#### LEAVE TO EXTEND REMARKS.

Mr. Gilbert obtained unanimous consent to extend his remarks in the Record on the new postal subvention bill.

#### LEAVE OF ARSENCE.

By unanimous consent, Mr. Gilbert of Kentucky obtained leave of absence, indefinitely, on account of continued indisposi-

#### WITHDRAWAL OF PAPERS.

Mr. Fulkerson, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of John F. Tyler (H. R. 10231, Fifty-ninth Congress), no adverse report having been made thereon.

EXTENSION OF REMARKS ON POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET of Indiana. Mr. Speaker, I ask unanimous consent that gentlemen who have addressed the House upon the post-office appropriation bill, or who may in general debate hereafter address the House upon that bill, may have the privilege of extending their remarks in the Record.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none

Mr. OVERSTREET of Indiana. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 37 minutes p. m.) the House adjourned until to-morrow, Sunday, at 12 o'clock m.

# EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as fellows

A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for examination of subtreasuries and depositories—to the Committee on Appropriations, and ordered to be printed.

letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting an estimate of appropriation for the Bureau of Supplies and Accounts—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a memorial of the legislature of the Chickasaw Nation concerning the conduct of their schools and requesting additional legislation-to the Committee on Indian Affairs, and ordered to be printed.

letter from the Acting Secretary of State, transmiting, with copies of letters relating to the forthcoming international

congress on the subject of hygiene and demography, a recommendation that an invitation be extended to the congress to meet in the United States in 1909 or 1910-to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 24118) granting to the Central Colorado Power Company a right of way over certain public lands, for irrigation and electric power plants, in the State of Colorado, reported the same with amendment, accompanied by a report (No. 7636); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTHOLDT, from the Committee on Public Buildings and Grounds, to which was referred the bill of the Senate (S. 5201) to acquire certain land in the District of Columbia as an addition to Rock Creek Park, and in Hall and Elvan's subdivision of Meridian Hill for a public park, reported the same with amendment, accompanied by a report (No. 7642); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 24471) to amend the laws relating to the public coal lands of the United States, reported the same with amendment, accompanied by a report (No. 7643); which said bill and report, together with the minority views, were referred to the Committee of the Whole House on the state of the Union.

Mr. BATES, from the Select Committee on Disposition of Useiess Papers in the Executive Departments, submitted a report (No. 7634); which said report was referred to the House Calendar.

Mr. BONYNGE, from the Committee on Patents, to which was referred the bill of the House (H. R. 25474) to amend sections 5 and 6 of an act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," reported the same without amendment, accompanied by a report (No. 7637); which said bill and report were reterred to the House Calendar.

Mr. GAINES of West Virginia, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 25611) to authorize the Burnwell Coal and Coke Company to construct a bridge across the Tug Fork of Big Sandy River, reported the same without amendment, accompanied by a report (No. 7638); which said bill and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 25627) to authorize the county of Armstrong, in the State of Pennsylvania, to construct a bridge across the Allegheny River in Armstrong County, Pa., reported the same without amend-ment, accompanied by a report (No. 7639); which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon, reported the same with amendment, accompanied by a report (No. 7641); which said bill and report, together with the minority views, were referred to the House Calendar.

# REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows

Mr. GREGG, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 20128) to complete the naval record of Patrick Naddy, reported the same with amendment, accompanied by a report (No. 7635); which said bill and report were referred to the Private Calendar.

Mr. HUMPHREY of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 25437) to grant American registry to the German bark *Maricchen*, reported the same with amendment, accompanied by a report (No. 7640); which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows

By Mr. BARCHFELD: A bill (H. R. 25691) to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company—to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 25692) to provide for an additional district judge for the northern district of California—to

the Committee on the Judiciary.

By Mr. SMITH of Texas: A bill (H. R. 25693) to regulate interstate and foreign transportation by railroad companies-to the Committee on Interstate and Foreign Commerce.

By Mr. BURNETT: A bill (H. R. 25694) permitting the erection of a dam across Coosa River, Alabama, at the place selected for Lock No. 12 on said river-to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Arizona: A joint resolution (H. J. Res. 245) to authorize certain officers of the Treasury Department to audit and certify claims of certain counties of Arizona—to the Committee on Claims.

By Mr. GROSVENOR: A resolution (H. Res. 843) to increase the pay of Harry Graham, attendant in charge of the bathroom—to the Committee on Accounts.

Also, a resolution (H. Res. 844) to increase the pay of Harry Graham, attendant in charge of the bathroom-to the Committee on Accounts

By Mr. MANN: A resolution (H. Res. 845) directing the Secretary of the Interior to inform the House of Representatives of the area of the public lands belonging to the United States—to the Committee on the Public Lands.

By Mr. BURTON of Ohio: A resolution (H. Res. 849) to pay Harry West, janitor to the Committee on Rivers and Harbors, a certain sum of money—to the Committee on Accounts.

By Mr. MILLER: Memorial of the legislature of Kansas,

asking for the enactment of a law pensioning the survivors of the battle of Beechers Island and their widows—to the Committee on Election of President, Vice-President, and Representatives in Congress.

### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following

titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 25695) granting an increase of pension to W. H. Gregg—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 25696) to confer jurisdiction on the Court of Claims in the case of Manuelita Swope—to the Committee on Claims.

Also; a bill (H. R. 25697) granting lands to Anna Johnson-to the Committee on the Public Lands.

By Mr. GOULDEN: A bill (H. R. 25698) for the relief of Alfred H. Miller—to the Committee on Military Affairs.

By Mr. HALE: A bill (H. R. 25699) for the relief of Sarah E. Cox-to the Committee on War Claims.

Also, a bill (H. R. 25700) for the relief of Mary A. Mynatt-

to the Committee on War Claims.

By Mr. HINSHAW: A bill (H. R. 25701) granting an increase of pension to Simon Chapman—to the Committee on Invalid Pensions.

By Mr. McNARY: A bill (H. R. 25702) granting a pension to Edward H. Emerson-to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 25703) for the relief of trustees of Lynn Creek Baptist Church, of Giles County,

Tenn.—to the Committee on War Claims.

By Mr. SIMS: A bill (H. R. 25704) for the relief of J. H. Gilbert-to the Committee on War Claims.

By Mr. SMITH of Texas: A bill (H. R. 25705) granting a pension to James J. Callan—to the Committee on Pensions.

By Mr. TOWNSEND: A bill (H. R. 25706) granting an increase of pension to Miles Gary—to the Committee on Invalid Pensions.

# PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of various organizations of the States and the District of Columbia, against passage of the Lit-

By Mr. ADAMSON: Petition of citizens of West Point, Ga., against reduction of the railway mail appropriation—to the Committee on the Post-Office and Post-Roads.

By Mr. BATES: Petition of Division No. 32, Order of Railway Conductors, of Meadville, Pa., for bill S. 5133 (the sixteenhour bill)-to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. Mary Sloat, secretary of Linesville (Pa.) Grange, against the subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER: Petition of S. Adeline Lathrop, against discontinuing the appropriation for the Biological Survey—to the Committee on Appropriations.

Also, petition of L. N. Cushman, of Boston, Mass., for a better fractional currency-to the Committee on Banking and Cur-

Also, petition of the governor and legislature of Massachusetts. for tariff revision—to the Committee on Ways and Means.

By Mr. GILHAMS: Petition of the Alliance of German Societies of Fort Wayne, Ind., against the Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. GOULDEN: Petition of the National Convention for the Extension of the Foreign Commerce of the United States,

for a dual tariff—to the Committee on Ways and Means.

By Mr. GRANGER: Petition of Newport Typographical

Union, No. 295, of Newport, R. I., for the new copyright bills (S. 6330 and H. R. 19853)—to the Committee on Patents.

By Mr. HEPBURN: Petition of citizens of Iowa, for the

Murphy bill prohibiting sale of intoxicants on Sunday in the District of Columbia-to the Committee on the District of Columbia.

By Mr. MARTIN: Joint resolution No. 6 of the senate of South Dakota, to make Fort Meade, S. Dak., a brigade post—to the Committee on Military Affairs.

Also, petition of Typographical Union No. 218, of Sioux Falls, S. Dak., for the new copyright bills (S. 6330 and H. R. 19853) to the Committee on Patents.

By Mr. McNARY: Papers to accompany bills for relief of J. M. Temple and Louisa A. Barnes-to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Louisa A. Barnesto the Committee on Invalid Pensions.

Also, petition of H. B. Loud, for the Garrett bill (exchange of advertising for transportation with railways)-to the Committee on Interstate and Foreign Commerce.

Also, petition of Frederick S. Converse, professor of music at Harvard College, and George W. Chadwick, director of the New England Conservatory of Music, Boston, for the copyright bill—to the Committee on Patents.

Also, petition of New England Division, Order of Railway Conductors, for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of New England Division, No. 157, Order of Railway Conductors, for the sixteen-hour bill—to the Committee

on Interstate and Foreign Commerce.

Also, petition of the International Association of Machinists, for an appropriation of \$100,000 for a foundry at the Washington Navy-Yard—to the Committee on Naval Affairs.

Also, petition of Boston Typographical Union, No. 13, of Boston, Mass., for the new copyright bill—to the Committee on

By Mr. MOON of Tennessee: Paper to accompany bill for

relief of John Dolan—to the Committee on War Claims.

By Mr. McMORRAN: Petition of citizens of Pigeon, Huron County, Mich., for the Littlefield bill-to the Committee on the Judiciary.

By Mr. PADGETT: Paper to accompany bill for relief of Lynn Creek Baptist Church, Giles County, Tenn.—to the Committee on War Claims.

By Mr. RIORDAN: Petition of the governor and legislature of Massachusetts, for a revision of the tariff—to the Committee on Ways and Means.

Also, petition of the National Board of Trade, for international arbitration--to the Committee on Foreign Affairs.

By Mr. ROBERTS: Petition of citizens of Massachusetts, against any further legislation restricting immigration-to the Committee on Immigration and Naturalization.

By Mr. ROBINSON of Arkansas: Paper to accompany bill for

relief of Eleanor Wadwell—to the Committee on War Claims.

By Mr. SCHNEEBELI: Petition of Washington Camp, No.
429, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the National German-American Alliance of the United States, against the Littlefield bill-to the Committee on the Judiciary

By Mr. SMITH of Texas: Paper to accompany bill for relief of James J. Callan-to the Committee on Pensions.

By Mr. SMYSER: Petition of T. G. Gordon and 71 other business men of New Philadelphia, Ohio, against the parcels-post bill-to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of the New York Board of Trade and Transportation, for national forest reserves-to the Com-

mittee on Agriculture.

Also, petition of the Chicago Real Estate Board, for an appropriation for general improvement of the Chicago River-to the Committee on Rivers and Harbors.

Also, petition of the War Veterans and Sons' Association, abolition of pension agencies-to the Committee on Appropriations.

Also, petition of Erving Winslow, of Boston, Mass., for granting independence to the Filipinos—to the Committee on Insular

Affairs. Also, petition of the National Wool Growers' Association of the United States, against forest reservations on land not already timbered-to the Committee on Agriculture.

Also, petition of the International Association of Machinists, for a new building for the Naval Gun Factory foundry-to the

Committee on Naval Affairs.

Also, petition of the Maritime Association of the Port of New York, for enactment of bill H. R. 23714 (monument in memory of De Long and his comrades)-to the Committee on the Li-

By Mr. TAYLOR of Ohio: Petition of F. B. Sheedon, president of the Hocking Valley Railway, against a reduction of the appropriation for railway transportation of the mails—to the Committee on the Post-Office and Post-Roads.

# HOUSE OF REPRESENTATIVES.

Sunday, February 17, 1907.

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the fol-

lowing prayer:

Blessed is the man that walketh not in the counsel of the ungodly, nor standeth in the way of sinners, nor sitteth in the seat of the scornful.

But his delight is in the law of the Lord; and in His law doth

he meditate day and night.

And he shall be like a tree planted by the rivers of water, that bringeth forth his fruit in his scason; his leaf also shall not wither; and whatsoever he doeth shall prosper.

Our Father in heaven, once more under the dispensation of Thy providence are we met within these historic walls to pay a last tribute of respect to one who learned patience, wisdom, courage, fortitude, patriotism, and nobility of soul at the feet of our martyred Lincoln, and who served for years on the floor of this House with signal ability, and died beloved by all who knew him. Grant, O most merciful Father, that his example may be an incentive to those who knew him and to those who shall come after him to pure living and patriotic citizenship, so that when we pass from the scenes of this life men shall rise up and call us blessed.

Comfort his colleagues, friends, and kinsmen with the blessed hope of the gospel; and help us to look forward with faith and confidence to a blessed reward in some fairer life, where, with the redeemed, we shall live forever; and Thine be the praise, through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and ap-

proved.

THE LATE REPRESENTATIVE HITT.

Mr. LOWDEN. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. ROBERT R. Hirt, late a Member of this House from the State of Illinois.

Resolved, That, as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved. That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolu-

The resolutions were agreed to.

Mr. LOWDEN. Mr. Speaker, an old Roman once said that man was to be likened to a sentinel on duty, obliged to stay at his post until summoned hence by his commander. Perplexities might come, ill health might press him down, but he is bound, smilingly, if he can, patiently anyway, to bear the bur-

dens of the earth until released from above. The man whose name we affectionately take upon our lips to-day, whose image is in our hearts, illustrated by his life and death this everlasting truth. More than a decade ago death was very near him, and during the time that since has intervened he knew that he was under sentence to die almost any day. And yet, never was he more useful to his country than during these years. He was, in very truth, a sentinel on guard, and serenely served his country and his time until the summons came. There is nothing which more dignifies man, which more benefits the world, than obedience to the law of service until the very end of life. The young can exhibit no triumph of mind which, in sublimity, equals that of the old man-old as the world measures age-who looks point-blank into eternity and genially and graciously helps to bear the burdens of the world. ROBERT ROBERTS HITT was fine in his splendid youth; be was finer still in his latest years. Though he knew that death had but given him truce, he lavished the best that was in him upon his country, family, and friends. He made it easier for all of us to meet old age and to meet it with a smile. Never were his perceptions keener, his charity broader, nor his affections deeper than during the very last year he walked the earth. His soul never shone more resplendent than at this time, though his feeble body was galloping to Then why shall we not believe that he survived the grave. the clay where he once abode and that we shall meet him yet again?

ROBERT ROBERTS HITT was born at Urbana, Ohio, January 16, 1834. His parents were Rev. Thomas H. Hitt and Emily John Hitt. The former was a minister of the Methodist Church. The former was a minister of the Methodist Church. When young Robert was a minister of the Methodist Church. When young Robert was 3 years of age his parents migrated to Ogle County, Ill., and settled at Mount Morris. Thomas Hitt was described by those who knew him as a man of high character and ideals, devoted to his work. The pioneer preacher in every stage of the development of this country has borne a conspicuous part; Thomas Hitt was a fine type of his class. The mother of ROBERT was a woman of great intellectual ability and beauty of character. This is the uniform testimony

of those who knew her best.

Young Hirr was educated at Rock River Seminary and at De Pauw University. During his college course he grew deeply interested in the stenographic art and became a very accom-plished shorthand reporter. He preserved to history the Lin-coln-Douglas debates of fifty-eight, and it is said that Mr. Lincoln never arose to speak during that epoch-making time until he had assured himself that "Bor" Hirr was present and at his post. To us of Illinois he seemed the closest link between the martyred Lincoln and the times we call our own. fidence in and friendship for HITT which Lincoln cherished, the reverence which Hrrr felt for Lincoln, who once was ours and now belongs to the world, made Lincoln seem very near to us indeed.

Mr. Hitt was first secretary of legation at Paris from 1874 to 1881 and chargé d'affaires a part of that time. He was First Assistant Secretary of State under Blaine during Garfield's Administration. He was elected to Congress from the old Ninth Illinois district in 1882, and served continuously until the time of his death, September 20, 1906. He became chairman of the Committee on Foreign Affairs at the beginning of the Fifty-first Congress. He was appointed in July, 1898, by President McKinley, member of the commission to establish government in the Sandwich Islands. During the last years of his life he was also Regent of the Smithsonian Institution.

Mr. Hirr was married in 1874 to Miss Sallie Reynolds, a lady

of great beauty, charm of manner, and cultivation of mind, who, with two sons, Reynolds and William F., survive him.

His home was a happy one. Those who were privileged to enter it found culture and hospitality so graciously interwoven that every visit there produced a delightful memory.

Of Mr. Hitt's career in Congress, his old colleagues in this House are better fitted than I to speak. I may be permitted, however, to say that the people of our district were proud of his achievements and knew that his counsel was of infinite value to the nation. In every crisis in our foreign affairs we turned confidently to Washington, for we knew that the wise, just, patient statesman we had sent you would be heard.

He was the soul of honor, and simplicity was the dominant quality of his mind and heart. Elaborate logic, too much refined, will miss the goal, where simple, unpretentious directness will win. This simplicity of which I speak was never more marked than in his public utterances. There are two kinds of marked than in his public utterances. There are two kinds of speeches—one intended to show the marvelous mental machinery of the orator, the other to elucidate the simple truth from out a complex mass of facts. Mr. Hirr's method was the latter.

Genial and gentle, he was the most levable of friends. The

richness of his mind made him a center of interest in any company. Perfect naturalness seemed his. And this is why he liked men and men liked him. He was equally at home among the great and small. He knew that rank and wealth "were but thin disguises of the soul."

Almost a quarter of a century ago, on an occasion similar to this, he, whom we mourn to-day, in speaking of Major Hawk, who had preceded him as Representative to Congress, used these

He satisfied his constituents—no easy task, for that Galena district had been accustomed to being represented by men of national reputation, Baker, Washburne, Burchard, with whom he would be compared. But the people appreciated his solid qualities, his worth, his faithful services. They trusted and honored him again and again, and when he was cut off so untimely they mourned his death as a personal sorrow.

These words seem to have been as prophetic of his own career as they were descriptive of that other career then just closed. He was always proud of his district, and the district justified him in his pride. If thrift, intelligence, patriotism, and self-respect are, as I believe, the qualities which finally give superiority to men, the people of this district are second to none anywhere. He had an affection for the old district, and it loved him.

It is indeed a notable district. It was the home of Grant and Rawlins, upon whom that great captain leaned. It was once represented in the Congress of the United States by Baker, who fell at Balls Bluff while yet "his fame was in its dawn." Early in the fifties, before the Republican party was born, this district sent Elihu B. Washburn to this Chamber, where he remained until he became minister to France. Then came Horatio C. Burchard, who was a recognized authority on all questions of finance. He in turn was followed by Robert M. A. Hawk, a gallant soldier who died all too soon, the result of wounds received in the civil war. From then until a few months ago, Robert Roberts Hitt was the fitting Representative of the historic Galena district. Of the great group I have named Burchard alone survives, and the evening of his life is gently closing in about him.

I have heard many regret that Mr. Hitt's distinguished services to his country did not bring him higher place. I can sympathize with the thought which prompts the regret, but I do not join in the conclusion reached. It seems to me that to have served his country with the ability and fidelity which always characterized him, to have spent the last quarter of a century of his life in this great body, to have won its admiration and respect and now to live in its affections is a perfect public career.

On a lovely September afternoon, near the beautiful town

in which he lived, I beheld the dust of ROBERT ROBERTS HITT descend into the earth. It seemed to me as I stood there that much of the brightness of this world had also gone into that grave. But what we saw was not our friend—it was only the garment of his immortal soul. Some place, we know not how nor where, that bright, bewitching, and gentle mind, that tender love, have found full play.

Mr. CLARK of Missouri. Mr. Speaker,

With deep affection And recollection I often think of

ROBERT ROBERTS HITT. He was as fine a gentleman as his generation could show; able, kind, generous, courteous, graceful, gentle, faithful, with a wealth of experience and knowledge equaled by few Representatives or Senators and excelled perhaps by none. He possessed the somewhat unusual faculty of imparting information without even a hint of superiority, and, therefore, without offense. He knew not only men but books, being a most diligent and enthusiastic student of the great masters in both English and French, for, among his many accomplishments, he read the language of Molière, Voltaire, Bossuet, and Mirabeau with the ease and precision of a Parisian.

King Solomon hath it that "Words fitly spoken are like apples of gold in pictures of silver." In the rush and swirl of things here what our lamented friend Col. Charles Fremont Cochran, of St. Joseph, Mo., was wont to denominate "the old and experienced Member," sometimes fails in that thoughtful kindness and valuable suggestion which would cheer the new Member out of that feeling of utter forlornness which comes to most men upon their first appearance here. This Capitol, like "Fame's men upon their first appearance here. This capitol, like Falme's proud temple, shines afar," with an irresistible fascination to the aspiring man; but upon entering it, commissioned to sit in the seats of the mighty, he finds the veterans so busy with their own plans, labors, ambitions, and schemes that he feels as lonesome as did Alexander Selkirk on his desert isle. As I have now come to be one of Cochran's "old and experienced

Members," I make free to suggest that we should always be careful to give the newcomers the glad hand. We may be wel-

coming statesmen unawares.

This train of thought was suggested by my experience with Mr. Chairman Hitt. At the beginning of the Fifty-fifth Congress, when I returned to the House after two years of involuntary rustication, I wanted Mr. Speaker Reed to place me on the Committee on Rivers and Harbors, which he would not do, saying that I had too many rivers in my district, but that he would give me a better assignment. My friend, Senator Joseph Well-DON BAILEY, then the minority leader in the House, tried to dissuade me from my purpose to go on Rivers and Harbors, promising to use his influence with Speaker Reed to give me a good committee. I was never certain, however, where I would land until the last night of the extra session in the summer of 1897, when, just before the committees were announced, Mr. Hirr came over to my desk, placed his hand affectionately upon my shoulder, asked me if I thought he and I could get along amicably together on a committee, told me of my assignment, and welcomed me most cordially to membership on the great Committee on Foreign Affairs, composed of a rare set of men, where I served six years with great profit to myself and, I hope, without detriment to the country. From that night, by reason of that gracious action on the part of Mr. Hitt, I loved the man with something of filial affection and shall always fondly cherish his memory

If I had the entire membership of the next House before me I would feel very much like delivering a lecture on the relative value of committee assignments; it might save much of heart-burning; and the first thing I would tell them would be that membership on Foreign Affairs is much underrated generally. It is not merely a dress-parade committee, as some folks imagine. It has multifarious duties, most of them important, some of extreme delicacy, and others of far-reaching consequences. In my six year's service on it two great debates grew out of bills which we reported and on which the committee was

divided.

Governor Nelson Dingley gave me some valuable information about committees out of his large experience.

I once asked him as to the comparative value of places on Appropriations and Ways and Means. He said that as a mental training they were both of the highest value in precisely opposite directions—that service on Appropriations drove a man into details, while service on Ways and Means forced him into generalization; that a reasonable service on both was of incalculable value as an education process. I have never received more suggestive information than that. In this connection it is not out of place to remark that Governor Dingley was much more of a philosopher than he was commonly credited with being. A man knowing what he thought on the tariff and what I think on that subject may be surprised to learn that he once gave me what I consider pointers of prime value as to the theory of making a tariff revision bill from my own standpoint; but that is a fact nevertheless, for which I am grateful to him, though in his grave.

Men may come and men may go, but the great Committee on Foreign Affairs will never have a chairman more thoroughly ideal in equipment, character, manner, and conduct than was

Mr. Chairman Hirr

Everybody acquainted with my mental processes knows that to talk of Col. Thomas Hart Benton has become a sort of fad with me. It is not unlikely that I sometimes bore people about him. I do not believe that "The Great Missourian" has had a fair deal in history, which I intend he shall have if I live long enough.

So one morning in the last year of Senator George Frisbie Hoar's life, he and I happened to come up to the Capitol to-

gether on a street car. I said: Senator, which knew the more, John Quincy Adams or Col. Thomas H. Benton?

With a merry twinkle in his eye, he replied:

If it had been left to them to decide, both knew the more.

Then he added:

Well, that is hardly a fair statement. They differed so much in their fields of investigation that it is difficult to compare them. John Quincy Adams knew more about our foreign affairs than any other American of his time, and Colonel Benton knew more about our do-mestic affairs than any American of his time.

A philosophic remark, surely. So, I think, it may be stated without exaggeration that Mr. Hirr knew as much about our foreign relations as any man of his time.

His whole life had been a training for that high, onerous, and

delicate position. As a youth he reported for Abraham Lincoln the far-resounding Douglas and Lincoln debates—which in itself was a liberal political education. Such a privilege as sitting at the feet of Abraham Lincoln and Stephen A. Douglas to learn wisdom comes to few young men. It not only brought him into close personal contact with those mental Titans, but gave him splendid coign of vantage from which to view and measure the big Illinoisans of that day, and what a magnificent array it was: Douglas, Lincoln, David Davis, General Shields, Lyman Trumbull, Dick Yates the first, Dick Oglesby, Leonard Swett, Richardson, Browning, Elihu B. Washburn, Long John Wentworth, the Lovejoys, John A. Logan, John M. Palmer, John A. McClernand, William R. Morrison, and Joseph Medill.

Besides these and other seasoned veterans whose voice has filled the trump of fame, Senator Shelby M. Cullom was beginning his long career, and, Mr. Speaker, your political star, now blazing like Sirius at the zenith, was just peeping above the

Association with those men-even a passing glimpse at them-

was enough to send any youngster upon a political voyage.

It is apropos to state that one of the most dramatic pieces of prose in our vernacular is in The Crisis, where Winston Churchill describes the Freeport debate betwixt Douglas and Lincoln in 1858, at which time and place was settled not only the Illinois United States Senatorship for which they were wrestling, but also the stupendous issue of the Presidential elec-

Seldom in this world has there been-seldom in this world will there be-a question asked and answered on which hinges such momentous events as upon the question so carefully formulated by Lincoln, so carefully recorded by Hitt, and so promptly answered by "the Little Giant."

It seems to me that if the thousands of men, women, and children assembled in that soggy grove, in that drizzling weather, that day at Freeport, could have really comprehended the full significance of Lincoln's question and the words of Douglas, they would have shrieked with terror and would have fled appalled; but fortunately, mercifully

Heaven from all creatures hides the book of fate. Oh! Blindness to the future kindly given, That each may fill the circle marked by heaven.

And no human being there that day except Lincoln himself appears to have thought that anything had been accomplished except that Lincoln had reelected Douglas to the Senate-which he had. It seems to have occurred to no one there except to Lincoln what is clear to everybody now—that by that day's work Lincoln had not only lost to Douglas the splendid prize of the Senatorship, but had won for himself the more splendid

prize of the Presidency; but such is the truth of history.

The "Bob Hill" to whom Churchill so frequently refers in those intense chapters, and whom Lincoln loved and leaned

upon, was Robert Roberts Hitt.

When Mr. Churchill comes to issue a new and revised edition of his thrilling novel, he should strike out the name of

Hill and insert HITT.

After those debates, Mr. Hirr had a position in Washington which enabled him to study at short range the great men here especially the Missouri giant, James S. Greene, who had no superior in the Senate, a statesman of whom Mr. Hitt delighted to speak.

For years Mr. Hitt was our secretary of legation and charge d'affaires to the French court. This service brought him into close contact with the choice spirits of the Third Republic, Thiers, Gambetta, McMahon, Victor Hugo, and the rest; also, of course, he was thrown into the company of the diplomats from other lands.

The next step in his diplomatic education was that he served Assistant Secretary of State under James Gillespie Blaine when that brilliant man was in the flower of his years and in

the prime of his splendid powers.

Thus equipped and thus educated, Mr. Hirr entered the House, where he served nearly a quarter of a century and where from the first he was considered an authority on all matters pertaining to our foreign relations. He was a model He would have made a model Secretary of State or an ideal ambassador to a foreign court.

If his health had been good, he probably would have been elected Vice-President in 1904, perhaps without a contest for the nomination, as it is generally understood that Vice-President Fairbanks did not really desire the position—at any rate was not an active candidate. It is safe to say that had Mr. Hirr been elected, he would have discharged the duties of that exalted station with such consummate grace and tact as to recall the days of Aaron Burr, who, notwithstanding the odium which rests upon his name, is still ranked by the traditions of the Senate as foremost among its presiding officers

Mr. Hirr made it a point to give one state dinner to his committee during each Congressional term, and I feel certain that

all 'who served under him on his committee will bear me witness that to accept his hospitality was a delight, for we all felt that we were welcome guests-invited not on compulsion, but because he really wished to contribute to our happiness and to cement our friendship. Such courtesies may be classed among those which General Garfield once felicitously characterized as the flowers growing over the dividing walls of partisan politics."

Mr. Hitt was one of the finest raconteurs I have ever known. His mind was stored with anecdotes of the richest character about the most interesting personages of both hemispheres, and he was a rare artist in conversation. Many of his friends, including myself, begged him to write a book of reminiscences, and it's a pity-a positive loss to literature-that he did not

On March 4 I will have served twelve years here. When this Congress began, there were thirty-nine Members who had served longer. Fifteen of these will not be Members of the House in the Sixtleth Congress. Thus rapidly changes the personnel of this body—once more teaching us what shadows we are and what shadows we pursue.

Mr. PAYNE. Mr. Speaker, my acquaintance with ROBERT R. HITT began in December, 1883, at the opening session of the Forty-eighth Congress. His Congressional career commenced a year earlier, he having been elected in November, 1882, to fill a vacancy which followed the death of his predecessor. From my earliest acquaintance with him I enjoyed his personal friendship until the end of his life.

He completed twenty-four years of continuous service here, an honor and distinction which has rarely been accorded to any Representative. This continued fidelity of his constituents who sent him here was most creditable to them as it was honorable

to Mr. HITT.

He came here after a thorough political training. As a boy at the post-office in the village store he was regularly perched upon a box or barrel to read from the New York Tribune from some published speech of a statesman like William H. Seward or an editorial from the pen of Horace Greeley to the few Republicans who in the early days of the party gathered about waiting for their mail. He said to me that he had first regarded these speeches and writings as dull and uninteresting. Later he became interested and by them were laid the foundation of his political character which made him a firm believer in the principles of his party.

Later it was his good fortune to be able to take down in shorthand the great debate between Abraham Lincoln and Stephen A. Douglas, a debate that paved the way for Lincoln's elevation to the Presidency and found for him a place among the world's immortals; it likewise added new luster to the already great renown of Douglas.

Mr. Hitt's first public service was as first secretary of the legation in Paris, in which capacity he served from 1874 to 1881, and during a portion of the time, in the absence of his chief, acting as charge d'affaires ad interim. In March, 1881, he was appointed Assistant Secretary of State, which office he held until he took his seat in Congress during the following year. As a legislator his principal work was in connection with our foreign affairs. He was a member of the House Committee on Foreign Affairs during nearly all of his service here and was for an unprecedented period its chairman, the honored position which he held at the time of his

For a comprehensive knowledge of our foreign relations and a thorough understanding of every diplomatic question that has arisen Mr. Hirr had no superior. He had always at his command the details of every complication that arose between foreign countries, the history of all important matters which led up to the issue, and would often in an offhand conversation surprise the best of the world's diplomats by his thorough analysis and conclusions. He was often sought for information Though his tastes and his life work were more and counsel. distinctively connected with questions of foreign intercourse, he was equally well posted upon all questions of a national character.

He was a thorough gentleman, kind, obliging, and diplomatic, but not the least exclusive. He had an inner circle of friends, because some admired him and sought him more than others; but he had a kind word for all; was the same amable, independent gentleman to everyone with whom he came in contact. He was a good politician as well as a statesman. It was my good fortune to speak with him from the same platform to some of his people in a recent campaign. He not only showed keen knowledge of public affairs, but drawing his illustrations from business incidents in the locality, giving the names of the

parties, the dates of the transaction, his appeal was one of the most forcible to which I ever listened. He was a good mixer among the crowd that gathered about him; had a good memory for names and incidents in the lives of the men whom he met. This appearance of Mr. Hirr among his own people, and the evident regard and warm friendship with which they greeted him, was proof that they kept him here not only because they admired him for his greatness of character, but because they loved him as a man.

Mr. Speaker, others will speak of Mr. Hitt as he appeared to them. I only speak briefly of him as he appeared to me without dwelling upon his great public service. He was a manly man, a high-toned gentleman in the best sense, a faithful friend, a wise and industrious public servant, a kind father, and a devoted husband. His life was an illustration of American manhood at its best.

Mr. COUSINS. Mr. Speaker, when it comes to the last analysis of the character of men who have served conspicuously for any considerable period in American public life, the result is usually a verdict of essential virtue.

For example, if we consider our Presidents in history, an ex-

posé of their characters and accomplishments affords an inspiration and a realization which involves both genuine goodness and distinguished ability that challenges the world and all time for comparative examples.

If we consider our judiciary in history altogether, the record of their administration of equity and law-that is to say, of justice-reveals no blur upon the ermine of that order sufficient even to taint its shroud nor to discourage any man who feels the deeper inspiration of ability and exalted character.

When we contemplate, as we do to-day, the legislators of our nation in its history—I mean by that the men whose eyes are closed forever from our country and the world and from the mace; whose ears are deaf to praise and to the gavel's fall, and whose hearts no longer feel the thrill of action nor of noble purposes and of honest deeds, nor the faithful friendship of comrades and constituents-the conclusion in no way embarrasses the contemplation, but rather leads it further into deeper consideration of the characters involved.

Lamenting the loss of his living presence, his vitalizing usefulness, and his sympathetic helpfulness, we treasure not only for to-day, but for all time, in the records and the memories of men the accomplishments and character and the friendship of ROBERT ROBERTS HITT.

There are always two elements that make up and round out human characters, the inherent and the adventitious-that which we bring with us into the world and that which surroundings and associations give us. Mr. Hrrt was peculiarly favored by unusual endowments in both these elements. His ancestors were pioneers. They were of that stuff which produces rugged, cultured men. They helped to mark the early, toilsome trails of labor, usefulness, and civilization on our rich, young western world. They belonged to that matchless band of pioneers who feared neither the lurking dangers of the forest nor shrank from the hardships of adventure and preemption. The grandfather came to Ohio from Lincoln's native State, Kentucky, and then they went together in a colony to that wondrous region of the rivers and the hills of Illinois, early enough to feel the rich, life-giving inspirations of that virgin soil and to realize the thrift of its fertility and the virtue of its sterling manhood and devoted womanhood. They founded schools and churches and helped to civilize the wilds. They flourished with that mighty element of early settlers whose progeny continuously pressed farther, even to the western sea and setting sun.

ROBERT R. HITT, who began his life at Urbana, Ohio, in 1834, had better opportunities than most men of pioneer days for development through advantages of circumstances and associations. In the first place, the natural surroundings were of that rugged sort which forbade indulgences involving physical deterioration and which at the same time offered opportunities for education. He was schooled first at Rock River Seminary, in Illinois, which his father had aided in establishing, and then was graduated at Asbury University (now De Pauw), in Indiana. But perhaps the greatest fortune of his adventitious realizations was the opportunity which brought him into close association with that wondrous character, Abraham Lincoln, in reporting the Lincoln-Douglas debates, and in the closer associations of confidential and personal employment.

Of all advantages that may happen to a young mind capable of understanding, nothing can possibly count for so much in the way of substantial mental benefit and inspiration as intimate of all phenomena in our strange world, the only thing that

holds us constantly and of which we never tire is human intellect, individuality, that personal something which manifests itself originally and in countless ways, through thought or deed or melody or dream, that something which is always and forever impossible until, like its own peculiar genius, it manifests itself.

But with all the adventitious elements that contributed to his life and usefulness the kindliest and gentlest of all aids and inspirations was the life association with that helpful and distinguished consort who survives to-day and with whom we share in mourning, offering to her and to her family our deep condolence and assurances of fondness and respect.

After the eminent advantages of such distinguished associations our friend enjoyed the opportunities of extensive foreign travel and of observation, which fitted him so preeminently for his subsequent duties as a member of the Committee on Foreign Affairs in this great body, which position, as Representative from the State of Illinois, he occupied with unusual ability and exquisite tact for sixteen years, during twelve of which he was our chairman. It was in that distinguished position during the mighty and eventful years since 1890, crossing the threshold of the twentieth century, that his great and conservative abilities served so safely and so well the people and the interests of the American nation.

No man can calculate the value of his devoted, intelligent, and diplomatic services in that period of nearly two decades. It is neither necessary nor fitting in this brief hour of personal tributes to analyze the many international exigencies in which his superior tact and wisdom were preeminently displayed. History has recorded their results. Biography will detail and recount them, and future generations will revere the memory of him who wrought so nobly and effectively.

It was over there by the sea where he tarried in the summer days last year, beseeching God and nature for the strength to come to us again. But at last the sea failed to send him back to us, and now we mourn together.

Years and years ago I heard a black man say of Abraham Lincoln that the severest criticism could discover in him nothing that affection would conceal. For the first time, after more than a decade, that utterance flashed upon my memory when I learned that our chairman and our friend could never come to us again.

Mr. LAMAR. Mr. Speaker, the character and fame of Mr. HITT as a public man are secure in the history of his country.

No critic could diminish it. No eulogist need seek to add to Mr. Hitt had been well prepared for the important post in the House of Representatives of chairman of the Committee on Foreign Affairs.

For seven years he had been secretary of the American legation at Paris. He had been Assistant Secretary of State.

Those who served with him in Congress can best speak of the sagacity and high intelligence he always brought to bear upon public questions, and peculiarly those touching our foreign rela-

My service upon the Committee on Foreign Affairs with Mr. HITT was only for a year prior to his passing away. Familiar for years past with his eminent public career, my personal acquaintance began with him with my membership in the House of Representatives in the Fifty-eighth Congress.

I shall leave to others who knew him and served longer with him to speak of his deservedly successful public career. I desire to bear testimony to those engaging personal qualities that caused those who came in contact with Mr. Hirr not only to admire but to love him.

Who that ever met him could forget his fine intelligence, and something more than that, his gracious manner, his kindly heart? He exhibited to me more than once his interest in my duties upon the Committee on Foreign Affairs.

More than once he made friendly suggestions, helpful to me

in my service upon that committee.

With a proper firmness of character, Mr. HITT had in an eminent degree the charm of gentleness and gentle consideration for others.

An English poet wrote that he would not place upon his list of friends a man who, though graced with sense, yet, lacking sensibility, would set his foot needlessly upon a worm. The charm of Mr. Hirr's personality was his exquisite sensibility, united with fine sense.

Mr. HITT was a gentle man. He was the true, chivalric gentleman.

Mr. DALZELL. Mr. Speaker, the very great esteem in which I held Mr. Hirr in his lifetime and in which I hold his memory now, together with the recollection of the friendly interest that he always manifested in me, lead me to pay my humble tribute to his memory on this occasion. He always seemed to me from the time when I first knew him to be a man of mark among his fellows, conspicuous for his great and varied knowledge, both of books and of men, his tactfulness in dealing with the latter, and the uniform courtesy that made his a charming personality. I never spent any time, however brief, in Mr. Hitt's company that I did not feel that I had learned something. It is not to be wondered at that his accomplishments were varied. His public career covered some of the most critical periods of our history and brought him into contact with its most famous men. From the civil war to the end of the Spanish war, from Lincoln to Roosevelt—of all the happenings of those tempestuous times he had a right to say, "Quorum pars magna fui." As a young man he reported the famous Lincoln-Douglas debates, and drank in from the very fountain head the inspiration of the principles for which the martyred President stood. To come into contact with Abraham Lincoln was in itself an inspiration. That great privilege Mr. Hirr enjoyed, and the memory of it followed him like the savor of a sweet incense throughout all the years of his life.

It was his fortune to be present at the downfall of the second French Empire, to witness the rise of the Republic, and by his tactfulness and good judgment to contribute to the welfare and contentment of his fellow-countrymen in Paris during the stormy days of the Franco-Prussian war, when he was first secretary of legation and chargé d'affaires ad interim at Paris.

It was no less his fortune to be the trusted friend and enjoy the companionship of the brilliant Blaine, whose Assistant he was as Secretary of State.

He was active, zealous, and exceedingly efficient as a regent of the Smithsonian Institution, ardently devoted to the carrying out of the objects of that great philanthropy, and rendering to the duties of his position such marked attention as has inseparably linked his name with its work and history. his portrait hanging on its wall, I am struck with the appropriateness of the place for it. The calm, scholarly atmosphere is suggestive of one phase of Mr. Hirr's character, for he loved his books and loved to be surrounded by them.

But it was as a Member of the House of Representatives that

he made his greatest and best record. For twenty-four consecutive years he gave to his constituents and to his country the fruitful service of his cultivated mind, his mature judgment, his wise counsel, and his forceful efforts. idler, no fitful worker, but an earnest, honest, faithful, everyday worker in the field of legislation. He was the warm, trusted, intimate friend of that greatest of parliamentary leaders known in the history of the English-speaking people, Thomas B. Reed. As to all matters relating to international law and international relations he was the one recognized authority not only by his own party, but by all parties. He shared the confidence of President McKinley and was one of his most relied-upon advisers. A participant in the administration of his country's affairs during the period covered by the Presi-dencies of Hayes, Garfield, Arthur, Cleveland, and Harrison, he was a sharer also in the new career upon which his country entered during the Administration of McKinley and Roosevelt, the period of expansion of world power. To the new problems presented he gave his earnest consideration and to their solution his wise counsel. He was one of the commissioners to establish a government for Hawaii on its annexation to the United States

Mr. Hirr died full of years and of honors. His life is a part of the history of his time. In him were united in a marked degree the qualities of the scholar and of the man of affairs. His ideals were high; his actions loyal to them. The world is better because he lived in it. As husband, father, friend, he wore the white flower of a blameless life. And to that inner circle of his home, of which he was the light and center, he left the priceless legacy of a life of love and tenderness.

Mr. LACEY. Mr. Speaker, ROBERT R. HITT'S long and honorable career in this House has been of lasting service to the country, and has left his name as another addition to the list of great and worthy men given by Illinois to the nation.

He was a pioneer in the art of stenography, and, at a time when there were but few men in the West who could take an accurate report of an extemporaneous speech, he reported and published the great debate between Lincoln and Douglas in their campaign for the Senatorship in Illinois in 1858. To this point the minds of his friends naturally turn as the beginning of his career.

It often happens that defeat is the stepping stone to higher

success, and Lincoln, though defeated for the office of Senator, became an object of great national interest.

Mr. Hirr preserved Lincoln's exact words for the historian and marked an epoch in our history.

Mr. Hitt's chief service to his country in Congress was in the Committee on Foreign Affairs, where he was looked upon as the highest national authority.

His training in the diplomatic service especially fitted him

for this work.

The House of Representatives is always ready to listen to the man who has something to say upon a public question which he thoroughly understands. Helpful men always get an attentive

Mr. Hitt had given earnest attention to all general and political subjects, but he had specialized upon the questions relating to our foreign affairs until his colleagues naturally turned to him for guidance. Another great Illinoisan, John Hay, was at the head of the State Department, a most worthy successor to the chair of Webster. Mr. Hirr was a very modest man, but he was always willing to give the Administration and the Congress the benefit of his constant study and clear and incisive logic.

He was a thorough diplomat, and, though he took vigorous and pronounced positions in debate, his uniform courtesy and good humor always disarmed hostility and won the respect and confidence of the membership of this body without regard to

He was always ready. Some of the best speeches made by him were delivered upon the spur of the moment. Circumstances arose in debate in which an answer or elucidation of a situation seemed imperative, and, while he had made no preparation for the delivery of a set speech, he was so full of his subject that he was prepared to present the question at issue with the cleverness, strength, and polish of a carefully revised speech.

Many instances of this faculty will occur to the memory of the

older Members with whom he long served.

But Mr. Hitt was not a man of many words. Excellent as he was as a speaker, he was a worker rather than a talker. He gave full adhesion to the statement of Thomas B. Reed:

Boasters are worth nothing. Deeds are facts, and remain forever and ever. Talk dies on the empty air. Better a pound of performance than a shipload of language.

Humor is the great safeguard to sanity. To the man who has no sense of humor this hard, bleak world becomes intoler-Mr. Hirr was always ready to see the humorous side of all things. It was a great pleasure to listen to him when some of his friends would skillfully start and direct his conversation into a channel of reminiscence.

The period in which Lincoln lived was one of stern responsibility and involved the gravest and greatest of questions. But there has been no time in our national life when American

humor has had freer scope than in those stirring times.

No better exponent of the life and times of Lincoln and his contemporaries has been known to the present generation than ROBERT R. HITT.

Mr. FOSS. Mr. Speaker, I too would lay a laurel at his feet, I met him when I first became a Member of this body. among the first to welcome me and that was one of the characteristics of the man; he had a greeting for every newcomer here. I served with him through six Congresses and came to know him in an intimate way. I was at the train when he left this city for the last time to go to Rhode Island, where he died. He had partially recovered from his illness and was in a cheery and happy mood, and seemingly confident of complete restora-

He was a man greatly beloved for his gentle and kindly qualities. He was genial and generous, sparkling with wit, and abounding in delightful reminiscences--a brilliant conversa-

tionalist and a delightful companion.

His career was a long and useful one to his country. a colaborer with the mighty Lincoln. From 1874 to 1881 he was first secretary of the legation at Paris and was later transferred to the State Department in Washington as Assistant Secretary. He was afterwards elected to the Forty-seventh Congress, and continuously reelected to each successive Congress. He was chairman of the Committee on Foreign Affairs, and was an authority, the greatest in our country, on all questions of foreign relations.

He was a man of splendid ability, a great student, and when he addressed the House, although not often, he exhausted the subject with wonderful clearness and great power. He was frequently mentioned for higher offices in the gift of his State, and was at times a candidate, but always in his candidacies

he maintained a high dignity and took the position that the office should seek the man. To-day he is mourned by all those who knew him as a warm and true friend. His name is honored and respected everywhere as one who brought great honor upon the State and nation which he served.

He was a man of great refinement, many accomplishments, faithful and true to the highest conception of public duty and

public trust.

Mr. FULLER. Mr. Speaker, I accept this opportunity to pay my tribute to the memory of one who, in life, was my friend and in whose death I feel a personal loss.

Was he your friend? Then well you knew His friendship was unfeignedly true.

ROBERT R. HITT was a typical American gentleman, universally liked by those who knew him. Of him it might well be said that "Those who knew him best loved him most, and those who knew him little loved him much." He was reared on the broad prairies of northern Illinois, but a few miles from my own His parents came with him to Ogle County, Ill., when he was but 3 years of age. There he grew to manhood, was educated in the public schools and Rock River Seminary (now called Mount Morris College), and at De Pauw University. took up the calling of a shorthand reporter and was one of the few who early became proficient in that calling. He reported for the Chicago Tribune the celebrated debates between those two Illinois giants, Lincoln and Douglas, in the campaign for the United States Senate in 1858. He was afterwards appointed official court reporter for the State of Illinois.

In 1867-68 he made a trip abroad, visiting Great Britain, the continent of Europe, Egypt, and the Holy Land. In 1868 he became private secretary to Governor Morton, of Indiana. Afterwards he was for several years secretary of the legation and charge d'affaires at Paris, and in 1881 became Assistant Secretary of State under James G. Blaine. In 1882 he was elected to Congress to succeed to the vacancy caused by the death of the Hon. R. M. A. Hawk, and was reelected to each succeeding Congress until the present Congress. During the ten years preceding my first election to this House, in 1902, Mr. Hirr represented my home county, which was then a part of his district, and for twenty years he represented the adjoining county of Winnebago, now in my district. During that time I came to know him very well indeed, and the better I knew him the more I admired him for his ability and his great qualities of head and heart. In all his political career no taint attached to any official act of his; the finger of suspicion even was never pointed at him. In all the relations of life he was what has been termed "the noblest work of God," an he was what has been fermed "the noblest work of God," an honest man. I happen to know that other, and what might be called "higher," political honors might have been his had he been willing to do what some men deem legitimate in order to obtain such honors. His honor was dearer to him than any political preferment, and the consciousness of having maintained that honor unstained was his to the end of life.

Those who served with him through a longer part of the twenty-four years of his service in this House than I are better qualified to speak of his work here; I know that his work was appreciated and recognized as of the greatest value to the whole On questions relating to our foreign affairs he was an acknowledged authority. I saw enough of him here to know that, while he did not speak often, he never lacked for respectful attention when he had anything to say, and he never intruded himself upon the attention of the House unless he did have something to say. I heard his great speech in defense of the course of the Administration in the matter of the acquisition of the canal strip across the Isthmus of Panama, and the recognition by this Government of the new Republic of Panama. It was a masterly argument and one that, it seemed to me, must carry conviction to every fair-minded man who heard it. His knowledge of international law and precedent was, at least, equal to that of any other man in the nation. When such a man departs the country mourns. But in the country at large we have learned to know that the life of no one man is of very great consequence. "God moves in a mysterious way His wonders to perform." Millions of flags may float at half-mast to-day for the loss of one upon whom we have looked as a great and almost indispensable leader; but to-morrow those same flags will float as high as ever. The great world will move on, the progress of the nation will be stayed, if at all, only for a moment. Instinctively we turn our faces away from the tomb and take up anew the ordinary pursuits of life. However great or strong or mighty, however exalted in position or power or achievements, whatever of fame or wealth he may have pos-

sessed, death, the great leveler, reduces high and low alike to dust, and but a memory or an example remains.

The places of the departed are filled, even as the waters of the sea cover over and level the space where a ship has gone down. The greatest monument that any man can rear for himself, or leave to mark the place that he has filled in the world, is that in his time, in the age and generation in which he lived, he made the most of his opportunities; that, considering his environment, as he was given to see the right, he did the best he could. Measured by this standard Robert R. Hitt left a priceless legacy to his family and friends; a legacy in which his legion of friends all share. He lived in an age of the greatest achievements, of the grandest times the world has ever known. He knew and was intimately associated with many of the greatest men of the period in which he lived. He was the friend and associate of Abraham Lincoln, Elihu B. Washburn, John A. Logan, James G. Blaine, Thomas B. Reed, Nelson Dingley, William McKinley, and a host of other leaders of thought and action in their day and generation, all of whom preceded him to the other shore, that far-off country from which none have ever returned.

Mr. Hirr was a Republican and participated in the achievements and the glory of that great organization from the day of its birth to the day of his death. Yet he was not a hidebound partisan and his friends were by no means limited to the members of his own party, but were to be found in the ranks of all parties. He was great enough and broad enough to recognize the good in those who differed with him in political belief, and he had the respect and esteem of all who knew him, regardless of party affiliations. I remember well an incident lie once re-lated to me of an occurrence at Paris while he was connected with the American legation there. A prominent Democratic Member of Congress was visiting in Paris and expressed to Mr. Hirr his desire to meet the great French statesman Gambetta. Mr. Hirr went with him and introduced him to Gambetta. In France, especially at that time, party feeling ran high and members of one political party were not apt to be on terms of personal friendship with those of the opposing party. Gambetta expressed surprise that Mr. Hitt, a Republican, should introduce as his friend a prominent member of the Democratic party, and he said:

Mr. Hitt, I do not understand this. How is it that you, whom I know to be a Republican, introduce to me as your friend a gentleman whom I know very well by reputation as a prominent Democrat? I do not understand it at all.

Replied Mr. HITT-

in our country we do not let political differences interfere at all in matters of personal friendship. This gentleman is my friend, and although we do not believe alike on mere matters of politics we are yet alike in love of our common country and loyalty to its flag.

With a magnificent gesture of commendation Gambetta replied:

Behold, the ideal Republic!

And in that respect, thank God, it is ideal, and north and south, east and west, everywhere, from the Great Lakes to the Gulf and from the rocky shores of New England to the golden gate of the Pacific—aye, from the frozen regions of Alaska to the sun-kissed islands of the southern seas—we are one people, with one flag floating over us, glorying in a common heritage and going forward to a common destiny, which we believe, un-God, will be more grand and glorious than anything the world has ever known.

In the upbuilding of this great nation, now in the very forefront among the most civilized and progressive nations of the earth, Robert R. Hitt was a factor and did his part among the patriotic and progressive leaders of his time. He will be missed in the sphere of usefulness where his counsel and his work was of value to the nation; he will be missed in the great district he so long and so ably represented; he will be missed by the thousands of loyal friends who admired, respected, and loved him. No more will his voice be heard in this Chamber. Scholar, diplomat, statesman—his labors for his country and for humanity are ended. Kind, genial, companionable man—his virtues and his example remain with us. It is a pleasure to believe that death does not end all; that, in the language of the poet-

There's a land that is fairer than day;

That our friends have not gone from us forever, but that-In the sweet by-and-by we shall meet on that beautiful shore

Where there is no more sorrow, or death, or parting. Where all that is best in man survives and all that is unworthy is left forever behind; where the weaknesses and the jealousies and the animosities of this life fade into insignificance and are forgotten.

The seas are quiet when the winds give o'er; So calm are we when passions are no more: For then we know how vain it was to boast Of fleeting things too certain to be lost. Clouds of affection from our younger eyes, Conceal that emptiness which age descries. The soul's dark cottage, battered and decayed, Lets in new light through chinks that time has made; Stronger by weakness, wiser men become, As they draw near to their eternal home. Leaving the old, both worlds at once they view, That stand upon the threshold of the new.

Mr. LOWDEN. Mr. Speaker, I ask unanimous consent that Members desiring to do so may have leave to print.

The SPEAKER. If there be no objection, it will be so ordered.

There was no objection.

The SPEAKER. Under the resolution heretofore adopted the House stands adjourned until to-morrow at 11 o'clock.

Accordingly (at 1 o'clock p. m.) the House adjourned until Monday, February 18, 1907, at 11 o'clock a. m.

# SENATE.

# Monday, February 18, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE. The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. Scott, and by unanimous consent, the further reading was dispensed with. The VICE-PRESIDENT. The Journal stands approved.

#### FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes

In the cause of E. P. Cheroning, administrator of Kelles

Cheroning, deceased, v. The United States;
In the cause of the Trustees of the Loudon Street Presbyterian Church, of Winchester, Va., v. The United States

In the cause of the Trustees of the Cumberland Presbyterian

Church of Mount Comfort, Ark., v. The United States;
In the cause of the Trustees of St. John's Episcopal Church at Charleston, W. Va., v. The United States;
In the cause of the Presbyterian Church at Keyser, W. Va., v.

The United States; and In the cause of Nathan F. Edmonds, administrator, of Henry Show, deceased, v. The United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

#### VISITORS TO NAVAL ACADEMY

The VICE-PRESIDENT appointed Mr., GALLINGER and Mr. MARTIN members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the Naval Academy at Annapolis, Md., under the requirements of the act approved February 14, 1879.

# MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate relative to the action of the Speaker of the House of Representatives and the Vice-President of the United States in signing the enrolled bill (S. 1160) to correct the military record of John McKinnon. alias John Mack, with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1726) entitled "An act making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as 'The Lines,' for school purposes.

The message further announced that the House had passed the following bills, in which it requested the concurrence of

the Senate:

H. R. 21944. An act relating to the entry and disposition of

certain lands in the State of Nebraska;

H. R. 23391. An act to change the time of holding the United States district and circuit courts in the eastern district of North Carolina, and providing for the appointment of a clerk of the courts at Washington, N. C.;

H. R. 25234. An act permitting the building of a dam across Rock River at Lyndon, Ill.; and

H. R. 25472. An act to fix the limitation applicable in certain

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4403) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March

The message further transmitted resolutions of the House commemorative of the life and public services of Hon. Robert R. Hitt, late a Representative from the State of Illinois.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 6691. An act granting to the Columbia Valley Railroad Company a right of way through Fort Columbia Military Reservation, at Scarborough Head, in the State of Washington, and through the United States quarantine station in section 17, township 9 north, range 9 west of Willamette meridian, in said State of Washington, and for other purposes;

S. 7211. An act to amend an act entitled "An act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo.," approved March 19, 1904;

S. 7515. An act to authorize the Missouri River Improvement Company, a Montana corporation, to construct a dam or dams across the Missouri River

S. 8288. An act authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Portland and Seattle Railway Company, its successors and assigns;

H. R. 1778. An act granting a pension to Jefferson L. Jennings;

H. R. 1887. An act granting a pension to Joseph Brooks; H. R. 3507. An act to correct the military record of George H.

Keating H. R. 4678. An act granting an increase of penison to John F.

Casper

H. R. 5913. An act granting a pension to Helen Goll;

H. R. 8816. An act granting a pension to Mary Schoske;

H. R. 11535. An act granting a pension to Margarette R.

H. R. 14777. An act granting a pension to Mary A. Clark;

H. R. 15189. An act granting an increase of pension to Sidney S. Skinner

H. R. 15197. An act to correct the military record of Arthur

W. White; H. R. 15353. An act granting an increase of pension to Abbie J. Bryant :

H. R. 15965. An act granting an increase of pension to Stephen Gangwer

H. R. 16020. An act granting an increase of pension to Andrew

H. R. 16046. An act granting an increase of pension to David

H. R. 16181. An act granting an increase of pension to Ann Rafferty

H. R. 16283. An act granting an increase of pension to Archibald H. R. Calvin; H. R. 16322. An act granting an increase of pension to George

C. Limpert; H. R. 16340. An act granting an increase of pension to William

H. R. 16389. An act granting a pension to Jefferson Wilcox; H. R. 16391. An act granting an increase of pension to William

H. R. 16458. An act granting an increase of pension to Daniel W. Gillam

H. R. 16487. An act granting an increase of pension to Martha Lavender

H. R. 16506. An act granting an increase of pension to Kate S. Church

H. R. 16698. An act granting an increase of pension to Henry H. Davis

H. R. 16813. An act granting an increase of pension to Charles H. R. 16855. An act granting an increase of pension to Milton

Peden;

H. R. 16886. An act granting an increase of pension to Elizabeth A. Murrey;

- H. R. 16907. An act granting an increase of pension to Clarke S. Cole;
- H. R. 16078. An act granting an increase of pension to Max Mueller ;
- H. R. 17058. An act granting an increase of pension to James H. O'Brien:
- H. R. 17061. An act granting an increase of pension to Iva O. Shepardson:
- H. R. 17204. An act granting a pension to Sarah E. Robey; H. R. 17251. An act granting an increase of pension to John J.
- Higgins H. R. 17266. An act granting an increase of pension to Henry
- W. Alspach; H. R. 17330. An act granting an increase of pension to Wil-
- liam Tuders H. R. 17331. An act granting an increase of pension to Doug-
- las V. Donnelly H. R. 17334. An act granting an increase of pension to Henry
- Power H. R. 17335. An act granting an increase of pension to Lewis F. Belden:
- H. R. 17369. An act granting an increase of pension to Minor B. Monaghan;
- H. R. 17483. An act granting an increase of pension to William H. Loyd;
- H. R. 17618. An act granting an increase of pension to Anna F. Burlingame;
- H. R. 17620. An act granting an increase of pension to Michael Pendergast, alias Michael Blake:
- H. R. 17634. An act granting an increase of pension to John S. Cochran :
- H. R. 17642. An act granting an increase of pension to Roland M. Johnson;
- H. R. 17581. An act granting an increase of pension to Aquilla Williams:
- H. R. 17712. An act granting an increase of pension to Frank J. Biederman;
- H. R. 17750. An act granting an increase of pension to John
- Gustus H. R. 17783. An act granting an increase of pension to James
- West H. R. 17817. An act granting an increase of pension to John Grimm:
- H. R. 17831. An act granting an increase of pension to James
- Bowman : H. R. 18014. An act granting an increase of pension to Elbridge P. Boyden;
- H. R. 18042. An act granting an increase of pension to James H. Sinclair
- II. R. 18213. An act granting an increase of pension to William Ingram
- H. R. 18245. An act granting an increase of pension to Samuel
- D. McCurdy; H. R. 18322. An act granting an increase of pension to Heze-
- kiah James ; H. R. 18323. An act granting an increase of pension to Richard B. Rankin:
- H. R. 18344. An act granting an increase of pension to William Todd;
- H. R. 18383. An act granting an increase of pension to Frederick Shinaman;
- H. R. 18433. An act granting an increase of pension to William Wentz
- H. R. 18450. An act granting an increase of pension to Eliza Howell:
- H. R. 18602. An act granting an increase of pension to James
- H. R. 18681. An act granting an increase of pension to William E. Gray; H. R. 18723. An act granting an increase of pension to Wil-
- liam E. Hanigan;
- H. R. 18881. An act granting an increase of pension to Alexander B. Mott:
- H. R. 18968. An act granting a pension to Vance Perkins; H. R. 18969. An act granting an increase of pension to Herman Hagemiller:
- H. R. 19042. An act granting a pension to Georgetta K. Collum;
- H. R. 19067. An act granting an increase of pension to Thomas
- H. R. 19131. An act granting an increase of pension to Edward K. Mull;
- H. R. 19133. An act granting an increase of pension to Fergus P. McMillan;

- H. R. 19175. An act granting an increase of pension to Josiah B. Arnott
- H. R. 19263. An act granting an increase of pension to John Ingram :
- H. R. 19271. An act granting an increase of pension to Joseph J. Branyan ;
- H. R. 19294. An act granting an increase of pension to Fran-
- cis M. Hatten; H. R. 19369. An act granting an increase of pension to John F. G. Cliborne:
- H. R. 19384. An act granting an increase of pension to Susan E. Hernandez ;
- H. R. 19385. An act granting an increase of pension to Agnes E. Calvert
- H. R. 19400. An act granting an increase of pension to Washington M. Brown;
- H. R. 19401. An act granting an increase of pension to Campbell Cowan
- H. R. 19450. An act granting an increase of pension to Henry C. Easten
- H. R. 19498. An act granting an increase of pension to Sarah Neely:
- H. R. 19499. An act granting an increase of pension to Thomas Milson:
- H. R. 19526. An act granting an increase of pension to Judson H. Holcomb;
- H. R. 19537. An act granting an increase of pension to Edward S. E. Newbury
- H. R. 19578. An act granting an increase of pension to Mary A. Rogers
- H. R. 19581. An act granting an increase of pension to Mary E. Bookhammer:
- H. R. 19592. An act granting an increase of pension to William B. Corley
- H. R. 19613. An act granting an increase of pension to James A. Pryce
- H. R. 19628. An act granting an increase of pension to Elizabeth Mooney
- H. R. 19650. An act granting an increase of pension to Alexander W. Taylor; H. R. 19706. An act granting an increase of pension to Almon
- Wood:
- H. R. 19770. An act granting an increase of pension to James G. Van Dewalker : H. R. 19775. An act granting an increase of pension to Greenup
- Meece H. R. 19832. An act granting an increase of pension to George
- W. Smith; H. R. 19863. An act granting an increase of pension to Walter
- B. Swain; H. R. 19869. An act granting an increase of pension to John
- E. Bowles H. R. 19943. An act granting an increase of pension to Edward
- La Coste H. R. 19969. An act granting an increase of pension to Henry
- K. Burger
  - H. R. 19976. An act granting a pension to Nelson Isbill;
- H. R. 19994. An act granting a pension to Ritty M. Lane H. R. 20000. An act granting an increase of pension to Thomas
- R. Elliott; H. R. 20008. An act granting an increase of pension to Caro-
- line A. Smith;
  H. R. 20036. An act granting an increase of pension to Oliver
- T. Westmoreland; H. R. 20079. An act granting an increase of pension to Rich-
- ard F. Barret; H. R. 20091. An act granting an increase of pension to John A.
- Smith; H. R. 20107. An act granting an increase of pension to William
- A. Brown H. R. 20125. An act granting an increase of pension to Mary
- Küchler: H. R. 20126. An act granting an increase of pension to Mar-
- garet Pint; H. R. 20187. An act granting an increase of pension to John J.
- Duff: H. R. 20188. An act granting an increase of pension to John H. McCain, alias John Croft;
- H. R. 20189. An act granting an increase of pension to Thomas W. Daniels:
- H. R. 20201. An act granting an increase of pension to Charles
- W. Airey; H. R. 20212. An act granting an increase of pension to George W. Green;

H. R. 20215. An act granting an increase of pension to Riley J. Berkley

H. R. 20224. An act granting an increase of pension to Philip Hamman

H. R. 20236. An act granting an increase of pension to William E. Richards :

H. R. 20243. An act granting an increase of pension to Anton

H. R. 20244. An act granting an increase of pension to Alfred

H. R. 20261. An act granting an increase of pension to Burris Subers

H. R. 20283. An act granting an increase of pension to Henry D. Bole:

H. R. 20291. An act granting an increase of pension to Emma F. Buchanan;

H. R. 20356. An act granting an increase of pension to Mary T. Mathis;

H. R. 20413. An act granting a pension to Eva Louise Eberlin; H. R. 20446. An act granting an increase of pension to Andrew

H. R. 20455. An act granting an increase of pension to Harvey

H. R. 20493. An act granting an increase of pension to Charles

H. R. 20557. An act granting an increase of pension to Webster Miller;

H. R. 20558. An act granting an increase of pension to Mark W. Terrill :

H. R. 20568. An act granting an increase of pension to Chester

H. R. 20577. An act granting a pension to Mary Kaisted;

H. R. 20605. An act granting a pension to Mary E. P. Barr H. R. 20615. An act granting an increase of pension to Julia

T. Baldwin H. R. 20616. An act granting an increase of pension to Isaac Fornwalt:

H. R. 20618. An act granting an increase of pension to George W. Brinton

H. R. 20647. An act granting an increase of pension to Dominick Garvey

H. R. 20654. An act granting an increase of pension to William A. Nichols

H. R. 20684. An act granting an increase of pension to William M. Neal:

H. R. 20685. An act granting an increase of pension to Joseph R. Renham

H. R. 20686. An act granting an increase of pension to Joshua S. Javne

H. R. 20687. An act granting an increase of pension to John M. Dixon :

H R. 20688. An act granting an increase of pension to Joseph

H. R. 20689. An act granting an increase of pension to Francis Doughty

H. R. 20713. An act granting an increase of pension to Timothy Ouinn :

H. R. 20719. An act granting an increase of pension to James C. Price ;

H. R. 20727. An act granting an increase of pension to Wil-

H. R. 20728. An act granting an increase of pension to Ira D.

H. R. 20729. An act granting an increase of pension to Benjamin Lyons

H. R. 20730. An act granting an increase of pension to John Carpenter: H. R. 20731. An act granting an increase of pension to Peter

H. R. 20732. An act granting an increase of pension to Le Roy Benson

H. R. 20733. An act granting an increase of pension to Oscar Andrews

H. R. 20734. An act granting an increase of pension to Amos Kellner

H. R. 20737. An act granting an increase of pension to William G. Whitney;

H. R. 20738. An act granting a pension to Sarah A. Hawkes; H. R. 20740. An act granting an increase of pension to Guth-

H. R. 20821. An act granting an increase of pension to John L. Newman :

H. R. 20822. An act granting an increase of pension to Milton L. Howard:

H. R. 20823. An act granting an increase of pension to William H. Webb:

H. R. 20831. An act granting an increase of pension to James R. Dunlap :

H. R. 20834. An act granting an increase of pension to Franklin Comstock

H. R. 20842. An act granting an increase of pension to Henry Joyce

H. R. 20854. An act granting an increase of pension to Thomas

H. R. 20855. An act granting an increase of pension to George Hierl, alias George Hill;

H. R. 20856. An act granting an increase of pension to Catharine A. Greene

H. R. 20858. An act granting an increase of pension to William C. Thompson:

H. R. 20859. An act granting an increase of pension to Henry Hughes:

H. R. 20860. An act granting an increase of pension to Charles

H. R. 20861. An act granting an increase of pension to Catharine Weigert

H. R. 20862. An act granting an increase of pension to August Weber

H. R. 20882. An act granting an increase of pension to Luther W. Harris

H. R. 20887. An act granting an increase of pension to Emma

H. R. 20929. An act granting an increase of pension to Thomas

H. R. 20930. An act granting an increase of pension to Joseph H. R. 20931. An act granting an increase of pension to John

N. Shear H. R. 20953. An act granting an increase of pension to James

D. Walker H. R. 20957. An act granting an increase of pension to William

Chagnon; H. R. 20960. An act granting an increase of pension to Sarah

M. Bickford H. R. 20966. An act granting an increase of pension to Thomas

H. R. 20967. An act granting an increase of pension to Samuel

W. Hines H. R. 20970. An act granting an increase of pension to Edgar

Weaver H. R. 20973. An act granting an increase of pension to Henry

Lufft : H. R. 21000. An act granting an increase of pension to Mary

H. R. 21002. An act granting an increase of pension to Wil-

liam Wiggins; H. R. 21022. An act granting an increase of pension to Thomas N. Gootee

H. R. 21025. An act granting an increase of pension to Enoch May H. R. 21026. An act granting a pension to Delia S. Humphrey;

H. R. 21039. An act granting an increase of pension to Nelson J. Weller;

H. R. 21046. An act granting a pension to Jesse Harral; H. R. 21047. An act granting an increase of pension to Jesse

J. Melton H. R. 21060. An act granting an increase of pension to Gottlieb Kirchner

H. R. 21061. An act granting an increase of pension to James

H. R. 21077. An act granting an increase of pension to Andrew M. Dunn ;

H. R. 21078. An act granting an increase of pension to Henry

H. R. 21079. An act granting an increase of pension to Patrick Kinney

H. R. 21087. An act granting an increase of pension to Albert Manice

H. R. 21097. An act granting an increase of pension to Henry W. Martin

H. R. 21103. An act granting an increase of pension to Jacob

H. R. 21111. An act granting an increase of pension to Arthur Graham; H. R. 21113. An act granting an increase of pension to Emma

M. Chamberlin;

H. R. 21115. An act granting an increase of pension to Sylvester Bickford;

H. R. 21118. An act granting an increase of pension to Jacob Hartman

H. R. 21120. An act granting an increase of pension to John Lynch;

H. R. 21121. An act granting an increase of pension to Marcus Wood:

H. R. 21122. An act granting an increase of pension to Nathan Small:

H. R. 21123. An act granting an increase of pension to Lawrence McHugh;

H. R. 21133. An act granting an increase of pension to James W. Cosgrove

H. R. 21134. An act granting an increase of pension to Frederick Kriner

H. R. 21139. An act granting an increase of pension to Willa Fyffe:

H. R. 21157. An act granting an increase of pension to George

H. R. 21161. An act granting an increase of pension to Henry J. Rhodes

H. R. 21175. An act granting a pension to Martin J. Flagstad; H. R. 21227. An act granting an increase of pension to Parthena Lasley

H. R. 21238. An act granting an increase of pension to John W. Gahan ;

H. R. 21246. An act granting a pension to Margaret Guilroy;

H. R. 21249. An act granting a pension to Minnie Scheele; H. R. 21255. An act granting an increase of pension to Thomas McDowell

H. R. 21256. An act granting an increase of pension to Wil-

liam Foster H. R. 21257. An act granting an increase of pension to Thomas

H. R. 21258. An act granting an increase of pension to James Dopp:

H. R. 21264. An act granting an increase of pension to David

J. Wise; H. R. 21268. An act granting a pension to Rollin S. Belknap;

H.R. 21270. An act granting an increase of pension to Ellen Sullivan

H. R. 21274. An act granting an increase of pension to Jeremiah Buffington:

H. R. 21276. An act granting an increase of pension to Christian Roessler:

H. R. 21277. An act granting an increase of pension to Robert Martin;

H. R. 21279. An act granting an increase of pension to Martin

H. R. 21280. An act granting an increase of pension to Isaac

H. R. 21281. An act granting an increase of pension to Catharine Ludwig;
H. R. 21283. An act granting an increase of pension to Fred-

erick De Planque :

H, R. 21289. An act granting an increase of pension to Jesse Lewis

H. R. 21294. An act granting an increase of pension to Lissie

H. R. 21298. An act granting an increase of pension to John

A. Pence; H. R. 21301. An act granting an increase of pension to John R. Goodier

H. R. 21303. An act granting an increase of pension to James Edward Bristol;

H. R. 21312. An act granting an increase of pension to Ernst

H. R. 21316. An act granting an increase of pension to Samuel Rhodes

H. R. 21320. An act granting an increase of pension to Malinda H. Hitchcock

H. R. 21322. An act granting an increase of pension to Elizabeth Wilson:

H. R. 21325. An act granting an increase of pension to George

H. R. 21331. An act granting an increase of pension to Robert O. Bradley

H. R. 21332. An act granting an increase of pension to John

H. R. 21335. An act granting an increase of pension to Harvey

Nettleton H. R. 21343. An act granting an increase of pension to James C. Murray

H. R. 21347. An act granting an increase of pension to Jeannette M. Guiney;

H. R. 21354. An act granting a pension to Mary Shutler;

H. R. 21355. An act granting an increase of pension to John

Cooper; H. R. 21356. An act granting an increase of pension to Edward C. Miller

H. R. 21373. An act granting an increase of pension to Carrie E. Cosgrove

H. R. 21374. An act granting an increase of pension to Charles H. Homan

H. R. 21375. An act granting an increase of pension to John S. Cornwell

H. R. 21376. An act granting an increase of pension to John W. Stichter

H. R. 21410. An act granting an increase of pension to Blanche

H. R. 21423. An act granting an increase of pension to Martha E. Wood :

H. R. 21425. An act granting an increase of pension to Jasper N. Brown

H. R. 21426. An act granting an increase of pension to John J. Ross H. R. 21427. An act granting an increase of pension to Thomas

L. Moody;

H. R. 21428. An act granting an increase of pension to Cornelius H. Lawrence;

H. R. 21432. An act granting an increase of pension to Benjamin Bragg:

H. R. 21433. An act granting an increase of pension to George W. Lasley

H. R. 21446. An act granting an increase of pension to William A. Crum;

H. R. 21448. An act granting an increase of pension to Jesse Jackman

H. R. 21461. An act granting an increase of pension to Henry

H. R. 21462. An act granting an increase of pension to William H. Wickham;

H. R. 21470. An act granting an increase of pension to Mary Rebecca Carroll: H. R. 21471. An act granting an increase of pension to Adaline

H Malone H. R. 21472. An act granting an increase of pension to Wiley

H. Jackson H. R. 21473. An act granting an increase of pension to James

B. Wood: H. R. 21481. An act granting an increase of pension to Lucy

H. R. 21483. An act granting an increase of pension to George

S. Woods H. R. 21496. An act granting an increase of pension to Samuel

B. Davis H. R. 21497. An act granting an increase of pension to Mary E. Hobbs

H. R. 21499. An act granting an increase of pension to Henry A. Weiand

H. R. 21506. An act granting an increase of pension to Jacob

H. R. 21508. An act granting an increase of pension to Samuel

Barber; H. R. 21515. An act granting an increase of pension to Joseph

H. R. 21516. An act granting an increase of pension to James Murtha

H. R. 21524. An act granting an increase of pension to Elison Gatewood; H. R. 21529. An act granting an increase of pension to Char-

lotte Game H. R. 21532. An act granting an increase of pension to Wil-

liam Dobson;

H. R. 21534. An act granting an increase of pension to Henry

H. R. 21535. An act granting an increase of pension to William E. Feeley;

H. R. 21540. An act granting an increase of pension to John L. Wilson;

H. R. 21542. An act granting an increase of pension to Erastus

A. Thomas; H. R. 21543. An act granting an increase of pension to Addison Thompson

H. R. 21551. An act granting an increase of pension to Alfred E. Lucas

H. R. 21563. An act granting an increase of pension to Merritt M. Smart

H. R. 21564. An act granting an increase of pension to Daniel French;

H. R. 21588. An act granting an increase of pension to Robert

H. R. 21603. An act granting an increase of pension to Calvin S. Mullins

H. R. 21604. An act granting an increase of pension to William Girdler

H. R. 21606. An act granting an increase of pension to Felix G. Morrison;

H. R. 21612. An act granting an increase of pension to James

H. R. 21615. An act granting an increase of pension to David

H. R. 21617. An act granting an increase of pension to William Miller

H. R. 21618. An act granting an increase of pension to Leonidas W. Reavis:

H. R. 21621. An act granting an increase of pension to Minerva A. Mayes;

H. R. 21624. An act granting an increase of pension to William H. Willey

H. R. 21626. An act granting an increase of pension to Calvin

H. R. 21630. An act granting an increase of pension to John F. Yeargin

H. R. 21634. An act granting an increase of pension to Emma Sickler

H. R. 21636. An act granting an increase of pension to Elias

H. R. 21643. An act granting an increase of pension to Edward

H. R. 21644. An act granting an increase of pension to Sheldon

Hess H. R. 21648. An act granting an increase of pension to Michael Gans

H. R. 21651. An act granting an increase of pension to Jacob B. Butts:

H. R. 21660. An act granting an increase of pension to Emma

H. R. 21667. An act granting an increase of pension to John W. Towle;

H. R. 21718. An act granting an increase of pension to Franz Z. F. W. Jensen; H. R. 21724. An act granting an increase of pension to John

D. Martin

H. R. 21740. An act granting an increase of pension to Maria R. Klindt

H. R. 21761. An act granting an increase of pension to John H. R. 21764. An act granting an increase of pension to Ment'

Stannah; H. R. 21767. An act granting an increase of pension to George

Young; H. R. 21769. An act granting a pension to Emma C. Aikin;

H. R. 21782. An act granting an increase of pension to Anderson Graham:

H. R. 21787. An act granting an increase of pension to Alexander Porter;

H. R. 21793. An act granting an increase of pension to Charles

H. R. 21798. An act granting an increase of pension to Andrew Spencer; H. R. 21808. An act granting an increase of pension to Levi

H. R. 21819. An act granting an increase of pension to Joseph

Peach: H. R. 21832. An act granting an increase of pension to John

W. Wilkinson; H. R. 21836. An act granting an increase of pension to Mary

C. Hall: H. R. 21837. An act granting an increase of pension to James

W. Kasson; H. R. 21838. An act granting an increase of pension to Fannie

J. Terry; H. R. 21843. An act granting an increase of pension to Robert

H. R. 21848. An act granting an increase of pension to Charles W. Arthur;

H. R. 21852. An act granting an increase of pension to James M. Eaman:

H. R. 21853. An act granting an increase of pension to Wil-

liam A. Whitaker; H. R. 21856. An act granting an increase of pension to John G. Viall:

H. R. 21881. An act granting an increase of pension to Mahala M. Jones:

H. R. 21882. An act granting an increase of pension to Frank

H. R. 21886. An act granting an increase of pension to John Bryant

H. R. 21887. An act granting an increase of pension to James H. Hayman

H. R. 21888. An act granting an increase of pension to Andrew Canova

H. R. 21894. An act granting an increase of pension to Jacob W. Pierce

H. R. 21896. An act granting an increase of pension to George H. Field H. R. 21906. An act granting an increase of pension to John

M. Bruder H. R. 21909. An act granting an increase of pension to George

W. W. Tanner H. R. 21913. An act granting an increase of pension to Henry

Pieper H. R. 21915. An act granting an increase of pension to John

A. Smith; H. R. 21923. An act granting an increase of pension to Sebas-

tian Fuchs; H. R. 21960. An act granting an increase of pension to Sarah Betts

H. R. 21961. An act granting an increase of pension to Harvey F. Wood;

H. R. 21962. An act granting an increase of pension to Henry

H. R. 21988. An act granting a pension to Philip Dieter;

H. R. 21991. An act granting an increase of pension to Redmond Roche

H. R. 21997. An act granting an increase of pension to Martha Joyce H. R. 22002. An act granting an increase of pension to John

W. Hall: H. R. 22003. An act granting an increase of pension to Alex-

ander Matchett: H. R. 22007. An act granting an increase of pension to San-

ford D. Paine; H. R. 22015. An act granting an increase of pension to William Reese

H. R. 22017. An act granting an increase of pension to Adolphus Cooley

H. R. 22018. An act granting an increase of pension to Charles Sells:

H. R. 22020. An act granting an increase of pension to Samuel Keller:

H. R. 22022. An act granting an increase of pension to Josiah H. Shaver;

H. R. 22024. An act granting an increase of pension to Eldridge Underwood;

H. R. 22025. An act granting an increase of pension to Thomas H. Cook H. R. 22034. An act granting an increase of pension to James

A. Wonder

H. R. 22035. An act granting an increase of pension to Benjamin Swayze; H. R. 22036. An act granting a pension to Emma A. Hawkes:

H. R. 22039. An act granting a pension to Alethia White; H. R. 22047. An act granting an increase of pension to George

Tinkham H. R. 22048. An act granting an increase of pension to Orrin

Freeman H. R. 22050. An act granting an increase of pension to John

W. Frost H. R. 22065. An act granting an increase of pension to Henry

Utter H. R. 22067. An act granting an increase of pension to Levi E.

Miller: H. R. 22068. An act granting an increase of pension to John

P. Macy; H. R. 22069. An act granting an increase of pension to Caro-

line W. Congdon; H. R. 22073. An act granting an increase of pension to Eliza M. Scott

H. R. 22079. An act granting an increase of pension to James D. Grayson ;

H. R. 22085. An act granting an increase of pension to Randolph Wesson;

H. R. 22088. An act granting an increase of pension to Gottlieb Schweizer

H. R. 22089. An act granting an increase of pension to Adaline G. Bailey ;

H. R. 22090. An act granting an increase of pension to Severt Larson:

H. R. 22092. An act granting an increase of pension to Simon

H. R. 22094. An act granting an increase of pension to Albert J. Hamre

H. R. 22099. An act granting an increase of pension to Libbie

D. Lowry; H. R. 22101. An act granting a pension to Mack Rittenberry; H. R. 22102. An act granting an increase of pension to Barre

H. R. 22103. An act granting an increase of pension to Warren P. Hubbs;

H. R. 22153. An act granting a pension to Antonio Archuleta; H. R. 22155. An act granting an increase of pension to Andrew J. Armstrong

H. R. 22187. An act granting a pension to Hiram C. Jett H. R. 22203. An act granting an increase of pension to Oliver

J. Burns : H. R. 22214. An act granting an increase of pension to Thomas

J. Prouty H. R. 22215. An act granting an increase of pension to Eliza

A. Hughes H. R. 22217. An act granting an increase of pension to George

W. Boughner H. R. 22222. An act granting an increase of pension to John W. Booth:

H. R. 22223. An act granting an increase of pension to Uriah

H. R. 22237. An act granting an increase of pension to Nathan

H. R. 22238. An act granting an increase of pension to James

Stinson H. R. 22239. An act granting an increase of pension to Eliza-

beth T. Hayes; H. R. 22240. An act granting a pension to James M. Ping;

H. R. 22241. An act granting an increase of pension to Stephen Robinson:

H. R. 22243. An act granting an increase of pension to James W. Campbell;

H. R. 22252. An act granting an increase of pension to William

H. R. 22262. An act granting a pension to Elizabeth S. Os-

H. R. 22264. An act granting an increase of pension to Sibby

Barnhill: H. R. 22266. An act granting an increase of pension to Delphie Thorne:

H. R. 22269. An act granting an increase of pension to John L. Rosencrans

H. R. 22270. An act granting an increase of pension to Michael Hogan:

H. R. 22272. An act granting an increase of pension to George W. Rodefer :

H. R. 22276. An act granting an increase of pension to Warren A. Sherwood

H. R. 22279. An act granting an increase of pension to Thomas M. Griffith:

H. R. 22282. An act granting an increase of pension to Edward H. Lunn:

H. R. 22284. An act granting an increase of pension to George Ruhle:

H. R. 22285. An act granting an increase of pension to Dennis Remington, alias John Baker;

H. R. 22288. An act granting an increase of pension to Samuel L. Davis : H. R. 22297. An act granting an increase of pension to Hugh

L. Dicus H. R. 22306. An act granting an increase of pension to Louisa

Duncan

H. R. 22310. An act granting an increase of pension to Mary A. Kerr H. R. 22318. An act granting an increase of pension to James

H. R. 22322. An act granting an increase of pension to Maria

H. R. 22359. An act granting an increase of pension to Louisa L. Wood;

H. R. 22367. An act for the relief of Patrick Conlin; H. R. 22376. An act granting an increase of pension to William M. Colby;

H. R. 22388. An act granting an increase of pension to Daniel A. Peabody

H. R. 22408. An act granting an increase of pension to Aaron

Preston; H. R. 22409. An act granting an increase of pension to Margaret A. McAdor

H. R 22420. An act granting an increase of pension to Edward Wesley Ward;

H. R. 22422. An act granting an increase of pension to William J. Johnson;

H. R. 22425. An act granting an increase of pension to Thomas Sires

H. R. 22428. An act granting an increase of pension to Dora T. Bristol

H. R. 22431. An act granting an increase of pension to Alden Youngman

H. R. 22434. An act granting an increase of pension to Peter McCormick

H. R. 22440. An act granting an increase of pension to Daniel

H. R. 22442. An act granting an increase of pension to John Clark;

H. R. 22443. An act granting an increase of pension to Lyman S. Strickland:

H. R. 22444. An act granting an increase of pension to William Oliver Anderson;

H. R. 22447. An act granting an increase of pension to Frank Schadler

H. R. 22448. An act granting a pension to F. Medora Johnson; H. R. 22451. An act granting an increase of pension to John McCaslin;

H. R. 22452. An act granting an increase of pension to William A. Narrin ;

H. R. 22462. An act granting an increase of pension to Aaron Chamberlain;

H. R. 22500. An act granting an increase of pension to Minor Cleavenger:

H. R. 22501. An act granting an increase of pension to Austin B. Truman

H. R. 22502. An act granting an increase of pension to Oren D. Haskell;

H. R. 22506. An act granting an increase of pension to James F. Smith; H. R. 22522. An act granting an increase of pension to Susan

Harroun: H. R. 22528. An act granting an increase of pension to Daniel

Fuller; H. R. 22542. An act granting an increase of pension to Char-

lotte S. O'Neall; H. R. 22550. An act granting an increase of pension to Jona-

than B. Reber H. R. 22551. An act granting an increase of pension to Wilson

Siddell: H. R. 22601. An act granting an increase of pension to John J. Clark ;

H. R. 22602. An act granting an increase of pension to John H. Passon:

H. R. 22605. An act granting an increase of pension to John R. Hargrave

H. R. 22609. An act granting an increase of pension to Thomas Bayley

H. R. 22620. An act granting an increase of pension to Charles S. Abbott

H. R. 22623. An act granting an increase of pension to George W. Willison; H. R. 22624. An act granting an increase of pension to Louisa

M. Carothers H. R. 22634. An act granting an increase of pension to Helon

Wilson; H. R. 22635. An act granting an increase of pension to Catha-

rine Williams H, R. 22642. An act granting an increase of pension to John Gregory

H. R. 22651. An act granting an increase of pension to Sarah E. Cadmus

H. R. 22706. An act granting an increase of pension to William Smoker

H. R. 22710. An act granting an increase of pension to Nelson Cornell

H. R. 22711. An act granting an increase of pension to Jacob

H. R. 22715. An act granting an increase of pension to Terrance Doyle

H. R. 22718. An act granting an increase of pension to William Dean:

H. R. 22734. An act granting an increase of pension to Michael Maier:

H. R. 22746. An act granting an increase of pension to Felix G. Cobb H. R. 22747. An act granting a pension to Celestia E. Outlaw;

H. R. 22748. An act granting an increase of pension to Willard

H. R. 22749. An act granting an increase of pension to Della S. Easton

H. R. 22750. An act granting an increase of pension to William

H. R. 22756. An act granting an increase of pension to Levi E. Curtis:

H. R. 22757. An act granting an increase of pension to Joshua E. Hyatt;

H. R. 22762. An act granting an increase of pension to John M. Gilbert:

H. R. 22764. An act granting an increase of pension to Samuel

H. R. 22766. An act granting an increase of pension to Soren

V. Kalsem;
H. R. 22771. An act granting an increase of pension to William J. Courter;

H. R. 22772. An act granting an increase of pension to Mary S. Sanders

H. R. 22776. An act granting an increase of pension to James

H. R. 22820. An act granting an increase of pension to George

H. R. 22827. An act granting an increase of pension to Mary

H. R. 22829. An act granting an increase of pension to George Spalding; H. R. 22838. An act granting an increase of pension to W. Ira

Templeton:

H. R. 22842. An act granting an increase of pension to William C. Hodges;

H. R. 22846. An act granting an increase of pension to Martin Holmes, alias George Langin;

H. R. 22853. An act granting an increase of pension to Burden H. Barrett

H. R. 22858. An act granting an increase of pension to John A.

Henry; H. R. 22881. An act granting an increase of pension to Thomas

H. R. 22926. An act granting a pension to Louisa Bartlett; H. R. 22927. An act granting an increase of pension to William

A. Leach;

H. R. 22929. An act granting an increase of pension to John O. McNabb;

H. R. 22941. An act granting an increase of pension to Lucinda Davidson;

H. R. 22951. An act granting an increase of pension to Alice E. Ragan

H. R. 22976. An act granting an increase of pension to Milton

H. R. 22978. An act granting an increase of pension to Thomas

H. R. 22985. An act granting an increase of pension to Henry Bauerlin;

H. R. 22990. An act granting an increase of pension to Francis

H. R. 22993. An act granting an increase of pension to Emily Hibernia Trabue;

H. R. 22994. An act granting an increase of pension to Lucinda C. Musgrove

H.'R. 22995. An act granting an increase of pension to Nathaniel Y. Buck

H. R. 23036. An act granting an increase of pension to John C. Mitchell:

H. R. 23051. An act granting an increase of pension to Volna S. Topping ;

H. R. 23057. An act granting an increase of pension to James M. Davidson ;

H. R. 23096. An act granting an increase of pension to James L. Colding

H. R. 23121. An act granting an increase of pension to Frank Vroman:

H. R. 23122. An act granting an increase of pension to Melissa D. Whitman;

H. R. 23133. An act granting an increase of pension to John

H. R. 23135. An act granting a pension to Roseanna King; H. R. 23136. An act granting an increase of pension to Syl-

vanus Sloat H. R. 23143. An act granting an increase of pension to John

H. R. 23153. An act granting an increase of pension to George Quien;

H. R. 23166. An act granting an increase of pension to William S. Voris

H. R. 23171. An act granting an increase of pension to Harmon Veatch:

H. R. 23182. An act granting an increase of pension to Martha Ella Wrenn;

H. R. 23187. An act granting a pension to Jennie E. Luckenbach

H. R. 23195. An act granting an increase of pension to Aurora Garwood Ellis

H. R. 23197. An act granting an increase of pension to Agnes E. Brown;

H. R. 23234. An act granting an increase of pension to James W. Walsh, alias James Powers

H. R. 23241. An act granting an increase of pension to Mary Loomis:

H. R. 23247. An act granting an increase of pension to George I. Stults:

H. R. 23250. An act granting a pension to George A. Mercer; H. R. 23263. An act granting an increase of pension to Michael Downs

H. R. 23265. An act granting an increase of pension to Henry Helton;

H. R. 23278. An act granting an increase of pension to James M. Morris H. R. 23279. An act granting an increase of pension to David

H. Moore; H. R. 23281. An act granting an increase of pension to Wil-

liam T. Fisher

H. R. 23299. An act granting an increase of pension to Henry H. R. 23327. An act granting an increase of pension to Paul

H. R. 23339. An act granting an increase of pension to Martha

L. Burnham H. R. 23357. An act granting an increase of pension to James

M. Houston H. R. 23365. An act granting an increase of pension to William Seitz;

H. R. 23367. An act granting an increase of pension to Asa A. Gardner

H. R. 23371. An act granting an increase of pension to Clark Crecelius; H. R. 23423. An act granting an increase of pension to El-

bridge Simpson; H. R. 23458. An act granting an increase of pension to Edgar

D. Ellis H. R. 23468. An act granting an increase of pension to Martin

Becker: H. R. 23475. An act granting an increase of pension to Thomas

J. Green : H. R. 23477. An act granting an increase of pension to Caro-

line Vick H. R. 23481. An act granting an increase of pension to John

G. Price H. R. 23495. An act granting an increase of pension to Adam Sliger:

H. R. 23522. An act granting an increase of pension to George

W. Shacklett; H. R. 23526. An act granting an increase of pension to Stephen D. Jordan :

H. R. 23527. An act granting an increase of pension to Joseph E. Knighten

H. R. 23528. An act granting an increase of pension to John

H. R. 23549. An act granting an increase of pension to Isaiah

H. R. 23550. An act granting an increase of pension to Elizabeth C. Smith; H. R. 23593. An act granting an increase of pension to Charles

M. Buck

H. R. 23599. An act granting an increase of pension to Alfred B. Stansil;

H. R. 23608. An act granting an increase of pension to John

Manley; H. R. 23622. An act granting an increase of pension to Benjamin Maple;

H. R. 23624. An act granting an increase of pension to Albina M. Williams

H. R. 23644. An act granting an increase of pension to Charles J. Schreiner

H. R. 23645. An act granting an increase of pension to Isaac L. Griswold;

H. R. 23651. An act granting an increase of pension to John W. Wilson;

H. R. 23652. An act granting an increase of pension to William H. Zimmerman;

H. R. 23653. An act granting an increase of pension to Dewitt C. Chapman;

H. R. 23656. An act granting an increase of pension to John Kiloatrick

H. R. 23683. An act granting an increase of pension to Thomas Phillips

H. R. 23684. An act granting an increase of pension to Harry C. Cadwell;

H. R. 23686. An act granting an increase of pension to William H. Kehlbeck;

H. R. 23687. An act granting a pension to Blanche C. Polk; H. R. 23699. An act granting an increase of pension to Joseph

Countryman; H. R. 23703. An act granting an increase of pension to Clar-

endon Kelly; H. R. 23705. An act granting an increase of pension to Fred-

erick P. Gaudineer : H. R. 23739. An act granting an increase of pension to Eliza-

H. R. 23762. An act granting an increase of pension to Adeliade Wagner:

H. R. 23764. An act granting an increase of pension to Joseph C. Fisher

H. R. 23770. An act granting an increase of pension to Henry D Combs

H. R. 23772. An act granting an increase of pension to Temperance Davis

H. R. 23774. An act granting an increase of pension to James

H. R. 23777. An act granting an increase of pension to James Marshall

H. R. 23778. An act granting an increase of pension to Henry

H. R. 23781. An act granting an increase of pension to Honora

Higgins H. R. 23783. An act granting an increase of pension to George

W. Buzzell;

H. R. 23792. An act granting an increase of pension to Zeurial McCullock

H. R. 23795. An act granting an increase of pension to Patrick McMahon:

H. R. 23803. An act granting an increase of pension to David C. Jones

H. R. 23804. An act granting an increase of pension to Phoebe E. Sparkman;

H. R. 23805. An act granting an increase of pension to Thomas

H. R. 23810. An act granting an increase of pension to Ira J. Everson

H. R. 23811. An act granting an increase of pension to Theron Cross

H. R. 23812. An act granting an increase of pension to Joseph Dewhurst:

H. R. 23845. An act granting an increase of pension to George W. Cassle:

H. R. 23846. An act granting an increase of pension to Sarah Ann Kendig

H. R. 23858. An act granting an increase of pension to Hugh M. Cox:

H. R. 23870. An act granting an increase of pension to America J. Austin; H. R. 23872. An act granting an increase of pension to Charles

Blacker; H. R. 23874. An act granting an increase of pension to William

R. Horn : H. R. 23877. An act granting an increase of pension to Mary

A. Edwards H. R. 23899. An act granting an increase of pension to James

H. R. 23915. An act granting a pension to William Stegal; H. R. 23957. An act granting an increase of pension to John

Heinrichs: H. R. 23958. An act granting an increase of pension to Thomas

H. R. 23969. An act granting an increase of pension to William

Morson:

H. R. 23973. An act granting an increase of pension to Henry

H. R. 23981. An act granting an increase of pension to Sarah Elizabeth Fuller;

H. R. 23984. An act granting an increase of pension to Jacob Miller;

H. R. 24017. An act granting an increase of pension to Timothy

Hanlon; H. R. 24018. An act granting an increase of pension to John Adams Miller; H. R. 24019. An act granting an increase of pension to John

Brown

H. R. 24023. An act granting an increase of pension to Joseph

H. R. 24056. An act granting an increase of pension to Reuben Copher;

H. R. 24064. An act granting a pension to Mary Murray

H. R. 24078. An act granting an increase of pension to Warren J. Sevey

H. R. 24096. An act granting an increase of pension to Oscar F. Peacock

H. R. 24099: An act granting an increase of pension to Benjamin J. Puckett:

H. R. 24155. An act granting an increase of pension to Richard N. Porter

H. R. 24182. An act granting an increase of pension to John

Delaney; H. R. 24185. An act granting an increase of pension to William S. Weller

H. R. 24187. An act granting an increase of pension to Naucy G. Reid:

H. R. 24188. An act granting an increase of pension to Samuel

H. R. 24192. An act granting an increase of pension to Charles

H. R. 24208. An act granting an increase of pension to Albert Sunderland:

H. R. 24214. An act granting an increase of pension to Elizabeth Hodge

H. R. 24231. An act granting an increase of pension to Absalom Sivley

H. R. 24259. An act granting an increase of pension to Hannibal A. Johnson

H. R. 24268. An act granting an increase of pension to Louisa Olin

H. R. 24303. An act granting an increase of pension to Gillam M. Ezell

H. R. 24321. An act granting an increase of pension to Belah H. Wilcox

H. R. 24323. An act granting an increase of pension to Talcott M. Brown

H. R. 24360. An act granting an increase of pension to Jeremiah F. Pittman;

H. R. 24380. An act granting an increase of pension to Charles Woodruff Woolley

H. R. 24383. An act granting an increase of pension to Shadrack H. J. Alley;

H. R. 24415. An act granting an increase of pension to Laura G. Hight:

H. R. 24418. An act granting an increase of pension to Kate Flowers

H. R. 24479. An act granting an increase of pension to Simeon D. Pope;

H. R. 24513. An act granting an increase of pension to Bowman H. Buck :

H. R. 24616. An act granting an increase of pension to Mathias

H. R. 24620. An act granting an increase of pension to Elizabeth Balew; and

H. R. 24671. An act granting an increase of pension to Augustine Sorrell.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the legislature of the State of Wisconsin, in favor of the enactment of legislation to promote the safety of employees and travelers upon railroads by limiting the hours of service thereon; which was ordered to lie on the table and be printed in the RECORD, as follows:

Joint resolution asking for the passage by Congress of S. 5133, "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service thereon."

limiting the hours of service thereon."

'Whereas on January 11, 1907, there was reported in the House of Representatives of the United States an act passed by the Senate of the United States (S. 5133), "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service thereon;" and

Whereas the interests of travelers upon the railroads of the United States and the employees thereon will be promoted by the speedy enactment of this measure into law: Be it

Resolved by the assembly (the senate concurring), That the Representatives in Congress from the State of Wisconsin are requested to

use their votes and influence to secure an immediate favorable report upon and the passage of said act; and it is

Ordered, That one copy of this resolution be sent to the Speaker of the House of Representatives of the United States, one copy to the Committee on Interstate and Foreign Commerce of said House, and one copy to each Member of Congress from the State of Wisconsin.

H. L. EKEM,

Speaker of the Assembly.

W. D. CONNOR,

President of the Senate.

C. E. Shaffer, Chief Clerk of the Assembly, A. R. EMERSON, Chief Clerk of the Senate.

The VICE-PRESIDENT presented a petition of sundry citizens of Bangor, Mich., and a petition of the congregation of the Waverly Baptist Church, of Waverly, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a memorial of the St. Joseph Benevolent Organization, of Indianapolis, Ind., remonstrating against the enactment of legislation to further restrict immigration; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Chicago, Ill., praying for the enactment of legislation to permit the manufacture by consumers of denatured alcohol in small quantities; which were referred to the Committee on Finance.

He also presented a petition of the National Benevolent Societies of Philadelphia, Pa., praying for the appointment of a commission to investigate the entire question of immigration; which was ordered to lie on the table.

He also presented memorials of sundry citizens of Wisconsin, New York, Michigan, Connecticut, New Jersey, Pennsylvania, Ohio, Illinois, Iowa, Indiana, Minnesota, Texas, Maryland, Missouri, Florida, Texas, Kansas, Kentucky, Georgia, Rhode Island, Massachusetts, and North Carolina, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee

He also presented the petition of Charles Raynard, of Santa Rosalia Heights, Isle of Pines, praying for the enactment of legislation providing for the separation of the Isle of Pines from the governmental control of the island of Cuba; which

was ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance unions of Deercreek, Westfield, Deputy, and Richmond, all in the State of Indiana, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

Mr. KEAN presented a petition of the executive committee of the Oystermen's Protective Association of the State of New York, forwarded by the J. & J. W. Elsworth Company, of Keyport, N. J., in regard to the operation of the new pure-food law upon the transportation of oysters; which was referred to the Committee on Manufactures.

Mr. PLATT presented petitions of sundry citizens of Brooklyn, Mechanicsville, Binghamton, Laurel Hill, and New York City, all in the State of New York, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of New York. praying for the enactment of legislation to amend and consolidate the acts respecting copyrights; which were referred to the Committee on Patents.

Mr. SCOTT presented a petition of the Woman's Christian Temperance Union of Clay, W. Va., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. McLAURIN presented the petition of Mrs. M. Jackson, of Ennis, Miss., and 510 other women of the State of Mississippi, praying for an investigation of the charges made and filed against Hon. Reed Smoot, a Senator from the State of Utah; which was ordered to lie on the table.

Mr. ALLEE presented petitions of sundry citizens of Dover, McClellandsville, and Laurel, all in the State of Delaware, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to

the Committee on the Judiciary.

Mr. ANKENY presented a memorial of sundry citizens of Washington and Idaho, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. BURKETT. I present petitions from several thousand blind petitioners and several thousand sympathizers in the country, praying for the enactment of legislation to allow free

postage on reading matter for the blind. I move that the petitions be referred to the Committee on Post-Offices and Post-Roads

The motion was agreed to.

Mr. BURKETT presented the petition of Mrs. T. M. Southard, of St. Paul, Nebr., praying for the enactment of legislation to increase the pensions of widows of soldiers; which was referred to the Committee on Pensions,

Mr. DEPEW presented memorials of sundry citizens of the State of New York, remonstrating against the passage of the so-called "free leaf-tobacco bill;" which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of New York City and Hastings upon Hudson, in the State of New York, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance

He also presented petitions of sundry citizens of Shortsville, Sherman, Tyrone, Altamont, Gorham, Holly, Onondaga Valley, Gainesville, Dryden, West Winfield, Newark, and Halley, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. CURTIS presented a concurrent resolution of the legislature of the State of Kansas, in favor of the present pension laws being extended to the Kansas State Militia; which was referred to the Committee on Pensions.

He also presented a concurrent resolution of the legislature of the State of Kansas, in favor of an appropriation for the improvement of the Mississippi and other rivers of the country; which was referred to the Committee on Commerce,

He also presented petition of sundry citizens of Norton, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. KITTREDGE. I present a joint resolution of the legislature of South Dakota, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

The joint resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows: A joint resolution and memorial requesting the Congress of the United States to make Fort Meade, S. Dak., a brigade post, with permanent brick or stone barracks, officers' quarters, and other buildings.

Be it resolved by the senate of the State of South Dakota (the house

Be it resolved by the senate of the State of South Dakota (the house of representatives concurring):
Whereas Fort Meade is centrally located with reference to all the Indian reservations in North and South Dakota, Montana, and Wyoming, upon which reservations there are quartered about 40,000 uncivilized Indians; and
Whereas Fort Meade is the only military post in South Dakota and the only post in the whole Northwest possessing the required strategic advantages to exercise surveillance over the Indians and afford proper protection to the property and people of this rich and rapidly developing country (troops from this post having recently captured the roving Ute Indians in Montana and now have them quartered at Fort Meade); and

ing country (troops from this post having recently captured the roving Ute Indians in Montana and now have them quartered at Fort Meade); and

Whereas the lines of railroad now in operation and nearing completion will offer transportation facilities over four lines in four different directions, forming a basis for military movements, enabling troops to quickly reach any point of trouble; and

Whereas Fort Meade has a large timber reservation within the Black Hills Forest Reserve upon which there is pine timber and an abundant supply of pure mountain spring water, and also a military reservation, 2 miles by 6 miles in area, with all available adjoining land needed for the requirements of a brigade post, which, collectively, would include the level and rolling prarie, open and wooded streams of water, bluffs and brakes, bare hills and timbered mountains, offering all practical varieties of country for maneuvers; and

Whereas the hospital record shows that the pure, malaria-free, bracing climate renders Fort Meade the healthiest post garrisoned in America; and

Whereas Fort Meade is in process of rebuilding, as a two-squadron cavalry post, there having been built in the past six years brick and stone barracks for eight troops, hospital, post exchange, line and field officers' quarters, noncommissioned officers' quarters, bakery, powder magazine, stables, fire station, water system and concrete reservoir, sewer system and stable drain, macadamized roads and cement walks, electric-light wiring, and other permanent improvements modern and up to date, and costing over \$600,000: Therefore, be it \*\*Resolved\*\*. That we favor and earnestly urge the Congress of the United States by proper enactment to designate Fort Meade as a brigade post and provide for the erection of additional barracks, quarters, and other structures ample and suitable for the proper garrison thereof; and be it further \*\*Resolved\*\*. That we request our Senators and Representatives in Congress to employ their best efforts to compass this end.

[Indorse

[Indorsed.]

A joint resolution and memorial requesting the Congress of the United States to make Fort Meade, S. Dak., a brigade post, with permanent brick or stone barracks, officers' quarters, and other buildings.

M. J. CHANEY,

Attest:

Speaker of the House.

ttest:
James W. Cone,
Chief Clerk,
Howard C. Shober,
President of the Senate. Attest:
L. M. SIMONS,
Secretary of the Senate.

I hereby certify that the within resolution originated in the senate and was known in the senate files as senate joint resolution No. 6.

L. M. Simons, Secretary.

Filed February 12, 1907, at 3.50 o'clock p. m.
D. D. Wiff,
Scoretary of State. STATE OF SOUTH DAKOTA, OFFICE SECRETARY OF STATE, 88:

By E. A. PLATTS, Assistant Secretary.

Mr. KITTREDGE. I present a joint resolution of the legislature of South Dakota, which I ask may be printed in the RECORD, and referred to the Committee on Finance.

The joint resolution was referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

STATE OF SOUTH DAKOTA, DEPARTMENT OF STATE, SECRETARY'S OFFICE.

UNITED STATES OF AMERICA, State of South Dakota:

I, D. D. Wipf, secretary of state of South Dakota:

I, D. D. Wipf, secretary of state of South Dakota and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 14 as passed by the tenth legislative assembly of the State of South Dakota, now in session, and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre this 13th day of February, 1907.

[SEAL.]

D. D. Wiff, Secretary of State.

Secretary of State.

A joint resolution memoralizing Congress to pass an act removing the restrictions upon the manufacture of denatured alcohol for mechanical and illuminating purposes.

Be it resolved by the house of representatives of the State of South Dakota (the senate concurring):

SECTION 1. That we respectfully petition the Congress of the United States to remove all restrictions which will tend to prevent the domestic manufacture of denatured alcohol to be used exclusively for mechanical purposes, fuel, or lights.

SEC. 2. That a copy of these resolutions be forwarded by the chief clerk to the President of the United States Senate, to the Speaker of the House of Representatives, and to each of the Senators and Representatives of South Dakota in Congress.

#### [Indorsed.]

A joint resolution memorializing Congress to pass an act removing the restrictions upon the manufacture of denatured alcohol for mechanical and illuminating purposes.

M. J. CHANEY, Speaker of the House.

Attest:
James W. Cone, Chief Clerk.

Howard C. Shober, President of the Senate.

Attest: L. M. Simons, Secretary of the Senate.

I hereby certify that the within joint resolution originated in the house of representatives and was known in the house files as "Joint resolution No. 14." JAMES W. CONE, Chief Clerk.

STATE OF SOUTH DAKOTA, OFFICE SECRETARY OF STATE, 88:

Filed February 12, 1907, at 3.50 o'clock p. m.

D. D. WIPF, Secretary of State. By E. A. PLATTS, Assistant Secretary.

Mr. PERKINS presented a petition of Sutter Lodge, No. 340, Brotherhood of Railroad Trainmen, of Sacramento, Cal., praying for the enactment of legislation to regulate the granting of restraining orders in certain cases; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Hemet and San Marcos, in the State of California, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on

the Judiciary

Mr. GAMBLE. I present a joint resolution of the legislature of the State of South Dakota, in favor of the establishment of Fort Meade, S. Dak., as a brigade post. I ask that the joint resolution be read and referred to the Committee on Military

There being no objection, the joint resolution was read, and referred to the Committee on Military Affairs, as follows:

A joint resolution and memorial requesting the Congress of the United States to make Fort Meade, S. Dak., a brigade post, with permanent brick or stone barracks, officers' quarters, and other buildings.

Be it resolved by the senate of the State of South Dakota (the house of representatives) of the state of South Dakota.

Be it resolved by the senate of the State of South Dakota (the house of representatives concurring):
Whereas Fort Meade is centrally located with reference to all the Indian reservations in North and South Dakota, Montana, and Wyoming, upon which reservations there are quartered about 40,000 uncivilized Indians; and
Whereas Fort Meade is the only military post in South Dakota and the only post in the whole Northwest possessing the required strategic advantages to exercise surveillance over the Indians and afford proper protection to the property and people of this rich and rapidly developing country (troops from this post having recently captured the roving Ute Indians in Montana and now have them quartered at Fort Meade); and
Whereas the lines of railroad now in operation and nearing completion will offer transportation facilities over four lines in four different directions, forming a basis for military movements enabling troops to quickly reach any point of trouble; and

Whereas Fort Meade has a large timber reservation, within the Black Hills Forest Reserve, upon which there is pine timber and an abundant supply of pure mountain spring water, and also a military reservation, 2 miles by 6 miles in area, with all available adjoining land needed for the requirements of a brigade post, which collectively would include the level and rolling prairie, open and wooded streams of water, bluffs and brakes, bare hills and timbered mountains, offering all practical varieties of country for maneuvers; and

Whereas the hospital record shows that the pure, malaria-free, bracing climate renders Fort Meade the healthlest post garrisoned in America; and

Whereas Fort Meade is in process of rebuilding as a two-squadron cavalry post, there having been built in the past six years brick and stone barracks for eight troops, hospital, post exchange, line and field officers' quarters, noncommissioned officers' quarters, bakery, powder magazine, stables, fire station, water system and concrete reservoir, sewer system and stable drain, macadamized roads and cement walks, electric-light wiring, and other permanent improvements, modern and up to date and costing over \$600,000: Therefore, be it

\*Resolved, That we favor and earnestly urge the Congress of the United States, by proper enactment, to designate Fort Meade as a brigade post and provide for the erection of additional barracks, quarters, and other structures, ample and suitable for the proper garrison thereof; and be it further

\*Resolved, That we request our Senators and Representatives in Congress to employ their best efforts to compass this end.

[Indorsed.]

[Indorsed.]

A joint resolution and memorial requesting the Congress of the United States to make Fort Meade, S. Dak., a brigade post, with permanent brick or stone barracks, officers' quarters, and other buildings.

M. J. CHANEY.

Speaker of the House.

Attest: James W. Cone, Chief Clerk.

Howard C. Shober, President of the Senate.

Attest: L. M. Simons, Secretary of the Senate.

I. M. SIMONS, Secretary of the School of the Senate in the senate in the senate and was known in the senate files as senate joint resolution No. 6.

L. M. SIMONS, Secretary.

STATE OF SOUTH DAKOTA, Office Secretary of State, ss:

Filed February 12, 1907, at 3.50 o'clock p. m.

D. D. WIPF,
Secretary of State.

By E. A. PLATTS,
Assistant Secretary.

Mr. GAMBLE. I present a joint resolution of the State of South Dakota, in favor of the enactment of legislation removing the restrictions upon the manufacture of denatured alcohol for mechanical and illuminating purposes. I ask that the joint resolution be read, and referred to the Committee on Finance.

There being no objection, the joint resolution was read, and

referred to the Committee on Finance, as follows:

STATE OF SOUTH DAKOTA, DEPARTMENT OF STATE, SECRETARY'S OFFICE.

UNITED STATES OF AMERICA, State of South Dakota:

I, D. D. Wipf, secretary of state of South Dakota, and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 14, as passed by the tenth legislative assembly of the State of South Dakota, now in session, and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota, done at the city of Pierre this 13th day of February, 1907.

[SEAL.]

D. D. Wiff, Secretary of State.

D. D. WIPF, Secretary of State.

A joint resolution memorializing Congress to pass an act removing the restrictions upon the manufacture of denatured alcohol for mechanical and illuminating purposes.

Be it resolved by the house of representatives of the State of South Dakota (the senate concurring):

Dakota (the senate concurring):

SECTION 1. That we respectfully petition the Congress of the United States to remove all restrictions which will tend to prevent the domestic manufacture of denatured alcohol to be used exclusively for mechanical purposes, fuel, and lights.

SEC. 2. That a copy of these resolutions be forwarded by the chief clerk to the President of the United States Senate, to the Speaker of the House of Representatives, and to each of the Senators and Representatives of South Dakota in Congress.

M. J. Chaney.

M. J. CHANEY, Speaker of the House.

test: James W. Cone, Chief Clerk. Howard C. Shober, President of the Senate.

Attest:
L. M. Simons, Secretary of the Senate.
I hereby certify that the within joint resolution originated in the house of representatives, and was known in the house files as "joint resolution No. 14."

JAMES W. CONE, Chief Clerk.

STATE OF SOUTH DAKOTA, OFFICE SECRETARY OF STATE, 88:

Filed February 12, 1907, at 3.50 o'clock p. m.
D. D. Wiff, Secretary of State.
By E. A. Platts, Assistant Secretary.

Mr. GALLINGER presented a petition of sundry citizens of Newport, N. H., and a petition of sundry citizens of Nashua, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the Takoma Park Citizens' Association, of the District of Columbia, praying for the enactment of legislation to suppress the smoke nuisance in the District of Columbia arising from the use of soft coal in locomotives; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Takoma Park Citizens' Association, of the District of Columbia, praying for the enactment of legislation to limit the hours of labor of railroad employees; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Retail Grocers' Association of the District of Columbia, praying for the enactment of legislation governing the maintenance of stock yards, slaughterhouses, and packing houses in the District of Columbia: was referred to the Committee on the District of Columbia.

Mr. TILLMAN presented a petition of the Chamber of Commerce of Sumter, S. C., praying for the enactment of legislation providing for a national reciprocal demurrage law penalizing railroads for neglecting to perform their duty as common carriers of freight; which was referred to the Committee on Interstate Commerce.

He also presented the petition of Charles S. Bundy, of Washington, D. C., praying for the enactment of legislation providing for the establishment of a public park on Meridian Hill in the District of Columbia; which was ordered to lie on the table.

Mr. RAYNER presented petitions of the Baltimore-Maryland Engraving Company, of the Main Furniture Company, of the Reinle Salmon Company, of Maryland; of C. Glaser, of Baltimore; of the Furniture Manufacturing Company of Easton, and of Loisuson & Zenitz, of Baltimore, all in the State of Maryland, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. HOPKINS presented petitions of sundry citizens of Chicago, Dekalb, and Batavia, all in the State of Illinois, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on

He also presented memorials of sundry citizens of Chicago and Peoria, in the State of Illinois, remonstrating against the enactment of any legislation conferring upon the Secretary of Agriculture the right to fix certain food standards; which were referred to the Committee on Manufactures.

He also presented petitions of the International Association of Car Workers; of the United Garment Workers of America, all of the American Federation of Labor; of the Johnson Chair Company, and of the Kinley Manufacturing Company, of Chicago, Ill., praying for the enactment of legislation providing for the protection of labor and industries from competition with convict labor and prison-made goods; which were referred to

the Committee on Education and Labor.

He also presented a petition of 61 citizens of El Paso, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. PENROSE presented memorials of George Smith Post, No. 79, Grand Army of the Republic, Conshohocken; Colonel Gus W. Town Post, Philadelphia; Colonel James Ashworth Post, No. 334, Frankford, Philadephia; Sanford F. Beyer Post, Post, No. 334, Frankford, Philadephia; Sahford F. Beyer Post, No. 426, Bellwood; J. K. Taylor Post, No. 182, Bethlehem; Yeager Post, No. 13, Allentown; Anna M. Ross Post, No. 94, Philadelphia; General Hector Tyndale Post, No. 160, Philadelphia; Lieutenant Ezra S. Griffin Post, No. 139, Scranton; Colonel Fred Taylor Post, No. 19, Philadelphia; Lieutenant David H. Wilson Post, No. 134, Mifflintown; Captain Walter S. Newhall Post, No. 7, Philadelphia, and The Naval Post, No. 400, Philadelphia; Lieutenant Josiah White Post, No. 45, Grand Army of the Republic Phoenixville; Colonel Crossdale Post Army of the Republic, Phoenixville; Colonel Croasdale Post, Army of the Republic, Reigelsville; Colonel Ellsworth Grand Army of the Republic, Reigelsville; Colonel Elisworth Post, No. 269, Scottdale; Major William H. Byers Post, No. 612, Beaver Springs; Robert Oldham Post, No. 527, South Bethlehem; C. S. Davis Post, No. 148, Selinsgrove; General Alex. Hays Post, No. 3, Pittsburg; Henry Wilson Post, No. 129, Milton; George G. Meade Post, No. 1, Philadelphia; Keim Post, No. 76, Reading; Perkins Post, No. 202, Athens; John D. Bertslett Best No. 484 Lebischter, and J. W. Pownelds Post. No. tolette Post, No. 484, Lehighton, and J. W. Reynolds Post, No. 98, Tunkhannock, all of the State of Pennsylvania, remonstrating against the enactment of legislation to abolish the pension agencies throughout the country; which were ordered to lie on the table.

Mr. WARREN presented petitions of the congregations of the First Methodist Episcopal Church, the First Congregational Church, and the Baptist Church, and of sundry citizens, all of Cheyenne, in the State of Wyoming, praying for the enactment of legislation to regulate the interstate transportation of

intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a memorial of sundry citizens of Hartford, Conn., remonstrating against the enactment of legislation to further restrict immigration; which was ordered to lie on the table.

He also presented a petition of the Methodist Ministers' Association, New Haven district, of New Britain, Conn., praying for the enactment of legislation to prohibit the sale of infox-icating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memoral of the Mannerchor and German Verein of Taftville, Conn., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Methodist Ministers' Association, New Haven district, of New Britain, Conn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the

Committee on the Judiciary.

Mr. NELSON presented a petition of the Board of Trade of St. Paul, Minn., praying for the adoption of certain amendments to the present public-land laws; which was referred to the Committee on Public Lands.

He also presented a petition of the Board of Trade of St. Paul, Minn., praying that an appropriation be made for deepening the channel of the upper Mississippi River; which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Minneapolis, Minn., praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented the petition of Mrs. J. W. Garr, of Hewitt, Minn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. SIMMONS presented a petition of the Charlotte Casket Company, of Charlotte, N. C., and a petition of the National Furniture Company, of North Carolina, praying for the adoption of certain amendments to the present denatured-alcohol law;

which were referred to the Committee on Finance.

Mr. HEYBURN presented a petition of Typographical Union No. 271 of Boise City, Idaho, praying for the enactment of legislation to amend and consolidate the acts respecting copyrights; which was referred to the Committee on Patents.

Mr. McCREARY presented petitions of sundry citizens of Vanceburg and Madisonville, in the State of Kentucky, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. HANSBROUGH. I present a concurrent resolution of the legislature of North Dakota, in favor of the repeal of the tariff on lumber and coal and fuel. I ask that the concurrent resolution be read, and referred to the Committee on Finance.

There being no objection, the concurrent resolution was read, and referred to the Committee on Finance, as follows:

## CONCURRENT RESOLUTION.

CONCURRENT RESOLUTION.

[A substitute offered by the senate for house concurrent resolution.—
Introduced by Mr. Grant.]

Whereas it is currently reported, generally understood, and manifestly apparent to everyone that there is a combination in restraint of trade between the dealers in coal and fuel and the dealers in lumber in the State of North Dakota and elsewhere; and

Whereas said combination is now resulting in material injury to the people of the State of North Dakota, is retarding the building and erection of homes, and exacting from the people of the State of North Dakota unjust tribute to this unlawful combination: Now, therefore, be it

be it

Resolved by the senate (the house of representatives concurring),
That the Senators and Representatives from this State now in the
Congress of the United States are hereby requested to use their earnest
endeavors and all honorable means to secure the repeal of the tariff on
lumber and coal and fuel now in existence between the United States
and the provinces of Canada.

Resolved further, That the secretary of state be, and hereby is, requested to forward to His Excellency President Theodore Roosevelt, and
to the Hon. H. C. Hansbrough, Hon. Porter J. McCumber, Hon.
Thomas F. Marshall, and Hon. A. J. Gronna certified copies of these
resolutions.

TREADWELL TWICHELL,

Speaker of the House.
P. D. NORTON,
Chief Clerk of the House.
R. S. Lewis,
President of the Senate.
JAMES W. FOLEY,
Secretary of the Senate.
I. P. D. Norton, chief clerk of the house, do hereby certify that the foregoing concurrent resolution is a substitute offered by the senate for house concurrent resolution, and that the same was passed by the

senate on January 31, 1907, and concurred in by the house of representatives of the tenth legislative assembly of the State of North Dakota on February 8, 1907.

P. D. NORTON, Chief Clerk of the House.

Mr. HANSBROUGH. I present concurrent resolution of the legislature of North Dakota, relative to the conversion of the waste and other products of the farm into denatured alcohol for use as light, heat, and power. I ask that the concurrent resolution be read and referred to the Committee on Finance.

There being no objection, the concurrent resolution was read, and referred to the Committee on Finance, as follows:

# CONCURRENT RESOLUTION.

[Introduced by Mr. Buttz.]

Whereas the construction placed upon the law passed at the last session of the Congress of the United States and known as "the denatured-alcohol law" by the Internal-Revenue Bureau is such that it is difficult to convert the waste and other products of the farm into denatured alcohol for use as light, heat, and power; and

Whereas there is now pending in said Congress of the United States an amendment to said law which, if passed, will permit the conversion of these wastes and other products of the farm into denatured alcohol at small expense to the producer thereof: Therefore, be it

Resolved by the legislative assembly of the State of North Dakota, That our representatives in Congress be, and they are hereby, requested to do all in their power to secure the enactment of said amendment into law; and be it

Further resolved, That the secretary of state be, and he is hereby, requested to forward a certified copy of this resolution to each of the Members of Congress from this State.

TREADWELL TWICHELL.

TREADWELL TWICHELL.
Speaker of the House.
P. D. Norton,
Chief Clerk of the House.
R. S. Lewis,
President of the Senate.
JAMES W. FOLEY,
Secretary of the Senate.

I hereby certify that the within concurrent resolution originated and was adopted on January 21, 1907, by the house of representatives of the tenth legislative assembly of the State of North Dakota, and was on January 29, 1907, duly concurred in by the senate.

P. D. NORTON, Chief Clerk of the House.

Mr. HANSBROUGH. I present a concurrent resolution of the legislature of North Dakota, relative to the value of the waters of the upper Missouri and Yellowstone rivers for navigation purposes. I ask that the concurrent resolution be read, and referred to the Committee on Commerce.

The VICE-PRESIDENT. The Secretary will read as re-

quested.

The Secretary read as follows:

CONCURRENT RESOLUTION. [Offered by Mr. Chapman.]

Whereas the honorable chairman of the Rivers and Harbors Committee of the House of Representatives is laboring under misapprehension or III advice as to the volume of water therein, and the value of the upper Missouri and Yellowstone rivers for navigation purposes;

whereas the volume of traffic on both of the navigable streams north of the forty-sixth parallel will continue to increase with the now rapidly increasing immigration and the wonderful development of the country tributary to said rivers, incident to the completion of the irrigation ditches along said rivers, now under construction by the United States: Now, therefore, be it—

Mr. ALDRICH. Mr. President, I do not know what juristic the Saveta has over matters of this kind, but it is clearly

diction the Senate has over matters of this kind, but it is clearly out of order to have any communication presented here in the nature of a statement of the character of that which is contained in the first part of the memorial of the legislature of North Dakota which the Secretary has proceeded to read.

The VICE-PRESIDENT. The Senator from North Dakota

asked that the memorial might be read.

Mr. HANSBROUGH. I will state that it is a concurrent resolution passed by the legislature of the sovereign State of North Dakota; and under the unwritten rule of this Senate it is entitled to be read at the desk and inserted in the Record.

Mr. ALDRICH. I will say to the Senator that the State of North Dakota may be sovereign in its own jurisdiction and within its own limits, but it certainly has no right to send a communication here reflecting upon an officer or a Member of the other House. At least, I am sure we have the right, if such a communication is sent here, to not receive it.

The VICE-PRESIDENT. Is there objection to the further

reading of the concurrent resolution in the nature of a memo-

I would inquire, Mr. President, if the Senator from North Dakota has had his attention called to the rule that no reference shall be made here in any way to any Member of the other House or to its action?

Mr. HANSBROUGH. I am entirely familiar with the rule, Mr. President. I was not aware, however, that there was anything in the resolution that reflected on any Member of the other House. If there is such a thing, I shall, of course, be very glad for the time being to withdraw the resolution.

The VICE-PRESIDENT. The concurrent resolution is withdrawn.

Mr. CULBERSON. I present a concurrent resolution of the legislature of Texas, in favor of the enactment of legislation relative to certain trade arrangements or agreements with foreign nations as will afford the best possible market for live stock and its products, etc. I ask that the concurrent resolution be read, and referred to the Committee on Finance.

There being no objection, the concurrent resolution was read,

and referred to the Committee on Finance, as follows:

#### RESOLUTION.

[By Bryan, Duncan, and Pool.]

Resolved by the house of representatives (the senate concurring),

Resolution.

Resoluted by the house of representatives (the senate concurring), That the senate of the house of representatives (the senate concurring), That were as the live-stock producing interests of the United States are woring material loss by reason of the fact that they are practically deprived of access to the markets of continental Europe for the sale of live stock and the products of live stock, and Whereas there is no provision of law authorizing the administrative departments of the Government of the United States to make any trade agreement with foreign nations favorable to an extension of our foreign trade in live stock and the products of live stock, as well as other products of the stock as well as other products of the stock as well as other products of the stock and the products of the stock as well as other with the senate of the United States, as a consideration for trade agreements which of States as will enable this Government to make trade agreements which will admit the products of comment to make trade agreements which will admit the products of comment to make trade agreements which will admit the products of comment of the states as will enable this Government of the states as well enable this Government of the states as well as a state of the states as well as the states as well as the states as well as the states as a state of the state of the states as a state of the states of the states of the states of this country which are entitled to protection; and the states of this country should, and must be, in the main, that class of protection which prevents the closing of the markets of the world to the products of this country should, and must be, in the main, that class of protection which prevents the clo

I hereby certify that house concurrent resolution No. 7 was adopted by the senate of the thirtieth legislature of the State of Texas on February 7, 1907, and this is a correct copy of same.

CLYDE D. SMITH,

Secretary of the Senate.

# REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 8446) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with-

out amendment, and submitted reports thereon:

A bill (H. R. 526) granting an increase of pension to Robert Cole:

A bill (H. R. 560) granting an increase of pension to Wilson

A bill (H. R. 561) granting an increase of pension to Giles Townsend

A bill (H, R, 654) granting an increase of pension to Amos J. Loranger

A bill (H. R. 1171) granting an increase of pension to Alfred Nichols

A bill (H. R. 1223) granting an increase of pension to Andrew

A bill (H. R. 1232) granting an increase of pension to John V. Buskirk

A bill (H. R. 1242) granting an increase of pension to Luke Reynolds

A bill (H. R. 1377) granting an increase of pension to Thomas G. Dallman

A bill (H. R. 1474) granting an increase of pension to Thomas C. Fisher

A bill (H. R. 1574) granting an increase of pension to Franklin Sampson

A bill (H. R. 1665) granting an increase of pension to Frederick E. Hayward;

A bill (H. R. 1728) granting an increase of pension to George C. Vance

A bill (H. R. 1767) granting an increase of pension to James H. Marcum

A bill (H. R. 1838) granting an increase of pension to Asa J. Clother

A bill (H. R. 1851) granting an increase of pension to Ralph

D. Parsons A bill (H. R. 1890) granting an increase of pension to Adam

A bill (H. R. 2064) granting an increase of pension to Daniel

Sullivan A bill (H. R. 2270) granting an increase of pension to John

Lehn: A bill (H. R. 2324) granting a pension to Christina Vetter;

A bill (H. R. 2821) granting an increase of pension to Turner J. Preble;

A bill (H. R. 2905) granting an increase of pension to Burr

A bill (H. R. 3239) granting an increase of pension to George W. Stewart;

A bill (H. R. 3785) granting an increase of pension to Frederick W. Wagner; and

A bill (H. R. 4150) granting an increase of pension to John C. McGinis

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 23860) granting an increase of pension to William G. Cummings, reported it with an amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8775) granting an increase of pension to Carrie Diefenbach;

A bill (H. R. 4553) granting an increase of pension to William R. Wilkins

A bill (H. R. 4757) granting an increase of pension to Edward Willis

A bill (H. R. 5029) granting an increase of pension to Beverly W. Sullivan

A bill (H. R. 5050) granting an increase of pension to Ephraim M. Boltz

A bill (H. R. 5102) granting an increase of pension to James F. Travis

A bill (H. R. 5202) granting an increase of pension to Jennie R. Hunt :

A bill (H. R. 5388) granting an increase of pension to Silas Garrison

A bill (H. R. 5497) granting a pension to Cora Allie Booth; A bill (H. R. 5627) granting an increase of pension to John

C. L. Hargis; A bill (H. R. 5634) granting an increase of pension to John Redding;

A bill (H. R. 5774) granting a pension to Cornelia Mitchell; A bill (H. R. 5800) granting an increase of pension to Joseph G. Maddocks

A bill (H. R. 5926) granting a pension to Sarah C. Pitman; A bill (H. R. 6206) granting an increase of pension to Stephen

J. Henning A bill (H. R. 6237) granting an increase of pension to David Behthurum:

A bill (H. R. 6353) granting an increase of pension to John Shobert;

A bill (H. R. 6767) granting an increase of pension to Hobart P. Sweet

A bill (H. R. 7242) granting an increase of pension to Marcus Davis

A bill (H. R. 7255) granting a pension to Christopher Horn; A bill (H. R. 7374) granting an increase of pension to Elijah C. Adelotte

A bill (H. R. 7554) granting an increase of pension to Andrew Cramer

A bill (H. R. 7565) granting an increase of pension to Orville Dickinson

A bill (H. R. 7578) granting an increase of pension to Levi Hoskins

A bill (H. R. 7634) granting an increase of pension to Martha G. Matlack

A bill (H. R. 8408) granting an increase of pension to Richard Prost

A bill (H. R. 8503) granting an increase of pension to David C. May

A bill (H. R. 8682) granting an increase of pension to James P. Bledsoe

A bill (H. R. 8770) granting an increase of pension to Charles W. Burges

A bill (H. R. 8785) granting an increase of pension to John

A bill (H. R. 9256) granting an increase of pension to Martha E. Sanford;

A bill (H. R. 9445) granting a pension to Ida E. G. Pierce; A bill (H. R. 9448) granting an increase of pension to Thomas B. Hockley

A bill (H. R. 9664) granting an increase of pension to Edwin C. Durfey; and

A bill (H. R. 9785) granting an increase of pension to William A. Lyon.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon

A bill (H. R. 9850) granting an increase of pension to Ben-

jamin F. Williams;
A bill (H. R. 10023) granting a pension to Martha J. Lewis;
A bill (H. R. 10164) granting a pension to Emma L. Beatty; A bill (H. R. 10212) granting an increase of pension to Charles M. Arnold :

A bill (H. R. 10241) granting an increase of pension to Joseph M. Parish

A bill (H. R. 10301) granting an increase of pension to George A bill (H. R. 10430) granting an increase of pension to Samuel

A bill (H. R. 10431) granting an increase of pension to Charles W. Kenisston;

A bill (H. R. 10739) granting an increase of pension to N. Delmont McReynolds

A bill (H. R. 10889) granting an increase of pension to William H. Garrison : A bill (H. R. 10935) granting an increase of pension to Annie

L. Boone ;

(H. R. 11198) granting an increase of pension to Emanuel Sandusky A bill (H. R. 11285) granting an increase of pension to Wil-

liam Kirkpatrick

A bill (H. R. 11621) granting an increase of pension to Hollis Smith: A bill (H. R. 11845) granting an increase of pension to Wil-

liam J. Clark A bill (H. R. 11848) granting an increase of pension to George

E. York A bill (H. R. 11995) granting an increase of pension to Wesley

Layton A bill (H. R. 12240) granting an increase of pension to Albert

J. Ackerly; A bill (H. R. 12344) granting an increase of pension to An-

drew J. Sproul;

A bill (H. R. 12346) granting an increase of pension to Abraham D. Stouffer A bill (H. R. 12349) granting an increase of pension to Edgar

M. Barber

A bill (H. R. 12353) granting an increase of pension to Jacob Little:

A bill (H. R. 12563) granting an increase of pension to Andrew L. Hook;
A bill (H. R. 12580) granting an increase of pension to Charles

E. Youtt A bill (H. R. 12631) granting an increase of pension to James E. Leslie;

A bill (H. R. 12969) granting an increase of pension to Alex-

ander Buck; and
A bill (H. R. 13012) granting an increase of pension to Charles L. Cole

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (H. R. 17011) granting an increase of pension to Mary E. Brown, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13133) granting an increase of pension to Gilbert W. Clark;

A bill (H. R. 13163) granting a pension to Rittle Blackwell; A bill (H. R. 13334) granting an increase of pension to Eras-

A bill (H. R. 13810) granting an increase of pension to Abraham J. Simmons

A bill (H. R. 13816) granting an increase of pension to Thomas McPeek

A bill (H. R. 13963) granting an increase of pension to William H. Turner;

A bill (H. R. 14104) granting an increase of pension to Milton

A bill (H. R. 14228) granting an increase of pension to Abram Nussbaum:

A bill (H. R. 14244) granting an increase of pension to Edwin R. Phillips

A bill (H. R. 14779) granting an increase of pension to Willard Wheeler

A bill (H. R. 15241) granting an increase of pension to Samuel De Haven

A bill (H. R. 15452) granting an increase of pension to Solo-

A bill (H. R. 15492) granting a pension to William L. Tyler; A bill (H. R. 15543) granting an increase of pension to George W. Maynard;

A bill (H. R. 15688) granting an increase of pension to Esther

A bill (H. R. 15879) granting an increase of pension to Jacob

A bill (H. R. 16192) granting an increase of pension to Charles Reed

A bill (H. R. 16221) granting an increase of pension to Job Clark

A bill (H. R. 16261) granting an increase of pension to John

P. Bare A bill (H. R. 16343) granting an increase of pension to Fran-

cis D. Matheny; A bill (H. R. 16439) granting an increase of pension to Patrick Bogan;

A bill (H. R. 16607) granting an increase of pension to Mary

A bill (H. R. 16608) granting an increase of pension to Catharine McNamee

A bill (H. R. 16687) granting an increase of pension to Jefferson G. Turner;

A bill (H. R. 16718) granting an increase of pension to James Miltimore

A bill (H. R. 16819) granting a pension to John V. Sumner; A bill (H. R. 16834) granting an increase of pension to Allan S. Rose

A bill (H. R. 16839) granting an increase of pension to Benja-

min F. Johnson;

A bill (H. R. 16905) granting a pension to Anna E. Marble;
A bill (H. R. 16925) granting a pension to Johanne Lange;
A bill (H. R. 16939) granting an increase of pension to Patter-

son Reese A bill (H. R. 17002) granting an increase of pension to Levi

A bill (H. R. 17091) granting an increase of pension to George

Mr. BLACKBURN, from the Committee on the Judiciary, to whom was referred the bill (H. R. 24046) to incorporate the Hungarian Reformed Federation of America, reported it without amendment

Mr. HEMENWAY subsequently said: Mr. President, I was temporarily absent from the Chamber this morning when the Senator from Kentucky [Mr. Blackburn] reported the bill (H. R. 24046) to incorporate the Hungarian Reformed Federation of America. I desire to ask unanimous consent for its consideration at this time.

Mr. HALE. Mr. President, let the bill go over. The VICE-PRESIDENT. Under objection, the bill will go to the Calendar.

Mr. PETTUS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 24887) providing for a United States judge for the northern judicial district of Alabama, reported it without amendment, and submitted a report thereon.
Mr. CULBERSON, from the the Committee on the Judiciary,

to whom was referred the bill (8, 8427) to annul certain titles to land acquired by judicial proceedings in the courts of the United States in Texas, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. DICK, from the Committee on Naval Affairs, to whom was referred the bill (S. 7726) to correct the naval record of Charles C. Lee, reported it with an amendment, and submitted a report thereon.

Mr. KEAN, from the Committee on Territories, to whom was referred the bill (H. R. 23720) to aid the Council City and Solomon River Railroad Company, reported it without amendment.

Mr. ANKENY, from the Committee on Irrigation, to whom the subject was referred, reported an amendment proposing to amend the act approved June 17, 1902, entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," intended to be proposed to the agricultural appropriation bill, submitted a report thereon, and moved that it lie on the table, and be printed; which was agreed to.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (S. 8119) to readjust the boundaries of the naval reservations in Porto Rico established in pursuance of the act of July 1, 1902, reported it with an amendment, and submitted a report thereon.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (S. 8420) for the relief of the Mille Lac band of Chippewa Indians in the State of Minnesota, and for other purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

## PRINTING AND DISTRIBUTION OF DOCUMENTS.

Mr. PLATT. I submit a supplemental report from the Joint Printing Investigation Commission of the two Houses, and ask that it be printed in the RECORD.

The VICE-PRESIDENT. In the absence of objection, the report will be printed in the RECORD.

The report is as follows:

The report is as follows:

The Printing Investigation Commission respectfully supplements its preliminary report, dated March 26, 1906, by submitting herewith the draft of an act to amend the act providing for the public printing and binding and the distribution of public documents, approved January 12, 1895, and certain amendments thereto.

Much of the proposed act is necessarily a reenactment of existing law. Those phases of the proposed act which are in the nature of new legislation are designed to clarify inconsistencies and to dispose of what the Commission feels to be forced constructions of existing statutes, such forced constructions being justified only upon the ground of public necessity. REPRINTING OF BILLS.

such forced constructions being justified only upon the ground of public necessity.

REPRINTING OF BILLS.

For instance, under existing law no provision exists for the reprinting, in a number exceeding 300 copies, of any pending bill or resolution, no matter how great its importance or how great the public interest attaching to such pending legislation. Under existing law the number of copies of bills originally printed is limited to less than 1 copy for each Member and Delegate and 2 copies for each Senator. No provision of law exists for the reprinting of any public bill in a number exceeding 300 copies, and then only by action of the Joint Committee on Printing. It has been the practice, under what seems to the Commission to be a forced construction of section 99 of the act of January 12, 1895, for the Public Printer to reprint to any number required any public bill, on requisition of the Secretary of the Senate and the Clerk of the House of Representatives. This forced construction of the law has been in operation through many Congresses. Manifestly, there should exist provision of law whereby the supply of bills and resolutions in the document rooms of the Senate and House of Representatives may be replenished, and that upon requisition of the Secretary of the Senate and the Clerk of the House, who have jurisdiction over those offices and who are equipped to estimate properly the needs of such offices and who are equipped to estimate properly the needs of such offices and who are charged with much larger responsibilities in other matters. But, in the judgment of the Commission, such authority for reprinting should be within judicious limitations which would obviate the practice now existent which is susceptible of the greatest possible abuse. To deny, as the law at present denies, to these officers the authority to anticipate the needs of the Senate and the House, will either result in many embarrassing delays, or, on the other hand, in just such forced construction of the senate and the Public Printer, co

There is no provision for the reprinting of a public law, except by action of the Senate or the House. Such authority does not even

reside in the Joint Committee on Printing or the Committee on Printing of either House. The reprinting of a public law is of frequent necessity, and in most instances the laws being mere leadets the cost of such reprinting is most inconsequential. A recent proposition for reprinting a public law consisting of but one page involved extensive debate on the floor of one of the Houses of Congress, and the cost of the reprinting desired was not in excess of \$7. The Commission ventures the belief that the consumption of one minute's time of either House is of infinitely greater pecuniary consequence than the cost of the reprinting desired.

## REPRINTING OF COMMITTEE REPORTS.

REPRINTING OF COMMITTEE REPORTS.

The same condition obtains as to the reprinting of committee reports. The necessity for such reprinting occasionally arises. The Commission does not believe that in ordinary cases even the time of the Committee on Printing of either House, much less the time of the joint committee, and still less the time of the Senate or the House, should be consumed by such trifles. At present such reprints may be legally obtained only through the action of the Senate or the House, the committees being powerless to relieve the situation. Under past practices it has happened that the time of the Senate and the House has not been needlessly consumed with the consideration of these trivial propositions, but under present conditions, with the existing law being properly construed and strictly applied, the Committees on Printing will be compelled to ask both Houses for consideration of many of these cases, which manifestly are inconsequential. In most cases these reports are likewise mere leaflets.

Under the forced construction of existing statutes above referred to it has been the practice of the Public Printer to honor requisitions.

which manifestly are inconsequential. In most cases these reports are likewise mere leaflets.

Under the forced construction of existing statutes above referred to it has been the practice of the Public Printer to honor requisitions of the Secretary of the Senate and the Clerk of the House for reprints of bills, public laws, committee reports, and even miscellaneous documents, but manifestly the Public Printer under the same authority would be as fully justified in reprinting 1,000,000 copies of the Yearbook of the Department of Agriculture or the Congressional Record as he would be in reprinting a leaflet law or committee report or any document. It is in recognition of the practical necessity of providing a reasonably elastic method of securing such reprinting, yet with a desire to obviate the possibility of abuse, that the Commission has proposed the following amendment to the law:

"The Secretary of the Senate and the Clerk of the House of Representatives may order the reprinting, in a number not exceeding 1,000 copies, of any pending bill or resolution or any public law not exceeding fifty pages, or any report from any committee or Congressional commission, on pending legislation, not accompanied by testimony or exhibits or other appendices and not exceeding fifty pages, when the supply shall have been exhausted. The Public Printer shall require each requisition for reprinting to cite the specific authority of law for its execution."

The items of printing committed to the discretion of the Secretary of the Senate and the Clerk of the House will not exceed in any one instance a maximum cost of \$20, while the average cost would not be in excess of \$3.

PRINTING OF EXTRA COPIES.

In excess of \$3.

PRINTING OF EXTRA COPIES.

A condition practically parallel to that above cited, yet broader in scope, exists in respect of the printing of additional copies, now ordered by the Senate and the House within the \$500 limit, established by existing law. The law provides that extra copies of documents and reports within the limit of \$500 may only be secured by simple resolution of either House. It is believed by the Commission that the necessity of action by the Senate and the House in ordering the printing of extra copies within a reasonable limit can be very safely intrusted to the Joint Committee on Printing, thus relieving both Houses of a labor which occasionally becomes burdensome, owing to the inspiration of prolonged debate and the consumption of valuable time. The chief advantage which the Commission seeks to secure is in the avoidance of delays.

Frequently propositions coming within this class, after having been most carefully digested by the Committees on Printing, become subjects of extended inquiry on the floor entirely disproportionate to the pecuniary importance of the items involved, which in many instances do not exceed \$25 in cost.

In many instances the Committees on Printing have been censured on account of delays in securing the printing of documents and reports which were needed by the Senate and the House, such delays being unavoidable by reason of the reluctance of either House to consider them, or the existence of obstructive parliamentary situations. Usually the class of printing coming within this rule is of a nature requiring prompt attention and could better and with equal safety be met by the following, the proviso alone being new legislation:

The Commission proposes as a statute covering the aforesaid conditions the following, the proviso alone being new legislation:

The Commission proposes as a statute covering the aforesaid conditions the following, the proviso alone being new legislation:

"Orders for printing extra copies, otherwise than herein provided for, shall be by simple, concurrent, or joint resolution. Either House may print extra copies to the amount of \$500 by simple resolution; if the cost exceeds that sum, the printing shall be ordered by concurrent resolution, except when the resolution is self-appropriating, when it shall be by joint resolution. Such resolutions, when presented to either House, shall be referred immediately to the Committee on Printing, who, in making their report, shall give the probable cost of the proposed printing upon the estimate of the Public Printer; and no extra copies shall be printed before such committee has reported: Provided. That the printing of additional copies may be performed upon orders of the Joint Committee on Printing within a limit of \$200 in cost in any one instance."

AUTHORITY TO PRINT COMMITTEE HEARINGS.

The present law provides for the printing of hearings of committees to the number of fifty copies, which may be enlarged upon the approval of the Committee on Printing of each House to such a number of copies as can be printed within the \$500 limit, and provides, further, that there shall not be printed for the use of any committee "any hearing or other document costing in excess of \$500." The intent of the law in respect of the limitations of committee printing is evidently to place the number of copies authorized to be printed at fifty and the limitation as to cost at \$500, yet the Commission is aware that both these limitations are frequently and necessarily disregarded. The Commission is in possession of data showing numerous instances where necessary printing for committees has been largely in excess of the limitations imposed by law. In one instance, that of the Senate Committee on Interstate Commerce in the railroad-rate hearings, comprising a set of five volumes, the printing involved an original expense of \$7,910, whereas the law clearly places the limitation at \$500. The Commis-

sion, recognizing the paramount importance of and large public interest in the proceedings of that committee, is not disposed to criticise either the committee in question or the Public Printer, since Congress was not in session and since the practice followed by the Public Printer was an inheritance from his predecessors.

The original print of the hearings on the Government Hospital for the Insane cost \$4,776, and even the hearings of the Committees on Appropriations frequently exceed the limitations now imposed by law. The Commission is prepared to admit that much of this costly printing for committees is absolutely necessary, yet, as has been suggested heretofore, the law, in affording committees reasonable latitude in the printing of their hearings, should likewise guard against the possibility of great abuses through the printing of large editions, recognizing that there is at all times authority in Congress for printing such hearings up to any number which Congress may deem necessary. It has therefore placed a limitation upon the number of copies of hearings for the use of committees, making it sufficiently large to meet all reasonable requirements, while placing an absolute limit which committees themselves shall not exceed.

While the Commission is not disposed to criticise the past disregard of law as to the cost of printing within the number authorized, it can not so readily excuse the disregard of the limitations as to the number of copies supplied for committee distribution. In certain instances hearings have been printed for committees to the number of several thousand copies, in one instance reaching the number of 10,000.

The proposal of the Commission on this phase of its suggested legislation is as follows:

"No committee of Congress shall be empowered to procure the printing of more than 200 copies of any hearing or other document for its nee, except upon the approval of the Committee on Printing of either House of Congress, and then in a number not exceeding 500 copies."

COMMITTEE HEARINGS

#### COMMITTEE HEARINGS TO BE PRINTED AS NUMBERED DOCUMENTS.

COMMITTEE HEARINGS TO BE PRINTED AS NUMBERED DOCUMENTS.

No provision of law exists at the present time for the preservation of committee hearings in the form of public documents, and much valuable information, which, indeed, is the foundation upon which all important legislation of Congress is based, is ultimately lost to the world. The importance of preserving these hearings has been suggested not only by the Librarian of Congress, but by the librarians of many of the principal libraries of the country, and the Commission has no doubt that an inquiry addressed to librarians generally would reveal a practically unanimous demand for the preservation of matter of such vital importance.

Oute outside the demands which presumably reach the librarians of

tically unanimous demand for the preservation of matter of such vital importance.

Quite outside the demands which presumably reach the librarians of the country for such hearings, it is apparent that Congress can not afford to permit matter so vital to itself to be lost.

Whereas many librarians suggest that certain documents now received could be properly eliminated from the depository lists without public loss, there seems to be a unanimity of opinion among librarians as to the value of committee hearings, which they are now enabled to obtain only by chance.

The Commission, in its proposed enactment, takes cognizance of those hearings which are of a strictly confidential character and makes provision for their protection.

The Commission recognizes that in the printing of the "usual number" of committee hearings it may not be important to supply the document rooms of the Senate and the House, but under the present regulations of the Joint Committee on Printing these offices would be supplied only to the extent of the demands made upon them; in other words, there exists to-day a provision of law whereby such printing can be kept at a figure absolutely minimal.

The proposed legislation providing for the printing of committee hearings as public documents is as follows:

"All committee hearings, or hearings of Congressional commissions, not accompanying reports, shall be printed as numbered documents, except when held in confidence by order of the committee or commission, in which case it shall be the duty of the chairman thereof to notify the Public Printer, in writing, of such action when the order to print is given."

## PRINTING IN DOCUMENT FORM OF DEPARTMENT REPORTS, ETC.

PRINTING IN DOCUMENT FORM OF DEPARTMENT REPORTS, ETC.

Another abuse sought to be corrected, the magnitude of which can only be appreciated by extensive research, resides in the present practice of both Houses of Congress, under existing law, of ordering printing in document form of matter transmitted to it by Departments, bureaus, commissions, and boards, and miscellaneous reports referred to committees, which, under the operation of standing rules of both Houses, are ordered printed as a matter of form concurrently with their reference to appropriate committees. Under this practice occasionally printing of enormous magnitude but of doubtful importance occurs, involving an alarming encroachment upon the allotment of the appropriation for printing and binding for Congress.

While it is manifest that the right of either House to order original printing for its use should not be obstructed, yet it is equally certain that neither House should blindly order printing without full knowledge of the consequences of its action. As an illustration of the abuse likely to occur under present practices, the case may be cited of a report transmitted to Congress upon request of the Senate comprising purely statistical matter, important in itself, but worthless for circulation, and presenting little more than an exhibit of book keeping. The cost of printing this matter as a document, under the formal order of the Senate to print, would have amounted to nearly \$60,000. Had not a resolution for the printing of extra copies been introduced, which resolution was referred to the Committee on Printing in each House, and which brought to said committees their first knowledge of the original proposal to print, the abuse would never have come to light. The original order was made under the automatic rule of the Senate, without reference to a committee having jurisdiction over its printing. The attention of the Committees on Printing having thus been drawn to the original order to print, resulting in a necessary estimate as to the cost

edge of its scope.

Any amendment of the law calculated to reach this abuse must necessarily take cognizance of those multitudinous instances where formal orders to print must necessarily issue with comparatively little regard for cost, since the cost is trivial. The Commission in its proposed amendment of the law makes provision not only for the pro-

tection of Congress in the matter of extravagance, but safeguards both Houses against the inconvenience which would follow an arbitrary rule applicable in all cases. It would manifestly be not burdensome to any committee of Congress or to any Executive Department, bureau, board, or independent office of the Government transmitting reports to Congress, either in response to inquiries or in submission of original reports of great volume, to accompany them with an estimate of the cost of printing, that Congress, in issuing its order to print, should act in the light of such information rather than in total ignorance thereof, as at present.

In the general investigation of the problems of the public printing and binding, accusations of extravagance against Congress itself were freely made by those familiar with the general subject. The Commission is free to admit that much of this criticism is well founded, and that the efforts of the Commission to reform extravagances in the Departments can be more consistently, if not more successfully, prosecuted when Congress shall have first applied remedial measures to its own operations.

when Congress shall have first applied remedial measures to its own operations.

Hence, it is proposed that there shall be adopted a provision of law in the following language:

"Either House may order the printing of a document not already provided for by existing law, but only when the same shall be accompanied by an estimate from the Public Printer as to the probable cost thereof. Any Executive Department, bureau, board, or independent office of the Government submitting reports of documents in response to inquiries from Congress shall submit therewith an estimate of the probable cost of printing to the usual number. Nothing in this paragraph shall apply to reports or documents not exceeding fifty pages."

COST OF PRINTING CERTAIN REPORTS TO BE CHARGED TO CONGRESSIONAL ALLOTMENT FOR PRINTING.

COST OF PRINTING CERTAIN REPORTS TO BE CHARGED TO CONGRESSIONAL ALLOTMENT FOR PRINTING.

The Commission, in its investigation, found that one of the chief sources of extravagance lay in the fact that the original cost of departmental printing had been chargeable to the Congressional allotment, instead of the departmental allotments, the Congressional allotment serving as a general fund to which all Departments had free access. To cure the extravagances growing out of this system, the Commission recommended to Congress at its last session, and Congress enacted a provision of law, whereby the original cost of the composition, stereotyping, etc., on all Department publications became chargeable to the allotment of the Department or office from which such publication emanated. The Commission recognized, at the time of the enactment of this provision of law, that the application of this principle would, in sporadic instances, invite a measure of opposition on the score of possible inequalities, but an examination of the practical application of this new principle reveals fewer instances of such inequalities than the Commission had reason to anticipate, and none which can not readily be adjusted.

Mindful of the practice which led to large drafts upon the Congressional allotment in the printing of matter emanating from Executive Departments and properly chargeable to their own appropriations, the closing of which door to extravagance was accomplished in the enactment of public resolution No. 13 of the last session appropriation for printing and binding, and placing this appropriation again, in any degree, at the mercy of those who heretofore encroached upon it.

But the Commission is disposed to recognize the necessity for some equitable provision for the printing of boards and societies of quasipublic character, which, under their charters, are required to report to Congress, but to whom no appropriation or allotments of appropriations for printing are made.

The Commission therefore proposes to meet this necessity

NUMBERING OF CONGRESSIONAL DOCUMENTS AND REPORTS

NUMBERING OF CONGRESSIONAL DOCUMENTS AND REPORTS.

One of the complaints reaching the Commission from librarians and others having custody and frequent use of public documents, Congressional and departmental publications, has been on the score of duplication of and vagueness in titles. Since the opening of the Fifteenth Congress, in 1817, all documents and reports printed by order of Congress have been numbered in series, presumably for convenience of identification. The question of consecutive numbering seems to have overshadowed both the importance of either title or classification, and that which may have been in the early stages of our history a convenience has become not only an inconvenience, but grotesquely confusing.

It is conceivable that the present system was applicable to conditions existing at the time of its adoption, when but 647 documents and reports were printed during the entire term of a Congress, but when applied to present conditions, which involve the issuance of from 10,000 to 12,000 publications during the term of one Congress, the number in the Fifty-eighth Congress having been 11,189, with prospects of greater increase as the operations of the Government are amplified, it is apparent that some alteration of practice should follow.

Under prevailing practices a multiplication of designations, necessitating the employment of six different terms to describe a document without even then disclosing its title, has resulted, as in the case of "Fifty-first Congress, second session, vol. 16 of House Executive Document," which is "part 2 of vol. 5 of part 5 of No. 1 of part 2 of vol. 16."

To exclude from the numbered series all but strictly Congressional documents would obviate the confusion above noted, working no hard-

ment," which is "part 2 of vol. 5 of part 5 of No. 1 of part 2 of vol. 16."

To exclude from the numbered series all but strictly Congressional documents would obviate the confusion above noted, working no hardship upon anyone, depriving no Senator or Member of any part of his quota, but meeting the enthusiastic approval of every librarian charged with the custody of public documents.

The remedy contemplated by the Commission would further enable the superintendent of documents to supply to designated depository departmental publications while the same were of current interest, instead of withholding such publications until they can receive their document number in the Congressional series. By reason of the delay in supplying the depositories due to the present practice, these depositories secure, through Department officials or through Senators and Representatives, copies of the departmental editions of current publications. In due course of time, but in many instances after such documents and reports are no longer current, these depositories are supplied with duplicate copies of the same publications under the

regular depository distribution. The original copy is then returned to the superintendent of documents, who must find some other outlet of distribution for a document out of date; and, as a result, hundreds of tons of such documents returned from various depositories are lying in the warehouses of the Government, with no one willing to receive them. The expense of the unnecessary mail transportation alone is an item of which Congress may well take cognizance.

But more important than all other considerations, from the standpoint of expense, is the unnecessary cost of putting every departmental publication, including all the annual and the more important bureau reports, to press for a second time. It should be understood that before these publications are transmitted to Congress they are printed as departmental publications, and printed copies rather than manuscript copies constitute the report officially transmitted. These manual copies of the Commission cures this glaring evil.

The remedial provision proposed by the Commission contemplates the exclusion from the numbered Congressional series of all departmental publications and provides for their designation by title. It will also afford to the superintendent of documents, whose duty it is to compile these publications for purposes of binding and distribution, authority to classify them by subjects instead of as now, arbitrarily, by consecutive numbers, such numbers and arrangement being governed only by the date of their transmittal to Congress.

The arrangement suggested in the proposed legislation has been presented to the Librarian of Congress, as well as to many of the other important libraries of the country, and, without exception, it has met with their approval. In fact, the criticism of the present method and the suggestion of the proposed reform emanated from the librarians, and the importance of its adoption has been frequently urged by the American Library Association. The Commission has yet to hear of a single objection urged by any librarian or

## OFFICE OF SUPERINTENDENT OF DOCUMENTS.

OFFICE OF SUPERINTENDENT OF DOCUMENTS.

The Commission is impressed with the inequity of charging against the expense of the public printing and binding the cost of administration of the office of superintendent of documents, which is distinctively a cataloguing and publishing office and in no sense a printing office.

It has been frequently charged that the cost of production in the Government Printing Office exceeds that which obtains in commercial printing establishments. It would be just as equitable to charge to the expense of printing and binding the administration of the publication offices of the various Executive Departments as to charge against the departmental allotments for printing and binding the administration of the office of the superintendent of documents, which is now actually done. The expense of the public printing and binding can much more justly be computed by the elimination of so irrelevant an item as that to which allusion has been made.

The proposed enactment to remedy this condition is embodied in the following language:

"That after June 30, 1907, no part of the expense of the administration of the office of superintendent of documents shall be charged to any appropriation or allotment of appropriation for the public printing and binding, but shall be otherwise specifically appropriated for; and the administration of said office of superintendent of documents shall be under the direction of the Public Printer, as heretofore."

# DESIGNATED DEPOSITORIES AND LAND-GRANT COLLEGES.

The Commission invites attention to an anomalous condition in respect of the depository distribution. The law to-day provides for the delivery to the superintendent of documents of 501 copies of each public document, for distribution to designated depositories, and State and Territorial libraries, while the actual number of such depositories may be considerably in excess of this number and is actually to-day 539. That certain Members of Congress have not availed themselves of their right to designate depositories has afforded the only relief from what would otherwise have been a very embarrassing condition. The number of such depositories may be increased in future years as the redistricting of States may occur under laws of reapportionment. The Commission deems it most desirable that some automatic provision of law may be provided whereby the number of documents available for depositoriey distribution may be placed upon a parity with the number of depositories designated. Added to its provision for the correction of this evil, the Commission has deemed it desirable to include among designated depositories the land-grant colleges. This list of educational institutions number sixty-five, embracing many of the leading colleges and universities of the country, including such institutions as the Alabama Polytechnic Institute, the University of California, the University of Illinois, Purdue University, Cornell University, the Virginia Agricultural and Mechanical College and Polytechnic Institute, the Hampton Normal and Agricultural Institute, and

many others, the combined membership of whose faculties number 2,672, or an average faculty of forty-one.

The total cost involved in the proposed increase in the number of depositories would not exceed \$30,000, but from this sum should be deducted the cost of the volumes supplied to these institutions through personal requests on Departments, Senators, and Members of Congress, which, the Commission has reason to believe, includes fully 50 per cent of the depository publications.

The amendment to the present law to cover this phase of the Commission's investigations is in the following language:

"That upon request of the superintendent of documents the Public Printer is hereby authorized and directed to either increase or diminish the number of copies of publications furnished for distribution to designated depositories, or State and Territorial libraries, so that the number of copies delivered shall be equal to the number of libraries on the list: Provided, That the number thus delivered shall at no time exceed the number authorized under existing statutes: And provided further, That the allotment of 501 copies furnished for distribution to libraries be increased or reduced, from time to time, as the redistricting of States or the rearrangement of depository lists under provisions of law shall demand, to such numbers as may be necessary to comply with the law: And provided further, That all land-grant colleges shall be constituted as depositories for public documents, subject to the provisions and limitations of the depository law."

LAPSE OF AUTHORITY TO PRINT WITHIN TWO YEARS.

LAPSE OF AUTHORITY TO PRINT WITHIN TWO YEARS.

The final provision suggested in the measure which accompanies this report, while apparently trivial in its character, is nevertheless important and essential to the proper application and administration of the provisions of public resolution No. 14 of the last session of Congress, authorizing the printing of Government publications in editions, as the public needs may require, instead of to an arbitrary number, regardless of the demand therefor. The amendment in question provides that where the whole number of copies of any document shall not have been ordered within one year from the date of the original order the authority to print shall lapse, except upon the approval of the Joint Committee on Printing.

It is apparent that in most instances the demand for the average document not of commanding public interest will have ceased at the expiration of a year's time, and essentially the account should be closed. It is recognized that there may be, and probably will be, exceptions to this rule, which are safeguarded by the vesting of authority in a competent committee to order subsequent editions, within the original limitations, where a legitimate demand is known to exist.

The legislation proposed for the proper application of public resolution No. 14, above referred to, is in the following language:

"In the printing of any document or report or any publication authorized by law to be printed, or hereafter authorized to be printed, the whole number of copies of which shall not have been ordered within two years from the date of the original order, the authority to print shall lapse, except as orders for subsequent editions may be approved by the Joint Committee on Printing, and then in no instance shall the whole number exceed the number originally authorized by law."

It may be stated in this connection that under the operation of public resolution No. 14 aforesaid, the printing of fully 1,000,000 volumes within the current year has been saved in the Congressiona

ernment warehouses and would in time have become obsolete and worthless.

The appropria ions for the public printing and binding had grown from \$3,774,498.33, in the fiscal year 1896, to \$6,963,255.82, in the fiscal year 1906. Under this rapid growth the appropriation for the current fiscal year would have been in the neighborhood of \$7,500,000, instead of which it was considerably under \$6,000,000, including specific appropriations, and the needs of the Government in this respect will have been amply supplied.

This showing is the result of some intelligent legislation, which, while vigorously effective, has been devoid of hardship or embarrassment to Congress or any Department of the Government. It can be safely asserted, on the contrary, that the public printing and binding to-day is being performed under conditions of greater facility and acceptability than ever before in the history of the Government. The Commission, as a result of its investigations and deliberations, is convinced that this enormous saving, in the face of a constantly increasing volume of matter requiring to be printed and a continuous amplification of governmental operations inevitably resulting from the growth and expansion of the country's industries, can be largely supplemented after further research by those competent to make such research, in the way of simplification of methods, reforms in distribution, avoidance of costly duplications, and cooperation on the part of those officials of the Government charged with the responsibility of publication.

T. C. Platt.

We preserve Wessel.

T. C. PLATT, WM. PINKNEY WHYTE, C. B. LANDIS, J. B. PERKINS, J. M. GRIGGS.

I also introduce a bill relative to the same sub-Mr. PLATT. ject, and ask that it be referred to the Committee on Printing. The bill (S. 8510) to amend an act providing for the public

printing and binding and the distribution of public documents was read twice by its title, and referred to the Committee on

Printing.

# INDIAN TRIBAL FUNDS.

Mr. CLAPP. I am directed by the Committee on Indian Affairs, to whom was recommitted the bill (II. R. 5290) providing for the allotment and distribution of Indian tribal funds, to report it favorably with amendments, and I submit a report I ask unanimous consent for the present consideration thereon. of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment was, in line 3, after the word "the," to

strike out "President" and insert "Secretary of the Interior; in line 4, after the word "authorized," to strike out "in his discretion" and insert "and directed;" in line 6, after the word cretion" and insert "and directed;" in line 6, after the word "deem," to strike out "to be sufficiently advanced in civilization;" in line 8, after the word "her," to strike out "own;" in line 12, before the word "amount," to strike out "said" and insert "the;" in the same line, after the word "amount," to insert "so apportioned and allotted;" on page 2, line 2, after the word "shall," to strike out "be paid to" and insert "thereupon be subject to the order of;" in line 3, after the word "Indian" to strike out "at such times and in such manner as the dian," to strike out "at such times and in such manner as the President may direct;" and in line 6, after the word "therefor," to strike out:

And before any portion thereof is paid, such Indian shall file a re-lease of any further interest in the tribal or trust funds of such tribe or tribes of which he may be a member, such release to cover any funds that may hereafter be deposited to the credit of such tribe or tribes.

So as to make the section read:

So as to make the section read:

That the Secretary of the Interior is hereby authorized and directed, from time to time, to designate any individual Indian belonging to any tribe or tribes whom he may deem to be capable of managing his or her affairs, and he may cause to be apportioned and allotted to any such Indian his or her pro rata share of any tribal or trust funds on deposit in the Treasury of the United States to the credit of the tribe or tribes of which said Indian is a member and the amount so apportioned and allotted shall be placed to the credit of such Indian upon the books of the Treasury, and the same shall thereupon be subject to the order of such Indian: Provided, That no apportionment or allotment shall be made to any Indian until such Indian has first made an application therefor.

The amendment was agreed to

The amendment was agreed to.

The next amendment was, on page 2, to strike out section 2, in the following words:

Sec. 2. That the President shall, by Executive order, prescribe rules and regulations to carry out the purposes of this act. Such regulations may also provide the method and proceedings for the distribution of the share of any allottee who may die before payment and after such allotment on the books of the Treasury Department.

And in lieu thereof to insert:

SEC. 2. That the Secretary of the Interior is hereby authorized to pay any Indian who is blind, crippled, decrepit, or helpless from old age, disease, or accident, his or her share of the tribal trust funds in the United States Treasury belonging to the tribe of which such Indian is a member, and of any other money which may hereafter be placed in the Treasury for the credit of such tribe and susceptible of division among its members, under such rules, regulations, and conditions as he may prescribe: Provided, That this authority shall not apply to any fund against which the United States has advanced money to be reimbursed from such fund, until such reimbursement has been made.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. CLAPP. The amendment on page 1, line 4, inserting the words "and directed" should not be concurred in.

The amendment was nonconcurred in.

The VICE-PRESIDENT. The question is on concurring in the remaining amendments made as in Committee of the Whole. The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed,

# PEARL RIVER BRIDGE, MISSISSIPPI.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 25366) to authorize the New Orleans and Great Northern Railroad Company to construct a bridge across Pearl River, in the State of Mississippi, to report it favorably without amendment.

Mr. McLAURIN. I ask unanimous consent for the immediate consideration of the bill just reported by the Senator from

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT LOUISIANA, MO.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 25046) to authorize the construction of a bridge across the Mississippi River at Louisiana, Mo., to report it favorably without amendment.

Mr. STONE. I ask unanimous consent for the present con-

sideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSÉ MARCH DUPLAT.

Mr. WARREN. From the Committee on Military Affairs I report a joint resolution and ask for its present consideration.

The joint resolution (S. R. 92) to authorize the Secretary of War to permit José March Duplat to receive instruction at the Military Academy at West Point was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he hereby is, authorized to permit José March Duplat, of Venezuela, to receive instruction at the Military Academy at West Point: Provided, That no expense shall be caused to the United States thereby, and that the said Duplat shall agree to comply fully with all regulations for the police and discipline of the United States Military Academy; that he shall be studious, and that he shall give his utmost efforts to accomplish the courses in the various departments of instruction: And provided further, That in the case of the said Duplat the provisions of sections 1320 and 1321 of the Revised Statutes of the United States shall be suspended.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered

as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### THE NATIONAL GERMAN-AMERICAN ALLIANCE.

Mr. DILLINGHAM. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 11273) to incorporate The National German-American Alliance, to report it favorably without amendment.

Mr. KNOX. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill.

Let the bill go over. Mr. HALE.

The VICE-PRESIDENT. Objection being made, the bill will be placed on the Calendar.

#### MISSISSIPPI RIVER DAM NEAR SAUK RAPIDS, MINN.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (S. 8400) to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904, to report it back with an amendment, and I submit a report thereon. This is a short local bill, and I ask for its present consideration. It will take but a moment.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

The amendment was, on page 1, line 9, before the word "years," to strike out "four" and insert "three;" and after the word "years" to insert "and six months;" so as to make the bill read:

Be it enacted, etc., That section 3 of an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904, be, and the same is hereby, amended so as to read as follows:
"Sec. 3. That this act shall be null and void unless the dam herein authorized be commenced within three years and six months and be completed within six years from the time of the passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## W. W. PEIRCE.

Mr. DICK. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 17875) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of W. W. Peirce, to report it favorably without amendment, and I submit a report thereon. I invite the attention of the senior Senator from North Carolina [Mr. SIM-MONS] to the bill.

Mr. SIMMONS. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Ohio.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# NAVAL APPROPRIATION BILL.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 24925) making appropriation for the naval service for the fiscal year ending June 30, 1908, and for other purposes, to report it with amendments and to submit a report thereon. I give notice, Mr. President, that I shall ask the Senate to take up the bill to-morrow morning after the routine morning business.

The VICE-PRESIDENT. The bill will be placed upon the

Calendar.

## BILLS INTRODUCED.

Mr. TALIAFERRO introduced a bill (S. 8511) granting a pension to George L. Dancy; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 8512) for the relief of James J. Abbott; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAY introduced a bill (S. 8513) granting an increase of pension to Fannie Jones; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 8514) to provide for raising a Volunteer Army of the United States in time of actual or threatened war; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. CURTIS introduced a bill (S. 8515) extending the existing pension laws to the Kansas Militia and other persons who rendered valiant service under regular United .States officers in line of action during the war of the rebellion from 1861 to 1865; which was read twice by its title, and referred to

the Committee on Pensions.

Mr. CLAPP (by request) introduced a bill (S. 8516) to refer to the Court of Claims the claims of persons of mixed Choctaw or Chickasaw Indian and negro blood, arising under the treaty of September 27, 1830; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SCOTT introduced a bill (S. 8517) for relief of the council of St. Peter's Evangelical Lutheran Church, of Shepherdstown, W. Va.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. FULTON (for Mr. Crane) introduced a bill (S. 8518)

authorizing and directing the Secretary of the Interior to sell to Percival Lowell certain land situate in the county of Coconino, Territory of Arizona, and within the limits of the San Francisco Mountains Forest Reserve; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CULLOM introduced a bill (S. 8519) for the relief of the Chicago, Peoria and St. Louis Railway Company of Illinois; which was read twice by its title, and referred to the Committee on Finance.

# AMENDMENTS TO APPROPRIATION BILLS.

Mr. HANSBROUGH submitted an amendment proposing to appropriate \$10,000 for a preliminary geological examination of the lignite areas of North Dakota, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be

Mr. DEPEW submitted an amendment proposing to appropriate \$2,500 to be paid to Mrs. Sidonia Thieriot, widow of Jacob H. Thieriot, late United States consul to Lisbon, being the equivalent of one year's fees as consul at Lisbon, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations. and ordered to be printed.

Mr. FULTON (for Mr. Crane) submitted an amendment proposing to appropriate \$1,250,000 for the transmission of mail by pneumatic tubes or other similar devices, etc., intended to be proposed by Mr. Crane to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. FLINT submitted an amendment relative to the Mare Island Navy-Yard, Cal., etc., intended to be proposed by him to the naval appropriation bill; which was referred to the Com-

mittee on Naval Affairs, and ordered to be printed.

Mr. FRYE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be

# SENATOR FROM UTAH.

Mr. HOPKINS submitted the following amendment intended to be proposed by him to Senate resolution No. 142, relative to the right of Reed Smoot to a seat in the Senate; which was ordered to lie on the table and be printed.

After the word "Resolved," in line 1, insert the following: "two-thirds of the Senators present concurring therein."

PRODUCTION OF INDIA RUBBER IN THE PHILIPPINES.

Mr. CARMACK (for Mr. Morgan) submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Bureau of Insular Affairs, through its Chief, is directed to inform the Senate as to the rubber-producing capacity of the several islands of the Philippine Archipelago that belong to the United States. And that he give an approximate area of rubber-producing lands in said several islands that belong to the Government of

the United States, and of the different descriptions of rubber-bearing trees, vines, and bulbs from which india rubber is derivable, and the general bearing productiveness of such islands as commodities of commercial value. And that in aid of this investigation the government of the territory of the Philippines is requested to give its attentive consideration and assistance.

INDIA-RUBBER CONCESSIONS IN THE KONGO FREE STATE.

Mr. CARMACK. For the Senator from Alabama [Mr. Mor-GAN] I submit a resolution, and ask for its present-consideration.

The resolution was read, as follows:

The resolution was read, as follows:

Resolved, That the President is requested, if it is not incompatible with the public service, to inform the Senate whether the Government has information as to any concession from King Leopold of Belgium, as sovereign of the Kengo Free State, to any company or syndicate of citizens of the United States for the gathering of India rubber within the area of the territory of the Free State of the Kongo, located at the mouth or along the banks of the Kassai River, from its junction with the Kongo River southerly into the rubber forests or areas of that part of the Free State of the Kongo.

And that he inform the Senate of the names of American citizens to whom such concession has been made, and as to the territorial boundaries thereof, and as to the terms thereof, and as to the rights, privileges, and powers given by such concession to such company or syndicate to exercise government or control over the native people of such area, either separately or in cooperation with the government exercised by King Leopold over the Free State of the Kongo. And that the President inform the Senate whether the company or syndicate, as above referred to, has submitted its concession to the Government of the United States for approval or disapproval, and whether the same has been approved.

And also that the President is requested to inform the Senate whether the Government has any information as to the exclusive concession of a right to gather rubber in the forests of Liberia has been made by the Liberian Government to a British company or syndicate, and the terms and conditions of such concession, and to what extent the same has been or is being executed.

The VICE-PRESIDENT. Is there objection to the present

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HALE. I have no objection to the resolution being referred to the Committee on Foreign Relations.

Mr. CARMACK. I had asked for its present consideration. Does the Senator object?

Mr. HALE. Let it be referred.

The VICE-PRESIDENT. Objection is made to the present consideration of the resolution, and it will be referred to the Committee on Foreign Relations.

## SAMANA BAY COMPANY.

Mr. DEPEW submitted the following resolution; which was referred to the Committee on Foreign Relations:

Resolved, That the President of the United States is hereby requested to enter into correspondence with the Government of the Dominican Republic with the view to impressing upon that Government the justness of submitting to a court of arbitration the claim of the Samana Bay Company against said Government.

# WILLIAM O. BEALL,

Mr. PATTERSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to transmit to the Senate all complaints against the official conduct of William O. Beall, formerly secretary to the Commission to the Five Civilized Tribes, and made the subject of investigation during the months of November and December, 1906, by William Dudley Foulke, special inspector, together with all evidence taken before or secured by the said inspector, his report thereon, and any and all records in the custody of the Department relative thereto.

# DISTRICT HEALTH DEPARTMENT.

Mr. GALLINGER. Mr. President, I offer the resolution which I send to the desk, for which I ask present consideration.

The VICE-PRESIDENT. The resolution submitted by the

Senator from New Hampshire shall be read.

The Secretary read the resolution, as follows:

Resolved, That the Commissioners of the District of Columbia are hereby directed to forthwith transmit to the Senate the names of all employees in the health department of the District, their several duties and titles, if any, and the amount of compensation in each case.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. GALLINGER. Mr. President, I desire to make a brief observation concerning the resolution I have offered, and will ask the Secretary to read an editorial from the Washington Post of this morning.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

# AN OPEN DOOR TO DANGER.

The remarks of Health Officer Woodward regarding the necessity for giving increased authority to milk inspectors and providing for more complete inspection of outside dairies are deserving the carnest attention of Congress. Although the District has been fairly well cared for this year in other respects, the health department of Washington has been treated in niggardly fashion by Congress. The officials are underpaid, and their number is inadequate to perform the work as it should be done. The dairies furnishing milk to the people of the District are not properly inspected. Some of them are not inspected at all. Tuber-

culous cows have been discovered in dairies supplying the District with milk, and in other dairies the disregard of sanitary precautions is appalling.

The health department is unable to enforce its own regulations in respect to contagious diseases. School children are not properly protected, and parents are not warned of the presence of contagious diseases in the schools. Milkmen are not promptly notified of the existence of contagious diseases among their patrons, with the result that no precautions whatever are taken to prevent the spread of disease by the circulation of bottles. The markets of Washington, although they are much cleaner than those of many other cities, are admitted to be deserving of closer inspection.

It is impossible for the health officer and his assistants to exercise the vigilance necessary to protect the people of Washington on the small allowance made by Congress. The door is open to danger, and only good fortune seems to prevent serious consequences. The good health of Washington, in other words, continues in spite of the mockery of organized protection and not because of its ministrations.

Mr. GALLINGER. Mr. President, that is rather a remark-

Mr. GALLINGER. Mr. President, that is rather a remarkable pronouncement from a leading paper of the city of Washington, and I would not make a single observation concerning it were it not for the fact that similar matter has found its way into the columns of newspapers in other sections of the country.

The fact is that, as a member of the Committee on the District of Columbia, I have been laboring for sixteen long years in promoting legislation covering medical and sanitary matters in this District; and I venture to say that there is not a city in the American Union that has on its statute books as many laws relating to these subjects as has the District of Columbia, and in view of that fact, it is rather astonishing to me that the health officer of this District feels it his duty to rush into print and say to the people of this District, to the Congress of the United States, and to the people of this District, to the congress of the United States, and to the people of the country that we have neglected matters of health in the city of Washington. A few days ago the distinguished Chemist of the Agricultural Department, Doctor Wiley, felt it his duty to take a shy at the committees of Congress in regard to this matter, saying that we were neglecting legislation in reference to the public health. From various quarters has come the same cry, that adequate support is not being given to that important department of the District government, and that, as a result, we are having impure milk; that our school children are being neglected, so far as their health is concerned, and that all sorts of calamity is threatening the people of this District because of our disregard of the rights of the people.

Why, Mr. President, regarding the school children, we have physicians whose duty it is to examine them every day to ascertain whether or not they are in good health, or whether they show any indication of contagious disease, and we have legislated over and over again regarding contagious diseases at the instance of the health officer. I do not know what more we can do in that direction than we have done; and yet this editorial says that we are leaving the school children to the mercy of contagious diseases without doing anything to remedy the evil.

Now, Mr. President, I have submitted this resolution for the purpose of ascertaining precisely how many officials are employed by the health department of the District of Columbia, what their salaries are, inasmuch as this editorial says they are underpaid, and what their various duties are, so that we may be able intelligently to take up this matter, and if the health department needs more assistance, I feel sure that the committees of Congress will be glad to give it; but I want to add that I think in our legislation heretofore we have been reasonably liberal in that regard.

I trust the resolution may be passed.
The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

SCHOOL LAND AT ST. AUGUSTINE, FLA.

Mr. NELSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment, in the form of a substitute, of the House to the bill (S. 1726) entitled "An act making provivision for conveying in fee the piece or strip of ground in Saint Augustine, Florida, known as 'The Lines,' for school purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with amendments as follows:

Page 1, line 4, after the word "Matanzas," insert the words "or San Sebastian."

Page 1, line 5, strike out the words "Chief of Engineers" and

insert in place thereof the words "Secretary of War."

Page 1, line 9, strike out the word "city."

Page 1, line 9, after the word "instruction," insert the following words: "of Saint Johns County, Florida."

That the title of said act read as follows: "An act making provision for conveying in fee the piece or strip of ground in Saint Augustine, Florida, known as 'The Lines,' for school purposes to the board of public instruction of Saint Johns County, Florida."

And the Senate agree to the same.

KNUTE NELSON, A. J. McLaurin, Fred T. Dubois, Managers on the part of the Senate. H. O. Young, ADIN B. CAPRON. JAMES L. SLAYDEN Managers on the part of the House.

The report was agreed to.

#### HOUSE BILLS REFERRED.

H. R. 21944. An act relating to the entry and disposition of certain lands in the State of Nebraska, was read twice by its title, and referred to the Committee on Public Lands.

H. R. 23391. An act to change the time of holding the United States district and circuit courts in the eastern district of North Carolina and to provide for the appointment of a clerk of the courts at Washington, N. C.; was read twice by its title, and referred to the Committee on the Judiciary.

H. R. 25234. An act permitting the building of a dam across Rock River at Lyndon, Ill.; was read twice by its title, and re-

ferred to the Committee on Commerce.

H. R. 25472. An act to fix the limitation applicable in certain cases, was read twice by its title, and referred to the Committee on Appropriations.

#### AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I move that the Senate proceed to the con-

sideration of the agricultural appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908. Mr. McENERY. Mr. President

Mr. President-

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Louisiana?

Mr. PROCTOR. I will yield to the Senator from Louisiana for the consideration of a bill, which he assures me will lead to no discussion.

## ESTATE OF HENRY WARE.

Mr. McENERY. I ask unanimous consent for the present consideration of the bill (S. 1217) for the relief of the estate of Henry Ware, deceased.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representative of the estate of Henry Ware, deceased, the sum of \$18,732; said sum to be in full payment for all injury and damage that was done to said decedent and his property due to the seizure, detention, and partial spoliation of 758 bales of cotton, the property of said decedent, and for \$15,700 which said decedent was compelled to pay to said officials of the United States in order to get possession of part of said property. And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$18,732.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# GEORGE M. ESTERLY.

Mr. BURNHAM. I ask the Senator from Vermont to yield to me in order that I may secure the passage of a short bill, which will not lead to debate.

Mr. PROCTOR. I yield to the Senator from New Hampshire. Mr. BURNHAM. I ask unanimous consent for the consideration at this time of the bill (H. R. 18924) for the relief of George M. Esterly.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to George M. Esterly, of Valdez, Alaska, \$3,000, in payment for the loss of the gasoline launch Marilla, owned by him and accidentally burned in the district of Prince William, Territory of Alaska, on July 18, 1905, while in official use and under the rental of the United States Geological Survey, the appropriation having been recommended by the Secretary of the Interior and by the Acting Secretary of the Treasury, the recommendations and the facts concerning the loss being fully

set forth in House Document No. 732, Fifty-ninth Congress, first session.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ROSEBUD INDIAN RESERVATION LAND.

Mr. GAMBLE. I request the Senator from Vermont to yield to me that I may ask for the consideration of a bill which has come from the House of Representatives.

The VICE-PRESIDENT. Does the Senator from Vermont

yield to the Senator from South Dakota.

Mr. PROCTOR. I do. Mr. GAMBLE. I ask that House bill 24987, which came from the House to-day, be laid before the Senate, and I ask unanimous consent for its immediate consideration.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 24987) to authorize the sale and disposition of a portion of the surplus or unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect; which was read the first time by its title, and the second time at length, and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. GAMBLE. I send up two amendments to the bill. The VICE-PRESIDENT. The Senator from South Dakota The VICE-PRESIDENT. The Senator from proposes an amendment, which will be stated.

The Secretary. On page 5, line 14, strike out the word "three" and insert "five" in lieu thereof; so that it will read: Draw interest at 5 per cent per annum for ten years.

The amendment was agreed to.

The VICE-PRESIDENT. The second amendment proposed by the Senator from South Dakota will be stated.

The Secretary. On page 6, after the word "act," in line 24. it is proposed to insert:

And there is hereby appropriated the further sum of \$15,000, or so much thereof as may be necessary, for the purpose of making the allotments provided for herein.

The amendment was agreed to.

Mr. KEAN. Mr. President, has this bill been reported by a committee?

The VICE-PRESIDENT. It is a House bill which the Chair laid before the Senate at the request of the Senator from South Dakota.

Mr. KEAN. Has it been before a Senate committee?

Mr. GAMBLE. A bill with substantially the same provisions Mr. GAMBLE. A bill with substantially the same provisions was reported from the Committee on Indian Affairs to the Senate on the 13th of December. The only proposition there was that instead of a valuation or price fixed the lands should be appraised. A report was not filed for the reason that an inspector was out negotiating a treaty. The inspector succeeded in negotiating a treaty, and on the 14th of February the ratification of the treaty was authorized by bill from the Committee on Indian Affairs in the Senate. This bill provides Committee on Indian Affairs in the Senate. This bill provides substantially the form of the agreement, and the two amendments which I have offered make this bill conform to the agree-

I do not think the practice is a good one. There-Mr. KEAN. fore I must object.

The VICE-PRESIDENT. Objection is made.

Mr. GAMBLE. I trust no objection will be interposed. It is a matter of great importance to the people of my State.

Mr. KEAN. Let the bill go to the committee. I jection to the bill, but the practice is not a good one. I have no ob-

Mr. GAMBLE. I will be very glad to make myself plain to the Senator from New Jersey. This matter has been consid-ered twice by the Committee on Indian Affairs and has been favorably reported. The bill that was read here this morning and which has passed the House is in the identical language of the agreement. It is in conformity to the agreement with the Sioux tribe of Indians and with the statute, and it is a matter of great importance. The lands to be opened embrace about a million acres lying immediately west of the Rosebud Reservation, which was opened three years ago. If it is referred to the committee, the danger will be that it can not be considered at this session.

Will the Senator from South Dakota allow me Mr. LODGE. to make a suggestion?

Mr. GAMBLE. Certainly. Mr. LODGE. If there is a similar bill on the Calendar covering the same subject-matter, it is open to the Senator to substitute this bill for the Senate bill.

Mr. KEAN. That is correct.
Mr. LODGE. He can take it up by unanimous consent to-

Mr. GAMBLE. I am very anxious to have the matter dis-

posed of. It is one of great importance to the people of my

Mr. LODGE. I was pointing out to the Senator how he can

The VICE-PRESIDENT. Is there objection to the considera-

tion of the bill?

Mr. ALDRICH. If the matter is of such supreme importance to anybody as the Senator from South Dakota suggests, it is very easy to refer the bill to the Committee on Indian Affairs and have it reported back at once. Otherwise we will establish a precedent which would be an extremely dangerous one, especially if it is an important bill. I think it ought to go to the committee and be reported back in the usual way.

Mr. GAMBLE. I do not want to be unduly persistent in the latter. Possibly I do not make myself plain.

matter. Possibly I do not make myself plain.

The VICE-PRESIDENT. The Chair will suggest that the debate is proceeding by unanimous consent. Is there objection to the explanation to be made by the Senator from South Dakota? Mr. ALDRICH. I do not object to the explanation, but I

shall insist that the bill go to the committee and be considered

in the usual way.
Mr. GAMBLE.

In reply to that, I want to say that this measure has been considered fully by the Committee on Indian Affairs of the Senate. The bill that is reported by the Senate Committee on Indian Affairs is in the same language as this bill. This is a House bill. It passed the House Saturday. called it up in this form so that there might be expedition in its passage. If it goes to the committee, the danger is there will not be opportunity to have it considered and will deny to it the privilege of passing at this session.

Mr. President-

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Georgia?

Mr. GAMBLE. Certainly. Mr. CLAY. I understood the Senator to say that a bill identical with this was before the Committee on Indian Affairs in the Senate, and had been reported by the Senate committee and is now on the Calendar.

Mr. GAMBLE. It is not on the Calendar.

Mr. CLAY. Then this bill could not be substituted for it. That is true

Mr. GAMBLE. The report was authorized last Thursday. The VICE-PRESIDENT. If there is objection, the bill will be referred to the Committee on Indian Affairs.

Mr. ALDRICH. I thought I made my position plain about it.

The VICE-PRESIDENT. The Chair so understood.
Mr. ALDRICH. It is not necessary to reiterate it.
The VICE-PRESIDENT. The Chair was about to state that the bill will be referred to the Committee on Indian Affairs.

# DAVID HARRINGTON.

Mr. BULKELEY.

Mr. BULKELEY. Mr. President—
The VICE-PRESIDENT. The Senator from Vermont is entitled to the floor. Does he yield to the Senator from Connecticut?

Mr. PROCTOR. I yield to the Senator from Connecticut.
Mr. BULKELEY. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 14361) granting an honorable discharge to David Harrington, to report it favorably without amendment; and I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to grant an honorable discharge to David Harrington, late a member of Company D, Thirty-second Ohio Volunteer In-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## TOWN SITES IN OKLAHOMA.

Mr. CULBERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Texas?

Mr. PROCTOR. I do.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill (H. R. 24989) to provide for the commutation for town-site purposes of homestead entries in certain portions of Oklahoma.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CHATTAHOOCHEE RIVER BRIDGE.

Mr. CLAY. Mr. President—
The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Georgia?

Mr. PROCTOR. I yield to the Senator from Georgia.

Mr. CLAY. I ask for the immediate consideration of the bill (H. R. 24821) to authorize the Georgia Southwestern and Gulf Railroad Company to construct a bridge across the Chattahoochee River between the States of Alabama and Georgia.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CONDEMNATION OF LAND FOR STREETS.

Mr. GALLINGER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from New Hampshire?

Mr. PROCTOR. I yield to the Senator from New Hampshire, and then I must insist on proceeding with the agricultural ap-

propriation bill.

Mr. GALLINGER. I ask unanimous consent for the consideration of the bill (H. R. 23384) to amend an act entitled "An act to amend an act entitled 'An act to establish a Code of Law for the District of Columbia,' regulating proceedings for con-demnation of land for streets."

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30.1908

Mr. PROCTOR. Mr. President, when this bill was last under discussion we had reached the Forestry Service, at the bottom of page 36, and the amendment increasing the salary of the Forester was under consideration. The Senator from Maine [Mr. Hale] made some objection, and authorized me to make a statement, but as he is present he will make it much better himself.

I wish to say, while I am up, that if I said anything that seemed to detract from a proper appreciation of the services of the several Assistant Secretaries, I did not intend anything of the kind. They are hard-working, underpaid men. We have increased the salaries of the heads of Departments 50 per cent; we have increased our own 50 per cent; and I certainly think the assistant secretaries deserve an increase as much as anyone that I know of. I shall at the proper time move that the salary of the Assistant Secretary of the Department of Agriculture be made \$5,000.

The reason why it was not proposed by the committee as an amendment was not because we did not favor it, for it was discussed and the general expression was in favor of it, but because we did not wish to ask for too much; and as the appointments have usually been semi-political, and the term of service not very long, we thought they might perhaps bear a manifest injustice a little more easily than men whose services were continued for years and whose services would be required for years.

I wish myself that we might have in each Department an assistant, a nonpolitical appointment, who should serve continuously and be entirely familiar with the administration of the Department. It would be of great assistance to the new head of the Department, and those changes occur very frequently.

So far as concerns a general increase of the salaries of these officers at the present session, it is not too late, I think, to make it now, and I shall certainly propose it in regard to the Assistant Secretary of this Department. I yield to the Senator

from Maine.

Mr. HALE. Mr. President, I find on looking at the salaries which are paid to the heads of bureaus in the Agriculture Department and in some other Departments, notably, the Department of Commerce and Labor, that pretty nearly all of the salaries have already been raised, and that the head of this Bureau, the Chief Forester, seems to have been about the most modest. and retiring of all of them. All save only him have succeeded in getting their pay put up, and I do not think we ought to discriminate against a modest man. He is getting no more to-day than the officer got in this place ten years ago, and I learn that he has not in any way solicited the increase; that he has not even asked for it. Under these conditions I do not think any further objection could be made to the amendment.

Mr. FULTON. Before the amendment is voted on, I ask the

Mr. FULTON. Before the amendment is voted on, I ask the Senator from Vermont to yield to me for a few minutes.

Mr. PROCTOR. I yield to the Senator from Oregon.

Mr. FULTON. Mr. President, when this amendment was up for consideration on Thursday last I took occasion to suggest that if the proposed increase in salary was to be predicated on the alleged exceptionally efficient organization and administration of this Bureau, I should have to oppose the amendment. I am not concerned whether this salary shall be increased or diminished, and I do not apprehend that the gentleman who occupies the office is very much concerned whether his salary shall be increased or not. It is quite well known-indeed, it has been stated on this floor-that he is a gentleman of very large wealth, and I have seen it frequently stated in the press, and I have never heard it denied

Mr. PROCTOR. It is a mistake. Mr. FULTON. What is that?

Mr. PROCTOR. I think that is a mistake.
Mr. FULTON. What; that he is a gentleman of large wealth?

Mr. PROCTOR. Yes, sir.

Mr. FULTON. I have frequently seen it stated in the press, and I have never heard it denied, that he does not appropriate I have frequently seen it stated in the press, any of the salary to his own use, but to charitable purposes, for

which he is indeed to be commended.

would not now further detain the Senate by a discussion of this subject were it not for the fact that immediately on my making the statement mentioned, my friend, the senior Senator from Indiana [Mr. Beveride], took the floor in defense of the character of the Forester, Mr. Pinchot. I was surprised that my remarks should have been interpreted as in any wise reflecting on his character, integrity, or devotion to duty. I had no such thought or purpose. I esteem Mr. Pinchot most highly; believe him to be a gentleman of high character and patriotic purpose. I do not, however, at all times, in all respects and particulars approve of his theories as applied in connection with the administration of the forest reserves. How far he is responsible for all the abuses growing out of the administration of these reserves I do not know, nor shall I undertake to say I do not believe, in fact, that he is in any degree responsible therefor, but since this question has arisen I do wish to say that, in my judgment, not only is the administration of that department unbusinesslike, but the policy itself has been, by the constant and ceaseless aggressions of the Bureau, carried far beyond the original purpose and intention of Congress in pro-viding for forest reserves. In all the statutes authorizing the creation of these reserves it has been expressly stipulated that they should not include lands chiefly valuable for agriculture or mining purposes. And yet there are to-day withdrawn for reservations, and included therein, hundreds of thousands of acres of lands in the State of Oregon that are chiefly valuable for grazing and agriculture; land on which not a stick of timber ever has grown or ever will grow. The lands within these reservations are being leased to stock men and the rental kept as a distinct fund under the absolute control of the Bureau. The last statement I saw there was something like half a million dollars in this fund.

I have not seen the statement for this year. All this money is being levied and collected without any authority of law. It is not paid into the Treasury subject to appropriation, and when it is proposed to provide by legislation for covering it into the Treasury the movement is met by the most strenuous opposition on the part of this Bureau. So much of this fund is expended by the Bureau officials as they deem necessary for such purposes as they deem proper and the balance is carried to the credit of the Bureau. The Senator from Indiana says that no Department has actually earned so much money for the Govern-The Senator from Indiana says that no ment. Of that and of the policy of converting the public lands into a permanent governmental revenue-producing proposition I shall have something to say further on. But before taking that up let me remind the Senator that through no Department has the Government lost or been actually defrauded of so much as through the administration of the forest reserves.

We have heard much of public-land frauds, and it was generally assumed that it was under the timber and stone act that these frauds were chiefly perpetrated. As a matter of fact, the Government has never lost a dollar under the administration of that act. For every acre of land for which a patent was issued under that act the Government received the price fixed by statute, namely, \$2.50. The frauds under that act did not consist in cheating the Government out of the price, but in the party applying to purchase taking a false oath, testifying that he was purchasing for his own use and benefit, when, in fact, he had, in many instances, already contracted to sell to another. But the Government was paid the full price.

Under the forest-reserve statutes the boundaries of reservations have been made to include millions of acres of worthless, or comparatively worthless, lands owned by land-grant railroad These lands the companies were permitted to exchange for the finest timber lands in the world. In the Rainier Forest Reserve, in the State of Washington, hundreds of thou-sands of acres of rocks and crags and beetling cliffs were thus

exchanged, but the valuable timber lands within the reserves were retained, of course, by the company. In my own State the Northern Pacific Railway Company was permitted to exchange these worthless lands, these rocks and towering peaks, and probably the eternal snows of Rainier's lofty summit, for entire townships of unsurveyed lands on which stand the grand-est forests of the world. Much of this land was unsurveyed, and hence settlers or other entrymen could not take it, but under the Department's construction the "forest-reserve scrip," so called, was applicable to it. And so by the administration of the forest reserves this Government has lost millions of dollars, and the subsidies to certain land-grant railroads have been enhanced many millions more, for the lands they located were the finest and actually worth twenty or thirty dollars per acre at the time and now doubtless worth \$100 per acre, while the lands they surrendered will be worth no more on the morning of the millennium than they are to-day. It is true that Congress has repealed the law that permitted these exchanges, but that for which I condemn the Bureau is for having permitted these worthless lands to be included in reserves, knowing, as

they must have known, what the result would be.
Mr. FLINT. Mr. President—
The VICE-PRESIDENT. Does the Senator Does the Senator from Oregon yield to the Senator from California?

Mr. FULTON. Certainly.
Mr. FUINT. I simply want to ask the Senator from Oregon whether it was not the act itself that caused the trouble, in that'the Congress of the United States permitted this selection to be made, as he states. The Administration was in no way responsible for the selection.

Mr. FULTON. Not altogether.

Mr. CARTER. Will the Senator permit me to make a remark

at this point?

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Montana?

Mr. FULTON. Certainly.

I state here and now that the original lieu Mr. CARTER. land exchange scheme which was provided for in the appropriation bill contemplated only the relief of actual settlers whose claims were embraced within forest reserves. Had that law been confined, as Congress intended it to be confined, to individuals no substantial injury would have occurred. Originally the Interior Department held that the law did not extend to land-grant corporations. The General Land Office held to that view. The Secretary of the Interior arbitrarily, I understand, commanded the General Land Office to reverse its decision and permit this wholesale exchange by the land-grant railroad companies of their worthless lands in forest reserves, and thus this mighty rush for lieu lands occurred, to the great and enduring detriment of the people of the United States.

Mr. FULTON. The Senator from Montana is eminently cor-As a matter of fact, answering the question of the Senator from California [Mr. FLINT], which was whether the law is not to blame for the frauds that grew up under the adminis-

tration of the forestry department, I answer no.

In the first place, as the Senator from Montana has said, the proper construction of the law creating the forest reserves clearly entitles no person except the settler to exchange his land for land on the outside. That is the plain spirit of the law. It is what Congress contemplated at the time, and it was only by the construction of the Department that a different feature

was incorporated into the law.

But that is not the only reason why I say this Department must be chargeable for the fraud that grew up under the administration of that law. As I have said before, it was for the Department to say when and where withdrawals for forest reserves should be made. It was for them to determine whether a tract should be withdrawn that embraced a large portion of the holdings of a land-grant railroad or not; and when they knew the construction that was being given to the law, when they knew that by withdrawing for a forest reserve millions of acres of land held by the land-grant railroads, a great portion of which was practically worthless, the owners of those lands could exchange them for the best agricultural and timber lands in the country, I say it was the duty of a faithful administrator of the law to decline to withdraw those lands and to incorporate them into a reserve.
Mr. CARTER. Mr. President

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Montana?

Mr. FULTON. With pleasure.
Mr. CARTER. The point made by the Senator was distinctly made by Mr. Secretary Bliss. He felt that the law should not avail land-grant railroad companies, and in creating a reserva-tion in the Territory of Arizona he specified as forest reserve

only the even-numbered sections, to the end that the railroad company could not by any possibility avail itself of the privi-lege of exchanging that chaparral country for the white pine and yellow pine of Puget Sound.

The present Secretary, however, departed from the policy of Mr. Bliss in that behalf. He deliberately included the even sections and made a contract with the railroad company extending their time for the selection of these timbered lands after the law itself had been repealed.

Mr. FULTON. I am under obligations to the Senator from Montana for that contribution to the subject.

Mr. PERKINS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from California?

Mr. FULTON. Certainly.

Mr. PERKINS. I should like to ask my friend from Oregon how this reflects upon the Chief Forester or the Forestry Service? Does not the administration of it properly belong, under the Secretary of the Interior, to the General Land Office? frauds have been committed undoubtedly in levying this lieuland scrip, should not the blame, if there is blame, properly rest upon the Land Department of the Government?

Mr. CARTER. Will the Senator from Oregon permit me to

make a suggestion at that point?

Mr. FULTON. With pleasure. Mr. CARTER. The Secretary The Secretary of the Interior upon any day upon recommendation to the President might have withdrawn this imperial forest from entry by lieu-land scrip. He had the same command over the public domain that is exercised to-day, and yet, with a pliancy hitherto unknown in a Department of the Government, he witnessed the confiscation by the railroad land grant companies of the most superb areas of the globe.

Mr. FULTON. Mr. President— Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Wyoming?

Mr. FULTON. Certainly.
Mr. WARREN. In reference to what the Senator from Montana has so well said, it is unnecessary to take that up as having reference to the head of the Forestry Department, because all that was done under the Interior Department proper before it was transferred to the Agricultural Department and before it was in charge of the Forester, whose case is now before us.

Mr. FULTON. When was the present Forester appointed?
Mr. WARREN. He has no control.
Mr. FULTON. He was appointed long before the transfer to the Agricultural Department, and right here—
Mr. WARREN. One moment. He was the Forester in the Agricultural Department, and he had little to do with the forest reserves under the Interior Department.

Mr. FULTON. I am not saying that he had. Mr. BEVERIDGE. Will the Senator allow me?

Mr. FULTON. In a minute. I wish to make myself clear on this proposition, and then I will yield.

Mr. BEVERIDGE. Certainly; I will not interrupt the Sen-

Mr. FULTON. I will then yield with pleasure to the Senator from Indiana.

The questions and statements of Senators continually imply exactly what I sought clearly to negative when I commenced. that I am making some criticism of or assault upon the present Forester. I thought I made myself clear on that point. I do not say that he is responsible for this condition, but I do say that the Forestry Department, as a bureau charged especially with this branch of the service, must bear some of the responsibility with the Interior Department.

Now I yield with pleasure to the Senator from Indiana.

Mr. BEVERIDGE. I do not feel like interrupting the Senator. Mr. FULTON. If I was discourteous to the Senator I did not mean to be so.

Mr. BEVERIDGE. All I was going to ask him was to direct his attention to the question of the Senator from California [Mr. Perkins], which seems to me, with my very limited knowledge of this subject, to be extremely pertinent to the particular point which we were discussing the other day, to wit, the services and their value, with the excellence of character and every other

admirable quality of the Chief Forester.

Mr. FULTON. You can not pass any eulogy on Mr. Pinchot

personally to which I will not agree.

Mr. BEVERIDGE. His efficiency—

Mr. FULTON. You can not say a word as to his urbanity or gentlemanliness and all that sort of thing to which I will not

Mr. BEVERIDGE. No; I have made no statement about his urbanity or gentlemanliness, which seems to amuse one Sena-

tor; my remarks were directed to his efficiency as a public servant. As to the question which the Senator is discussing with vigor and feeling, the Senator from California pointed out, it seemed to me, that that was a criticism properly directed to the Interior Department for any defect, with which this perfectly admirable public servant (the Chief Forester) had nothing to do and with which he was not chargeable.

Mr. FULTON. Very well. I am perfectly willing—in fact, I am desirous—that this responsibility shall be placed on the shoulders to which it properly belongs. I myself believe, and I say here right now, that the real responsibility did rest upon and the consequences must be borne by the Secretary of the Interior. But incidentally this Bureau shares a certain amount of responsibility. I am simply taking advantage of this particular occasion to give expression to some of the views I have on this subject in a general way.

Mr. BEVERIDGE. I have become more enlightened as the

Senator proceeds. I was at luncheon when the Senator began.

Mr. FULTON. I very much appreciate the Senator's compliment.

Mr. BEVERIDGE. If that is the purpose of the Senator, and if that is the scope of his remarks, I will listen to him with in-

creased pleasure.

Mr. FILLTON. The Senator from Indiana told us the other day that this Bureau, this great Department, as he called it for a great Department, he said, it has come to be-was contributing more money to the Treasury than any other Department of the Government. Whether that is an exactly accurate statement I do not know. I do not know that the Senator intended it for an absolutely accurate one. I suppose he intended simply to draw attention to the amount that they are actually contributing to the Government.

Be that as it may, the question arises, Mr. President-and I think it is a pertinent one—how are they raising this money? How are they creating this great fund? That is the particular question that I desire to discuss here to-day in a brief way. They are creating this fund by withdrawing from public sale and from entry under the homestead laws or under any of the laws of Congress great bodies of valuable land, valuable for timber, valuable for agriculture, valuable for grazing-taking them and converting them into great reserves within the body of a State and rendering it impossible for them to contribute in any degree or to any extent whatever to the industrial life, growth, and commercial development of the State. They are robbing the State of its resources, hampering it in its development, and for what purpose? To create a great fund for this Government. I deny, Mr. President, that it is good policy, I deny that it is a wise policy, to convert the public land of this country for all time into a revenue-producing proposition for the benefit of the General Government. I deny that it is a wise public policy that the Government shall engage in business within the limits of a State.

I submit, Mr. President, that when a new State is created there is an implied promise, if not a direct one, that the public lands shall not be retained by the General Government longer than is necessary to dispose of them in an orderly and beneficial way. I believe it is the implied contract between the General Government and the States that the States shall have the benefit of these lands being carried into their industrial life and contributing to their revenues and industries

The State of Oregon has something like 20,000,000 acres of merchantable timber, about one-third of its entire area. There are to-day incorporated within the forest reserves in that State something like 14,000,000 acres, or approximately one-fourth of the entire area of the State.

The VICE-PRESIDENT. The Senator from Oregon will kindly suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The Secretary. Senate resolution No. 214, that a duly qual-

ified entryman is entitled to patent for land, etc.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

The VICE-PRESIDENT. The Senator from Oregon will proceed.

Mr. FULTON. A large portion of the 14,000,000 acres of which I speak that is incorporated within forest reserves is capable of being devoted to agriculture, is fine grazing land, is of great value, and would be of great value to the people of that State, and would contribute largely toward building up the industries of that State. By what right does the General Gov-ernment exclude from the industries of the State that great portion of her public domain?

Mr. PERKINS. I dislike to interrupt my friend, but we have

the same object in view

Mr. FULTON. If the Senator dislikes to interrupt me, it is offset by the pleasure I enjoy in being interrupted by him.

Mr. PERKINS. If errors exist, we want to correct them. it not a matter of fact, I ask my friend from Oregon, that the lands within these reservations are open to homestead entry and open to preemption, and is it not a fact that within the past year 2,000 applications have been filed, and did it not appear before our committee that one-half of those applications for homesteads were filed for the purpose of obtaining the timber upon the land?

Mr. FULTON. How many of the applications were granted? Mr. PERKINS. About one-half of them.

Mr. FULTON. Were one-half granted in all the public-land hates? How many were granted in all the public-land States?

Mr. PERKINS. I am not able to state correctly, but it is

my impression that 2,000 applications were made, according to the statement before our committee, and that about one-half of them were granted.

Mr. CARTER. Mr. President—
The PRESIDING OFFICER (Mr. GALLINGER in the chair) Does the Senator from Oregon yield to the Senator from Montana?

Mr. FULTON. I yield to the Senator. Mr. CARTER. It is well known, I Mr. CARTER. It is well known, I think, that for several years past all of the timber and stone lands in the States of Oregon and Washington have been under suspension. The record is that all of the entries have been very carefully scrutinized, and since 1900 only seventy-two entries out of the two thousand and odd have been found fraudulent and subject to criticism because of error in the papers or in the attempt to execute the contract with the Government.

Mr. FLINT. Mr. President-

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from California?

Mr. FULTON. Certainly.
Mr. FLINT. I desire to call the attention of the Senator from Montana to the fact that, as shown by the President's message to Congress February 13, after the investigation within the past few months of the desert-land entries, the homestead entries, and other entries in the West, over 50 per cent of them have been found to be either irregular or based upon fraud.

Mr. CARTER. Mr. President-

I yield to the Senator from Montana. Mr. FULTON.

Mr. FULTON. I yield to the Senator from Montana.

Mr. CLARK of Wyoming. Mr. President, I do not challenge the President's message. I do challenge the fact.

Mr. CARTER. Mr. President, a few evenings ago two boats met somewhere this side of Providence, R. I., and both were badly crippled, and one went to the bottom. One hundred per cent of the two boats of course sank on that occasion. It was a terrific failure of good navigation. Thus it is that selecting two land offices in the whole United States and a bunch of cases Thus it is that selecting collected from those the message undertakes to make an average for the 325,000 entries on the public domain. The record is shown by the Land Office to be, as I have heretofore stated it, that less than one-third of 1 per cent of the homestead entries have been found fraudulent in a period of eighteen years; that less than 1 per cent of the timber and stone entries, and less than 1 per cent of the coal entries, and less than 1 per cent of the desert-land entries, taking the country as a whole, have been found to be fraudulent.

Mr. BEVERIDGE. Mr. President, I rise just for a question, because I am entirely ignorant on this point.

The PRESIDING OFFICER. Does the Senator from Oregon

yield to the Senator from Indiana?

Mr. FULTON. I can not yield for a speech. If the Senator wants to ask a question of the Senator from Montana, I will

Mr. BEVERIDGE. It is not necessary for the Senator to yield at all. I do not intend to make a speech; and I will not ask the question if it is not agreeable to the Senator from Oregon.

Mr. FULTON. I said I would yield for a question. I do not think the Senator has any occasion to get warm about this matter.

Mr. BEVERIDGE. The Senator is speaking in heat, and he appears to be warming the entire Senate.

Mr. FULTON. The Senator is mistaken. It is his own heat

I am perfectly cool.

Mr. BEVERIDGE. I feel a very warm wave from the Senator's direction. The Senator from Montana said it had been shown that one-third of 1 per cent only of the land entries in the last eighteen years were fraudulent. How many per cent have been shown to be fraudulent within the last three years?

Mr. CARTER. The number of entries found to be fraudu-

lent since 1900 are less than those found to be fraudulent prior to that period.

Mr. BEVERIDGE. But what per cent of those that were

made?

Mr. CARTER. I should in that case be permitted to explain to the Senator that there are two classes of entries. There is the mere filing, which is frequently abandoned by the individual altogether, through change of purpose or inability to live on the land. Then there is a final entry, wherein the party seeks to acquire title from the United States, and it is as to these final entries to which I have addressed myself.

Mr. BEVERIDGE. I wish to say in concluding—this is no speech, I will say to my friend from Oregon—
Mr. FULTON. I will be the judge of that.
Mr. BEVERIDGE. As I listened, it seemed curious to me that all this fraud had been perpetrated by the Government under the administration of the Interior Department. Perhaps not more than the Senator have I any very great feeling of personal friendship for the Secretary of the Interior; but his reputation throughout the country is that of rather rigid honesty—extremely rigid, I may say, and I honor him for it. Well, then, it does seem strange that all the fraud is being perpetrated by that Department. The Government, it seems, is the party that is engaged in wholesale fraud, and not the gentlemen here and there who are trying to get timber and stone. That is

why I asked the question.

Mr. CARTER. Mr. President, I deprecate calling in question the integrity or the motives of any public officer. I doubt always the propriety of that practice, and I have never felt personally inclined to indulge in it. As to the motives of the Secretary of the Interior I have ventured no opinion. As to the baseless ground upon which his action has been hypothecated from time to time I have commented. If I were going into the question of the integrity of his action all along the line, I should

certainly scrutinize, before passing any judgment, his dealing with the railroad-land-grant companies.

Mr. FULTON. Mr. President, I had not intended to include within my remarks this particular branch of the subject; but let me ask a question of the Senator from California [Mr. FLINT], who is the gentleman, I think, who injected this landfraud discussion, aside from the forest-reserve frauds, into this debate. He said that vast amounts of fraud have been discovered at certain land offices under the desert act and under the homestead act, and under the timber and stone act, I think the Senator said.

Mr. FLINT. No. Mr. FULTON. What acts did the Mr. FLINT. The desert-land act. What acts did the Senator indicate?

Mr. FULTON. Very well, under the desert-land act or any other act. What signifies that, Mr. President? Simply because frauds have been perpetrated under a particular act, is it necessary to withdraw the land from public entry and sale? necessary to build a fence around the entire public domain simply because we find some persons have sought to take undue advantage of the Government in securing land contrary to the provisions of the law?

Now, what I am talking about and what I am opposing is the creation of these enormous forest reserves within the limits of a State, the result of which is to cripple the development and to throttle the industries and the growth of that State.

I would have no objection, Mr. President, if these forest re-serves were confined to the summits and sides of the mountains, to that portion of the land that is unfitted and unsuited for settlement and cultivation, or to reservations necessary to protect the sources of streams. I would have no objection to that; aye, more, I would approve it. I believe there are certain portions of the timber area that may be properly, profitably, wisely converted into reserves. But what I am talking about and that of which I am complaining is the vast area of valuable agricultural lands and grazing lands that are being incorporated into these reserves contrary to the spirit of the law, contrary to the intention and the purpose of Congress when the laws were enacted.

Indeed, the law to-day says that agricultural lands shall not be incorporated in the reserves; and yet the senior Senator from California [Mr. Perkins] has shown that it became necessary to provide for taking up homesteads within those re-serves, because agricultural lands were, notwithstanding the provisions of the law, incorporated into the reserves in violation of the law.

But, Mr. President, I am speaking of the continual aggression, the continual expansion of this particular Bureau by rea-son of its own efforts. Not only has it ignored the law in reson of its own efforts. Not only has it ignored the law in regard to the character of lands that are to be incorporated within forest reserves, but there is a graver question, I submit to the Senate, and particularly to the members from the West, to be

considered than any I have yet mentioned.

However, before passing to that I want to call the attention of Senators to the fact that it does not follow simply because a tract of land is heavily timbered that it is unfit for agricul-ture; and yet that is what is held by this Department. They say that a tract of land is chiefly valuable for timber if it has timber on it; that the only condition in which it is not chiefly valuable for timber is when it has no timber on it; and yet every person who has had any experience from living in timbered region knows that some of the finest agricultural land in the world is land that in its native state is covered with even a heavy growth of timber.

Take the States of Ohio and Indiana, for instance. In their original state they were heavily timbered; there were large forests and valuable forests; and yet those forests before the settler's ax have disappeared as the mist before the rising sun. First succeeded the settler's cabin; then the settler's clearing; then the farmer's dwelling, and the American home, and the American farm, and the American village, and the city, and, finally, all the resulting industries that make those two States to-day one of the centers of our splendid industrial and com-

mercial life.

Now, let me ask the Senator from Indiana before he retires

Mr. BEVERIDGE. I shall not retire for long.
Mr. FULTON. Would be be willing to tear down these farmers' dwellings, to wipe out these farms, to dismantle these cities, to do away with these great throbbing industries that have lent such character and reputation to his State, and reforest the lands, or reforest one-fourth of them, at the expense of the splendid industries that have been built up by reducing the timbered lands to cultivation? Would he be willing to do that? I know he would not; and hence he ought to be able to appreciate somewhat the feelings of the people of the West, whose territory is being so seriously circumscribed by laws of this character administered in this manner.

Mr. BEVERIDGE. Why, Mr. President, the Senator asked me a question, and from the fullness of his question he might

just as well have asked me, or any other Senator, whether we

would be in favor of the San Francisco earthquake. Mr. FULTON. That is exactly what I thought, Mr. Pres-

Mr. BEVERIDGE. Has the Senator had any city that has been dismantled in Oregon? Has he had any city whose "throbbing industries" and "giant enterprises"—

Mr. FULTON. There will not be room for many such if there are any more forest reserves created.

Mr. BEVERIDGE (continuing). Whose "giant enterprises"

Mr. BEVERIDGE (continuing). Whose "giant enterprises" have been pulled down; and has he seen cities whose palaces and temples and marts of trade have been razed to the ground and forests reared on their sites of industry, beauty, and human

ippiness? Of course not. That is absurd.

Mr. FULTON. No; but I wish to say right there—

Mr. BEVERIDGE. The Senator asked me a question. I am not familiar with this matter, and the Senator is very familiar with it; but I will venture to say there has not been a genuine homesteader, who has applied for a homestead in any forest reserve where an acre of the soil was land that was fit for a homestead, whose application has been rejected. Can the Senator tell us of one?

Mr. FULTON. If the Senator from Indiana were going into agriculture, does he imagine that he would like to live within a forest reserve, that he would like to take his family off 20 or 30 miles from any settlement, without the possibility of school privileges or the possibility of any of the advantages of civilization? Because there is not a large rush of settlers to take up isolated tracts of agricultural land, does the Senator from Indiana think that is an argument against the possibility of any agricultural lands having been included in such reserves?

Mr. BEVERIDGE. The Senator asks me what I would do if I were in agriculture. I was in agriculture for a good portion of my life, and I will say to the Senator I had rather estab-lish a home, provided the land were fit for the purposes of agriculture—which the Department is better able to judge of, scientifically administered, than some person who wants to take stone and wood out-of it for the real purpose of agriculture than I would to settle in the haphazard way of former times

Why, Mr. President? Because if I were in the edge of such a forest reserve; if I were in one of those mountain meadows where no trees are, I would be certain of one thing at least, that my home would not be swept away by a forest fire. I would know, at the very least, that I would have all the protection of a carefully organized system of range guardianship; I would

know that I might not expect to find my home in ashes and my family burned to death while I was tilling the field. That is an answer to the Senator, even from my limited knowledge.

Now, will the Senator from Oregon answer-because he ought to know-whether he can cite one instance where a bona fide homesteader, who wanted to build an American home, applied for a homestead in any forest reserve where an acre of soil was such that it was fit for agriculture, that his application has been rejected?

Mr. CARTER. Will the Senator from Oregon put another question to the Senator from Indiana? Will the Senator from Oregon permit me to

Mr. FULTON. Certainly Mr. CARTER. I should like to ask the Senator from Indiana

if he knows of a single application which was granted? Mr. BEVERIDGE. I asked the Senator from Oregon a question before the Senator from Montana asked me this question-I not being informed-and I ask him to answer my question, he being informed.

Mr. CARTER. Mr. President, I will cheerfully answer and say that in the State of Montana, with its 146,000 square miles and practically one-third of the whole area in forest reserves, of the agricultural grazing lands, on which a tree does not grow and will never grow, I do not believe a single applicant has been accorded the privilege of making a homestead in a forest reserve.

Mr. BEVERIDGE. Now, what kind of homes are these which

the Senator from Oregon speaks of?

Mr. FULTON. Mr. President, I have yielded to the Senator for a question, but I can not yield for a speech, and must go

on with my remarks.

Mr. BEVERIDGE. The Senator from Oregon will have to yield to me now as much as possible, because I was called out of the Chamber and was about to go out, but remained at the personal demand of the Senator from Oregon, openly expressed, and the Senator, just as I was walking in front of him, advanced and halted my progress out of the Chamber, and he is

now responsible for the fact that I am here.

Mr. FULTON. I want to say that the Senator has imposed a terrible responsibility on me. [Laughter.]

Mr. BEVERIDGE. Yes; I am aware of that; but in view of the fact that the Senator seems to be inviting a larger responsibility than I should want to assume, I should not think he would care to bear this slight extra burden. [Laughter.]

Mr. FULTON. I thank the Senator. I will undertake to

travel along under the load.

Mr. BEVERIDGE. The Senator will have to. [Laughter.] Mr. FULTON. Mr. President, the Senator from Indiana has told us that he started out as a farmer and that he has been an agriculturist. I assume that it was on the beautiful land, the beautiful valleys, and the lovely hills of the State that he so ably represents. And yet, notwithstanding all that splendid environment, we find the Senator deserting the farm and leaving behind him all the beautiful and attractive influences which he has described and plunging into the pool of politics, and landing finally in the United States Senate. [Laughter.] Now, then, how long can we expect the Senator, if he has abandoned that character of farming, would remain on a farm away off in a forest reserve, 20 miles from any neighbor, where no one could hear his voice [laughter] and where he could not hear the voice of anybody else.

Mr. BEVERIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon

yield to the Senator from Indiana?

Mr. FULTON. For a question, as usual. Mr. BEVERIDGE. No; the Senator will have to yield for more than a question.

Mr. FULTON. Well, then, Mr. President, I will not yield. Mr. BEVERIDGE. Then I will say this to the Senator: As the Senator asks me a question, he must give me time to an-

Mr. FULTON. Mr. President-

Mr. BEVERIDGE. At least I will insist upon it.

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Indiana?

Mr. FULTON. I have asked the Senator no question since questioned about reforesting his State, and he has fully exlained his position as to that.

Mr. BEVERIDGE. I was going to say that I would be willing to take up a homestead 20 miles away if I could get away from the voice of the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Indiana is out of order.

Mr. FULTON. For a man who so dearly loves the sound of his own voice I can well understand that he would wish everybody else to be silent.

Mr. BEVERIDGE. I will not take time to say that I would

go 20 miles to get out of the sound of the Senator's voice. Laughter.

The PRESIDING OFFICER. The Senator from Oregon is entitled to the floor.

Mr. FULTON. Mr. President, there is just one other question I want to suggest which I started in to suggest a short time ago, which I think is the most important one to be considered in connection with the administration of the forest-reserve policy, and that is this: Not only are these vast areas of valuable agricultural grazing and timber lands to be withdrawn and converted into forest reserves so as to render it impossible for them to contribute to the industrial life or development of the State, but we are told now that the waters, the streams, the rivers, and the lakes with the forest reserves are to be hereafter administered and are to be hereafter used and enjoyed only in conformity with the rules and regulations of this Department, and not according to the laws of the States where they are situated. Why, Mr. President, I am told that to-day you can not get the privilege of taking water from a stream in a forest reserve for commercial or industrial purposes; that you can not apply the power of a stream for commercial or industrial purposes, unless you shall first get the license and the leave of the Forest Reserve Bureau, and pay an annual tax to swell the fund of which the Senator from Indiana has told us. Mr. CLARK of Wyoming. Mr. President-

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Wyoming?

Mr. FULTON. I do.
Mr. CLARK of Wyoming. I call the attention of the Senator to the fact that this very bill provides that all the remaining lands fit for grazing outside of forest reserves are also to be

put under the Forestry Service.

Mr. FULTON. Certainly. Whatever little there is left goes, but there is very little of it. But, Mr. President, by what authority, let me ask, is it proposed that the General Government shall determine the policy of an individual State touching the manner in which the waters and the water power of that State shall be employed, diverted, and appropriated? I am well aware, Mr. President, that in these later days there has sprung up a new school of philosophy, and that out of this school has been born a new class of constitutional interpreters. I understand, according to the doctrine of this school and according to the tenets of these philosophers, that the old State lines are absolutely wiped out and the reserved rights of the States that are guaranteed by the Constitution, that were recognized by Washington and Hamilton and Jefferson and Webster and Kent and Clay have fallen into "innocuous desuetude" and are not to be again revived.

Mr. President, I am not a strict constructionist. ways believed, and I believe to-day, that by implication the General Government possesses all the necessary powers to protect its life and its existence and to administer and carry into effect its expressed or enumerated powers. I am not a disciple of Jefferson; rather do I belong to the school of Hamilton; but I say to you to-day that if the shade of Alexander Hamilton, the immortal, were to be brought unexpectedly up against a chunk of some of this modern constitutional logic the result would be something like the experience of Bret Harte's hero, who, we

Smiled a sickly smile
And curled upon the floor,
And the subsequent proceedings
Interested him no more.

Sir, throughout our entire history as a nation the right to determine its own policy as to the use and application of the water of the streams within its borders, subject to the commerce clause of the Constitution, has been uniformly conceded to the States respectively. And it has ever been believed that he who harnessed the forces of nature and devoted them to supplying the power for industrial life and activity was a benefactor to mankind. He was esteemed as one who has caused a field of grain to grow on what had ever before been barren soil. But now we are told by this Bureau that a tax for the use of the General Government, a tax that will contribute to swell this extraordinary fund of which the Senator from Indiana tells us, must be levied upon the young and infant industries of all the public-land States. Are the Senators from Massachusetts, or from Ohio or Indiana, or from any of the Eastern, Southern, or Central States willing that this Bureau shall control the water power within their respective States? Are they willing that before fheir towns and cities can supply themselves with water for domestic purposes they must secure the consent and pay the annual tax imposed by this Bureau? Are they willing that before a plant can be established to supply or generate the power for a factory, a mill, or a lighting plant a charter must be secured from this Bureau and a tax must be paid to swell the revenues of the General Government? That is exactly what the people in the forest-reserve States are being compelled to do to-day. I deny the power of this Government to impose any such restrictions on the people of Oregon. as a State on an equality with the original States, and I deny the right of the General Government to impose exactions on us not imposed equally on the original States. I deny the right of the General Government, or of this Bureau, to withdraw permanently from settlement and sale the public lands within my

The truth is, this Bureau is composed of dreamers and theorists, but beyond and outside the domain of their theories and their dreams is the everyday, busy, bustling, throbbing world of human endeavor, where real men are at work producing substantial results. I know something of the importance of the home builder to the State. I know far better than does this bureau chief the obstacles the home builder will overcome and the hardships he will endure to secure for himself and family an abiding place. While these chiefs of the Bureau of Forestry sit within their marble halls and theorize and dream of waters conserved, forests and streams protected and preserved throughout the ages and the ages, the lowly pioneer is climbing the mountain side where he will erect his humble cabin, and within the shadow of the whispering pines and the lofty firs of the western forest engage in the laborious work of carving out for himself and his loved ones a home and a dwelling place. of him I think and for him I take my stand to-day.

On some more convenient occasion I will propose an amend-

ment to the existing law that will confine this Bureau within the limits to which it was originally designed by Congress that

it should be confined.

Mr. DOLLIVER. Mr. President, I do not desire to occupy more than a few moments in relation to the matters that have been discussed this morning and some matters which were dis-cussed at the last session of the Senate. It is gratifying to find that the vein of levity and good cheer with which the annual criticism of the agricultural appropriation bill is made in the Senate has given place to a somewhat sober and considerate discussion of the practical questions involved in it.

I think it ought to be said on behalf of the Committee on Agriculture that the committee has for many years sought by degrees to raise the rank of the great bureaus of the Department of Agriculture and to give to those in charge of them salaries more commensurate with their learning and their usefulness in the public service. So in this bill the chiefs of the five great scientific bureaus of the Department of Agriculture have been put upon a uniform salary of \$5,000. That, it seems to me, is wise and just to all these men. The chiefs of the Weather Bureau, the Forestry Bureau, the Chemistry Bureau, and the Bureaus of Animal Industry and Plant Industry are men famous throughout the world for their contributions to practical science, and I believe it is not only an economy on the part of the Government to recognize the value of their services, but that it has become a necessity to do so if the Department is to retain the services of such men.

I think the criticism which has been directed against the Bureau of Forestry is especially to be deplored. I represent a portion of the country that by reason of its position can look without much prejudice upon the problems that confront the Government in its relation to the newer States, to which allusion has been made. I am certainly not without sympathy for the men and women who are laying the foundations of homes in the great States which have been in part covered up by forestry reservations under order of the President. I have taken the pains in traveling through these States to find out, if I could, what the basis of the antagonism that has grown up against the Government in the administration of the Bureau of Forestry actually is. I find very few intelligent men in any of these States who do not speak in enthusiastic terms of the Government's policy of reserving the great forests and the areas which they occupy. On the other hand, in all these States I found an undertone of criticism directed against the Department of the Interior and directed against the Bureau of Forestry, apparently based upon the idea that this far-reaching effort of our Government to preserve these lands for the future welfare of the people in some way contradicts the rights of the good people

who are trying to make homes in these regions.

I make the suggestion here to the honorable Senators who have been pouring the vials of their wrath upon the Department of the Interior and upon the Bureau of Forestry that I do not believe the administration of these great Departments would refuse to consider a fair public showing of any injustice that has been done in the location of any of the forest reserva-tions or to correct any errors into which the Government has by chance been misled; and I feel that some word ought to be said here at least to indicate that there is no unanimous disposition of the Senate to condemn men who, like the Secretary of the Interior and after him the Secretary of Agriculture, have been going forward in the midst of many difficulties to perfect this great scheme to preserve those resources of nature upon which the permanence of civilization in these prosperous communities depends.

Mr. FULTON. Mr. President, I trust the Senator did not un-

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Oregon?

Mr. DOLLIVER. Certainly.

Mr. FULTON. I trust the Senator did not understand me as

criticising the Secretary of Agriculture?

Mr. DOLLIVER. I did not. I had in mind a rather alarming concert of criticism which has from time to time been given expression here from the very beginning of this Congress. interest in the public-land question is entirely national. As a citizen of the State in which I live, I certainly have no prejudices against the portion of our country farther west; but I undertake to say that whoever impeaches the integrity with which the Department of the Interior has been administered under Secretary Hitchcock ought at least to go in such details as will enable those of us who are without information to judge more accurately.

No man connected with this Government, in my recollection, has won a more unique recognition than he. Institutions of learning, the greatest in our land, have decorated him with honorary degrees, not because of his learning in the law, but because of his integrity-his dogged effort to interpret the Ten Command-On the other hand, here in the Senate and in the other House of Congress we find a petulant stream of criticism directed at the integrity of his motives and the wisdom with which he has undertaken to administer the great trust which has reposed upon him during the last eight years. However, it is no part of my purpose to defend him; but I undertake to say that he has by his public service piled up a mountainous presumption of plain honesty which is not to be overcome by speeches upon the floor of either House of Congress.

Mr. WARREN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. DOLLIVER. Certainly. Mr. WARREN. I think the Senator from Iowa upon reflection will recall that the criticism which has been directed against the Secretary of the Interior has not been as to his integrity, although there has been much criticism-and probably more may yet be expressed—as to the wisdom and judgment of the Secretary of the Interior in matters such as these.

Of course it may be that the great institutions of learning situated in the Eastern States on the shores of the Atlantic know more about the Secretary of the Interior and his actions in the Western States than the Senators on this floor who represent those States, but I should always accept the judgment of those in the States where the results of the administration of

the Secretary of the Interior are most in evidence.

Mr. DOLLIVER. Mr. President, that is my disposition also, and I should be glad to do it in the case of this forestry controversy if it had not fallen in my way to dig a little under this testimony of debate into certain testimony that was laid before the Committee on Agriculture in the course of a very recent investigation. You would suppose from such an utterance as was made by my honored friend from Oregon [Mr. Fulton] that the administration of the Forestry Bureau had operated to destroy the opportunities, to handicap the resources, and to prevent the growth of business in the great areas that have been affected by these forest reservations.

The other day there strolled into the Committee on Agriculture about as lively a group of typical Americans as I have ever had the opportunity to meet here or anywhere else. They were representatives from all these States affected by the forestry reservations. They were farmers; they were cattle raisers; they were horse ranchmen; they were sheepmen, and they were men of brawn as well as of brain, fully aware of the industrial conditions that surround them in the great com-

munities in which they live.

Mr. CARTER. Will the Senator yield to me a moment? The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Montana?

Mr. DOLLIVER. Certainly.

Mr. CARTER. I call the Senator's attention to the fact that one of these representative citizens admitted that he had 500,000 acres of land under one fence, and that he had a large area besides in the Territory of Arizona and another large area in the Territory of New Mexico. Another one of these

representative citizens, speaking for the homesteaders, of course the actual settlers, had with his associates an area 300 miles in length and 100 miles in width under fence in the Territory of New Mexico, and he was up here pleading for the maintenance of his fence and, of course, for the maintenance of the homestead.

Mr. DOLLIVER. Not at all. He was pleading for the application to the desert pasture lands of the United States of the exact administration that has for years been in operation in respect to the forest reservations. While a good many of those gentlemen who came before the committee were great cattlemen, there came also men from the small ranches. I recall a small dealer from a mountain fastness in Colorado, whose little ranch was upon a creek and whose pasture was upon the mountain side, and he spoke, I think, as a representative of practically the whole system of cattle raising of the mountain regions of the United States. His name was Gray. Among other things, in answer to a question suggested by me, referring to the regulation of these mountain pastures, he said:

Senator Perkins. And you think an act of Congress permitting the Government to lease you the land is in the interest of law and order and good government?

Government to lease you the land is in the interest of law and order and good government?

Mr. Grax. We in that section of the country prefer what is known as the permit system. I want to explain that point, and I am very glad you brought it out. The permit system will work very much better for this one reason: We have to turn our stock out away down on the low foothills in the spring of the year, because the snow has not yet gone off high up on the mountains. We have to turn them all out together. Our ranges are bounded by valleys. We turn them out there; and as the snow goes off—gradually clears away—up in the mountains, in July, August, September, and October, our cattle get clear up to timber line, often going as high as 12,000 feet. If you adopt a lease system in that country—if you leased to each individual a very long, narrow strip up through the mountains, it would be impracticable to use it. We would prefer a community interest, where fifteen or twenty or twenty-five of us could have a permit to run so many cattle in there, bounded by natural streams—

Senator Long. And no sheep men allowed. [Laughter.]

Mr. Gray. Well, there are not any there, as has been said a number of times; the altitude is too high.

Senator Long. It is not healthy.

Senator Dolliver. But that can be regulated by the Department?

Mr. Gray. It can be regulated by the Department. It is regulated upon the forest reserves, and it was a godsend to us when we got the forest reserves, and it was a godsend to us when we got the forest reserves, and it was a godsend to us when we got the forest reserve there.

Senator Polliver. I wish you would get somebody to make a statement to that effect in the Senate.

Mr. Gray. Well, I can do it. [Great laughter.] I am doing it right here.

Senator Perkins. I wish Senator Heyburn was here.

Mr. Gray. I know these conditions, because I have been there for over thirty years.

Mr. NELSON. Will the Senator from Iowa yield to me for

a moment? The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. DOLLIVER. Certainly.
Mr. NELSON. I have been something of a farmer myself, all my life.

I know something about forests in a general way, and my experience, and I think the experience of all my neighbors in Minnesota, has been that the worst thing you can do to a forest is to pasture it with cattle and sheep. If you want to raise timber, if you want to raise a good forest and have it grow rapidly and do well, you do not want to pasture it with sheep or cattle at all. And here, by permission of the Forestry Bureau, we are just loading these forest reserves with sheep and cattle. I do not see how that can help the production of timber on the forest reserves.

Mr. DOLLIVER. If my honored friend, the Senator from Minnesota, will permit me, I will call his attention to a statement made on that subject by a gentleman by the name of Jastro, from Bakersfield, Cal., who lives upon the edge of one of the great forest reserves of California.

Mr. CARTER. If the Senator will permit me, that is the

500,000-acre gentleman to whom I referred.

Mr. DOLLIVER. Yes, sir. And he seems to have a certificate of very high moral character from my honored friend from California.

Mr. CARTER. He was entitled to it, of course. His morals are exceptionally good.

Mr. DOLLIVER. Now, hear what he says:

I believe that pretty much every man in California would be willing to see the public ranges controlled by the Government; and I say this for the reason that our experience with the forest reserves that we created in California has been that since the formation of the forest reserves in the State of California our rivers have given us nearly 25 per cent more water to irrigate lands with. It has kept these roaming herds of cattle and migratory bands of sheep out of the mountains and out of the plains. They have not tramped our country up; they have not destroyed our native grasses, so that our country is being reseeded; and to-day California carries more stock than she did before there was any forest reserve. That is, I am speaking now of the amount of stock she carries outside of the places where forage is provided for stock.

Mr. PERKINS. I only want to say, if my friend will permit me, in answer to the Senator from Montana, that this gentleman who was referred to by my colleague said that he had formerly resided in Montana, had pastured his sheep on land in that State, and had finally come to the golden State of Cali-Therefore he brought his certificate of character from fornia. Montana.

Mr. CARTER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Montana?

Mr. DOLLIVER. Certainly.

Mr. CARTER. I think the gentleman referred to stated that he was driven out of California by the drought, and came to

Montana and pastured his sheep.

Mr. DOLLIVER. I have the testimony of a gentleman from Wyoming to which I should like to call the attention of my friend the Senator from Wyoming. I have the greatest confidence in him, but my confidence in him is in his capacity as a statesman and not as a ranchman or a man practically interested in the business.

Mr. ALDRICH. I should like to ask a question for information. Is the Government of the United States engaged in sheep

farming as a means for the preservation of forests?

Mr. DOLLIVER. I will say to the Senator from Rhode Island that in these forest areas there are, in the very necessity of the case, large vacant spaces good for pasture, and under regulations, under a lease system, sheep are pastured and cattle are pastured in such numbers as not to destroy either the forest or the pasture, but to preserve both and to help everybody connected with the proposition. As will be shown by this testimony

Mr. FULTON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Oregon?

Mr. DOLLIVER. Certainly.

Mr. FULTON. The Senator, I think, does not fully explain that rent is charged by the General Government for the pas-

Mr. DOLLIVER. Certainly.
Mr. FULTON. In other words, exactly the condition that the interrogatory of the Senator from Rhode Island suggested prevails—the Government is engaged in the sheep-pasture business. The Government is engaged in business in these States.

Mr. DOLLIVER. The Government owns these lands

Mr. LODGE. I should like to ask for information whether the Government owns the sheep?

Mr. FULTON. No; but the Government is engaged in pas-

Mr. DOLLIVER. The Government is engaged in the land

business, but is not in the sheep business.

The VICE-PRESIDENT. The Chair calls the attention of Senators to the rule that before interrupting a Senator they must first obtain recognition by the Chair.

I will ask the Senator if he will yield to me-Mr. LODGE.

Mr. DOLLIVER. Certainly.

Mr. LODGE. As I understand it, the Government rents certain available pasture lands in the forest reserves for the purpose of pasturage.

Mr. DOLLIVER. Yes, sir; and it takes the money to keep up the reserves—to build little improvements.

Mr. LODGE. The Government is not engaged in business.

Mr. HEMENWAY. Mr. President—
The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. DOLLIVER. Certainly.
Mr. HEMENWAY. How long has the Government taken this money to keep up the reserves?

Mr. DOLLIVER. I think it has been doing it for several

Mr. HEMENWAY. Prior to 1905 all of this money went into the Treasury of the United States and Congress appropriated

directly for the care of the reserves.

Mr. DOLLIVER. That is true, and I do not know that I question the wisdom of that proceeding; but I am now talking about what appears to me to be a concerted scheme to discredit and disparage what I regard as one of the great practical scientific operations of the Government.

Mr. CARTER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Montana?

Mr. DOLLIVER. Certainly.

Mr. CARTER. I desire to contribute a fact, to the end that statements may be made accurately here. The Government does not lease any area of land in forest reserves.

Mr. DOLLIVER. That is true.

Mr. CARTER. It grants to owners of various kinds of stock permits, which allow those owners to graze stock in the reservations at so much months each year. CLAY, Mr. Presidenttions at so much a head throughout a stipulated number of

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. DOLLIVER. Certainly.

Mr. CLAY. Will the Senator let me call his attention to one provision of this bill? I can not believe that the Senator from Iowa can approve this provision of the bill, found on page 71:

And hereafter, for the purpose of restoring, protecting, and increasing the grazing value of the public domain, and promoting the agricultural use thereof, the Secretary of Agriculture may organize grazing districts and regulate and control grazing upon the unappropriated, unreserved lands of the United States, under such rules and regulations as he may prescribe, may issue permits or grant leases for periods not exceeding ten years, and charge and collect reasonable fees for grazing thereon, the receipts to be deposited in the Treasury of the United States to the credit of the special fund obtained from charges for timber, grazing, and other resources of the national forests and provided for by section 5 of the act of February 1, 1905.

I desire to call the Senator's attention to the fact that this is the broadest feature I have ever seen in a bill. Under these provisions the Secretary of Agriculture is authorized, if he desires to do so, to lease to a dozen persons the entire forest lands of the United States and the grazing lands outside of the forests, and he is also authorized to lease them at such prices as he may deem proper. You place in the hands of the Secretary of Agriculture the power to employ a million men, if he desires to do so, and to fix their salaries. You authorize him, if he desires to do so, to lease all of these lands to a few people.

If you are going to authorize these lands to be leased, by all means, I say to the Senator, we ought to provide how much shall be leased to one person, and what shall be the prices, and we also ought to provide that there should be an accounting to Congress every session of how much money had been received

and how the expenditures have been made.

I am frank to say, Mr. President, that I have never read a looser piece of legislation than this on page 71 of the pending bill. This is absolutely getting to be a Government of one-man power. Congress has ceased to act, and is leaving the entire administration of the law, and practically the making of the law, to a few persons. Congress itself ought to act in a matter

Mr. DOLLIVER. I do not intend to take up the question raised by the section of the bill to which the Senator from Georgia has alluded, although it is proper for me to say that I am in favor of exactly that thing, and I hope, in cooperation with others, to convince not only my friend, the Senator from Georgia, but everybody else that that is a proper disposition of these semiarid lands of the United States.

Mr. HEMENWAY. Do I understand the Senator from Iowa

to say that he believes in allowing the public lands, including those embraced in forest reserves, to be leased for grazing purposes, the money to go into a fund and be permanently appropriated, which the Secretary of Agriculture may absolutely control without Congress making annual appropriations for that purpose?

Mr. DOLLIVER. I will not debate that question. That is a very interesting question of detail as to the administration of the fund, which I think we can get some agreement upon later.

But I desire now, in brief, if Senators will permit me, to add the testimony of C. E. Ayer, esq., of Dixon, Wyo., who is not only a stockman, but, as he testified, a sheep man, residing in one of these wonderful little valleys. He says:

one of these wonderful little valleys. He says:

Last year we had the Park Range Forest Reserve that has been organized, and this last summer we got permits to graze our cattle on that forest reserve, and we are well pleased with the manner in which it was done. But the whole territory not being forest reserve, it does not protect us in the spring and in the fall and in the winter; and while we could get along fairly well as far as the winter part of it is concerned, the spring and fall range we must have, because we can not feed our cattle on the forest reserve in the spring and in the fall. We can feed them in the winter time; and these large herds of steers will come in there, ten or twelve thousand head, belonging to one man or one company, and they are just about as blg a detriment to us as the large herds of sheep. We have had some trouble with the sheep men, but I am glad to say that in the last summer, owing to the control of the Park Range Forest Reserve, we did not have any trouble at all; and we are well paid for what it cost us for our permits, 20 cents a head, in not having to have any scraps with the sheep men.

Here is the statement of Mr. Bell, a cattleman, and also a

Here is the statement of Mr. Bell, a cattleman, and also a sheepman, from Wyoming.

Mr. PERKINS. He is a farmer.

Mr. DOLLIVER. Undoubtedly; in which he pays to the administration of the forest reservations, under Mr. Pinchot, a very appropriate and just eulogy in recognition of the efficiency of the service:

Senator Latimer. We are just trying to find out what you want. Mr. Bell. Well, God bless you, then—we are just willing to

you, if you will let us. That is the idea. I simply want to tell you that you would naturally infer from some statements made here that the cattlemen want it because the sheepmen do not want it. I want to tell you, as a sheepman and a cattleman and as a farmer, that at a reasonable price—at a reasonable price, such as we can make a living at, and a sufficient number of acres—I am frank to say to you that I indorse a proposition of this kind. That is, I indorse it if you could just get it in that way and put it in the hands of men who are big enough in mind, who are fair enough to do justice to all of us. The fact of the business is that I have learned to like Mr. Pinchot so much that I have been accused of falling in love with him and asking to have him adopt me. Now, I would be willing to have him adopt me if—

Senator Perkins. But you are not willing for him to fix the rate he should charge you. [Laughter.]

Mr. Bell. Yes, sir; if he will go through my section of country and find out the conditions there I would be perfectly willing for Mr. Pinchot to fix the rate.

Senator Perkins. Then we are all satisfied. We are going to leave this to the Secretary of Agriculture, to whom you have paid such a high tribute, after you learned his name [laughter], and he is going to bring our friend Mr. Pinchot in to assist him in advising you as to the rate you shall pay; and Mr. Pinchot is going to ask you and your other neighbors what is right, and then he will draw his own judgment and conclusions.

Mr. Bell. Well, Mr. Pinchot has been fair to our particular part of the country. We paid 5½ cents for sheep, and we have understood that they will let us go in there for 4 cents this year. We appreciate that, and we think that they are now 2 cents too high. I really believe that, too. But we appreciate what he has done for us.

Senator Frazier. The lower he fixes the price the more you like him. [Laughter.]

[Laughter.]

Mr. Bell. I am frank to say, gentlemen, that I am mortal, and a man can do more with me by being extremely friendly than he can by abusing me. There is no question about that; and the evidence of that is that if Mr. Pinchot does favor me justly—I am not asking him to give it to me—why, of course it would not make me dislike him, would it? There is nothing wrong about that, is there?

Sepator Frazier, No.

Let me also call attention to the testimony of Mr. T. J. Walsh, one of the most interesting and most able men in the State of Montana, who was delegated to come here by the National Woolgrowers' Association. He was not exactly pleased with the forest reservation regulations in respect to the charge made for the grazing of sheep, but he speaks in terms which seem to contradict the opinion that the forest regulations have impeded the settlement of the State of Montana. He says

There is no portion of the State of Montana. He says:

There is no portion of the State of Montana that is cropped to death; and manifestly it is just as good range for the man who takes up the homestead as it is for the stock of the cattle company that is engaged in grazing there. If it will furnish feed for the cattle company's stock it will furnish feed for the homesteader's stock. And so it is, sir, that the land is being constantly taken up; and you can refer to the statistics of the land officers of our State, and confirm the statement that more homesteads are being taken up within the last four or five years than, I believe, ever before in the history of the State. Congress within that period has created two new land districts in our State, at Great Falls and Miles City.

He adds a few words which fully explain his conjugate.

He adds a few words which fully explain his grievance against the forestry law:

Senator Dolliver. Has the forest-reserve system of leasing worked well in your section of the country?

Mr. Walsh. It has been entirely unsatisfactory, for the reason that I indicate to you. Now, understand, in our community there is not the slightest opposition to the preservation of the forests. Any assistance that any of us can give toward that end will be cheerfully given. But we do, sir, object to being called upon to pay for the privilege that everybody else from time immemorial has had without paying, and we do object simply to putting in the hands of these officers the power to say whether we shall or shall not carry on our business.

I have thus hylefty referred to this testimony because I

I have thus briefly referred to this testimony because believe it will do us good to get a gleam of light from these hills which is not dimmed at all by the atmosphere of debate and controversy which goes on in the two Houses of Congress

I will add another word. There must be some deep-seated reason for the difficulty which the Secretary of the Interior has had in administering the land laws of the United States. While I deprecate any disposition to indict whole communities, whole States, and charge their people with fraudulent attempts to evade and nullify the land laws of the United States, I believe the time will come when these faithful officers who have called attention to the violation of the law will receive a better recognition for the services which they have rendered the people than they have thus far received in the Senate. For among these witnesses, representative men appointed by great cattle associations who came before the committee, at least one of them dropped the suggestion that in one favored section of the cattle country a majority of the people who were coming in to settle upon lands were not entitled to the honorable distinction of being homesteaders, laying the foundations for homes and for civilization, but he said they were settlers who had come from various cities in near-by States for the purpose of entering those lands with a view of afterwards selling them, and were in reality speculators, using the land laws of the United States to work a fraud upon the Government. While I should be the last one to lay a charge against whole communities, I desire it to be understood that if it becomes necessary to defend the motives and the integrity of responsible public officials, the question will not be decided until the real facts

appear as to how in all these years the land laws of the United States have been used by speculators, big and little, for the purpose of covering transactions so nearly akin to fraud as to warrant the vigilance and attention of more than one department of the Government.

Mr. PROCTOR obtained the floor. Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Wyoming?

Mr. PROCTOR. Certainly.

Mr. WARREN. I wish to ask the Senator from Iowa if it is not a fact that ever since there have been public lands and public land laws men have taken ranches and sold them afterwards and taken farms and sold them afterwards? I want to say that when I was engaged for a time, in the year 1868, in the State of Iowa, which the Senator so ably represents, I found men coming from the New England States and elsewhere and taking up homesteads with the avowed purpose of some time selling them and going back to their own homes.

Mr. DOLLIVER. They made a great error if they did that. Mr. WARREN. Just so. Not so many of them went back as expected to in the first place, owing to the satisfaction they found in Iowa. But it is true, nevertheless, and it will always be true as long as we have any land laws, that a man will take up a homestead for the purpose of owning his own home, or trading it for another, or selling it when he gets ready, or occupying it, as he sees fit, and it never has been considered fraudulent to do so.

There has been fraud ever since there have been land laws, and there always will be. The only difference has been that the frauds of earlier years were prosecuted by the officers of the Department without so much fuss and notoriety through the newspapers, and it has not always been understood that a man was a thief until he had proved himself innocent. Things must have come to a pretty pass when it is assumed in a great Department that every man who undertakes under the law to take up land agreeably to the law must be considered a thief until he has proved himself innocent; must live on a homestead all of his natural life before he can be recognized as an honest man. There has not been more fraud in the last few years than there was in the previous ten years, or the previous twenty years, or the previous twenty-five years, considering the total number of land claims offered for proof.

Mr. DOLLIVER. I accidentally ran across an old Iowa friend in a far western State with a homestead located in a forest where there were trees 5 or 6 feet in diameter and so thick that you could not get among them with a wagon. And he was proving up under the homestead law.

Mr. WARREN. He had a right to.
Mr. DOLLIVER. And he wanted me to intercede for him in the Department because they held him up for examination.

Mr. WARREN. A great many men in Iowa, Michigan, Illinois, and other States have proved up upon their homesteads when they had to cut out the trees of the forest before they could plant crops.

Mr. DOLLIVER. But they did not have to tackle tre as those on my old friend's farm in the Pacific country. But they did not have to tackle trees such

Mr. BEVERIDGE. Mr. President—
The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Indiana?

Mr. PROCTOR. After I have made a few remarks.

Mr. President, the question before the Senate is the salary of the Chief Forester.

Mr. President-Mr. CARTER.

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Montana?

Mr. PROCTOR. I must decline to yield to anyone for the moment.

The VICE-PRESIDENT. The Senator from Vermont declines to yield.

Mr. PROCTOR. Mr. President, the question before the Senate is the salary of the Chief of this Bureau. I do not see that there is any great question but that the head of this Bureau should receive the increased salary. If he does not do his duty, or if a Cabinet officer does not do his duty, we do not reduce the salary. We have other ways of reaching the difficulty. We can cut off the appropriation or make any new law that will

remedy the evil.

There are other amendments and other sections in the bill to which the arguments we have heard would apply with more force and directness than to this question of salary. merely going to suggest that unless the reservoir of eloquence is inexhaustible, as I must confess it rather seems to be, it would lead to a repetition perhaps of a good deal that is now being discussed, and I should be glad, if Senators agree with me, if the matter could be left until we reach the sections especially applying to this service.

Mr. BEVERIDGE. Mr. President

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Indiana?

Mr. BEVERIDGE. It is just for a word. I do not want to make a speech.

The VICE-PRESIDENT. Does the Senator from Vermont vield?

Mr. PROCTOR.

Mr. BEVERIDGE. I fully agree with the point made by the Senator from Vermont [Mr. Proctor]. I think it is apparent that the whole discussion should have arisen on an amendment which will occur later in the bill, but it did arise partly upon this. In view of what has been said during the day, it will become necessary for me, when that amendment has been reached, to say what it had been my purpose to say immediately. I think it must be clear to all that rather than upon the mere question of the salary of the Chief Forester, as to which practically everybody is agreed, it would be better to postpone the remainder of the argument, as it would have been far better in the first place to postpone all the argument until we reach those amendments upon which it more properly arises

Therefore I shall not ask to say anything at this time, but shall wait until those amendments are reached.

Mr. PATTERSON. I should like to say a few words on the subject of the salary before the Senator from Vermont has his last word in his appeal to the Senate to vote on the amendment. The VICE-PRESIDENT. Does the Senator from Vermont

yield to the Senator from Colorado?

Mr. PROCTOR. Certainly, I yield to the Senator from Colorado to discuss the question before the Senate.

Mr. PATTERSON. Mr. President, I desire to call the attention of the Senate to some matters connected with the administration of the officer whose salary is now under consideration. The Senator from Iowa [Mr. Dolliver] stated that in traveling through the West he found here adverse criticisms and there strong approbation of the Forestry Bureau and of the administration of its affairs in the western country. So far as I am concerned I do not intend to indulge, and I never have indulged, in widespread or unlimited adverse criticism either of the forestry system or of the administration. I am inclined to think that the adverse criticism made has been against what we may term the overzealousness of the head of the Bureau and of those who are under him rather than to his intentions and purposes and the end that is sought to be attained.

The trouble with the administration of the Forestry Service is that it enters into the business and affairs and the very home of every man who has anything to do with the forest regions and who is engaged in business of any kind that carries him to those regions. He is met on almost every hand by an agent of this Bureau. He is required to pay tribute in the meanest, smallest, pettiest sums, as well as in very large sums, to this Bureau, under the pretense that the Government is entitled to compensation for what anybody uses which belongs to the Gov-ernment, and that it is a wrong inflicted upon the Government to tread even upon the public domain within the forest reserves

without giving compensation for the privilege.

As an evidence of the zeal with which these petty persecutions are carried on by the very great or almost numberless crowd of local timber agents, I desire to call attention to a matter which was recently called to my attention through the mails. I have here a very short letter written from Winfield, Colo., addressed to me, which is as follows:

Inclosed please find letter to me from timber agent, forest reserve, which speaks for itself; looks like graft. It also appears that these officers have wonderful discretionary powers giving even opportunity to rake offs in adjusting the sums to be paid, and I hear of some of my neighbors who were told by the agent they did not have to pay at all. It is not true that I am one of only three who refused to sign, as stated in the letter; only three have signed it here, and then under

With my neighbors thanking you sincerely for the interest and stand you have taken in this matter, I remain,

Very truly, yours,

WILLIAM WALLACE.

I call the attention of the Senate to the letter which he inclosed to me from W. H. Hazzard, who signs himself deputy forest ranger. In this letter he inclosed a printed form for a lease or permit, to be signed by the gentleman who wrote me the letter. The thing that he wanted to lease to the writer was a cabin, an abandoned cabin on the public domain, which was taken up by the writer, who is a prospector. In all probability it was a small, rough, dirt-roof cabin, such as are scattered throughout the entire mining sections of the country. They are built by prospectors when they intend to remain in some locality for a period of time. If they move, the cabins are abandoned. Somebody else succeeds them and he takes possession. The

mountains are filled with just such cabins, and here is a forest ranger, one of the employees of the head of this Bureau, who demands that this prospector shall pay to the Government of the United States three dollars and a half for the privilege of occupying this cabin, or the holder will be evicted under the rules and regulations of the Bureau. The miner will be compelled to move on and some fellow willing to pay the paltry sum of \$3.50 will be permitted to take his place.

There are things in this letter which is written by this forest ranger which indicate to my mind that the charge of graft contained in the letter of my correspondent is not altogether with-

out substance

Mr. TILLMAN. What becomes of the three dollars and a half?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. I have yielded, and the Senator from South Carolina is through. I will talk about that in a moment.

Mr. GALLINGER. Mr. President—

Mr. GALLINGER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. PATTERSON. Certainly.
Mr. GALLINGER. I want simply to inquire who appoints these rangers and deputy rangers? Are they appointed here in Washington by the Bureau?

Mr. PATTERSON. I suppose so; by the head of the Bureau.
Mr. Wallace had received a letter a month before he received
is. He inclosed one of the leases in the first letter under which he was to pay the Government \$5 a year to occupy this He wrote a letter to me and I answered it, and I appealed to the Department here at Washington. To that appeal have no recollection of having received a reply. Mr. Wallace wrote that fact to Mr. Hazzard, and the letter I now read was written by Hazzard on receiving that information:

UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE, Winfield, Colo., November 15, 1906.

Mr. WILLIAM WALLACE, Winfield, Colo.

Mr. William Wallace, Winfield, Colo.

Dear Sir: I am again presenting to you an application for special-privilege agreement for the cabin you are occupying at Winfield. You will note that I have reduced the charges from \$5 per annum to \$3.50. I do this because you occupy but the one cabin and utilize same wholly as a personal enterprise.

I have been advised by the Leadville office to post notices on all cabins at Winfield and elsewhere, where parties refuse to take out a privilege for same, stating they are Government property. Therefore I will be at liberty to grant a privilege for the cabin you are occupying to anyone that may make application for same. As to the protest that has been sent in to Washington, I do not know what action, if any, will be taken. However, your signing the inclosed agreement will in no way bind you to pay the charges stipulated therein, as we intend to treat everybody alike in this matter. If the Washington office recommends no charges for cabins at Winfield, you will not have to pay.

You are only one of three that have refused to sign the agreement, We are anxious to send them all in to the Washington office. Kindly procure the names of two witnesses to the agreement, signing same, and return to me.

Very truly, yours,

W. H. Hazzard,

Deputy Forest Ranger.

W. H. HAZZARD, Deputy Forest Ranger.

Mr. TILLMAN. Will the Senator allow me?
Mr. PATTERSON. Certainly.
Mr. TILLMAN. Do I understand that Winfield is a mining camp or something like that, or did the Government build these cabins'

Mr. PATTERSON. The Government never spent a cent, and no agent of the Government ever performed a minute's labor upon them.

Mr. TILLMAN. Some prospectors running around hunting minerals built the cabins and moved on, and now the Govern-

ment wants to rent them?

Mr. PATTERSON. Yes. The agent of the Government wants to rent them, and posts notices upon them that if the occupants do not pay the rent they will be compelled to get out and some-

body else will be given possession.

Mr. TILLMAN. Suppose a man built a cabin of his own, would they demand rent for that?

Mr. PATTERSON. Of course, upon the theory that, being on the Government domain, they have a right to compel him to pay rent.

Mr. BEVERIDGE. It is better for them to rent-

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. Certainly.

It is better for them to rent cabins than Mr. BEVERIDGE.

to have the cabins rot, is it not?

Mr. PATTERSON. Mr. President, the cabins are built under common usage in that country by the prospectors, and when they move on a cabin is left for anybody who will to occupy it as though he had been the original builder. It is a thing with which the Government has no right to interfere. It is a mean, little, pestiferous kind of persecution, and it ought to carry mortification to every Government officer rather than to receive

But I call the attention of the Senate to this singular postscript that is at the end of this letter:

In taking out this privilege you will be exempt from paying any

Pray, by what authority was a Government ranger authorized to write to the occupant of a cabin on the public domain, that was built either by the prospector or by others, and say, "If you will pay the three dollars and a half, you will not be compelled to pay any county tax?" Does it not give color to the charge which was made in the letter by my correspondent that it looks like there was graft in the matter; that other than a zeal to help the Government inspires these agents to make such demands?

Of course, as to whether that conclusion is right or not, I do not know. I make no charge, but I do not hesitate to say that the manner of the administration of the forest reserves has done more to bring the whole system into disrepute than any-The rules and regulations of Mr. Pinchot have been in effect in Colorado now, I think, a year. The cattlemen and the sheepmen entered into an understanding with Mr. Pinchot in good faith to try the system, to meet the demands that were made upon them by the Government in the shape of license fees for ranging their cattle and sheep in the forest reserves. Within the past week I have received resolutions from three or four cattle organizations denouncing the entire system, declaring that they have received no benefit whatever from it, and that they feel that the manner in which this reserve proposition is enforced is an imposition upon the cattlemen as well as the citizens of the State generally.

The truth of it is, Mr. President, this whole Forest Reserve Bureau sprung up from a statute about four or five or six lines in extent. It simply provided that the President might declare forest reserves, and that they would be created for a special purpose—for the purpose of conserving the waterfall, to save the waters for the benefit of the agriculturists, and also to conserve and preserve the timber. There was not a word in the statute about leasing the forest reserves to cattlemen or to sheepmen. There is not a word in the law about executing The law to-day is absolutely bald of any leases or permits. such authority or permission.

And yet we find the Department claiming the power that has been devolved upon Congress by the Constitution in two important particulars. Congress alone may levy and collect taxes,

and Congress alone may dispose of the public domain.

Yet, Mr. President, we have this Bureau levying and collecting taxes in the shape of license fees, and shutting men out, with their cattle and other live stock, from the forest reserves unless they pay these taxes to the agents of the Government; and we find the Department executing permits or leases, which is pro tanto a disposition of the public domain, and such disposition belongs entirely to Congress

Congress has delegated to this Bureau neither the right to levy taxes, whether they may be in the shape of licenses or otherwise, nor to dispose in any way of the public domain.

Mr. ALDRICH. Will the Senator permit me to ask him a question?

Mr. PATTERSON. With pleasure. Mr. ALDRICH. I should like to ask the Senator whether there is any portion of the land included in the forest reserves of his State that will be available for other purposes than graz-Will it be available, for instance, for farm purposes or

other industrial purposes?

Mr. PATTERSON. There is no doubt about that in the world. There is no great area of the State that does not contain a greater or less amount of good farming land and good grazing land, but they include within the boundaries of the forest reserves all lands within them without reference to the uses to which they can be put.

Mr. BEVERIDGE. But, Mr. President-

Mr. ALDRICH. Does the Senator understand that the administration of this Department is restricted to the leasing of these lands to people who occupy very large areas?

Mr. PATTERSON. Oh, no.

Mr. ALDRICH. But as a matter of fact do they lease them to small farmers who want to lease, say, 30, 40, or 100 acres?

Mr. PATTERSON. Mr. President, it is not a leasing in fact.

It is a privilege that is granted to stock owners to allow their cattle to range within certain areas at so much per head, and the cattle of a number of the companies or individuals may graze within this area and intermingle.

Mr. BEVERIDGE. Mr. President, I hope the Senator-

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. BEVERIDGE. The Senator has asked a question— Mr. ALDRICH. I should like to ask, in this connection, another question.

The VICE-PRESIDENT. Does the Senator from Colorado yield further to the Senator from Rhode Island?

Mr. PATTERSON. With pleasure.

Mr. ALDRICH. I should like to ask the Senator a question for information. I do not ask, of course, for the information unless he knows himself. I ask if a small farmer would desire the privilege, for instance, of farming 30 or 40 acres of this land, does he understand it would be possible for him to secure that privilege?

Mr. PATTERSON. I think it would be, but I think the rules and regulations do not contemplate arrangements of that kind between the Government and farmers.

For industrial purposes also, I suppose? Mr. PATTERSON. No; they only exercise this privilege for grazing purposes

Mr. BEVERIDGE. Mr. President—
The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. With pleasure.
Mr. BEVERIDGE. I think the statement should be made to the Senator from Rhode Island, in connection with his question, that the whole forest reserve or any part thereof is open to the homestead privilege, and that the homestead privilege is granted where, in the opinion of the Bureau or Department, the land is properly adapted to agriculture and where the proof of the claim is not fraudulent. Further than that, with reference to the grazing, I call the Senator's attention to the following language of the bill, page 2-

Mr. PATTERSON. I am not discussing the grazing feature. BEVERIDGE. But the Senator from Rhode Island asked the question.

Mr. PATTERSON. I do not want to have my remarks interrupted for the purpose of discussing the grazing feature of the bill. We will take that up when we reach it.

Mr. BEVERIDGE. I know

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. I do not want to be discourteous at all, but I do not want the grazing controversy to enter into this.

Mr. BEVERIDGE. Nor do I.
The VICE-PRESIDENT. Does the Senator from Colorado

yield to the Senator from Indiana?

Mr. PATTERSON. I will yield to the Senator.

The VICE-PRESIDENT. The Senator from Colorado yields to the Senator from Indiana.

Mr. BEVERIDGE. I did not think there was any particular question about that. Then it should be stated to the Senator from Rhode Island, who asked the question about these vast grazing privileges and asked it repeatedly, that the preference is given to the homesteaders by the language.

Mr. CLARK of Wyoming. I should like to hear the language

read.

Mr. PATTERSON. I am really very glad that this question of privilege of taking up homesteads within the forest reserves has been broached.

Mr. CARTER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Montana?

Mr. PATTERSON. I do.

Mr. CARTER. The statement of law, as made by the Senator from Indiana, is not the statement of the law, but it is the statement of a proposed law embraced in this bill.

Mr. PATTERSON. I am glad the question of the right in the citizen to take up homesteads in the forest reserves has been brought up during my remarks. The right is only one in form and not one in substance, and I will tell the Senator from In-The cattle and sheep men are a pretty stern, exacting lot of citizens. They are away off on the frontier and in the mountain fastnesses, and they are pretty nearly a law unto themselves in dealing with the ranges. They fought with the utmost determination the encroachment of the settlers upon the grazing lands of the plains. For years and years they were able to check the settlement of the plains by those who desired to take up lands under the homestead and other laws. erage peace-loving citizen does not want to take up his home in a section where he will be regarded with hostile eye by those who believe that the range is theirs and that the erection of every fence and the building of every home within the range area is an encroachment upon their vested rights.

Mr. President, you may grant the privilege to take up homesteads in the forest reserves, but I want to say to the Senate it will be the nervy men who will take advantage of the privilege. It is in fact the equivalent of putting a stop to homestead entries when the lands are placed within forest reserves and then leasing the forest reserves to the cattlemen and the sheepmen of the mountains and plains. It is in part for that reason that the Senators from the West raise so loud a cry against the administration of this forest-reserve system, and, without referring now to the proposed new grazing law, it is the equivabarring from settlement every forest reserve that is declared by the President, not in terms but in results, for, as I suggested before, the peace-loving settler will hesitate to enter within the limits of forest reserves when they are, under the license system, occupied by the cattle and sheep of the stock growers

Mr. TILLMAN. He takes his life in his hands when he

does it.

Mr. PATTERSON. They feel that way, whether they do or of. Therefore the men of the West—

Mr. NEWLANDS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Colorado

yield to the Senator from Nevada?

Mr. PATTERSON. In one moment. Therefore, Mr. President, a very great many men of the West are uttering an earnest protest against the whole forest-reserve system. I do not mean the cattlemen who get the advantage of the system, but I mean those who are not cattlemen and who depend for the improvement of their worldly condition upon the settlement of the country and the use and occupancy of the land for other purposes than that of grazing. Now I yield to the Senator from Nevada.

Mr. NEWLANDS. I should like to ask the Senator from Colorado whether he is opposed to any system of forest re-

Mr. PATTERSON. Mr. President, I am not opposed to a

wise system of forest reserves.

Mr. NEWLANDS. The Senator is an experienced man in the West, and I should like to have his views regarding a proper system of forest reserves. We know, of course, that in almost every system there is some abuse connected with it. In my belief abuses of the forest-reserve system have been largely eliminated and are being gradually eliminated. I should like to have the Senator's views upon the subject of a proper reserve system.

Mr. PATTERSON. There are, I think, in the neighborhood of 15,000,000 acres in Colorado in the forest reserves. the same as taking 15,000,000 acres out of the State from settlement. Those 15,000,000 acres embrace hundreds of thousands

of acres of good, tillable farm land.

Some system, Mr. President, that will exclude the farm lands and lands that are more valuable for other purposes than for timber from the operations of the forest-reserve laws might be safely adopted, and it would meet the approval of the people of Then we want these little, petty prosecutions

Mr. NEWLANDS. Mr. President

The VICE-PRESIDENT. Does the Senator from Colorado yield further to the Senator from Nevada?

Mr. PATTERSON. With pleasure.

Mr. MEWLANDS. Assuming, Mr. President, that we have a forest reserve such as the Senator has described, would be not deem it wise to have some control over the grazing within that forest reserve? As I understand it, the uncontrolled grazing in the forest reserves by cattle and sheep results in the destruction of all the young plants and trees. Besides that, the uncontrolled grazing results in constant conflict between the owners of the herds of cattle and the owners of the flocks of sheep. of that, does the Senator deem it wise to have no control? Does not some control necessarily involve some system of permits and the payment of certain fees that will result in paying the expenses of that control?

Mr. PATTERSON. Mr. President, measurably the Senator from Nevada is right. In some things his deductions are not good. As I have said, I have no objection. Indeed, I would welcome a wise and efficient reserve administration. But, Mr. President, I would not turn this Government into an exacting I would not turn this Government into the absentee landlord of Ireland, who, when he can not get that which he demands from his tenant, will eject him and turn somebody else into his holdings, especially when the property over which the Government exercises control as landlord, except the bare, naked land itself that belongs to all the people, has been improved without costing the Government a dollar or without any Government agent lifting a finger to improve it.

The trouble about it all is, Mr. President, there is too much administration, too much zeal, too earnest a desire to collect money, too earnest a desire to show financial results.

I desire to speak about the salary of the head of this Bureau. My opinion is that skilled as he may be, learned as he may be, his administration of the forests has not been such as to commend him to the people of the country to the extent of raising his salary. I have no doubt but that the Department and the President are moving solely under the advice of Mr. Pinchot. He sets himself up to be the expert par excellence of forestry and the administration of the forest lands. He makes the recommendations, he visits conventions of cattle and sheep men and appeases them with his representations about the wonderful things to be done for them under the system.

I have no question but that most of the evil in the administration of the reserves is the result of overzealousness of the head of this Bureau, and that instead of increasing his salary and thereby encourage him to continue in the objectionable way he has been going, we should check him suddenly and

effectively.

I believe, Mr. President, that it would be a wise act upon the part of Congress to say, by refusing to increase Mr. Pinchot's salary, "when you show you are worthy of commendation by a wise and conservative administration of these great interests under your control, then, and not until then, will you receive the Government's approval in the way of increasing the salary that you receive."

Mr. TILLMAN. Will the Senator answer me a question?

Mr. PATTERSON. I shall try to. Mr. PROCTOR. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado

yield to the Senator from South Carolina?

Mr. PROCTOR. Perhaps the Senator from South Carolina has in mind what the Senator from Colorado said, that these foresters were appointed in Washington. They are all under the civil-service law, which requires that they shall be appointed, so far as possible, from the States and Territories where they serve. Anyone applying for appointment, applies to the Civil Service Commission, and is notified when and where there will be an examination.

Mr. PATTERSON. Mr. President, I discover that in the administration of the civil-service law those that are at the heads of Departments and bureaus get pretty nearly all those who have taken the civil-service examination that they want. had occasion not long ago to make application for a young lady, who had taken the civil-service examination and was at the head of the list, and yet she waited and waited and waited, and she received no notice that her services were required. I wrote to the head of the Civil Service Bureau for an explanation, and I was told—I may not get it exactly, but some Senators who are familiar with the workings of civil service will correct me if I am wrong—that out of the first three, the Department could select anyone that it chose.

Mr. PROCTOR. That was right.

Mr. PATTERSON. And that after selecting one from the first three, then they went to the next three.
Mr. PROCTOR. That is the law.

Mr. PATTERSON. And that the two next to the first got

Mr. PROCTOR. I will say that the two not selected still remain on the list for a certain time.

Mr. PATTERSON. Oh, Mr. President, the Senator from Vermont must be mistaken. They do not remain.

Mr. PROCTOR. Oh, yes; they do.
Mr. PATTERSON. Oh, no. I am familiar with this case. I say "Oh, no," with great respect, of course, and only speaking of my knowledge of what the rule was in its operation upon the particular person I have in mind. She was not selected, although she was at the head of the list. I think it may be that they were permitted to take two out of three, and having taken two out of three, then they could go to the next two and skip the one that was left.

Mr. PROCTOR. The law, as I have it in mind—the Senator from Massachusetts [Mr. Lodge] is more familiar with it—ex-The law, as I have it in mind—the Senator pressly provides that when one is taken from the first three the other two remain and are carried at the head of the list, another one being lifted. The one of the three that was not taken, but had been passed over a number of times—I think it was three times—is not further considered.

Mr. PATTERSON. Then this is the operation of it: Take the first group of three; out of that group they select one. The two of the three that are left, with the next one, form the next group; out of this they may take any one, and the two that are left compose, with the next, a group of three. They may take one of that group of three, leaving two for the next group,

and so on, and the person at the head of the list they take may never be selected.

Mr. TILLMAN. And after they have been certified three times they go dead.

Mr. PATTERSON. And after they have been passed over three times they go dead.

Mr. TILLMAN. What is the civil-service examination but a humbug'

Mr. PATTERSON. I am not here at this time for the purpose of discussing that.

Mr. TILLMAN. But you branched off on it.

Mr. PATTERSON. No; I was brought to it by the Senator from Vermont [Mr. Proctor]. I simply referred to it for the purpose of showing that those who are at the head of these bureaus can get pretty nearly whomsoever they please, and they can so manipulate the civil-service lists as to take those who are twenty or twenty-five from the head of the list and give them places in preference to those who, by their examinations, were at the head of the lists and were entitled to be and ought to have been taken first.

Mr. McCUMBER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. PATTERSON. Certainly. Mr. McCUMBER. I think, Mr. President, that I can show the Senator the difficulty. He will probably ascertain that there is some parent living here in the city of Washington whose ancestor at some time had spent a few days in Denver or some other place in Colorado, who possibly may have come to the city of Washington thirty years ago and have raised a family of children and grandchildren, and they are all of them going into the Government service as residents of the State of Colorado, although, as a matter of fact, none of them ever were or are to-day residents of that State.

The Senator understands as well as I do that anyone can claim his residence almost anywhere he sees fit. It is a question of intent. A parent or a grandparent who left the State of Michigan or the State of Iowa or the State of Colorado thirty years ago—himself and his whole family—are holding these positions, all claiming residence in the State from which the ancestor came. They are on the ground, and the moment there is a call for a position of this kind they understand where to go; they are alert; they get their examination and they are put in the service immediately, while the others will drop out at the end of the year and none of them can secure these posi-That is the beautiful working of this wonderful system

of civil-service reform.

Mr. PATTERSON. Mr. President, naturally the Senator from North Dakota has more intimate knowledge of the workings of this system than I, a minority Senator, have. I learned during the first year of my term in Washington that no Democrat need apply. I recollect going to the head of a bureau to speak about some friend who I desired should receive a place. I wanted to know how it came that no Democratic Senator could receive an appointment. "Well now," the official said, "I will let you into the secret if my name is not to be given." I said "Certainly not." He said: "About 95 per cent of all officials are under the civil-service rules, and the other 5 per cent constitute a body so small in number that it is not sufficient to go around among the Republican Senators and Members. Therefore, if we were to give a Democrat an appointment it would be as good as being given a sentence of execution.

Mr. PERKINS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from California?

Mr. PATTERSON. With pleasure.

Mr. PERKINS. I only want to say to my friend from Colorado that the Civil Service Commission, as at present constituted, is composed of a majority of Democrats. There is only one Republican on that Commission. Therefore, if they have not been just to the Senator, it is not the fault of the Republi-

Mr. PATTERSON. Mr. President, the little incident I was giving had nothing to do with the Civil Service Commission, but it had to do with those positions that may be dispensed outside of the Civil Service Commission. But the Civil Service Commission only executes the law. Congress made the law and the Commission is not responsible for it.

Mr. President, I will occupy the time of the Senate but a few minutes longer. I simply wanted to give the reasons why it would be prudent at this time not to make the proposed increase of salaries,

And just one word more: We are engaged in increasing the salaries of what some of the other employees of the Govern-

ment denominate the "big bugs" of the Government—the President, the Vice-President, the Supreme Judges, Senators, Members of the House of Representatives, the Cabinet officers, and the heads of various bureaus, everybody with a high title, those who usually have a reasonable amount of this world's goods, have received a very substantial increase in salary, while the great mass of the employees of the Government are left where they were and where they have been for many years. I do not believe we ought to increase the salaries of the high officers in the civil department of the Government until we are ready to take up consideration of the entire question covering an increase for the privates as well as for the colonels, the brigadiers, and the majors-general in the civil departments, so that the gulf between the salaries that are paid shall not be so great, and that the mass of employees, who work as hard and are as devoted to the public service as are the high officials, though occupying humble places, shall receive such increase as the mass of the employees of the Government deserve.

I want to say, Mr. President, that there are men and women of mature years who render splendid and efficient service to the Government, who to-day live from hand to mouth, utterly unable to lay by a dollar for future emergencies in case of sickness or otherwise; and under the civil-service law and from the very necessities of their existence they will continue in the service until they are incapacitated by old age, and then, unless they have sons or daughters or charitable friends who will take them under their wing, they will be sent to the poorhouses or be forced to drag out a miserable existence upon the charity of

others.

Let us put a stop, Mr. President, at this time to this increase in salary for the great officials of the Government. Let Con-gress, after proper investigation through its committees, determine what increases there should be, and then, in the increase

made, let it be an increase all along the line.

Mr. McCUMBER. Mr. President, this proposition brings up to some extent the whole matter of the salary question; and while I do not intend in the five or ten minutes that I shall devote to this matter to go into that subject, I do want to call to the attention of this Senate some of the discrepancies that we are not only meeting in this bill, but that we are to meet in every one of our bills, which we are compelled to meet, and will be compelled to act upon before another session of Congress is closed. There is a genuine demand for an increase of salaries all along the line; and before another year this Senate and the House of Representatives will vote a general increase. question, then, that will present itself to the Senate is whether or not this increase will be intelligently voted or whether we shall simply take up those cases that we think ought to have an increase, without any comprehensive view of the entire ques-

We are starting again in a system which we have continued for twenty years of raising salaries by piecemeal, without reference to whether the particular salary raised is commensurate or proper when compared with other salaries that are being paid

for like services in the Government employ.

Why, Mr. President, I take up this very bill which is presented to us, and there is not, I believe, one Senator out of a dozen who can give any good reason for the salary in one instance being fixed at one rate and in another at another rate. call attention to this: In the bill which the committee has reported they raise the salary of the Chief of the Weather Bureau to \$5,000.

Mr. PROCTOR. If the Senator will allow me, the salary of the Chief of the Weather Bureau is not proposed to be raised

by this bill. It is already \$5,000.

Mr. McCUMBER. I was going to correct that. The salary of the Chief of the Weather Bureau is \$5,000, while that of the Chief of the Bureau of Soils is \$3,500. I do not know, and I am very doubtful if the majority of the Senate know, why the Chief of the Weather Bureau should receive \$5,000 and the Chief of the Bureau of Soils should receive but \$3,500.

I take up the next. We have the Chief of the Bureau of Animal Industry, whose salary is to be increased to \$5,000, while the salary of the Chief of the Bureau of Statistics and that of the Director of the Experiment Stations is \$3,500 in each case. What is there in the work of the Chief of the Bureau of Animal Industry to put him above the Chief of the Bureau of Statistics or the Director of Experiment Stations? There may be reasons for it. I am not criticising it upon the ground, Mr. President, that there are not reasons, but upon the ground that we do not know the reasons, and therefore are scarcely competent to vote on it. I am admitting that the members of the particular committee may understand the reasons for the difference between the salaries of bureau chiefs as fixed here, some being \$3,500 and others \$5,000.

Let us take the next. The salary of the Chief of the Bureau of Plant Industry is fixed at \$5,000 and that of the Chief of the Bureau of Biology at \$3,000. There is a spread again of \$2,000 between the salaries of those two chiefs. Why? Is not the character of the work practically the same? Does it not require the same scientific knowledge in the one as in the other? Is not the importance of the work to the Government about as great in the one case as it is in the other?

I take, then, the next—the Chief of the Bureau of Forestry. His salary is raised from \$3,500 to \$5,000. I go on down to the Chief of the Bureau of Accounts and Disbursements, whose salary is only \$2,750. I do not understand, Mr. President, why there should be this great spread between the salaries of the chiefs of these different bureaus. When I go to the next one I find that it is proposed to increase the salary of the Chief of the Bureau of Chemistry from \$3,500 to \$5,000, while I find the salary of the Chief of the Bureau of Entomology is \$3,250. I do not know that the importance of the one to the Government is particularly greater than that of the other. I go now, Mr. President, beyond that to other salaries proposed by the legis-I want to call attention to two or three

Mr. PROCTOR. Mr. President—
The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Vermont?

Mr. McCUMBER. Certainly.
Mr. PROCTOR. Before the Senator takes up the legislative

Mr. McCUMBER. I will be very brief with it. Mr. PROCTOR. I want to say to him that the reason for the salaries of some bureau chiefs being put at \$5,000 is because they are at the head of very much larger bureaus. If the Senator will look at the amount of the appropriation, he will see that it runs all the way from a million up to a million and a half dollars, while for some of the bureaus which he has cited the appropriation is less than \$100,000, and the number of employees and their duties and responsibilities are correspond-

Mr. McCUMBER. One bureau may have a greater number of employees than another, but the scientific knowledge required and the services performed in a smaller bureau may equally as great as in the larger bureau. But what I insist upon is, if one position requires equally responsible work, requires the same scientific knowledge, the same general intelligence and capacity as another, it should be practically paid the

Let us take the legislative bill. I find by that bill that the Assistant Secretaries receive \$4,500—that is, the Assistant Secretaries of State, of the Navy, of War, and so forth, receive only \$4,500. Mr. President, in some respects the President himself has but a little more responsibility than the Assistant Sec retary of State. He does a great deal of the work of that great Department. We are required to pass upon his acts as much as upon the acts of any other officer. He is given the sum of \$4,500; and I find that the Doorkeeper of the House of Representatives is also paid \$4,500. So the Doorkeeper of the House and the Assistant Secretary of State both receive exactly the same salary.

If I take the case of the Public Printer, I find that he is receiving a salary of \$6,000, while the Chief of the Bureau of Manufactures, certainly as important a position and certainly requiring as much expert knowledge and intelligence, receives but \$4,000. I find that the general superintendent of the railway mail service, a very important position, is given but \$4,000, while the Director of Standards, whatever his services may be,

receives a salary of \$5,000.

I for one, Mr. President, am wholly unable to see the reason for the head of an apparently less important office receiving more than the head of a more important one. There may be good, honest, and just reasons for it, but the whole trouble comes from the fact that we have followed, year in and year out, this system, until the great army of employees has grown so enormous that we are absolutely incapable of dealing with them individually. Not only are we incapacitated from considering the whole subject as it ought to be considered, fully and comprehensively, but no Senator or Representative, with his manifold duties, is capable of giving the requisite attention to that

To meet that very thing there has been introduced during this session, and referred to the Committee on Appropriations, a bill providing for the appointment of a nonpartisan commission, so that we may get as nearly exact justice as possible, whose duty it would be during the next six or seven months to go comprehensively into this whole subject, and to bring before the Senate and the House some data upon which we can act. I hope, Mr. President, that the committee will consider this or some similar

bill that will result in bringing before us the proper data upon which can be exercised the enlightened judgment of the Senate

and the other House in fixing all these salaries.

Mr. President, I tried to get some of the information that is requisite to enable me to act intelligently in the determination of what any particular salary should be. I ask of the proper department, especially of the Civil Service Bureau, if they can tell me, of the clerks who are in the city of Washington, how many are men and how many are women? They do not know. Of the men, how many are married and how many are single? They do not know. Of the women, how many are married and how many are single? I am unable to get that information. In how many instances are both husband and wife employed in the Government service in the Departments here? I can get no information on the subject. In how many instances are there two or more members of the same family employed, giving the number employed in each family? No information is forthcoming upon that subject. Every one of these questions has a direct bearing upon what salaries should be fixed in these cases.

I want to know also how the salaries of the clerks of the Departments in the city of Washington compare with the salaries of clerks performing like services in other large cities in the United States. There is not a Department that can give me that information, not even the Keep Commission, which seems to have been appointed for that purpose. I want to know how the salaries compare with the salaries of clerks performing like services in the smaller cities and the rural districts of the country; but, Mr. President, I am unable to get any

information upon that subject.

I interrupted the Senator from Colorado [Mr. PATTERSON] only a few moments ago upon the question that he was then discussing. We have here, Mr. President, a civil-service law and rule. That civil-service rule prescribes this one proposi-We have here, Mr. President, a civil-service law tion, that every State in the Union shall have its proportionate share, according to its population, of all of the Federal positions in the United States. Is there any Senator who has the audacity to announce that this is carried out in spirit to any extent whatever? To the best of my knowledge-and I make the statement from my own inquiry-four-fifths of the entire clerical service in the city of Washington is performed by actual and bona fide residents of the city of Washington, whose ancestors or whose relatives at some time lived in this State or that State—in the State of Indiana or somewhere else—and their descendants are still claiming residence there, although their parents have been in business here for twenty or thirty or forty years, and every one of their children goes into the Government service. We have every morning and evening in the newspapers cartoons depicting the poor clerk that has to support a family in this city. If they were a correct picture of the real facts, there would be a great deal more in the demand for an immediate increase of salary than there really I am in favor-I am emphatically in favor-of the raising of all salaries below at least \$1,000 to what they should be. But here are the facts as they absolutely exist: Here is a man who has a family of two boys and three girls. He is in the civil service, drawing perhaps \$2,000 in Government employ; two or three daughters are drawing \$1,200 and above that, and the two sons are drawing \$1,800 and above that. That makes a pretty fair salary for one family.

I take into consideration another fact. The civil service was intended to give a square deal and an honest opportunity for every person in every State, to give a chance for the young men to secure positions and to secure the proper education connected with those positions, and the additional salary that is paid by the Government, because everyone of us knows that the Government pays a greater salary than is paid in any line of private business. Here the young men come as members of this family in the city of Washington, and they marry possibly somebody else in the service. Does either one of them go out? Not by any means. We continue the married woman and the married man in Government employ; we continue everyone of them in employment. They live together, but certainly are not conforming to the demand of the President of the United States for what he believes to be for the interest of this great Government in the way of an increase of population. [Laugh-There are no additions to the family whatever. They hold their Government positions and remain here, and other people are kept out of Government positions.

Mr. President, there is no fraud in the United States that will

compare with the operation of the civil service of the United

Instead of there being an opportunity generally, as was designed by that law, the District of Columbia supplies practically all of the service that is required in the Department. That is no argument against the raising of a salary to an honest compen-

sation, but we ought to have that information and we ought to have a rule and a law that the moment any man holding a position in a Department marries a woman holding a position in a Department she should step out and give an opportunity for a man to earn a living for himself and his family. I should like to see the other rule applied also, that where a man or a poor girl desires a position to support an aged mother or a widow, or somebody dependent upon him or upon her, from the family of whom five or six are in office at least one member shall go out of the Government service that another person may have an opportunity to go in. That is the square deal which we ought to get in this whole civil-service matter, and that is the square deal which we are not getting and we never did get.

Mr. President, I sincerely hope Congress will take hold of this matter and investigate the question of salaries, appoint a commission or otherwise that can give it the proper consideration, and then let us at the next session of Congress revise the whole salary list from the President down to the day worker and get as near justice as we possibly can. That is the only method, in my opinion, under which we can secure anything like a correct basis for fixing salaries.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. PATTERSON. The Senator from Maine [Mr. HALE] stated that it was his purpose to call for a yea-and-nay vote on this question.

Mr. WARREN. Perhaps the Senator from Colorado did not hear the statement of the Senator from Maine. He withdrew his objection to the amendment, and said that in view of the modest salary which this gentleman receives he favored the adoption of the amendment.

Mr. PATTERSON. If it is not too late, I ask for a yea-and-nay vote on the amendment.

The VICE-PRESIDENT. The Chair will regard the amend-

The yeas and nays were ordered, and the Secretary proceeded

to call the roll.

Mr. CLARK of Wyoming (when his name was called). I am paired with the Senator from Missouri [Mr. Stone]. In his absence I withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. transfer the pair to the junior Senator from Rhode Island [Mr. Wermore], and will vote. I vote "yea."

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. Culberson]. In his absence I withhold my vote.

The roll call was concluded.

Mr. TILLMAN. I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. I do not see him present in the Chamber, and therefore withhold my vote.

Mr. FLINT. I transfer my pair with the senior Senator from Texas [Mr. Culberson] to the junior Senator from New

Jersey [Mr. Dryden], and will vote. I vote "yea."

Mr. WARREN. I wish to say in behalf of Senators who are on the Military Committee that a quorum of that committee is engaged upon an investigation authorized by this body. Otherwise they would be present to answer to their names.

The result was announced-yeas 47, nays 9, as follows:

	Y	EAS-47.	
Aldrich Allee Ankeny Bacon Beveridge Brandegee Burkett Burnham Burrows Carter Clapp Clark, Mont,	Clay Crane Cullom Depew Dolliver Dubois Flint Gallinger Gamble Hale Hansbrough	Hopkins Kean Kittredge Knox Latimer Lodge Long McCreary McCrumber Mallory Money Nelson	Newlands Perkins Piles Piles Proctor Scott Simmons Smith Smoot Sutherland Warren Whyte
	N	AYS-9.	
Berry Curtis Daniel	Dick Frazier	McLaurin Patterson	Pettus Rayner
S. S	NOT 1	OTING-34.	
Allison Bailey Blackburn Bulkeley Carmack Clark, Wyo. Clarke, Ark. Culberson Dillingham	Dryden Du Pont Elkins Foraker Foster Frye Fulton Heyburn La Follette	McEnery Martin Millard Morgan Mulkey Nixon Overman Penrose Platt	Spooner Stone Taliaferro Teller Tillman Warner Wetmore

So the amendment was agreed to.

Mr. HEMENWAY. Mr. President, in the session of 1905 I opposed the transfer of the Bureau of Forestry to the Agricultural Department. At that time I predicted that if the transfer was made we should enter upon an administration of extravagance. From the report made upon the bill, which was approved February 1, 1905, I desire to read a brief extract. The report was made by Mr. Mondell, of the House.

It is believed-

He said-

that the transfer will result in increased economy and efficiency of administration and place all the forestry work of the Government on a practical basis.

I wish simply to call the attention of Congress to the fact that in 1905 the appropriation for the administration of this service was \$375,000, that being the largest sum that had ever been appropriated for this purpose. At that time the money received from the sales of timber and the money received for rentals of grazing lands was all covered into the Treasury of the United States. The bill which was approved February 1, 1905, provided that for a period of five years the sales of timber and the receipts from grazing lands should be covered into a fund and permanently appropriated, and the Secretary of Agriculture could check on this fund in administering the forest I find to my surprise that in the agricultural approreserves. priation bill passed last year the limitation of five years on this fund was stricken out, by this language:

That the forest-reserve special fund provided for in section 5 of the act approved February 1, 1905, entitled "An act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture," shall continue until otherwise provided by

So, under the present law, all the money received from the sales of timber and all the money received for grazing rentals goes into a fund which the Secretary of Agriculture may use as he sees fit, without Congress being consulted. It is what they call in the Department "short-circuiting Congress." They speak of a peculiar way in which they can short-circuit Congress and expend the money of the Government without Congress ever being notified or consulted.

I am one Member of Congress who believes in publicity. believe it should apply to the Departments of the Government just as thoroughly as it applies to any branch of private business, and I see no reason why funds belonging to the Government of the United States should be collected and expended by a Cabinet official or the head of a Department without Congress being consulted. The Members of the lower House have to go to the people every two years and account to them for the management of the Government affairs. The Members of the Senate go back every six years, and are held accountable. But here is a Department of the Government given complete power to sell millions of dollars' worth of timber, to take the receipts from grazing lands, and to expend the money under this short circuit which they have arranged, and Congress and the people of the United States are not permitted the privilege of knowing how the money had been expended, how much, or where, or

Mr. PROCTOR. I wish to ask the Senator from Indiana if he has looked at the whole of the section which he quoted in part? He will see that the concluding part of it provides:

But after June 30, 1908, it shall not be expended except in accordance with specific estimates of expenditures to be made from said fund for the succeeding fiscal year, to be submitted by the Secretary of Agriculture with the estimates of appropriation in the annual Book of Estimates.

Mr. HEMENWAY. Then I can not understand why the language should be used here "shall continue until otherwise provided by law;" for section 5 of the act of February 1, 1905, reads as follows

SEC. 5. That all money received from the sale of any products or the use of any land or resources of said forest reserves shall be covered into the Treasury of the United States and for a period of five years from the passage of this act shall constitute a special fund available, until expended, as the Secretary of Agriculture may direct, for the protection, administration, improvement, and extension of Federal forest reserves.

This provision strikes out, in effect, the five-year limit, and says it shall continue until otherwise provided by law.

Mr. CLARK of Wyoming. Mr. President—

Does the Senator from Indiana The VICE-PRESIDENT.

yield to the Senator from Wyoming??

Mr. HEMENWAY. Certainly.

Mr. CLARK of Wyoming. May I call the attention of the Senator from Indiana to page 42 of the pending bill, which strikes out the House provision that hereafter a detailed estimate of the service appropriated for shall be submitted to Congress? I wish the Senator would speak of that,

Mr. HEMENWAY. I am coming to that in just a little while. Mr. PROCTOR. If the Senator will allow me, I acknowledge that it is peculiarly worded, and it is not my wording, but I would interpret it to mean that while it continues as a special

fund it can not be used except under an estimate and by an appropriation by Congress. That is the only way the two clauses can be reconciled

Mr. HEMENWAY. After the year 1908?

Mr. PROCTOR. After the year 1908. Mr. HEMENWAY. I can not understand why it should be

delayed until 1908.

I wish to call attention to the fact that my prediction has proved more than true, much to my regret. While this item was carried upon the sundry civil appropriation bill, which is handled by the Committees on Appropriations of the House and the Senate, \$375,000 was the largest sum appropriated for this service, and at that time, as I have stated, the sales of timber and the receipts from grazing lands went into the Treasury of the United States. The agricultural appropriation act of last year increased this amount to \$1,000,000. From \$375,000 the sum went up to a million dollars, and in addition to that there was used from the money derived from sales of timber and from grazing lands some forty-odd thousand dollars.

Now, in this year's bill reported for our consideration the appropriation has been increased by asking for a million dollars, and that \$250,000 of that sum be immediately available.

Mr. President, I want to sound a little warning. The Senator from Rhode Island [Mr. Aldrich] hands me a copy of the bill, which shows the total to be \$1,900,000. But I want to be absolutely fair. The recommendation of a million dollars was not carried in the last bill, but there is a recommendation in this bill of a million nine hundred thousand dollars, all told, asking that \$250,000 of that amount be made immediately available. I can not understand-

Mr. CARTER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Montana?

Mr. HEMENWAY. Certainly. Mr. CARTER. The Senator stated that in addition to the appropriation of last year the sum of \$43,000 had been received for grazing permits.

Mr. HEMENWAY. That sum has been expended out of the

funds received for grazing.

Mr. CARTER. The aggregate sum collected amounted to \$767,000.

Mr. HEMENWAY. But if there has been any of that expended other than \$42,000, I am not informed. There may have been more of the money expended, but as far as my information goes only \$42,000 of that sum has been expended.

I call attention to the fact that in addition to the sum on hand—some \$700,000, if the Senator from Montana is correctan appropriation of \$1,900,000 in addition to that sum is now requested by the bill which we are now considering.
Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. HEMENWAY. Certainly. Mr. HEYBURN. I only rose to say to the Senator from Indiana that upon request made last evening I received the exact figures of the amount on hand now. There was \$869,809.44 in this special reserve fund yesterday.

Mr. HEMENWAY. Then add to the \$1,900,000 the \$800,000 and over that is now on hand, and it makes an appropriation of \$2,700,000, in round figures, besides the receipts of this year, this appropriation being made for the fiscal year commencing July 1 next, when this sum will have largely increased. You have \$2,700,000, and with the receipts for the year commencing July 1 they would have on hand to expend in administering the forest reserves a sum no doubt running up beyond three and a half million dollars, as against a total expenditure of only \$375,000 for the fiscal year 1905.

Mr. CARTER. I beg the Senator's indulgence while I read from the address of Chief Forester Pinchot in a convention of foresters recently held in this city, in which this statement is

During the year of the transfer, in which we had charge of the reserves for five months only, the income was \$75,000, there being then no grazing fee. The next year the receipts were \$767,000, or during the past calendar year something over a million, and during the present fiscal year we shall take in about a million and a quarter.

So the \$1,900,000 specified in this appropriation is to be supplet inted by this million and a quarter dollars to be collected from citizens of the country for temporary grazing.

Mr. HEMENWAY. Yes; and the \$800,000 on hand, as sug-

Mr. President, I can not understand and I do not understand and no information is furnished by the Committee on Agriculthre that would lead this body to understand the necessity for

this increase in the appropriation, running, as I say, from \$375,000 for the fiscal year 1905 to over \$3,500,000 for the fiscal vear 1908.

We are now drifting rapidly into extravagant expenditures, and this Congress will mark the high-water line. I am told that when Congress adjourns we shall have appropriated over a billion dollars for this one session of Congress. We are entering upon a whole lot of duties that do not properly belong to the Government of the United States, and in this period of prosperity we are fastening upon the Government expenditures that are going to give trouble to us when we do not have so much prosperity, when our revenues are not so great as they are now. It means a deficiency next year, I am admonished by the Sen-

ator from Maine [Mr. HALE].

Mr. President, in view of the fact that I opposed this legislation at the time it was enacted, in view of the fact that I pointed out what, in my judgment, would follow, I felt it was my duty at this time to call the attention of the Senate, and as well the attention of the country, to this rapid increase in the expenditure of the Government's money. We are told that it means that great sums will come back to the Government. When this legislation was pending in the other branch of Congress, when I had the honor of being a Member of the other House, we were told that large sums of money were to be brought into the Treasury of the United States as the result of this policy. But we find that not only the money collected, but large sums out of the Treasury of the United States, are required to administer the Forest Service.

I had hoped that with an appropriation of from \$375,000 to \$500,000, and with the money received for grazing purposes and from sales of dead and down timber, even this department of the Government could administer the forest reserves. But I find instead they are using all the receipts from dead and down timber, all they receive for grazing purposes, and now are asking that \$1,900,000 in addition be appropriated out of the Treas-

ury of the United States.

Mr. President, I do not believe that this appropriation ought to be granted. I do not believe that any fund should be placed in the hands of any Cabinet official or other official as a continuing appropriation. I believe that the Congress of the United States has a right to know at the beginning of each session of Congress, through the estimates furnished by the different Departments of the Government, the amount of money that they desire to spend for the ensuing fiscal year. I believe we have a right to know how it is to be expended. I believe we have a right to have reports through the estimates at the be-I believe we ginning of every session of Congress, that Senators and Members of the House may know what the money is to be used for.

I do not believe that the head of any Department of the Government is better qualified to direct the expenditure of the money of the Government than the Congress of the United The heads of Departments were not intended for that purpose. It is the duty of the Congress of the United States

to regulate the expenditures of the Departments.

I had the honor, aided by the members of my committee, to suggest a provision of law which was enacted by the Congress of the United States, requiring that the Departments should stop making deficiencies and that they should confine themselves to the money appropriated by Congress. If Congress does not appropriate a sufficient sum of money, we are answerable to the people for it, not the head of the Department that has the money to expend. Under that provision we have in a way prevented the enormous deficiencies that they used to send down at the beginning of each session of Congress. We want pub-We want it applied to the Departments of the Governlicity. We want the people to know and Congress to know what ment. the Departments do with the money of the Government; and there ought not to be a single dollar of Government money taken in that does not go directly into the Treasury of the United States and stay there until Congress, upon proper annual estimates, provides for its disbursement by the different Departments of the Government.

Mr. FLINT. Mr. President, I have listened to the statement of the junior Senator from Indiana [Mr. Hemenway] as to the manner in which money should be appropriated for this particular purpose and the criticism which he has made as to the manner in which this fund is now being disbursed. I am in entire accord with the proposition that we should have an estimate made and sent to Congress before an appropriation is made for this purpose. But as far as the management of this fund is concerned, I desire to say that I understand that the Keep commission examined the accounts of the Forestry Bureau, and they state that this fund has not only been properly disbursed, but that the system of bookkeeping in the For-

estry Service is one of the best in use by the Government of estry Service the United States. Will the Senator-

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Montana?

Mr. FLINT. I do.
Mr. CARTER. Will the Senator advise us who constituted the Keep commission?

Mr. FLINT. I do not now remember the names of the com-

Mr. ALDRICH. I was going to say that the Chief Forester was a member of the commission.

Mr. CARTER. I understand that the Chief Forester was a

member of the board which examined these matters

Mr. FLINT. I understand that one of the members of the commission, not the Forester, testified before the Littlefield commission a few days ago that the system of bookkeeping in the Forestry Bureau was perfect. As a matter of fact, an estimate of the expenses of the Bureau each year is made by the Forester and sent to the Secretary of Agriculture, and it is only proper and right that the same estimate should be sent to the Congress of the United States. There is no objection to that.

But as a matter of fact the expenses of the Bureau have not increased in proportion to the acreage that has been added to the reserves throughout the United States. An estimate was made by the Forester some years ago as to how long it would take before the reserves would be self-sustaining; and the reason why the expenses have increased was not that the re-serves had been extravagantly managed, but there was more acreage, and by reason of the fact that there was a greater acreage there was a greater expense. The Congress of the United States is not asked to appropriate a dollar more than was estimated by the Forester when he made his estimate that in a certain number of years the reserves would be made selfsustaining.

I have a statement here which sets forth the amount which has been received from the various reserves and the amount of the estimated appropriation, and also the total amount of expenses and the total amount of receipts. This statement shows that in three years the appropriation that will be asked for will be \$400,000, and that will be the last appropriation that will be asked from the Congress of the United States.

Mr. President-

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Kansas?

Mr. FLINT. I do.
Mr. LONG. In order that we may understand clearly the Senator's statement, do I understand that to be for the running expenses of the reserves? The Senator certainly does not wish to include the \$6,000,000 that the Forester asks of Congress to improve the reserve, one million of which is in this bill?

Mr. FLINT. I do not include that. I propose to answer the question propounded by the Senator from Kansas in a moment. There are two propositions that we have to meet in the management of the forest reserves. One is the general expenses of the reserves, the expenses in conducting the business, and to meet the expenses an appropriation was made for 1906 of \$875,000, for 1907 of \$1,000,000, and the estimate for 1908 of \$900,000, for 1909 of \$700,000, and for 1970 of \$400,000. During these years the expenses of managing the reserves increases each year by reason of the fact of the increased acreage, which requires additional expense by reason of the necessary superrequires additional expense by reason of the necessary supervision of this vast tract of land. The total resources of all kinds during these years, for 1906, was \$1,542,219.96; and is estimated, for 1907, \$2,250,000; for 1908, \$2,600,000; for 1909, \$3,100,000, and for 1910, \$3,400,000.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from California

yield to the Senator from Idaho?

Mr. FLINT. I do.

Mr. HEYBURN. I desire to inquire of the Senator from California if he can tell us for what purposes this sum of money, the million dollars that we are asked to appropriate, is to be expended?

Mr. FLINT. I will in just a moment.

Mr. HEYBURN. What is the class of expenditures? Mr. FLINT. If the Senator will permit me to finish the state ment, I will answer that question. While the expenses of the reserves have increased each year, the estimate is made by the Forester that in the year 1911 no appropriation will be asked for, and yet the receipts from all sources will be \$3,600,000 and the amount of expenses estimated will be \$3,500,000.

Mr. HEMENWAY. Mr. President-

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Indiana?

Mr. HEYBURN. I should like to ask at this point, which is germane to the inquiry and necessary to give us a full enlighternment upon it, what is the character of the expense included within the appropriation asked of \$1,000,000? For what general purpose is it to be expended?

Mr. FLINT. For building roads, for building trails, for build-

ing fences and telephone lines, and other works of that kind in

the forest reserves.

Mr. HEYBÜRN. Not including pay of rangers or foresters?

Mr. FLINT. No, sir. Mr. HEYBURN. But for building roads, trails, and telephone lines, and that class of public improvements?

Mr. FLINT. Yes, sir.

Mr. HEYBURN. For the private use of the forest reserve office?

Mr. FLINT. For the public use of the officers of the Government in conducting the business of the reserves.

Mr. HEYBURN. For the use of Government employees in conducting the business of the reserves?

Mr. FLINT. Yes, sir.

Mr. HEYBURN. Can the Senator tell us what business will be conducted that would authorize an expenditure of \$1,000,000 for roads, telephone lines, etc.?

Mr. FLINT. I can.
Mr. HEYBURN. What would be the business?
Mr. FLINT. If the Senator will permit me one minute, I desire to finish the part of my statement in reference to these expenses, and I will then devote my time to the million-dollar appropriation.

Mr. HEYBURN. I will be glad to have an explanation.

Mr. FULTON. Will the Senator allow me right there to make

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Oregon?

Mr. FLINT. I do. Mr. FULTON. I Mr. FULTON. I think many of these roads are necessary to enable the people to cross the reserves. I should like to have the Senator explain it, so that we shall understand it fully. I myself know that there is great necessity for roads, public highways, across these reserves; and if they are to be maintained as reserves under the control of the Government, the Government must certainly expect to construct roads.

Mr. CLARK of Wyoming. Mr. President—
The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Wyoming?

Mr. FLINT. I do.

Mr. CLARK of Wyoming. Right on the point to which the Senator is now addressing himself—that is, the increase of the expenditures with the decrease of appropriations-I understand the Senator that the necessary expense will gradually increase until it reaches something like \$3,500,000, but that the appropriations by Congress will decrease until they reach the minor point showing a profit in the operation of the reserves. I understand it further to be the fact that so far as grazing upon the reserves is concerned the Forestry Bureau estimates that that privilege is extended as far as it should be; in other words, that the reserves are now carrying all the stock they should carry

Then, are we to assume that the increased revenue from which all the expenses are to be curtailed, \$1,000,000, is to come from the lumbering operations that are to be carried on, the sale of lumber, by the Forestry Division of the Gov-ernment? I ask where the expenses are to come from rather than to be appropriated from the Treasury?

Mr. FLINT. I say the income from the forest reserves consists, first, of grazing, then the sale of dead and down timber, and standing timber, and for privileges that will be granted

in the reserves

Mr. CLARK of Wyoming. What privileges does the Senator refer to?

Mr. FLINT. Any privilege that is authorized by law. Mr. CARTER. Does not the Senator understand that one of the privileges claimed under this bill is the right to charge the residents of the State for the use of the water power passing from a stream on the reserve?

Mr. FLINT. I do not. Mr. CARTER. Is not that right now claimed for the Forestry Division?

Mr. FLINT. I do not so understand it.
Mr. CARTER. Is it not true that in a certain case in California, or possibly in Nevada or Arizona this side of the California line, the Forestry Bureau insist that they have a right to charge citizens of the country 75 cents per horsepower for permitting water from a stream to run through a wheel?

Mr. FLINT. In answer to the Senator from Montana I desire to say that I understand that the question whether the Forester has the legal right to charge for conserving the waters within the forest reserves and granting rights of way to operate the electric light and power plants therein has been submitted to the Attorney-General for his opinion, and until the Department renders a decision in that matter no action will be taken. In the event that the Attorney-General of the United States advises the Forester that he has the right to make a charge for the privileges granted, I presume that he will make a charge; but I desire to say that I am not in favor of any exorbitant charge being made. I favor a charge for these privileges that would be reasonable, a charge that would make the reserve self-sustaining.

Mr. CARTER. If the Senator will permit me-

Does the Senator from California The VICE-PRESIDENT. yield to the Senator from Montana?

Mr. FLINT. I do.

Mr. CARTER. It is not the question of the amount of the charge, but the question of the right of any arm of the Federal Government to charge the citizens of a State for the use of the running water in the streams of a State.

Mr. GALLINGER. Mr. President—
The VICE-PRESIDENT. Does the Senator from California yield to the Senator from New Hampshire?

Mr. FLINT. I do.

Mr. GALLINGER. Mr. President, the proposition being discussed now is rather a startling one to me, and it has been repeated two or three times to-day. We are endeavoring to get a forest reserve in New Hampshire to conserve the waters of the State. We have a river in New Hampshire that carries more spindles than any river in the world. It did a few years ago, and I think it does now. Is it possible that the forest service can step in, if we establish a forest reserve, and compel our citizens who have manufacturing concerns to pay tribute to the Government.

Mr. HALE. On the Merrimac River?

Mr. GALLINGER. On the Merrimac River. I should like to know that, because if that be so, we want to abandon the proposition to have a forest reserve. We are not proposing to put our interests in the hands of the Government, so far as our manufacturing establishments are concerned. I should like to know exactly what has been done in that direction.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from California

yield to the Senator from Rhode Island?

Mr. FLINT. I do.

Mr. ALDRICH. I should like to ask the Senator from California, subsequent to the suggestion made by the Senator from New Hampshire, if he sees any reason why communities should not be built up and developed and industries established in this great empire which has been set apart and belongs to the Government. I can not understand why this vast area which is larger than ten or twelve different States should be segregated from the rest of the country, and why it should not be developed and used and settled as other parts of the country are

Mr. FLINT. I will answer the Senator from Rhode Island by saying that our experience in the West, or at least mine from my investigation, has been that the vast tract of lands in the mountains have not been taken by settlers, but they have been taken up and are now held in vast tracts, and it has resulted in an absolute monopoly of the timber business, and unless the forest-reserve system is carried on there will be an absolute control of the lumber business of the United States in the hands of a few lumber companies.

Mr. CLARK of Wyoming. I should like to ask the Senator

from California a question.

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Wyoming?

Mr. FLINT. I do.

Mr. CLARK of Wyoming. I ask the Senator if that theory is not a complete abandonment of the original forest-reserve theory which we passed through a law, to wit, that the forest reserves should be at the headwaters of streams to prevent floods and hold back the water?

Mr. FLINT. I will endeavor to meet and discuss that question. I desire for a moment to turn to that part of the statement in reference to the expenses of the reserves.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from South Carolina?

I do.

Mr. TILLMAN. I am entirely ignorant of the working of this forest-reserve system, but in traveling around the country

a little, as I have been doing lately, I was in Montana and near one of these forest reserves. Talking with the everyday people you meet in a hotel, who may or may not have known what they were saying or may or may not have been telling the truth, I got the impression (those Senators who live in that part of the world can tell me whether it is correct or not) that all the great lumber barons—the "lumber trust," as it is called, those having the large mills and whom the Senator alluded to a moment ago—would be apt to gobble up the entire forest area that was fit for lumber. I was told, as I said, that these men were now getting the privilege of cutting the timber in the forest reservations, and getting it at such a small sum that it was worth six to ten times what it was being sold for, and that the people had to pay the same price for lumber regardless of this supply and under that dispensation; and we were reserving these forests for the purpose of letting the lumber barons or the lumber trust enjoy the opportunity to just take it in as they needed it to add to their already overgrown fortunes

Now, if that is true or if it is not true, I should like the Senators from that part of the country to tell us. We have no forest reservation in my part of the world. Somebody was talking about trying to get one in the Appalachian Mountains down there, but if we are going to have the ills and the other accompaniments which we are guessing at from what we hear, I do not want any forest reserve in mine. I should like the Senator to tell me whether the story I heard in Montana is a myth

or whether it has some foundation in fact.

Mr. CARTER. Mr. President, will the Senator from California kindly yield to me?

Mr. FLINT. I yield to the Senator from Montana. Mr. CARTER. Mr. President, I have no doubt it is the honest intention of the forest-reserve management to give everybody an equal show in the purchase of the timber; but the fact is, the man running a small sawmill is outbid for this timber and driven out of business, whereas the large mill owner, having an equipment enabling him to reduce the logs to merchantable shape more cheaply, is enabled to bid a larger price for the stumpage. It thus comes to pass in the State of Montana that the price of lumber has gone up, because of no competition on the part of small sawmills, from an average of \$11 a thousand

to an average of from \$17 to \$40 per thousand.

I have a letter on my desk from a ranchman in the upper part of the Bitter Root Valley announcing that the commonest kind of lumber in that country now costs \$17 a thousand, and they are surrounded by forests, by superb trees; that there is but one sawmill left of any consequence in that valley, and that belongs to one of the wealthiest corporations on the American

Mr. TILLMAN. If the Senator from California will permit me, the forestry arrangement that we are now working under permits the timber supply which has been reserved for the people to go through the fingers and turn into the pockets of the millionaire lumber manufacturers, with all this forestry, just as they need it, while the people who want to buy lumber at a reasonable price can not get it.

Mr. CARTER. If the Senator will permit me-

The VICE-PRESIDENT. Does the Senator from California yield further to the Senator from Montana?

Mr. FLINT. I do.

Mr. CARTER. Our people are in favor of forest reserves for the purpose of conserving the waters. They are in favor of forest reserves for the purpose of perpetuating the forests. But their objection rests in the extravagant and unreasonable proportions to which this Bureau has spread the forest scheme on a slender basis of law. We have a mighty mass of rules and regulations, many of them utterly indefensible and oppressive, which so far militate against the well-being of the country as to be well-nigh intolerant.

Mr. FLINT. Mr. President, answering the question of the

Senator

Mr. PROCTOR. Will the Senator yield to me for a moment?

Mr. FLINT. Certainly.

Mr. PROCTOR. Before the minds of the Senate get off from the points that have been raised I wish to say that I fully agree with the Senator from Indiana [Mr. HEMENWAY] in regard to the propriety and the necessity of having all receipts of money go into the Treasury and have the expenses duly esti-mated for and the appropriation made by Congress. I have drawn an amendment that I think I showed to the Senator which fixes that matter for the future, and which is, I believe, satisfactory

Now, with regard to the use of water-

Mr. ALDRICH. Will the Senator be kind enough to have the amendment read and printed, so that we may see the effect of it before it is finally acted on?

Mr. PROCTOR. I will read it now.

And have it printed.

Mr. PROCTOR. And I will then pass it up to be printed. In place of the proviso after the appropriation, I propose to in-

Provided. That hereafter, on or before the 1st day of January in each year, the Secretary of Agriculture shall submit to Congress detailed estimates of all expenditures intended for this service for the next fiscal year and detailed reports of all expenditures under any appropriation for such service during the preceding fiscal year.

I will send the amendment to the Secretary's desk and ask to have it printed.

Furthermore, as to the use of water-

Mr. HALE. As to the amendment which the Senator has submitted-

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Maine?

Mr. PROCTOR.

Mr. HALE. My attention was distracted for a moment while the Senator's amendment was being read, and I wish to ask does it provide that estimates shall be submitted for all expenditures, including the official force and employees? That ought to be included.

Mr. PROCTOR. Yes. If the amendment is not broad enough to cover that, I will change it.

Mr. LODGE. I think that ought to be inserted.

Mr. PROCTOR. I think the amendment says which, I suppose, would cover everything of that kind. LODGE. Mr. President, I rise to a question of order.

Mr. LODGE. The VICE-PRESIDENT. The Senator from Massachusetts

will state his point of order. Mr. LODGE. At what point in the proceedings did the Senator from California [Mr. Flint] lose the floor?

The VICE-PRESIDENT. The Senator from California yielded to the Senator from Vermont, as the Chair understood.

Mr. PROCTOR. Mr. President, in regard to the use of water, I wish to say that no charge has ever been made, and it is not proposed to make any charge for the use of water. was nothing in the law, as I understand, authorizing it; but it was proposed as a matter of negotiation where it was for the advantage of local interests to conserve the water, to make some arrangement by which a portion of the expenditure might be borne by those interested in it. It is, however, entirely a matter of negotiation, and nothing whatever was done under it.

Mr. HEMENWAY. Mr. President—
The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Indiana?

Mr. FLINT. Yes. Mr. HEMENWAY.

Just a word, Mr. President. ask if it would not be advisable to so amend this bill that the receipts from the sales of dead and down timber and for the rent of grazing lands should be covered into the Treasury, and then that appropriations be made from time to time as the committee sees proper; in other words, if we should not so amend the bill as to accomplish that result?

Mr. FULTON. Mr. President, I rise to a point of order.

The VICE-PRESIDENT. The Senator from Oregon rises to

point of order, which he will state.

Mr. FULTON. I must submit that it is not in order during the course of the speech of the Senator from California to propose another amendment and to discuss it.

The VICE-PRESIDENT. The Chair understood the Senator

from California had yielded.

Mr. HEMENWAY. Mr. President, I will say to the Senator from Oregon that my suggestion was with the full permission, as I understood, of the Senator from California. I have learned believe that that Senator can take care of himself fairly well, whether in California or in the Senate of the United States; but if I am intruding on the Senator, I will not press my inquiry further.

Mr. PROCTOR. Mr. President—
The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Vermont?

Mr. FLINT. I do.

Mr. PROCTOR. In answer to the question of the Senator from Indiana [Mr. Hemenway], I will say that I think the bill does now provide that all receipts shall be turned into the If not, I am in favor of so doing, and trust it may be so changed. If it is lacking in that particular, I will ask that it may be corrected. I believe in that just as earnestly as the Senator from Indiana can.

Mr. FLINT. Mr. President, in answer to the question of the Senator from South Carolina [Mr. TILLMAN], I desire to say that if the timber in these reservations owned by the United States can not be controlled by the Congress of the United States by proper legislation so that they will not aid the great lumber companies of this country, but will be operated in the interest of the people, then that is the fault of the Congress of the United States and not of the Forestry Bureau. In my opinion the management of the Forestry Service thus far has not resulted in benefit to the great lumber companies, but to the people; and it will continue so in the future. I believe that to-day if it were not for these reserves every stick of timber would be in the hands of the great lumber companies of the United States, and would not be owned by the Government of the United States as a protection to the people.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from California

vield to the Senator from New Hampshire?

Mr. FLINT. I do.

Mr. GALLINGER. The Senator has not answered the question which I propounded, and I want to put it in this form because am seeking information: Will the Senator state what his opinion is as to whether or not, if we should establish forest reserves in the White Mountains of New Hampshire, this service could exact tribute from the mills along the Merrimac River?

Mr. FLINT. I will answer the Senator in this way: If, as a matter of fact, the Appalachian and the White Mountain forest reserves were created, no right that now exists could be disturbed; but by reason of the creation of that reserve, if the water power in those rivers were increased 50 per cent and other companies desired to go in there and obtain rights upon these reservations, the Government of the United States should charge not for the water, but for conserving the water.

Mr. GALLINGER. I can not imagine how the water could be greatly increased; it might be to a small extent. But if the new concerns are to pay tribute, I do not know any reason why existing concerns ought not; and it has been said here to-day that that is the policy of the Service, and that they do

exact such tribute.

Mr. FLINT. As I understand it, no charge has yet been made. Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from California ield to the Senator from South Carolina?

Mr. FLINT.

Mr. TILLMAN. My understanding of the Appalachian Forest Reserve project is this: That the timber now on the mountains, among which these rivers rise in North Carolina, South Carolina, and Georgia, already, so far as forests do such things, preserve the rainfall and hold it in the leaves in the woods. The object of a reserve is simply to preserve the forests as they are, not as to the matter of timber especially; though in time, of course, the logs and the trees that are there should culled out and turned into lumber. Yet the preservation of the water would continue, by reason of its being woodland, instead of being cut down and left for the rains to fall and rush off in torrents. There is no increase of water power. The only object is to preserve and let the water flow gradually, rather than to have it all rush off at one time, and thus have a succession of droughts and floods,

Mr. HALE. Mr. President

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Maine?

Mr. FLINT. I do.

Mr. HALE. Right in line with this discussion, which is helping to educate certain people, and right in line with what the Senator from South Carolina [Mr. Tillman] has said, I wish to say that I supposed when we established this feature of the forest reserves, it was, as the Senator from South Carolina in-dicates, simply to hold the water and to prevent its rushing off, and that it was to maintain the forest system, in order to hold the water, but that that was to be for the benefit of the citizens below, so that his supply of water for his industry would be more regular in its flow and that there would be more of it during any particular season. But it never entered into my mind that because of this conservation of the forest any power. governmental or otherwise, would take advantage of that and raise the question in any way of charging the citizen for water in the river below.

My idea was that the forest reserve was for the purpose of increasing the flow of water, distributing it more properly, and that the citizen below got the benefit of it. I do not understand how it is that this question has ever been raised. I would not be in favor of this conservation of the water of the forest being doled out, no matter what any Attorney-General decided, by the managers of the reserve to the citizen below. I do not like that question to be raised at all, and I do not think the Senator himself ought to raise it.

Mr. WARREN. Mr. President

The VICE-PRESIDENT. The Senator from California [Mr. FLINT] has the floor. Does he yield to the Senator from Wyo-

Mr. WARREN. Mr. President, I never heard that question raised until to-day, and I do not think it has been the law or practice. If there has been anything of the kind, Congress ought to curb it, of course.

Mr. President-Mr. CARTER.

Mr. WARREN. One moment. I assume that in the case mentioned by the Senator from Montana it occurred because it was done under some peculiar circumstances as the Senator can understand, such, for instance, as the expenditure of money or labor to especially accommodate or benefit some person

Mr. CARTER. I will say to the Senator from Wyoming that the claim is made that this conservation of water in the timber on the forest reserves constitutes such a benefaction to that community as to warrant the Government in charging for the

use of the water as it runs down the stream.

Mr. WARREN. I never heard of that, and if the Senator from California will permit me a little further-I will only take

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Wyoming?

Mr. FLINT. I do.

Mr. WARREN. The whole forestry question was opened up or initiated, if you please, not many years ago in the Interior Department because the forests were being rapidly devastated by fire. I state it as my opinion, after living nearly forty years in the Rocky Mountain country, that up to the time when the Government interposed with its care and supervision more than 90 per cent of the forest growth of the public domain in the arid and semiarid region was consumed by fire. I have seen it estimated that 97 per cent of the forests have been so consumed; but I do not think I ever saw it estimated by those who were conversant with the subject at less than 90 per cent. loss aggregated not only millions, but scores, yes hundreds of millions of dollars. Now, there were large areas in the forest-reserve project of the Interior Department, to take care of which they at first commenced with a few men at \$50 or \$60 a month each for a man with a horse. It was found that the fires got away from them; that they could not be controlled. The men and horses were too few, too poorly paid, and scattered over too wide an area. It then occurred to the Department to put in cabins and improvements, so that more men could be employed, and better men, because of better inducements. So that in addition to sentinels, reserve men could remain in certain localities and be distributed around the forest reserve. They also put in telephone lines, which contributed much to the purpose and success. After this experimental stage it was plainly proven that with the building of roads and bridges, cutting trails, building cabins or dugouts, telephone lines, etc., and with proper care in the burning of brush and refuse ravages by fire could be prevented and a thousand times the cost of prevention could be saved.

Of course, the timber in these forest reserves on the public domain was there, first, for the use of the settler, and second, for the use of the mills, railroads, and commercial industries of the surrounding country. It seemed better to have somebody control it all and sell the down timber and grown timber, which was of no further use as a growing product, and protect and

foster the growing green timber.

We may have gone along too fast or we may have been too slow; and we may be too extravagant now or we may have been too economical heretofore; but I will submit that in the first instance the matter of forest reserves was outside and apart from the matter of the conservation of the water. the latter soon followed, as it was a consideration vital to an irrigated or irrigable country, but outside of the water question we were rapidly losing the forests by fire. For that matter, the Indian who went hunting to shoot deer set fire to the forests to drive the game out. So did the white man. I have seen those fires, and other Senators present have seen them. Sometimes they were started by the Indians and by the white men to make trouble. And all of this was the inception of this forestry enterprise on the part of the Government. States and Territories could not do it; they did not own the lands nor did they have the money.

Now, at the present time it seems that we have two funds. We have a fund that is taken from the sale of the timber and a fund from the grazing permits. We have passed a law by which 10 per cent of the fund received from forest earnings shall go for roads to each county in which it is earned, the balance to be expended for administration and betterments.

Then we have another fund by direct appropriation from the Treasury for permanent improvements

I want to say that my understanding is-if the Senator from California will permit me further—that the million dollars proposed to be appropriated in this bill, or whatever sum we shall provide, is for permanent improvements, such as cabins, roads, bridges, reservoirs, trails, telephones, etc., the roads being open to the public generally, and the telephones, so far as they have been put in, being such that they can be reached by the community at large, all this chiefly to place the whole forestry system under control against fire.

If the Department is taking too high a price for the lumber or for grazing, let us treat that subject on its merits. million dollars is too much to appropriate in one year, let us appropriate less; but let us not attack the matter of forest reserves proper and say we shall not protect them against these great fires and against carelessness in cutting out growing timber. Let us protect them fully. I do not think anyone believes we ought to bar all the cattle and all the sheep sut of these bare parks inclosed by forests—and that is about all they really offer for grazing. We ought to permit grazing on the park-like areas within the limits of the reserves. But I will not encroach longer on the time of the Senator from California.

I thank him very much for his forbearance.

Mr. FLINT. Mr. President, I simply desire to say that the Mr. FLINT. Mr. President, I simply desire to say that the estimates made by the Department show that the forest reserves

will be self-sustaining.

Objection is made on the one hand to the manner in which this fund is being accumulated for the purpose of meeting the expenses of the reservations, and on the other hand objection is made to appropriating the necessary money for their maintenance. I am convinced that the Forestry Service has had an economical and honest administration, and the only question that arises is as to whether or not the Congress of the United States desire these reservations to be self-sustaining or whether Congress desire to appropriate money for their maintenance.

Mr. Pinchot has furnished me a statement, which I will ask to have printed in the Record. It contains the estimated expenses and receipts of the Forest Service from 1907 to 1917.

The PRESIDING OFFICER (Mr. BULKELEY in the chair). In the absence of objection, the statement referred to by the Senator from California will be printed in the RECORD.

The statement referred to is as follows:

TABLE A .- FOREST SERVICE. Estimate of receipts and administrative expenditures 1907 to 1917.

Fiscal year.	Receipts from forest re- serves.		Total receipts from re-	Total from appropria-	Total from
	Timber sales.	Grazing.	serves.	tions.	all sources,
1906. 1907. 1908. 1909. 1910. 1911. 1912. 1913. 1914. 1915. 1916. 1917.	\$252, 527, 09 550, 000, 00 900, 000, 00 1,500, 000, 00 2,030, 600, 00 2,530, 000, 00 3,100, 000, 00 3,400, 000, 00 4,100, 000, 00 4,100, 000, 00 4,500, 000, 00	\$514, 6\$2. 87 700, 000. 00 890, 000. 00 900, 000. 00 1, 000, 000. 00 1, 160, 000. 00 1, 200, 000. 00 1, 300, 000. 00 1, 400, 000. 60 1, 500, 000. 00 1, 500, 000. 00	\$767, 219. 96 1, 250, 000. 00 1, 700, 000. 00 2, 400, 600. 00 3, 630, 600. 00 4, 600, 600. 00 4, 400, 600. 00 4, 800, 800. 00 5, 200, 000. 00 5, 600, 000. 00 6, 000. 000. 00	\$875, 000, 00 1,000,000,00 900,000,00 700,000,00 400,000,00	\$1,542,219,96 2,256,000,000 2,600,000,00 3,100,000,00 3,600,000,00 4,000,000,00 4,400,000,00 4,500,000,00 5,200,000,00 6,000,000,00

	Administrative expenditures.		
Fiscal year.	Paid from receipts.	Paid from appropriation.	Total,
1906. 1907. 1908. 1909. 1910. 1911. 1912. 1913. 1914. 1915. 1916. 1916.	3,500,000.00 3,800,000.00 4,100,000.00 4,300,000.00 4,500,000.00	\$875, 140.00 1,030,006,00 900,000.00 700,000.00 400,000.00	\$1,191,253.87 1,900,00.00 2,500,000.00 2,900,000.00 3,200,000.00 3,500,000.00 4,100,000.00 4,500,000.00 4,700,000.00 4,700,000.00 4,900,000.00

NOTE.—Receipts from privilege permits, being in their infancy and uncertain, are not included in above table, although they will probably total enough in themselves to repay a \$5,000,000 loan by 1917.

Mr. FLINT. The question is asked why should we appropriate \$1,000,000 at this time for permanent improvements:

Mr. HALE. Let me ask the Senator right there—
The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Maine.

Mr. FLINT. Certainly.

Mr. HALE. I do not want to intrude upon the time of the Senator from California, but does the Senator think that in the scope of the original forestry reserve proposition for the conservation of the forests the question of their being self-sustaining entered at all into the consideration of their establishment? I did not so understand. I understood that it was a great project—to keep these forest tracts for the purpose of holding water, to make, as I said before—and I do not wish to repeat to make it more equal in its flow and distribution. I did not understand that the Government, into whose hands we put this, was to go into any form of business upon these reservations, and the question of whether they were self-sustaining did not enter into my mind in the slightest degree.

Mr. FLINT. Does the Senator believe that forest reserva-tions should be maintained at the expense of the Government of the United States?

Mr. HALE. Undoubtedly, Mr. President. If the great beneficent object which we had in view is to be so great as all nature, and all the operations of nature show to every man it will be the forest reservations should be kept up if they do cost the Government. The moment that you introduce the feature of making them profitable, then you extend the reservation over tracts and areas that are not forests where it never ought to have been extended, and you depart from the original project upon which we embarked. They were not established for busi-ness and revenue, but for benevolent and beneficent purposes, and the forest reservations ought to have been kept in that way, devoted to that, and nothing else. We have departed from that and have made it a great business enterprise, in which the Government is engaged, and the question of profit to the Government has usurped the place of what was originally intended should be a great project of benevolence and beneficence in order to hold back and conserve the waters.

Mr. FLINT. Mr. President, in connection with that, I de-

Mr. HEYBURN. Will the Senator permit me to give some figures in connection with that statement?

I want to finish to-night.

Mr. HEYBURN. If the Senator will yield, I will say the interruption is for a useful purpose.

The PRESIDING OFFICER. The Senator from California

declines to yield.

Mr. HEYBURN. I desire to say that on Saturday Mr. Pinchot, the Chief Forester, under oath, before a responsible body stated toat not less than 30,000,000 acres of land in the forest reserves do not at the present time contain merchantable In other words, there is not less than 30,000,000 acres of nontimber land in forest reservations.

Mr. McCUMBER. Out of how many? Mr. HEYBURN. Out of 121,000,000 acres.

Mr. FLINT. In answer to the statement as to land being included in the forest reserves that is not timber land, I desire to say that there is no question but that there are lands within forest reserves that are not now timber lands. But they are included in the reserves for two reasons. First, they are a part of a watershed and help conserve the water; and, second, they are lands which in time will be replanted and re-That seems to me a part of the original plan, that we should not only have the lands reserved that would conserve the waters, but, in addition, we should reserve the lands that will grow trees as, although they may not now be covered with timber, they should be replanted so that they will in time become great forests.

Mr. HALE. Now, I see

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Maine?

Mr. FLINT. Yes.

Mr. HALE. I see the force of that. I see that where in a great forest reserve of so many thousand acres there is in the midst of it a tract which is not forest, but is comparatively bare—I see the force of the Senator's suggestion, that that should so be treated that in time it would merge with the other and become a forest reserve and help to conserve the waters. But, Mr. President, it is as far as the East is from the West that you substitute for that that the Government shall go into the grazing business on these areas which are not forests, and grazing on which through all time will prevent their ever being We never contemplated that, and that never should

have been embodied in this scheme of forestry reserve.

Mr. FLINT. Mr. President, I do not know whether the Sen-Mr. FLINT. Mr. President, I do not know whether the Senator from Maine alludes to the grazing privileges on the public lands now or the grazing permits on the forest reserves, but so far as the grazing permits on the forest reserves are concerned it must naturally follow that in these great reserves there must

if that land was not used for that purpose and the stock permitted to go upon the reserves

Mr. HALE. But I understood the Senator to say—
The VICE-PRESIDENT. Does the Senator from California yield further to the Senator from Maine?

Mr. FLINT. Yes.

Mr. HALE. I understood the Senator to say that the plan

not forests now was so that of treating these tracts which are not forests now was so that they would in the end become forests and would merge with the forests. We never will get that done if the Government goes into the grazing performance. You will never have anything there that will become forests. I object to the Government going into the grazing business on these tracts which are not now and if the Government continues to pasture them and graze them will never become forest lands.

Mr. FLINT. I am not in favor of permitting pasturing on forest reservations so that it will injure the land and prevent

its being planted for the purpose of reforestation.

Mr. HEYBURN. Mr. President

Mr. FLINT. I decline to yield. I desire to conclude to-

Mr. HEYBURN. Of course it is the privilege of the Senator

to decline to yield—
The VICE-PRESIDENT. The Senator from California declines to yield.

Mr. HEYBURN. But if he is going to do it I want to know it.

Mr. FLINT. I want to finish. That is all.
Mr. HEYBURN. I ask only an ordinary courtesy.
Mr. FLINT. I will grant it. Proceed.
The VICE-PRESIDENT. The Senator from California yields to the Senator from Idaho.

Mr. HEYBURN. I rose for the purpose of putting into the Record some figures which are pertinent to the question immediately under consideration. I do not intend to tax the patience of the Senator from California by asking to interrupt him any more than is customary in the procedure of this body, and whenever the Senator from California desires to make an exception in my case he has only to indicate it, and I will not interrupt him further.

The Senator from Maine inquired as to the use that was made of these forest reserves for pasturage. I happen to have before me the testimony, under oath, of Mr. Pinchot, the Chief Forester, taken on Saturday before a committee of Congress, and he states:

That at least three-fourths of the whole area-

That is, the whole area of forest reserves-

is more or less used for grazing. Most of the western forests, you understand, are sparse, and the trees standing far apart, much sunlight reaches the ground, and there is a heavy growth of various kinds under the trees.

I desire also to give the figures, if it will not tax the patience of the Senator unduly, as to the extent of the grazing. He was inquired of as to the number and character of the stock grazed upon forest reserves, and he said:

We had last summer about 1,250,000 head of cattle and horses and about 6,000,000 sheep and goats on the forest reserves.

He was asked:

About how many would that be per acre?
Mr. PINCHOT. If there should be 7,250,000 head altogether, divided into 100,000,000 acres, it would be one animal to 15 acres.

Those are facts which I thought it important to have considered in connection with the discussion of this question.

Mr. PROCTOR. Will the Senator from California allow me to say a word partly in reply to the Senator from Maine?

Mr. FLINT. Certainly.

Mr. PROCTOR. It seems to me where the ground is covered with full-sized, comparatively open forests there can be no

great objection to some grazing upon it.

Another thing, in regard to restocking; I had the honor once to serve as a member of a forestry commission in my own State, and I gave considerable attention to that. There are some trees which are not cropped very much, if at all, by stock. pends upon the nature of the trees. Stock do not take to every kind of a tree. Pine and oak are not cropped very much, I think. I suppose that is a question which an experienced for-ester understands and ought to guard against. There ought to be no grazing that would interfere with the growth of the forest.

Mr. HALE. Mr. President—
The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Maine?

Mr. FLINT. Certainly.
Mr. HALE. I know something about lumber lands in Maine.
I was struck with the testimony of the Chief Forester in favor be land that is suitable for grazing, and it would be a mistake of grazing, that large tracts of these reserve lands are covered

with a thick green growth underneath. Now, instead of that tnick green growth being removed and destroyed by pasturing and by grazing, that is the very kind of growth which ought to be encouraged, because it is that which helps to hold the water. We found that out in Maine. The more undergrowth there is the better the supply of water that is retained in the forests for the benefit of the streams below, and instead of that being pastured on and nibbled and grazed off it ought to be kept in order to hold the water supply.

Mr. THLLMAN. The Senator should not forget to say that

the packing of the earth by the animals destroys the water-

holding qualities.

Mr. FLINT. I am not prepared to answer the question propounded by the Senator from Maine and answered by the Senator from Vermont. It is a practical question, and I take it for granted that a man like Mr. Pinchot, who has devoted his life to this work, who has not only studied the question in Maine, but in other States throughout the whole country, understands whether this particular reserve or that particular reserve should be pastured. I know that in my own State, in the southern part of the State, great harm would result to the reservation by pasturing sheep. In the northern part of the State, where there is plenty of rain, the result is different. There no harm could come, but benefit, by permitting the sheep to be pastured in the

Mr. HALE. What would be the benefit?
Mr. FLINT. The benefit, I would say, principally would result in eating up all the grass which, when it became dry, might catch fire in summer time and result in great forest fires.

We are making an appropriation this year of \$900,000 for expenses, and that, with the amount of the receipts from the reserves, will be sufficient to manage and operate them. question is now presented whether or not the Congress desires to appropriate \$1,000,000 for permanent improvements. The Senator from Wyoming [Mr. Warren] stated a moment ago the great loss to the reserves by reason of fires. We know from a study of this question that the reason why the fires have resulted in such great destruction is that because of the lack of proper roads, or trails, etc., they have not been able to have the forest rangers reach the fires in time to put them out, and that they had no means of communication with other rangers, so that they could all be brought to the place where the fire started.

This \$1,000,000 is asked so that the Forester can construct telephone lines, build houses for the rangers, and build trails throughout the mountains; so that they can travel from one part of the range to the other, build wagon roads; so that the lumber can be brought from the reserves and placed upon the market, and in addition to that give the public access through these reserves. I believe that if a prudent business man owned these reserves he would expend a sufficient amount of money to protect them from fire, and if we do not make this appropriation in the end there will be sufficient money from these receipts to do the work as planned. Mr. Pinchot believes that the income, as he estimates it, will permit him to build these trails, these roads and telephone lines. But in the meantime thousands of acres of timber and millions of dollars of property may be destroyed by fire. The question is, will the Congress of the United States make an appropriation now, so as to allow the Forester to proceed with this work, which is simply a matter of protection to the Government's property?
Mr. CLAY. Mr. President—

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Georgia?

Mr. FLINT. I do. Mr. CLAY. I desire to call the Senator's attention to the very feature he is now discussing. On page 41, lines 23 and 24, as the Senator has stated, it reads:

Total for salaries and general expenses, Forest Service, \$900,000.

On page 42, which the Senator was discussing, the House gave an item of \$500,000, "to be expended as the Secretary of Agriculture may direct, for proper and economical administration, protection, and development of the national forests." want to say this to the Senator-

Mr. TILLMAN. That has been increased to a million.
Mr. CLAY. It has been increased by the Senate committee Mr. CLAY. to a million dollars.

Mr. FLINT. Yes, sir.
Mr. CLAY. This amendment provides for the appropriation of \$1,000,000 to enable the Secretary of Agriculture to protect the forests, and there is not any estimate made of how it shall be expended. Does not the Senator think that in order to justify an appropriation of a million dollars for that purpose the Secretary of Agriculture ought to send to Congress an itemized statement as to how the money is to be expended? Is it not with him entirely—as to the necessity and value of preserving

going a long ways when we appropriate \$1,000,000 for him to use in his discretion, as he sees fit and proper, to employ any number of persons he may desire to employ, and to fix their salaries? I see the Senate committee has stricken out the

That hereafter a detailed estimate of the services herein appropriated for shall be submitted to Congress with the other estimates for the Department of Agriculture.

Is it not true that at every session of Congress there ought to be estimates sent to Congress showing how much it will take for these expenditures and what kind and classes of expenditures will be made? Simply to leave the Secretary to say how a million dollars shall be expended is, to say the least of it, giving him a power that he ought not to enjoy.

Mr. FLINT. I stated in the commencement that I was in favor of that and thought that was the proper procedure, and I understand an amendment has been agreed upon which provides

that that shall be done hereafter.

Mr. CLAY. I was not aware of that.
Mr. FLINT. I believe the million dollars should be appropriated upon an estimate made to the Congress of the United States, and, in my opinion, all money for every Department should be appropriated only after an estimate has been made to the Congress of the United States.

Mr. HEMENWAY. I wish to ask the Senator a question.
Mr. FLINT. Only a word, and I shall be through.
Mr. HEMENWAY. I should like to ask a question as to the million-dollar appropriations.
The VICE-PRESIDENT. Does the Senator from California

yield to the Senator from Indiana?

I do.

Mr. HEMENWAY. If this appropriation of a million dollars is made, I ask if it will not commit the Government to the scheme to the extent of six or seven million dollars? I see it is stated that the improvements desired to be made will cost some six or seven million dollars, and this one million would only be the first appropriation, and it would commit the Government to

the expenditure of the other six or seven millions.

Mr. FLINT. I do not think it commits us to any There is no necessity for appropriating this million dollars to carry out any plan other than the same work that would be ultimately carried out by the Forester. The appropriation of a million dollars simply permits the Forester to do the work now, whereas otherwise it would be postponed some five or six or seven or perhaps ten years—the very work that the Forester would carry out now with this appropriation, provided he is permitted to continue the management and control of the reserves as he is now doing.

Mr. TILLMAN. Mr. President—
Mr. FLINT. I will close in a minute, if the Senator from

South Carolina will permit me.

Mr. TILLMAN. I will let the Senator get through, but before he sits down I should like to ask him a question.

Mr. FLINT. I simply want to say one or two words in reference to the frauds which have been perpetrated by the creation of these forest reserves.

No one realizes more than I do the truth of the statement made by the Senator from Oregon [Mr. Fulton] that great frauds have been perpetrated by the creation of these forest reserves and the acquisition of lands by forest reserve scrip, but if these forest reserves had not been created the frauds in the homestead laws and the timber and stone act would have wiped out the forests and we would not have any timber land.

While the result of creating the reserves permitted a great many to obtain timber lands, at the same time the timber and stone act permitted them to take them also. The result of all the land laws has been that the West has been robbed of its rights. I believe that more than 50 per cent of the timber lands in the West have been directly or indirectly fraudulently acquired, and if our forest reserves did not exist and the land been thrown open under the land laws as they now exist, in a few years every foot of timber land in this country would be in the hands of large operators and the people of the United States would be helpless so far as concerns the charges that the owners of the timber could make for lumber. The only protection that we now have is to retain these lands and keep some timber in the possession of the people of the United States.

Mr. TILLMAN. Before the Senator takes his seat I should like to ask him a question.

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from South Carolina?

Mr. FLINT. Certainly.

Mr. TILLMAN. The Senator has just argued—and I agree

the forests, and he says that if we had not inaugurated the scheme of forest reservations all these lands would now be in the hands of large lumber barons, we will call them. What does the Senator consider the value of the timber on the forest reservations to-day?

Mr. FLINT. I have the statement here—\$660,000,000.
Mr. TILLMAN. That is Mr. Pinchot's estimate?
Mr. FLINT. Yes, sir. And then \$110,000,000. That would be \$770,000,000.

Mr. HALE. That is the timber on the reservations?

Mr. FLINT. Yes, sir.

Mr. TILLMAN. Does that mean all the timber, or that which is to-day merchantable?

Mr. FLINT. That is the present value of it. Mr. TILLMAN. Of the merchantable timber?

What I wish the Senator to consider and give us any information he has on it, for he has studied this question very thoroughly, is this: These reservations are intended to preserve that timber for the benefit of the people of the United States.

Mr. FLINT. Yes, sir.

Mr. TILLMAN. A capital of seven hundred and odd million dollars, with the income that would be derived from it in marketing that timber which is ready to be cut and sawed, ought to yield not only enough to administer it, but a very large income in addition, to go into the Treasury of the United States. Have you studied—I have read just a little on the subject anything about the forest reserves in Germany and other European countries, where the governments have found it necessary to set apart certain areas of wooded land and to preserve those inviolable and to replant a tree for every one cut? They are protected and guarded, and the timber, as soon as it ripens, sold to somebody who wants to turn it into lumber, and the governments derive large revenues from their forest reservations.

Now, in a barren country such as the West is, in a way, as far as water goes, with the preservation of the water supply for irrigation purposes involved in these reservations, there ought also to be held in view the preservation of the timber for the use of the country as lumber. Now, here are two interests to be served. Agreeing that a proper forest policy would be a wise and statesmanlike act on the part of Congress, does not the Senator see that with the immense amount of land covered by these trees, which are in a condition to be turned into lumber, we ought to derive a much greater revenue than the simple expense account of preserving them? In other words, if this timber is to be preserved and in the end is to be dribbled out to favorites who will buy it under conditions where there is not proper competition, will we not be preserving the timber for the benefit of those who will sell it at an enormous profit to other people later on rather than have it go into the market in such a way and under such conditions as will be to the best interests of those who want to buy lumber as well as to the best interests of those who want to preserve the water?

I ask the Senator this question because I know he will agree with me in the main, and I want him to give us the information which he has, if he has it handy, as to how long it will be be-fore, if Mr. Pinchet is allowed to go on in his scheme, these forests will not only be self-sustaining, and not only will we not have to appropriate from the Treasury a sum commensurate with the expenses, but we will derive from these forests a large income to go into the Treasury, and at the same time there will be a continual reproduction of trees to supply those which are cut annually, like they do in Europe, and the forest policy of the Government will yield an income to the country, preserve the trees for lumber, preserve the wood for water supply for irrigation, and we will have a benevolent and proper administra-

How long will it be before we reach that?

Mr. FLINT. I think the forest reserves in five years will be self-sustaining. I furnish a statement, which will go in the RECORD, which shows year by year up to 1917 what the profits will be from the reserves. I have not the figures so that I can

give them, but they will appear in the Record.

Mr. TILLMAN. If the Senator can assure us from his study of this question and from his knowledge of conditions in the West that that is the policy which we are called on to appropriate for, and that in a very short time we will have an income from such forests, and that the lumber supply will not be gobbled up by the lumber trust, and that the trees will be there to supply the lumber for the country for all time to come, and that the trees will be there to supply water for irrigation for all time

to come, I can see some sense in it; otherwise I do not see a bit.

Mr. FLINT. The Senator has stated it correctly, and much
more clearly than I could state it. The maintenance of these reserves will not only assure a permanent water flow for the arid districts, so that many acres can be irrigated, but it will make certain a supply of timber for the future.

Mr. TILLMAN. Then the Senator ought not to forget, and those in charge of these interests ought not to forget, the point made by the Senator from Maine, to the effect that grazing on these lands destroys all possibility of their being reforested, be-cause anyone who is acquainted with timber growth knows that the nibbling of the buds of the young trees just come up destroys all possibility of their growing, and you can never get trees to grow on land after it has once been packed by the hoofs of cattle and sheep and the young growth destroyed as fast as it comes up. We have got to let the trees grow according to nature and try to keep the fires down, or else we will never have forests.

Mr. GALLINGER. Mr. President, I understood the Senator from California a moment ago to say that the timber on the forest reserves is estimated to be worth \$700,000,000. Am I correct?

Mr. FLINT. Seven hundred and seven million dollars.

Mr. GALLINGER. I have a letter from Mr. Pinchot under date of April 27, 1906, in which he estimates the value of all the forest reservations, 103,000,000 acres, at \$300,000,000, and that includes the timber. I simply want the Senator from California to look up the statistics in order to get it right.

I have the statement of the present capitalized Mr. FLIXT.

while of the forest reserves, which I ask to have printed.

The VICE-PRESIDENT. Without objection, the statement will be printed in the Record without reading.

The statement referred to is as follows:

PRESENT CAPITALIZED VALUE OF THE FOREST RESERVES (127,078,658 ACRES, NOVEMBER 27, 1906).

1. Stumpage value of 330,000,000 feet of timber, at \$2

per M

2. 110,000,000 acres, capable of producing commercial forest, at \$1 per acre

3. 110,000,000 acres of range for grazing live stock, at \$1 cents per acre (capitalized at 5 per cent)

4. 83,090,000 acre-feet of water for irrigation purposes, at 10 cents per acre-foot (capitalized at 5 per cent)

5. 3,000,000 horsepower, capable of being developed from water in reserves, at \$10 per horsepower (capitalized at 5 per cent)

6. Estimated value of occupancy and use of reserve land, products, and resources additional to the above

7. Permanent improvements now on the reserves (roads, trails, cabins, telephones, etc.)

trails, cabins, telephones, etc.)

5, 000, 000 1, 576, 000, 000 157, 600, 000

\$660,000,000

110, 000, 000

30, 000, 000

166, 000, 000

600, 000, 000 5, 000, 000

Total\_\_\_\_\_\_ Less 10 per cent for private holdings\_\_\_\_\_

1, 418, 400, 000

Mr. GALLINGER. I desire to offer an amendment to follow the amendment submitted by the Senator from Vermont [Mr. Proctor] a little time ago. I ask to have it read and printed that Senators may see it.

The VICE-PRESIDENT. The amendment submitted by the Senator from New Hampshire to the amendment submitted by the Senator from Vermont will be read.

It is proposed to add to the amendment of The SECRETARY. the Senator from Vermont [Mr. Proctor] the following proviso:

Provided further. That the Secretary of Agriculture is hereby expressly prohibited from making any charge whatsoever for the use of water in the streams running through or any part of which is contiguous to any forest reserve.

The VICE-PRESIDENT. The amendment will be printed

and lie on the table.

Mr. PROCTOR. Mr. President, with characteristic modesty I wish to suggest that we have merely progressed, in five hours, two lines in the bill, and that we are discussing matters five pages ahead of the point that has been reached in the reading. I can see no stumbling blocks until we reach page 41, where we have been discussing the matter of this appropriation. I suggest that it would forward matters to proceed with the reading and when we reach the point we have been discussing I will then be ready to yield for more discussion on it or for an adjournment.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The reading of the bill was resumed at page 38, line 6. The next amendment of the Committee on Agriculture and Forestry was, on page 38, line 7, to increase the total appropriation for salaries, Forest Service, from \$141,700 to \$143,200.

The amendment was agreed to.

The next amendment was, on page 39, after line 2, to strike

That 10 per cent of all money received from each national forest during any fiscal year shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said national forest is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the

county or counties in which the said national forest is situated: Provided. That when any national forest is in more than one State or Territory or county the distributive share to each from the proceeds of said forest shall be proportional to its area therein: And provided further, That there shall not be paid to any State or Territory for any county an amount equal to more than 40 per cent of the total income of such county from all other sources.

Mr. ALDRICH. As I understand it, this is a provision which has been alluded to on several occasions, particularly by the Senator from Wyoming, as being the existing law. It seems to me that this was in the last agricultural appropriation act, and it is now proposed to be stricken out of this bill.

Mr. PROCTOR. It is already the law. That is the reason why it is stricken out. The Comptroller holds that it is already the law. I will read from the appropriation act of last year the provision which provides for the 10 per cent.

Mr. FULTON. I ask the Senator if he has any objection to passing over the amendment for the present? I should like to examine it.

Mr. ALDRICH. I think we had better pass over both amendments on the thirty-ninth page, because the next one certainly will lead to discussion.

The VICE-PRESIDENT. Without objection, the amendment will be passed over, and the next amendment on page 39 will also be passed over.

Mr. PROCTOR. The amendment on the next page the committee withdraws. I think there will be no discussion on that.

Mr. HEYBURN. I ask what amendment is withdrawn?
Mr. PROCTOR. The one striking out. If the Senator is not satisfied to-morrow that it is already law, we will consider it again; but I am very sure it is. I know the Comptroller holds that it is already law.

The next amendment, on page 39, line 18, was, after the word "forests," to insert "and hereafter the Secretary of Agriculture may divide all lands in national forests into such specific national forests as he may deem best from time to time for administrative purposes, and give to each such name as may be convenient;" and in line 22, after the word "and," to insert "hereafter;" so as read:

To ascertain the natural conditions upon and utilize the national forests; and hereafter the Secretary of Agriculture may divide all lands in national forests into such specific national forests as he may deem best from time to time for administrative purposes, and give to each such name as may be convenient; and hereafter the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests of the United States, etc.

Mr. HEYBURN. I desire to inquire of the Senator from Vermont as to the proposed disposition of the amendment on line 18, down to line 22, page 39?

Mr. ALDRICH. I understood the Senator from Vermont to

say that it was withdrawn.

Mr. HEYBURN. That is what I supposed.
Mr. PROCTOR. That is a matter of convenience. Of course that can be done by the President, but it is throwing upon him matter of detail, which more properly belongs to the Depart-It is not a matter of any particular consequence, but it

is in the interest of proper administration merely.

Mr. HEYBURN. Mr. President, being somewhat familiar with these subjects, I would say to the Senator from Vermont that it is one of the most far-reaching and possibly expensive amendments in this bill. It is an amendment that may devote a vast sum of money to the administration of the forest reserves, and, when it is reached for consideration, I will very briefly point out wherein it is the most subtle and dangerous amendment that we have yet reached. It would enable the Forestry Service to divide up the forest reserves into an infinite number of administrations.

I suppose to be called by name. Mr. KEAN.

Mr. HEYBURN. Yes; by merely dividing them up and naming them, each of them carrying complete administrative powers The object is in order that they may multiply the offices in the field and subdivide the administration in Washington, and add infinitely to the expense of the Forest Reserve Service.

Mr. PROCTOR. As I said, it is a matter of administration. It is now in the power of the President to create these districts, and it is merely a convenience of administration. If it meets the objection of the Senator from Idaho, the committee will withdraw the amendment.

Mr. HEYBURN. It certainly will meet not only with my objection, but that of a number of Senators who have discussed it.

The VICE-PRESIDENT. The question is on agreeing to the

amendment.

Mr. HALE. It has been withdrawn.
The VICE-PRESIDENT. Without objection, the amendment is disagreed to.

Mr. HEYBURN. It is withdrawn.

Mr. KEAN. It is disagreed to.

Mr. PROCTOR. The striking out is agreed to, subject to any

revision to-morrow.

Mr. CARTER. I understand the amendment referred to has been withdrawn.

I desire to direct attention—

N. I think the Record will show that the Mr. HEYBURN. amendment was withdrawn.

The VICE-PRESIDENT. The amendment was disagreed to. Mr. HEYBURN. I beg the pardon of the Chair. stood the expression.

Mr. CARTER. I desire to call the attention of the chairman of the committee to the word "hereafter," in line 22 on page 39.

I think that had better be passed over. Mr. ALDRICH. certainly should like to have the provisions in lines 22, 23, 24, and 25 of the bill explained. I think it had better be passed over, because there may be some contention in regard to it.

Mr. CARTER. I think it is very proper to have the entire matter explained, but its effect is to make this particular provision permanent law and provide for the unlimited exportation of timber from one State to another regardless of local needs. I hope the chairman of the committee will pass that over.

Mr. PROCTOR. Let the provision go over

The VICE-PRESIDENT. The reading will proceed.

Mr. CARTER. To and including the word "situated," in

line 2, page 40.

Mr. PATTERSON. Is the amendment that consists of strik-

ing out line 3 to line 16 on page 39 passed over?

Mr. PROCTOR. That has been agreed to subject to a change to-morrow, provided it is not settled to the satisfaction of the Senator from Rhode Island that it is already a law. The reason for striking it out was that it was enacted as permanent

The VICE-PRESIDENT. The Chair would state that the part stricken out was passed over subject to further consideraion. The committee amendment on line 22, after the word and," to insert the word "hereafter," is passed over.

Mr. CARTER. The entire paragraph is passed over to the word "situated," in line 2, page 40. The House provision is likewise included in the right of amendment.

The next amendment of the Committee on Agriculture and Forestry was, on page 40, line 8, after the date "1908,"

And hereafter all moneys received as contributions toward cooperative work in forest investigations and in the protection and improvement of the national forests shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended as the Secretary of Agriculture may direct, for the payment of the expenses of said investigation, protection, and improvement by the Forest Service, and for refunds to the contributors of amounts heretofore or hereafter paid in by them in excess of their share of the cost of said investigations, protection, and improvement.

Mr. ALDRICH. Let that amendment go over.

Mr. KEAN. Let it go over. Mr. PROCTOR. That the committee withdraws.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The VICE-PRESIDENT. The Chair would suggest that in his opinion the committee amendment can not be withdrawn ex-

cept by unanimous consent. The amendment is disagreed to.

Mr. CARTER. Before that amendment is disposed of finally I wish to call attention to the peculiarities of the amendment. The Senator from Indiana [Mr. Hemenway] this afternoon suggested that the last appropriation act provided that after the fiscal year 1907 or the beginning of 1908 detailed estimates should be submitted to Congress. It is contended that that is now the law. This bill as it came from the House contemplated I have no doubt this particular language was insuch results. serted at the request of some one from the Forestry Bureau. I have no idea whatever that any member of the committee originated the amendment. Yet the effect of the amendment would inevitably be to repeal the law providing for the submission of estimates. It does appear like an effort to evade the jurisdiction of Congress in the making of appropriations. I think it well for the committee hereafter to scrutinize proposed amendments along this line.

The VICE-PRESIDENT. The Secretary will continue the reading of the bill.

The next amendment was, on page 40, line 22, after the word "forest," to insert "and in conducting experiments and investigations in the city of Washington and elsewhere.'

Mr. CARTER. I should like to have the chairman explain what that means.

Mr. PROCTOR. The Comptroller holds that that is neces-It is inserted in all similar appropriations for other bareaus.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. CARTER. Let the amendment go over.

The VICE-PRESIDENT. Without objection, the amendment

will be passed over.

Mr. ALDRICH. I should like to ask the chairman of the committee what the meaning is in lines 4, 5, and 6, on page 41, "to collate, digest, report, illustrate, and print the results of experiments and investigations made by the Forest Service." Does this authorize the Forest Reserve Bureau to establish a I should suppose it did.

Mr. PROCTOR. No. Mr. President, nothing of the kind. The printing, under the law, is done at the Government Printing

Mr. ALDRICH. Under the law; but does not this repeal or modify that law?

Mr. PROCTOR. Oh, no; nothing of the kind, Mr. President.
Mr. ALDRICH. I am not so sure about that myself. I
think authority to print results of experiments and investiga-Mr. PROCTOR. tions might be to establish a printing office. Still I will not press the point.

The VICE-PRESIDENT. The Secretary will continue the

reading of the bill.

The next aniendment was, on page 41, line 8, after the word "fixtures," to insert "and;" in the same line, after the word "books," to insert "and technical journals for officers of the Forest Service stationed outside of Washington;" and in line 13, before the word "hundred," to strike out "fifty-seven thousand three" and insert "fifty-six thousand eight;" so as to

To purchase law books to an amount not exceeding \$500, necessary supplies, apparatus, office fixtures, and technical books and technical journals for officers of the Forest Service stationed outside of Washington; and to pay freight, express, telegraph, and telephone charges, and for electric light and power, fuel, gas, ice, washing towels, and traveling and other necessary expenses, \$756,800, of which sum not to exceed \$40,000 may be used for rent.

The amendment was agreed to.

The next amendment was, on page 41, line 24, to increase the total appropriation for salaries and general expenses, Forest-Service, from \$899,000 to \$900,000.

The amendment was agreed to.

Mr. PROCTOR. Now I think we have reached the disputed territory, and I see no occasion to proceed any farther to-night, unless the Senate is prepared for another hour's session.

Mr. ALDRICH. I move that the Senate proceed to the con-

sideration of executive business.

Mr. McCUMBER. Will the Senator withhold that for a few moments that I may submit some reports from the Commit-tee on Pensions for consideration?

Mr. ALDRICH. I withhold the motion.

# WILLIAM T. COOPER.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (8, 7283) granting an increase of pension to William T. Cooper, to report it with an amendment, and I submit a report thereon. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "sixty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Cooper, late of Company G. Fourth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$30 per month in Iteu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## JAMES P. WORRELL.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 8314) granting a pension to James P. Worrell, to report it with amendments, and I submit a report thereon. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "of" and insert "captain;" in line 8, before the word "dollars," to strike out "foriy" and insert "thirty;" and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc.. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of James P. Worrell, late captain Company B, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James P. Worrell."

#### GEORGE E. PURDY.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 7993) granting an increase of pension to George E. Purdy, to report it with an amendment, and I submit a report thereon. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George E. Purdy, late of Company G. One hundred and twentieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MIRANDA W. HOWARD.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 8508) granting an increase of pension to Miranda W. Howard, to report it with amendments, and I submit a report thereon. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out "Company B, Twenty-first Regiment, and;" and in line 8, after the word "Infantry," to insert "Twenty-fourth Company, Second Battalion Veteran Reserve Corps;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Miranda W. Howard, widow of Seaver Howard, late of Company D, Seventeenth Regiment Vermont Volunteer Infantry, Twenty-fourth Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# ROSEBUD INDIAN RESERVATION LANDS.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 6618) to authorize the sale of a portion of the Rosebud Indian Reservation, in South Dakota, and for other purposes, reported it with an amendment, and submitted a report thereon.

## EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 13 minutes p. m.) the Senate adjourned until Tuesday, February 19, at 11 o'clock a. m.

# CONFIRMATIONS.

Executive nominations confirmed by the Senate February 18, 1907.

## COLLECTORS OF CUSTOMS.

William J. Grant, of New York, to be collector of customs for

the district of Cape Vincent, in the State of New York.
Floyd Hughes, of Virginia, to be collector of customs for the district of Norfolk and Portsmouth, in the State of Virginia.

# POSTMASTERS.

CONNECTICUT.

Harvey S. Abel to be postmaster at Stafford Springs, in the county of Tolland and State of Connecticut.

Aaron S. Chapman to be postmaster at Simsbury, in the county of Hartford and State of Connecticut

Ira E. Hicks to be postmaster at New Britain, in the county of Hartford and State of Connecticut.

Charles A. Keyes to be postmaster at Southington, in the county of Hartford and State of Connecticut.

Roswell A. Moore to be postmaster at Kensington, in the county of Hartford and State of Connecticut.

Jessie S. Rose to be postmaster at Manchester, in the county of Hartford and State of Connecticut.

Frederick L. Scott to be postmaster at Farmington, in the county of Hartford and State of Connecticut.

Thomas Walker to be postmaster at Plantsville, in the county of Hartford and State of Connecticut.

#### ILLINOIS.

Henry Brandon to be postmaster at Albion, in the county of Edwards and State of Illinois.

Henry K. Brockway to be postmaster at Barrington, in the county of Cook and State of Illinois.

Arthur P. Woodruff to be postmaster at Savanna, in the county of Carroll and State of Illinois.

#### INDIANA.

Martin A. Miser to be postmaster at Waterloo, in the county of Dekalb and State of Indiana.

#### KANSAS.

Jacob D. Hirschler to be postmaster at Hillsboro, in the county of Marion and State of Kansas.

# MASSACHUSETTS

John S. Fay to be postmaster at Marlboro, in the county of Middlesex and State of Massachusetts.

Charles A. Perley to be postmaster at Baldwinsville, in the county of Worcester and State of Massachusetts.

Charles L. Stevens to be postmaster at Clinton, in the county of Worcester and State of Massachusetts.

Charles J. Wood to be postmaster at Natick, in the county of Middlesex and State of Massachusetts.

#### MINNESOTA.

Carl S. Eastwood to be postmaster at Heron Lake, in the county of Jackson and State of Minnesota.

# MISSOURI.

Otto K. Benecke to be postmaster at Brunswick, in the county of Chariton and State of Missouri,

George T. Dunmire to be postmaster at Kennett, in the county of Dunklin and State of Missouri.

T. B. Morris to be postmaster at Hannibal, in the county of Marion and State of Missouri.

## NEVADA.

Callie B. Ferguson to be postmaster at Fallon, in the county of Churchill and State of Nevada.

# NEW HAMPSHIRE.

Natt A. Cram to be postmaster at Pittsfield, in the county of Merrimack and State of New Hampshire.

# NEW JERSEY.

Joseph Miller to be postmaster at Salem, in the county of Salem and State of New Jersey.

## NEW YORK.

W. Seward Whittlesey to be postmaster at Rochester, in the county of Monroe and State of New York.

Clarence E. Wiggins to be postmaster at Cape Vincent, in the county of Jefferson and State of New York.

## OREGON.

James L. Page to be postmaster at Eugene, in the county of Lane and State of Oregon.

## PENNSYLVANIA.

Harry B. Heywood to be postmaster at Conshohocken, in the county of Montgomery and State of Pennsylvania.

John H. Mailey to be postmaster at Northumberland, in the county of Northumberland and State of Pennsylvania.

Daniel O. Merrick to be postmaster at Blossburg, in the county of Tioga and State of Pennsylvania.

William W. Scott to be postmaster at Sewickley, in the county of Allegheny and State of Pennsylvania.

Elsie Shrodes to be postmaster at Oakdale, in the county of Allegheny and State of Pennsylvania.

## SOUTH DAKOTA.

John H. Dodson to be postmaster at Alexandria in the county of Hanson and State of South Dakota.

Evan J. Edwards to be postmaster at Bowdle, in the county of Edmunds and State of South Dakota.

Elmer E. Gilmore to be postmaster at Lennox, in the county of Lincoln and State of South Dakota.

Fred deK. Griffin to be postmaster at Selby, in the county of Walworth and State of South Dakota.

John B. Long to be postmaster at Kimball, in the county of Brule and State of South Dakota.

John W. Walsh to be postmaster at Montrose, in the county of McCook and State of South Dakota.

#### TEXAS.

W. G. McClain to be postmaster at Waxahachie, in the county of Ellis and State of Texas.

#### CTAIL.

Adolp Hanson to be postmaster at Ephraim, in the county of Sanpete and State of Utah.

#### WASHINGTON

Sarah E. Truax to be postmaster at Tekoa, in the county of Whitman and State of Washington.

# HOUSE OF REPRESENTATIVES.

# Monday, February 18, 1907.

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

#### CHANGE OF REFERENCE.

Mr. BURNETT. Mr. Speaker, there is a bill which has been referred to the Committee on Interstate and Foreign Commerce, II. R. 25694. This bill, which was first referred to the Rivers and Harbors Committee, was afterwards introduced by me as a perfected bill by direction of that committee and should go to the Committee on Rivers and Harbors.

The SPEAKER. Without objection, the change of reference

will be made.

There was no objection.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4403) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903. The message also announced that the Senate had agreed to the

report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 21579) granting an increase of pension to Sarah R. Harrington.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

8, 275. An act to divide the State of Oregon into two judicial districts.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1726) making provision for conveying in fee the piece or strip of ground in St. Augustine, Fig., known as "The Lines,"

for school purposes. The message also announced that the Senate had passed without amendment bills of the following titles

H. R. 14361. An act granting an honorable discharge to David Harrington:

H. R. 17875. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of W. W. Peirce

H. R. 18924. An act for the relief of George M. Esterly; H. R. 23284. An act to amend an act entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,' regulating proceedings for condemnation of land for streets;

H. R. 24821. An act to authorize the Georgia Southwestern and Gulf Railroad Company to construct a bridge across the Chattahoochee River between the States of Alabama and

H. R. 24989. An act to provide for the commutation for townsite purposes of homestead entries in certain portions of Oklahoma:

H. R. 25366. An act to authorize the New Orleans and Great Northern Railroad Company to construct a bridge across Pearl River, in the State of Mississippi; and H. R. 25046. An act to authorize the construction of a bridge

across the Mississippi River at Lotisiana, Mo.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same

H. R. 24538. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1908; H. R. 21194. An act to authorize J. F. Andrews, J. W. Jour-

dan, their heirs, representatives, associates, and assigns, to construct dams and power stations on Bear River, on the southeast quarter of section 31, township 5, range 11, in Tishomingo

County, Miss.; H. R. 2326. An act for the relief of J. W. Bauer and others; H. R. 11153. An act to correct the military record of Robert

B. Tubbs:

H. R. 3356. An act to correct the military record of Timothy

H. R. 20984. An act to provide for a land district in Valley County, in the State of Montana, to be known as the Glasgow land district :

H. R. 25550. An act confirming entries and applications under section 2306 of the Revised Statutes of the United States for lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington;

H. R. 24760. An act authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes

H. R. 20881. An act granting an increase of pension to Martha

J. Weaverling

H. R. 1778. An act granting a pension to Jefferson L. Jen-

H. R. 1887. An act granting a pension to Joseph Brooks; H. R. 5913. An act granting a pension to Helen Goll;

H. R. 8816. An act granting a pension to Mary Schoske;

H. R. 11535. An act granting a pension to Margarette R.

H. R. 14777. An act granting a pension to Mary A. Clark;

H. R. 16389. An act granting a pension to Jefferson Wilcox;

H. R. 17204. An act granting a pension to Sarah E. Robey;

H. R. 18968. An act granting a pension to Vance Perkins;
H. R. 19042. An act granting a pension to Georgetta K. Col-

H. R. 19994. An act granting a pension to Ritty M. Lane;

H. R. 19976. An act granting a pension to Nelson Isbill

H. R. 20413. An act granting a pension to Eva Louise Eberlin;

H. R. 20577. An act granting a pension to Mary Kaisted;

H. R. 20738. An act granting a pension to Sarah A. Hawkes; H. R. 21026. An act granting a pension to Delia S. Humphrey;

H. R. 21046. An act granting a pension to Jesse Harral; H. R. 21175. An act granting a pension to Martin J. Flagstad;

H. R. 22036. An act granting a pension to Emma A. Hawkes; H. R. 22153. An act granting a pension to Antonio Archuleta;

H. R. 22039. An act granting a pension to Alethia White;

H. R. 22101. An act granting a pension to Mack Rittenberry;

H. R. 22187. An act granting a pension to Hiram C. Jett;

H. R. 22240. An act granting a pension to James M. Ping;

H. R. 22262, An act granting a pension to Elizabeth S. Os-

borne H. R. 22448. An act granting a pension to F. Medora Johnson;

H. R. 20605. An act granting a pension to Mary E. P. Barr; H. R. 22747. An act granting a pension to Celestia E. Outlaw;

H. R. 22926. An act granting a pension to Louisa Bartlett;

H. R. 23135. An act granting a pension to Roseanna King

H. R. 23187. An act granting a pension to Jennie E. Lucken-

H. R. 23250. An act granting a pension to George A. Mercer;

H. R. 23687. An act granting a pension to Blanche C. Polk;

H. R. 23915. An act granting a pension to William Stegal;

H. R. 24064. An act granting a pension to Mary Murray; H. R. 21103. An act granting an increase of pension to Jacob

H. R. 21111. An act granting an increase of pension to Arthur

H. R. 21113. An act granting an increase of pension to Emma

M. Chamberlin; H. R. 21115. An act granting an increase of pension to Sylves-

ter Bickford : H. R. 21118. An act granting an increase of pension to Jacob

Hartman: H. R. 21120. An act granting an increase of pension to John

H. R. 21121. An act granting an increase of pension to Marcus

H. R. 21122. An act granting an increase of pension to Nathan Small;

H. R. 21123. An act granting an increase of pension to Lawrence McHugh;

H. R. 21133. An act granting an increase of pension to James W. Cosgrove :

H. R. 21134. An act granting an increase of pension to Frederick Kriner

H. R. 21139. An act granting an increase of pension to Willa

H. R. 21157. An act granting an increase of pension to George C. Peek

H. R. 21161. An act granting an increase of pension to Henry J. Rhodes

H. R. 21249. An act granting a pension to Minnie Scheele;

H. R. 21268. An act granting a pension to Rollin S. Belknap; H. R. 21354. An act granting a pension to Mary Shutler;

H. R. 21988. An act granting a pension to Philip Dieter

H. R. 21769. An act granting a pension to Emma C. Aikin;

H. R. 21246. An act granting a pension to Margaret Guilroy;

H. R. 3507. An act to correct the military record of George H.

Keating;
H. R. 22443. An act granting an increase of pension to Lyman S. Strickland;

H. R. 15197. An act to correct the military record of Arthur W. White; and

H. R. 22367. An act for the relief of Patrick Conlin.

#### SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 275. An act to divide the State of Oregon into two judicial districts-to the Committee on the Judiciary.

#### DIVISION OF NEBRASKA INTO TWO JUDICIAL DISTRICTS.

Mr. NORRIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2769) dividing Nebraska into two judicial districts. I ask that the Committee of the

Whole be discharged from its consideration, and that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the Committee of the Whole be discharged from the consideration of the bill of which the Clerk will read the title, and that the same be considered in the House at this time.

Mr. NORRIS. I ask unanimous consent also, Mr. Speaker, that the substitute be read instead of the bill.

The Clerk read the substitute, as follows:

Mr. NORRIS. I ask unanimous consent also, Mr. Speaker, that the substitute be read instead of the bill.

The Clerk read the substitute, as follows:

\*\*Re it cnacted, ctc.\*\*, That the President of the United States, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the district of Nebruska, who shall reside in said district, and who shall possess the same powers, perform the same duties, and receive the same salary as the present judge of said district.

SEC. 2. That the present district judge in said district and the one appointed under this act shall agree between themselves upon the division of business and assignment of cases for trial in said districts. Provided, however, That in case the said two district judges do not agree the senior circuit judge of the eighth circuit shall make all necessary orders for the division of business and the assignment of cases for trial in said district.

SEC. 3. That the regular terms of the circuit and district courts of the United States for said district.

SEC. 3. That the regular terms of the circuit and district courts of the United States for said district of Nebraska shall be held at the following times and places, namely; At Omaha, beginning on the fourth Monday in September and the first Monday in April; at Norfolk, beginning on the third Monday in January; at Chadron, beginning on the second Monday in January; at Chadron, beginning on the second Monday in January; at Chadron, beginning on the second Monday in March, and at McCook, beginning on the first Monday in March, and at McCook, beginning on the first Monday in March, and at McCook, beginning on the first Monday in March, and at McCook, beginning on the first Monday in March, and at McCook, beginning on the second Monday in March, and at McCook, beginning on the second Monday in March, and at McCook, beginning on the second Monday in March, and at McCook, beginning on the second Monday in March, and at McCook, beginning on the s

counties of Cass. Otec. Johnson, Nemaha, Paymee, Richardson, Gage, Lancaster, Sanuders, Butler, Seward, Saline, Jefferson, Thayer, Ellimore, York, Polk, and Hamilton shall constitute the Lincoln division, all terms of court for which shall be held at the city of Lincoln. The territory comprising the counties of Clay, Nuckolls, Webster, Adams, division, all terms of court for which shall be held at the city of Hastings. The territory comprising the counties of Gosper, Furnas, division, all terms of court for which shall be held at the city of Hastings. The territory comprising the counties of Gosper, Furnas, Redwillow, Frontier, Hayes, Hitcheck, Dundy, Chase, and Perkins he held at the city of McCook: Provided, That where provision is made herein for holding court at places where there is no Federal buildings, a sultable room in which to hold court, together with light ried shall appoint deputy cicrks at places where court is required to be ried and the provided of the circuit and district courts of said district shall appoint deputy cicrks at places where court is required to be reside, who shall keep their offices and reside at the places appointed for the holding of said courts in the division of such residence and who shall keep their offices and reside at the places appointed for the holding of said court at its pleasure. The cierk shall be reside, who shall keep their offices and reside at the places appointed the division for which they are appointed: Provided, That the appointment of each deputy shall be approved by the court he represents and may be removed by said court at its pleasure. The cierk shall be resided, and all issues arising in such autism and the defendant resides and all issues arising in such said be tried in such division unless by consent of the parties, with the approval of the current of the cart of the car

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to.

The bill was ordered to be read a third time; was read the third time, and passed

The title was amended.

On motion of Mr. Norris, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. BENNET of New York. Mr. Speaker, I call up the conference report on the bill S. 4403, and ask unanimous consent that the statement be read instead of the report.

The SPEAKER. The gentleman from New York asks unani-

mous consent that the statement be read in lieu of the report. Is there objection?

Mr. BURNETT. Mr. Speaker, I desire to reserve all points of order.

The SPEAKER. Points of order if made at all, unless by unanimous consent, must be made now. Is there objection to the reading of the statement instead of the report?

Mr. WILLIAMS. I think, Mr. Speaker, I shall have to object to that; I would rather hear the report read.

The SPEAKER. The Chair will state to the gentleman from Alabama, who desired to reserve points of order, that it is the impression of the Chair that the point of order, if any is made, is in time after the report is read; but if the gentleman desires, out of abundant caution, he may reserve at this time points of

Mr. BURNETT. I desire to reserve a point of order against the incorporation of the matter-

The SPEAKER. The gentleman can make it at all points.

Mr. BURNETT. I reserve all points of order at this time. The gentleman from Mississippi desires the The SPEAKER. report to be read rather than the statement. Let it be read.

Mr. BARTHOLDT. Mr. Speaker, I desire to reserve a special point of order against section 42.

The SPEAKER. All points of order are reserved. The proper time to reserve points of order, as the Chair is informed, on conference reports is after the conference report is read and before the statement is read. The Clerk will read the report.

The Clerk read the report and statement as follows:

The committee of conference on the disagreeing votes of the The committee of conference on the disagreeing votes of the two Houses to the bill (S. 4403) entitled "An act to amend an act entitled 'An act to regulate the immigration of aliens into the United States,' approved March third, nineteen hundred and three," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof the following:

An act entitled "An act to regulate the immigration of aliens into the United States.'

Be it enacted by the Schate and House of Representatives of the United States of America in Congress assembled, That there shall be levied, collected, and paid a tax of four dollars for every alien entering the United States. The said tax shall be paid to the collector of customs of the port or customs district to which said alien shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of the vessel, transporta-tion line, or other conveyance or vehicle bringing such alien to The money thus collected, together with all the United States. fines and rentals collected under the laws regulating the immi-gration of aliens into the United States, shall be paid into the Treasury of the United States and shall constitute a permanent appropriation to be called the "immigrant fund," to be used under the direction of the Secretary of Commerce and Labor to defray the expense of regulating the immigration of aliens into the United States under said laws, including the contract labor laws, the cost of reports of decisions of the Federal courts, and digest thereof, for the use of the Commissioner-General of Immigration, and the salaries and expenses of all officers, clerks; and employees appointed to enforce said laws. The tax imposed by this section shall be a lien upon the vessel or other rehicle of carriage or transportation bringing such aliens to the United States, and shall be a debt in favor of the United States against the owner or owners of such vessel or other vehicle, and the payment of such tax may be enforced by any legal or equitable remedy. That the said tax shall not be levied upon aliens who shall enter the United States after an uninterrupted residence of at least one year, immediately preceding such entrance, in the Dominion of Canada, Newfoundland, the Republic of Cuba, or the Republic of Mexico, nor upon otherwise admissible residents of any possession of the United States, nor upon aliens in transit through the United States, nor upon aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: Provided, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, by agreement with transportation lines, as provided in section thirty-two of this act, may arrange in some other manner for the payment of the tax imposed by this section upon any or all aliens seeking admission from foreign contiguous territory: Provided further, That if in any fiscal year the amount of money collected under the provisions of this section shall exceed two million five hundred thousand dollars, the excess above that amount shall not be added to the "immigrant fund:" Provided further, That the provisions of this section shall not apply to aliens arriving in Guam, Porto Rico, or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American continent, the provisions of this section shall apply: Provided further, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

Sec. 2. That the following classes of aliens shall be excluded from admission into the United States:

All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of in-sanity at any time previously; paupers; persons likely to become a public charge; professional beggars, persons afflicted with tuberculosis, or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turnitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; sons hereinafter called contract laborers, who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written, or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; those who have been, within one year from the date of application for admission to the United States, deported as having been induced or solicited to migrate as above described; any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes, and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly; all children under sixteen years of age, unaccompanied by one or both of their at the discretion of the Secretary of Confmerce and Labor or under such regulations as he may from time to time prescribe: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: Provided further, That the provisions of this section relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: And provided further, That skilled labor may be imported if labor of like kind unemployed can not be found in this country; And provided further, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly

as personal or domestic servants.

Sec. 3. That the importation into the United States of any alien woman or girl for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden; and whoever shall, directly or indirectly, import or attempt to import into the United States any alien woman or girl for the purpose of prostitution, or for any other immoral purpose, or whoever shall hold or attempt to hold any alien woman or girl for any such purpose in pursuance of such illegal importation, or whoever

shall keep, maintain, control, support, or harbor in any house or other place, for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl, within three years after she shall have entered the United States, shall, in every such case, be deemed guilty of a felony, and on conviction thereof be imprisoned not more than five years and pay a fine of not more than five thousand dollars; and any alien woman or girl who shall be found an immate of a house of prostitution or practicing prostitution, at any time within three years after she shall have entered the United States, shall be deemed to be unlawfully within the United States and shall be deported as provided by sections twenty and twenty-one of this act.

Sec. 4. That it shall be a misdemeanor for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to assist or encourage the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the terms of the last two provisos contained in section two of this act.

Sec. 5. That for every violation of any of the provisions of section four of this act the persons, partnership, company, or corporation violating the same by knowingly assisting, encouraging, or soliciting the migration or importation of any contract laborer into the United States shall forfeit and pay for every such offense the sum of one thousand dollars, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid; as debts of like amount are now recovered in the courts of the United States; and separate suits may be brought for each alien thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

Sec. 6. That it shall be unlawful and be deemed a violation

Sec. 6. That it shall be unlawful and be deemed a violation of section four of this act to assist or encourage the importation or migration of any alien by promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under promise or agreement as contemplated in section two of this act, and the penalties imposed by section five of this act shall be applicable to such a case: Provided, That this section shall not apply to States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively.

SEC. 7. That no transportation company or owner or owners of vessels or others engaged in transporting aliens into the United States shall, directly or indirectly, either by writing, printing, or oral representation, solicit, invite, or encourage the immigration of any aliens into the United States, but this shall not be held to prevent transportation companies from issuing letters, circulars, or advertisements stating the sailings of their vessels and terms and facilities of transportation therein; and for a violation of this provision any such transportation company, and any such owner or owners of vessels, and all others engaged in transporting aliens into the United States, and the agents by them employed, shall be severally subjected to the penalties imposed by section five of this act.

SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States by vessel or otherwise, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment, for each and every alien so landed or brought in or attempted to be landed or brought in.

Sec. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States any alien subject to any of the following disabilities: Idiots, imbeciles, epileptics, or persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of cus-

toms of the customs district in which the port of arrival is located the sum of one hundred dollars for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, and in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded: Provided, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

Sec. 10. That the decision of the board of special inquiry

SEC. 10. That the decision of the board of special inquiry hereinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens affected with tuberculosis or with a loathsome or dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section

two of this act.

Sec. 11. That upon the certificate of a medical officer of the United States Public Health and Marine-Hospital Service to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other re-

jected aliens.

Sec. 12. That upon the arrival of any alien by water at any port within the United States it shall be the duty of the master or commanding officer of the steamer, sailing, or other vessel having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or ressel, which shall, in answer to questions at the top of said lists, state as to each alien the full name, age, and sex; whether married or single; the calling or occupation; whether able to read or write; the nationality; the race; the last residence; the name and address of the nearest relative in the country from which the alien came; the seaport for landing in the United States; the final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; whether the alien has paid his own passage or whether it has been paid by any other person or by any corporation, society, municipality, or government, and if so, by whom; whether in possession of fifty dollars, and if less, how much; whether going to join a relative or friend, and if so, what relative or friend, and his or her name and complete address: whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether coming by reason of any offer, solicitation, promor agreement, express or implied, to perform labor in the United States, and what is the alien's condition of health, mental and physical, and whether deformed or crippled, and if so, for how long and from what cause; that it shall further be the duty of the master or commanding officer of every vessel taking alien passengers out of the United States, from any port thereof, to file before departure therefrom with the collector of customs of such port a complete list of all such alien passengers taken on board. Such list shall contain the name, age sex, nationality, residence in the United States, occupation, and the time of last arrival of every such alien in the United States, and no master of any such vessel shall be granted clearance papers for his vessel until he has deposited such list or lists with the collector of customs at the port of departure and made oath that they are full and complete as to the name and other information herein required concerning each alien taken on board his vessel; and any neglect or omission to comply with the requirements of this section shall be punishable as provided in section fifteen of this act. That the collector of customs with whom any such list has been deposited in accordance with the provisions of this section shall promptly notify the Commissioner-General of Immigration that such list has been deposited with him as provided, and shall make such further disposition thereof as may be required by regulations to be issued by the Commissioner-General of Immigration with the approval of the Secretary of Commerce and Labor: Pro-That in the case of vessels making regular trips to ports of the United States the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor. may, when expedient, arrange for the delivery of such lists of outgoing aliens at a later date: Provided further, That it shall

be the duty of the master or commanding officer of any vessel sailing from ports in the Philippine Islands, Guam, Porto Rico, or Hawaii to any port of the United States on the North American Continent to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation, giving the names of all aliens on board said vessel.

barkation, giving the names of all aliens on board said vessel.

Sec. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, and no one list or manifest shall contain more than thirty names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and so forth, is contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is an idiot, or imbecile, or a feeble-minded person, or insane person, or a pauper, or is likely to become a public charge, or is afflicted with tuberculosis or with a loathsome or dangerous contagious disease, or is a person who has been convicted of or who admits having committed a felony or other crime or misdemeanor involving moral turpitude, or is a polygamist, or one admitting belief in the practice of polygamy, or an anarchist, or under promise or agreement, express or implied, to perform labor in the United States, or a prostitute, or a woman or girl coming to the United States for the purpose of prostitution or for any other immoral purpose, and that also, according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect.

Sec. 14. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing allens, the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed

by the owners of the said vessel.

SEC. 15. That in the case of the failure of the master or commanding officer of any vessel to deliver to the said immigration officers lists or manifests of all aliens on board thereof, as required in sections twelve, thirteen, and fourteen of this act, he shall pay to the collector of customs at the port of arrival the sum of ten dollars for each alien concerning whom the above information is not contained in any list as aforesaid: Provided, That in the case of failure without good cause to deliver the list of passengers required by section twelve of this act from the master or commanding officer of every vessel taking alien passengers out of the United States, the penalty shall be paid to the collector of customs at the port of departure and shall be a fine of ten dollars for each alien not included in said list; but in no case shall the aggregate fine exceed one hundred dollars.

Sec. 16. That upon the receipt by the immigration officers at any port of arrival of the lists or manifests of incoming allens provided for in sections twelve, thirteen, and fourteen of this act, it shall be the duty of said officers to go or to send competent assistants to the vessel to which said lists or manifests refer and there inspect all such aliens, or said immigration officers may order a temporary removal of such aliens for examination designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the ressel upon which said aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this act, bind the said transportation lines, masters, agents, owners, or consignees: *Provided*, That where a suitable building is used for the detention and examination of aliens the immigration officials shall there take charge of such aliens, and the transportation companies, masters, agents, owners, and consignees of the vessels bringing such aliens shall be relieved of the responsibility for their detention thereafter until the return of such aliens to their care.

Sec. 17. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United

States Public Health and Marine-Hospital Service, who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine and who shall certify for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any physical and mental defects or diseases observed by said medical officers in any such alien, or, should medical officers of the United States Public Health and Marine-Hospital Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergency for such service, upon such terms as may be prescribed by the Commissioner-General of Immigration under the direction or with the approval of the Secretary of Commerce and Labor. The United States Public Health and Marine-Hospital Service be reimbursed by the immigration service for all expenditures incurred in carrying out the medical inspection of aliens under regulations of the Secretary of Commerce and

SEC. 18. That it shall be the duty of the owners, officers, or agents of any vessel or transportation line, other than those railway lines which may enter into a contract as provided in section thirty-two of this act, bringing an alien to the United States to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the negligent failure of any such owner, officer, or agent to comply with the foregoing requirements shall be deemed a misdemeanor and be punished by a fine in each case of not less than one hundred nor more than one thousand dollars or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; and every such alien so landed shall be deemed to be unlawfully in the United States and shall be deported as provided in sections twenty and twenty-one of this act.

Sec. 19. That all aliens brought to this country in violation of law shall, if practicable, be immediately sent back to the country whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessel shall refuse to receive back on board thereof, or on board of any other vessel owned or operated by the same interests, such aliens, or shall fail to detain them thereon, or shall refuse or fail to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, or shall make any charge for the return of any such alien, or shall take any security from him for the payment of such charge, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine of not less than three hundred dollars for each and every such offense; and no vessel shall have clearance from any port of the United States while any such fine is unpaid: Provided, That the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may suspend, upon conditions to be prescribed by the Commissioner-General of Immigration, the deportation of any alien found to have come in violation of any provision of this act, if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against any provision of this act: Provided, That the cost of maintenance of any person so detained resulting from such suspension of deportation shall be paid from the "immigrant fund," but no alien certified, as provided in section seventeen of this act, to be suffering from tuberculosis or from a loathsome or dangerous contagious disease other than one of quarantinable nature shall be permitted to land for medical treatment thereof in any hospital in the United States, unless with the express permission of the Secretary of Commerce and Labor: Provided, That upon the certificate of a medical officer of the United States Public Health and Marine-Hospital Service to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the "immigrant fund," be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported.

Sec. 20. That any alien who shall enter the United States in violation of law, and such as become public charges from causes existing prior to landing, shall, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and deported to the country whence he came at any time within three years after the date of his entry into the United States. Such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done,

then the cost of removal to the port of deportation shall be at the expense of the "immigrant fund" provided for in section one of this act, and the deportation from such port shall be at the expense of the owner or owners of such vessel or transportation line by which such aliens respectively came: Provided, That pending the final disposal of the case of any alien so taken into custody, he may be released under a bond in the penalty of not less than five hundred dollars, with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States.

SEC. 21. That in case the Secretary of Commerce and Labor shall be satisfied that an alien has been found in the United States in violation of this act, or that an alien is subject to deportation under the provisions of this act or of any law of the United States, he shall cause such alien within the period of three years after landing or entry therein to be taken into custody and returned to the country whence he came, as provided by section twenty of this act, and a failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section nineteen of this act: Provided, That when in the opinion of the Secretary of Commerce and Labor the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defraved in like manner.

frayed in like manner.

SEC. 22. That the Commissioner-General of Immigration, in addition to such other duties as may by law be assigned to him, shall, under the direction of the Secretary of Commerce and Labor, have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder. He shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid; all under the direction or with the approval of the Secretary of Commerce and Labor. And it shall be the duty of the Commissioner-General of Immigration to detail officers of the immigration service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States, and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges: Provided, That the Commissioner-General of Immigration may, with the approval of the Secretary of Commerce and Labor, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers, and also surgeons, in accordance with the provisions of section seventeen, for service in foreign countries.

Sec. 23. That the duties of the commissioners of immigration shall be of an administrative character, to be prescribed in detail by regulations prepared under the direction or with the approval of the Secretary of Commerce and Labor.

Sec. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed and their compensation fixed and raised or decreased from time to time by the Secretary of Commerce and Labor, upon the recommendation of the Commissioner-General of Immigration and in accordance with the provisions of the civil-service act of January sixteenth, eighteen hundred and eighty-three: Provided, That said Secretary, in the enforcement of that portion of this act which excludes contract laborers, may employ, without reference to the provisions of the said civil-service act, or to the various acts relative to the compilation of the official register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw from the "immigrant fund" annually fifty thousand dollars, or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing

officer expenditures from said sum without itemized account whenever the Secretary of Commerce and Labor certifies that an itemized account would not be for the best interests of the Government: Provided further, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation act approved August eighteenth, eighteen hundred and ninety-four, or the official status of such commissioners heretofore appointed. Immigration officers shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter the United States, and, where such action may be necessary, to make a written record of such evidence; and any perto whom such an oath has been administered under the provisions of this act who shall knowingly or willfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission to the United States shall be deemed guilty of perjury and be punished as provided by section fifty-three hundred and ninety-two, United States Revised Statutes. The decision of any such officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry.

Sec. 25. That such boards of special inquiry shall be appointed by the commissioner of immigration at the various ports of arrival as may be necessary for the prompt determination of all cases of immigrants detained at such ports under the provisions of law. Each board shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, shall from time to time designate as qualified to serve on such boards: Provided, That at ports where there are fewer than three immigrant inspectors the Secretary of Commerce and Labor, upon the recommendation of the Commissioner-General of Immigration, may designate other United States officials for service on such boards of special inquiry. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. All hearings before boards shall be separate and apart from the public, but the said boards shall keep a complete, permanent record of their proceedings and of all such testimony as may be produced before them, and the decision of any two members of a board shall prevail, but either the alien or any dissenting member of the said board may appeal, through the commissioner of immigration at the port of arrival and the Commissioner-General of Immigration to the Secretary of Commerce and Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision, which shall be rendered solely upon the evidence adduced before the board of special inquiry: Provided. That in every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of the appropriate immigration officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of Commerce and Labor; but nothing in this section shall be construed to admit of any appeal in the case of an alien rejected as provided for in section ten of this act.

SEC. 26. That any alien liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis, or a loathsome or dangerous contagious disease, may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Commerce and Labor upon the giving of a suitable and proper bond or undertaking, approved by said Secretary, in such amount and containing such conditions as he may prescribe, to the people of the United States, holding the United States or any State, Territory, county, municipality, or district thereof harmless against such alien becoming a public charge. The admission of such alien shall be a consideration for the giving of such bond or undertaking. Suit may be brought thereon in the name and by the proper law officers either of the United States Government or of any State, Territory, district, county, or municipality in which such allen becomes a public charge.

Sec. 27. That no suit or proceeding for a violation of the provisions of this act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

Sec. 28. That nothing contained in this act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this act; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters the laws or parts of laws repealed or amended by this act are hereby continued in force and effect.

Sec. 29. That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act.

Sec. 30. That all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, may prescribe: Provided, That no intoxicating liquors shall be sold in any such immigrant station; that all receipts accruing from the disposal of such exclusive privileges as herein provided shall be paid into the Treasury of the United States to the credit of the "immigrant fund" provided for in section one of this act.

Sec. 31. That for the preservation of the peace and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purpose of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

Sec. 32. That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy passengers in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose.

SEC. 33. That for the purpose of this act the term "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone: *Provided*, That if any alien shall leave the Canal Zone and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens.

Sec. 34. That the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may appoint a commissioner of immigration to discharge at New Orleans, La., the duties now required of other commissioners of immigration at their respective posts.

of immigration at their respective posts.

Sec. 35. That the deportation of aliens arrested within the United States after entry and found to be illegally therein, provided for in this act, shall be to the trans-Atlantic or trans-Pacific ports from which said aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which said aliens embarked for such territory.

SEC. 36. That all aliens who shall enter the United States except at the seaports thereof, or at such place or places as the Secretary of Commerce and Labor may from time to time designate, shall be adjudged to have entered the country unlawfully, and shall be deported as provided by sections twenty and twenty-one of this act: *Provided*, That nothing contained in this section shall affect the power conferred by section thirty-two of this act upon the Commissioner-General of Immigration to prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico.

Sec. 37. That whenever an alien shall have taken up his permanent residence in this country, and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife or any of said children shall be found to be affected with any contagious disorder, such wife or children shall be held, under such regulations as the Secretary of Commerce and Labor shall prescribe, until it shall be determined whether the disorder will be easily curable, or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is

easily curable, or that they can be permitted to land without danger to other persons, they shall, if otherwise admissible, thereupon be admitted.

Sec. 38. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of Commerce and Labor under such rules and regulations as he That any person who knowingly aids or assists any such person to enter the United States or any territory or place subject to the jurisdiction thereof, or nives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of Commerce and Labor shall be fined not more than five thousand dollars, or imprisoned for not more than five years, or both.

Sec. 39. That a commission is hereby created, consisting of three Senators, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, and three persons to be appointed by the President of the United States. Said commission shall make full inquiry, examination, and investigation by subcommittee or otherwise into the sub-ject of immigration. For the purpose of said inquiry, examination, and investigation, said commission is authorized to send for persons and papers, make all necessary travel, either in the United States or any foreign country, and, through the chairman of the commission or any member thereof, to administer oaths and to examine witnesses and papers respecting all matters pertaining to the subject, and to employ necessary clerical and other assistance. Said commission shall report to the Congress the conclusions reached by it and make such recommendations as in its judgment may seem proper. Such sums of money as may be necessary for the said inquiry, examination, and investigation are hereby appropriated and authorized to be paid out of the "immigrant fund" on the certificate of the chairman of said commission, including all expenses of the commissioners and a reasonable compensation, to be fixed by the President of the United States, for those members of the commission who are not Members of Congress; and the President of the United States is also authorized, in the name of the Government of the United States, to call, in his discretion, an international conference, to assemble at such point as may be agreed upon, or to send special commissioners to any foreign country, for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the immigration of aliens to the United States; of providing for the mental, moral, and physical examination of such aliens by American consuls or other officers of the United States Government at the ports of embarkation, or elsewhere; of securing the assistance of foreign governments in their own territories to prevent the evasion of the laws of the United States governing immigration to the United States; of entering into such international agreements as may be proper to prevent the immigration of aliens who, under the laws of the United States, are or may be excluded from entering the United States, and of regulating any matters pertaining to such immigration.

SEC. 40. Authority is hereby given the Commissioner-General of Immigration to establish, under the direction and control of the Secretary of Commerce and Labor, a division of information in the Bureau of Immigration and Naturalization; and the Secretary of Commerce and Labor shall provide such clerical assistance as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. Correspondence shall be had with the proper officials of the States and Territories, and said division shall gather from all available sources useful information regarding the resources, products, and physical characteristics of each State and Territory, and shall publish such information in different languages and distribute the publications among all admitted aliens who may ask for such information at the immigrant stations of the United States and to such other persons as may desire the same. When any State or Territory appoints and maintains an agent or agents to represent it at any of the immigrant stations of the United States, such agents shall, under regulations prescribed by the Commissioner-General of Immigration, subject to the approval of the Secretary of Commerce

and Labor, have access to aliens who have been admitted to the United States for the purpose of presenting, either orally or in writing, the special inducements offered by such State or Territory to aliens to settle therein. While on duty at any immigrant station, such agents shall be subject to all the regulations prescribed by the Commissioner-General of Immigration, who, with the approval of the Secretary of Commerce and Labor, may, for violation of any such regulations, deny to the agent guilty of such violation any of the privileges herein granted.

guilty of such violation any of the privileges herein granted.

SEC, 41. That nothing in this act shall be construed to apply to accredited officials of foreign governments nor to their suites, families, or greates.

families, or guests.

Sec. 42. That it shall not be lawful for the master of a steamship or other vessel whereon immigrant passengers, or passengers other than cabin passengers, have been taken at any port or place in a foreign country or dominion (ports and places foreign territory contiguous to the United States excepted) to bring such vessel and passengers to any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage; that is to say, in a steamship, the compartments or spaces, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow for each and every passenger carried or brought therein eighteen clear superficial feet of deck allotted to his or her use, if the compartment or space is located on the main deck or on the first deck next below the main deck of the vessel, and twenty clear superficial feet of deck allotted to his or her use for each passenger carried or brought therein if the compartment or space is located on the second deck below the main deck of the vessel: Provided, That if the height between the lower passenger deck and the deck immediately above it is less than seven feet, or if the apertures (exclusive of the side scuttles) through which light and air are admitted together to the lower passenger deck are less in size than in the proportion of three square feet to every one hundred superficial feet of that deck, the ship shall not carry a greater number of passengers on that deck than in the proportion of one passenger to every thirty clear superficial feet thereof. It shall not be lawful to carry or bring passengers on any deck other than the decks above mentioned. And in sailing vessels such passengers shall be carried or brought only on the deck (not being an orlop deck) that is next below the main deck of the vessel, or in a poop or deck house constructed on the main deck; and the compartment or space, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow one hundred and ten cubic feet for each and every passenger brought therein, such passengers shall not be carried or brought in any between decks, nor in any compartment, space, poop, or deck house, the height of which from deck to deck is less than six feet. In computing the number of such passengers carried or brought in any vessel, children under one year of age shall not be included, and two children between one and eight years of age shall be counted as one passenger; and any person brought in any such vessel who shall have been, during the voyage, taken from any other vessel wrecked or in distress on the high seas, or have been picked up at sea from any boat, raft, or otherwise, shall not be included in such computation. The master of a vessel not be included in such computation. coming to a port or place in the United States in violation of either of the provisions of this section shall be deemed guilty of a misdemeanor; and if the number of passengers other than cabin passengers carried or brought in the vessel, or in any compartment, space, poop, or deck house thereof, is greater than the number allowed to be carried or brought therein, respectively, as hereinbefore prescribed, the said master shall be fined fifty dollars for each and every passenger in excess of the proper number, and may also be imprisoned not exceeding six months,

This section shall take effect on January first, nineteen hundred and nine.

Sec. 43. That the act of March third, nineteen hundred and three, being an act to regulate the immigration of aliens into the United States, except section thirty-four thereof, and the act of March twenty-second, nineteen hundred, and four, being an act to extend the exemption from head tax to citizens of Newfoundland entering the United States, and all acts and parts of acts inconsistent with this act are hereby repealed: Provided, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, nor to repeal, alter, or amend section six, chapter four hundred and fifty-three, third session Fifty-eighth Congress, approved February sixth, nineteen hundred and five, or, prior to January first, nineteen hundred and nine, section one of the act approved August second, eighteen hundred and eighty-two, entitled "An act to regulate the carriage of passengers by sea."

Sec. 44. That this act shall take effect and be enforced from and after July first, nineteen hundred and seven: Provided, That section thirty-nine of this act and the last proviso of section one shall take effect upon the passage of this act and section forty-two on January first, nineteen hundred and nine.

WILLIAM P. DILLINGHAM, H. C. LODGE, A. J. McLaurin, Managers on the part of the Senate.

BENJ. F. HOWELL, WILLIAM S. BENNET, Managers on the part of the House.

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the Senate bill (S. 4403) regulating the immigra-tion of aliens submit the following detailed statement in explanation of the effect agreed upon and recommended in the conference report:

The Senate having stricken out the entire House amendment, which in its turn had stricken out the entire Senate bill, the whole subject of immigration came before the conference com-

The principle questions of difference were, first, the form of the bill; on this the Senate receded. Second, the educational test; on this the Senate receded. Third, the so-called "Littauer amendment;" on this the House receded. Fourth, the amount of the head tax, the Senate bill providing for \$5 and the House bill providing for \$2; the amount is fixed in the bill at \$4. Fifth, the appointment of an investigating commission; on this

the Senate agreed, with an amendment.

Two entirely new features were added in conference-one, a provision at the end of section 1, is as follows: "Provided further, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States, or to any insular possession of the United States or to the Canal Zone, are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the con-tinental territory of the United States from such other country or from such insular possessions or from the Canal Zone;" the other, to take effect January 1, 1909, proposes air space in steamers as follows: "On main deck, or deck next below the main deck, 18 clear superficial feet of deck, and on the second deck below the main deck, 20 clear superficial feet of deck for each passenger.

The amendment further provides that if the lower deck be less than 7 feet in height, or if the apertures through which light and air are admitted to the lower passenger deck are less in size than in the proportion of 3 square feet to every 100 superficial feet on that deck, then the deck space for each passenger shall be 30 clear superficial feet.

The proposed increase may be shown by the following minimum cubic feet (7 feet between decks):

Present law: Cubic	feet.
Main deck or first deck below	100
Second deck below	120
Proposed amendment:	
Main deck or first deck below	126
Second deck below	140
Less than 7 feet between deck, second deck below	120
Proposed amendment, second deck below, about	180

BENJ. F. HOWELL, WILLIAM S. BENNET, Managers on the part of the House.

Mr. BENNET of New York. Mr. Speaker, I move the adoption of the conference report.

Mr. BURNETT rose.

The SPEAKER. For what purpose does the gentleman rise? Mr. BURNETT. To make a point of order against two clauses in the bill. I make a point of order against the entire conference report, but I desire to address my remarks against I desire to make a point of order against the proviso at the end of section 1.

The SPEAKER. Let us get one at a time.

Mr. BURNETT. At the end of section 1, page 17 of the

report

The SPEAKER. Has the gentleman report No. 7607?

Mr. BURNETT. I have Senate Document 318.

The SPEAKER. Has the gentleman in his hand the Senate report or the House report?

Mr. BURNETT. Senate report No. 318.

The SPEAKER. After all, why not take report No. 7607, the House report?

Mr. BURNETT. If I can get that, I do not care. I address myself to this language, and I will read the language.

The SPEAKER. The Chair desires to locate so as to see what the gentleman's point is. The Chair has the House report.

The House report or the Senate? Mr. BURNETT. The SPEAKER. The House conference report No. 7607.

Mr. BURNETT. On page 2 of the House report, at the end of section 1

The SPEAKER. Will the gentleman read? Mr. BURNETT. The language is as follows:

Provided further, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

That is the language. Then my point is against section 42, on page 15. [Reading:]

Sec. 42. It shall not be lawful for the master of a steamship or other essel wherein immigrant passengers, or passengers other than cabin assengers, have been taken at any port or place in a foreign country r dominion—

Mr. BENNET of New York. Will the gentleman yield for an

Mr. BURNETT. Yes, when I conclude the reading.
Mr. BENNET of New York. I thought perhaps I could save the reading. Does my colleague make the point of order against the whole of section 42?

Mr. BURNETT. Yes. Mr. BENNET of New York. Then, is there any necessity for reading it:

Mr. BURNETT (reading):

reading it?

Mr. BURNETT (reading):

(ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage; that is to say, in a steamship, the compartments or spaces, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow for each and every passenger carried or brought therein 18 clear superical feet of deck allotted to his or her use, if the compartment or space is located on the main deck or on the first deck next below the main deck of the vessel, and 20 clear superficial feet of deck allotted to his or her use for each passenger carried or brought therein if the compartment or space is located on the second deck below the main deck of the vessel: \*Provided\*. That if the height between the lower passenger deck and the deck immediately above it is less than 7 feet, or if the apertures (exclusive of the side scuttles) through which light and air are admitted together to the lower passenger deck are less in size than in the proportion of 3 square feet to every 100 superficial feet of that deck, the ship shall not carry a greater number of passengers on that deck than in the proportion of one passenger to every 30 clear superficial feet thereof. It shall not be lawful to carry or bring passengers on any deck other than the decks above mentioned. And in sailing vessels such passengers shall be carried or brought only on the deck (not being an orlop deck) that is next below the main deck; and the compartment or space, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow 110 cubic feet for each and every passenger: and any person brought in any sessel, children under 1 year of age shall be counted as one passenger: and any person brought in any such vessel whecked or in distress on the high sea

Now, Mr. Speaker, the point that I think is involved in that is both of these sections contain new matter and not matter which was referred to the conference committee. Now, I refer the Chair to page 429 of the Rules to this language, "The managers of a conference must confine themselves strictly to the differences committed to them." Now, I respectfully submit that you may search all the bills upon which action was taken, and the matter referred to this conference committee, and you will not find where those two matters were ever referred to

them. In the first place, section 42, I understand, is an amendment that should be included in the navigation laws, and it is an attempt to engraft upon an immigration bill matter that belongs to the navigation laws and is no part of the matter submitted to these conferees. Now, further along on the same page of the Rules it says, "A conference committee may not include in its report new items even though germane to questions in issue." "By concurrent resolution conferees are sometimes authorized to include in their reports subjects not at issue between the two Houses." That suggests, Mr. Speaker, the manner in which it might be gotten at in order to have free discussion in regard to it. There is a rule laid down as to how it may be done-by concurrent resolution. Now, I do not say these are not proper provisions if properly brought in. I do not believe there is a Member in this House on this side, Mr. Speaker, who will say that Japanese cooly laborers ought to be brought in, but we do not believe, Mr. Speaker, that the President ought to be able to hold a big stick over a sovereign State and that we should engraft such a law as this on an immigration That is exactly my view in regard to it. The same is true in regard to the other provisions, if it is properly brought in by an amendment to the navigation laws, Mr. Speaker, and I expect there would be but few Members on this side of the House objecting to section 42, but there is an orderly way of doing these things, and the rules prescribe that orderly way. The Speaker and the Committee on Rules, if they want to proceed in an orderly way, can have this done in such a way. This looks like a law passed in this way in order to give the President the whip hand, a big stick, to hold over the States in order to force them to do things which under their constitutional prerogatives he could not otherwise force them to do.

Now, he can say this: "If you do not let the Japanese into your schools there, I will exercise the prerogative given by that proviso and I will let these men indiscriminately in. If you do what I say in regard to it, then under the authority that is given to me by that proviso to section 1 I will exclude them.' And in that way, Mr. Speaker, we have a matter of coercion by the President ingrafted, as we believe, in the bill in that proviso

Mr. BENNET of New York. Mr. Speaker, very briefly on the bint of order. This bill is a Senate bill, and in the House the point of order. entire Senate bill was stricken out—that is, everything except the enacting clause, and but one amendment inserted by the That amendment constituted an entire code of immigration law, and was so considered by the House. diagreed to the entire House bill. Differing from ordinary rules as to conferences this, according to long precedent, threw the entire subject of the regulation of immigration into disagree ment The two sections as to which my colleague on the committee has made the point of order are the labor-conditions proviso at the end of section 1, and the air-space provision, known as section 42. Not only are both of these provisions ger-

Mr. BURNETT. May I interrupt the gentleman?

Mr. BENNET of New York. Certainly.

Mr. BURNETT. The point of order is against the report. The remarks that I made were against the provisions there,

because I thought they were new matter.

Mr. BENNET of New York. I understand that portion. But it is because of these two sections. Now, as to the labor-conditions provision which the gentleman has read, and which I will not reread, not only was that germane to the subject of immigration, relating as it did entirely to immigrants, but it was germane to provisions already in the bill. For in section 2 the House, and Senate also, had regulated labor as related to contract labor, and in sections 4 and 6 of the House bill there had been provisions relative to contract labor. So that not only under the rules making such matters as this permissible, when the whole subject is thrown into disagreement, is this amendment in order, but it is in order because it is germane to provisions already in the bill. Now, as to section 42, known as the "air-space provision," there have been three laws prior to this, that I now recall, relating to immigration. Each of these bills carried provisions regulating steamship companies with reference to immigration, and this very bill when it passed the House contained four sections so doing.

The SPEAKER. Were the measures that the gentleman now

refers to enacted into law?

Mr. BENNET of New York. Yes, sir; in 1891, 1893, and 1903, The SPEAKER. And are they part of the law which the

House provision repeals?

Mr. BENNET of New York. Absolutely.

The SPEAKER. And did repeal; and to which the Senate disagreed?

Mr. BENNET of New York. Absolutely. And in this very bill there are restrictions on steamship companies in sections 12 13, 14, 15, and 16 that I now recall. And it is certainly within the purview of the bill regulating immigration to regulate it on board the steamship which brings the immigrants to our shores. And not only does it come within that rule, but I have already shown by citations from the act it is similar to legislation already in the bill to which the Senate disagreed, and which therefore was thrown into disagreement and as to which the conferees had the right to act.

Mr. WILLIAMS. Mr. Speaker, there are no two more familiar principles than these: First, that a conference committee can not legislate; secondly, that conferees can not take up for settlement any matter which does not form a matter of disagreement between the two Houses. This provise to section 1 was not put in to settle a matter of disagreement between the two Houses upon the subject-matter of the proviso, because there was nothing in either bill upon the subject-matter and no disagreement between the two Houses concerning it. Section 42, although excellent legislation in itself—that is, section 42 of the conference report—is entirely new matter to both bills, the Senate bill and the House bill, and did not constitute in its subjectmatter any point of disagreement between the two Houses

Now, Mr. Speaker, there are very few legislative bodies anywhere among self-governing people which have conference committees at all. One of the most dangerous powers is that which is conferred upon conference committees. Speaker after Speaker of this House has ruled that that power must be exercised in strict conformity with the rules of the House; otherwise, Mr. Speaker, after one House has acted and another House has acted a third House substantially can legislate for the country, when for the most part the Members of the House may have taken their eyes off the subject-matter as a matter of peculiarly pending study, and especially when, as very frequently happens, is at the end of the session.

I want to read a few words of wisdom upon that subject from a distinguished Speaker of this House. I read from the Journal of the first session of the Fifty-second Congress upon a point

There are but few countries, as the Chair now recalls, that have conference committees in their national legislative bodies; certainly none that have perfected them as we have in the United States. It is one of the vital instrumentalities in bringing the two Houses toget.er and securing joint legislation. But there must be no abuse of that power. It will not do to allow matters not in contemplation by the two Houses that are foreign to the questions being considered.

I ask the Speaker's particular attention to the language. I am reading from page 701 of the Journal of the first session of the Fifty-seventh Congress.

The SPEAKER. The gentleman now refers to the decision by Speaker Henderson?

Mr. WILLIAMS. Yes.

The SPEAKER. The Chair's recollection of that decision is that it was on the omnibus claims bill?

Mr. WILLIAMS. That is right.

The SPEAKER Putting in certain matter?

The conferees put in certain matter.
And the Senate, in an amendment to the Mr. WILLIAMS.

The SPEAKER. bill, put certain other matter in?
Mr. WILLIAMS. Yes.

The SPEAKER. Each distinct from the other?

Mr. WILLIAMS. Yes.

The SPEAKER. And when the conferees met they put items in the conference report that never were considered by either Iouse or Senate?

Mr. WILLIAMS. That is right.

The SPEAKER. Charges on the Treasury?

Mr. WILLIAMS. That is right. What I am calling the attention of the Chair to is-

The SPEAKER. Does the gentleman think that that authority or decision is in point here?

Mr. WILLIAMS. There may be some difference of opinion. Mr. Speaker, as to how far the language of this decision was obiter dictum as to the case then under consideration, but there is no difference as to the application of the decision to this case, If the Speaker will do me the honor to listen. Now, Speaker, I do not believe that it is obiter dictum as applicable to the case now in hand, because it is like the other in this. gentleman from Pennsylvania [Mr. Mahon] made the argument that the entire question of claims was thrown into conference between the two Houses, and that when our House put on a claim, the Senate another and different claim, then the conferees put on still another, it was all right, which was a totally indefensible position. Now here, as I understand it, the position is taken that the entire matter of immigration was thrown

into conference because the House struck out all of the Senate bill after the enacting clause and substantially put in a new bill. Now, it is applicable in this far: In so far as the House bill, after striking out the Senate bill, all after the enacting clause, put in matters which constituted matters of difference between the Houses. In that far this conference has a broader authority than others usually have; but in so far as neither House in either bill had any difference outstanding upon any particular subject-matter, and, indeed, no expression of any sort even, then in that far that particular subject-matter can not be a matter of conference or difference by the conferees. It is not only not a matter of difference, but until the conferees expressed themselves, a matter of legislative nonexistence. I ask the Speaker now to listen to the breadth of this language:

It will not do to allow matters not in contemplation by the two

This matter was not "in contemplation" by the two Houses. It was something put in to prevent an embroilment in our foreign affairs that neither House had theretofore considered, because nonexistent.

I continue to read:

It will not do to allow matters not in contemplation by the two Houses, that are foreign to the questions being considered, to be inserted by the conference committee.

Now, while the Chair believes that the conference committe is a great instrumentality to bring the two Houses together, still the Chair would be very loath to open the door to allow any conference committe to usurp the prerogatives of either House; and while he has examined with care the several decisions, the weight of authority is in the line of his own feelings on this question.

Now Mr. Speaker the point that I am making just at this

Now, Mr. Speaker, the point that I am making just at this moment is that this matter of the power of a conference committee is a source of great danger and that in it lies the possibility of great abuse, and that the power of a conference committee ought always to be strictly scrutinized and strictly con-

strued in every respect. Now, what do we find before us, Mr. Speaker? Why, even by Republican admission here and in the Senate there goes to the two Houses the subject-matter of immigration. After the two Houses have passed a bill, there arises upon the Pacific slope a question about mixed schools there. This becomes an international question, Japan and the United States being the Neither House had considered it. There arises in parties. connection with that question also a question as to Japanese and others having passports to land in Hawaii and the Philippines landing in continental America. Neither House had considered it. It had not formed a part of either bill. Here is a sudden contingency arising, and instead of the two Houses dealing with it a conference committee reports to the two Houses, and in its report undertakes to deal with the question before either House has a chance to be consulted or to have an opportunity for deliberation.

Now, Mr. Speaker, I stand with the State of California, as far as I am concerned, no matter where her delegation may stand, in opposition to mixed schools. [Applause.] I stand with Californians in favor of the proposition that we want a homogeneous and assimilable population of white people in this Republic [applause]; that we do not want unassimilable and alien races. And I do not base my opinion, so far as the Japanese are concerned, upon the ground that they are an inferior race, but simply upon the ground that they are different and unassimilable, and that it is contrary to the best interests of the Republic

The SPEAKER. The gentleman w to the discussion of the point of order. The gentleman will please confine himself

Mr. WILLIAMS. Mr. Speaker, I am trying to show the gravity of the question, and therefore the danger of the exercise of this power by a mere conference committee.

The SPEAKER. Questions of order ought not to be decided by differences that may be partisan or otherwise. The question is a very plain proposition, and the argument is addressed to the Chair, and not to the House, primarily.

Mr. WILLIAMS. Mr. Speaker, I have just announced to the Chair—and of course if the Chair differs with me I shall not

continue any further on that line—that in reading the decision of Speaker Henderson I have called attention to the gravity and the novelty of this power in the American National Legislature vested in conferees. I was trying just to illustrate, to carry further, to emphasize, and to reenforce those remarks of Speaker Henderson by showing that in this special case it was still more gravely dangerous to allow conferees to legis-

The SPEAKER. The Chair was giving very close attention

to the gentleman from Mississippi.

Mr. WILLIAMS: Now, Mr. Speaker, I read again from the Parliamentary Precedents of the House of Representatives, by our friend Mr. Hinds, who upon a celebrated occasion was ad-

mitted by the Speaker and myself to be superior to either one of us as a repository of parliamentary information. I read from page 742, section 1414:

Conferees may not include in their report matters not committed to them by either House.

On June 23, 1812, Mr. Robert Wright, of Maryland, from the managers appointed on the part of the House to attend a conference with the managers on the part of the Senate upon the subject-matter of the disagreeing votes of the two Houses on the amendments of the Senate to the bill for the more perfect organization of the Infantry of the Army of the United States, made a report which was read, and declared by the Speaker to be out of order, inasmuch as the conferees had discussed and proposed amendments which had not been committed to them by either of the two Houses.

Now, that is the point. It is not the point of germaneness to the subject-matter, but the point, as is so well said in these lines, is a question of what has been committed to the conferees in the language and substance of the bill as a matter of difference between the two Houses. There was no matter of difference between the two Houses with regard to this proviso to section 1. There was also no matter of difference be-tween the two Houses with regard to section 42, for the simple reason that there can not be a matter of difference with regard to a subject-matter when the subject-matter itself did not enter into either bill.

I read again:

The managers and conferees must confine themselves strictly to the differences submitted to them. (2d sess. 58th Cong., Journal, p. 404.) "Strictly" is the word used.

By concurrent resolution conferees are sometimes permitted to include in the report subjects not at issue,

The converse therefore is that never in any other manner is the committee to consider subjects "not at issue;" whether these matters be germane or not, they must be subjects at issue, they must constitute points of difference between the two Houses; because the jurisdictional question to be considered by conferees, or by the conference committee, is this: Upon this particular point is there any disagreement between the two Houses? If there be none, no matter how germane the matter may be to the general principles of the bill, no matter how good the legislation itself may be, it is not within the jurisdiction of conferees

Now, Mr. Speaker, some other things I had intended to say right now, but perhaps I may obtain an opportunity to say them later, because I understand the Speaker to rule that I can not now emphasize and reenforce the gravity of this particular racial and school question by describing what it is. If the Chair takes that position, I must obey the power of the Chair and the wisdom of the Chair and postpone until a later time the opportunity to say why this particular question of all questions should not be one to be dealt with by a conference committee when there is no point of disagreement between the two

Houses. [Applause.]

Mr. WATSON. Mr. Speaker, as I understand it, the question of parliamentary law is to be decided by precedents and by principle. The general merits of the proposition involved are not subject to discussion at this time, and I shall therefore confine myself to the matter that is legitimately at issue in the question presented. The gentleman from Mississippi has just read from the work of Mr. Hinds on Parliamentary Precedents, and he read section 1414. If he had only turned one more page, he would have found a precedent entirely on all fours with this one, presented to the Speaker at that time. I refer to the decision found on page 745, section 1420. The difference between the precedent, or the supposed precedent, cited by the gentleman from Mississippi and the real precedent in this case is that when the Senate bill on immigration came to this House the Committee on Immigration of the House of Representatives did not amend that bill in the ordinary way, but struck out all of the Senate bill and inserted by way of an amendment an entire substitute, wholly unlike the Senate bill which went to the Committee on Immigration.

Now, Mr. Speaker, the House passed that substitute with only one amendment. That went back to the Senate, and the Senate did not concur. The matter was placed in conference. Therefore, when the matter went to the conferees there was not a single proposition upon which the Senate and the House had agreed. What, therefore, was necessarily the condition when it got into conference? The only thing that the conferees had before them was the subject-matter, but there was not a single line, there was not a single sentence, upon which the House and the Senate had agreed.

Therefore the whole subject-matter was before the conference committee, and it was clearly within the power of the conference committee to bring back any report on that subject-matter, whether it corresponded to what the Senate had in its original bill or what the House had in the substitute sent back to the House from its Committee on Immigration. What is the precedent, Mr. Speaker, and with that I shall be content? "On March 3, 1865, Mr. Robert C. Schenck, of Ohio, from the committee on conference on the disagreeing votes of the two Houses on House bill 51, entitled 'An act to establish a bureau of freedmen's affairs,' reported that the Senate had receded from their amendment, which was a substitute, and the committee had agreed upon, as a substitute, a new bill, entitled 'An act to establish a bureau for the relief of freedmen and refugees.' Speaker will-notice, a substitute, not the original proposition amended, but the original proposition stricken out and another new proposition brought in. "As soon as the report had been read Mr. William S. Holman, of Indiana, made the point that the report did not come within the scope of the conference committee. It did not report the proceedings of the Senate or an agreement by the committee on amendment to the Senate's amendment to the House bill, but it reported an entire substitute for both original bills and the substitute adopted by the Senate, and it established a department unprovided for by either of the other bills." Just precisely on all fours with this case.

Mr. WILLIAMS. Does the gentleman think it is? Mr. WATSON. Why, I know it is; I do not think anything about it.

Mr. WILLIAMS. Will the gentleman permit an interruption?

Certainly. Mr. WATSON.

Mr. WILLIAMS. Does the gentleman think that there is not in the present Senate bill any subject-matter that comes into agreement with any of the provisions of the House bill we are now considering, and yet that was the fact stated by the Speaker in regard to the matter which he is now quoting?

Mr. WATSON. The precedent I am citing has to do only with the subject-matter. That is all this Committee on Immigration had to do with-the subject-matter. It is not the bill that the Senate and House had passed, but an entire substitute for the What is the ruloriginal Senate bill, just as in the case cited. ing of the Speaker in that case, which I hold to be entirely on fours with the existing proposition? The Speaker said: "The Chair understands that the Senate adopted a substitute for the House bill," precisely what occurred in this case. "If the two Houses had agreed upon any particular language or any part of a section the committee of conference could not change that; but the Senate, having stricken out the bill of the House and inserted another one, the committee of conference had the right to strike out that and report a substitute in Two separate bills have been referred to the commitits stead. tee, and they can take either one of them, or a new bill en-tirely, or a bill embracing parts of either." There is the de-cision. Two separate bills, the Senate bill and the House bill, having been referred to the conference committee, the conference committee can take either the Senate bill or the House bill or neither, and the conferees report an entirely new proposition not embraced in either one of the propositions referred to the committee. What else? "They have a right to report-any bill that is germane to the bills referred to them."

Now, Mr. Speaker, it was clearly within the power of this conference committee on immigration to report back the Senate bill, to report back the House bill, to report back an entirely new bill, just so it was germane to the question of immigration, and inasmuch as they have done that thing, they have not ex-

ceeded their authority, and their report is entirely within the rules of this House. [Applause.]

Mr. JONES of Washington. Who was the Speaker who rendered that decision?

Mr. WATSON. Schuyler Colfax, of Indiana.
Mr. BURNETT. Will the gentleman yield for a question?
Mr. WATSON. Certainly.
Mr. BURNETT. According to the argument of the gentleman, does the gentleman think that the committee could bring in a bill repealing the Chinese-exclusion act?

Mr. WATSON. How is that? Mr. BURNETT. Does the gentleman think this committee on conference could have brought in a bill repealing the Chineseexclusion act and substituting it for it?

Mr. WATSON. I understand from my friend that is specifically in the bill.

Mr. BENNET of New York. Mr. Speaker, answering my colleague on the committee, I would say that if he will turn to section 42 of the House bill he will find that the subject of the Chinese-exclusion matter is specifically referred to in the bill. So that would come in.

Mr. BURNETT. I will repeat my question, then, to the gentleman. That emphasizes it again. With that in there, does the gentleman think this committee could have come in and offered to report a substitute to the bill, repealing the Chineseexclusion act?

Mr. WATSON. I think that any bill might have been reported by the conference committee germane to the subject of immigration under this decision.

Mr. BURNETT. I will ask the gentleman not to dodge the question, but to answer it.

The SPEAKER. The Chinese-exclusion act in the repealing clause is especially excepted.

Mr. WILLIAMS. What was that?

The SPEAKER. In the repealing clause of the House substitute the Chinese-exclusion act is specially excepted.

Mr. BURNETT. Suppose it would not?
The SPEAKER. What is the use of guessing about what might, could, would, should, or ought not to be? The Chair is prepared to rule, although the Chair will hear, briefly, the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. The position taken by the gentleman from Indiana [Mr. Watson], if I understand it correctly, is the position that was taken by the senior Senator from Massachusetts in the United States Senate on Saturday, to wit, that where one House passes a complete statute and another House a completely different statute, but "on the same subject-matter," the conferees may bring in anything touching the subject-matter of the two bills.

Now, granting for the sake of argument the soundness of that position for the present, and I grant it only for the sake of argument, I contend that this question does not come within the purview even of that opinion, because, Mr. Speaker, these matters in this proviso and in this section are not a part of the subject-matter of either one of these two bills, hitherto passed by the Senate and the House. There was no such subject-matter as vesting the regulation of immigration in the Executive, instead of prescribing it by the legislative, in either bill.

Now, Mr. Speaker, the Senator-and I am quoting from the Congressional Record of February 16, 1907—goes on to say some things that are a little curious, coming from that side of the Capitol and relating to affairs on this side, I think. says:

I read from the Record of January 16 remarks of Senator Lodge, of Massachusetts.

I may say that very early in our conferences I thought it best to take the opinion of the Speaker of the other House as to the general powers of conferees in the conditions which then arose. I have no right to quote, and shall not, a private conversation, but on a parliamentary matter I think I am at liberty to say that the conferees, in their interpretation of the situation, did not go beyond the views and opinion of the Speaker of the other House, who is recognized as one of the great parliamentarians of the country.

The Senator from Massachusetts consulted a yet higher parliamentary authority, for a little later the Senator said:

in my judgment. Mr. President, the conferees had a right to make the addition with which fault is now found. I am informed to-day—and I venture to quote it that I may not be supposed to be advancing something which only a member of the conference would be supposed to hold—I am informed to-day that the man whom I tonisder, and whom I think all consider who have examined his books, to be the greatest parliamentary expert living as to the parliamentary law of the Congress of the United States, Mr. Hinds, clerk at the Speaker's table, pronounced both these amendments to be entirely germane and within the power of the conferees.

I thought I would refer to that as a sort of an excuse for myself, because if the Speaker and the Senator from Massachusetts had had an understanding upon this question before it was presented to the House of Representatives it would seem that I have been engaged, while trying to prevail on the Speaker to open the case for a rehearing, in quite'a superfluous piece of work. [Laughter.]

The SPEAKER. The Chair is prepared to rule. [Laughter.] The Senate during the last session passed an act entitled "An act to amend an act entitled 'An act to regulate the immigration of aliens into the United States,'" etc.

This Senate bill was broad in its provisions and substantially amended the immigration laws then in force. It was very general in its nature, as will be found upon examination. bill came to the House. The House struck out all of the Senate bill after the enacting clause, by way of amendment, and passed a substitute therefor. So that the House entirely disagreed with every line, with every paragraph, with every section of the Senate bill—everything except the enacting clause—and proposed a substitute therefor, and this substitute on examination is found to be a complete codification and amendment of existing immigration laws, and incidentally the labor laws connected therewith, especially those dealing with contract labor, and with many other questions to which it is not necessary to refer. And in the final clause of the House substitute there is the provision:

That the act of March 3, 1903, being an act to regulate the immigration of aliens into the United States, except section 34 thereof, and

Overstreet, Ind. Parker Parsons

the act of March 22, 1904, being an act to extend the exemption from head tax to citizens of Newfoundland entering the United States, and all acts and parts of acts inconsistent with this act are hereby repealed. Provided, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons, etc.

So that not only does the House by its substitute amendment codify and amend all the laws touching immigration, but incidentally changes those relating to labor, especially contract labor. The House substitute is found to be abounding in section after section with the prohibition of contract labor in connection with immigration, and with various other provisions of a similar nature.

The House substitute, by way of amendment, went to the Senate. The Senate disagreed to every line, paragraph, and section of the House provision; and with that disagreement to the Senate provision, and with the House provision in effect a disagreement to the original Senate bill, the whole matter went to conference. That is, by this action there was committed to conference the whole subject of immigration, and, as connected therewith, the prohibition of immigration by way of contract labor in the fullest sense of the words.

Mr. WILLIAMS. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman rise?
Mr. WILLIAMS. I feel as if it were a trespass, but would

the Speaker allow me to ask him a question there?

This taking the whole subject-matter of immigration to be thrown into the conference, was it not a subject-matter of legislation by Congress, for fixed and prescribed rules of immigration, and not a subject-matter of applying the discretion of the Executive upon that subject?

The SPEAKER. The Chair has not had time to hunt up all the provisions of the immigration laws of the country, but the repealing clause, with the exception as proposed by the House and the disagreement of the Senate, sent this whole matter, in

the opinion of the Chair, to the conferees. Now, then, there is but one provision that is seriously contended for in the point of order that is made, and that is to be found on page 2 of the House conference report, 6607, and is

as follows:

That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

Now, then, one of the principal efforts in legislation heretofore has been to exclude labor that is brought in under contract or is promoted, so to speak; and the very reason of that legislation has been and is that the labor conditions in the United States should not be affected unfavorably. Three sections of the House substitute deal expressly with that question. It is not like unto the precedent cited by the gentleman from Missis-sippi, which was made by the ruling of Mr. Speaker Henderson. The only thing there was a disagreement between the House and the Senate as to certain specified claims, and between the Senate and House as to certain other specified claims. ferees in that case, taking in the whole sea or ocean of claims, from the birth of Christ to the supposed death of the man with hoofs and horns, picked out a number of claims that the House or Senate never had heard of or dealt with and put them in the or Senate never had heard of or dead thenderson properly sus-conference report, and Mr. Speaker Henderson properly sustained the point of order to the conference report. The Chair has no difficulty nor any hesitation in holding that this is germane first; and, second, that it comes within the scope of the disagreement between the House and Senate as affects immigra-tion on the one hand and the interest of labor on the other, and therefore overrules the point of order. [Loud applause on the Republican side.]

Mr. Speaker, I respectfully appeal from the Mr. BURNETT.

decision of the Chair.

The SPEAKER. The the decision of the Chair. The gentleman from Alabama appeals from

Mr. PAYNE. Mr. Speaker, I move to lay the appeal on the table.

A parliamentary inquiry. Mr. BARTHOLDT.

The SPEAKER. The gentleman will state it.
Mr. BARTHOLDT. Does the ruling of the Chair apply also

to the point of order raised against section 42?

question is, Shall the appeal from the decision of the Chair lie upon the table? The SPEAKER. It applies to everything. [Laughter.]

Mr. WILLIAMS. Mr. Speaker, in order to save the time of the House, I call for the yeas and nays.

The question was taken; and the yeas and nays were ordered.

The question was taken; and there were—yeas 198, nays 104, answered "present" 4, not voting 71, as follows:

YEAS-198.

Denby Dickson, Ill. Dixon, Mont. Acheson Jenkins
Jones, Wash.
Kahn
Keifer
Kennedy, Nebr.
Kennedy, Ohlo
Kinkaid
Klepper
Knapp
Knopf
Knopf
Knopf Jenkins Alexander Allen, Me. Babcock Dovener Dovener Draper Driscoll Dunwell Dwight Edwards Bannon Barchfeld Bartholdt Bartholdt Bates Bede Beidler Bennet, N. Y. Bennett, Ky. Birdsall Ellis Englebright Knowland Lacey Landis, Chas. B. Landis, Frederick Esch Fletcher Fordney Bonynge Boutell Bowersock Bradley Law Lawrence Lilley, Conn. Littauer Littlefield Longworth Loud Foss Foster, Ind. Foster, Vt. Fowler French Fulkerson Brick Brick Brooks, Colo. Brown Browalow Brumm Burke, S. Dak. Burleigh Loudenslager Loudenslager'
Lovering
Lowden
McCarthy
McCleary, Minn.
McGayin
McKinlay, Cal.
McKinlay, McMorran
Madden
Mabon
Mann
Marshall
Martin Fuller Fuller Gardner, Mass. Gardner, Mich. Gilhams Gillett Goebel Graff Burleigh Burton, Del. Burton, Ohio Butler, Pa. Calderhead Campbell, Kans. Graham Campbell, Kans Campbell, Ohio Capron Cassel Chaney Chapman Greene Gronna Grosvenor Hale Hamilton Haugen Martin Martin Michalek Miller Mondell Morrell Hayes Hedge Henry, Conn. Hepburn Cole Conner Cooper, Pa. Cousins Hepburn Higgins Hill, Conn. Hinshaw Holliday Howell, N. J. Howell, Utah Hubbard Huff Cromer Monser Mudd Crumpacker Mudd Murdock Murphy Needham Nelson Nevin Norris Currier Cushman Dale Dalzell Darragh Davidsor Davis, Minn. Dawes Hughes Hull Dawson Humphrey, Wash. Otjen

Payne Pearre Perkins Pollard Prince Reeder Rives Roberts Rodenberg Slemp Slemp Smith, Cal. Smith, Ill. Smith, Iowa Smith, Mich. Smith, Pa. Smyser Snapp Southard Southwick Sperry Steenerson Steelerson Sterling Stevens, Minn. Sulloway Tawney Taylor, Ohio Taylor, Onlo Thomas, Ohio Tirrell Townsend Volstead Vreeland Wanger Washburn Watson Washourn Watson Webber Weeks Weems Wharton Wiley, N. J. Wilson Woodyard

NAYS-104

Lee Legare Lever Lewis Livingston Fitzgerald Adamson Adamson Alken Bankhead Bartlett Beall, Tex. Bell, Ga. Flood Floyd Garber Garner Garrett Gill Lloyd McLain McLain Macon Maynard Meyer Moon, Tenn. Moore, Tex. Brantley Gillespie Glass Goldfogle Burgess Burleson Goulden Granger Overstreet, Ga. Padgett Burnett Butler, Tenn. Gregg Griggs Gudger Hardwick Byrd Candler Clark, Fla. Clark, Mo. Page Patterson, N. C. Patterson, S. C. Hay Heffin Hopkins Houston Howard Hunt James Clayton Davey, La. Davis, W. Va. Rainey Randell, Tex. Ransdell, La. Reid De Armond Dixon, Ind. Richardson, Ala. Robertson, La. Robinson, Ark. Johnson Jones, Va. Lamar

ANSWERED "PRESENT"-4. Gilbert Sherman

VOTING-71. NOT McCreary, Pa. McDermott McKinley, Ill. McLachlan McNary Allen, N. J. Ames Andrus Haskins Hearst Henry, Tex. Bingham Bishop Blackburn Bowie Broocks, Tex. Hermann Hill, Miss. Hogg Humphreys, Miss. Keliher Kitchin, Claude Kitchin, Wm. W. Minor Moon, Pa. Moore, Pa. Palmer Buckman Burke, Pa. Calder Powers Kline
Lafean
Lamb
Le Fevre
Lilley, Pa.
Lindsay Revburn Reynolds Rhinock Rhodes Richardson, Ky. Cockran Cooper, Wis. Gaines, Tenn. Gaines, W. Va. Gardner, N. J. Riordan Lorimer McCall

So the appeal was laid on the table. The Clerk announced the following pairs:

For the remainder of this session: Mr. DEEMER with Mr. KLINE.

Mr. SHERMAN with Mr. RUPPERT.

Deemer

Mr. VAN WINKLE with Mr. McDermott.

Rucker Russeli Ryan Saunders Shackleford Shackleford Sheppard Sherley Sims Slayden Smith, Md. Smith, Tex. Southall Southall Sparkman Spisht Sullivan Sulzer Talbott Taylor, Ala. Thomas, N. C. Underwood Wallace Watkins Webb Weisse Weisse Williams

Wachter

Schneeheli Stafford Standey Stanley Stephens, Tex. Towne Trimble Tyndall Van Duzer Van Duzer Van Winkle Wadsworth Waldo Welborn Wiley, Ala, Wood

Until further notice:

Mr. Powers with Mr. Gaines of Tennessee,

Mr. Lilley of Pennsylvania with Mr. Gilbert.

Mr. HASKINS with Mr. LAMB.

Mr. McKinley of Illinois with Mr. Henry of Texas. Mr. Lorimer with Mr. Humphreys of Mississippi.

Mr. REYBURN with Mr. KELIHER. Mr. BINGHAM with Mr. COCKRAN.

Until Thursday next

Mr. WACHTER with Mr. SMALL.

For this day:

Mr. MINOR with Mr. TRIMBLE.

Mr. Moore of Pennsylvania with Mr. McNary.

Mr. Moon of Pennsylvania with Mr. WILEY of Alabama.

Mr. LE FEVRE with Mr. VAN DUZER.

Mr. McCreary of Pennsylvania with Mr. Towne. Mr. Laftan with Mr. Smith of Kentucky

Mr. Bishop with Mr. Richardson of Kentucky.

Mr. Coudrey with Mr. Hearst. Mr. CALDER with Mr. RHINOCK.

Mr. Allen of New Jersey with Mr. Claude Kitchin. Mr. Wadsworth with Mr. William W. Kitchin.

Mr. Burke of Pennsylvania with Mr. Bowie.

Mr. Ames with Mr. Stanley. Mr. Reynolds with Mr. Hill of Mississippi.

Mr. Waldo with Mr. Broocks of Texas.

Mr. Andrus with Mr. RIORDAN.

On this vote:

Mr. Cooper of Wisconsin with Mr. Lindsay. Mr. Buckman with Mr. Stephens of Texas.

The result of the vote was announced as above recorded.

Mr. BENNET of New York rose and was recognized by the Speaker

Mr. WILLIAMS. Mr. Speaker, before the gentleman from New York begins—my understanding is that he has an hour for debate—I would suggest that we agree to an equal division of time, the gentleman from New York [Mr. Benner] to con-

trol half, and the gentleman from Alabama [Mr. Burnett] half.

Mr. Bennett of New York. Mr. Speaker, in reply to the gentleman from Mississippi, I will say that I had agreed with the gentleman from Alabama that he might have as much time

myself with others occupied. Mr. WILLIAMS. That there shall be an equal division of time?

Mr. BENNET of New York. All within my hour.
Mr. WILLIAMS. That gives our side thirty minutes.
Mr. BENNET of New York. No; I do not want to mislead
me gentleman. If there are not requests on my side for thirty the gentleman. minutes, then the other side does not get thirty minutes. If

we get thirty minutes, then the other side gets thirty minutes.

Mr. WILLIAMS. That will leave it entirely within t power of the gentleman from New York to cut off all discussion by simply sitting down at the end of three or four minutes and not yielding any time to anybody else. I would ask unanimous consent that thirty minutes to a side be granted, the gentleman from New York to control thirty minutes in favor of and the gentleman from Alabama to control thirty minutes in oppo-

sition to the pending legislation.

The SPEAKER. The gentleman from New York is entitled to sixty minutes. Now, the gentleman from Mississippi appeals to him to yield thirty minutes to the gentleman from Alabama. That is, if the Chair understands the gentleman from Missis-

Mr. BURNETT. I understood, Mr. Speaker, that to be the arrangement, that they expected to consume one-half an hour on that side and that we should have half an hour on this side.

Mr. BENNET of New York. So far as I am concerned, I will not object to yielding thirty minutes to that side if no other Member objects.

Mr. LACEY. With the understanding that the vote will be taken at the end of the hour?

Mr. BENNET of New York. With the understanding that a vote shall be had at the end of the hour.

The SPEAKER. The gentleman from New York has it in his power to move the previous question at the end of the hour or at any time before that to test the sense of the House. But, of course, if he yields thirty minutes to the other side, he can not do it until the expiration of that thirty minutes.

Mr. WILLIAMS. I understand, then, that the gentleman from New York yields thirty minutes to this side.

The SPEAKER. To whom does the gentleman from New York yield?

Mr. BENNET of New York. I desire first, Mr. Speaker, to make a brief statement myself. The principal points of difference, so far as they have not been discussed in the House when

the bill was before the committee, have been discussed this morning on the point of order. The changes in that part of the bill which came before the House at the last session are very few. The matters in difference were the educational test, from which the Senate has receded; the form of the bill, as to which the Senate has receded; the commission section, to which the Senate has agreed with an amendment; the Littauer amendment, to which the House receded, and the so-called "head tax," which as it passed the Senate was \$5 and as it passed the House \$2, and on this matter there has been a compromise of \$4. administrative changes, about 100 in number, meet with universal approval.

These changes were very largely the result of the work of the gentleman from Massachusetts, my colleague on the committee [Mr. GARDNER], and to him more than anyone else is due the fact that after this bill becomes a law the laws regulating im-

migration will be simpler, better, and more efficacious.

Mr. GOLDFOGLE. Will the gentleman from New York yield to me for a question?

Mr. BENNET of New York. Yes; for a question.
Mr. GOLDFOGLE. The head tax as now proposed in the conference report is double that provided by existing law?

Mr. BENNET of New York. Yes.

Mr. GOLDFOGLE. What purpose is to be subserved by doubling the head tax? Does the gentleman from New York believe that doubling the head tax will increase the quality of immigration?

Immigration?

Mr. BENNET of New York. "The gentleman from New York" prefers to state the prevailing opinion among the conferees, which was that the extra \$2 would create a fund which would go toward paying the share of the immigrant immediately in our expenses. My own views differ; but the gentleman must realize that in the conference, which lasted from June, 1906, until now, neither side could get all that it wished, and while the Senate receded on most of the preventions and and while the Senate receded on most of the propositions and those of largest importance, the House conferees compromised on this.

Mr. GOLDFOGLE. The gentleman proposes to put a head tax on the admissible immigrant; in other words, those who are found to be desirable immigrants, those who ought to enter the United States, must pay this tax.

Mr. SHERLEY rose.

Mr. BENNET of New York. I yielded to the gentleman for a nestion. Now, I will yield to the gentleman from Kentucky.

Mr. SHERLEY. As I understand, the Littauer amendment question.

put on the bill in the House has not been agreed to by the con-

Mr. BENNET of New York. That is correct.

Mr. SHERLEY. That was an amendment providing for the admission of aliens who were refugees on account of their religious or political opinions without regard to their ability to earn a livelihood. Is there any other provision put in the bill, as reported by the conferees, that would afford ground for admitting refugees from Russia to America without their undergoing the rigid examination that would be required as to other immigrants:

Mr. BENNET of New York. There has, and there is a provision for striking from the House bill the provisions to which my friend alludes, to which the friends of the refugees strenuously object; the other provision in section 2 of the House bill which prohibits the admission of persons of poor physique or low vitality, that language has been stricken from the bill, and also in section 26 of the bill as proposed in the conference report there is a provision admitting persons found physically defective or liable to be a public charge upon giving a bond.

Mr. SHERLEY. Those are the only provisions made to cover the case of refugees?

Mr. BENNET of New York. Absolutely.

Mr. SHERLEY. And the provisions that the House made to cover specific cases that are now arising were waived by the House conferees?

Mr. BENNET of New York. Mr. Speaker, the question, I know, is not intentionally unfair, but it is in fact unfair, because the gentleman from Kentucky does not bear in mind that under the provision of the so-called "Littauer amendment" those refugees were subject to the rigid examination of which he speaks and were only relieved from one clause, and that was that they were to be deported because of want of means or the probability of their being found to be unable to earn a livelihood.

Mr. GOLDFOGLE. Did not the Denby amendment cover the other case'

Mr. BENNET of New York. The Denby amendment never passed the House, having been stricken out in the House when the commission section was substituted for the educational test.

Mr. SHERLEY. Of course the gentleman from Kentucky did not desire to put the gentleman from New York in a false light, but the gentleman from Kentucky still reserves right to determine what amendments mean and still thinks the provisions made are not ample to cover the case, and that the House conferees have disregarded the interests of the Rus-

Mr. BENNET of New York. There were many times, I will say to the gentleman from Kentucky, when the conferees on the part of the House themselves felt like refugees in that conference committee.

Mr. SHERLEY. I am prepared to admit that fully.

Mr. BENNET of New York. But we think the case is covered. I now yield ten minutes to the gentleman from Massa-

chusetts [Mr. GARDNER]

Mr. GARDNER of Massachusetts. Mr. Speaker, I am going to vote for this conference report, although I am obliged to admit that I am sorry to see a situation arise in which it is impossible to get a yea-and-nay vote on the educational test. I should vote against this conference report were it not for the fact that it carries the Japanese-passport amendment; but I am not willing to take any step which, if successful, might embarrass the hands of the Administration in settling the very important problem which has arisen on the Pacific coast. Unfortunately we must accept this conference report as a whole or get no legislation. We can not amend it. Mr. Speaker, if we vote down this conference report, we do not get the Japanese-passport amendment. Moreover, many Members of this House who believe in the educational test do not agree with me in thinking that it would be wise to vote down this conference report, even if it did not contain the Japanese amendment. Many Members of the House point out to me that under this conference report the contract-labor law is very much strengthened; that the \$4 head tax will be restrictive, and that the new requirements of the steamship companies in the matter of air space for each immigrant will act as a further restriction. The administrative features, which the gentleman from New York was kind enough to credit to me and which I in my turn credit to him, are certainly of value. Nevertheless, I myself should vote against this conference report if it were not for the passport amendment. I believe that the best plan to pursue, if we want the educational test, is to refuse passage to any immigration bill at all until the House is brought to a yea-andnay vote upon that question.

Mr. HARDWICK. Mr. Speaker-

Mr. GARDNER of Massachusetts. I can not yield now. There can be but little doubt as to the attitude of this House if permitted to express its opinion on the illiteracy clause. Mr. Speaker, I am not going to discuss the educational test. come to bury Cæsar, not to praise him. [Laughter.]. But want to warn you I am only burying him temporarily. Thi House and this country sooner or later must choose between two courses, and we must make our choice on a vote of such a nature that our constituents will know where we stand. The country must ultimately choose between two policies. The selection policy would admit every able-bodied alien of good character. We must choose between that policy and the restrictive policy which aims radically and substantially to reduce the flow of immigration, even if, in so doing many a good and honest man must be excluded.

Mr. BENNET of New York. Mr. Speaker, I ask that the gentleman on the other side exhaust some of his time.

Mr. BURNETT. Mr. Speaker, I yield ten minutes to the gen-

tleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, although the point of order was made to section 42 of this conference bill, I shall not waste any time talking about that, because it is excellent legislation, and ought to have been passed a long time ago, and will do a It was merely in the wrong place. great deal of good now. ought to have been enacted by at least one House and not solely by a conference committee. I want to call the attention of the Speaker of the House, and in as far as my poor voice can carry weight the attention of the country, to the broad language contained in the second proviso of section 1, as follows:

Provided further, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

Could delegation of legislative power to the Executive be broader?

"Whenever the President is satisfied" of what? That the passport is being used "to the detriment of labor conditions" the United States. Could there be a phrase more indefinite? Full power to the President to relax or restrict? It is not the law which has to be "satisfied," but the discretion of the President dent of the United States. It is not a prescribed law wherein the American people shall be the judges of when a person comes in "in detriment to labor," but the entire responsibility is shifted by us from the shoulders of the legislative body and

vested in the discretion of the President of the United States.

And I warn California and Californians now of what they ought already to know, that the President's view on how far and when and under what circumstances oriental labor may be to the labor of the United States is not their opinion upon that subject. Mr. Speaker, I regret more to-day than I have regretted for some time that there is not even one Democrat from the State of California in either of the Houses of Congress. Had there been, this craven surrender of California's representatives in Washington to White House and foreign influence would not have been unanimous. I am with Californians on the separate school question. I do not believe in mixed schools. The future welfare of the South is wrapped up in the question of separate schools and the separation of the two races there in order to maintain racial peace and to prevent the outbreak of racial hostility. We can not afford to have the police power of the State to regulate its own schools independently of the Federal Government and of foreign powers infringed or even so much as questioned. If questioned in California, the precedent is made to question it some day in Mississippi. I can not vote to lodge in the President a discretionary power to be used as a bludgeon to force a sovereign State to forego its sovereign right to maintain separate schools. I am with the Californians, Mr. Speaker, upon the subject of protection of the white labor of the United States against either African or oriental imported competition, and not upon the ground that Africans and orientals are essentially inferior to Caucasians. The former are. Whether the latter are or not is a question, perhaps. It is not that. I for one believe that the Japanese are one of the most superior races upon the surface of this In certain points of courtesy and culture they are, in my opinion, our superiors, but they are just simply different—radically different. Their coming would result in a population lacking in homogeneity. They would bring a population unassimilable in the only manner in which any assimilation can take place that leads to brotherhood and equality and liberty—the pillars of a free republic. They are so radically different that the two races will not mingle to form one race to support upon its back the responsibility of our destiny, the burdens of our peculiar civilization, the ideals, the traditions, and the future of the Republic.

I am with the Californians upon another question, and I have no hesitancy in uttering it here, however unpopular it may be in some quarters. I want the Pacific slope kept a white man's country [applause], as I want all of this land, as far as it can be, a white man's country. Not because I am a blind chauvinist, not because I think we are the only race upon the surface of the earth, but because this is our land—the land of our traditions, the land of our ideals-and I know that the influx of another and a radically different race, even though it be said, for the sake of argument, to be not only equal, but superior, means another race problem for another portion of this Republic; means racial antagonism and racial warfare after a while; entails not the strength which comes from unity, but the weakness which proceeds from discord.

This gentleman to whose judgment this matter is to be leftthe President—is one who has recommended already the naturalization of Japanese in this country. Who does not know that his discretion will be exercised on the side of relaxation and not on the side of restriction of Japanese inflow? want another section of this country cursed as the South has been cursed, with an almost insoluble race problem, and I warn you now it will be a worse one than ours, for the reason that the Japanese are a superior race to the African, and therefore can be relied upon to assert themselves in combat with you and in antagonism to you in a very much more serious manner.

Now, Mr. Speaker, I shall not take up any more of the time, because it is very limited and several gentlemen on this side desire to speak. I shall ask to insert as a part of my remarks certain portions of a memorial of the California State Federation of Labor to the Congress of the United States, as follows:

Resolved by the California State Federation of Labor, That the views expressed by President Roosevelt concerning our attitude toward the Japanese indicate misinformation or misconstruction of the facts; that his threat to "deal summarily" with us is therefore entirely uncalled for, and his request for an enlargement of his powers quite unnecessary; further

Resolved, That the action of the San Francisco board of education, in providing separate schoolhouses for Caucasian and Mongolian pupils, which action is authorized and, in fact, required by the State constitution, is indorsed and supported by the practically unanimous sentiment of the State, and can not by any reasonable process of construction be regarded, either in intent or in effect, as "shutting them (the Japanese) out from the common schools," and is therefore not open to the terms of expletive which the President has applied to it; further Resolved, That we insist upon, and shall to the limit of our power maintain, our right, under the Constitution of the United States and the constitution of California, and as a matter of practical necessity to the moral and mental well-being of our people, to segregate the pupils in the common schools in such manner as reason and experience shall dictate, and to adopt and enforce such other regulations as may be deemed wise and expedient in the conduct of our educational and other State or municipal affairs; further

Resolved. That we are opposed to the President's recommendations that an act be passed specifically providing for the naturalization of Japanese, and that the powers of the Federal Government be enlarged for the purpose of subverting the proper authority of this and other States; further

Resolved. That the powers vested in the Federal Government by the respective States are designed for use in protecting the latter in the exercise of their reserved rights and functions; consequently any attempt or threat to use these powers to prevent or obstruct the freest possible exercise of these rights and functions must be regarded as an act of usurpation, menacing the freedom of the American people, endangering the stability of American institutions, and demanding the strongest possible protest on the part of every patriotic citizen.

We are opposed to enlarging the power of the Federal Gov-

We are opposed to enlarging the power of the Federal Government for the purpose of subverting the power of their State the whole Federal Government. How much more, then, to vesting discretionary power in one branch of it—the executive?

Now, Mr. Speaker, one word and I am done. The right way to keep a homogeneous white population is by fixed prescription of law or treaty and not to leave it to the doubtful issue of Executive discretion. There is much said about race prejudice. Every race has its prejudices in favor of itself and against other races, but all history teaches this, that every race feeling, be it an instinct or a prejudice, or, as I hold, a conclusion arrived at or after knowledge is essential to national progress, greatness, and happiness. No country whose institutions rest upon equality and fraternity and liberty, as all democratic institutions do, can have an assured future without a homogeneous population, made homogeneous and kept so by assimilating each part to every other part by voluntary union in lawful wedlock based upon the recognition on both sides of absolute equality. Every great woe and check to progress that this country has suffered is dated from the landing of the first slave ship at Jamestown. The very Iliad of all our wees was that. Had we had sense enough to do with regard to the negro race early in the history of the country what I would have you do with every other unassimilated race now and hereafter we would never have had war and its ensuing destruction of property and morals and happiness. We would never have parties based on sectionalism alone; we never would have had the fair proportions of our democratic temple marred by things that were necessary to preserve civilization itself. [Loud applause on the Democratic side.] I yield back the balance of my time.

Mr. GARRETT. Mr. Speaker, I do not know that my opin-lons on this matter are of importance or that they will have

any effect, but I shall venture to express them.

There are several reasons why I am opposed to this bill reported by the conference committee. In the time allowed I can not even try to state them all.

One is, sir, because of the absence of an educational qualification. I am in favor of that, and I believe, from my experiences here, that the best method of securing that is to have no legislation on the subject-matter until that is included. The section from which I come, I know, sir, stands in need of laborers, but we are particular about the class. A tax is now laid upon the substance of the white people of my State for the education of another race. It is one of the burdens we have to bear, but I do not want to add to the burden by swelling the illiterate class. It is not sufficiently important.

If the present generation does not succeed in developing all

of our resources, if we do not get all that is to be gotten, we in my section shall not complain, because we know our children or our children's children may derive happiness by tapping the fertilities of that goodly land which we leave untapped.

Again, sir, the vital feature of the conference bill is based on a question of labor. No satisfactory solution of the immigration question will be had except upon a basis of race. We must have immigrants from a race with which we can coalesce. Unless we can assimilate the immigrants that come to us they

will not strengthen, but will weaken.

In the third place, sir, I oppose the bill because of my opposition to the delegation of legislative power to the executive. This question is essentially a legislative matter, one that neither in law nor in fact should be delegated to another branch of the

Government. Ah, amid the confusion I caught a suggestion of the Speaker when he was ruling on the point of order to the effect, as I understand it, that this was a contest between the friends and opponents of labor.

So far as I am concerned, sir, I am willing, as one Member of this House, to retain here, where it belongs, full power to legislate on questions affecting labor and to assume responsibility for such action as I take. This side of the Chamber can well afford to do this in the light of the open record. I have a faint suspicion, sir, that labor would prefer to see this side of the Chamber legislate on their matters rather than to see authority delegated to the present President of the United States. the confusion, while the Chair was ruling on the point of order, I thought I understood him to suggest that all he could see in the contest was a fight between the friends and opponents of labor. I may have misunderstood the Chair, but I so caught the suggestion. In the light of the Speaker's well-known record that was interesting. Has Moses looked upon the burning bush? Ah, Mr. Speaker, I have noticed that in matters affecting labor here the preponderance of noise at talking time is on your side of the Chamber; at voting time it is on this side. When I recall the record of the Speaker and his party on labor questions and measure it by the utterances he used in ruling on the point of order, I am driven to think of Moore's familiar lines. Slightly paraphrased they can be well quoted by labor's friends. I suggest this version:

The harp that now through Congress Halls Doth labor music shed Then hung as silent on these walls As though that soul were fled.

[Applause.]

Mr. BURNETT. I yield one minute more to the gentleman from Tennessee.

Mr. GARRETT. One more reason, Mr. Speaker, and I am done. The vital feature of this bill, the conspicuous feature of it, was placed there because of the situation as regards California and the admission of Japanese to her schools along with the children of her own citizens. The big stick has been al-ready wielded by the President in behalf of Japan and against California. I love California, too well to vote to place this power, which may be wielded internally or externally, for peace or for war, by an Executive who has already on the vital question, before all the world, sided with the foreign nation and against that part of his own country affected; sided with the Japanese against his own countrymen. [Applause.]

Mr. BURNETT. I now yield to the gentleman from New

York [Mr. GOULDEN].

Mr. GOULDEN. Mr. Speaker, just a word or two on the bill
the immigration of aliens now before the House to regulate the immigration of aliens into the United States.

In the main, it is a good, wholesome measure. However, I am opposed to the increase of the head tax from \$2 to \$4 on each and every alien entering the United States.

It will work a serious hardship on the poor man with a family.

For instance, in my frequent visits to Ellis Island I have observed that the average family of the alien is from five to eight, including his wife and himself, which means a tax, over and above the transportation, of from \$20 to \$32, a very heavy burden, indeed.

Again, my observation has been that the man, with his family with him, comes to stay and to make this his home. His children enter our schools and become good, law-abiding citizens and add to the wealth and prosperity of the nation.

This head tax is not needed, as there are now several millions in the immigration fund, which is growing rapidly, and therefore is intended as a restrictive measure. In my judgment it is unnecessary and unwarranted, and an injustice to a deserving and a desirable class of immigrants.

In the second place, I do not like the following sentence in section 1 of the proposed bill:

Provided further. That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States, to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

Whill I have overy confidence in the President of the United

While I have every confidence in the President of the United States, whoever the occupant of that exalted position may be, vet I doubt the wisdom of extending the powers of the Chief Executive.

There is a tendency of late to add to the authority and scope of the administrative branch of the Government. Under the Constitution of the United States the three coordinate branches

of the Government are equal, and any effort to injure any of these, or to exalt one at the expense of the others, is fraught with a danger to our free institutions.

Feeling that this is an encroachment on the prerogatives of the legislative branch of the Government in this bill, I am opposed to it as a matter of principle.

Section 2 contains the following, which, in my opinion, is likely to be abused:

And are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living.

The amendment to the Senate bill which was in the last session of Congress passed by this House, to exempt the unfortunate political and religious refugees fleeing from persecution, known as the "Littauer amendment," has been eliminated by the conferees. The reasons and the necessity for such exemption were well explained at the time this amendment was adopted by my colleagues from New York [Mr. LITTAUER and Mr. Goldfogle]. It seems to me that under existing conditions, when persecution still obtains in Russia and some other counwe ought not to drop what, as a matter of common humanity and justice, we during the last year deemed a wise provision. Under the rules of this House no such amendment can be offered to a conference report. Hence there is no opportunity to have the amendment in favor of these unfortunately persecuted people reinserted now.

Entertaining these views, I feel constrained, however good some of the provisions of the bill may be, to vote against the report, so that, if possible, the bill may be sent back to conference for further and more considerate action. [Applause.]

Mr. BURNETT. I now yield five minutes to the gentleman

from Texas [Mr. Burgess].

Mr. BURGESS. Mr. Speaker, I am willing to admit that there are many wise provisions in this bill, but I regard the last proviso to section 1 as so pernicious, as so violative of all the fundamental principles upon which immigration laws should proceed, that I can not for a moment give my support to this conference report. It reads as follows:

Provided further, That whenever the President shall be satisfied that passports Issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of embling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

Now let us look at this provision fairly. Let us see how we are drifting. Let us consider who we represent, who we speak for here, what our powers are, what our capacity is, and above all what our courage is. Let us see if this section does not involve a surrender on the part of the California Representatives on this floor, seconded by a surrender of all other representation upon this floor, upon a great question that involves our very civilization. Why should the power be delegated to the President of the United States or any President, now or hereafter, to determine who shall be admitted in our land?

Upon what principle can such delegation of power proceed?

Mr. KAHN. Will the gentleman yield to me for a minute? There is nothing in this section that relates to citizens of our

land.

Mr. BURGESS. No, sir; but how can a man become a citizen of this country unless he is permitted to immigrate here, and immigration involves all the fundamentals necessarily that pertain to the question of citizenship, and when you abandon those fundamentals upon the question of immigration you abandon the whole subject of American citizenship.

But the naturalization laws of this country specifically prohibit an Asiatic from becoming a citizen of the United States, and therefore the question of citizenship is not

involved in this question at all. Mr. BURGESS. That is only temporarily true.

Mr. KAHN. Perhaps this section may be only temporarily intended

Mr. BURGESS. Perhaps the gentleman from California knows. I welcome him as the first voice from California in either end of this House that has broken the solemn stillness on this great question which involves that State. [Applause.] Let them speak out, every one of them, and say whether they are in favor of this sort of legislation upon this question. There are three fundamental reasons upon which I can not support such legislation as this. The first is that we delegate to the President the powers which Congress possesses and ought to have the conscience and courage to exercise. We ought to deal directly with these questions ourselves and speak for the people we represent here, and not delegate the power to some other

authority now and hereafter whose opinion and decision we can not know in advance.

Second, not only do we delegate that power to the President, but, what is worse, we fix in this bill the ground upon which he may exercise that discretion, and we do not make it racial, we do not make it anything else but a mere question of labor competition; and I want to serve notice on you Californians we vote with you upon the exclusion of the Chinese and we are ready to vote with you upon the exclusion of the Japanese, but not upon the question of labor competition. We do not belong to the labor organizations yet in Texas, or elsewhere, I hope, in this country; but we vote with you because we are not willing that any race shall be admitted here with whom we are not willing to intermarry and who will not become real progressive equal citizens under our free institutions. [Applause.] The Democratic party is a real friend to labor, organized or unorganized, but it can not, and ought not, become the legislative partial servant of any class of citizens, whether organized or not. Selfishness is common to all classes, and organization does not lessen it. On all questions "equal rights to all and special privileges to none" must control its action.

If the exclusion of a race or an individual, or any number of individuals, upon proper and just grounds has the effect to lessen labor competition and to benefit any class of tollers, no one should object, and for my part I frankly confess that I welcome the I believe in labor organizations, I believe in treating them in legislation fairly, but I do not believe in class legislation, whether for organized labor or organized capital, nominion labor, or any other class of citizens, organized into unions, associations, or what not, or unorganized classes of citizens. I do not believe that legislation excluding either a race, a class, cr an individual ought to proceed upon the interest of any particular class of American citizens. It seems perfectly clear to my mind that such fundamental position would result, if consistently followed, in the exclusion of all desirable as well as undesirable immigrants. To illustrate: Suppose the farmers' unions of Texas and other cotton-growing States, comprising, in my judgment, as patriotic and splendid a class of citizenship as the Republic possesses, should say that they desired the exclusion of all agricultural labor because their admission here would produce a disastrous competition with them in the production of cetton; that the admission of the German, the Bohemian, the Swede, the Italian, and the various other elements who engage in the raising of cotton would increase the product, decrease the price, lower wages, and injure these existing farmers' unions. Ought we to listen to that sort of a cry? So with every other class engaged in any pursuit in this country—the admission of most desirable immigration, pursuing the same pursuits, must result in labor competition.

To a Democrat the tariff affords a fine illustration of this position. We say we are for a tariff for revenue; we say that the protective theory is wrong, and yet we say that the levy of any tariff necessarily carries with it the incidental class benefit in a proportionate protection to the producer or manufacturer of the article taxed, and doubtless if that effect is produced upon our constituents we welcome the fact, but we all unite in proclaiming the sincere belief that it will not do to take this incidental class benefit and make it the basis of the levy and operation of the tariff taxation system prescribed by the Constitution, so we must say that we could not advocate upon the great immigration question a class benefit as the basis of the proper procedure, however much, here and there as individuals, we may welcome the effect produced by the proper exclusion

upon the laborers or others of our sections.

At the last session of Congress, in a very brief speech in opposition to the drastic educational test, I had the occasion to express my views on the fundamental principles upon which immigration laws should proceed. I briefly summarize now those views: First, Mr. Speaker, the basic and controlling principle, most far-reaching in its scope upon the future of this Republic, in my judgment, is that no race ought to be permitted to immigrate here unless it is one with which we are willing to intermarry and unless it is of a blood worthy to blend with ours in the veins of a common posterity. I think that this great question is too much lost sight of in the selfishness of local interests and local politics, and that we are entirely too prone to think of our pockets and our profits rather than of our civilization and our posterity. Second, assuming that the immigrant comes of such a race, then it becomes a question of individual fitness, and these questions naturally suggest themselves to the American who wishes to preserve orderly and decent society: Is the immigrant honest; does he come under the tongue of good report; does he possess the essential element, individually, of a future valuable citizenship, namely, character, which now and in the future, as ever in the past, is a far more important factor in seciety than wealth, rank, capacity, or anything else? Next, is he industrious; is he willing to work; does he seek in good faith employment? Next, is he a believer in free government; is he devoted to orderly organized government? This idea has been universally recognized because of the universal opposition to the admission of anarchists as immigrants. Next, and last, in my judgment, is he mentally and physically sound, so that he will not be a charge upon us or a peril to us?

If all these questions can be answered affirmatively, my opinion is well settled the immigrant should be allowed to come, and not only that, in a comparatively reasonable length of time should be clothed with the rights of citizenship; for, in my judgment, if these things are true of the immigrant, it is as certain as that day follows the night that he will become an American citizen whose posterity will be a blessing to this Re-This, of course, I recognize, excludes the idea of an educational test, and I recognize that many of the wisest and best men believe in an educational test, but, Mr. Speaker, I am unable to subscribe to that view. I do not believe that in any age of the world in the past it has been true, or that in any age of the world in the future it will be true, that character, that virtue, that honor, that industry, that economy, that friendship, that religion, that devotion to law and order--in a word, that all that makes up what makes a real man, honored of men and loved of God, can be measured by education. I believe these attributes have ever been found in men and women whose opportunities were such that they had never learned to read Holy Writ and yet had squared their lives by the precepts of Jesus of Nazareth.

The third objection to this proviso emphasizes both the others and expands into other wide fields. I have said that it was legislative cowardice for us to confer this power on the President. I have said that the limitation put upon the exercise of the power in grounding it upon labor competition antagonized whole theory upon which immigration should proceed. But, Mr. Speaker, the third objection is that both these things make it possible for the President, if he should so elect, to coerce a sovereign State and force it into a trade by which it would surrender its own police powers in consideration of class benefits. Mr. Speaker, such a position constitutes a national No matter how great and good a President may be, no matter how sincere his action may be, no matter what desirable consideration of international policy may impel him to such course, the fact will remain that taking a power which ought not to be granted him, exercising a discretion upon radically erroneous ground, these two errors are combined and used as a weapon of expanding Presidential power and contracting the rights of the sovereign State. If all the great cry we have heard coming from California is true, what a miserable deal this provision, put into practical effect, reveals. Were the Californians sincere when the contention went over the country from them that the Japanese were not fit to mingle in the common schools with their children? Did they really contemplate the effect upon social order, upon the character and future of their children, or was it a great false cry in order to make life for the competitive Japanese so intolerable as that he would leave California?

Mark Twain once wrote a very able article in which he attempted to demonstrate that the religious persecution, so called, of the Jew in history was a great subterfuge, a false cry, a weapon of passion and prejudice used to produce an effect, the real cause of which was the commercial superiority of the Jew as a competitor in commercial pursuits. Was this cry of the Californians a mere subterfuge, a mere scheme prompted by the desire to persecute the Jap, unjustly at that, so as to force him into exodus? If so, it is a sad situation, and if this is not true, then they are willing to trade off the character of their posterity, to threaten and imperil their civilization, in order to increase the profits of a class of their citizenship.

God help them in either event!

Mr. Speaker, in conclusion, I wish to say I have spoken not a word in malice toward anybody, and I have tried to express in as terse, plain English as I am capable of what I conceive to be the rottenness of this sort of legislation, and in my feeble way attempt along this line, as I shall continually attempt to do along all lines, to call a halt upon the fearful tendency to drift rapidy into despotism in this country. It is not material what the form of despotism is; it is immaterial what the name of the person is who exercises undue power; the substance will be the same. It is immaterial whether this Republic becomes a despotism in name or not if it becomes a despotism in fact.

Thoughtful, patriotic men of all shades of political thought in this country are recognizing more and more clearly the threatening and fatal tendency toward centralized Federal power and are speaking out in clear and determined tones their views

as to the necessity of adherence to the fundamental divisions of power conceived and contended for by the early great and good men of this Republic. It is true that from the beginning of our history extremists on the one side have sought in every possible way to lessen the powers of the Federal Government, and, on the other hand, to lessen the powers of the respective States. I trust, however, that it is true that the great body of the people will recognize and insist upon the true middle course, in accord with the Constitution of the United States and the great lines of thought fixing the boundaries of power between the Federal and State governments, long ago pretty well defined. Some old thinker, whose name I do not recall, long ago tersely expressed a profound thought when he said: "It is not so much the distance as it is the direction that counts." The whole theory of jurisprudence, the very evolution of civilization recognizes the value of precedent, the power and the danger of tendency. If we go on and on, first on one question, then on another and another, expanding Presidential and Federal powers, encroaching upon and lessening the responsibilities and the powers of the State governments, gradually the people will less and less exert their will, and they will less and less give attention and thought necessary to the exercise of their will, and hence more and more we shall drift into a servile acquiescence in the will of a dictator; and this tendency will finally convert this real Republic into a despotism in fact under the guise of a republic in name. Nothing will prevent this except the continued earnest, determined opposition of the representatives of the people against such tendency on all lines. it is being gravely proposed that the control of all interstate business shall, upon one pretext or another, be exercised by the Federal Government.

The pretext of the commerce clause of the Constitution, of the taxation powers of the Federal Government, of the post-office powers, of the military powers are some of the various grounds upon which we are asked to proceed to thrust the Federal power into the States and say who the factory shall employ, how long their employees shall contract to labor, upon what terms insurance companies shall conduct their business, under what conditions corporations—the creatures of the States, and subject alone under our theory of government in their local operations to the will of the State in which they are operated—shall conduct their business. If upon any such subterfuge we are to go, what may be now laughed at as a dream of despotic power will become an awful reality, destructive of representative, constitutional, republican government

representative, constitutional, republican government.

I invite the fhoughtful consideration of my colleagues in this House and all patriots in the country everywhere to an address delivered by a distinguished Member of this House, Hon. Samuel W. McCall, of Massachusetts, before the Republican Club in New York City, February 12, 1907, and I would indorse his thoughtful appeal to the Republican party in the closing words of that address to the consideration of all parties and all patriots when he says:

But I trust the Republican party will make it its first duty to resist the coming of that day, and while always ready to exercise when necessary any national power in its full vigor, that it will safeguard the autonomy of the States, so that those who dwell in America hereafter may continue to enjoy that rounded and symmetrical system of free government preserved and handed down to us under that greatest of Republican statesmen, whose career we to-day commemorate, and to that end, too, that in the words of the lummortal message from Gettysburg "government of the people, by the people, for the people shall not perish from the earth.

Mr. BURNETT will the gentleman from New York pow

Mr. BURNETT. Will the gentleman from New York now use some of his time?

Mr. BENNET of New York. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from Alabama [Mr. Burnett] has twelve minutes and the gentleman from New York [Mr. Bennet] has nineteen minutes.

Mr. BENNET of New York. Mr. Speaker, in order to allow a member of the California delegation to "break the solemn stillness," to use the expression of my colleague on the committee [Mr. Burnett], I now yield eight minutes to my colleague on the committee from California [Mr. Hayes].

Mr. HAYES. Mr. Speaker, I am one of those Members of this House who are not entirely satisfied with the bill now before us. I do not think it entirely meets the situation. And yet I recognize, as my colleagues on the committee pointed out, that it contains many necessary provisions, provisions relating to the administrations of the immigration laws which are imperatively demanded and which have been repeatedly asked for by the officials of the United States Government charged with the administration of these laws. Therefore, it is my purpose to vote for this bill, or rather for the report of the conference committee.

Among other provisions which I regard as very important

provided for by this bill are amendments to the contract-labor laws. For years the immigration officials of the United States have not been able to enforce those laws, and I believe that the provisions inserted in this bill, formulated by the Committee on Immigration and Naturalization of this House, of which I have the honor to be a member, will make such changes in the law as will enable the immigration officers to administer these laws and carry into effect the purposes that Congress had in view when it enacted them.

Mr. BURNETT. Will the gentleman yield for a question?

Mr. HAYES. Certainly.

Mr. BURNETT. I notice the statement in the press of the country that the mayor and school board of San Francisco, in order to secure legislation on this subject, had capitulated on the subject of the admission of Japanese to the schools there. I should like to ask the gentleman if the California delegation in this House was a party to that, and what they think of that

proposition.

Mr. HAYES. Mr. Speaker, in reply to the gentleman from Alabama I would say that I can not state what the mayor and the school board of San Francisco have agreed to. Neither myself nor any other member of the California delegation was a party to the conferences which have been held by the local anthorities of San Francisco with the President of the United States, and therefore we are not entitled to any of the credit which should go to them for their patriotic efforts to remove the causes of friction between this country and the Government of Japan by doing what they have concluded to do.

But I will say to the gentleman from Alabama that I be-lieve that when whatever is agreed upon becomes a public matter the gentleman and all others interested will see that the city of San Francisco has not sacrificed any of its rights of self-government. It has not agreed even tacitly that the Government of the United States may by treaty dictate to an Ameri-

can city how its public schools shall be run.

The gentleman from Alabama can not go further than I will go in upholding the proposition that the right of every local community to conduct its own affairs in accordance with what it conceives to be its highest interest should be upheld, and that the right of self-government should not be surrendered to nor

usurped by the Government of the United States.

The principal part of this report, or the most interesting part to me as a Representative of California, is the last proviso of section 1; and it is interesting because, as we interpret it, it gives the President of the United States the authority to put an end to at least two-thirds of the immigration troubles from which we are suffering on the Pacific coast. I sympathize with nearly all that the gentleman from Mississippi [Mr. Williams] said a few moments ago in his remarks. The people of Cali-fornia are practically a unit in their desire to prevent the immigration of any Japanese or Chinese or other Asiatic coolies or laborers to their State. They will go as far as the gentleman from Mississippi to prevent that, and will not cease their efforts until a permanent exclusion act is passed by Congress. pect this proviso in behalf of the State of California to reach only the present emergency, and I believe when the citizens of California come to understand this that they will gratefully accept it as a temporary expedient which, as I said before, will cure a large part of their difficulties; and I have every reason to believe that in the near future a permanent and satisfactory provision will be put into effect that will remove all of the troubles arising from this sort of immigration. Therefore we who represent California on this floor have agreed that we will support this report, including the provision referred to. Mr. BURLESON. Mr. Speaker, will the gentleman yield for

a question?

Mr. HAYES. Certainly.

Mr. BURLESON. There is a proviso here that the President of the United States shall have the discretion to exclude the Japanese whenever, in his opinion, labor conditions require it. Now, does the gentleman know what the opinion of the President of the United States is with reference to the labor conditions in California at this time? The gentleman, as I understand, says he is willing to accept this bill. Is it not a fact that the President recently characterized the conduct of the citizenship of San Francisco as "wickedly absurd" and "most unat the time they excluded the Japanese and Mongolians from their schools, and I ask the gentleman now if he has any knowledge that the President of the United States has changed his opinion? Will be give aid to these most unworthy people who entertain wickedly absurd opinions when they come before him to impress upon him the condition of the labor people and ask him to take action?

Mr. HAYES. Mr. Speaker, if the gentleman is through, I will say in reply that if he desires to know what the opinions

of the President of the United States are upon this matter and whether they have undergone any change, let him go to head-quarters and find out for himself. [Laughter.]

Mr. BURLESON. I know from his message what his opin-ion was concerning the Californians. He did characterize the

conduct of San Francisco citizenship as unworthy and wickedly What I want to know is, what change has been brought

about in his opinions?

Mr. HAYES. The gentleman asked whether the opinions of the President had undergone any change. One of the best things about the present occupant of the White House is that he is brave enough to change his mind. I desire to say that so far as I am concerned, as a Representative of the people of California, I believe that the ultimate result will justify the California Members of this House in agreeing to this provision. The people of California are willing to trust to the patriotism and sense of justice of the President of the United States to protect them from the immigration of the Asiatic and to secure them in the enjoyment of their rights as citizens of the United [Applause.]

Mr. BENNET of New York. Mr. Speaker, I now yield two minutes to the gentleman from Massachusetts [Mr. McCall].

Mr. McCALL. Mr. Speaker, the part of this report which it is difficult for me to accept is that which confers on the President of the United States what I think is a high legislative discretion. If we can confer upon the President the power to say that people with passports shall not be admitted, we can confer upon him the power to say that people without passports shall not be admitted; and if we can give him the power to say that they shall not be admitted when, in his judgment, it will be to the detriment of American labor, we can say more broadly that he shall have that authority when, in his judgment, it might be for the detriment of the country

We could precisely as constitutionally endow the President with authority, whenever in his discretion he thought that there were too many immigrants coming to the United States, to stop it altogether as to give him the power we confer upon him by this proviso. Now, I do not believe in the abdication of the legislative power. I do not believe in throwing ourselves upon the guardianship of the Supreme Court. I believe the place for us to assert our prerogatives is right here upon the floor of the House of Repesentatives and of the Senate. [Applause.] And while I should very much like, Mr. Speaker, to vote for other features of this report, I am unable to see my way clear to accept the principle that is involved in that proviso, and I shall therefore vote against it. [Applause on the Democratic side.]

Mr. BENNET of New York. I shall ask the gentleman from Alabama to use some of his time.

Mr. BURNETT. I yield to the gentleman from North Caro-

lina [Mr. Gudger].

Mr. GUDGER. Mr. Speaker, in the short space which has been allotted to me I can only express briefly two or three thoughts that occur to me in connection with this great question. In my judgment the bill as reported by the conferees is more restrictive in some respects than the present law, and therefore I shall vote for it, although I am not in accord with some of its features. It falls far short of what is expected and demanded of this Congress by the people. They have asked for bread and you are giving them a stone. Relief has been promised them, but that promise has been broken. They have trusted you, but that trust has been violated. I am unalterably opposed to the importation of this foreign pauper element into our country. will not only result in disturbing labor conditions, but, if unchecked, it will ultimately wreck and ruin our American social system. Sooner or later the country must choose between two causes. One of two policies must be adopted. must have either a selective or an absolute restrictive policy. At present we are attempting both, but, I regret to say, enforcing neither.

If this foreign population continues to be admitted as at present, we shall cease to have a homogeneous class, created and maintained by assimilation through voluntary union in lawful wedlock, based upon and sustained by absolute equality. Such will be the inevitable result if this foreign element continues to pour in upon us from all quarters of the globe. Therefore this influx of undesirable immigrants is a hindrance to our progress and a menace to our peace and happiness. At the present ratio of increase the reports of the next fiscal year will show that a million and a half of foreigners have landed on our shores during that period; and in twenty years from now the number will have increased to 10,000,000 annually. It is not unreasonable to predict that holding the balance of power in the nation, and controlling absolutely some sections of it, they will demand and secure such laws as they may desire. Thus the control of America will have passed from the hands of Americans. It is within our power to act now, and I hope that an organization will be formed in this country to force the enactment of a re -an organization so powerful that it will be able to crush political factions and men standing in the way of such beneficial and protective measures.

It is true that in some sections of the country there is a demand for more labor-the right kind of labor-but in the South a smaller acreage of cotton is urged for the purpose of sustaining the price of that staple. This is not consistent with the contention that more labor is needed here. Would it not be wiser to be content with the labor now at our command? Let us have a care lest we sow to the wind and reap the whirlwind.

What the people of the whole country desire and demand is legislation that will restrict immigration in a substantial way, but this bill does not do that. If amendments were permitted, I should like to offer several, but we are denied that right under the rule. Mr. Speaker, the tyrannical control of this House by a few men, as a result of which the people are denied the right to vote, through their Representatives, for the kind of legislation they want, and in which they are vitally interested, will be Legislation for the trusts and for millionaires, like the ship subsidy, which proposes to give away the people's money, is given the right of way, while the laboring man, the real wealth producer, is denied a hearing on the eight-hour law and other measures for his protection. The right to legislate is fast passing out of the power of the people. We are falling into dangerous hands, and unless the country can be aroused to the seriousness of the situation, our liberties will soon be in ieopardy. [Applause.]

Mr. BURNETT. Mr. Speaker, the dangerous proposition which I think is involved in this conference report is couched in the proviso at the end of section 1. Section 42, requiring the steamships to furnish greater air space, is good legislation. It is well known that I believe in the restriction of immigration, and I think one of the effects of that section will be to restrict it to a very great extent. But amid all the good phases of the report, Mr. Speaker, there is one which I think is so obnoxious to any man who does not believe in investing the President with the autocratic powers embraced in the proviso that it ought to be defeated. Any man who believes in the right of local self-government and in the autonomy of the States, notwithstanding all the good features of this report, is in duty bound, as I see it, to vote against the report. The big stick which it permits the President to hold over the States may sometime be wielded to the overthrow of the most sacred institutions of the South. constant trenching on the reserved rights of the States is becoming more dangerous with every Republican Administration. [Applause on the Democratic side.]

Now, Mr. Speaker, in regard to the question of immigration; the gentleman from Massachusetts [Mr. Gardner] and myself toiled in season and out of season, as did our colleagues on the committee who agreed with us, in the framing of a bill which would be restrictive and would keep out the very people we desired to restrict, and I believe the educational test that we framed was the proper way to reach it. We thought for a while, Mr. Speaker, that we had the concurrence of the President, because he had sent in a message some years ago, as said by the gentleman from Alabama [Mr. Underwood], in which he advised that very test, but when it came to a "show down" the President was not to be seen, and his hand was not to be felt here, but the hands of other estimable gentlemen on this floor were felt in the defeat of that wise part of this legisla-Mr. Speaker, if gentlemen from the South believe that our section of country favors unrestricted immigration, I have but to refer them to a great address made by Mr. Harvey Jordan, president of the Southern Cotton Association, a few weeks ago in Birmingham, in which he shows that the southern farmer does not want the pauper labor of Europe to come there and raise cotton and other products of our country to bear down the prices of what we produce. I desire, Mr. Speaker, to incorporate in my remarks that portion of the address of Not only that, but the governor of Alabama, in his inaugural address and in a message that he sent to the legislature that is now in session, emphasizes the same proposition. We have, Mr. Speaker, in the South one race question. We have felt some of the effects of pauper labor in portions of our Union, and not only do the members of the labor unions, for whom I have the greatest respect, desire a restriction, but the agriculturists of my country, the small farmers of Alabama, and of the South, are agreed on a restrictive policy.

Last June, when we had the question of the educational test up for discussion in this House, I submitted some remarks in support of that policy. This speech I circulated among my people, and during the summer as I mingled with them all over the

district hundreds did me the honor of expressing their approval of my views, and not a single one expressed a word of dissent or criticism. In my home county are a few hundred members of labor unions, and they gave me their unqualified approval. Mr. Speaker, they were no more emphatic in their indorsement than were the farmers and business men. My people have heard of the conditions being brought about by the congestion of illiterate pauper immigrants in the great cities of the East, and they do not want the time to come when this horde will swoop down upon our Southland like the locusts that plagued the Egyptians. I am no extremist, Mr. Speaker, on this subject. I have always said that my people would welcome with a warm southern welcome those from any land and any clime who come to help build up the waste places of my country, and who desire to lend their aid to the moral, mental, and material uplifting of our Southland. But, gentlemen, we have suffered enough already from one race question, and now will we fly to a conflict with another? My colleagues from the South, God knows we have illiterates enough of our own, both black and white, withour scouring the slums of Europe and Asia for more. [Loud applause.] I can not better express my views on this subject than by quoting an extract from the Farmers' Union Guide, of Pell City, in my district. It is the splendid organ of that magnificent organization in that part of Alabama. It is as follows:

anificent organization in that part of Alabama. It is as follows:

A natural migration of people from one country to another has always been successful and in its effect beneficial to both the nations of the new territory and the immigrants.

We can not say as much for the artificial stimulus of the migratory spirit of to-day. We believe it is pernicious in its tendency, and ultimately the degeneracy of the native population resulting from it will be manifest. It is manifest in American politics to-day, especially in the North and West.

The farmers and the laborers of Alabama should awake to the purpose hidden beneath all such schemes. The honest, industrious, and intelligent immigrant is invited to come, and that is enough. The other kind are coming too fast to be assimilated to our American ideas without hurt to our citizenship.

The quotation from the address of Harvey Jordan, referred to before, is along the same line and is as follows:

The quotation from the address of Harvey Jordan, referred to before, is along the same line and is as follows:

The labor problem of the South is attracting the serious attention, at the present time, of our State legislatures, organized commercial and industrial bodies, and railroad corporations. The question of immigration to the South, if attempted on a large scale, should command the most serious and thoughtful attention of every man who loves the South and wishes to safeguard our country to the future ownership and protection of our present Anglo-Saxon race. If southern cotton mills, industrial enterprises, and railway interests require additional expert labor, let them import this labor from tnose sections of Europe that will fill the demand and at the same time give an addition to our population that will not jeopardize the future rights and privileges of American labor, and which will at all times respect the religions, laws, and traditions of the South. The demand from some quarters (especially emanating from foreign spinning centers) for the wholesale importation of foreign immigrants on southern farms for the supreme purpose of largely increasing the present supply of American cotton, is a matter which can not longer be looked upon with indifference by southern farmers. If additional labor is required upon southern farms, let the landlords of those farms say from what countries and what classes and numbers shall provide the demands to meet the situation. I am unalterably opposed to the passage of any immigration law which is not bound by every restriction that will protect the people of the South from the importation of pauper labor, and which does not restrict the right of immigrant entry to the best and highest type of people from the countries of Northern Europe. If we must begin the assimilation of the pure-blooded Anglo-Saxon of the South with foreigners, let those foreigners come from those countries which first made the Anglo-Saxon the type of the present day. If the time ever comes when the s

Governor Comer, of Alabama, in his inaugural address a few weeks ago, in discussing the enactment of laws to encourage immigration, said:

immigration, said:

What law we make certainly we should make it so restrictive as to make those who come fit associates for our own yellow-haired, blue-eyed people. Alabama is just emerging from the impoverishing condition of low-price labor, and for the first time we are approaching the standard of price paid by Northern States, and it would be a calamity to throw an underlying quicksand foundation of this lowest class of labor from the congested districts of the Mediterranean shore. Make the conditions in our own State so fructifying that our own people will stop emigrating, and give the natural inflow and increase that will come from improved conditions a chance, and this will largely rectify the proper demand for labor. Some 400,000 of our own people have emigrated. It will be a calamity to put in competition with and push out those who are here, substituting a mass of this low-price stuff which this bill proposes to introduce. Five-eighths of the labor of this State is white; five-eighths of the cotton crop is made by white labor. The first effect of this flood of cheap labor would be a vital blow to the white labor in our midst, this white labor which reaches from our northern to our southern boundaries, whether engaged in production or manufacture. manufacture

Immigrants, yes, we want them; but we do not want immigrants for the purpose of reducing the price of labor. We want them for citizen-

In this statement the governor was correct. Our people do want immigrants, but they do not want those who will sap the foundations of our own prosperity and send their gains to build up their own impoverished land. We want those who are fit associates for white freemen and not those who prefer to consort with American negroes.

We want those who may at least learn to respect the American flag and not those who look upon it as an emblem of oppres-We want those who can be taught the gospel of freedom and the tenets of the Golden Rule, and not those who from their infancy have been taught the law of the hidden stiletto and the religion of the assassin's knife. [Loud applause.] Let us have those who can learn that in America freedom does not mean anarchy and liberty does not mean an unbridled license to crime.

The South is prospering as it never prospered before, and Not those who have fought starvation amid the who did it? scenes of filth and squalor in the congested cities of the Mediterranean, but those through whose veins the warm red blood of the Caucasian flows in quickening currents. There are portions of my district where lands are bringing from \$20 to \$40 per acre which sold for \$3 to \$5 ten years ago. Who brought about this transformation? Not the Bohemian and the Hun, but Caucasians, who with their true wives and their children have ever been the pioneers of civilization and the advance guard of Christianity.

Mr. Speaker, I ask to here insert an extract from a recent issue of the Manufacturers' Record in regard to the marvelous growth of the South:

# [Manufacturers' Record.]

A FORECAST OF THE SOUTH'S WONDERFUL FUTURE.

During 1906 the wealth of the South increased \$7,300,000 for every day of the year, Sundays included, or a total of \$2,600,000,000. The actual increase in assessed value was \$1,076,479,788; and this was, on the average, 40 per cent of the true value. The amazing magnitude of this gain of \$7,300,000 a day is strikingly shown by the statement of the London Express, which, bemoaning the inability of Great Britain to keep pace with America's growth, put the increase in Great Britain's wealth at \$7,000,000 a week.

Contrast the South's increase of \$7,300,000 a day with Great Britain's \$7,000,000 a week, and then think of the future.

Given a few more years of this rapid advance by the South and it will begin to pile up a vast accumulation of capital, whereas now its business is increasing so rapidly that it requires all of its earnings for active business operations. Surely the vision is one to stir every Southern heart, for it is, indeed, a reality.

The growth in wealth during the coming years will far exceed the wonderful story of 1906.

Along educational lines the progress of Alabama has also been

Along educational lines the progress of Alabama has also been wonderful. Our State is beginning to do something like a moiety of justice to the common schools, our people are themselves awakening more than ever to the necessity of educating their sons and daughters, and mental, moral, and material seen on every hand. All this has been done without growth are the aid of illiterates from the slums of Europe and Asia.

Now, Mr. Speaker, with my people prosperous and happy, with the future roseate with the brightest hues of hope, I can not lend my vote or my voice to the effort of cold commercialism to subvert the happiness of my people by throwing another dark cloud of racial conflict across the pathway of themselves or of their [Loud applause.] posterity.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. The gentleman from Alabama yields the remainder of his time to his colleague from Alabama.

Mr. UNDERWOOD. How many minutes, Mr. Speaker.

The SPEAKER. Seven minutes.

Mr. UNDERWOOD. Mr. Speaker, I believe in the restriction of immigration coming into this country. I am opposed to the Asiatic immigration coming in here; I am opposed to the European immigration coming into this country that is not homogeneous with our home people and that we can not assimilate. I do not believe that you can accomplish this result by any makeshifts. I believe that to attempt to do so is only temporizing, and no result will be accomplished. I believe there are but two ways in which this question can be reached and entirely solved, and that is to pass a prohibitive law against the Asiatic coolies coming into this country at all, and so far as the European nations are concerned I believe that the wise position to take with reference to this matter is to adopt an educational test that will largely eliminate the races from Mediterranean Europe, and will not interfere to any material extent with the races of northern Europe coming in here-races of whom we can make good citizens.

Now, that was the proposition that came before this House. That was the proposition that the Senate of the United States presented to the country, and that was the proposition that the Committee on Immigration of this House presented to the House, That is the only question that the people of the United States want any legislation in reference to. The people who believe in restriction in this country, the people who believe in maintaining a Lomogeneous race of people, the people who believe in protecting the labor at home from the pauper labor of Europe, do not believe in and do not want the makeshifts written in this They want a straight-out, honest, fair declaration and fair restrictions of immigration, and they do not get it in this bill.

You can say what you please about the important administra-

tive conditions in this bill. That is a mere drop in a bucket of water. It is a matter of little importance. But the real questions that the country called on us to legislate about have been stricken out of this bill and have been abandoned. Why, they come here—the gentlemen who bring in this bill before the House—with a great parade that they are legislating to keep the Chinese out of California, and what do they do? They bring in a provision here authorizing the President, if he sees proper, to refuse to allow Japanese to land on our shores who

come to this country from our colonial possessions.

There are only a few hundred thousand Japanese in all our colonial possessions. There are millions of Japanese in Japan itself, and yet, with all this hurrah, all this pretense that you are legislating for the benefit of the people of California, you are merely prohibiting the Japanese to come from the Hawaiian Islands and the Philippine Islands, and you leave the door wide open to the millions of Japanese in Japan itself, and no power on the statute books to stop them. Is that restriction of Japanese immigration? Not at all. It is merely a makeshift. On the other hand, the increase in the head tax from \$2 to \$4 amounts to but little. It may be that it will help the administration of affairs. It may be that it may bring a small amount of revenue into the Treasury, but everyone knows that has considered the question at all that the head tax within the present limits or within the limits of the \$4 put on it by this bill is not paid by the immigrant himself, but paid by the steamship company, and the increased tax will not prevent a single other immigrant from coming into the United States. Then why should we go before the country parading this bill as we were accomplishing something for the people of the United States along the line of restricted immigration? fraud and a sham and a shame, so far as those men are concerned who believe in restricting immigration and protecting our people at home. There is nothing in the bill, there is not one line here, that carries out the promises to the people in that respect or to better the present conditions. On the other will really be an impediment in our way in the future. It is a bill that goes to the country as a pretense, and it will be necessary for those who believe in real restriction of immigration—an honest restriction of immigration—first to go to the country and show that this bill is a prétense and a sham before we can get the sentiment that will bring about an action

of legislation that we need. [Applause.]
Mr. BENNET of New York. Mr. Speaker, before I yield any further I will ask unanimous consent that the Members may have leave to print, with reference to the subject-matter, at any

time within the next five days

The SPEAKER. Is there objection?

There was no objection.

Mr. BENNET of New York. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. Bartholdt].

Mr. BARTHOLDT. Mr. Speaker, if this conference report were subject to amendment, I should move to reduce the head tax from \$4, at which it has been fixed in this bill, to \$2, namely, to what it has been all along. There is no valid reason why that increase should be made. It is certainly not restrictive of any undesirable immigration, because the objectionable immigrant who can pay \$2 to come into the United States will certainly be able to raise \$4. But it might be a very serious impediment to a man with a family, who would have to pay \$4 for each head of that family. If a man comes with his family in order to make this country his home for all time to come, it seems to me he is the very man who is a desirable acquisition to our population and our citizenship. Upon the other hand, that increase, Mr. Speaker, is not needed for our financial purposes, because the fund now, I understand, has more than \$2,500,000 in it. So that as a fiscal measure it will be a failure. On the other hand, Mr. Speaker, if it were desired to put it on a financial test I would oppose it, because the possession of money, in my judgment, is never a test of character. A man without a dollar in his pocket may become a more desirable citizen than a man who has plenty of money, which perhaps he has secured in an illegitimate way before coming to this coun-So there is absolutely no reason why this tax should have been raised.

There is another provision to which I should call attention, and to which the point of order has been made, namely, section 42 of the bill. This section may be desirable to immigration, but I do not know it; the members of the Committee on Immigration do not know it; I am sure the members of the conference committee do not know it. From a casual inspection I find it will necessitate a reconstruction of every ocean steamer that plies between the United States and any other country. In other words, the subject-matter of this provision has not been investigated. It was not considered by either a committee of the House or the Senate or by either House, and from what I can glean from a cursory investigation the provision will prohibit the carrying of passengers on any but three decks of a steamer, while the new and large ocean steamers to-day have three decks alone for first and second cabin passengers. I should on account of these objectionable features vote against the conference report but for the fact that the bill presents a peaceful solution of the California school question and will enable us to maintain cordial relations with a friendly power.

The SPEAKER. The time of the gentleman has expired.

Mr. BENNET of New York. I yield two minutes to the gentleman from Illinois [Mr. Michalek].

Mr. MICHALEK. Mr. Speaker, while there are some provisions in this bill which are of doubtful value and the necessity of which I can not at this time see, yet I believe that the measure in other respects is an improvement upon our present immigration laws, and I shall therefore vote for the adoption of this conference report.

I do not favor the head-tax compromise; and if it were not for the fact that the parliamentary situation is such as to prohibit the offering of any amendments, I should move to reduce this tax from four to two dollars, which is the amount of the head tax under our present immigration act. Also to strike out the section the enforcement of which is left to the scientific (?) "guess" of the examining surgeon, as to whether persons of poor physique can or can not earn a living. This provision and its practical effect and operation will unjustly affect a certain virile, though not physically robust, race.

I am glad to note the absence of the educational-test amendment from this bill, the incorporation of which, in my judgment, would unreasonably restrict desirable immigration and not have any material effect in barring undesirables.

The provision for the creation of a commission to investigate this subject and report its findings to Congress is a step in the right direction and ought to result in a harmonious solution of this question.

While many of us in and out of Congress honestly differ in our opinions on various phases of this immigration question, it will perhaps not be amiss for me to remind you and the country in general in this connection that nothing is gained, and a great deal of friction caused, putting it briefly and bluntly, by the indiscriminate and lamentably ignorant classification of certain nationalities of eastern and southern Europe as "Dagoes" by certain writers and professional reformers in the guise of slum workers.

These people seem to have and preserve a stubborn mental antipathy toward a white person not born in this country, and what is more to be regretted, are prone to make him feel like an alien at every opportunity that presents itself, although in thought and feeling he may be a better American than the one who traces his ancestry to the landing of the Pilgrims.

Let us not draw our conclusions of the foreign element in our midst by impressions of them created when they first land or are here a short time. Let us readjust those first impressions and conclusions to their relation to us as a nation that the powerful influence of Americanization inevitably brings.

This so-called white immigration problem is, in my humble opinion, a question largely of proper distribution. I am glad to see that there is in this bill a provision authorizing the establishment of a bureau of information for the special purpose of dealing with this most important phase of this question. I sincerely hope that it will accomplish its purpose.

Now, Mr. Speaker, this report would not have been agreed upon by the conference committees had it not been for the interjection of the Japanese question. With regard to the Roosevelt amendment and the reasons that caused its insertion, I regret to note that the big stick has dwindled, sir, to the magnificent dispersions of a technical Hayriter.

nificent dimensions of a toothpick. [Laughter.]

Now, I ask you, Mr. Speaker, and you gentlemen of this House, by what law of human reasoning based upon the logic of the situation can we, the greatest nation of the West, kotow to the little pampered bully of the East [applause on the Democratic side], whose self-asserted greatness lies solely in his highly developed sense of imitation and in his recent success in the art of glorified murder, which is the plain term for war?

The SPEAKER. The time of the gentleman has expired.

Mr. MICHALEK. Just one moment more. And in common justice to labor—

The SPEAKER. The gentleman's time has expired. Does the gentleman from New York yield?

Mr. BENNET of New York. I should like to, but can not, as I have promised all the time I have.

Mr. JAMES. I ask unanimous consent that the gentleman may have further time.

The SPEAKER. Is there objection? [After a pause.] The

Mr. MICHALEK. Mr. Speaker, at the last session of this Congress I have sat and listened to and read several speeches of gentlemen who declaimed loudly against the immigrant from Russia, Austria-Hungary, and Italy. I have heard these peoples, with centuries of civilization and culture behind them, denounced as unfit for American citizenship and as tending to corrupt our morals, lower our ideals, and debase our national life, and through the infusion of their blood bring about the mental and physical degeneracy of the people of this country.

And yet we are confronted with the spectacle of a nation hardly emerged from barbarism treated with a consideration by this nation that seems to imply some wondrous superiority of this branch of the yellow race over the white races.

And, strange as it may seem, I heard no denunciation or even a criticism of the Japanese by the Members of this House who so feelingly portrayed the evils of this European immigration and its detrimental effect upon the American people.

Mr. Speaker, I am for the State of California as against any race or nation, because it is an American State and a part of the United States. I am with the people of California, because this Japanese question is the Chinese question with another name. [Applause.]

Whatever may be said in criticism of the San Francisco school officials' attitude on the school question, it can not be contended that their demands were any violation of any treaty between the United States and Japan.

In my opinion the Federal Government has no constitutional right to interfere in the management of the schools of any State; and its interference in local matters is hardly conducive to the peace and well-being of these United States.

The Japanese nation demands the surrender of the rights of a sovereign State to control its own affairs. Rights, Mr. Speaker, guaranteed the people of California by our Constitution.

As far as I know there has never been denied to the Japanese the privilege of education; there has only been denied the right to attend the same schools with the white children of California.

. And shall we blame the people of this State, the fathers and mothers, for objecting to the enforced association of their daughters with Japanese young men? With the offspring of a nation whose moral standards are at variance with those that western civilization prescribes?

Mr. Speaker, the demand of the people of California for separate schools for white and Mongolian children is primarily a local issue.

The demand for a rigid Japanese exclusion act, not only by the people of that section of this country, but by the great mass of American people in other sections, is a national issue that affects the very existence of every wage-earner in every State in the Union.

It can hardly be disputed that Japanese immigration affects the interests of our wage-earner in precisely the same manner as do the Chinese, with this added danger: That the superior sense of imitation and adaptability of the Jap enables him to compete in the skilled trades, whereas the Chinese scope of activity is generally confined to the coarser trades. I maintain emphatically that the interests of the American workingman are of greater moment, of greater importance, than the interests or needs of a few corporations or individuals desiring cooly labor.

Now, it seems to me that in common justice to the laborer of this country the Japanese ought to be placed in the same class as the Chinese and excluded. However, Mr. Speaker, this question can not, this question will not, be settled by this delightfully vague amendment.

It will be settled, sir, when the American people, through their representatives, will come to a realization of the fact that the policy of excluding all Asiatic labor is just as essential, just as important, just as justifiable as our adherence to the Monroe doctrine. [Applause.]

Mr. BENNET of New York. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has four minutes.

Mr. BENNET of New York. I yield two minutes to the gentleman from California.

Mr. KAHN. Mr. Speaker, the proviso at the end of the first section of this bill, while it does not go as far as Members upon this floor from the State of California would desire, nevertheless

meets with their hearty approval. The conditions that require such a provision are these: The Japanese Government itself, we are informed, does not desire its cooly laborers to come to the mainland of the United States; therefore it positively refuses to issue passports to those coolies to come to the mainland of this country; and no Japanese cooly can leave the home country without a passport. But there are many and large Japanese interests in Hawaii, and so the Japanese Government readily grants its laborers passports to our island possessions. So the cooly asks for a passport to Hawaii and lands there in due season. As soon as he sets foot on American soil at Honolulu he is no longer under the jurisdiction of his home Government, and shortly thereafter he takes passage to the mainland of the United States. Now, we believe that this provision, if enacted into law, will absolutely prohibit the Japanese cooly from coming to California and the mainland.

Mr. GILBERT. Mr. Speaker-

I can not yield; I have only two minutes.

The SPEAKER. The gentleman declines to yield.

Mr. KAHN. As I said, we believe it will prohibit these coolies from coming from the island possessions to the mainland, and since the cooly can not procure a passport from the Japanese Government to come to the mainland, we feel that it will wipe out all cause of friction that now exists because these coolies come. We accept it because we believe it to be a step in the right direction. We have had great experience in exclusion legislation. It took us four years to get the first Chinese-immi-gration law. It took us ten years more to secure the first Chinese-exclusion law. This present legislation comes to us within one year after our people have asked for Japanese exclusion. We hope it may prove effective. At any rate, we from California are willing to give it a trial. We believe, as I have already stated, that it is a step in the right direction, and therefore we heartily indorse it. Mr. Speaker, I desire to print, as a part of my remarks, an address I recently delivered in the city of Boston, and which, I believe, expresses the views of a large majority of the people of California:

Epecch of Hon. Julius Kahn on "Asiatic immigration" before the Middlesex Club, Boston, Mass., February 12, 1907.

Recause the people of California have taken a decided stand in favor of the exclusion of Asiatic coolies they are too frequently charged with being intolerant and provincial. They are neither. On the contrary, they are among the most tolerant people in the whole world; while San Francisco, the spiendid metropolis of the Golden State, is one of the most cosmopolitan communities on the face of the globe. Walking along her busy thoroughfares one meets representatives of every race, of every land, of every clime—and even the occasional immigrant from the distant Indies, clothed in the strange, fantastic garb of his native land, scarcely excites passing comment. It is not at all strange that such should be the case. The very manner in which the State was settled bred a spirit of tolerance from the very beginning.

When the news was heralded to the nations of the world that gold had been found within the confines of the newly acquired territory of the United States known as "California," a steady stream of sturdy, hardy, adventurous pioneers set their faces toward the land of the setting sun. Some braved all the dangers of a six months' journey across the plains, through lands infested by tribes of hostile and marauding indians; others risked their lives in creaking hulks that made the long and tedious voyage around the storm-swept seas of Cape Horn; while others still defied the malignant fevers that lurked in the swamps of the Isthmus of Panama; all of them eager to seek fame and fortune in this new Eldorado. The resolute and the brave alone reached the weaklings and the cowards fell by the wayside or returned ignominously to their homes and friends. There were few in that great outpeuring of Argonauts that had passed middle life. Most of them were young men of good education and good breeding. In the mad quest for the precious yellow metal religious and political lines were obliterated and all men felt that they were kin. The proud planter from the Southern States bunked in the same cabin with the humble farmer fr

camps and in the pueblos made these men tolerant of the rights of otners.

But they had not been in the Golden State more than two of three years when the first Asiatic coolies made their appearance among them. These were Chinese, who had been brought from their native land under contract to work in the gold mines. From the very outset their presence was looked upon as a menace. Their habits, their customs, their method of living, and the low wages for which they worked at once caused a strong antipathy to spring up against them. This feeling gradually grew stronger and stronger as they came in increasing numbers during the succeeding years, until it finally culminated in the passage of the so-called "Chinese-exclusion laws," under the terms of which their number has decreased materially during the past ten years. But during these ten years a new invasion of Asiatic coolies has begun to threaten the peace and the welfare of the people of California. However, I deem it but proper to state at this time, and in this presence, that there is no antagonism on the Pacific coast to the Japanese of the better class, such as scholars, professional men, bankers, and merchants. The opposition is entirely directed against the cooly, or laboring, class. And I say frankly that the Japanese cooly is much more feared in California than is his meek, docile, childlike, and bland counterpart from the vicinage of Canton.

As a matter of fact, the Japanese cooly did not make his appearance among us to any appreciable extent prior to the close of the China-Japan war. Since then, however, he has been coming in constantly increasing numbers, and during the past year he has been landing at the port of

RECORD—HOUSE.

February 18,

San Prancisco at the rate of a thousand or more every month. Herepresentatives of all offer been by countrymen already outnumber the representatives of all offer been by countrymen already outnumber the representatives of all offer been by countrymen already outnumber the representatives of all offer been by countrymen already outnumber the representatives of all offer been by countrymen already outnumber the sentence of the country of th

secure the extension of the exclusion laws to Japanese and Korean coolies. But the incident of the segregation of Japanese children from white children in the primary and grammar schools of San Francisco at once brought the question of the exclusion of Japanese children from white children in the primary and grammar schools of San Francisco at once brought the question of the exclusion of Japanese abovers into the foreground and made it a burning, vital issue. For some reason or other in the discussion of the matter of the segregation of pupils are that the san Francisco bad denied all Japanese children admission into her public schools. No such step has even been contemplated. The action of the school board simply contemplated the consolidation of all Japanese school children under one root, and it has been generally admitted that the school provided for these Japanese children admission into her public schools. No such step has even been contemplated. The action of the school provided for these Japanese children work and ompared most favorably with the teachers in the other schools of the city. It is not my purpose to discuss this school question this evening. My individual opinion is, and always has been, that every State in the United States, has the right to interfere. But the courts will probably pass upon that subject, and anything that I may say upon it would be purely academic. Unfortunately, however, the discussion of the school question has constantly carried more or less war talk in its train. For that the special school of the school question has constantly carried more or less war talk in its train solution would be found which would be creditable alike to the people of our own Government and the Government of Japan. I believe such a programme is now fairly under way and that there is every prospect for an early settlement of the much-fiscussed question. It has been generally believed on the Pacific coast that the manufacturers of this country are the most pronounced opponents to the enclusion of

HARTFORD, CONN., January 14, 1907.

Hen. Julius Kahn,
House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

Six: I beg to acknowledge receipt of your favor of the 12th instant; also the newspaper clippings within referred to. The paragraph in the clipping referring to the market for the product of the Colt's Patent Fire Arms Manufacturing Company in the Far East as having been practically destroyed is true; also the report of the British army officer, although he did not make the investigation at the request of this company. He reported that he found in southern China a Chinese arms factory, under the superintendence of Japanese, which was manufacturing the Colt automatic guns. It was also reported to us that the Japanese, previous to their war with Russia, manufactured a large number of Colt automatic and Gatling guns at the armories in Japan, and this we have every reason to believe is true, as during the past eighteen months we have received no inquiry for machine guns from the Far East.

the Far East.

It is well known that with very little teaching the Japanese make very skillful mechanics, and the low rate of labor in China and Japan makes it impossible for the American manufacturer to compete with

Respectfully. COLT'S PATENT FIRE ARMS MFG. CO. L. C. GROVER, President.

Surely Mr. Grover can not be charged with having the so-called "bigoted and intolerant" notions of the people of California; but, lke the latter, he has had actual experiences with the little brown men. Mr. Grover hails from New England, and we from California are glad to accept and welcome him as a friend and ally.

But the case of the Celt company is only a forcrunner of what we may expect to happen with our oriental trade. Japan is just as am-

bitious commercially as we are. She will exert every effort to build up her markets at our expense. She has given evidence that she will even subsidize her manufacturers, if it shall become necessary, for them to control their markets. And I have always felt that if ever a clash of arms shall occur between the two nations it will arise as a result of our own commercial expansion interfering with the commercial expansion of our powerful neighbor on the other side of the Pacific.

even subsulize ber manufacters, if it same account necessary, or clash of arms shall occur between the two nations it will arise as a result of our own commercial expansion interfering with the commercial expansion of our powerful neighbor on the other side of the Pacific and the consection it is well to bear in mind that both the Japanese nation and the American nation are alike proud, sensitive, ambitious, patriotic, aggressive. Just as we desire to be the dominant power on the American Centinent, so Japan aspires to be the dominant power on Asia. She is already stirring China out of her lethargy of ages, and action the whole world will have to sit up and take notice. There is a strong antiforeign sentiment in both Japan and China. True, the argument is often made that the United States is the traditional friend of both of these oriental countries. But in my study of world political control of the sentiment o

[Mr. GOLDFOGLE addressed the House. See Appendix.]

Mr. BENNET of New York. Mr. Speaker, I move the previous question on the conference report to its adoption.

The SPEAKER. The gentleman from New York moves the previous question on agreeing to the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question being taken, the Speaker announced that the ayes seemed to have it.

Mr. BURNETT. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 193, nays 101, answered "present" 5, not voting 78, as follows:

#### YEAS-193.

Acheson	De Armond	Jones, Va.	Overstreet, Ind
Alexander	Denby	Jones, Wash.	Parker
Alten, Me.	Dickson, Ill.	Kahn	Parsons
Ames	Dixon, Mont.	Keifer	Payne
Babeeck	Dovener	Kennedy, Nebr.	Perkins
Bannon	Draper	Kennedy, Ohio	Pollard
Barchfeld	Driscoll	Kinkaid	Prince
Bartholdt	Dunwell	Klepper	Reeder
Bates	Dwight	Knapp	Rives
Bede	Edwards	Knopf	Roberts
Beidler	Ellis	Knowland	Rodenberg
Bennet, N. Y.	Englebright	Lacey	Scroggy
Bennett, Ky.	Esch	Landis, Chas. B.	Shartel
Bonynge	Fassett	Landis, Frederick	
Boutell	Foss	Law	Slemp
Bowersock	Foster, Ind.	Lawrence	Smith, Cal.
Bradley	Foster, Vt.	Lilley, Conn.	Smith, Ill.
Brick	Fowler	Littauer	Smith, Mich.
Brooks, Colo.	French	Littlefield	Smith, Pa.
Brown	Fulkerson	Longworth	Smyser
Brownlow	Fuller	Loud	Snapp
Brumm	Gardner, Mass.	Loudenslager	Southard
Burke, Pa.	Gilhams	Lovering	Southwick
Burke, S. Dak.	Gillett	Lowden	Sperry
Burleigh	Goebel	McCleary, Minn.	Stafford
Burton, Del.	Graff	McGavin	Steenerson
Butler, Pa.	Graham	McKinlay, Cal.	Sterling
Calderhead -	Greene	McKinney Car.	Stevens, Minn.
Campbell, Kans.	Greene	McLachlan	Sulloway
Campbell, Rans.	Grosvenor	McMorran	
Campbell, Ohio	Gudger	Madden	Tawney Oblo
Capron	Hale	Mahon	Taylor, Ohio Tirrell
Cassel			
Chaney	Hamilton	Mann	Townsend
Chapman	Haugen	Marshall	Volstead
Cocks	Hayes	Martin	Vreeland
Cole	Henry, Conn.	Maynard	Wanger
Conner	Hepburn	Michaiek	Washburn
Cousins	Higgins	Miller	Watson
Cromer	Hill, Conn.	Moon, Tenn.	Weeks
Crumpacker	Hinsbaw	Mouser	Weems
Currier	Holliday	Mudd	Wharton
Cushman	Howell, N. J.	Murdock	Wiley, Ala.
Dale	Howell, Utah	Needham	Wiley, N. J.
Dalzell	Hubbard	Nelson	Wilson
Darragh	Huff	Nevin	Woodyard
Davidson	Hughes	Norris	Young
Davis, Minn.	Hull	Olcott	
Dawes	Humphrey, Wash. Jenkins	Olmsted	
Dawson *		Otjen	

	N.	AYS-101.	
Adamson Alken Bankhead Bartlett Beall, Tex. Bell, Ga. Bowers Brantley Broussard Brundidge Burjess Burleson Burnett Butler, Tenn. Byrd Candler Clark, Mo. Clark, Mo. Clayton Davey, La. Davis, W. Va. Dixon, Ind. Ellerbe Field Finley Fitzgerald	Fordney Garner Garner Garnett Gill Gillespie Glass Goldfogle Goulden Granger Gregg Griggs Hardwick Hay Hedge Heffin Hill. Miss. Hopkins Houston Howard James Johnson Lamar Lee Legare Lever Lewis	Lloyd McCall McCall McCarthy Macon Meyer Moore, Tex. Overstreet, Ga. Padgett Page Patterson, N. C. Patterson, S. C. Pou Puio Rainey Randell, Tex. Ransdell, La. Reid Richardson, Ala. Robertson, La. Robinson, Ark. Rucker Russell Ryan Saunders Shackleford Sheppard O "PRESENT"—5.	Sherley Sims Slayden Smith, Iowa Smith, Howa Smith, Md. Smith, Tex. Southall Spight Stanley Stephens, T. Sullivan Sulzer Talbott Taylor, Ala. Thomas, N. Underwood Wallace Watkins Webb Weisse Williams Zenor
Deemer	Lamb	Lorimer	Wachter

VOTING—78.	
McDermott Sen. McKinley, Ill. Sci. McLain Sci. McLain Sci. McMary Si. Minor Str. Mondell Str. Moon, Pa. To Moore, Pa. To Murphy Tr. Murphy Tr. Palmer Viele Pearre Viele Peyburn Reyburn Reynolds W. Rhinock W.	uppert imuel inneebell cott berman nall sarkman homas, Ohio owne rimble yndall an Duzer an Winkle adsworth aldo ebber elborn ood
	McCreary, Pa. R. McDermott Sin. McKinley, Ill. Sin. McLain St. McNary Sin. Mondell Sin. Moore, Pa. To. Moore, Pa. To. Moore, Pa. To. Morrell T. Murphy T. Palmer V. Mc Pearre V. W. Powers W. Reyburn Reynolds W. Rhinock Rhodes W. Richardson, Ky.

So the conference report was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Cooper of Pennsylvania with Mr. Floyd.

For the balance of this day:

Mr. Moon of Pennsylvania with Mr. Sparkman.

Mr. MURPHY with Mr. TRIMBLE.

On this vote:

Mr. Morrell with Mr. Hunt.

Mr. REYNOLDS with Mr. LIVINGSTON. Mr. Cooper of Wisconsin with Mr. Lindsay. Mr. GARDNER of New Jersey with Mr. McLain, Mr. Burton of Ohio with Mr. Garber.

Mr. Birdsall with Mr. Flood.

The vote was then announced as above recorded.

On motion of Mr. Benner of New York, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

## POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET of Indiana. Mr. Speaker, I move to suspend the rules and pass the following resolution, which I send to the Clerk's desk.

The Clerk read as follows:

The Clerk's desk,

The Clerk read as follows:

\*Resolved\*\*, That immediately upon the final passage of the bill (H. R. 25483) making appropriations for the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes, it shall be in order in the House to offer the following, under the conditions prescribed in Rule XXVIII, covering suspension of the rules:

\*Ordered\*\*, That in the engrossment of the bill (H. R. 25483) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes, the Clerk be directed to insert after the paragraph of appropriation for inland transportation by railroad route, \$44,660,000;" the following:

"The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1907, for the transportation of mail on railroad routes carrying their whole length an average weight of mails per day of upward of 5,000 pounds by making the following changes in the present rates per mile per annum for the transportation of mail on such routes, and hereafter the rates on such routes shall be as follows: On routes carrying their whole length an average weight of mail per day of more than 5,000 pounds and less than 48,000 pounds the rate shall be 5 per cent less than the present rates on all weight carried in excess of 5,000 pounds up to 48,000 pounds, and for each additional 2,000 pounds in excess of 48,000 pounds art he rate of \$19.24 upon all roads other than landgrant roads, and upon all land-grant roads the rate shall be \$17.10 for each 2,000 pounds carried in excess of said 48,000 pounds.

"That after July 1, 1907, additional pay allowed for every line comprising a daily trip each way of railway post-office cars shall be at a rate not exceeding \$25 per mile per annum for cars 40 feet in length and \$27.50 per mile per annum for cars 40 feet in length and \$27.50 per mile per annum for cars 55 feet or more in length."

The SPEAKER. Is a second dema

ex.

C.

The SPEAKER. Is a second demanded?
Mr. MURDOCK. Mr. Speaker, I desire to offer the follow-

The SPEAKER. Is a second demanded?

Mr. OVERSTREET of Indiana. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Who demands a second? [After a pause.]

If nobody desires

Mr. SHERLEY. Mr. Speaker, I demand a second.
The SPEAKER. Is there objection to considering a second as ordered? [After a pause.] The Chair hears none. The gentleman from Indiana is entitled to twenty minutes and the gentleman from Kentucky is entitled to twenty minutes.

Mr. OVERSTREET of Indiana. Mr. Speaker, if I may have the attention of the House, I think I can explain in a very short time the effect of this resolution if it should be adopted. The post-office appropriation bill, which was under consideration on Saturday last, contains certain items seeking to reduce the rate of pay upon railway mail routes, which items are clearly subject to points of order. By the adoption of this resolution, which, under the rules, requires a two-thirds vote, the language in which the order is drawn would be equivalent to its adoption in the bill itself. It therefore would avoid the necessity of a rule and would avoid further controversy in the event points of

order should be made upon these several provisions.

Mr. STEENERSON. Mr. Chairman—

Mr. OVERSTREET of Indiana. In just a moment. In submitting this resolution I have, after conversation with members of the committee having jurisdiction of the post-office appropriation bill, been guided by an effort to bring about some substantial legislation and avoid the entanglements which may arise by virtue of the items being subject to the point of order. I realize, Mr. Speaker, that there are differences of opinion among the Members of the House with respect to the various items recommended by the committee, which would operate in the reduction of pay to the carrying roads.

Mr. MURDOCK. Mr. Speaker—

Mr. OVERSTREET of Indiana. I should prefer not to be

interrupted until I have completed my remark

Mr. MURDOCK. The gentleman will yield later?

Mr. OVERSTREET of Indiana. Yes. The four items recommended by the committee were, first, a reduction of certain per cents upon routes carrying an excess of 5,000 pounds per day; second, an elimination of empty mail bags from the weights third, a change of method of computing the compensation by changing the divisor from six to seven days, and fourth, a change of rates with respect to the pay on full railway post-office cars. I stated, Mr. Speaker, on Saturday that I had con-siderable doubt with respect to the items of elimination of the empty bags and the change of divisor in the computation of the conpensation, but that I believed that it was fair and reasonable to make a reduction in the rates upon railway routes above 5,000 pounds a day, and equally fair and reasonable to reduce the rates upon full railway post-office cars. I trust, therefore, that at least a two-thirds vote of this House may be had upon the pending resolution, which will incorporate in the bill at the proper place when the proper motion shall be made, freeing them from being subject to the points of order, those two provisions; first, the reduction of the present rates upon the routes carrying in excess of 5,000 pounds a day; second, a change of rate relative to a rate for full postoffice car pay.

Mr. YOUNG. Will the gentleman yield for a question? Mr. OVERSTREET of Indiana. I will yield for just a ques-

Mr. YOUNG. Do I understand, then, that if this resolution was adopted that the provisions as to new divisor and mail bags would be subject to the point of order?

Mr. OVERSTREET of Indiana. Certainly.

Mr. MURDOCK. Now, will the gentleman permit a question? Mr. OVERSTREET of Indiana. Yes.
Mr. MURDOCK. Now, Rule XXVIII, which you quote in your order, reads:

No rule shall be suspended except by a vote of two-thirds of the Members voting, a quorum being present; nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month, preference being given on the first Monday to individuals and on the third Monday to committees, and during the last six days of the session.

Now, I would like to ask if he introduces this as an individual or as chairman of a committee?

Mr. OVERSTREET of Indiana. I introduced it as an individual, but I introduced it individually upon my personal responsibility and after consultation with a majority of the com-

Mr. MURDOCK. Now, I would like to ask the gentleman— Mr. OVERSTREET of Indiana. I submitted it to the leader of the minority [Mr. Moon of Tennessee], who in turn advised with some Members on that side of the aisle, and I submitted it to other Members on this side of the aisle, including my friend from Kansas.

For which I thank the gentleman. Now, I would like to ask the gentleman if his proposition as contained in this proposed order carries the same rates as the bill which

he defended Saturday Mr. OVERSTREET of Indiana. They are modified in two particulars. The bill which was before the House on Saturday. when I made the statement referred to, provided for a 5 per cent reduction on routes carrying an excess of 5,000 pounds and not in excess of 48,000 pounds; 10 per cent in excess of 48,000 pounds and not in excess of 80,000 pounds, and \$19 per ton in addition to the 80,000 pounds a day. Nineteen dollars and twentyfour cents per ton is equivalent to a 10 per cent reduction from the existing rate of \$21.37 per ton. Therefore, in this proposed order, embodied in the pending resolution, a change is made to \$19.24, instead of \$19. The second exception is that the landgrant roads are specifically excepted. The present rate carried by existing statutes on routes carrying in excess of 5,000 pounds a day is \$21.37 per ton per year, as to roads other than land grant, but under the law the land-grant contract, providing for 80 per cent of the total pay, the rate per ton per year upon 5,000 pounds is \$17.10. Therefore, if the language of the bill should be at the rate of \$19.24 per ton in excess of 48,000 pounds, without any qualification, it would mean that the landgrant road would have to be paid at the same rate, or \$19.24 per ton per year, which in effect would increase the rate upon the land-grant road. And in order to avoid an increase of rate upon the land-grant road and at the same time to avoid a too serious reduction upon the land-grant road where they now carry 80 per cent only of existing rates, I thought that it would be wise to put in that exception. So that by the adoption of this resolution there would be as to the per cents of 5 and 10 only a change of making it 10 per cent flat, or \$19.24 per ton, instead of \$19 per ton for the excess.

Mr. STAFFORD. The gentleman has stated that there was

an exception so far as land-grant roads are concerned. Do I understand him to mean that the exception extends to the weight below 48,000 pounds?

Mr. OVERSTREET of Indiana. Only in excess of 48,000

pounds

Mr. STAFFORD. That is the way I understood the resolution and that the \$17.10 rate per ton provided only on the weight in excess. But on any of the land-grant roads where the weight is below 48,000, 5 per cent reduction of the present rates on land-grant roads would prevail.

Mr. OVERSTREET of Indiana. I yield to the gentleman

from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Will the effect of the passage of this resolution be to cut off any opportunity to change the rates specified in the resolution? The gentleman provides for a 5 and 10 per cent reduction.

Mr. OVERSTREET of Indiana. No; there would be no op-

portunity to make any change. This resolution—
Mr. STEENERSON. That would commit us to that percentage.

Mr. OVERSTREET of Indiana. This resolution must be adopted or voted down. It must be adopted as a whole or not adopted at all, under the rules which govern in suspension of

the rules. Mr. STEENERSON. Then I understand the position to be that he knows that all of these provisions are subject to a point of order and would be ruled out, and he concludes to press this resolution in order that he may get a half loaf instead of a

whole loaf?

Mr. OVERSTREET of Indiana. Exactly so. Just to answer a little more fully, I have my own personal doubts as to whether we could hope for any rule. And I believe that even the members of the Committee on Rules ought not to be expected to settle differences affecting legislation. That is not the province of that committee. And recognizing as I do a decided difference of opinion among the Members of the House as well as the members of the Committee on the Post-Office and Post-Roads with respect to these several provisions, I think it is proper for me to exercise my rights under the Rules of the House and offer a resolution suspending the rules, and not saddle upon the Committee on Rules the burden which ought not, properly, to fall upon that committee. But, believing as I do that a reasonable proposition, such as I think is embodied in the pending resolution will meet with the favor and approval of two-thirds of this body, and inasmuch as it will secure what I think is, at least, fair, even though it may not go as far as some Members may think and even a little further than some others may think, it is far better, Mr. Speaker, that we should adopt this resolution and put that language in the post-office appropriation bill rather than to resort to extreme measures or to postpone the evil day to a later period. Now I yield to the gentleman from Ohio [Mr. GROSVENOR

Mr. GROSVENOR. I want to ask the gentleman from Indiana if he will make plain to me how this reduction, or percentage of reduction, operates. In other words, how it will compare on the main lines of railroad with the smaller lines.

Mr. OVERSTREET of Indiana. If this resolution should be adopted, there would be no change whatever upon the roads carrying less than 5,000 pounds a day. On the roads carrying in excess of 5,000 pounds a day and not more than 48,000 pounds a day there would be a 5 per cent reduction from existing rates over the 5,000 pounds. The first 5,000 pounds would be computed according to existing rates; the next 43,000 pounds, up to 48,000, would have a 5 per cent cut. On roads carrying in excess of 48,000 pounds there would be a 5 per cent cut up to 48,000, and above that at the proper rate, \$19.24 per ton of mail, which is an equivalent of 10 per cent reduction, except as to land-grant roads the rate will be \$17.10 per ton in excess of 48,000 pounds.

Mr. SULZER. Just a question. If this resolution is adopted. how much will it save the Government?

Mr. OVERSTREET of Indiana. In my own judgment-and that judgment is based upon a computation made by the bureau of adjustments of the Department—it will amount to a maximum of \$4,000,000, including the reduction of rates for postoffice-car pay

Mr. SULZER. Then I shall vote for the resolution.
Mr. JAMES. Does this resolution make in order all the reductions that your bill proposes?

Mr. OVERSTREET of Indiana. It does not. Surely the gentleman was not present when I explained it.

Mr. JAMES. I have just come in. Why do you not make all of them in order?

Mr. OVERSTREET of Indiana. Because I do not think I

could get a resolution of that kind adopted, and I would not go to the extreme. Because I am a practical man. I suggest a practical solution of a difficult problem.

But you believe they ought all to be adopted? Mr. OVERSTREET of Indiana. Mr. Speaker, I yielded to the gentleman from Kentucky. I decline to yield any further. How much further time have I? The SPEAKER. The gentleman has six minutes remaining.

Mr. OVERSTREET of Indiana. I reserve the balance of my

Mr. PRINCE. I would like to ask the gentleman a question before he takes his seat.

Mr. OVERSTREET of Indiana. I have only six minutes remaining, and I want to retain that until the opposition has deits position.

Mr. SHERLEY. Mr. Speaker, I demanded a second not be-I proposed to oppose the resolution, but because nized the importance of it, and I believed we should have as much discussion as we could have upon it under the rules. am therefore perfectly willing to yield to anyone who is opposed to the resolution; and in the absence of any such gentleman wanting to address the committee, then I will yield to any gentleman who desires to further explain it to the House.

Mr. OVERSTREET of Indiana. May I inquire of the gentle-man from Kentucky if he will not yield a few minutes to the gentleman from Tennessee [Mr. Moon], to whom I had in-

Mr. SHERLEY. I will take pleasure in doing so, if he desires any time.

The SPEAKER. What time does the gentleman yield to the gentleman from Tennessee?

Mr. SHERLEY. Whatever time the gentleman desires.

Mr. MOON of Tennessee. I do not desire to discuss the question if there is no opposition to it.

Mr. SHERLEY. Then, Mr. Speaker, I yield five minutes to

the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, I want the time only in order that the gentleman from Kansas [Mr. MURDOCK] may explain his substitute bill to the House. I do not know what he wants to

Mr. MURDOCK. I do not know whether I have any time on the floor of this House.

Mr. SIMS. I am giving you the benefit of the five minutes

that I have if you need it.

Mr. MURDOCK. This bill proper, as reported by the committee and adopted in committee after long and sometimes tedious debate as to many details, contains the four well-known provisions looking to the reduction of railway mail pay. As I understand the statement of the chairman of the committee just made, the order, if adopted by the House, carries with it all four of the provisions. Am I right? That is, the order, if it is made by the House, will make impossible the amendment or considera-

tion on the floor of any of these four provisions.

Mr. OVERSTREET of Indiana. They are all subject to the point of order, and, as I am informed, the point of order will be made, and then the adoption of this resolution would leave in the bill this provision.

Mr. MURDOCK. The gentleman does not understand me. Leaving out and waiving the matter of the point of order, if the point of order should not be made against any one or all four of these provisions, would not any one or all of these provisions in the bill be subject to amendment and debate?

Mr. OVERSTREET of Indiana. Yes; if no point of order be

Mr. MURDOCK. Now, this provision to defend two provisions from a point of order and to leave the other two exposed to a point of order comes under a parliamentary turn. I have been around legislative bodies all my life. I have seen this played on the other fellow a thousand times, and now I find it played upon myself. [Laughter.]
Mr. SIMS. Mr. Speaker, I should like to have the gentleman

explain the substitute he wanted to offer.

Mr. MURDOCK. My substitute, which I desired to offer and attempted to offer, simply took the provisions as they stood in the bill—the four provisions making the four reductions—substituting them for the two provisions offered here now by the chairman. I want to say to the House that the proposition is this: There are four distinct propositions looking to the reduction of railway mail pay in the House bill as reported by the committee. One of them is a 5 per cent horizontal reduction, from 5,000 pounds to 48,000 pounds; a 10 per cent reduction from 48,000 to 80,000 pounds. This one matter is a very debatable one that should have come before the whole membership of this House, because I want to say that there is an honest difference of opinion about horizontal reductions. Mostly they

can be accounted unjust, because it is not fair to cut a route that carries 8,000 pounds a day the same per cent that you cut a route that carries 48,000 pounds a day, nor is it fair to cut a route that carries 50,000 pounds a day the same per cent that you cut a route that carries 80,000 pounds a day.

Mr. Speaker, there is in the bill, and there is not in this proposed resolution, a provision for a lower rate on routes that carry over 80,000 pounds of mail per day, and there are great routes in this country which could stand a progressive reduction for weights above 80,000 pounds per day. The larger railroads for weights above \$0,000 pounds per day. The larger railroads of this country—the New York Central, the Pennsylvania, and the Burlington—are saved a very large amount by this resolution.

Every man in this House and every man within the hearing of my voice knows that no Member here would for a moment oppose the opportunity to cut down, even if he can not cut it as much as it should be, the gross overpay that these railroads have received for thirty years. The provision for horizontal reductions, changed from those in the bill, and the postal-carpay reduction are included in this proposed order. rected divisor and empty-mail-bag provisions are not.

Mr. JAMES. Why were not those other propositions made in order by this same resolution?

Mr. MURDOCK. That I can not answer. I tried to get them in by way of substitute. Now, every man here will vote for this proposition, containing but two of the bill's four provisions, because it does propose to cut down the largest single item of expenditure of the Government of the United States, an item that has been indefensible for many years, an item that has been almost without exception criticised by every Post-

master-General since 1875.

Mr. JAMES. By the failure to include the provisions about which you have been talking, how much does the Government lose, and how much do the railroads make?

Mr. MURDOCK. That I can not answer exactly. All the attempts that have been made at an estimate, running from \$6,000,000 to \$16,000,000, are mere estimates, and no one knows. You can not tell except by carefully working it out in the Department. Some men can guess, and some men may conjecture.

Mr. JAMES. You might approximate it.

The SPEAKER. The time of the gentleman has expired.
Mr. SHERLEY. Mr. Speaker, I yield three minutes to the
gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Speaker, I desire to say a few words to the House in regard to the reason why I support this resolution. I am with the gentleman from Kansas [Mr. Murpock] in favor of the reduction of railway mail pay. amendments to the appropriation bill last year looking to a reduction as great as 20 per cent on the heavy routes. I do not favor this proposition for a divisor of 105 instead of 90, now in the bill, in toto, because it reduces the railway mail pay 14 per cent and a fraction upon the densest routes as well as upon the lightest routes, which are generally conceded not to be overpaid now. But I am in favor of a material reduction, a reduction by a larger per cent than is provided for in this resolution, upon routes carrying over 5,000 pounds daily. But the parliamentary situation, as I understand it, is this: If a point of order is made against any of these provisions, being new legislation, they will be ruled out, and we would simply find ourselves at the last with a bill that contained no change of law and no railway mail pay reduction at all. And a change of law in regard to ascertaining average daily weight of mail is proposed in this bill. The only effect of changing the divisor, as proposed in the bill, is to reduce the average daily weight upon all roads by one-seventh. The relative pay of all routes, seven-day-a-week routes, six-day-a-week routes, and three-day-a-week routes, will remain the same, and they are relatively the same-that is, the per ton per mile rate is the same on all and will be the same with the new divisor, only, as I said, the "average daily weight" will, with the larger divisor, be reduced one-seventh.

A simpler way is to make one flat reduction by a larger per cent cut. It would take four years to put a new divisor in effect, for we only have weighings every four years. The division weighed last year have contracts running four years under present legal basis and can't be changed. The only way we can get reduction of railway mail pay is by changing the law,

and by this resolution we make sure we get some reduction.

Mr. HILL of Connecticut. The only thing I care to know about it is if this bill is passed, is it a six-day average for

seven days' work or a seven-day average?

Mr. STEENERSON. I will say to the gentleman from Connecticut that the passage of this resolution does not change the divisor; that provision in the bill remains subject to a point of order And, further, it is entirely immaterial, because the only thing there is to it, and I will convince the gentleman

whea I come to address the House upon the question, which I will do as soon as an opportunity offers, is that the pay per ton per mile under the present law is the same for a three day in the week, or a six day in the week, or a seven day in the week It will be the same per ton mile under the new divisor proposed in this bill. Its only effect is to reduce the pay by reducing average daily weight by one-seventh. That is the provision in the bill, and it is a mathematical certainty, so I can convince the gentleman from Connecticut because he is a good mathematician.

Mr. HILL of Connecticut. You will have to work a good deal longer than the balance of this session to do it. [Laughter.]

Mr. STEENERSON. I am certain that the gentleman will be convinced, because it can be demonstrated.

Mr. MURDOCK. Will the gentleman from Minnesota yield

Mr. STEENERSON. Certainly. Mr. MURDOCK. Does the gentleman concede that the basis

of pay is the average daily weight as recited in the law?

Mr. STEENERSON. What is the average daily weight? The daily weight, the daily route, is six times a week, just the same as the rural free-delivery carrier delivers daily mail. The railway carries it six times a week and that is a daily mail. you carry it seven days a week, it is "daily and Sunday."

The SPEAKER. The time of the gentleman from Minnesota

Mr. MURDOCK. I wanted to say to the gentleman who has

asked me what the daily weight was—

Mr. STEENERSON. Mr. Speaker, I want some more time. Mr. SHERLEY. I will yield two minutes more to the gentleman.

Mr. MURDOCK. Now, the law does recite the average daily mail weight, and if you divide this by six you get a better average than you do if you divide it by seven; and if you divide it by seven you get a lower average; and the Postmaster-General says if you will take the divisor seven, you will make a difference in excess of this difference of \$5,000,000 a year.

Mr. STEENERSON. Nobody questions that; that is as clear as that two and two make four. It makes a difference of one-seventh. It is a method of changing the mail pay. Under the present rule the pay per ton-mile for movement of mail is the same upon the three-day-a-week route, upon the six-day-a-week route, and upon the seven-day-a-week route, because you use six as a divisor. Under the new provision of the bill you would use seven, or, in other words, for ninety days you would use the one hundred and five instead of ninety, the law of seven. Now, it is all a question of what is daily mail. The whole question turns upon that, and when this law was passed, through an abundance of caution Congress put in that the mail should be weighed upon working days. The proposition is to leave out the words "working day."

Mr. MURDOCK rose.

Mr. STEENERSON. Wait a minute. The gentleman, in his last speech, said that the provision was subject to a point of order because it was new legislation, and gave away his whole case, because when it is a change of law the present method of computing is according to law, and the Department has not used a "false" divisor as he then charged.

Mr. MURDOCK. Not at all.

The SPEAKER. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Speaker, I have no desire to consume more time, but I would like to ask the gentleman from Indiana one question, and that is if this resolution offered by him is adopted, whether the provisions made in order on the postoffice bill will then be subject to amendment when that bill is considered?

Mr. OVERSTREET of Indiana. The gentleman refers to the items incorporated in this resolution?
Mr. SHERLEY. Yes.

Mr. OVERSTREET of Indiana. No; because the resolution provides that it shall be in order to make this motion when the bill has been passed by the House. A motion to incorporate the items pending in this resolution will be made after the consideration of the bill, and then they will not be open to amendment.

Mr. SHERLEY. I simply wanted the House to understand at fact. I myself so understood it. that fact.

Mr. OVERSTREET of Indiana. I yield to the gentleman from Minnesota.

Mr. STEENERSON. I would ask if it is not true after the passage of this resolution all new provisions not included in the resolution are just as well off?

Mr. OVERSTREET of Indiana. Just the same. If the point of order is made, they go out, and if the point of order is not made they are subject to amendment. Mr. Speaker, I have stated to the House that I have been prompted in offering this

resolution to bring about some practical results. I doubt very seriously if this resolution should fail if anything can be done at this session, and in a spirit of fairness and in the hope that we can arrive at a reasonable conclusion I hope the House will adopt the resolution, and I call for a vote.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the resolution was agreed to. [Applause.]

LIMITING THE HOURS OF SERVICE OF RAILROAD EMPLOYEES.

Mr. ESCH. Mr. Speaker, I move to suspend the rules, pass the bill S. 5133, with an amendment reported by the House Committee on Interstate and Foreign Commerce, and ask for a

The SPEAKER. The gentleman from Wisconsin moves to suspend the rules, agree to an amendment reported by the Committee on Interstate and Foreign Commerce to the bill S. 5133, and ask for a conference. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

The Clerk read as follows:

A bill (8, 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Strike out all after the enacting clause and meer:

"That the provisions of this act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers and property by railroad in the District of Columbia or any Territory of the United States, or from one State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States through a foreign country to any other place in the United States through a foreign country to any other place in the United States or the District of Columbia, or from any place in the United States and the set of the place of the country to any other place in the United States and the set of the place of th

The SPEAKER. Is a second demanded?

Mr. ADAMSON. I demand a second.

The SPEAKER. The gentleman from Georgia demands a

Mr. ESCH. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] Chair hears none, and the gentleman from Wisconsin is entitled to twenty minutes and the gentleman from Georgia to twenty minutes

Mr. ESCH. Mr. Speaker, the House committee has had under consideration this measure for a period of two months. It has

given to it more deliberation than to any other measure that has come before it for the last four years, barring possibly the rate bill. We endeavored to secure unanimity of opinion with reference thereto. The majority members are in favor of the amendment which we wish to offer to Senate bill 5133. Legislation on this subject is asked for by the Interstate Commerce Commission, as shown by its last three annual reports; it is strongly indorsed by the President in his three last annual messages; it is also asked for by the brotherhoods of railway employees. The terms of the demand for this legislation are not agreed upon, but the necessity for legislation restricting the consecutive hours of service for railway employees engaged in train operation is generally admitted. We found that as the railroad employees and the railroads could not come to any agreement in their Chicago conference during the holidays, that it became the duty of Congress to take this subject-matter under consideration and to recommend such legislation as We have therefore presented to the House

In brief, I wish to give its scope, for I wish to yield time to other members of the committee. The first section of the House amendment is almost verbatim section 1 of the arbitration act amendment is almost verbatim section 1 of the arbitration act of 1898. It applies to all employees engaged in the operation of any train on interstate roads. It differs from the Senate bill in that the Senate bill limits it to "any employee engaged in or connected with the movement of any train carrying interstate or foreign freight or passengers." The second section of the amendment prescribes the hours of service. There are three classifications, and I wish to call attention to them. First, no employee engaged in train operations shall be permitted to work more than sixteen consecutive hours without having ten consecutive hours off duty. This is the first clause. Second, no such employee shall be allowed to work more than sixteen hours in the aggregate in any twenty-four-hour period without having eight consecutive hours off duty.

Mr. STEVENS of Minnesota. Not eight consecutive hours? Mr. ESCH. Eight hours off duty.

Third, if any such employee shall have had eight consecutive hours of rest preceding any twenty-four-hour period and six consecutive hours off duty within that period, then the limita-

tion in the second class does not apply.

This second section also prescribes a limitation of service of train dispatchers and of telegraph operators. So that all such who work in offices open day and night shall not be permitted to work more than nine consecutive hours and in all offices open only during the daytime not to exceed thirteen hours, except in cases of emergency, when four hours additional may be added, but not for a longer period than three days.

The third section prescribes a penalty for violations of this act not exceeding \$500 for each offense. This penalty is to be collected by the United States district attorney in the district where the offense is committed, and he shall only act upon the verified information under direction of the Attorney-General. It may be objected that this takes away the initiative of the several district attorneys, but, as a matter of fact, this would simply enforce the practice that exists to-day in enforcing the safety-appliance law. The district attorneys are instructed by the Attorney-General in the bringing of these actions, and the provisions of this bill will bring about the same practice. is further provided that in all prosecutions under this act the common carrier shall be deemed to have knowledge of all acts of its duly authorized agents. We have inserted the word "knowingly" before the word "permit." There are records kept in roundhouses, and in the offices of the dispatchers, and in the offices of those who direct train movements, which give the exact minute of the departure and the arrival of all these train employees. There therefore is preserved record evidence which can be used in prosecution under this act.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. ESCH. Yes.

The gentleman stated a moment ago that Mr. BARTLETT. the provisions in this bill in reference to the duties of the district attorney were the same as those contained in the safetyappliance act. The gentleman certainly does not mean that.

Mr. ESCH. The gentleman did not understand me. I said

the provisions which we have in this act would bring about the same practice which practically obtains now in the prosecutions

under the safety-appliance act.

Mr. BARTLETT. I understand.

Mr. CRUMPACKER. Will the gentleman answer this ques-

Mr. ESCH. Certainly.
Mr. CRUMPACKER. In relation to the word "knowingly," does that add anything to the legal significance of the bill?

Can anything be permitted in the sense of the law without knowing it is going on?

Mr. ESCH. I suppose permission implies knowledge.

Mr. CRUMPACKER. Does it not necessarily imply knowledge? Mr. ESCH.

I rather think so.

Mr. CRUMPACKER. I do not believe the word "knowingly" is of any significance in the text of the bill.

Mr. ESCH. We have in the third section a proviso which stays the operation of the act upon the happening of certain contingencies, it being the desire of the committee to strictly enforce the law except where by reason of an unavoidable accident or casualty or the act of God it was impossible for these

employees to come within the time limit.

The fourth section of the bill provides the machinery for its operation, giving the commission the power and making it its duty to execute and enforce the provisions of this act, "and, to enable it to do so, it should employ such inspectors and other persons as may be provided for by law." It may be said that this is not specific authority and is not sufficient to provide for efficient enforcement, but I want to call your attention to the fact that in the safety-appliance act of 1892, as amended in 1896, and again amended in 1902, there were no provisions for the appointment of inspectors or other persons to carry out the provisions of those laws,
Mr. NORRIS. Will the gentleman yield to a question?

Mr. ESCH. Yes.
Mr. NORRIS. I notice in section 3, in line 8, on page 5, where the penalty is fixed, that it says— Mr. ESCH. Not to exceed \$500.

Mr. NORRIS. Not to exceed \$500. Does the gentleman think, or has the committee determined in their judgment, that it would not be wise to fix a minimum as well as a maximum penalty there? Mr. ESCH. The committee deemed it wise to only fix the

maximum

Mr. NORRIS. Has it been the custom of the committee, in

other matters as well as that, to fix only a maximum?

Mr. ESCH. Under the safety-appliance law the minimum

was \$100 and the maximum was \$500.

Mr. NORRIS. In the law now, as you have it here, with no minimum, the maximum penalty will be imposed in all cases.

Mr. ESCH. Yes; possibly. Mr. NORRIS. Does not the gentleman think it would be better that a minimum as well as a maximum might be fixed, so that if a prosecution was had and conviction obtained, that there would be no danger of no punishment being inflicted?

Mr. ESCH. That feature of the matter was presented to the

committee, and the committee determined to fix only a maximum

penalty.

Mr. WANGER. I will ask the gentleman if it is not a fact that the Committee on Revision of the Laws concluded it was better to strike out the minimum penalties in all our statutes?

Mr. ESCH.

Mr. DRISCOLL. I have received quite a number of letters on this subject favoring legislation of this general character, and I have not been able to learn whether the railroad labor organizations of the country favor this or the Senate bill known as the "La Follette bill." I would state also I have received petitions in favor of the adoption of the law and some from organizations against it.

Mr. ESCH. I will say that there are numerous petitions in our committee favoring this bill and a number of petitions from the same organizations protesting against any law on the sub-

Mr. HUGHES. I see that your bill provides that violations should only be punished on recommendations of the Attorney-General. Why not make that so that they could be indicted by the district attorney and that he should prosecute them?

Mr. ESCH. The committee did not deem that process wise. They deemed it best to have this come from the Attorney-General, just as he is charged practically with the enforcement of the safety-appliance law.

Mr. ADAMSON. Will not the gentleman unite with me in a request for unanimous consent for a longer time for debate

on this bill? So many requests have been made for time.

Mr. ESCH. I do not understand I have it in my power to yield to that. I think the rule gives twenty minutes on a side. Mr. ADAMSON. I then request unanimous consent for one more hour's time for debate on this subject.

Mr. ESCH. I reserve the balance of my time.
Mr. OLMSTED. Mr. Speaker, I think that everybody knows how they are going to vote on this proposition,
The SPEAKER. Objection is made.

Mr. ADAMSON. Mr. Speaker, I recognize that the necessity for legislation upon this important matter is urgent. ple demand it. The safety of the traveling public demands it. and we should prepare and pass an effective measure. The Senate sent to us a good bill. We also unanimously reported from our committee nearly a year ago the Esch House bill. For either of those we were willing to vote and still offer to do so. The men affected have sent petition after petition in support of these bills. They will not be satisfied with the substitute which is now sought to be dragooned through the House under whip and spur by suspension of the rules without opportunity of amendment. Mr. Speaker, if our constituents and the public safety demand bread, we should not give them a stone; if they demand a fish, we should not give them a serpent. It requires a sound mind in a sound body, with every faculty of both fully awake, to operate trains with safety to the traveling public. Tired and sleepy men are unreliable. Cupidity operating on men and managers constantly permits operators incompetent from exhaustion to endanger the lives of themselves and the traveling public by operating trains. It has become obvious that nothing but the law will correct the evil. We are unwilling that the demand for legislation shall be mocked by destroying our opportunity to accomplish something. The whole subject be closed for the present, genuine relief can be prevented, and the hypocritical pretense go to the country that something

That is just a mockery and a delusion to any man who imagines for a moment that there is anything effective in it. The La Follette bill, as it came from the Senate, briefly provided for prohibition of work over sixteen hours, prescribed punishment, authorized investigation and report to the district attorney, whose authority to prosecute was not limited by the terms of the bill, as is done in the substitute. It also provided, by a virile and effective section, for the appointment of persons authorized by law to inspect and have these cases pun-

Mr. DRISCOLL. Will the gentleman yield to me for a question?

Mr. ADAMSON. No; I can not yield; I have not time. Mr. JOHNSON. I would like to ask the gentleman a question for information.

Mr. ADAMSON. I would be glad to inform the gentleman, but I have yielded the entire time to others. I have no further time to allot. I have not time to allude to all the inconsistencies of this substitute; but everything good in it is so emasculated by exceptions and provisos that there is no railroad manager in the country who could tell his duties and liabilities, and the operatives would require the services of a lawyer all the time to advise them, and perhaps a surgeon, too, as present conditions, already bad enough, might be greatly aggravated by the uncertainties and inconsistencies of this substitute.

Mr. Speaker, I ask permission to incorporate in my remarks the minority report and the exhibits. I yield four minutes to the gentleman from New York [Mr. RYAN].

The minority report is as follows:

the gentleman from New York [Mr. Ryan].

The minority report is as follows:

We, the undersigned, members of the Committee on Interstate and Foreign Commerce, regret we can not concur with the action of the majority in connection with S. 5133, just reported by substitute from said committee. We recognize the great and urgent importance of the subject and realize the pressing necessity for effective legislation to promote the safety of the traveling public, as well as of the employees operating railroads. Long and faithfully we have labored to secure such action as would promise such effective legislation. On May 31, 1906, we unanimously reported from our committee H. R. 18671, which is yet on the Calendar, and which we are ready to support by our votes and speech in the House. We opposed the amendment of S. 5133, substituting the provisions reported by the majority, for the reason that such substitute is not as good in point of value and effectiveness as the Senate act, but defeats the purposes thereof. The only improvement on the Senate act it contains is the provision to limit the hours of work of telegraphers, operators, and train dispatchers. That provision itself should have been further improved by fixing the hours at eight and twelve instead of nine and thirteen, respectively.

The contradictions and vagaries of the substitute appear to us to trifle with the demands and the hopes of the public for protection. The use of the word "knowingly," as applied to the action of railroad officials, and the unnecessary declaration that the corporation shall be construed to know the acts of its authorized agents would look ridiculous but for the suggestion of a sinister design contemplating reflex effect, which might permit the railroads to repudiate conduct of its servants, however careless and criminal, by denying that they were duly authorized for that particular purpose. The provision as to inspectors is uncertain and vague, if not meaningless, and might result in failure to execute that law as a result of a poi

to limit the hours of telegraphers, operators, and train dispatchers on

to limit the hours of telegraphers, operators, and train dispatchers on duty.

We are induced to believe, not only by the provisions of the substitute reported by the majority, but also by the treatment accorded H. R. 18671, that the proposed legislation will not be effective and is not intended to give the remedy and the protection that the public desire. The effect of the substitute will not be to accomplish the purpose ostensibly set forth as the purpose to be accomplished, but will, on the contrary, enable common carriers to evade and avoid all penalty and responsibility. We recommend that the proposed attempt of the majority to pass, under the suspension of the rules, the substitute, without opportunity for amendment, be defeated. The majority of this House can bring the subject-matter of this legislation before the House in other ways, so that the House may have the opportunity to substitute and amend and give the country effective legislation.

R. C. Dayy.

W. C. Adamson.

W. H. Ryan.

WILLIAM RICHARDSON.

C. L. Bartlett.

Gordon Russell.

[H. R. 18671, Fifty-ninth Congress, first session.]

[H. R. 18671, Fifty-ninth Congress, first session.]

A bill to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Be it enacted, etc., That the provisions of this act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers and property by railroad in the District of Columbia or any Territory of the United States, or from one State or Territory of the United States or the District of Columbia, or from any place in the United States or the District of Columbia, or from any place in the United States through a foreign country, or from any place in the United States. The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "employees" as used in this act shall include all persons actually engaged in or connected with the movement of any train operation, and notwithstanding that the cars upon or in which they are employee may be held and operated by the carrier under lease or other contract.

Sec. 2. That it shall be unlawful for any common carrier, its officers or agents, subject to this act to require or permit any employee subject to this act to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty; and no such employee who has been relieved from duty after a continuous service of any period more than ten hours shall be required or permitted to go on duty again until he has had eight consecutive hours off duty.

Sec. 3. That any such common carrier, or any officer or agent thereof, requiring or permitting any

[S. 5133, Fifty-ninth Congress, second session.]

An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Be it enacted, etc., That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train carrying interstate or foreign freight or passengers to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip, or by unknown casualty occurring before he started on his trip, and except when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal; or to require or permit any such employee who has been on duty sixteen consecutive hours to go on duty without having had at least ten hours off duty; or to require or permit any such employee who has been on duty sixteen hours in the aggregate in any twenty-four-hour period, to continue on duty or to go on duty without having had at least eight hours off duty within such twenty-four-hour period.

Sec. 2. That any such common carrier or any of its officers or agents violating any of the provisions of this act is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1,000; and it shall also be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act and to lodge with the proper district attorneys information of such violations as may come to its knowledge.

That to enable the Commission to execute and enforce the provisions of this act it shall have power to employees thereunto duly authorized by order of said Commission shall have the power to administer

any officer in any State or Territory of the United States or the District of Columbia qualified by law to take the same.

The provisions of this act shall not apply to relief or wreck trains.

Passed the Senate January 10, 1907.

CHARLES G. BENNETT, Secretary. By H. M. Rose, Assistant Secretary.

The SPEAKER. Is there objection to the request of the gentleman to extend his remarks by incorporating the minority report?

Mr. WANGER. There is one part of the request to which I must object, unless the gentleman is willing to make an exception. The language I allude to is in line 16 of the report of the minority and is not permissible under the rules of the House.

The SPEAKER. The gentleman from Pennsylvania objects. Mr. WANGER. Except these words are stricken out in the sixteenth line.

Mr. ADAMSON. Mr. Speaker, it is unnecessary to remind my amiable friend from Pennsylvania—first, will be tell me what the words are?

Mr. WANGER. If the gentleman will look at the last word in line 16, the next line, and so much of line 18 as precedes the period, he will observe what the words are.

Mr. ADAMSON. What are they?
Mr. WANGER. I do not want to put them in the Record, because I contend that they have no place in the report and are not properly before the House.

Mr. ADAMSON. What is the language?

Mr. ADAMSON. What is the language? Mr. WANGER. They refer to the action of members of the committee in executive session.

The SPEAKER. This conversation is going on in the time of the gentleman from Georgia [Mr. Adamson].

Mr. Adamson. Mr. Speaker, I have already yielded my time to another. This is a point made by the gentleman from Pennsylvania.

The SPEAKER. The gentleman from Pennsylvania, then, objects to the request of the gentleman from Georgia.

Mr. ADAMSON. If he wishes to do that, he may. I will find

means to do what I wish to do in another way.

Mr. RYAN. Mr. Speaker, this bill is entitled "An act to pro-

mote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon." Now, Mr. Speaker, the first thing to consider is whether or not there is any necessity for this legislation. That question

has been fully answered in the hearings before the Committee on Interstate and Foreign Commerce, and any Member of this House can satisfy himself as to the fact by reading the report on this bill.

The report on page 2 says:

The ever-increasing number of railroad accidents, with attendant loss of life and property, calls for remedial legislation so far as such legislation is within our power to grant and so far as the same is practicable. The Quarterly Accident Bulletins of the Interstate Commerce Commission, the data for which is entirely supplied by the railroads themselves, disclose a situation not creditable to their management. Casualties were reported as shown by the following table taken from Accident Bulletin No. 20, for April, May, and June, 1906:

	Passen- gers (a and b).		Persons carried under agreement, etc. (bb).		hh)		Train- men.		Train- men in yards.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Collisions Derailments Miscellaneous train accidents, including	15	507	1	51	16	558	52	329	3	
locomotive boiler explosions	-	-		- 3	27	-				238
Coupling or uncoupling	-		-		-		21	274	14	_
while attending switches	4	10		2		12	100	1, 761 201		663
Falling from cars or engines or while get- ting on or off	37	*456		16	37 13	472				562 74
Total (other than train accidents)	53	994	1	67	54	1,061	172	3, 339	63	1, 459
Total all classes	73	2,252	8	226	81	2, 478	285	4,341	77	1,697

Further on it says:

If the total casualties for the year 1906 be taken into account, they ould be found greater than those resulting from the three days' fight

And again:

That long service of the most hazardous and exacting character is not conducive to safety numerous accidents fully attest. The attention of Congress and the country has been repeatedly called to the necessity and efficacy of legislation looking to the restriction of the hours of continuous labor of employees engaged in or connected with the operation of trains.

The President in three messages to Congress has recommended that legislation be enacted on this question.

The Interstate Commerce Commission in its eighteenth and nineteenth annual reports urge the necessity for legislation to prevent excessive hours of labor of railroad employees.

The report of the committee, on page 4, says:

The title of this bill indicates that it is designed to promote the safety of employees and travelers upon railroads. The fact that the statistics show that the number of employees killed and injured largely exceeds that of passengers makes pertinent the attitude of employees regarding the necessity and advisability of this legislation.

The following resolutions are therefore herewith presented:

The following resolutions are therefore herewith presented:

"Resolution passed by the Brotherhood of Railroad Trainmen at its convention at Buffalo, N. Y., in the year 1905.

"Whereas a large number of railways are requiring their employees to work an excessive number of hours, thereby endangering their lives and those of the general traveling public: Therefore, be it

"Resolved. That we condemn such a practice and urge Congress to enact a law governing the number of hours of service to not exceed sixteen hours for all employees engaged in train and yard service, as a large number of accidents that occur on the railroads are directly or indirectly traceable to the fact that employees have been overworked."

"Resolution passed by the Brotherhood of Locomotive Engineers at its convention at Los Angeles, Cal., in the year 1904.

"Be it resolved, That the grand chief engineer be, and is hereby, instructed to present to all subdivisions, for signatures of their members, a petition addressed to the Congress of the United States, asking said Congress to enact a national law prohibiting the excessive hours that engineers on many roads are now held on duty. When said petitions are returned to the grand office, the grand chief is instructed to present the same to the Congress of the United States in such manner as he deems best."

Mr. Speaker, I believe that the foregoing show the urgent necessity for effective legislation on this subject, but notwith-standing that the representatives of various railroad systems appeared before the committee and opposed it. Now, is the bill reported by the majority of the committee and that we are now asked to pass under suspension of the rules the best we can do? I do not think so. This bill is called a "sixteen-hour bill," and the report of the majority purports to limit the hours of labor of railroad employees to sixteen in twenty-four, and then to provide for ten hours off duty.

I submit that their bill does not do that, but that it will per-

mit the working of railroad employees thirty-four hours out of every forty-eight; in other words, the employees may only have six consecutive hours off duty every second day. I am in favor of saying in this act, in unmistakable language, just what we propose to do, and that is, not to permit any man engaged in train operation to work more than sixteen consecutive hours without having ten consecutive hours off duty, and after sixteen hours in the aggregate in any twenty-four to have eight consecutive hours off duty, with a proper provision for casualty. The large number of wrecks that are occurring daily in this country ought to be reduced to a minimum, and if we can in any degree reduce them by reducing the hours of labor of railroad employees, it ought to be done.

The gentleman from Wisconsin [Mr. Esch] stated, among other things, that the representative of the railroad employees here in Washington was in favor of this legislation. I say that the Brotherhood of Locomotive Engineers and the Brotherhood of Railroad Trainmen and kindred organizations have passed resolutions in their national conventions asking for a sixteenfor the La Follette bill, so called, that passed the Senate with but one dissenting vote, provided there is added to it an amendment regulating and reducing the hours of train dispatchers and operators. Mr. Speaker, on the question as to whether the railroad employees of this country are satisfied with this bill, I wish to say I have in my hand a letter from Mr. H. R. Fuller, the representative of these organizations in this city, which I will ask the Clerk to read and which I will place in the RECORD:

The Clerk read as follows:

H. R. Fuller, 216 New Jessey Avenue NW., Washington, D. C., February 18, 1907.

Hon. WILLIAM H. RYAN,

House of Representatives.

DEAR SIR: On behalf of the Brotherhood of Locomotive Engineers,
Brotherhood of Locomotive Firemen and Enginemen, Order of Railway

Conductors, and Brotherhood of Railroad Trainmen, having a membership of 250,000, I respectfully submit the following criticisms of the substitute reported by the Committee on Interstate and Foreign Commerce for Senate bill 5133, entitled "An act to promote the safety of employees thereon."

The word "knowingly," as it appears on page 4, line 3, and on page 5, line 6, to say the least, arbitrarily puts upon the Government the burden of proof that the carrier or its officers or agents knowingly violated the law. It is true that in section 3 the bill provides that "the common carrier shall be deemed to have had knowledge of all acts of its duly authorized agents," but the carrier outdeny that the officer or agent was duly authorized for this particular purpose, In addition to this, it will render impossible in many cases the conviction of officers and agents of the carrier who are parties to and a part of a plan to permit employees to work longer than the limit prescribed in the bill. For instance, one officer could permit ten hours' service of an employee and withhold the information of such service from the next officer, who would then take charge of the employee and permit ten additional hours' service, as active of the employee and permit ten additional hours' service, as active of the employee and knowledge of the control of twenty-four hours following had at least six consecutive hours off duty" as they appear on page 4, beginning in line 13, will permit of an employee being worked as high as twenty-four hours following had at least six consecutive hours of duty before sixteen of these hours have elapsed. This exception therefore does not only destroy the provision of the bill relative to accumulative service, but it also defeats the purpose of the provision relating to consecutive hours of service, for the reason that a carrier conductive service, for the reason that a carrier of which a few minutes off duty.

The exceptions in the first provisio in servicing on houry without a sufficient number of hours o

having had at least eight hours off duty." but it falls to specify who it is that shall not require or permit him to do so.

The bill does not even make it a misdemeanor for a carrier to violate its provisions.

Another serious defect is that the bill provides no machinery for its enforcement. The Interstate Commerce Commission, according to its provisions, is the body selected to furnish evidence of violations, but it is given no power whatever to collect such evidence. In the railroad rate law the Commission is given the power to prescribe forms of reports, examine books and papers, and to do other necessary things looking to the enforcement of that act, and it should be here granted such powers as to the enforcement of this act.

The provision in section 3 which prevents district attorneys from bringing suit except when directed so to do by the Attorney-General is arbitrary and will cause delay, as it contemplates that the Attorney-General is arbitrary and will cause delay, as it contemplates that the Attorney-General shall pass upon the evidence filed in each case before suit is instituted; and if violations of this law are as numerous as those of the safety-appliance law, hundreds of suits will be held back and delayed through this manner of procedure. Taking the safety-appliance law as a basis, the effect of this provision can be best estimated by the fact that at this time there are pending in the various district courts of the United States suits to recover for 500 violations of that law, and sixty more will be filed within the next few days. The only reason so far advanced for placing this provision in the bill is that it is necessary to prevent blackmall of railroad officers by their employees. This is an unfair reflection upon the railroad employees of the country and can not be justified. Out of the thousand suits brought for violation of the safety-appliance law there has not been one instance in which a railroad employee was accused of blackmall.

Section 5 provides that the act shall not take eff

H. R. FULLER, Legislative Representative.

Mr. DRISCOLL. I should like to know whether Mr. Fuller has authority to speak for the railway employees? I have not the highest opinion of Mr. Fuller, and I should like to know whether or not he has this authority?

Mr. RYAN. I believe that he has. I know he is a member of the Brotherhood of Railroad Trainmen and has authority to speak for them.

Mr. Speaker, the bill in its present form should not pass. It should be amended to meet the objections urged. The provision relating to train dispatchers and operators should be amended to provide for eight hours in offices continuously operated, and a maximum of twelve hours in offices operated only during daytime, with a proper provision for emergencies.

The provisions for enforcement are of doubtful construction, and this should not be. The language should be simple and effective. The law should be made to carry out the intention ex-

pressed in the title. I hope the bill as presented will be voted down in order that we may have an opportunity to vote for a bill that will reduce to a minimum the number of railroad accidents that are occurring in this country almost daily. [Ap-

The SPEAKER. The time of the gentleman has expired.
Mr. ADAMSON. I yield to the gentleman from Alabama
[Mr. Richardson] four minutes.

Mr. RICHARDSON of Alabama. Mr. Speaker, I am rather disappointed, after the Committee on Interstate and Foreign Commerce has labored for days and weeks and months on this important subject, that it has presented this substitute now pending for the Senate bill. As I understand, Mr. Speaker, there are two primal and essential objects to be accomplished in this bill in order to carry out its beneficial purposes: One is to provide a plain and intelligible remedy against the evil of permitting common carriers engaged in the transportation of passengers by railroad from working their employees more than sixteen hours, and the other is to provide a plain and clear remedy for the enforcement of the penalties when the provisions of the law are violated. This substitute bill reported by the majority of the members of the Commerce Committee does not accomplish either one of these purposes. It really and truly is a bill of words of doubtful meaning, tergiversation, and evasion, and dodging responsibility. I say that, Mr. Speaker, dispassionately and without meaning to reflect on the motives or purposes of any one on the committee reporting the bill. I only desire to point out, Mr. Speaker, the difference between the La Follette bill (S. 5133), for which this bill of the majority was substituted, or the Esch bill (H. R. 18671), that was reported unanimously by the Interstate and Foreign Commerce Committee last May, on the subject of limiting the hours of service of employees working on railroads. If I can do this, then it will be readily understood why the minority members of the Interstate and Foreign Commerce Committee could not concur in the views of the majority. Of course we all realize the imperative necessity for legislation on these lines.

The protection of the lives of the people as well as the lives of the employees themselves is at stake. It is simply appalling to note in the public press the daily account of the loss of life by reason of some accident on railroads. No occasion for me to read from the accident bulletins of our Interstate Commerce Commission from 5 to 20, inclusive, which I have carefully read, which shows the casualties to persons during certain -quarterly-from 1901 to the latter part of June, 1906. These bulletins were prepared under the authority of a law of Congress passed March 3, 1901, and the duty, I say, is pressing on Congress, after we are fully advised as to the awful destruction of human life in railroad accidents and its startling increase, to enact some law that will check, at least, such carnage. The law of March 3, 1901, was in effect but five years ending in June, 1906, and the quarterly reports by bulletins show that the total number of casualties up to June 30, 1906, is 70,934 (4,225 killed and 66,709 injured). I here refer, in this connection, to a table that I clipped from the Times of this city, issued this afternoon:

WRECK RECORD FROM AUGUST 1, 1906.

Killed.	Injured.
Pennsylvania Railroad, August 19 77	7
Maine Central, August 251	3
Canadian Pacific, September 12 12	10
Rock Island, September 18 2	0
St. Louis and San Francisco, September 182	0
Boston and Albany, October 4 5	20
Pennsylvania Railroad, October 28 57	20 38
Baltimore and Ohio, November 12 47	
Southern Railroad, November 29 7	11
Soo Line, December 2310	31
Baltimore and Ohio, December 30 59	- 60
Oregon Short Line, January 1 1	2
Rock Island, January 2 35	40
Union Pacific, January 31	1

The reason I object to this substitute bill by the majority is because it fails signally to meet the demands of the situation. No hostility, actual or assumed, to railroads can be injected into this measure or its consideration. It is a question of protecting the lives of the traveling public by administering proper punishment to a common carrier who requires or permits an employee to remain on duty so long that his physical senses are exhausted and he becomes unfit to discharge his responsible duties.

It occurs to me, Mr. Speaker, that it will certainly be in order for the Republican party to explain why it was that with such opportunities as the La Follette and the Esch bills offered them to get a real remedial bill, why did they turn and embrace and report this bill of the majority, which, to speak of it in mildest terms, is a travesty on what is demanded? It is truly "a sounding brass and a tinkling cymbal." It violates every known and established rule "that it is always best to express what you think, where others are concerned, in plain, simple, and easily understood words." The bill really fails to give any relief of the evil complained of—working employees on railroads more than, continuously or consecutively, sixteen hours—but as I fairly understand it, its tendencies are to legalize the act of the common carriers if they work their employees over the limit of sixteen hours.

If, Mr. Speaker, any political complexion has been given to this bill it is not the fault of the minority Democrats on the committee. Just a word more, Mr. Speaker, on the probability of securing legislation on this subject. The people can not be fooled and deceived as to where the blame rests. I congratulate the Democrats on the floor of this House that we have taken the firm and manly stand that we have refused to say that if we can not secure the success of our own views, at last and on the wind up we will vote for the measure of the majority. The minority of the members of the Interstate and Foreign Commerce Committee rejects this paralyzing and humiliating purpose. The bill of the majority is wrong. It is a makeshift. It abounds in words of doubtful meaning and means nothing but to temporize and mislead and evade and ought to be defeated.

Mr. Speaker, I said the Republican party will have to explain its action on this bill to the country. I mean by that that we are now in a few days of the adjournment of the last session of the Fifty-ninth Congress. Are the Republicans sincere in attempting to make the bill of the majority the law, or do they want any legislation on this subject? We all realize that in the few days left for work in this Congress it can hardly be expected that this bill will get through. If legislation were really wanted by the controlling party on this long-discussed subject, the bill (H. R. 18671) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon, introduced by the gentleman from Wisconsin [Mr. Esch], a member of the committee, and after investigation and hearing unanimously, by both Republicans and Democrats, favorably reported to the House on May 31, 1906, and placed on the Calendar, would be passed. This Esch bill is in every respect a better bill than the substitute bill offered by the majority. Section 2 of the Esch bill reads as follows:

SEC. 2. That it shall be unlawful for any common carrier, its officers or agents, subject to this act to require or permit any employee subject to this act to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty; and no such employee who has been relieved from duty after a continuous service of any period more than ten hours shall be required or permitted to go on duty again until he has had eight consecutive hours off duty.

It will be seen that the limitation of sixteen consecutive hours on duty is plain and easily understood. Then the employee is entitled to ten hours' rest "off duty." If he has served not more than ten hours on duty then follows a rest of eight hours. The evidence in the hearings before the committee tended strongly to show that sixteen consecutive hours on duty would cover generally the divisions into which the trunk line railroads are divided. Another very important provision of this Esch bill is that the penalty of \$500 imposed on the common carrier, or any officer or agent thereof, "requiring or permitting" any employee to go or remain on duty a longer period than prescribed shall be recovered by a suit brought in a Federal court having jurisdiction by the United States district attorney of that locality where the violation occurred.

It is true also that the Interstate Commerce Commission has the authority to lodge with the district attorney information of any such violation. This is but cumulative, and does not prevent the district attorney from taking the initiative. The La Follette bill (S. 5133) has this provision on the subject of the sixteen-hour limit:

Be it enacted, etc., That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train carrying interstate or foreign freight or passengers to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip, or by unknown casualty occurring before he started on his trip, and except when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal; or to require or permit any such employee who has been on duty sixteen consecutive hours to go on duty without having had at least ten hours off duty; or to require or permit any such employee who has been on duty sixteen hours in the aggregate in any twenty-four hour period to continue on duty or to go on duty without having had at least eight hours off duty within such twenty-four hour period.

I have called the attention of the House to the preceding pro-

I have called the attention of the House to the preceding provisions of the Esch and the Senate bills to emphasize the apparent difference between each of these bills and the substitute bill of the majority, now under consideration, on the vital and controlling points in legislation of this kind—the certainty of the hours on and off duty, and the quick, certain, and efficient mode of enforcing and collecting penalties. If the majority desired wholesome and remedial legislation, so earnestly demanded and necessary for the protection of the traveling public, either one of these bills could have been adopted. The La Follette bill passed the Senate on January 10, 1907, and on the 11th was referred to our committee. We can draw but one inference.

Now, Mr. Speaker, I will present in contrast the substitute bill touching the limitation of the sixteen hours, and I challenge anyone on this floor to interpret its meaning:

SEC. 2. That it shall be unlawful for any common carrier, its officers or agents, subject to this act to require or knowingly permit any employee subject to this act to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty; and no such employee who has been on duty sixteen hours in the aggregate in any twenty-four-hour period shall be required or permitted to continue on duty, or go on duty, without having had at least eight hours off duty within such twenty-four-hour period; unless immediately prior to said twenty-four-hour period such employee had at least eight consecutive hours off duty and during said period of twenty-four hours following had at least six consecutive hours off duty.

Can anyone on the floor of this House give that sentence a satisfactory construction? He can not do it. Why did they not take the La Follette bill, that makes it a plain sixteen hours, or the Esch bill? "No; but this contains words of evasion and doubt, and no "Philadelphia lawyer," as the saying is, can lucidly construe that paragraph in this bill.

lucidly construe that paragraph in this bill.

The House will note that the significant and undeterminable word "knowingly" is deftly inserted in the foregoing section of the substitute of the majority. This word does not occur either in the La Follette or Esch bills. I am aware that the argument is vigorously made that a man can not commit a crime unless he has the "intent." Does that properly apply to a statute of this kind, where the legislative intent is to punish a corporation of artificial existence for the protection of the lives of the people who travel on railroads? The common carriers keep the books, have supervision of all the working crews going in and out, know when the engineer and his crew have finished their run, and when they are to start out again. Ought not the party having this unquestioned control assume its responsibility—bear the burden of presumption imposed by law under such conditions?

Doubtless the majority of the committee feared the criticism that would be hurled at this word "knowingly," and they inserted in section 3 of their bill this remarkable language:

In all prosecutions under this act the common carrier shall be deemed to have had knowledge of all acts of its duly authorized agents.

I pause to ask, Mr. Speaker, who are the "duly authorized agents" of the common carrier? The burden of proof in the court would be on the Government to show affirmatively that the agent of the common carrier was specifically authorized to act at that time and in that case. It might be a divisible duty performed by more than one agent. The fact is, Mr. Speaker, the word "knowingly" being in this bill practically makes it impossible for the Government to convict. It is an obstacle in the path of the prompt and efficient enforcement of the provisions of the law. What is the mode prescribed for the recovery of penalties for the violation of the law? Section 3 of the substitute bill, line 13, page 5, reads:

And it shall be the duty of such district attorney, under direction of the Attorney-General, to bring such suits upon duly verified information being lodged with him; but no such suit shall be brought after the expiration of three years from the date of such violation; and it shall also be the duty of the Interstate Commerce Commission to lodge with

the proper district attorneys information of any such violations as may come to its knowledge.

For what reason, in the nature of justice, should all this circumlocution be injected into this proposed remedial relief? It only means a stumbling block—an impediment. It does not mean to facilitate proceedings arising in such cases. Oh, no; not that. It is not intended to promote or secure justice or its prompt administration. These worthy ends are not sought after. Why not leave the matter of the suits in the hands of the district attorney? Let him file the suits as is done in other matters.

Mr. SMITH of Kentucky. Will the gentleman yield?

Mr. RICHARDSON of Alabama, Yes; certainly, to the gentleman from Kentucky.

Mr. SMITH of Kentucky. If an employee was engaged for fifteen hours consecutively and they lay him off for two hours,

then they could put him back again?

Mr. RICHARDSON of Alabama. Why, yes. The fact of the matter is that this bill, instead of providing a remedy for this evil against the employment or working of men on railroads more than sixteen hours, legalizes the violation of the law. It is, Mr. Speaker, a travesty on the relief sought. I ask any gentleman here what the construction is of this paragraph that I have read from the bill. Why, as I said, a Philadelphia lawyer could not work it out. Why not take the plain provision of the La Follette bill?

Mr. SULZER. Was it not the object of the gentleman who put this clause into the bill to kill the bill? Mr. SULZER.

Mr. RICHARDSON of Alabama. Oh, I am not going to say anything about the purpose of any member of my committee; that would be an attempt to judge of my colleagues' motives. I can not do. But I have a right to comment upon what I find Mr. Speaker, it seems to me that it would have been wise to take the Esch bill, which was reported unanimously last May by the Committee on Interstate and Foreign Commerce, by both Republicans and Democrats, and which provided a simple, plain remedy, or the La Follette Senate bill. As the law applies throughout the country of the United States the district attorneys could have the complaints filed before them and they could act. What does this bill do? Why, it goes on all around the circle, goes to the Interstate Commerce Commission and then the Attorney-General and then finally comes back into the hands of the district attorney, and after all these different parties have given advice the district attorney can act. What kind of a remedy is that?

Let us read just one moment from the Esch bill:

For each and every violation to be recovered in a suit or suits brought by the United States district attorney.

Now, that is the Esch bill. There is no Interstate Commerce Commission about that. No waiting on the Attorney-General about an humble employee being worked overtime. What available remedy is provided for the enforcement of the penalties in this bill to a plain, ordinary citizen, way down in South Carolina or in Alabama, if he has to send his case up to the Interstate Commerce Commission or to the Attorney-General of the United States. Why not let him go as we do in the Internal-Revenue Service or in various other laws throughout the country, go to the United States district attorney, and leave it in his hands to say whether a suit shall be prosecuted or not? [Applause.]

The SPEAKER. The time of the gentleman has expired. Will the gentleman yield some of his time? Mr. ADAMSON. Mr. ESCH. Mr. Speaker, how much time have I remaining? The SPEAKER. Eight minutes.

Mr. ESCH. I yield three minutes to the gentleman from Pennsylvania [Mr. Wanger].

Mr. WANGER. Mr. Speaker, we are all so familiar with the startling catastrophes of the country, and which seem to have been multiplied recently, that the need for effective protection of the public and of railway employees ought to be apparent to everybody. Some of these catastrophes occur from the too long employment of trainmen without opportunities for rest, but it is only a fraction of the entire number of that kind. However, that fraction involves so much of human life and of safety to limb that it ought to be corrected if it is possible through legislation, and there is not an instance of a catastrophe that has been cited to the committee having the measure in charge or otherwise, so far as I am aware, but what the excessive employment of the trainmen would not have been permitted under the provisions of the amendment which a majority of the committee offer, and I am very glad that the proposition before the House provides for a modification of the practice which prevails on some of the railways of employing telegraph and other operators who have to do wifh train movements from continuing them for longer than an eight-hour period. Of course the provision says

nine hours, in order that there may not be any tie up between the change of employees and that the man going on may ascertain the condition of affairs from the man going off, but the provision really compels a three shift during the twenty-four hours instead of simply a double shift, which means twelve hours of employment; and the additional hour permitted is nothing more than a reasonable provision to secure a safe and certain execution of law and performance of duties by operators. Now, complaint is made about the insertion of the word "knowingly" in the act. What objection can there possibly be to it when we remember that many cases of catastrophes from a too long employment of the operative that that operative is on duty for such a long period because he has taken another man's turn? It certainly would not be just to punish a railroad company if a substitution of employees was made without the knowledge of the superintendent or other official supervising the operations of that particular part or section of the road.

In the interesting and ably conducted journal entitled "Charities and the Commons," for February 2, 1907, in an article en-

titled "The Death Roll of Industry," it is stated:

titled "The Death Roll of Industry," it is stated:

In none of the other great groups of industry in the United States are equally complete and accurate statistics of accidents to employees gathered as in the first group, the railways. When the Interstate Commerce Commission made its first report, in 1889, it found that of the 704,743 railroad employees 1,972 were killed and 20,028 were injured, a total of 22,000 for the year. During the latest year for which statistics are complete, 1905, of the 1,382,196 railroad employees 3,361 were killed and 66,833 injured, a total of 70,194. In other words, though our railroads do not employ twice the number of men they did in 1889, they kill or injure nearly three times as many.

Where one railroad man in 35,2 was killed or injured in 1889, now one in 19.7 is killed or injured. This startling change has been brought about by a more rapid increase in the number of injuries than in the number of deaths. One in every 414 railroad men lost his life in 1905, against one in every 367 in 1889 and one in every 486 in 1897.

Railroading itself is nearly twice as dangerous as it was eighteen years ago and traveling on the railroad is more than twice as dangerous. The comparatively small number of accidents to passengers should not distract attention from the comparatively large number of accidents to employees, nor the comparatively smaller increase in fatalities from the large increase in injuries. It is no wonder that railroad employees have declared that "when soldering is as deadly as switching, international disarmament will be at hand." It is not only switching that is dangerous—the chance of a railway mail clerk of coming through the year safely is 21 to 1. The engineer takes 1 chance in 9 that he will be injured before the year is over, and 1 in 120 that he will be killed. The men working in the yards, the conductors and brakemen, the porter who makes the berth, the boy who sells the magazines and newspapers, the man who handles the baggage, even the man at the crossing wh

Among the vast number of railway employees fidelity to duty is the rule, and yet the exceptions are sufficiently numerous to suggest the need of more strict discipline and self-preservation no less than fidelity to employer and the public will prompt vigilant railway employees to insist that their fellows having no more than reasonable hours of duty during each period shall be equally vigilant and faithful.

Great progress has been made in the adoption of devices to save life and limb, but nearly all of these contrivances depend for their efficiency upon the alertness and accuracy of the men controlling their operation. In the article mentioned, Mr. J. J. Hill is quoted as recently saying:

Every time I undertake a railroad journey nowadays I wonder whether it is to be my last. The thing has grown to be uncertain. It is a fact of knowledge to every railroad man that in this day from two to three trains enter at times into every block of every system in the country. There is danger in it.

The tables of prominent train accidents presented in the quarterly bulletins of accidents, issued by the Interstate Commerce Commission, show a considerable percentage of collisions re-sulting from plain neglect of duty by railway employees, only a part of whom had been on duty for more than a reasonable number of hours. But that fraction is sufficiently large that it ought to be eliminated and work beyond the period of human effectiveness not be permitted even by agreement between the railway official and the employee; and the amendment reported by the majority is much better calculated to secure the desired result than the bill as passed by the Senate.

The proposed amendment in its first section conforms to the language of the interstate-commerce act, and is certain in its intent and relieves the prosecution of the difficulty of proving that the train on which the employee is engaged was carrying interstate or foreign freight or passengers, the burden of which is involved in the Senate bill.

It also clearly limits the maximum of permissible employment to sixteen consecutive hours, and also as clearly requires that after sixteen consecutive hours on duty there must be at least ten consecutive hours off duty; whereas the Senate bill does not declare when the ten hours off duty may be essential. The amendment also requires that where stations are continuously operated night and day no operator, train dispatcher, or other employee who by the use of the telegraph or telephone dispatches reports, transmits, receives, or delivers orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine consecutive hours in any twenty-four hour period.

The latter provision is probably the most material in the measure. Statistics of the number of railway companies that only have two shifts of operatives during twenty-four hours of duty are not available, but on at least a considerable number of lines having the heaviest traffic this is the rule. A very considerable percentage of train accidents result from the errors of operators giving or transmitting train orders, and while such errors can not be entirely eliminated they may be greatly reduced if the operator is only permitted to be on duty during the number of hours that he can most effectively labor. A sufficient number of competent operators can not probably be immediately secured, but as the bill is not to go into effect until a year after its passage abundant time is afforded to provide for the change.

The postponement of the operation of the bill for a year is not an unreasonable provision, as the sixteen-hour limitation will require great changes on some of the railway systems, including the building of roundhouses at new points and other constructions, reasonably requiring that length of time

constructions, reasonably requiring that length of time.

The gentleman from New York [Mr. Driscoll] inquired whether the brotherhoods of railway employees favored the Senate bill or the committee amendment. The brotherhoods have not had pointed out to them as yet the just criticism to the Senate bill, nor have they had any opportunity to consider the committee amendment. Their membership in the main is just, reasonable, and intelligent; and when the provisions of the two propositions are fully considered by them there can be no question of their final approval of the amendment. The Brotherhood

P. and F.

of Railway Telegraphers is entitled to consideration, and its wishes are wholly ignored in the provisions of the Senate bill.

Experience alone can demonstrate the legal provisions which will effectively safeguard the lives and limbs of railway employees and the traveling public. The committee amendment seems to best meet the probable needs of the situation without paralysis to railway operation, and we feel is a long step in the right direction and the safest step that can be taken at present.

Railway managers are animated by the same humane impulses that dominate other mortals, and the interests of the companies they control prompt them to seek to avoid losses. And, like other human beings, they are sometimes slow in adopting new methods and shrink from the incurrence of radical changes of system because of expense or of partiality for methods they have long used. An occasional prod therefore becomes advisable and seems to be appropriate at this time for some of them, and calls for this legislation. It is proper that their attention should be called to the instances where inefficient persons have been placed in charge of stations to receive and transmit orders for train movements. Youths should be very alert, but they should be thoroughly instructed in the duties to be performed and not be permitted to sleep at their posts or otherwise fail in efficiency and bring to premature death or disability the employees and passengers upon trains which are brought into collision by their neglect or ignorance.

During the delivery of Mr. Wanger's remarks the following occurred:

The SPEAKER. The time of the gentleman has expired.

Mr. WANGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. WANGER. I submit the following table from Accident Bulletin No. 19:

ger train.
6 Signalman gave false clear-block signal. (See note in text below.)

Causes of forty-six prominent train accidents (Class A).

[Note.—R stands for rear collision; B, butting collision; M, miscellaneous collisions; D, derailment; P, passenger train; F, freight and miscellaneous trains,]

						COLLIS	sions.
No.	Class.	Kind of train.	Killed.	Injured.	Damage to engines, cars, and roadway.	Reference to record.	Cause.
1	В	P. and F	1	36	\$2,260	8	Freight stalled in snow; terrible wind and storm. Flags and torpedoes failed to attract attention of engineman of passenger train.
2	В	F. and F	3	6	2, 695	71	Conductor of train running north on south-bound track failed to arrange for pro-
3	R	P. and F	. 0	0	2,700	30	tection; flagman mismanaged when conductor was absent; engineman failed to test air brakes; block-signal operator gave false clear signal.  Milk train disregarded block signal; engineman discharged; conductor of standing freight train discharged for not flagging; fireman suspended for failing to
4	В	P. and F	0	11	3,000	10	observe fixed-signal indication.  Men in charge of passenger train failed to correctly identify freight standing on sidetrack; occurred in daylight.
5	В	P. and F		0	3, 200	67	Occurred in blizzard 4 a.m.; telegraphic communication being interrupted, trainmaster gave orders by telephone. (See note in text below.)
6	В	F. and F	The state of the s	0	3,635	13	Operator accepted meeting order after the train addressed had passed his sta- tion. Occurred 5 a. m.
7	R	F. and F		6	4,400	59	Engineman asleep; other members of crew neglected to notice that he approached station too fast; all these men on duty 15½ hours.
7a 7b	B	P. and P	0	49 40	4, 832 5, 000	61	Engineman overlooked or confused orders. (See note in text below.) Block-signal man went off duty without giving proper information to his successor.
.8	R	F. and F		3	5, 440	31	Runaway on steep grade; engineman and fireman asleep. Both on duty long hours. (See note in text below.)
. 9	В	F. and F		3	5,800	12	Dispatcher, 18 months' experience, on duty 5 hours, gave meeting order first to inferior train and forgot to hold the superior.
10 11	R M	F. and F P. and P	1	0 12	6,000 6,245	32 41	Excessive speed under permissive signaling.  Train of empty passenger cars in yard disregarded stop signal; crossing collision; one passenger in smoking car killed.
12 13	B	F. and D P. and P	0 5	2 4	7,442 9,400	14 28	Mistake in identifying extra train standing on side track. Runaway train; engineman and fireman driven from cab by steam from burst
14	R	F. and F.	2 2	2	9,900	57	injector pipe; brakeman opened conductor's valve, but too late.  Standing train not protected; approaching train not under control; wreck led to
15	В	F. and F	- No.	3	10,002	72	derailment No. 15. (See below.)  Conductor and engineman eastbound receiving order to meet westbound No. 35  proceeded to execute it with such exclusive attention that they forgot an order  previously received to meet No. 71.
16	M	F. and F	1	0	11,000	100	
17	В	P. and P	3	29	12, 191	84	Northbound train running 15 minutes late by dispatcher's order failed to wait 3 minutes at meeting station, as per rule.
18	В	P. and P	102 1034	18	13,000	35	Conductor and engineman southbound, reading register, failed to note that opposing northbound train had carried green signals.
19 20	B	P. and F	3 3	20 12	14,000 14,000	9 37	Engineman of empty engine forgot schedule of passenger train.  Conductor and engineman of freight neglected to identify passenger train at meeting point.
21	R	F. and P	5	5	15,000	29	Runaway freight cars: had been left standing on grade with only air brakes to
. 22	M	P. and F	1	7	16,789	43	hold them; men in charge of train on duty 15½ hours.  Cars of freight train left standing on siding (1 a. m.) while engine was switching ran out on main track and met passenger train.
23 24	R	F. and F P. and P	0 2	0 36	17,000 17,789	3 36	Air brakes ineffective; angle cock had not been opened behind third car.

 ${\it Causes of forty-six prominent train accidents \ (Class \ A)-- Continued.}$ 

collisions—continued.

No.	Class.	Kind of train.	Killed.	Injured	Damage to engines, cars, and roadway.	Reference to record.	Cause.				
26	В	P. and P	1	39	\$19,630	62	Agent and operator failed to deliver order to east-bound train; operator, 27 years old, 2 months' experience, went off duty without informing agent that there				
27	В	P. and P	3	8	20,000	5	were orders to deliver to 2 trains; agent delivered to only I train.  Eastbound train ran past meeting polut; engineman forgot order; conductor, taking up tickets, discovered engineman's error, but not soon enough.				
28	В	F. and F	3	3	27,000	70	Engineman westbound forgot about one of two eastbound trains he was to meet; conductor and two brakemen slept while waiting at meeting point and				
29	В	P. and P	34	24	- 51, 249	63	assumed engineman had waited for two trains.  Operator, 2 a. m., on duty 19 hours; accepted order after train had passed.  note in text below.)				
Т	otal col	lisions	79	396	358, 599						
	136			1		DERAII	MENTS.				
1	D	P	1	2	\$2,000	19	Movable-point frog out of place, rod having been broken. Signalman held blameworthy for not having discovered the fault by the lightening of the load on the lever.				
2	D	P	0	0	2,100	25	Switch maliciously misplaced; speed of train 65 miles an hour, yet no injuries reported.				
- 3	B	F	0	0	2,300	24	Broken wheel, due to sticking of brake, caused by defect in triple valve.				
5	D.	P	10	40 17	2,500 2,500	95 92	Unexplained; speed, 35 miles an hour; 3 cars overturned.  Work train carrying laborers detailed at culvert washed out by flood. Water in creek was raised suddenly by melting of snow; ice gorge filled opening beneat!				
6	D	F	1	1	3,732	82	track, and water then found its way to culvert 1,000 feet east of bridge.  Worn three on driving wheels of engine, combined with slight overelevation of stock rail of switch.				
7 8	D D	P	0	28 25	6, 512 9, 917	93 74	Switch loosened by mail bag thrown off from ear, breaking switch stand. Rails spread; track in "fair" condition; curve 6°; superelevation, 6 inches weight of engine, 87\[\pm\$ tons; speed, 45 miles an hour.				
9	. D	P	0	10	10,725	91	Washout caused by river changing its course after a rain storm; engineman was				
10	D	P	0	48	11,735	76	not properly observing slow order. Broken rail; internal defect.				
11 12	D	P	0	5 5	13,500 16,600	47 89	Unexplained. Washout.				
13	Ď	F	. 0	5	17,500	49	Runaway on 3½ per cent descending grade; train of 52 cars was started from sum mit too rapidly. Engineman's experience, 4 years as fireman and 2 months a				
14 15	D D	P	2 2	2 20	18,800 42,700	88 87	engineman. Occurred 11 a. m.; burned bridge. Accidental obstruction; westbound track obstructed by wreck due to rear col lision a moment before on eastbound track. (See collision No. 14.)				
To	tal dera	ilments	20	208	163, 121						
То	tal colli	sions and derailments.	90	604	521,720						

Also the following from Accident Bulletin No. 20:

Causes of thirty prominent train accidents (Ciass A).

[Note.—R stands for rear collision; B, butting collision; M, miscellaneous collisions; D, derailment; P, passenger train; F, freight and miscellaneous trains.]

No.	Class,	Kind of train.	Killed.	Injured.	Damage to engines, cars, and roadway.	Reference to record.	Cause.
1 2	R	F. and F	0	0 4	\$700 2,187	2 21	Approached station too fast; misjudged distance.  Too high speed in fog. Engineman did not see flagman. Engineman, who was killed, had been on duty 17 hours 30 minutes.
3	В	P. and P	0	- 88	2,500	49	Operator omitted two words in writing a meeting order.
4 5	B	P. and P F. and F	10	28	4,000	22 27	Pilot misinterpreted dispatcher's order. (See note in text below.)  Operator failed to deliver order. (See note in text below.)
6	R	P. and F	0	1	4, 436	51	Engineman, 27 years' experience, ran past automatic signal indicating stop
7	R	P. and F		21	4,800	23	section. (See note in text below.)
8	R	F. and F	0	2	6,200	50	Engineman ran past automatic signal indicating stop. Brakeman riding on en gine discharged for not seeing signal and taking measures to stop train.
9	В	P. and F	.0	23	7,000	47	Operator. 3 months' experience, failed to deliver dispatcher's order
10	В	P. and P	1	10	10, 377	48	Operator, 3 months' experience, failed to deliver dispatcher's order.  Men in charge of south-bound train overlooked meeting point.
11	В	F. and F	1	4	10,082	53	Conductor, engineman, and whole crew (on duty 16 hours) overlooked meeting orders; orders delivered to them only 30 minutes before.
12	В	F. and F	0	1	12,000	28	Conductor and engineman, cast bound, misread orders,
13	В	P. and P	0	5	12,050	45	North bound encroached on time of south bound.
14	В	P. and F	0	30	14,579	57	Signalman failed to put block signal in stop position after passage of work train (See note in text below.)
T	otal		15	_ 187	101,011		
						DERAII	MENTS.
1	D	P	1	8	\$1,255	. 11	grade and were derailed at a curve. Brake connections defective; one bolt missing; one hook so weak that it straightened out. Brakeman set hand
2	D	F	0	0	2,800	59	brakes, but these defects thwarted his work.  Ran off derailing switch. Air brakes inoperative; brake-pipe cocks had been maliciarly along in the same leaves to be a superior of the same leaves and the same leaves are superior of the same leaves.
3	D	F	0	0	5, 110	17	maliciously closed in three places; conductor had not properly tested air brakes Air brakes failed on steep grade; brake pipe found closed near engine; cause no
4	D	F	1	1	6,500	58	explained. Engineman disobeyed rule to stop at head of grade.  Air brakes falled on 3.4 per cent grade. Brakes not tested after detaching help ing engine; conductor and engineman discharged; conductor's service, as such 3 months; engineman's service, as such, 2 months.
5	D	P	9	18	6,710	40	Unexplained. Speed, 12 miles an hour. A switch at the point of derailment found broken may have been the cause.
6	D	P		4	7,825	14	Overhead bridge burned and fell on track.
	D	P	0	0	8,000	- 38	Rail maliciously misplaced, presumably by dissatisfied track laborers.

Causes of thirty prominent train accidents (Class A)-Continued. DERAILMENTS-continued.

No.	Class.	Kind of train.	Killed.	Injured.	Damage to engines, ears, and roadway.	Reference to record.	· Cause.
9	D	P	0	. 2	\$10,000	43	Unexplained. Speed, 50 to 60 miles an hour on 1 per cent descending grade Derailment occurred on bridge; track in good condition.
10	D	P	1	35	11,000	63	Misplaced switch; left misplaced by men of freight train over an hour before (See note in text below.)
11 12 13	D	P	0	21 0 2	12,500	64	
12	D	F	0	0	13,400	32	
	D	F	2			12	Runaway; air brakes ineffective. Conjectured that angle cock had been closed purposely or accidentally by a tramp.
14 15 16	D	F	0	3 0 2	18,600	33	
15	D	P	0	0	21,700 27,900	72	
16	D	P	0	2	27, 900	4	Ran into wreck of freight trains. (Collision No. 1.)
To	otal		14	96	179, 300		
To	otal colli	sions and derailments.	29	283	280, 911		

Also the following from Accident Bulletin No. 21:

Causes of forty-five prominent train accidents (Class A).

[Note.—R stands for rear collision; B, butting collision; M, miscellaneous collisions; D, derailment; P, passenger train; F, freight and miscellaneous trains.]

						COLLI	ISIONS.
No.	Class.	Kind of train.	Killed.	Injured.	Damage to engines, cars, and roadway.	Reference to record.	Cause.
1	R	F. and F	2	2	\$440	86	Two passengers killed in freight caboose. Train standing at station (1 a. m.)
2	M	P. and F	0	0	600	15	with indistinct tail lights. Collision at crossing. Signalman disconnected interlocking so that signals could be set clear for both roads at the same time and went out for a social evening. While he was gone, yard men disobeyed his verbal instructions not
3 4	B R	F. and F	1 0	16 0	2,300 2,535	45 78	to enter upon the crossing.  Conductor of work train failed to arrange for flag protection; 16 laborers injured.  Block-signal operator became confused and gave false clear signal; engineman approached station disregarding rule to run under control
5 6	R	P. and F	0	3 1	2,700 3,000	53 4	approached station, disregarding rule to run under control. Flagman mistook whistle signal to go out, interpreting it to mean come in. Automatic block signal showed clear-falsely; cause not discovered, but believed to be residual magnetism due to lightning.
7 8	R B	P. and F	2 0	6 4	3,045 3,113	64 99	Wrong signal given at interlocking. (See note in text below.) Extra train, waiting on side track for two trains, started out after passage of one train; had answered whistle signal of the passing train.
9 10 11	R B R	F. and F.	? 2 1	16 3 2	3, 420 3, 600 3, 700	61 51 57	Fast running under permissive block signal. (See note in text below.) False clear block signal. (See note in text below.) Occurred 3 a. m. Signalman at B (3 months' experience) gave false clear signal. The signalman at C, a man of 6 months' experience, claims that he told B to gave a permissive signal. The flagman of the leading train was killed
12	В	F. and F	0	4	3,700	97	Operator, with 4 train orders in his possession, delivered wrong one to a con-
13	В	F. and F	1	2	3,720	- 6	ductor; had sent conductor's signature to dispatcher before train arrived.  Butting collision of extra trains. Dispatcher (4 years' experience) forgot both and sent meeting orders to neither,
14	M	F. and F	0	2	3,930	41	Cars broke away from rear of train and ran back down grade. (See note in text
14a	В	F. and F	0	2	3, 980	89	Error in order. Dispatcher sent it "Right over 27." Operator, 20 years 9 months of age, copied it "Right over 25," and dispatcher did not detect wrong repetition. Mistake in order. Receiving operator omitted two words, and dispatcher failed to check the error in the repetition.
15	В	P. and P		5	- 4,200	80	Mistake in order. Receiving operator omitted two words, and dispatcher failed to check the error in the repetition.
16	R	F. and F	4"	0	4, 900	90	Inefficient flagging; train approached station not under control. Men on leading train on duty 22 hours; on following train 19 hours.  Continued trip after losing right to road by being 12 hours late. Engineman 1
17	В	F. and F	Tes I	1	5, 013	55	month in service: conductor, 4 months,
18	M	F		2	6,500	46	Train parted; rear portion ran into forward; 32 cars in train, only 10 air-braked.  Conductor intrusted making up of train to brakeman; this brakeman killed.  Failure of air brakes. Angle cock closed in middle of train. Report says cause
19	R	P. and P		36	7,035	95	unknown.
20 21	B	F. and F	1	5	7,880 10,000	54 60	Engineman overlooked meeting order. (See note in text below.) Mistake in writing name of station in train order. Operator (experienced) can not explain.
22 23	M B	P. and F	4	35	11,000 12,000	91 13	Freight train switching on main track on time of passenger train. Engineman, southbound, overlooked meeting order; conductor slow in applying brakes.
- 24	M	P. and P		3	12,750	81	Passenger train on siding drifted out onto main track while engineman was reading orders; train struck by express train passing in same direction.
25	M	P. and F		3	12,800	79	Freight train on siding broke in two; 14 cars ran back down grade. Conductor and brakeman tried to stop cars, but brakes were defective.
26	В	F. and F		1	13, 450	92	Engineman overlooked orders; engineman and conductor killed. A brakeman called engineman's attention, but while he read order to verify brakeman's assertion collision occurred.
27	M	F. and F	0	0	13,600	94	Collision at meeting point. South-bound approached not under control. (See note in text below.)
28 29	B	P. and F	17 2	56 5	14,500 15,000	12	note in text below.) Confusion of orders. (See note in text below.) Conductor, engineman, and flagman forgot meeting order. Flagman had signed
30	В	F. and F	2	4	16,083	8	for conductor; conductor asleep in caboose at time of collision.  Misinterpretation of orders; conductor and engineman on duty 18 hours; used
31 32	R B	F. and F F. and F	0 3	5	16,835 29,200	87 98	main track until 9.30 when order gave them only till 9. Train stalled 35 minutes failed to flag. Men on duty 14 hours 35 minutes. Conductor and engineman of extra train overlooked regular.
- T	otal		66	226	256, 529		
						DERAT	LMENTS.
1	D	P	0	7	\$2,600	35	Misplaced switch. Switch tender, having several switches to watch, forgot this one; on duty 18 hours, the yard being short of men.
2	D	F	0	1	4,050	33	Passenger car and 9 freight cars ran away down steep grade. Conductor and
3	D	P	0	12	5, 100	20	brakeman carelessly left cars with hand brakes not properly set.  Track out of gauge \( \) inch; engine swayed so violently as to break a splice bar.
4	D	F	0	3	5,700	105	Speed, 50 miles an hour; center of boiler 9 feet 6 inches above rail.  Freight cars ran back down 3 per cent grade; brakeman neglected to set enough
5	D	P	0	32	6,000	106	hand brakes.  Washout; 5.45 a. m.; section foreman blamed for not going out promptly in storm.

Causes of forty-five prominent train accidents (Class A)-Continued.

No.	Class.	Kind of train.	Killed.	Injured.	Damage to engines, cars, and roadway.	Reference to record.	Cause.
6 7	D D	P	2 0	4 36	\$7,000 8,200	115 102	Open draw; engineman (good record) killed. Ran into burning trestle bridge, 6.50 a. m.; fire probably set by spark from a locomotive.
8	D	F	2	2	8,780	34	Runaway on steep grade; engineman lost his head and did not recharge air reservoir.
9 10 11	D D D	F P	. 075	0 40 60	11,600 18,265 38,000	21 23 108	Pridge knocked down by boom of steam shovel.  Excessive speed. Pile bridge weakened by high water. Bridge rebuilt in 1904; 174 feet high, spans 15 feet.
12	D	P	9	43	57, 300	101	Misplaced switch. Switch light not burning, having been extinguished by high wind. Train approached at 60 miles an hour.
Te	tal dera	ilments	25	240	172,595		
To	tal dera	ailments and collisions.	91	466	429, 124		

Mr. WANGER. I present the foregoing tables as indicating the general character of the reports of accidents received by the Interstate Commerce Commission, and their various causes.

In a letter to me from the able and experienced secretary of the Interstate Commerce Commission, Mr. Edward A. Moseley, he says:

The necessity for limiting the hours for telegraph operators and others having to do with the receipt and transmission of train orders is apparent. We are unable to give complete information as to the number of hours worked by telegraph operators, for the reason that the reports furnished by the railroad companies do not in all cases specify the hours of labor with respect to telegraph operators.

Mr. Moseley has furnished me with the following summary:

Cases reported in accident bulletins of the Interstate Commerce Commission showing collisions due to mistakes of telegraph operators.

			Bu	LLETIN No. 2.
Record No.	Killed.	In- jured.	Dam- age.	Cause.
14 12 15		9	\$2,500 2,985 4,900	Dispatcher gave conflicting orders. Mistake in telegraphic order. Operator failed to deliver order.
4 7	1		7,400	Operator delivered an order not correctly written; had been in service 6 months. Operator (5 years' experience) failed to de
6	4		8,200	liver telegraphic order.  Mishandling of orders by dispatcher and operator.
13		12	9, 200	Operator (of 5 years' experience) neglected to deliver order; had been on duty 10 hours.
36	1		9,500	Order not delivered. Day operator went of duty without notifying night operator that an order was on hand to be delivered.
			Bu	LLETIN No. 3.
8	1	3	\$1,571	Block signal set at clear when block section was not clear.
4 13	1	5 2	3,800 4,000	Do. Do.
			Bu	LLETIN No. 4.
19		2	\$5,400	Error of train dispatcher; a man of 16 years experience; had been on duty 5 hours.
15	5	4	9,300	Conductor of passenger train misinterpreted order, and engineman apparently took con- ductor's interpretation. Operator wrong fully delivered a clearance card.
18	1	3	9,800	Block signalman gave clear signal when the block section was not clear.
			Bu	LLETIN No. 5.
5	1	5	\$11,148	Telegraph operator received message reading 1155, copied it 1105, but in repeating it wrote 1155. Operator's experience, 2 years.
50	4	4	12,000	Mistake of block-signal operator; also engine man (running under permissive signal) neg- lected to keep good lookout.
	1797		Bu	LLETIN No. 6.
38		2	\$6,000	Telegraph wire broken; dispatcher sent order by roundabout telephone line, but neglected to issue duplicate order on his own side of the break; a man of 3 weeks' experience at this point but with a good record on
55	1	1	6,700	other roads.  Operator failed to deliver order and failed to notify dispatcher; conductor and engine man failed to get a clearance card; dis patcher failed to note lack of signature to
JU 6				patcher laised to note lack of signature to order. Operator's experience, 3 years, but in this place only 3 days; dispatcher ( months' experience at this point; several years elsewhere.

Cases reported in accident bulletins, etc .- Continued. BULLETIN No. 6-Continued.

Record No.	Killed.	In- jured-	Dam- age.	Cause.			
36		18	\$9,980	Operator failed to deliver meeting order cleared signal (ignoring presence of order) only 21 minutes after he had received it.			
9	1	27	20,651	only 21 minutes after he had received it Operator failed to deliver order; told of patcher he had signature of conductor wh conductor had not arrived; appear to ha confused two or more orders relating different things. Operator 19 years old; service of company 3 years in different capacities.			
			Bu	LLETIN No. 7.			
16	8	30	\$79,450	Occurred 3 a. m.; operator failed to deliver telegraphic order; operator's experience in this place, 2 months; elsewhere, 5 years.			
	Tay I		Bu	LLETIN No. 8.			
23	1	2	\$3,000	Signal allowed two trains in same block sec-			
10			5,600	Error of train dispatcher; duplicate-order sys- tem not in use; dispatcher 47 years old; ex- perienced.			
8 29		6	5, 894 8, 500	Error of train dispatcher; gave lap order.  Mistake of operator in copying telegraphic order; operator's age, 18; experience, 6 days			
42		45	9,000	as operator, 15 months as apprentice.  Operator gave conductor clearance card and neglected to give him telegraphic order operator's experience at this place, 3 months			
7	2	10	10,900	Station agent (32 years' experience) failed to deliver telegraphic order; signal stood nor mally in "stop" position; agent cleared with order lying before him on desk.			
49		9	12,300	Operator neglected to deliver telegraphic or der.			
30	7	2	31,000	Operator fell asleep and failed to deliver tele- graphic order; conductor and engineman neglected to ask for clearance card.			
			В	ULLETIN No. 9.			
21	1	20	\$2,000	Clear block signal given while the preceding train was still in the block section. Signal			
31	2		7,566	man 20 years old. Operator failed to deliver telegraphic order. Operator in service at this place 7 days other places 2 years; age 23.			
68		3	10,000	Dispatcher sent telegraphic order reading 5.20 p.m. Operator copied it 5.30. Dispatcher claims that when the order was repeated this error was corrected, but this the oper- ator denies.			
29	4	4	18,109	Operator made mistake in copying telegraphic order. Dispatcher failed to discover error on repetition.			
			Bui	LLETIN No. 10.			
11		2	\$21,000	Engineman disregarded meeting order; operator at meeting point had copy of order, but failed to stop train; engineman's experience as such, 9 months; operator's experience			
34	6	5	26, 900	rience, 12 days.  Mistake of operator in writing order and recklessness of conductor and 2 enginemen.  Damage largely due to fire and explosion.  (Explanation in text.)			

Cases reported in accident bulletins, etc.—Continued. BULLETIN No. 11.

Record No.	Killed.	In- jured.	Dam- age.	Cause.
59		3	\$2,300	Dispatcher (experienced and with good
14		3	5,000	record) overlooked orders. Age, 32 years. Operator (8 months' experience) failed to de
57	. 1	8	7,400	liver order.  Operator failed to notify south-bound train that a north-bound train, first section, had brought signals to that point for a second
60	2	1	8, 730	section.  Operator signed order but then failed to de liver it; expected conductor to come into office for clearance card, but conductor neglected this duty. Both experienced men.
			Bui	LETIN No. 12.
3		1	\$2,200	Block-signal operator experienced, gave clear
57 29	8	3 3	3,025 13,000	signal when block section was not clear. Operator failed to deliver meeting order. Mistake of dispatcher. Sent conflicting or ders when he could and should have used the "duplicate form," sending the orders to
8	1	5	15,000	the two trains in the same words.  Operator (experienced) reported that a train had not passed, when in fact it had, there by leading to the delivery to another train of an order which caused the collision.
49		2	20,000	of an order which caused the collision.  Block signalman admitted west-bound train to section occupied by an east-bound train.
1112			Bui	LLETIN No. 13.
51		2	\$2,100	Operator, 27 years old, with good record, gave clear block signal before preceding train had vacated block. He had fallen asleep and failed to put signal at stop after passage of train.
56		17	3, 135	Mistake in dispatcher's order. Operator, 13 months' experience, delivered order before repeating it back to dispatcher.
2	16	52	3,700	Operator gave clear block signal when pre
35	1	9	4,000	Operator, 24 years old, in service 2 months overlooked order to hold extra train, order
11		2	6,086	lying on desk covered by other papers. Dispatcher, 18 months' experience, gave meeting order to one train only, disregard ing the duplicate rule.
			Bui	LETIN No. 14.
47	1	1	\$500	Operator gave clear block signal when block was not clear,
57 35	2	6 1	6,100 7,482	Confusion of dispatcher's order.  Dispatcher, experience 4 months as dis patcher, 4 years as operator, sent meeting
36		4	17,600	order to only one of two trains.  Agent, 2½ months' experience, failed to delive dispatcher's order.
32	10	31	34, 200	Operator, recopying dispatcher's order, made it read 1 hour 50 minutes instead of 1 hour 30 minutes. According to rule should have
48	8	25	36, 300	traced second copy from first.  Operator (experienced) failed to deliver meet ing order. Evidently acknowledged order to dispatcher without setting his signal in the stop position.
			Bu	LLETIN No. 15.
29	1	8	\$2,300	Dispatcher's meeting order incorrectly copied by one of three operators, though repeated to dispatcher correctly. Stop signal was displayed at the meeting order, but engine
81		7	3, 133	man, notding incorrect order, ran past thi signal 400 feet. Dense fog. Operator, 4 months in this place and 4 month in telegraphic work elsewhere, delivered clearance card instead of meeting order This operator at the meeting point was to
62	2	2	4,800	have delivered clearance to the other trair if it had arrived first. In sending a meeting order to the meeting point a dispatche should direct operators to take special pre- cautions, but failed to do so. Operator in service 3 weeks; experience else where, 1 year; wrote name of wrong station
86		2	5,000	in meeting order.  Operator neglected to deliver order. Both engines had electric headlights, and on engineman admitted he had seen the other engine's light several miles away, bu
34		1	5, 800	Block signal operator, 16 years' experience turned east-bound freight into siding agains
33		19	7,850	west-bound empty engine, having forgotter about presence of empty engine. Block-signal operator gave yard engine time against passenger train after dispatches had refused to do so. Passenger train ap

Cases reported in accident bulletins, etc.—Continued.
BULLETIN No. 16.

No.	Killed.	In- jured.	Dam- age.	Cause,
20		4	\$6,000	Train dispatcher, 18 months' experience, gave conflicting orders to 2 extra engines, both of them running as empty trains.
48	1	6	7,000	Dispatcher gave conflicting orders to extra freight trains.
			Bu	LLETIN No. 17.
39		20	\$8,600	Dispatcher gave order, "No. 1 will run 2 hours late;" should have said "2d No. 1;" did not send order to all interested stations at once.
82 6	1	8	11, 200 14, 923	Operator failed to deliver order to east-bound freight.  Mistake in copying train order.
83	4	3	15,000	Signalmen, each 6 months' experience, ad- mitted opposing freight trains into con- trolled manual block section on single track
			Bui	LLETIN No. 18.
26			\$3,000	Signal operator, 2 weeks in service, gave pas senger train clear block signal when block
8	2 2	3 1	4, 517 4, 981	section was occupied.  Failure to deliver dispatcher's order.  Operator asleep; awoke when called by conductor, delivered 3 orders, forgetting the
40	1	4	5,120	Dispatcher gave conflicting orders to two passenger trains. Man in charge of one of the trains disregarded rule to get a clear
33		2	6,000	. ance card at a preceding station.  False clear block signal given. Also engine man approached station carelessly; saw tail lights of a standing train, but assumed they were on a parallel track of anothe railroad. Signalman in service here 5 days elsewhere 2 years. Had long experience
92	2	8 67	23, 015 29, 700	as telegraph operator. Mistake by dispatcher. Dispatcher claimed to have sent a meeting order, which operator denies having received. No evidence to prove either statement.
			Bu	LLETIN No. 19.
13	1		\$3,635	Operator accepted meeting order after the
12	2	3	5,800	Operator accepted meeting order after the train addressed had passed his station. Dispatcher, 18 months' experience, on duty hours, gave meeting order first to inferio
62	1	39	16,630	train and forgot to hold the superior.  Agent and operator failed to deliver order to east-bound train. Operator 27 years old, months' experience, went off duty withou informing agent that there were orders to deliver to 2 trains. Agent delivered to
63	34	24	51, 249	only 1 train. Operator, 2 a. m., on duty 19 hours, accepted order after train had passed.
			Bu	LLETIN No. 20.
49		38	\$2,500	Operator omitted two words in writing a meeting order.
27 47	1	5 23	4,000 7,000	Operator failed to deliver order. Operator, 3 months' experience, failed to de liver dispatcher's order.
			Bu	LLETIN No. 21.
78			\$2,535	Block-signal operator became confused and gave a clear false signal. Engineman ap
97		4	3,700	proached, station disregarding rule to rur under control.  Operator, with four train orders in his posses sion, delivered wrong one to a conductor Had sent conductor's signature to dispatche
6	1	2	3,720	before train arrived.  Butting collision of extra trains. Dispatcher 4 years' experience, forgot both and sen
89		2	3,980	meeting orders to neither.  Error in order. Dispatcher sent it "Righ over 27." Operator, 20 years 9 months o age, copied it "Right over 25," and dis
80	2	5	4,200	patcher did not detect wrong repetition.  Mistake in order. Receiving operator omittee two words, and dispatcher failed to detec the error in repetition.
60	1	5	10,000	Mistake in writing name of station in train order. Operator, experienced, can not ex plain.
12	17	56	14,500	Confusion of orders. Mistake of telegraph operator.
Total.	179	782	902,500	

Mr. ADAMSON. Mr. Speaker, I yield four minutes to the

gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, the importance of this legislation is not only evidenced by the demand of the men engaged in operating the trains of the interstate railroads, it is demanded by the people from all sections of the country; and we are to-day called upon not to enact by this substitute efficient legislation that will prevent the continuance of overworking the men engaged in carrying the life and property of the people over the great interstate-commerce roads of this country, but we are simply asked to vote under suspension of the rules for a substitute which annihilates and destroys all legislation proper for the purpose of carrying out the demands of both the railroad employees and the people.

Before I say anything further on that line, I desire to respond to the inquiry made by the gentleman from New York [Mr. Driscoll] as to the authority of the gentleman who signed the letter which has been read to speak for the railroad trainmen. I hold in my hand a certificate signed by the grand chief of the engineer of the Brotherhood of Locomotive Engineers, the grand master of the Brotherhood of Locomotive Firemen, the grand chief conductor of the Brotherhood of Railway Conductors, and the grand master of the Brotherhood

of Railroad Trainmen, which is as follows:

CLEVELAND, OHIO, November 21, 1906.

To schom these presents may concern, greeting:

This is to certify that the bearer hereof, Mr. H. R. Fuller, whose signature appears below, has been duly chosen to serve as the representative of the above-named organizations at Washington, D. C., during the second session of the Fifty-ninth Congress in matters pertaining to national legislation.

W. S. STONE,
Grand Chief Engineer B. of L. E.
JOHN J. HANNAHAN,
Grand Master B. of L. F.
A. B. GARRETSON,
Grand Chief Conductor O. of R. C.
O. H. MORRISSEY,
Grand Master B. of R. T.

H. R. FULLER, Representative.

This letter authorizes Mr. Fuller to speak for them upon this and all other matters that may come before Congress. Mr. Speaker, not only is the country realizing the importance, but its attention has been riveted upon this subject during the past year, and especially during the past few months, by the awful tragedies which have been enacted upon railroads. I hold in my hand an account of a recent accident that occurred within gunshot of this Capitol, and it undertakes to show, and does demonstrate, that terrible catastrophe and loss of life was occasioned by the overworking of the engineer of the train and the overworking of the telegraph operator. That account is as follows, and is taken from the last issue of Ridgeways:

follows, and is taken from the last issue of Ridgeways:

Why should the railroad companies—public servants and carriers, recipients of countless privileges and advantages—why should they scrimp and pinch expenditures to the needless peril of their customers lives? Because they must get the money to pay the interest on these fictitious stocks and baseless bonds with which the captains of industry play the games of high finance.

At this Takoma Park station, near Washington, the scrimping, pinching railroad company had one operator working twelve hours a day. When he left his post at night, it was the rule for him to set his signals indicating the block was occupied and leave them so all night. Train after train passed every night and found nothing in the block. Of course the signals speedly came to mean nothing. One night there was a train stalled in the block, and the following train plunged through it and ground thirty persons to death. The railroad company would not employ a night operator for that signal station because a night operator would cost a few dollars a month, and incessantly it must save every possible cent to pay the interest on its watered stock, provide its gambling chips, and maintain its place before the croupler at the table of Wall street.

OVERWORKED ENGINE DRIVERS.

OVERWORKED ENGINE DRIVERS.

OVERWORKED ENGINE DRIVERS.

The engineer in the Takoma accident had been on duty two days, with a total of six or seven hours' rest. On all European railroads no man is allowed to work more than thirteen hours, and before he can go to work again ten hours must have intervened. In a recent accident in Connecticut an engineer that had been on duty sixteen hours was kept waiting at the roundhouse two hours more and then sent out on a four-hour run. When, dazed with weariness and lack of sleep, he missed a signal and hit a train, he was held responsible for the accident. He was only an engineer, therefore he could bear the trouble and the penalty of the disaster. The coroner's jury would probably have been greatly shocked at a suggestion that it should indict the directors re sponsible for such overwork.

In the first nineteen days of January of this year there occ

In the first nineteen days of January of this year there oc-curred on the railroads of the United States of America 16 wrecks in which 136 people were killed and more than that num-

ber were injured.

In the investigation of the accident that occurred at Terra Cotta, near Washington, it appeared that one of the telegraph operators concerned had been working twelve hours a day, and the engineer in charge of the train had been on duty for two days, with only six or seven hours of rest.

This is but a sample of the accidents that have happened, with the accompanying sacrifice of human lives, in the effort of

the railroads to save money by overworking their employees. It is to protect the employees and the public that we believe some efficient legislation ought to be enacted, and it can not be done if the substitute reported now and sought to be passed is enacted into law.

The Interstate Commerce Commission, in a bulletin issued by it and known as "Accident Bulletin, No. 21—for July, Au-gust, and September, 1906," gives the following information on page 13:

SPECIAL INFORMATION CONTAINED IN PRECEDING BULLETIN.

Each accident bulletin contains tables showing the number of passengers and employees killed and injured, and these figures are classified according to cause (see Table No. 1); also tables showing cost of the different classes of train accidents. The causes of accidents to employees in coupling and uncoupling and in falling from cars, etc., are further classified in Tables No. 3 and No. 4. The most serious collisions and deraliments are dealt with in a supplementary table (Class A) showing the causes in some detail. Each builetin is for three months, and No. 1 was for the quarter ending September 30, 1901. The bulletin for the quarter ending June 30 contains, in addition to the quarterly statistics, tables showing the same information for the whole of the fiscal year ending on that date.

Bulletin No. 17 records one collision, killing 6 and injuring 35 persons, and one deraliment, killing 15 and injuring 28. The collision, occurring at 1 a. m., was due to gross negligence on the part of the men in charge of a freight train. The derailment was due to an open draw. The drawbridge was not provided with interlocked signals, and the engineman was not adequately acquainted with the line of the road. A collision and a derailment are reported which were due to the lack of suitable detector bars at switches and a collision which was due to failure of "controlled manual" block signal working.

Bulletin No. 18 shows total casualties much larger than in the preceding quarters, due largely no doubt to an enormous increase in traffic. Many accidents are reported in which the men had been on duty excessively long hours. One cellision, killing 17 persons, was due to the error of an engineman of five months' experience, who ran past five warning signals. Another collision, killing 10 persons, was due to the failure of the men in charge of a freight train to identify opposing passenger trains. One derailment of a passenger train, killing 13 persons, was reported as due to some cause that could not be discovered.

Bulletin No. 19

The provision which directs suits for the recovery of the penalty to be brought by the district attorneys "under the direction of the Attorney-General" would mean but this: That no suits could be brought for the recovery of the penalty except a showing was made that it was brought by the direction of the Attorney-General. The fact that the district attorneys are under he Department of Justice, and generally under the direction of the Attorney-General, does not mean that the district attorneys in order to prosecute must have the order or direction of Attorney-General before suits generally can be brought. If we leave in this bill the words "under the direction of the Attorney-General," then, in every suit brought for the recovery of this penalty, being in the nature of a criminal proceeding, it must appear, both in the accusation and in the proof, that the Attorney-General directed the bringing of such suit, and this must appear in order to give the court jurisdiction. This was decided by the Supreme Court in the case of the United States v. Theckmorton (98 U. S., pp. 70-71): That case was a suit to set aside a patent for land, and the court upon this point held as follows:

as follows:

There arises no presumption from the act of Congress which gives the Department of Justice general supervision over the district attorneys that this suit was brought by his direction, for they—that is, the district attorneys—in the strict line of their duty bring innumerable suits, indictments, and prosecutions in which the United States is plaintiff without consulting him. It is essential, therefore, in such a suit that, without special regard to form, but in some way which the court may recognize, it should appear that the Attorney-General has brought the suit himself or gave such order for its institution.

This principle is affirmed in the following cases: 108 United States, 510; 118 United States, 271.

So that if these words are left in this bill, in order for the district attorneys at any time to bring suit to recover the penalty.

district attorney at any time to bring suit to recover the penalty here prescribed the Attorney-General would have to give specific instructions, and such specific instructions would have appear both in the pleadings and the proof. Whereas, if we leave these words out the district attorneys will be left free to prosecute the violations of these laws, just as they now prosecute all other violations of the laws. This provision will but hamper and embarrass the officers of the law in enforcing it. I will not say such is the purpose and intent of those who in-

For notes on Bulletins 1 to 16, inclusive, see Bulletin No. 17 or

sist upon it, but I do say its incorporation into the bill will render prosecutions under it difficult.

We on this side are all ready to respond to the demands made by the workmen engaged upon the railroads, to the demands made by the people, by the citizens, and by the traveling public, but we are not willing to respond to that demand and say that the railroads shall only pay the paltry penalty of not exceeding \$500, and that recovered by a suit, but not until the Attorney-General directs. We are ready to vote for a bill which will make it a crime punishable by imprisonment and fine upon the railroad and its officers when they shall violate that law, and not simply that they shall violate it and pay money for violat-

If I could amend this bill I would make it a criminal offense for the railroad to overwork its employees. These employees are the men in whose keeping the lives of the traveling public are placed, and it is the duty of this Congress to see to it that they are not permitted to be forced to work exhaustively long hours, but should protect them and especially the public from the greed of these railroad corporations, who demand of their employees that they shall work more than human nature can

endure.

Humanity, the safety of the employees, the safety and the lives of the public call upon us to enact a law which protects

Mr. Speaker, in ancient times it was said that he was justly considered a skillful poisoner who destroyed his victims by bouquets of lovely and fragrant flowers. The art has not been lost; nay, it is practiced every day by the world, and there is no better evidence of the existence of the art than we see here to-day in the effort of the majority to force this substitute by the suspension of the rules, and thus polson "unto death" all legitimate and efficient effort at legislation on this subject. I sincerely trust that all friends of the traveling public and the railroad employees and who favor proper legislation on this subject will vote down this motion, and let us have an opportunity to consider the bill and amend it, so we can have real and efficient legislation and not this sham substitute. [Applause.]

Mr. ADAMSON. Mr. Speaker, the gentleman from Pennsylvania [Mr. Wanger] just now made an objection on account of language which I have considered and conferred with my associates about. It was, at least, invested with some doubt whether improper or not, and I have no desire to put those

words in the speech.

Mr. WANGER. Mr. Speaker, I will withdraw the objection.
Mr. ADAMSON: Mr. Speaker, I yield the balance of my time
to the gentleman from Mississippi [Mr. WILLIAMS].
Mr. WILLIAMS. Mr. Speaker, I do not know whether I

All I want to shall need the time which has been allotted me. say is that I am in absolute and hearty accord with the minority members of the committee who see in this bill nothing but a sham, a delusion, and a pretense. It is in my opinion a humbug, intended to humbug—a blind intended solely to hoodwink people with the pretense of attempting to consummate the avowed and ostensible purposes of the title of the bill, while it puts it within the power of the railroad to avoid and evade the entire law. I believe that the passage of this bill will have the effect of preventing the passage of real and effective legislation, calculated and intended to accomplish the desired result; and that this proposed bill is neither calculated nor intended, nor will it have the effect of, accomplishing the desired result. That desired result is at one and the same time in the interest of labor engaged upon interstate railroads and in the interest of safety to passengers and to crews. With the view of bringing about that condition of safety to the traveling public and justice to the labor operating the train, it was thought necessary, and, in my opinion, is necessary, that legislation should be had to keep men from working such long hours that they are mentally and physically incapable of doing their work right. Senator LA FOLLETTE did a good work. The House committee by this substitute has marred his work. I believe that two-thirds of the accidents which the country has heard so much of here lately are due to the overwork of the men operating the trains and to the overwork of the telegraphers. And, by the way, the telegraphers are not included, as I under-

stand it, even ostensibly, in the proposed substitute.

Mr. ADAMSON. It is in the substitute, but excepted away.

Mr. WILLIAMS. I understand it is in it "in a way," as t gentleman from Georgia says, but is excepted out of it in real substance. I believe the very accident by which the president of the Southern Railway came to his untimely and lamented death was the result of the manner in which the Southern Railway had been operated under his superintendency. I believe men have been worked unreasonable hours, in some cases twenty-

three hours on a stretch, and even twenty-four; that they go asleep at their post, and are mentally and physically incapable of effectively doing their work.

Let us defeat the motion to suspend the rules for the passage

of this bill, a means of bringing it up resorted to in order to prevent the consideration by the House of amendments to make That will not defeat legislation on the subject. It will merely necessitate its being brought up again in a way that will enable us to amend it and make of it a bill really in the interest of labor and of the traveling public. Both will understand our purpose and applaud its ultimate result. [Applause.]

Mr. ESCH. Mr. Speaker, I yield the balance of my time to the gentleman from Minnesota [Mr. Stevens].

Mr. STEVENS of Minnesota. Mr. Speaker, every Member who has speken during this debate has emphasized the importance of this legislation. Everyone favors the enactment of some law prohibiting the employment of railway employees more than sixteen consecutive hours and then compelling adequate rest before reemployment. The majority of your Committee on Interstate and Foreign Commerce are strongly in favor of such legislation which shall be effective, practical, and work no unnecessary hardships upon the public, the employees, or the railroad companies.

It is a new subject of legislation, vitally affects the welfare and movements of employees, and will necessarily produce many changes in the management of the carriers.

The details of such a measure are varied and important and have been considered by your committee during many sessions. We have desired, first of all, to adequately care for the welfare of the employees, to guard their safety and health, and for that purpose to make the provisions of the act effective, clear, and practicable to be enforced.

Next we were obliged to consider the welfare of the public, its safety while traveling, and then how far the facilities for the transactions of its business would be affected by the pro-visions of the law. Lastly, it is necessary to consider the condi-tions as to the railways, how far they would be affected by requiring the rearrangement of their divisions and terminals and general business, and how far their service to the public would be affected as to furnishing adequate facilities at the lowest possible rates.

EFFECTS OF THE LAW.

Everyone realizes that too liberal a law would not protect the men as much as they ought to be protected, while too stringent a law would greatly impede the movement of traffic, would tend to diminish facilities of transportation, even now insufficient and inadequate, and that would injure the general business and the general prosperity of the country. such stringent provisions would not insure safety to the public, because necessarily quite a large number of green, inexperienced men must be for some time used in train service; and the mistakes of inefficient men are quite as dangerous to the public as fatigue of the experienced men.

The House will realize, Mr. Speaker, that the problem was a most difficult one—first of all, to properly protect the men, not injure the public by too stringent provisions, and not cast a greater burden upon the railroads than is fairly necessary. Among eighteen members of a great committee there are many differences of opinion as to methods and details, and, so far as I have seen, there has been no difference of opinion that all of

us desire a proper measure.

NO BILL ENTIRELY SATISFACTORY.

I doubt if any member of the committee is fully satisfied with the report and bill he voted to support upon this floor.

I have too great respect for the intelligence and intellectual integrity of my colleagues of the minority of the committee to believe that they desire the enactment of the bill as it came to our committee, as they know, as well as I do, that it can not possibly accomplish the results expected by either the employees or the public. The people have a right to expect from us a measure which shall produce certain results and remedy certain admitted evils. We of the majority of your committee are positive that it can be demonstrated that such results and such relief can not possibly be afforded by the Senate bill, so we have substituted one which we are positive is far better, is calculated to effect some of the desirable things expected by the people and remedy some of the wrongs which need to be redressed.

OBJECTIONS OF MINORITY.

The members of the minority who have spoken upon this floor have vigorously denounced our substitute, but they have not analyzed it; they have not compared it with the Senate bill, so

the House has had no opportunity to fairly judge of the comparative merits of the two measures. We of the majority do not claim perfection for our substitute. We all admit it is capable of improvement, and if each man on the committee had his own way, undoubtedly he thinks he could improve it.

But none of us can entirely have his own way, and perhaps It is fortunate this is so. We had to compromise and agree upon a measure that is fully satisfactory to nobody. We admit it can be improved, and for this very reason the motion was made by the gentleman from Wisconsin [Mr. Esch] that the House do suspend the rules, pass the substitute bill, and ask

the Senate for a conference to perfect the measure.

This is the only way any bill can be improved before it is enacted into law. It is of no value to this House or to the employee or to the people to denounce and abuse and apply epithets to either bill. What is desired and needed by all fairminded men is a careful analysis of both bills and a correct explanation of the results which could be reasonably expected if either were enacted into law.

#### ANALYSIS OF BILLS.

So I will analyze the provisions of both measures, place their provisions as to the same subject-matter side by side, so that any person of ordinary intelligence can judge for himself as to the comparative merits of the two bills, the House substitute as favored by the majority of the committee on one side or the Senate bill as favored by the minority of the committee on the other.

First, as to the carriers to which the act can apply:

IN SENATE BILL.

IN HOUSE BILL.

That it shall be unlawful for any com-That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents,

That the provisions of this act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers and property by railroad in the District of Columbia or any Territory of the United States, or from one State or Territory of the United States or the District of Columbia, or from any place in the 'United States to the District of Columbia, or from any place in the 'United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States through a foreign country to any other place in the United States through a foreign country to any other place in the United States through a foreign country to any other place in the United States and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "employees" as used in this act shall be held to mean persons actually engaged in or connected with the movement of any train visions of the House bill are as That the provisions of this act shall

It will be noted that the provisions of the House bill are as general as possible and cover every possible railroad where an employee may be under the control of Congress. The language of the House bill is practically the same as contained in the interstate commerce act and the arbitration act of 1898 as to interstate carriers, while the Senate bill describes three classes of carriers to be embraced within the act:

Railroad in Territory of the United States.
 Railroad in District of Columbia.

3. Railroad engaged in interstate or foreign commerce.

This section does not necessarily include railroads running from Territories to States or from one Territory to another or from the District of Columbia to the States, unless such may be included in the third class, that such railroad is engaged in interstate or foreign commerce. It is probable that all railroads so do and that all could come within such a provision, but it must be a matter of proof on the part of the prosecution in every such case, which is not necessary under the House bill. A little carelessness on the part of the prosecuting officer under the Senate bill could easily defeat a successful prosecution, not possible under the House bill.

Following are the provisions of the two bills relating to the prohibitions as to improper working hours.

IN SENATE BILL.

First. It shall be unlawful for any railroad \* \* \* to require or permit any employee engaged in or connected with the movement of any train carrying interstate or foreign freight or passengers to remain on duty more than sixteen consecutive hours.

IN HOUSE BILL

IN HOUSE BILL.

First, That it shall be unlawful for any common carrier, its officers or agents, subject to this act to require or knowingly permit any employee subject to this act to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty.

Second, And no such employee who has been on duty sixteen hours in the

sixteen hours in the aggregate in any twenty-four-hour period to continue on duty or to go on duty without having had at least eight hours off duty within such twenty-four-hour period.

Third. Or to require or permit any such employee who has been on duty sixteen consecutive hours to go on duty without having had at least ten hours

aggregate in any twenty-four-hour period shall be required or permitted to continue on duty, or go on duty, without having had at least eight hours off duty within such twenty-four-hour period.

Third Unless

riod.

Third. Unless immediately prior to said twenty-four-hour period such employee had at least eight consecutive hours off duty and during said period of twenty-four hours following had at least six consecutive hours off duty.

The differences between the provisions of the two acts are substantially that as to the first subdivision there is an absolute prohibition of more than sixteen consecutive hours' work, with certain exceptions to be hereafter discussed. The House provision makes clear that more than sixteen consecutive hours' work must be followed by at least ten consecutive hours of rest. No such requirement is made in the Senate bill. The third pro-hibition in the Senate bill may have been intended to modify the first prohibition against more than sixteen consecutive hours of work, which must then be immediately followed by at least ten consecutive hours of rest. It is evident to anybody that the Senate provision does not so do. The language of the Senate provision, "without having had at least ten hours off duty," does not provide for ten continuous or consecutive hours, nor does it provide such rest should immediately follow in whole or in part the sixteen consecutive hours of work. The words "without having had" allow that part of the rest may have been already had and part may follow the period of work. It would be a perfect defense to any common carrier to show that the employee had at least ten hours off duty just before the sixteen-hour period and just after. It is not required to be continuous or following, and so practically nullifies the very purpose of the act. Such language, if enacted into law, would prevent any convictions for the violations of the two clauses above referred to. Paragraph 2 of the Senate bill and paragraph 2 of the House bill are substantially the same. House provision was taken from the Senate bill.

The third provision of the House bill, as follows

Unless immediately prior to said period of twenty-four hours, he had at least eight consecutive hours off duty, and during the following period of twenty-four, at least six consecutive hours off duty was inserted to prevent undue hardships and difficulties in the

operation of the law.

The result of all the provisions of section 2 as amended would be that in all cases where the employee is on duty for sixteen consecutive hours there must follow at least ten consecutive hours of rest; that in every twenty-four-hour period there must be at least eight hours' rest in the aggregate, except in the case where the employee has had a rest of at least eight consecutive hours there may follow work for any time less than sixteen hours, which must be followed by a rest of at least six consecutive hours; but during the next day there must be at least eight hours' rest. The general effect of the act will require at least ten hours' rest after sixteen consecutive hours of work and a minimum of eight hours' rest for every day, except that on alternate days after at least eight hours' rest above described there may be a minimum of six consecutive hours during such day, but this must be followed during the next day of either eight or ten consecutive hours of rest.

This will enable some runs to be made with a shorter stop at the division terminal and a quicker return home of the train crews without impairing the strength of the men or their effi-ciency for good service. This provision is intended to cover a class of cases where a train crew has had ample opportunity of rest of eight or ten hours at home and then starts on a trip requiring less than sixteen hours; for example, fifteen and one-half hours. Now, under this provision such train crew must lay off for six consecutive hours at the terminal away from home and then return home by a continuous trip of not exceeding sixteen hours. When the employee reaches home, the act would require him to rest at least eight hours again before starting on another

It is not designed to cause hardship but to prevent hardships to the men being detained at uncomfortable and disagreeable places away from home. It provides that they may have this opportunity to get home two hours quicker after requiring at least six hours' rest between the two periods of employment. This provision was inserted to benefit the men. No railroad company asked for it or desired it, and if the men do not want this privilege such provision can be easily eliminated in conference. It is objected that this provision would allow the men to be worked thirty-four hours out of forty-eight, but the Senate bill allows work for thirty-two hours out of forty-eight, a difference of only two hours out of two days, so distributed and allotted as to help the men to get home quicker, save them expense, time, and discomfort, and at the

Second. Or to require or permit any such employee who has been on duty

same time require reasonable amount of rest at every period

This is a new proposition, submitted in good faith, and should be discussed in that spirit. That is what a conference is for, and this may be one of the provisions to be seriously considered at such a meeting.

Following are the exceptions in the two bills authorizing the extension of the sixteen consecutive hours of duty in exceptional

First. That it shall be unlawful for any common carrier by railroad to re-quire or permit any employee to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on

his trip.
Second. Or by unknown casualty oc-curring before he started on his trip.

Third. Except when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal.

IN HOUSE BILL

First. That the provisions of this act shall not apply in any case of casualty or unavoidable accident or the act of God.

Second. Nor where the delay was the result of a cause not known to the carrier or its agent in charge of such employee at the time said employee left a terminal, and which could not have been foreseen with the exercise of ordinary prudence.

It must be realized these exceptions are the defenses which will be urged by the railroads when they keep any employee at work more than sixteen consecutive hours. If these defenses shall be too liberal, then by so much do they weaken and nullify the purpose of the law. So it is important to compare and analyze just what defenses each bill prescribes as to keeping the men at work more than sixteen consecutive hours. The Senate bill provides, first, for a "casualty occurring after such employee has started on his trip." The word "casualty" in such case would probably be defined "as that which comes without being foreseen—a contingency." (Webster's Dictionary.) So that the provisions of the two bills, in such cases, are practically the same. The words in the House bill "unavoidable accident," "test of God." probably do not enlarge the definition of the Sen. the same. The words in the House bill "unavoluable accorded," act of God," probably do not enlarge the definition of the Senate bill.

But the provisions of the second exception in the Senate and House bills are radically different. The Senate bill provides "only unknown casualty occurring before he started on his The House bill provides "nor where the delay was the result of a cause not known to the carrier or its agent in charge of such employee at the time said employee left a terminal and which could not have been foreseen with the exercise of ordinary prudence."

The words of the Senate bill, "unknown casualty before he started on his trip," are the very broadest possible. There are no exceptions to it. Unknown to whom? The employee, the carrier, its officers or agents, or any of them. It would seem to be the only natural construction of the word "unknown" that it may refer to any person in charge of or connected with the movement of the train. It is evident that in such case some one responsible person will always be found to whom such casualty was unknown, and this would be a perfect defense to the railroad in such case of keeping the employee at work more than sixteen consecutive hours. No such loophole is allowed in the House bill. There it is provided for a delay for "a cause not known to carrier or its agent in charge of employee, and which could not have been reasonably foreseen." This is far different and narrower and restricts the cause of delay to some natural reason outside of the control of the railroad com-The Senate provision is so wide open that it is doubtful if there ever could be any conviction of a railroad under the terms of this act where such a provision might apply.

# THIRD EXCEPTION.

The third exception to the Senate bill is nearly as broad and

Except when, by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal.

It needs no argument to show that this language is broad enough to excuse almost any delay on the part of the railroad company. Under its provisions if a train scheduled to pass at a station or side track is delayed, for any cause within the control of the railroad company, this same company could keep its employees at work for a week if necessary without violating the provisions of this act.

Such a provision practically vitiates the law and renders it impossible of successful enforcement.

The provisions of exceptions allowing the railroad companies to work their men more than sixteen consecutive hours are defined clearly and closely and narrowly in the House bill.

The carriers are confined within the narrow and closely defined limits admitted by all to be fair and reasonable.

But in the Senate bill two of the exceptions are so broad and so loose that the railroads could always find some excuse and pretext as a defense to successfully defeat almost any prosecution under the act. It is difficult to realize that any person sincerely desirous of having an effective law upon this subject enacted by this Congress should support the exceptions contained in the Senate bill.

Next, after a comparison of the two bills, it is important to examine them to ascertain if there are any defects or omissions which should be plainly stated and considered.

# DEFECTS IN SENATE BILL.

First. The comparison of the terms of the two acts discloses that the Senate bill omits to specifically include railroads running from Territories to States and from District of Columbia to States, except as it may be found that they are all engaged in interstate commerce. This is not a matter of consequence if the prosecution be careful in its allegations and proof. But a little negligence or carelessness on the part of the prosecution in not proving clearly that the carriers above named were actually engaged in interstate commerce at the time of the alleged violation of law might defeat the action.

The other acts of Congress on other subjects remedy this defect, and it is inexcusable now for us to reenact such patent though slight defects.

Second. The Senate bill provides-

That it shall be unlawful for any common carrier by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train carrying interstate or foreign freight or passengers to remain on duty more than sixteen con-

This language limits the operation of the Senate bill solely to those railroad employees who can be proven at the time of the alleged violation to have been engaged upon a train carrying interstate freight or passengers. This clearly excludes

First. All exclusively mail trains.

Second. Exclusively local or intrastate trains carrying United States mail.

Third. Trains wholly within the District of Columbia.

Fourth. Trains wholly within any Territory.
Fifth. Trains of empty cars carrying neither freight nor passengers

Sixth. Possibly work trains.

Seventh. Possibly express trains carrying solely express mat-

This very statement shows that there is thus excluded from the operations of such act a very large proportion of the railroad business and a very large proportion of the employees.

## SUCH DISCRIMINATION UNFAIR.

I can not believe it is the deliberate purpose of the minority to so discriminate against such a large number of faithful railroad employees who are just as much entitled to protection as those included within the act. Yet this Senate bill does omit this large class of employees, and the minority apparently

#### REQUIREMENT OF PROOF.

But this is not the worst feature of this provision. In every prosecution under such act the Government must prove beyond a reasonable doubt that the particular train with which the employee working overtime was connected was, at the time of such violation of law, carrying interstate or foreign freight or passen-

As a rule, there is no way of identifying the passengers or ascertaining their trips or destinations after any considerable lapse of time. Nothing can be ascertained from the tickets sold, as a rule, and the passengers can not be connected with the tickets or train. In the case of passenger trains, unless the passengers having interstate passage are at once located on that train, are identified and traced, so as to be reached for a prosecution, no adequate proof can be adduced. In ordinary experience it would be probable that three months after a violation of law upon a passenger train had occurred, it would be impossible to find any particular interstate passenger upon that train or to properly prove that such train carried an interstate passenger. This condition would practically nullify the operation of such an act as to all passenger traffic, as it always requires some time for the inspectors to ascertain the violations of the

#### OPERATION AS TO FREIGHT TRAFFIC.

The requirement of proving that a freight train carried interstate freight would not be quite so difficult, and yet would be by no means easy. The requirements would be difficult and the task of the prosecuting officer would be arduous to trace the freight from the time it was originally placed in the custody of

the company, through the processes of its billing, loading, transportation in interstate commerce, and its destination in some other State. This is necessary under the language of the Senate bill, and it is obvious that after the lapse of a year upon any large railroad, with its many millions of transactions, that a very large proportion of prosecutions would fail because of lack of adequate proof.

It is a safe and conservative statement that a very small pro-

It is a safe and conservative statement that a very small proportion of the cases which ought to be prosecuted, and which the employees and public would expect to be prosecuted, under any law could be convicted under the language of the Senate bill. Such a measure is a delusion and a snare, and it is a painful surprise to know if is supported by the many excellent lawyers upon the other side of this House.

DEFECTS APPLY TO OTHER CLAUSES.

The Senate bill seems to very carefully make this restricted definition of "employee on train carrying interstate freight or passengers" apply to the other two of its prohibitory provisions. In both of them the words "such employee" are used, thus referring to the kind or class of employees above described and to the restricted conditions of prosecution above outlined.

and to the restricted conditions of prosecution above described and to the restricted conditions of prosecution above outlined. These evident omissions would practically nullify the purpose of the act, and the railroads might, so far as this bill would be concerned, work their employees for a day continuously if they needed to so do.

TERRA COTTA ACCIDENT.

It may be of interest to the minority and to those who support the Senate bill that the terrible accident at Terra Cotta, Md., on December 30, 1906, on the Baltimore and Ohio Railway could not possibly come within the provisions of the Senate bill, though here was one of the most flagrant cases, shocking the minds of the public and requiring the passage of some adequate law. In that case a regular passenger train had left Frederick, Md., bound for Washington, D. C., carrying interstate passengers, so this train was within the law. But this train was run into from the rear by a train of empty coaches carrying neither interstate freight nor passengers, but the engineer on this train had been on duty continuously for forty-eight hours, except but for four hours' rest.

This period of service should be prohibited by law; it shocks the sensibilities of fair-minded people, and yet by the terms of the Senate bill because this train was of empties, not carrying interstate freight or passengers, such gross excess of service would not come within the scope of the Senate act.

This is only one recent and forcible instance of the very many which could be cited to show the uselessness of passing such a bill, so full of defects as the S. 5133.

WITHOUT HAVING HAD TEN HOURS OFF DUTY.

Third. There has been previously discussed the provisions of lines 4, 5, and 6 of the Senate bill, as follows:

Or to require or permit any such employee who has been on duty sixfeen consecutive hours to go on duty without having had at least ten hours off duty.

But it can not be too strongly emphasized or too well understood that the peculiar wording of the next requirement is such that it may refer to time before as well as after the period of duty. It is not required to be continuous. It is not required to follow the period of work. There is simply required an aggregate of ten hours off duty at some time about the period of service before the employee can go to work the second time. This is too indefinite to support any prosecution.

DEFENSES TOO LIBERAL UNDER S. 5133.

Fourth. The exceptions to the prohibition of more than sixteen hours in the two acts have already been discussed. They are defenses to the railroads where the employee has been kept out more than sixteen hours. They should not be too liberal, as under the Senate act, where it is provided that:

By unknown casualty occurring before he started on his trip, and except when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal.

There has already been discussed the reasons why these exceptions are altogether too liberal and allow almost any delay for almost any cause to be excused. The act would be worthless enough, containing the peculiar requirements as to prosecution which have already been outlined, but what little virtue might be left would be completely eliminated by the defenses provided by these exceptions. It is safe and conservative to state that with such provisions enacted into law, it would be practically impossible to convict any railroad company of keeping men continuously at work for twenty-four or more hours. Such a condition is not desired by the public or by the employees; and yet such is the bill that is being indorsed by every member of the minority.

Fifth. The Senate bill contains no provision or direction for

the prosecution of offenses under this act by the Department of Justice. This may not be absolutely necessary, as the provisions of the general law may be sufficient. But such clauses are usually inserted in such Federal statutes, and their omission in the Senate bill might be taken as an excuse somewhere or at some time to refuse to prosecute under this act. Such an omission is unnecessary and inexcusable, and is covered by the House bill.

#### IMMEDIATE EFFECT OPPRESSIVE.

Sixth. The Senate bill, by its terms, would be immediately effective, while the House bill would not take effect until one year from the date of its passage.

It is conceded that the railways and some employees must make many changes by reason of the passage of this bill. Division points and terminals may be changed, and employees must then seek new homes, and this naturally requires time to properly carry out.

Yet the Senate bill, oppressive and unnecessary on this point, is supported by the minority.

KNOWINGLY.

There has been much criticism of the House bill by the minority and by the remarks of various Members upon the floor, and especially by the representatives of the railroad employees, for inserting the word "knowingly" in the bill:

Sec. 3. That any such common carrier, or any officer or agent thereof, requiring or knowingly permitting any employee to go, be, or remain on duty in violation of the second section hereof.

. The reason is that it would seem to be abhorrent to all sense of fairness or common justice to convict or attempt to prosecute any officer or agent of a common carrier unless he knew or had good reason to know that he violated the law. The majority of the committee intended and by the bill provided that the prohibitions as to working in excess of sixteen hours shall apply to the railroad without qualification or application of the word "knowingly," because we inserted the following:

In all presecutions under this act the common carrier shall be deemed to have had knowledge of all acts of its duly authorized agents.

This may not be strictly necessary and probably is the law, but out of abundant caution this provision was inserted, so that the carriers must be responsible for all acts of their agents, and it requires no more proof to show the fact of agency and scope of authority than is otherwise necessary to prove the violations of the law.

The word "knowingly" was inserted to apply to a class of

The word "knowingly" was inserted to apply to a class of cases where a train crew might be called ahead of time or even on time, and some delays ensue in getting the trains out of yards upon the main track ready for the trip. Such delay may be of two or three hours and be entirely unknown and unsuspected by the train dispatchers or other officials who have charge of the train while on the main track and for its trip. The dispatcher may have charge of the train for only twelve hours, for less than enough to violate the law, and yet, added to the time already taken since the train crew was called, would constitute a violation of law on the part of some one. The provisions of the House bill would make the carrier clearly liable and subject to punishment. But if the official, like the dispatcher, acted in good faith, did not know of previous delays, and had no business to know—in such case it would not seem to be fair or just to punish him for permitting the train to remain more than sixteen consecutive hours in service.

In such cases the word "knowingly" simply protects such

In such cases the word "knowingly" simply protects such employee; it requires proof that he had good reason to know or did know of the period of service of the employee. If such can be shown, the official ought to be and would be punished. But if the official does not know and has no reason to know of delays in other branches of the service he ought not to be punished for it. The same rule would apply to the foremen in yards, roundhouses, etc., for delays in other departments over which they have no control and where they have no knowledge or means of information. It would seem to be only fair to protect them against consequences of others' acts except where they adopt them knowingly as a part of their own duty. This word does not apply to the railroad company at all and can not apply to any official who is oppressive and seeks to unjustly treat the men.

It can not interfere with any prosecution of any carrier or of any official who has direct control of the men over sixteen hours, like the superintendent or general manager, where they know of the time on the whole trip, but it does apply to the subordinate officials who can not be convicted by adding some one's else possible delinquencies to their own acts, performed properly and strictly in accord with their duty and authority and in the usual course of business, ENFORCEMENT OF THE LAW.

It is objected by the minority and the representatives of the railroad men that prosecutions are delayed by the provision

It shall be the duty of such district attorney, under direction of the Attorney-General, to bring such suits upon duly verified information being lodged with him.

And that it is necessary that it be left entirely with the district attorney.

The House provision only follows the present practice of the Government as to all prosecutions under every kind of statute. Clipping from Washington Post of February 18, 1907:

CATTLE CRUELLY TREATED—VIOLATIONS OF LIVE-STOCK LAW BY WESTERN ROADS INCREASE—SECRETARY WILSON WARNS TRANSGRESSORS AND WILL URGE RESTORATION OF MINIMUM-SPEED STATUTE.

The Secretary of Agriculture has certified to the Department of Justice 100 additional cases against the railroads west of Chicago on charges of violating the twenty-eight-hour law regarding the shipment of live stock.

of live stock.

The testimony gathered by the Department shows that these roads handling cattle between Texas and California have kept live stock confined in excess of the thirty-six-hour limit permitted when the shipper agrees to that period.

This makes about 200 cases certified to the Department of Justice, and in every case brought by the United States district attorneys the full penalty of the law, involving a fine of \$500, is being urged upon the court.

There has never been any complaint before that such a course of procedure delayed prosecutions, and the very language of the

bill precludes such construction.

The act provides: "It shall be the duty of the district attorney, under the direction of the Attorney-General, to bring such suits." This does not require personal direction by the Attorney-General. He may make rules for the conduct of such cases in any way that may seem best; so that ordinary cases need not be submitted to the Department at Washington, but prosecuted at once in the locality. The provision requiring such direction by the Attorney-General will accomplish two desirable things. First, it will lay down a certain policy as to enforcement and prosecutions which will be uniform all over the United States. This will not favor one locality or class of carriers as against another and will not tend to entice good men from one place to another or drive them from one place to another. The operation of the law should be uniform and can only be produced by such a provision. Second, it is always possible to have oppressive prosecutions under this act, which would be discouraged by the fact that the Department of Justice at Washington provides fair and reasonable rules for the regulation of the whole matter.

I desire to append a letter from the head of the Order of Conductors for Minnesota, giving some valuable suggestions as to legislation from the standpoint of the experienced and in-

telligent employee.

We all realize this measure is not perfect; we know it can be improved, and believe it can be done in conference. For that reason we trust the motion may be adopted.

MINNEAPOLIS, MINN., January 15, 1907.

Minneapolis, Minn., January 15, 1907.

Hon. F. C. Stevens, M. C., Washington, D. C.

Dear Sir: The purpose of S. 5133, to promote safety upon railways by limiting hours of service thereon, must appeal to every humane person as well as to every trainman.

In its present form it is essentially defective, and in one leading feature it will certainly injure its intended beneficiaries.

It makes three exceptions to its sixteen-hour rule:

1. A "casualty" occurred, but unknown before starting;

2. A "casualty" occurred, but unknown before starting;

3. An accident (to?) or unexpected delay of some other train scheduled to connect with the train of the employee in question.

(a) It may be doubted whether "casualty" is a happy or sufficiently comprehensive term. While it may mean casual happening, it more usually signifies disaster, some destructive or hurtful occurrence. In exceptions 1 and 2 it doubtless refers to circumstances affecting or about to affect the train of such employee. But many things may delay train movement which do not rise to the usual horrors of a railroad "casualty," e.g., in cold weather, the impossibility of making sufficient steam.

(b) The third exception is more patently defective. The hardships

railroad "casualty," e. g., in cold weather, the impossibility of making sufficient steam.

(b) The third exception is more patently defective. The hardships of over-hours mostly befall freight-train hands. A freight train, unless "mixed," is rarely scheduled to connect with any other train. But freight trains are habitually scheduled to meet or to be passed by other trains, both passenger and fast freight.

Therefore I am of the opinion that line 2, on page 2, should be made to read: "scheduled to meet, pass, or make connection with," etc.

(c) But the peremptory operation of the sixteen-bour rule should be further qualified.

In our part of the country tavern comforts and eugine houses are exceedingly rare within 50 miles of any terminal station.

If, especially in winter, the sixteen hours of a freight-train crew expires 50 miles or less from the terminal and where no suitablotian some sort of shelter and food, and at their own expense.

But, even thus, the preservation of the engine where there is no engine house must always require the engineer and fireman to remain constantly with it, in order to keep up its fire and a safe condition of its water supply.

With reference to such situations, ī think the act should be amended as follows: By inserting, between "or" and "jermit," in line 7 of

page 1, the words "except as hereinafter provided," and by adding to section 1, at its end, substantially as follows: "Provided, however, That whenever such sixteen consecutive hours of any train crew, or any member thereof, shall expire at a point not more than one and one-half hours' run of such train from its terminal station, and at a point at or near to which there are no fair tavern accommodations or no engine house, such crew may, at the discretion of the conductor and engineer thereof, run that train to its terminal, notwithstanding the expiration of such sixteen hours."

I much hope that your judgment may concur with the foregoing suggestions.

suggestions. Very respectfully,

GEO. M. MILES.

These, Mr. Speaker, are some of the reasons why the majority of the committee decided that the Senate bill would not accomplish the desired result, and why we ask the support of all who desire efficient and practical legislation upon this very important

The SPEAKER. The question is on the motion to suspend the rules, pass the bill as amended, and ask for a conference.

Mr. WILLIAMS. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. I understand this to be a pend the rules. pend the rules. If this motion is defeated, this bill will still be upon the Calendar?

The SPEAKER. If two-thirds do not vote in favor thereof, the rules will not be suspended and the bill will not be passed.

[Laughter.]

Mr. WILLIAMS. And the bill would not be killed?
The question was taken; and the Speaker announced that, in the opinion of the Chair, two-thirds had voted in favor of suspending the rules.

Mr. SULZER. Division, Mr. Speaker. The House divided; and there were—ayes 192, noes 103. Mr. WATSON. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 160, nays 121, answered "present" 6, not voting 81, as follows:

VEAS-169

1EAS-100.			
Acheson	Darragh	Hull	Norris
Alexander	Davidson	Humphrey, Wash.	Olcott
Allen, Me.	Davis, Minn.	Jones, Wash.	Olmsted
Ames	Dawes	Keifer	Overstreet, Ind.
Bannon	Dawson	Kennedy, Nebr.	Parker
Bartholdt	Denby	Kennedy, Ohio.	Parsons
Bates	Dickson, Ill.	Kinkaid	Payne
Bede	Dixen, Mont.	Klepper	Perkins
Beidier		Knapp	Pollard
Bennet, N. Y.	Draper Dunwell	Knopf	Prince
		Knowland	Reeder
Bennett, Ky.	Dwight		
Bishop	Edwards	Lacey	Rives
Bonyege	Ellis	Landis, Chas. B.	Sibley
Boutell	Englebright	Landis, Frederick	Smith, Cal.
Bowersock	Esch	Law	Smith, Ill.
Bradley	Fassett	Lawrence	Smith, Iowa
Brick	Fordney	Lilley, Conn.	Smith, I'a.
Brooks, Colo.	Foss	Littauer	Smyser
Brown	Foster, Vt.	Littlefield	Snapp
Brownlow	Fowler	Longworth	Southard
Brumm	Fulkerson	Loud	Southwick
Burke, Pa.	Fuller	Loudenslager	Sperry -
Burke, S. Dak.	Gardner, Mass.	Lovering	Steenerson
Burleigh	Gardner, Mich.	Lowden	Stevens, Minn.
Burton, Del.	Gillett	McCall	Sulloway
Burton, Ohio	Goebel	McCarthy	Tawney
Butler, Pa.	Graff	McCleary, Minn.	Taylor, Ohio
Calderhead	Graham	McGavin	Thomas, Ohio
Campbell, Kans.	Gronna	McKinlay, Cal.	Townsend
Campbell, Ohio	Grosvenor	McKinney	Vreeland
Capron Capron	Hale	McMorran	Wanger
Cassel	Hamilton	Madden	Washburn
		Mahon	Watson
Chaney	Haugen		Webber
Cocks	Hayes	Mann	Webber
Cole	Henry, Conn.	Marshall	Weeks
Conner	Hepburn	Martin	Weems
Cousins	Higgins	Miller	Wharton
Cromer	Hill, Conn.	Minor	Wiley, N. J.
Crumpacker	Hinshaw	Mondell	Wilson
Currier	Holliday	Morrell	Young
Cushman	Howell, Utah	Mouser	
Dale	Hubbard	Murdeck	
Dalzell	Hughes	Needham	

Needinain
YS-121.
Gregg Griggs Gudger Hardwick Hay Hedze Hefin Hill, Miss. Hopkins Houston Howard James Johnson Jones, Va.
Lamar Lee
Legare Lever Lewis Lloyd

McLain McNary Macon Maynard Meyer Mcon, Tenn. Moore, Tex. Mudd Velson Nelson Otjen Overstreet, Ga. Padgett Padgett Page Patterson, N. C. Patterson, S. C. Pearre Pou Rainey Randell, Tex. Ransdell, La. Reid

Stanley Stephens, Tex. Sterling Sullivan Sulzer Talbott Taylor, Ala. Thomas, N. C. Tirrell Underwood Sheppard Sherley Richardson, Ala. Watkins Webb Sims Slayden Smith, Ky. Smith, Md. Smith, Tex. Robertson, La Robinson, Ark. Rodenberg Rucker Russell Williams Woodyar Zenor oodyard Southall Ryan Saunders Shackleford Stafford ANSWERED "PRESENT "-6. Lamb Lorimer Sherman Wachter NOT VOTING-81. Scott
Scroggy
Shartel
Slemp
Small
Smith, Mich.
Sparkman
Towne
Trimble
Tyndall
Van Duzer
Van Winkle
Volstead
Wadsworth
Waldo
Welborn
Wiley, Ala.
Wood McCreary, Pa. McDermott McKinley, Ill. McLachlan Michalek Moon, Pa. Moore, Pa. Murphy Nevin Gaines, W. Va. Gardner, N. J. Allen. N. J. Andrus Babcock Bingham Birdsall Blackbarn Gardner, N. J.
Gilbert
Haskins
Hearst
Henry, Tex.
Hermann
Hogg
Howell, N. J.
Humphreys, Miss.
Hunt
Kahn
Keliher Bowie
Broocks, Tex.
Buckman
Butler, Tenn.
Calder
Cockran Nurphy Nevin Palmer Powers Pujo Reyburn Kann Keliher Kitchin, Claude Kitchin, Wm. W. Kiline Lafean Le Fevre Lilley, Pa. Lindsay Livingston Cooper, Pa. Cooper, Wis. Coudrey Dovener Dresser Fletcher Reynolds Rhinock Rhodes Richardson, Ky. Riordan Ruppert Samuel Floyd Foster, Ind. Gaines, Tenn. Schneebeli

So (two-thirds not having voted in the affirmative) the motion was rejected.

The Clerk announced the following additional pairs:

For the balance of this day:

Mr. Scott with Mr. Butler of Tennessee.

Mr. Moore of Pennsylvania with Mr. Lindsay.

Mr. LAFEAN with Mr. Pujo.

Mr. REYNOLDS with Mr. LIVINGSTON.

On this vote:

Mr. Dovener with Mr. Sparkman. Mr. Dresser with Mr. Wiley of Alabama. Mr. Howell of New Jersey with Mr. Hunt.

Mr. MURPHY with Mr. TRIMBLE.

VOLSTEAD (in favor) with Mr. Cooper of Wisconsin (against)

Mr. WACHTER. Mr. Speaker, I am paired with the gentleman from North Carolina, Mr. SMALL, and I wish to withdraw my vote and vote "present."

The name of Mr. Wachter was called, and he voted "present,"

as above recorded.

Mr. BARCHFELD. Mr. Speaker, I would like to be Item.
The SPEAKER. Was the gentleman present when his name was called?

Mr. BARCHFELD. I was not.

The SPEAKER. The gentleman is not entitled to vote under the rule.

The result of the vote was then announced as above recorded.

ASSESSMENT LIFE INSURANCE COMPANIES IN THE DISTRICT OF COLUMBIA.

Mr. PARKER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 25549) to amend section 653 of the Code of Law for the District of Columbia, relative to assessment life insurance companies or associations.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That the Code of Law for the District of Columbia be, and the same is hereby, amended by striking out section 653 thereof and substituting in lieu therefor the following:

"Sec. 653. Assessment life insurance companies or associations, sick, accident, and death benefit assessment companies or associations, sick, accident, and death benefit assessment companies or associations, sick, accident, and death benefit assessment companies or associations, sick and accident assessment companies or associations, sick and accident assessment companies or associations set forth in this section shall be incorporated before engaging in business in the District of Columbia; and such companies may be incorporated under the provision of subchapter 4 of chapter 18 of the Code of Law for said District, provided that every company shall have cash assets of not less than \$1,000, the bonds to be deposited in the registry of the supreme court of the District of Columbia, or other assets, as hereinafter provided; and before the articles of incorporation of any such company or association are admitted to record by the recorder of deeds, the superintendent of insurance of said District shall certify to said recorder that the said company has complied with the conditions relative to its assets herein provided. Any insurance company or association hereafter transacting the business of life insurance on the assessment plan in the District of Columbia, whether incorporated in the District of Columbia or elsewhere, including sick, accident, and death benefit assessment companies or associations, shall file, on or before the 1st day of March, with the superintendent of insurance a detailed annual statement, sworn to by its president or vice-president and its secretary or assistant secretary, showing its true financial condition as of the 31st

day of December next preceding; also a statement, under oath, showing that it pays the maximum amount named in its certificates or policies as the same become due and payable, and for the last twelve months has uniformly done so; and shall pay for filing such report as aforesaid the sum of \$10 to the collector of taxes. Such assessment companies or associations shall at any time on notice furnish any other information that the superintendent may require. On failure by any such company or association to make and file any of the aforesaid statements or reports within ten days after notice from the superintendent of insurance, its license to transact business in said District may be revoked by said superintendent, and the president, vice-president, secretary, and assistant secretary of said company or association shall be punished by a fine of not more than \$100 or imprisoned in jail for not more than sixty days: Provided, That every insurance company or association whatsoever, anything contained in section 617 of the Code of Law for said District to the contrary notwithstanding, shall make the reports required of insurance companies by subchapters 4 and 5 of chapter 18 of said Code, and as in this section provided; and the companies or associations referred to in this section shall also furnish to the superintendent of insurance business only that issues certificates or policles to individuals for not more than \$1,000 the District to the superme court of the District of the contrary of the contrary of association doing a life insurance business only that issues certificates or policles to individuals for not more than \$1,000 the District of punicipal bonds the market value of which shall at all times be not less than \$50,000 nor less than \$10,000 no a single life shall deposit in the registry of the supreme court of the payment of benefits as provided for in the registry of said court, before the 1st day of July, 1907, to guarantee the payment of benefits as provided for in the registry of said court, before the

on his being satisfied that good securities to an equal amount are held as such guarantee as above provided, free and above all accrued claims or debts of such company or association, and that it is otherwise in good financial condition.

"No company or association licensed to transact business as a sick, accident, and death benefit assessment company or association shall issue certificates or policies for greater amounts than \$500 on the life of any one person.

"All classes of companies or associations named herein doing business in the District of Columbia shall, respectively, during or at the end of each calendar year ending on the 31st day of December, pay to their policy holders for losses or dividends, or invest in reserve for their benefit under the supervision of the superintendent of insurance, at least one-half of all premiums received during that year, besides the whole of any other receipts of such company or association (except only principal or income received from each or securities representing the same which have actually been paid in or deposited by the stockholders of such company or association), it being the intention hereof that not more than one-half of the premiums of any and every year shall be used for any other purpose except for the direct benefit of policy holders; and if any company or association shall fall to comply with this requirement the license of such company shall be revoked by the superintendent of insurance.

"Whenever more than one-half the policy holders of such company or association shall also maintain a reserve equal to the net single premium for whole life insurance according to the Actuaries' Table of Mortality, and interest at 4 per cent per annum, upon such number of the oldest lives as will represent the difference in the number of risks, such reserve to be based upon the maximum amount of insurance carried on such oldest lives and to be invested as approved by the superintendent of insurance have in the superintendent of insurance to suspend the license of sa

lief association, not conducted for profit, composed solely of officers and enlisted men of the United States Army or Navy, or solely of employees of any other branch of the United States Government service, or solely of employees of any individual company, firm, or corporation."

The SPEAKER. Is a second demanded?
Mr. SULLIVAN. I demand a second, Mr. Speaker.
Mr. PARKER. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from New Jersey is entitled to twenty minutes and the gentleman from Massachusetts to twenty minutes.

Mr. SULLIVAN. I would like to have the gentleman give an

explanation of the bill.

Mr. PARKER. Mr. Speaker, I will ask the Clerk in my time to read the report upon this bill, which is very short.

The Clerk read as follows:

The Clerk read as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 24644) to amend section 653 of the Code of Law for the District of Columbia, relative to assessment life insurance companies or associations, report in lien thereof a bill (H. R. 25549) to amend section 653 of the Code of Law for the District of Columbia, relative to assessment life insurance companies or associations, and recommend that the same do pass, and that H. R. 24644 do lie on the table.

This bill amends section 653 of the District Code, relating to assessment life insurance companies or associations, sick, accident, and death benefit assessment companies or associations, and sick and accident benefit assessment companies or associations, some of these are large life companies, incorporated by various States and doing a pure life business by assessment. Others are local sick benefit associations doing business largely among the poor people of the District, more than half the premiums usually going to the stockholders by forfeitures of policies or otherwise. The assessment life companies usually have considerable assets, but do not maintain a full reserve, and as long as the average of their policy holders are young they are safe enough.

The bill provides that assessment life companies, to do business in the District, must have \$50,000 assets if they do not issue policies above a thousand dollars, and \$100,000 invested assets if they do issue larger policies, and that these assets shall always be at least 3 per cent of the total risks of the company.

In case of District companies the securities will be deposited with the register of the supreme court. In the case of foreign companies the superintendent of insurance must be satisfied that the securities are properly maintained.

The small sick-benefit companies are required to have a guaranty fund of at least \$10,000, and that it be at least 3 per cent of their out-

the register of the supreme court. In the case of foreign companies the superintendent of insurance must be satisfied that the securities are properly maintained.

The small sick-benefit companies are required to have a guaranty fund of at least \$10,000, and that it be at least 3 per cent of their outstanding life risks. We have also provided by amendment that the expenses of such companies, including dividends, shall not exceed 50 per cent of the premiums received in any year, so that at least the balance of premiums and all forfeitures shall be paid in losses or dividends or placed in reserve for the benefit of the policy holders. At present less than one-quarter of the premiums usually goes to their benefit.

We have likewise provided that when the risks on lives over 45 years of age exceed in number those on lives under that age the excess in the oldest lives shall be secured by a full legal life insurance reserve equal to a single premium for life insurance of such excess of risks.

The other provisious are formal, but very necessary. The guaranty fund must be provided before business begun, reports must be made in detail when required, policies are to be in an approved form, assessments must be levied when needed, and the license can be revoked in case of insolvency or failure to obey the provisions of the act.

The act does not affect purely fraternal beneficial associations, nor associations of officers and enlisted men, civil-service employees, or the employees of a single firm.

We believe that this bill meets a crying want of the District, and recommend its immediate passage. We think no company should do business that does not give back to its policy holders a reasonable amount of risks, and which proportion the amount of guaranty fund, and the sums named are as low or lower than those required by State legislation. These assessment companies have caused dire distress among those who could least afford it.

The provisions which proportion the amount of guaranty fund to the amount of risks, and which

Mr. PARKER. Mr. Speaker, the most of this bill was pre-pared by the superintendent of insurance of this District. It was introduced by the gentleman from Wisconsin [Mr. Barcock] for the District. It has been very carefully amended by and has the unanimous report of the Judiciary Committee. covers nothing except small companies which were forfeiting 90 per cent of their policies, and when they took in 100 per cent returned from one-sixth to one-quarter to the policy

Mr. SULLIVAN. I wish the gentleman would speak louder.

We can not hear over here.

Mr. PARKER. I am speaking as loud as I can with a slight cold. Has the gentleman heard what I have already said?

Mr. SULLIVAN. We have heard scarcely a word.
Mr. PARKER. I said that the bill was prepared by the superintendent of insurance of this District. These little companies refuse to make returns, and their incorporators-for they were stock companies—put up no capital, but pocketed from 75 to 90 per cent of the premiums, besides forfeiting 90 per cent of the policies. We have therefore provided, what they say is im-

possible, that they shall not do business unless they give back at least one-half of what they take in from the assured; and we have likewise provided that they shall put up \$10,000 as a guaranty fund. We do not think that any sick-benefit company

should have any less capital.

Mr. AMES. Will the gentleman permit an interruption?

Mr. PARKER. I would like to yield time to other gentlemen, but I will permit an interruption.

The SPEAKER. Does the gentleman yield? Mr. PARKER. I yield.

Mr. AMES. The gentleman from New Jersey admits that assessment companies now doing business in the District turn back to the policy holders only 10 per cent of the moneys received.

Mr. PARKER. Assessment sick-benefit companies; not the others.

Mr. AMES. This bill provides for them.

Mr. PARKER. And we provide they shall return 50 per cent.
Mr. AMES. And this bill provides they shall return 50 per
cent. Now, I want to ask the gentleman from New Jersey,
where they perform many kinds of insurance, if he thinks it is good insurance or good policy or sound judgment to make legitimate a business that turns back to the policy holder only 50 cents out of every dollar received?

Mr. PARKER. The gentleman has made his question, and I

will say simply that there are certain numbers of these companies that do business amongst the very poor-the colored peo-

ple of this District-

Mr. AMES. Let me—
Mr. PARKER. One minute. The gentleman has asked his question—and they get the benefit of some protection when they are sick and some insurance when they die. These very poor people are not taken by the regular insurance companies, industrial or otherwise, and some of them can not get the benefit of the fraternal societies, and under these circumstances we have not felt willing to say that the business should stop altogether, if only they return a fair amount to their policy holders. desire to yield three minutes, or five minutes if he desires, to the gentleman from-

Mr. MANN. Will the gentleman yield in order to give some information about the bill?

Mr. PARKER. Yes, sir.
Mr. MANN. Will the gentleman inform us, first, whether the superintendent of insurance has the discretion to waive

the deposit of bond proposed by the bill?

Mr. PARKER. Not for any District company, but there are many in Baltimore, for instance, and elsewhere, and if he is satisfied that they have an equal amount of assets properly invested he can suffer them to do business here.

Mr. MANN. So that the superintendent of insurance will have under this bill authority to prefer a company under one

name and to discriminate against another company.

Mr. PARKER. No.

Why not? Mr. MANN.

Mr. PARKER. Because it is always provided that a company incorporated and doing a regular business of life insurance in a certain State shall make a certain deposit. Then, in a different State, through courtesy, they are permitted to do business if the State authorities are satisfied the deposit is made in the original State of incorporation.

Mr. MANN. The bill provides one company under certain conditions shall deposit \$50,000 of bonds here and another company a hundred thousand in bonds and then provides the superintendent of insurance could waive those requirements. How much will it take to buy the superintendent of insurance?

Mr. PARKER. He can not waive the requirements, or,

rather, he can only waive the requirements as to foreign companies that do not deposit here.

Mr. MANN. That is what I am talking about.

Mr. PARKER. I will say to the gentleman that one of the best assessment companies—the one that had a great reputation in the United States—is called the "Bankers' Life of Des Moines." All the Iowa people spoke up for it and it has \$220 Moines." All the Towa people spoke up for it, and it has \$220,-000,000 of risks out and keeps seven and a half million dollars as a guaranty fund. A hundred thousand dollars would be nothing to such a company, and therefore we provided in the bill that that company should keep 3 per cent of its assets invested somewhere.

Mr. MANN. The gentleman says in his reprot apply to fraternal beneficial associations. The gentleman says in his report the bill does What portion of

the bill exempts them?

Mr. PARKER. The last clause in it. They are very well taken care of by other sections of the District Code, which has been carefully prepared in that regard. I ask for a vote, Mr. Speaker.

The SPEAKER. The question is upon suspending the rules

Mr. SULLIVAN. Mr. Speaker—
Mr. PARKER. I did not know the gentleman from Massachusetts desired to speak. I beg his pardon.

Mr. SULLIVAN. I did not expect the gentleman would subside so quickly

Mr. PARKER. Is there anything the gentleman desires to

Mr. SULLIVAN. Yes; but I will now yield five minutes to the gentleman from Massachusetts [Mr. Ames]

Mr. AMES. Mr. Speaker, I am surprised that the gentleman from New Jersey [Mr. PARKER] should father such a proposition as this on the floor of the House. We have had insurance investigations, insurance legislation, and I have yet to learn of a proposition equal to this. He comes and tells you for the benefit of the poor and sick colored men and women in the District of Columbia that they should be mulcted out of 50 cents of every dollar that they might put away on a sunshiny day. And I do not want the gentleman from New Jersey to dodge the facts in the case, and they are nothing more nor less than this, that his bill is to authorize little companies to do what I consider improper business, permitting their incorporators to take 50 cents out of every dollar collected and return to the poorest class half of what they can possibly save. That is the long and short of this bill. There is plenty of authority in the laws of the District to-day permitting the insurance commissioner, if he sees fit, to wipe out these little insurance companies, and they have no legitimate place in the conduct of insurance within the District. [Cries of "Vote!"]

Mr. BABCOCK. Mr. Speaker, I wish to say just a word on

The SPEAKER. Does the gentleman from Massachusetts [Mr. Sullivan] yield to the gentleman from Wisconsin [Mr. BABCOCK 1

Mr. SULLIVAN. Yes. The SPEAKER. How much time?

Mr. SULLIVAN. Five minutes.

Mr. BABCOCK. Mr. Speaker, I want to say, on behalf of the Committee on the District of Columbia, that this measure was referred to me by the Commissioners, and that I introduced this bill, and from the fact that the Committee on the Judiciary had handled the same subject before I asked that it be referred to them, instead of to the Committee on the District of Columbia.

This measure is a good one. It should be passed. It saves much to many poor people that have been swindled here in the District by different concerns, and if the gentleman understood the situation and had had it presented as it has been presented to the committee I have the honor to represent there would not be a word in opposition to this bill. And I want to say to the gentleman from Massachusetts [Mr. Ames] and the gentleman from Illinois [Mr. Mann] that when they say that these companies are taking the money and are only returning 50 per cent, that cases have been shown where the returns were only 6, 7, or 8 per cent. The department of insurance, together with the Committee on the Judiciary, has made a limit of 50 per cent.

I want to read an extract to-day from the Chief Executive

which expresses his opinion of the conditions which exist in the District of Columbia which this bill seeks to regulate. This letter is dated February 16. He says:

Will you not give this matter immediate attention, and put an end to what seems to me can legitimately be called a "swindle" to the insured in the District?

THEODORE ROOSEVELT.

Now, the matter has been brought to the Executive on account of the abuses in the District of Columbia, and I believe that the Committee on the Judiciary, following the recommendations of the department and the Commissioners, has brought to us here a bill that improves the conditions to such an extent that no man can stand up here and afford to vote against it.

Mr. AMES. I would like to ask the gentleman a question. Did not the commissioner of insurance of the District of Columbia and the insurance commissioners of the whole United States, through their committee of fifteen, recommend to the Judiciary Committee a totally different bill, which did not provide for these companies at all?

Mr. BABCOCK. I understand that Mr. Drake, the commissioner of insurance, was heartily in favor of this bill as originally drafted. There are some amendments and changes that

have been made by the Committee on the Judiciary.

Mr. AMES. I will say for the benefit of the gentleman that
the commissioners of the United States, after several conventions, the leading actuaries of insurance throughout the country, and the Commissioners of the District of Columbia recommended and sought for the passage through the Committee on the Ju-

diciary of a bill which did not provide for assessment companies.

Mr. BABCOCK. This bill came from the commissioner of insurance of the District of Columbia originally. I do not know anything about the commissioners of the United States, I am speaking of the local conditions here, and this bill ought to pass.

Mr. SULLIVAN. Mr. Speaker, I yield three minutes to the

gentleman from Texas [Mr. Sheppard].

Mr. Sheppard. Mr. Speaker, this bill is not sufficiently specific in distinguishing between fraternal insurance orders and assessment associations. Many superintendents of insurance who are hostile to fraternal insurance charge that fraternal insurance orders are really assessment associations, and if this bill is adopted the superintendent of insurance of this District may apply its requirements to fraternal insurance or-ders, although the bill attempts to exempt fraternal insurance orders from its operations. Again, this bill—

Mr. PARKER. Will the gentleman allow me to interrupt him

for a moment?

Mr. SHEPPARD. Certainly. Mr. PARKER. Fraternal associations are covered by subchapter 12 of chapter 18 of the Code of Laws of the District of Columbia—a very careful law—and they are excepted by this

Mr. SHEPPARD. Certainly: but some insurance commissioners with old-line affiliations believe and charge that some fra-ternal life insurance orders are really assessment institutions, and this bill is not sufficiently specific in distinguishing between the two. Again, this bill says that assessment associations shall base their rates upon the actuaries' table of mortality, with 4 per cent interest added, and if you require a rate of that kind it will compel these companies to charge premiums which the

poor of the District can never pay.

Again, the bill attempts to make the superintendent of insurance in the District of Columbia in a certain sense a national commissioner, because it establishes rules for associations founded in other States applying to do business here applicable to their operations in every section of the country. It says they shall pay the policy holders a certain portion of the premiums every year, regardless of whether these policy holders premums every year, regardless of whether these policy holders reside in the District of Columbia or in any State of the Union. It is objectionable for this feature as well as the others to which I have referred. This House ought not to pass a bill of this character with such little consideration, and I trust it will be defeated. [Applause.]

Mr. SULLIVAN. Mr. Speaker, how much time is remaining to this side?

to this side?

The SPEAKER. Nine minutes.
Mr. SULLIVAN. Mr. Speaker, I find on examining this bill that some of the assessment companies may do business with cash assets of \$1,000, and they may file a report upon payment

Mr. PARKER. Cash in bank of \$1,000, and they may have \$50,000 or \$100,000 deposited.

Mr. SULLIVAN. The provision in the bill, as I read, is that company may do business with cash assets of \$1,000.

Mr. PARKER. No. sir.
Mr. SULLIVAN. I call the gentleman's attention to the language on page 2. I may remark here that when a bill of this character, dealing with life assessment companies, sick and death benefit, and accident assessment companies, is brought into the House to be disposed of upon forty minutes' debate, on a two-thirds vote, it ought to be a bill well-nigh perfect in order to command that great vote of confidence in the House. This bill falls far short of perfection.

There is a great agitation all over the country against the extension and even continuance of assessment insurance. In my own State a prominent attorney has brought to the public notice the great cost of insurance of poor persons, and advocates the placing of it in savings banks. There are a great many reform measures discussed throughout the country. If this bill is adopted, the probabilities are that it will be argued that it is a model measure and one which other States may well copy. It seems to me that there are not sufficient safeguards for the protection of the helpless class of persons who are dealt with by this bill, and it would be much better to have the bill defeated and allow the committee to spend more time in the preparation of a proper bill.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken.

The SPEAKER. The Chair is in doubt.

The House divided; and there were—ayes 116, noes 50. Mr. SHEPPARD. Tellers, Mr. Speaker.

The SPEAKER. Thirty-seven gentlemen have risen— Mr. SHEPPARD. The other side, Mr. Speaker. The SPEAKER. One moment. Thirty-seven is not one-fifth of a quorum; not a sufficient number; tellers are refused; two-thirds having voted in favor of the motion, the rules are suspended, and the bill is passed.

#### WITHDRAWAL OF PAPERS.

Mr. Mouser, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Asahel Bliss (H. R. 2177, Fifty-sixth Congress), no adverse report having been made thereon.

#### LEAVE OF ABSENCE.

Leave of absence was granted as follows:

To Mr. Floyd, indefinitely, on account of serious illness of father.

To Mr. Cooper of Wisconsin, for one week, on account of

#### EULOGIES.

Mr. DENBY. Mr. Speaker, I ask unanimous consent for the present consideration of the order which I send to the desk.

The Clerk read as follows:

Ordered. That the session of the House on Sunday, February 24, 1907, be held at 10 o'clock a.m., and that the time until 12 o'clock noon be set apart for memorial addresses on the life, character, and public services of Hon. RUSSELL A. ALGER, late a Senator from the State of Michigan.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken; and the resolution was agreed to.

#### EXTENSION OF REMARKS.

Mr STEENERSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the post-office appropriation bill in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent to extend some remarks in the Record.

The SPEAKER. Is there objection? [After a pause.] . The

Chair hears none.

Mr. ESCH. Mr. Speaker, I ask for a reprint of the report on Senate bill 5133, to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

#### BAYOU BARTHOLOMEW, LOUISIANA.

Mr. RANSDELL of Louisiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 22338) to bridge Bayou Bartholomew, in Louisiana.

The SPEAKER. The gentleman from Louisiana asks unani-

The SPEAKER. The gentleman from Louisiana asks unanimous consent for the present consideration of a bill which will be reported by the Clerk

The Clerk read as follows:

Be it enacted, ctc., That the Arkansas, Louisiana and Gulf Railway Company is hereby authorized to construct a drawbridge across Bayou Bartholomew, in the State of Louisiana, at a suitable point in township 22 north, range 6 east, about 7 miles north of the town of Bastrop.

With the following amendment, recommended by the Committee on Interstate and Foreign Commerce:

Insert at the end of the bill the following: "in accordance with the provisions of an act of Congress entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906. "Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection?

There was no objection.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be engrossed and read a

third time, and was accordingly read the third time, and passed. On motion of Mr. RANSDELL of Louisiana, a motion to reconsider the last vote was laid on the table.

# BRIDGE ACROSS TUG FORK OF BIG SANDY RIVER.

Mr. BRUMM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25611) to authorize the Burnwell Coal and Coke Company to construct a bridge across the Tug Fork of Big Sandy River. The bill was read, as follows:

Be it cnacted, etc., That the Burnwell Coal and Coke Company, a corporation organized under the laws of the State of West Virginia, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad, tram road, conveyor, wagon, or foot bridge and approaches thereto across the Tug Fork of Big Sandy River at a point about 11 miles west of Hatfield Tunnel, near

Sprigg, Mingo County, W. Va., where the same forms the boundary line between the States of Kentucky and West Virginia, in the State of West Virginia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. Brumm, a motion to reconsider the last vote

was laid on the table.

#### NORFOLK AND PORTSMOUTH TRACTION COMPANY, VIRGINIA.

Mr. MAYNARD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24005) granting to the Norfolk and Portsmouth Traction Company the right to operate trains through the military reservation on Willoughby Spit, Norfolk County, Va.
The bill was read, as follows:

Spit, Norfolk County, Va.

The bill was read, as follows:

Be it enacted, etc., That the Norfolk and Portsmouth Traction Company, lessee of the Norfolk Railway and Light Company, be, and it is hereby, granted the license and privilege to maintain and operate its electric railway, which has heretofore been constructed under a license granted by the Secretary of War to its predecessor, the Norfolk Willoughby Spit and Old Point Railroad Company, across the military reservation of the United States on Willoughby Spit, in Norfolk County, Va., on such location as may be approved by the Secretary of War upon the following conditions, namely:

First, That the said company, its successors or assigns, shall remove its tracks, at its own expense, from said reservation within sixty days after receiving notice from the Secretary of War that the War Department requires the premises so occupied for the purposes of the United States, and upon the failure, neglect, or inability of the said company, its successors or assigns, so to do, the same shall become the property of the United States, or any officer or agent therefor, shall be created by or made on account of such removal.

Second. That said company shall confine its route to the location heretofore adopted under the license granted by the Secretary of War; and that there shall be fenced in a manner satisfactory to the Chief of Engineers; and that no more trees shall be cut down than in the judgment of the local officer of the Corps of Engineers are necessary to clear a way for the tracks.

Third. That the said company shall carry free over any part or parts of its road and ferry all United States officers, engineers, inspectors, overseers, clerks, and laborers dwelling beyond the limits of the reservation or Ocean View, who may be engaged in Government work upon the reservation.

Fourth, That any sum which may have to be expended after the revertion.

Fourth. That said company shall pay all taxes assessed against the property.

Fifth. That any sum which may have to be expended after the revocation of this license, as heretofore provided, in putting the premises or property hereby authorized to be occupied or used, in as good condition for use by the United States as it is at the date of the granting of said license, shall be repaid by the said company on demand.

Sixth. That said company shall pay such reasonable annual rental as may be fixed from time to time by the Secretary of War.

The SPEAKER. Is there objection? There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. MAYNARD, a motion to reconsider the last

vote was laid on the table.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 529. An act granting an increase of pension to Francis Arnold;

H. R. 830. An act granting an increase of pension to Hezekiah Dezarn

H. R. 1019. An act granting an increase of pension to Daniel B. Bayless

H. R. 1233. An act granting an increase of pension to Lucretia

H. R. 1373. An act granting an increase of pension to Florence Bacon:

H. R. 2049. An act granting an increase of pension to Henry

H. R. 2246. An act granting an increase of pension to Henry

H. R. 2777. An act granting an increase of pension to Albert F. Durgin;

H. R. 2781. An act granting an increase of pension to Martin

V. B. Wyman; H. R. 2878. An act granting an increase of pension to John M.

H. R. 3204. An act granting an increase of pension to Charles H. Anthony; H. R. 3352. An act granting an increase of pension to George

R. Roraback;

H. R. 3720. An act granting an increase of pension to Joseph

McNulty; H. R. 3977. An act granting an increase of pension to John Vorous:

H. R. 5709. An act granting an increase of pension to Mary H.

H. R. 5854. An act granting an increase of pension to Jonas

H. R. 5856. An act granting an increase of pension to Martin

H. R. 6161. An act granting an increase of pension to Horatio

H. R. 6491. An act granting an increase of pension to Albert

H. R. 6575. An act granting an increase of pension to Rawleigh M. Monin;

H. R. 6589. An act granting an increase of pension to Manoah W. Dunkin;

H. R. 6880. An act granting an increase of pension to Marine D. Tackett

H. R. 6887. An act granting an increase of pension to James E. Taylor : H. R. 6943. An act granting an increase of pension to Linas

Van Steenburg

H. R. 7415. An act granting an increase of pension to George H. R. 7416. An act granting an increase of pension to Joseph

H. R. 7538. An act granting an increase of pension to Thompson H. Hudson;

H. R. 7918. An act granting an increase of pension to John M.

H. R. 8164. An act granting an increase of pension to Jackson Mays H. R. 8586. An act granting an increase of pension to Milton

H. R. 8673. An act granting an increase of pension to Marcena C. S. Gray

H. R. 8718. An act granting an increase of pension to William T. Rowe

H. R. 9073. An act granting an increase of pension to Melissa McCracken

H. R. 9450. An act granting an increase of pension to Alexan-

H. R. 9576. An act granting an increase of pension to Henry

H. R. 9655. An act granting an increase of pension to William

H. R. 10188. An act granting an increase of pension to James L. Conn

H. R. 10598. An act granting an increase of pension to Robert W. Mills;

H. R. 10874. An act granting an increase of pension to Frederick Pfahl;

H. R. 11098. An act granting an increase of pension to Joseph A. Robinson;

H. R. 20990. An act to create a new division of the southern judicial district of Iowa and to provide for terms of court at Ottumwa, Iowa, and for a clerk for said court, and for other

H. R. 21204. An act to amend section 4446 of the Revised Statutes, relating to licensed masters, mates, engineers, and pilots; and

H. R. 21383. An act providing that terms of the circuit court of the United States for the western district and of the district court of the United States for the northern division of the western district of the State of Washington be held at Bellingham.

### POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET of Indiana. Mr. Speaker, I ask unanimous consent that the general debate on the post-office appropriation bill may be closed, and the reading of the bill under the five-minute rule begin at 4 o'clock to-morrow instead of 12 o'clock.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the general debate on the post-office appropriation bill be closed at 4 o'clock to-morrow instead of 12 o'clock. Is there objection?

There was no objection.

Mr. OVERSTREET of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 41 minutes p. m.) the House adjourned until Tuesday, February 19, 1907, at 11 o'clock a. m.

# EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting recommendation in relation to appropriation for light and fog signal at Hinchinbrook, Alaska—t mittee on Appropriations, and ordered to be printed. -to the Com-

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for reimbursement of travel expenses of certain Army and Navy officers in service with Light-House Board-to the Committee on Appro-

priations, and ordered to be printed.

A letter from the Acting Postmaster-General, transmitting a schedule of papers and documents not of value, and also calling attention to other papers and documents the inspection of which has already been recommended to Congress—to the Joint Select Committee on Disposition of Useless Papers, and

ordered to be printed.

A letter from the chairman of the Printing Investigation Commission, transmitting a supplemental report of that Commission-to the Committee on Printing, and ordered to be printed.

A letter from the superintendent of the Washington, Alexandria and Mount Vernon Railway Company, transmitting the annual report of the company—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Woodman H. Webb, administrator of estate of Harriet Day, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named as follows:

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 7502) providing for the appointment of an appraiser of merchandise for the customs collection district of Puget Sound, State of Washington, reported the same with amendment, accompanied by a report (No. 7645); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OLCOTT, from the Special Committee on Investigation of the Government Hospital for the Insane, submited a report (No. 7644); which was referred to the House Calendar.

Mr. DAVIDSON, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 25694) permitting the erection of a dam across Coosa River, Alabama, at the place selected for Lock No. 12 on said river, reported the same without amendment, accompanied by a report (No. 7648); which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bill of the following title was reported from committee, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McCARTHY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 15859) ceding certain lands to Colorado State Agricultural College, reported the same with amendment, accompanied by a report (No. 7646); which said bill and report were referred to the Private Calendar.

### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows

By Mr. LITTAUER: A bill (H. R. 25707) to authorize the construction of dams, canals, power stations, and locks for the improvement of navigation and development of water power on the St. Lawrence River at and near Long Sault Island, St. Lawrence County, N. Y.—to the Committee on Rivers and Har-

By Mr. GARBER: A bill (H. R. 25708) to prevent the use of the United States mail or interstate telegraph or telephone lines

in the sale or advertising for sale of fraudulent mining stock-

to the Committee on the Post-Office and Post-Roads.

By Mr. McGUIRE: A bill (H. R. 25709) to amend sections
16, 17, and 20 of an act entitled "An act to enable the people of
Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 16, 1906, and for other purposes—to the Committee on the Territories.

By Mr. WANGER: A bill (H. R. 25710) to create in the War

Department a roll to be known as the volunteer retired list, to authorize placing thereon with retired pay certain surviving officers and privates of the United States Volunteer Army of the civil war, and for other purposes-to the Committee on Military

By Mr. ADAMSON: A bill (H. R. 25711) to prescribe a maximum rate of 2 cents per mile for passenger fare by any form of ticket or mileage book on railroads engaged in interstate commerce—to the Committee on Interstate and Foreign Com-

By Mr. HULL: A bill (H. R. 25712) to provide for raising volunteer army of the United States in time of actual or threatened war-to the Committee on Military Affairs.

By Mr. SHERMAN: A bill (H. R. 25713) removing restrictions upon the alienation of certain lands in the Indian Terriand for other purposes—to the Committee on Indian

By Mr. SHEPPARD: A bill (II. R. 25714) for the establishment of a fish hatchery at Paris, Tex .-- to the Committee on the

Merchant Marine and Fisheries.

Also, a bill (H. R. 25715) authorizing the Interstate Commerce Commission to hold a contest, open to the world, to determine the best device for preventing railway collisions, wrecks, accidents, etc., and providing awards—to the Committee on In-

terstate and Foreign Commerce.

By Mr. BUCKMAN: A bill (H. R. 25716) to amend an act entitled "An act permitting the building of a dam across the Mississippi River above the village of Monticello, Wright County, approved June 14, 1906-to the Committee on Inter-

state and Foreign Commerce.

Also, a bill (H. R. 25717) to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Clearwater, Wright County, Minn.," ap-proved June 14, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: A bill (H. R. 25718) to provide for the erection of a public building at Sewickley, Pa.—to the Committee

on Public Buildings and Grounds.

By Mr. LEGARE: A bill (H. R. 25719) to provide for the establishment of an immigration station at Charleston, in the State of South Carolina, and the erection in said city, on a site to be selected for said station, of a public building-to the Committee on Immigration and Naturalization.

By Mr. MEYER: A bill (H. R. 25720) to provide for the ap-

pointment of one additional professor of mathematics in the Navy—to the Committee on Naval Affairs.

By Mr. LORIMER: A bill (H. R. 25721) for the purchase of a site and the erection thereon of a building for a national war museum in the city of Chicago, State of Illinois-to the Committee on Public Buildings and Grounds.

By Mr. DENBY: A joint resolution (H. J. Res. 246) authorizing the President to extend an invitation to the Twelfth International Congress of Hygiene and Demography to hold its thirteenth congress in the city of Washington—to the Committee on Interstate and Foreign Commerce.

By Mr. OLCOTT: A concurrent resolution (H. C. Res. 55) providing for the printing of 5,000 copies of the testimony taken by the special committee appointed to investigate the Government Hospital for the Insane-to the Committee on Printing.

By Mr. WALLACE: A resolution (H. Res. 851) requesting certain information from the Secretary of the Interior-to the

Committee on the Public Lands.

By Mr. SULZER: A resolution (H. Res. 852) requesting the Secretary of the Treasury to transmit to the House of Representatives of the Sixtieth Congress information concerning rates of interest charged to certain national banks-to the Committee on Military Affairs.

By Mr. REEDER: A resolution (H. Res. 854) providing compensation for extra service of H. P. Andrews rendered to printing and bill clerk—to the Committee on Accounts.

By Mr. HEFLIN: A resolution (H. Res. 855) providing for night sessions-to the Committee on Rules.

By Mr. FOSS: A resolution (H. Res. 856) increasing the compensation of the clerk to the Committee on Naval Affairs—to the Committee on Accounts.

By Mr. BROWNLOW: A resolution (H. Res. 857) to pay P. L. Coultry, assistant foreman in the House folding room, an

increase of salary—to the Committee on Accounts.

By the SPEAKER: Memorial of the legislature of Texas, praying for legislation to enable the Executive to modify tariff schedules for the purpose of extending American trade—to the Committee on Ways and Means.

Also, a memorial of the legislature of South Dakota, praying for an amendment to the free-alcohol law-to the Committee on

Ways and Means,

Also, memorial of the legislature of Kansas, asking for improvement of the Missouri, Mississippi, and Kansas rivers—to the Committee on Rivers and Harbors.

Also, memorial from the legislature of Iowa, favoring the La Follette bill-to the Committee on Interstate and Foreign Com-

Also, memorial from the legislature of Wisconsin, praying for the passage of the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon-to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: A memorial of the constitutional convention of the proposed State of Oklahoma, asking Congress to appropriate \$135,000 additional for the expenses of said convention and the election to be held at which the constitution framed is to be submitted to the people-to the Committee on Appro-

priations. By Mr. JENKINS: A memorial from the legislature of Wis-consin, asking for the passage of Senate bill 5133, concerning

employees and travelers on railroads-to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: A memorial of the legislature of Texas, recommending legislation concerning trade relations between the United States and foreign countries affecting the meat products—to the Committee on Ways and Means.

By Mr. BOWERSOCK: Memorial of the legislature of Kansas, asking for the passage of the Littlefield bill—to the Committee

on the Judiciary

Also, memorial of the legislature of Kansas, asking for limitation of hours of labor of railway employees -- to the Committee on Interstate and Foreign Commerce.

Also, memorial of the legislature of Kansas, asking for river

improvement—to the Committee on Rivers and Harbors.

By Mr. REEDER: Memorial of the legislature of Kansas, recommending the passage of the bill concerning the safety of railway employees—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the legislature of Kansas, recommending the passage of the Littlefield bill-to the Committee on the

Also, memorial of the legislature of Kansas, recommending the improvement of the Missouri, Mississippi, and Kansas rivers—to the Committee on Rivers and Harbors.

Also, memorial of the legislature of Kansas, recommending the granting of pensions to the survivors of the battle of Beechers Island and their widows-to the Committee on Invalid Pensions.

Also, memorial of the legislature of Kansas, asking that the pension laws may be extended to the Kansas State Militia who served in the civil war-to the Committee on War Claims.

By Mr. BURKE of South Dakota: Memorial of the legislature of South Dakota, asking that Fort Meade, S. Dak., be

nature of South Dakota, asking that Fort Meade, S. Dak., be made a brigade post—to the Committee on Military Affairs.

Also, memorial of the legislature of South Dakota, asking Congress to pass an act removing the restrictions upon the manufacture of denatured alcohol for mechanical and illuminating purposes--to the Committee on Ways and Means.

Also, memorial of the legislature of South Dakota, asking Congress to amend the internal-revenue laws concerning intoxicating liquors—to the Committee on Ways and Means.

Also, memorial of the legislature of South Dakota, asking Congress to remove the tariff from saw logs and lumber-to the Committee on Ways and Means,

By Mr. MARTIN: Memorial from the legislature of South Dakota, requesting Congress to make Fort Meade, S. Dak., a brigade post—to the Committee on Military Affairs.

Also, memorial of the legislature of South Dakota, asking

Congress to pass an act removing restrictions on the manufacture of denatured alcohol for mechanical and illuminating purposes—to the Committee on Ways and Means.

By Mr. WEISSE: Memorial of the legislature of Wisconsin,

asking Congress to pass the act relative to the safety of employees and travelers on railways-to the Committee on Interstate and Foreign Commerce.

By Mr. BRICK: Memorial of the legislature of Indiana, requesting the passage of a bill by Congress making the battle ground of Stone River, Tennessee, a national park—to the Committee on Military Affairs.

By Mr. DAWSON: Memorial of the State of Iowa, favoring the passage of the act to provide for the safety of employees and travelers on railroads—to the Committee on Interstate and Foreign Commerce.

By Mr. OTJEN: Memorial of the legislature of Wisconsin, in favor of Senate bill 5133-to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER: Memorial of the legislature of Kansas, recommending the passage of Senate bill 5133-to the Com-

mittee on Interstate and Foreign Commerce.

Also, memorial of the legislature of Kansas, recommending the extension of the pension laws to the Kansas State Militia who served in the civil war—to the Committee on Military Affairs.

Also, memorial of the legislature of Kansas, asking for the improvement of certain rivers—to the Committee on Rivers and

Also, memorial of the legislature of Kansas, recommending the passage of the Littlefield bill-to the Committee on the Judiciary.

By Mr. ESCH: Memorial of the legislature of Wisconsin, recommending the passage of Senate bill 5133—to the Committee on Interstate and Foreign Commerce

By Mr. HULL: Memorial from the legislature of Iowa, recommending the passage of Senate bill 5133-to the Committee on Interstate and Foreign Commerce.

# PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following

titles were introduced and severally referred as follows:

By Mr. DENBY: A bill (H. R. 25722) granting a pension to Laura A. Floyd-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25723) granting a pension to Victoria Kidd—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 25724) granting an increase of pension to E. W. Eaton-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25725) granting an increase of pension to Irene Schormoyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25726) granting an increase of pension to Francisco Zamora de Alderete—to the Committee on Invalid

By Mr. DOVENER: A bill (H. R. 25727) for the relief of Larnie Dean and James Dean—to the Committee on Claims. By Mr. FULKERSON: A bill (H. R. 25728) granting an in-

crease of pension to Samuel G. King-to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 25729) granting an increase of pension to William Kiernan-to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 25730) for the relief of the heirs of John W. Harle-to the Committee on War Claims.

By Mr. HUNT: A bill (H. R. 25731) granting an increase of pension to Robert Lee—to the Committee on Pensions.

By Mr. KELIHER: A bill (H. R. 25732) to change the military record of Michael Duggan—to the Committee on Military Affairs.

By Mr. LORIMER: A bill (H. R. 25733) to reimburse G. W.

Sheldon & Co., New York—to the Committee on Claims.

By Mr. McCALL: A bill (H. R. 25734) granting an increase of pension to James B. David-to the Committee on Invalid Pen-

By Mr. SPIGHT: A bill (H. R. 25735) for the relief of Miss Emily Clayton-to the Committee on War Claims.

# CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of bill of the following title; which thereupon referred as follows:

A bill (H. R. 25694) permitting the erection of a dam across Coosa River, Alabama, at the place selected for Lock No. 12 on said river-Committee on Interstate and Foreign Commerce discharged, and referred to the Committee on Rivers and Har-

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows

By the SPEAKER: Petition of the State Federation of Labor of California, for increase of pay of post-office clerks-to the Committee on the Post-Office and Post-Roads.

Also, petition of the California State Federation of Labor, against legislation for the naturalizing of Japanese and any coercion of California-to the Committee on Immigration and Naturalization.

Also, petition of the national benevolent societies of Philadelphia, for legislation to investigate the whole question of immigration-to the Committee on Immigration and Naturaliza-

Also, resolution of Junction City Post, Grand Army of the Republic, conveying thanks to Congress for the promotion of

Edward S. Godfrey—to the Committee on Military Affairs.
Also, petition of various organizations of citizens in the States and the District of Columbia, against the Littlefield bill-

to the Committee on the Judiciary.

Also, petition of Immigrants' Protection League, against legislation in restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BONYNGE: Petition of the Grand River Stock Growers' Association, against any change in the laws affecting the administration of the public lands—to the Committee on the Public Lands.

Also, petition of the Grand River Stock Growers' Association, against paying fees for stock-growing privileges on Government reserves-to the Committee on the Public Lands.

Also, petition of citizens of Rio Blanco County, Colo., against any change in the existing land laws-to the Committee on the Public Lands.

By Mr. BOWERSOCK: Petition of citizens of Muncie, Kans., for investigation of pay to railways for mail service-to the Committee on the Post-Office and Post-Roads.

By Mr. BRICK: Petition of the Beacon Light Society of the City of Goshen, Ind., for repeal of the duty on works of art-to the Committee on Ways and Means.

By Mr. BRUNDIDGE: Petition of citizens of Arkansas, against reduction of the allowance for railway mail service-to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER of Pennsylvania: Petition of George A. Mc-Call Post, No. 31, Department of Pennsylvania, Grand Army of the Republic, against abolition of pension agencies—to the Committee on Appropriations.

By Mr. DOVENER: Paper to accompany bill for relief of

John T. Pinnock—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of the California State Federation of Labor, for bill H. R. 9754 (classification of first and second class post-office clerks)—to the Committee on the Post-Office and Post-Roads.

Also, petition of the California State Federation of Labor, against the position of the President relative to Japanese in San Francisco—to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Petition of the California State Federation of Labor, for classification of clerks in first and second class post-offices-to the Committee on the Post-Office and Post-

By Mr. FOSTER of Indiana: Petition of Evansville (Ind.) Typographical Union, for bills S. 6330 and H. R. 19853-to the Committee on Patents.

By Mr. FULLER: Petition of Mrs. W. Fletcher Barnes, of Rockford, Ill., for continuance of the appropriation for the Biological Survey-to the Committee on Agriculture.

Also, petition of Baker, Wignall & Co., of Streator, Ill., against express companies competing with regular dealers in the fruit business—to the Committee on Interstate and Foreign Com-

By Mr. GRONNA: Paper to accompany bill for relief of Charles B. Saunders—to the Committee on Pensions.

By Mr. GUDGER: Paper to accompany bill for relief of James Doyle—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Ellen M. Galyean—to the Committee on Pensions.

By Mr. HIGGINS: Petition of the State Business Men's As-

sociation of Connecticut, for forest reservations-to the Committee on Agriculture.

Also, petition of George E. Tingley, of Mystic, Conn., against certain provisions in the copyright bill—to the Committee on

By Mr. HUFF: Petition of the California State Federation of

Labor, for classification of salaries of clerks (H. R. 9754)-to the Committee on the Post-Office and Post-Roads.

Also, petition of the California State Federation of Labor, against the position of the President relative to Japanese in San Francisco-to the Committee on Labor.

By Mr. KELIHER: Petition of the Dorchester Helping Hand Association, against the Dillingham-Gardner bill-to the Com-

mittee on Immigration and Naturalization.

Also, petition of Morriss Bailen, against the pending immigration legislation-to the Committee on Immigration and Naturalization.

Also, petition of Boston Typographical Union, No. 13, for the

copyright bill-to the Committee on Patents.

Also, petition of the Massachusetts State Association of Master Plumbers, for bill S. 6923-to the Committee on the Post-Office and Post-Roads.

Also, petition of the Springfield (Mass.) Board of Trade, for readjustment of the scale of salaries for post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. LAMB: Petition of the California State Federation of Labor, for reclassification of salaries of post-office clerks (H. R. 9754)-to the Committee on the Post-Office and Post-

Also, petition of the California State Federation of Labor, against the position of President Roosevelt relative to the Japanese in San Francisco-to the Committee on Foreign Affairs.

By Mr. LINDSAY: Petition of the Grand Street Board of Trade, of Brooklyn, N. Y., for the Wilson bill (reclassification of the clerks of the first and second classes)—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Association of Master Plumbers of New York, for bill S. 6923—to the Committee on the Post-Office and

Post-Roads.

By Mr. LIVINGSTON: Papers to accompany bills for relief of Joel R. Prewett, administrator of James W. Prewett; William P. Haynes, and James K. P. Carlton-to the Committee on War Claims

By Mr. MARTIN: Petition of citizens of Ipswich, S. Dak., for legislation to prohibit child labor-to the Committee on

Labor,
By Mr. McCALL: Petition of citizens of Winchester, Mass., for the Littlefield bill-to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Penrose Forto the Committee on Invalid Pensions.

By Mr. NORRIS: Petition of the California State Federation of Labor, for reclassification of the salaries of post-office clerks (H. R. 9754)—to the Committee on the Post-Office and Post-

Also, petition of the California State Federation of Labor, against the position of the President relative to Japanese in San Francisco-to the Committee on Foreign Affairs

By Mr. PADGETT: Paper to accompany bill for relief of

Anna Bunch-to the Committee on War Claims.

By Mr. POWERS: Paper to accompany bill for relief of F. H.

Grant-to the Committee on War Claims.

By Mr. REEDER: Petition of citizens of Kansas, for enlarged powers of the Interstate Commerce Commission in governing railway traffic—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON of Alabama: Petition of citizens of Landerdale County and Colbert County, Ala., for two sessions annually of the Federal court of northern Alabama, to be held

at Florence, Ala.—to the Committee on the Judiciary.

By Mr. RIORDAN: Petition of the California State Federation of Labor, for reclassification of post-office clerks (H. R. 9754)—to the Committee on the Post-Office and Post-Roads.

Also, petition of the California State Federation of Labor, against the position of the President relative to the Japanese in San Francisco-to the Committee on Foreign Affairs

By Mr. RODENBERG: Petition of the Millstadt Liederkranz, of Millstadt, Ill., against the Littlefield bill-to the Committee on the Judiciary.

Also, petition of citizens of Belleville, Ill., against restriction of desirable immigrants (the Lodge-Gardner bill)—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Petition of the California State Federation of Labor, for classification of clerks in the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

Also, petition of the California State Federation of Labor, against the position of the President relative to the Japanese

in San Francisco—to the Committee on Labor.

By Mr. SPIGHT: Paper to accompany bill for relief of Miss

Emily Clayton—to the Committee on War Claims.

By Mr. STEPHENS of Texas: Petition of the Cattle Raisers'

Association of Texas, for legislation toward enlarging the foreign market for beef and pork raisers of the United Statesthe Committee on Ways and Means.

By Mr. WALLACE: Petition of citizens of Sulphur, Ind. T., against the management of the superintendent of the Platt National Park, of Sulphur-to the Committee on the Public

By Mr. WEEKS: Paper to accompany bill for relief of Henry G. Crockett—to the Committee on War Claims.

By Mr. WEISSE: Petition of the California State Federation against the President's position relative to the of Labor. Japanese in San Francisco-to the Committee on Foreign Af-

Also, petition of the California State Federation of Labor, for classification of first and second class post-office clerks (H. R. 9754)-to the Committee on the Post-Office and Post-

#### SENATE.

# Tuesday, February 19, 1907.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. McCumber, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

WASHINGTON, ALEXANDRIA AND MOUNT VERNON RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Washington, Alexandria and Mount Vernon Railway Company for the fiscal year ended December 31, 1906; which was referred to the Committee on the District of Columbia, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 7372. An act to authorize the acceptance by the Secretary of the Navy, as a gift, of a sailboat for use of the midshipmen at the Naval Academy;

S. 8274. An act to amend an act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn.; and

S. 8362. An act to authorize the city council of Salt Lake City, Utah, to construct and maintain a boulevard through the

military reservation of Fort Douglas, Utah.

The message also announced that the House had passed the bill (S. 2769) to divide Nebraska into two judicial districts, with amendments; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate

H. R. 22338. An act to bridge Bayou Bartholomew, in Louisi-

H. R. 24605. An act granting to the Norfolk and Portsmouth Traction Company the right to operate trains through the military reservation on Willoughby Spit, Norfolk County, Va.;
H. R. 25549. An act to amend section 653 of the Code of Law

for the District of Columbia, relative to assessment life-insur-

ance companies or associations; and

H. R. 25611. An act to authorize the Burnwell Coal and Coke Company to construct a bridge across the Tug Fork of Big Sandy River.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21579) granting an increase of pension to Sarah R. Harrington.

The message further announced that the House had agreed to

the amendments of the Senate to the following bills:

H. R. 9841. An act to correct the military record of James H. Davis; and

H. R. 25013. An act granting to the regents of the University of Oklahoma section No. 36, in township No. 9 north, of range No. 3 west of the Indian meridian, in Cleveland County, Okla.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 1726. An act making provision for conveying in fee the

piece or strip of ground in St. Augustine, Fla., known as "The Lines," for school purposes, to the board of public instruction of St. Johns County, Fla.; S. 4403. An act to regulate the immigration of aliens into

the United States:

S. 6364. An act to incorporate the National Child Labor Committee:

S. 7793. An act to fix the time for holding the circuit and district courts of the United States in and for the northern district of Iowa:

S. 7879. An act granting to the Los Angeles Interurban Railway Company a right of way for railroad purposes through the United States Military Reservation at San Pedro, Cal.;

An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other

H. R. 2326. An act for the relief of J. W. Bauer and others; H. R. 3356. An act to correct the military record of Timothy

Lyons;

H. R. 11153. An act to correct the military record of Robert

B. Tubbs; H. R. 20881. An act granting an increase of pension to Martha

J. Weaverling:

H. R. 20984. An act to provide for a land district in Valley County, in the State of Montana, to be known as the Glasgow land district;

H. R. 21194. An act to authorize J. F. Andrews, J. W. Jourdan, their heirs, representatives, associates, and assigns, to construct dams and power stations on Bear River, on the southeast quarter of section 31, township 5, range 11, in Tishomingo County,

H. R. 24538. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1908;
H. R. 24760. An act authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes; and

H. R. 25550. An act confirming entries and applications under section 2306 of the Revised Statute's of the United States for lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington.

# PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a resolution adopted by the constitutional convention of the proposed State of Oklahoma in favor of an additional appropriation covering the expenses of the convention, and also of the elections held and to be held under the enabling act of the Territory, etc.; which was referred to the Committee on Appropriations.

Mr. DICK presented petitions of 22 citizens of Cleveland, Ohio, praying for the passage of the so-called "Crumpacker bill" relating to postal fraud orders; which were referred to the Committee on the Judiciary.

He also presented memorials of the Farmers' Institute of

Sherrodsville, of the Farmers' Institute of Ranson, and of the Portage County Agricultural Society, of Rayenna, all in the State of Ohio, remonstrating against the enactment of legislation providing for the free distribution of seeds and plants; which were ordered to lie on the table.

He also presented petitions of the Century Club, of Waynesville; of the Mens' Round Table Club, of Middleton; of the Young Men's League of Springfield, and of the Presbyterian Sunday School of Warren, all in the State of Ohio, praying for the enactment of legislation to regulate the employment of child labor; which were ordered to lie on the table.

He also presented petitions of Grubbs-Bagley Camp, No. 16, United States War Veterans, of Hamilton, and of the Good Citizenship Meeting, of Springfield, in the State of Ohio, praying for the repeal of the present anticanteen law; which were referred

to the Committee on Military Affairs.

He also presented petitions of Wellsville Lodge, Order of Railway Trainmen; of Lake Shore Lodge, No. 84, Brotherhood of Railroad Trainmen, and of Franklin Lodge, No. 628, Brotherhood of Railroad Trainmen, all in the State of Ohio, praying for the passage of the so-called "anti-injunction bill;" which were referred to the Committee on the Judiciary.

He also presented memorials of the Deutscher Central Bund of Toledo; of the German-American Alliance of Cleveland; of the Independent Order of B'nai B'rith of Cleveland; of the Associated Jewish Charities of Toledo; of Ernest Motter, of Trov. and of the Council of Jewish Women of Toledo, all in the State of Ohio; of the Immigration Restriction League of Boston, Mass., and of the Liberal Immigration League of New York City, N. Y., remonstrating against the enactment of legislation

to further restrict immigration; which were ordered to lie on the table.

He also presented the petitions of the News-Dispatch, of St. Paris; of the Independent Press, of Wakeman; of the Sun-Review Company, of Galion; of the Ottawa County Herald, of Port Clinton; of the Democrat, of Eaton, and of the Amanda Enterprise, of Amanda, all in the State of Ohio, praying for the enactment of legislation to prohibit the railroads from exchanging transportation for advertising; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the annual conference of the Mission Boards of the United States and Canada, of Philadelphia, Pa.; of the International Church Conference on Federation, of New York City, N. Y.; of Charles F. Nesbit, of Washington, D. C.; of the congregation of the Christian Church of Cincinnati; of D. R. Miller, of Dayton; of the Baptist Woman's Home Foreign Mission, of Cleveland, and of the faculty of Oberlin College, Oberlin, all in the State of Ohio, praying for the adoption of the so-called "Lodge resolution" to investigate the existing conditions in the Kongo Free State; which were ordered to lie on the table.

Mr. GALLINGER presented the petition of Julia Schoenfeld, of Johnstown, Pa., praying that an appropriation be made for a scientific investigation into the industrial conditions of woman and child workers of the United States; which was ordered to lie on the table.

He also presented the memorial of Samuel Rea, third vicepresident of the Pennsylvania Railroad Company, of Philadelphia, Pa., remonstrating against the enactment of legislation to prohibit any steam engines within the District of Columbia after January 1, 1908, from emitting dense or thick, black, or gray smoke or cinders; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Business Men's Association of Washington, D. C., remonstrating against the adoption of a certain amendment to the District of Columbia appropriation bill defining the hours of the school day in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the memorial of Lester & Price, of Washington, D. C., remonstrating against the enactment of legislation to regulate the loaning of money in the District of Columbia by persons, firms, or corporations on security of any kind; which was referred to the Committee on the District of Columbia.

He also presented the petition of Thomas W. Smith, president of the Eastern Dispensary and Casualty Hospital, of Washington, D. C., and the petition of John Joy Edson, of Washington, D. C., praying for the enactment of legislation requiring the compulsory registration of persons affected with tuberculosis in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented the petition of Herbert S. Wood, of Washington, D. C., praying that an appropriation be made providing for the grading of Albemarle street NW. east of Connecticut avenue; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the executive committee of the Secular League of Washington, D. C., remonstrating against the enactment of legislation requiring certain places of business. in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. McCREARY presented petitions of sundry citizens of Pineville, Ky., praying for an investigation of the charges made and filed against Hon. Reed Smoot, a Senator from the State

of Utah; which were ordered to lie on the table.

Mr. ANKENY presented memorials of sundry citizens of Olympia, Wash., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. ELKINS presented a petition of the West Virginia Live Stock Association, praying for the enactment of legislation to provide for the production of denatured alcohol by farm and neighborhood distilleries; which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Fairmont, Ravenswood, Montgomery, Buckhannon, Athens, Janelew, and New Martinsville, all in the State of West Virginia, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. HEMENWAY. I present a concurrent resolution of the legislature of the State of Indiana, in favor of the enactment of legislation providing that certain portions of the land over which was fought the battle of Stones River be set apart as a national park. I ask that the concurrent resolution be read and referred to the Committee on Military Affairs.

There being no objection, the concurrent resolution was read, and referred to the Committee on Military Affairs, as follows:

Engrossed house concurrent resolution No. 2.—A concurrent resolution instructing our Senators and requesting our Representatives in Congress to vote for the passage of a bill now pending before the United States Congress to set apart certain portions of the ground over which the battle of Stone River was fought, for a national park.

park.

Be it resolved by the house of representatives (the senate concurring), That our Senators in Congress be instructed and our Representatives be requested to vote and use their influence to secure the passage of a bill now pending before the Congress of the United States providing that certain portions of the land over which was fought the battle of Stone River, situated near Murfreesboro, Tenn., be set apart as a national park, to be owned and beautified by the Government, in memory of our soldier dead; and be it further Resolved, That provision be made to mark the location of all Indiana regiments participating in this battle.

We hereby certify that the above house concurrent resolution No. 2 was adopted by the general assembly of the State of Indiana on February 14, 1907.

M. S. Hastings,

M. S. Hastings, Clerk House of Representatives. JULIAN D. Hogate, Secretary of Senate.

Mr. HEMENWAY presented petitions of 115 citizens of Shelbyville, Ind., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

Mr. CULBERSON presented memorials of sundry citizens of Johnson County, Tex., remonstrating against the enactment of legislation requiring certain places of business in the District

of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. DRYDEN presented petitions of sundry citizens of Bloomfield, Clarksboro, Paulsboro, Cape May City, Camden, and Bloomingdale, all in the State of New Jersey, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on

He also presented a memorial of Zabriskie Post, No. 38, De partment of New Jersey, Grand Army of the Republic, of Jersey City, N. J., remonstrating against the enactment of legisla-

sey City, N. J., remoistrating against the enactment of legislation abolishing the pension agencies throughout the country; which was ordered to lie on the table.

He also presented a memorial of Vineland Grange, No. 11, Patrons of Husbandry, of Vineland, N. J., remonstrating against the passage of the so-called "ship-subsidy bill" and also for the adoption of certain amendments to the present denaturedalcohol law; which was ordered to lie on the table.

He also presented a petition of the Woman's Club of Orange, N. J., praying that an appropriation be made for a scientific investigation into the industrial conditions of woman and child workers in the United States; which was ordered to lie on the

He also presented a memorial of the fish and game commissioners of Long Branch, N. J., remonstrating against the enactment of legislation to abolish the Bureau of Biological Survey, in the Department of Agriculture; which was ordered to lie on the table.

He also presented petitions of the Irving Woman's Club, of Irvington; of the Wednesday Morning Club, of Cranford, and of the City Improvement Society, of New Brunswick, all in the State of New Jersey, praying for the enactment of legislation to regulate the employment of child labor; which were ordered to lie on the table.

He also presented petitions of the Woman's Club of Orange; of the Wednesday Morning Club, of Cranford; of the Woman's Club of Glen Ridge, and of the Irving Woman's Club, of Irvington, all in the State of New Jersey, praying for an investigation of the charges made and filed against Reed Smoot, a Senator from the State of Utah; which were ordered to lie on the table.

Mr. NELSON presented a petition of Maendler Brothers, of St. Paul, Minn., and a petition of sundry citizens of Minnesota, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. KITTREDGE. I present a joint resolution of the legislature of South Dakota, which I ask may be printed in the RECORD

and referred to the Committee on Finance.

The joint resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA, DEPARTMENT OF STATE, SECRETARY'S OFFICE.

United States of America, State of South Dakota:

I, D. D. Wipf, secretary of state of South Dakota and keeper of the great seal thereof, do hereby certify that the attached instrument

of writing is a true and correct copy of senate joint resolution No. 9 as passed by the tenth legislative assembly of the State of South Dakota now in session and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre this 16th day of February, 1907.

[SEAL.]

D. D. WIFF,
Severthrum of State

D. D. WIPF, Secretary of State.

joint resolution memorializing the President and the Congress of the United States to so amend internal-revenue laws of the United States that no Federal license for the sale of mait, brewed, fermented, or intoxicating liquors shall be granted to any person who is not legally authorized to carry on such business under the laws of the State in which he resides.

To the President and Congress of the United States:

In which he resides.

To the President and Congress of the United States:

Whereas the traffic in intoxicating liquors is a fruitful source of suffering, disorder, and crime wherever it is carried on; and

Whereas the State of South Dakota is seeking to curb and control such traffic through local option and license laws, under which laws the sale of intoxicating liquors as a beverage is entirely prohibited in many communities within the State, and the privilege of engaging in such business is permitted only to those who hold a regular license therefor; and

Whereas the enforcement of these laws by the State is made extremely difficult by the policy followed by the Government of the United States of accepting the special tax required by said Government from all dealers in malt, brewed, fermented, or intoxicating liquors, and granting a license therefor to all applicants regardless of whether such applicants may lawfully conduct such business under the laws of the State wherein they reside. And believing that such a policy on the part of the Government of the United States is an invasion of the police powers of the States; that it is contrary to the principles of comity which should exist between the Federal Government and the several States; that it tends to render State laws nugatory, is detrimental to the best interests of society, and subversive of good government: Therefore, be it

Resolved by the senate of the legislature of the State of South Dakota (the house of representatives concurring). That the President and the Congress of the United States be, and they are hereby, respectfully petitioned to so amend the internal-revenue laws of the United States that no Federal license for the sale of malt, brewed, fermented, or intoxicating liquors shall be granted to any person who is not authorized to carry on such business under the laws of the State in which he resides.

M. J. Chaney,

M. J. CHANEY, Speaker of the House.

Attest:
JAMES W. CONE, Chief Clerk.

HOWARD C. SHOBER, President of the Senate.

Attest: L. M. Simons, Secretary of the Senate.

I. M. SIMONS, Secretary of the Assault.

I hereby certify that the within resolution originated in the senate and was known in the senate files as senate joint resolution No. 9.

L. M. SIMONS, Secretary.

STATE OF SOUTH DAKOTA, Office Secretary of State, 88:

Filed February 15, 1907, at 3 o'clock p. m.
D. D. Wipp, Secretary of State.

Mr. KITTREDGE. I present a joint resolution of the legislature of the State of South Dakota, which I ask may be printed in the RECORD and referred to the Committee on Finance.

The joint resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE, SECRETARY'S OFFICE.

UNITED STATES OF AMERICA, State of South Dakota:

I, D. D. Wipf, secretary of state of South Dakota and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of senate joint resolution No. 1, as passed by the tenth legislative assembly of the State of South Dakota, now in session, and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hercunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre this 15th day of February, 1907.

[SEL.]

D. D. WIPF, Secretary of State.

Secretary of State.

A joint resolution memorializing Congress to remove the tariff from saw logs and lumber.

Be it resolved by the senate of the State of South Dakota (the house of representatives concurring therein). That the legislature of the State of South Dakota hereby memorializes and petitions the Congress of the United States to forthwith remove the tariff from saw logs, lumber, and forest products imported into the United States.

Resolved, That the secretary of state is hereby directed to send a certified copy of these resolutions to the President of the United States Senate, to the Speaker of the House of Representatives, and to the members of the South Dakota delegation in Congress.

M. J. Chaner,

Speaker of the House,

Attest:

JAMES W. CONE, Chief Clerk.

HOWARD C. SHOBER, President of the Senate.

Attest:
L. M. Simons, Secretary of the Senate.
I hereby certify that the within resolution originated in the senate and was known in the senate files as senate joint resolution No. 1.
L. M. Simons, Secretary.

STATE OF SOUTH DAKOTA, Office Sceretary of State, ss:

Filed February 15, 1907, 3 o'clock p. m. D. D. Wiff, Secretary of State. Mr. LODGE presented petitions of sundry citizens of Rockland, Westboro, Millville, and Holliston, all in the State of Massachusetts, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which

were referred to the Committee on the Judiciary.

He also presented petitions of Prof. C. L. Johnson, of Harvard University; of the Theodore Metcalf Company, of Boston; of William C. Durkee, of Boston; of the Merrimac Chemical Company, of Boston; of Albert E. Beach, representing the State board of health; of Prof. Lyman V. Newell, of Boston University, and of Prof. C. A. Grossman, all in the State of Massachusetts, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented a petition of the congregation of the Maple Street Church, of Lynn, Mass., praying for an investigation of the charges made and filed against the Hon. Reed Smoot, a Senator from the State of Utah; which was ordered to lie on

the table.

Mr. LONG. I present a concurrent resolution of the legislature of the State of Kansas, which I ask may lie on the table and be printed in the RECORD.

The concurrent resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate concurrent resolution No. 19.

Senate concurrent resolution No. 19.

Whereas the cheaper transportation of grain and other freight is a matter of great interest to the people of the State of Kansas; and
Whereas the people derive but little benefit from the great waterways furnished by the Mississippi, Missouri, and Kansas rivers on account of the condition of such rivers regarding obstructions: Therefore, be it

Resolved by the legislature of the State of Kansas (a majority of the senate and the house of representatives concurring therein). That the United States Senators from Kansas be instructed and the Members of the House of Representatives in Congress be requested to use their utmost endeavors to procure a suitable appropriation to be made by the Congress of the United States for the improvement of the Mississippi. Missouri, and Kansas rivers, to the end that better navigation thereof can be had; be it

Further resolved, That copies of these resolutions be forwarded by the secretary of the senate to the Vice-President of the United States and to the Speaker of the House of Representatives in Congress and to each Congressman and Senator from the State of Kansas.

I hereby certify that the above concurrent resolution originated in the senate and passed that body February 8, 1907.

W. E. PITTS,

Assistant Secretary of the Senate.

Passed the House February 11, 1907.

I S. SIMMONS

Passed the House February 11, 1907.

J. S. Simmons, Speaker of the House, D. Y. Wilson, Chief Clerk of the House. STATE OF KANSAS.

OFFICE OF THE SECRETARY OF STATE.

I, C. E. Denton, secretary of state of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal this 14th day of February, 1907.

C. E. DENTON.

Secretary of State,
By J. T. Botkin,
Assistant Secretary of State.

Mr. LONG. I present a concurrent resolution of the legislature of the State of Kansas, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary

The concurrent resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution No. 15.

Senate concurrent resolution No. 15.

Whereas the Judiciary Committee of the House of Representatives of the United States has by a decisive vote recommended the passage of a bill introduced by the Hon. Charles E. Littlefield, of Maine, which provides, in substance, that the interstate-commerce character of all shipments of intoxicating liquors shall terminate immediately upon their arrival within the State or Territory in which the place of destination is situated; and

Whereas Kansas has carried on the struggle to enforce her laws in the interest of temperance and sobriety for more than a quarter of a century against the combined influence and efforts of the liquor interests of the States situated on her borders and has received no assistance or encouragement from the Federal Government; and

Whereas the passage of said law would be of the greatest assistance to the State of Kansas, and all other States which have laws prohibiting the sale of intoxicating liquors, or strictly regulating the sale thereof, in enforcing the same: Now, therefore be it

Resolved by the senate of the State of Kansas (the house of representatives concurring therein). That in as much as the State of Kansas will be greatly benefited by the passage of said law, we request our Senators in the Senate of the United States and our Members of Congress to work and vote for said act and to use all means which vigilance, energy, and honor may dictate to secure its passage.

I hereby certify that the above concurrent resolution originated in the Senate, and passed that body February 5, 1907.

W. J. Fitzgerald, President of the Senate.

W. E. Pitts,

Assistant Secretary of the Senate.

Passed the House February 6, 1907.

J. S. Simmons,

Speaker of the House.

J. S. SIMMONS, Speaker of the House, D. Y. WILSON, Chief Clerk of the House.

STATE OF KANSAS, OFFICE OF THE SECRETARY OF STATE.

OFFICE OF THE SECRETARY OF STATE.

I. C. E. Denton, secretary of state of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal this 14th day of February, 1907.

C. E. DENTON,

Secretary of State.

By J. T. BOTKIN,

Assistant Secretary of State.

Mr. LONG presented a paper to accompany the bill (S. 8499) for the relief of William Coker; which was referred to the Committee on Claims.

He also presented the petition of E. H. L. Bailey, of Lawrence, Kans., praying for the adoption of certain amendments to the present denatured alcohol law; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Emporia, Kans., praying for an investigation of the charges made and filed against Hon. Reed Smoot, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Wichita, Kans., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Oneida, Kans., and of sundry citizens of Stafford, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of the International Brotherhood of Boiler Makers, the Iron Ship Builders and Helpers, and the American Federation of Labor; of the Coopers' International Union of North America, American Federation of Labor, all of Kansas City, in the State of Kansas, praying for the enactment of legislation providing for the protection of labor and industries from the competition of convict labor and prison-made goods; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Linwood and Brookville, in the State of Kansas, praying that representatives of the railroads of the country be granted a hearing before any reductions are made in the appropriations for carrying the United States mails; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Southwestern Lumbermen's Association, of Kansas City, Kans., praying for the enactment of legislation for relief from car shortage, and also for the enactment of a national reciprocal demurrage law; which was referred to the Committee on Interstate Commerce.

Mr. GAMBLE presented a joint resolution of the legislature of the State of South Dakota, in favor of the removal of the tariff on saw logs and lumber; which was referred to the Com-

mittee on Finance.

He also presented a joint resolution of the legislature of the State of South Dakota, in favor of the adoption of an amendment to the internal-revenue laws providing that no Federal license for the sale of malt, brewed, fermented, or intoxicating liquors shall be granted to any person who is not legally authorized to carry on such business under the laws of the State in which he resides; which was referred to the Committee on Finance.

#### GEORGE L. DANCY.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 8511) granting a pension to George L. Dancy, to report it favorably with an amendment, and I submit a report thereon. I ask unanimous consent for the consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was, in line 8, before the word "dollars," to fill the blank by inserting the word "thirty;" so as to make the

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George L. Dancy, late of Company F. First Regiment Florida Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### CATHERINE DE ROSSET MEARES.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 7903) granting an increase of pension to Catherine De Rossett Meares, to report it with an amendment, and I submit a report thereon.

unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine De Rosset Meares, widow of Gaston Meares, late captain, Arkansas Mounted Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Catherine De Rosset Meares.

## BUSINESS OF THE SESSION.

Mr. HALE. The appropriation bills, Mr. President, I think are necessarily taking so much time (because their provisions are better scrutinized this year than before) that we are met with a very serious question, whether we shall be able to get them all through. The big bills are almost all of them yet to be considered by the Senate. We have in this week two more working days; to-morrow is mortgaged by the Smoot case and Saturday practically by eulogies, and we have six days next week and one Sunday after that in which all the big bills, with a few exceptions, will have to be considered.

I realize, as every Senator does, the great desire to get measures passed which are on the Calendar, and which are being reported from day to day by the committees. Looking at things as carefully as I can, marshaling our time, I ask unanimous consent that to-day the Senate shall take a recess at 6 o'clock until 8 this evening, the night session to be given to unobjected

cases on the Calendar.

I do not think that we can reach the reasonable desires of Senators who have bills upon the Calendar by piecemeal, getting Everyone who is one or two of them through in the morning. interested in the Calendar can come here this evening and we can clean it all up in one session. That will be a great relief to everyone here, and prevent the inevitable scramble in the morning and delay the consideration of appropriation bills by getting bills through when reported.

I do not want anyone to think that upon this matter I am lecturing the Senate. Every Senator feels, I take it, just the same as I do; but to get through, and not be confronted on the 4th of March with one or two big appropriation bills unpassed, I think we must have after this night sessions, quite likely tomorrow night, for the consideration of whatever bill is up. The agricultural appropriation bill and the other bills that have been up have taken days, because we are scrutinizing them here and in a valuable way.

So I repeat my request for unanimous consent that the Senate take a recess at 6 o'clock until 8, the night session to be devoted

to unobjected bills on the Calendar.

The VICE-PRESIDENT. The Senator from Maine unanimous consent that the Senate take a recess at 6 o'clock this evening until 8 o'clock, and then assemble for the purpose of considering unobjected bills upon the Calendar. Is there objection to the request The Chair hears none. It is so or-

Mr. HALE. Now, I hope that when Senators report bills here this morning they will not use up the time, but let them go to the Calendar, and the clerks will see that they are on the printed Calendar to-night, so that they will all be found there.

REPORTS OF COMMITTEES. Mr. HOPKINS. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 25234) permitting the building of a dam across Rock River at Lyndon, Ill., to re port it without amendment. I should like to have the bill

placed upon the Calendar for consideration to-night.

The VICE-PRESIDENT. The bill will be placed upon the

Calendar, as requested.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 24987) to authorize the sale and disposition of a portion of the surplus or unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, reported it with amendments, and submitted a report thereon.

Mr. KITTREDGE, from the Committee on Interoceanic Canals, reported an amendment proposing to appropriate \$2,298,-

367.50 to pay the outstanding 4½ per cent first-mortgage bonds of the Panama Railway Company, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amend-

ment, and submitted reports thereon:

A bill (H. R. 20223) granting an increase of pension to William F. Clendening; and

A bill (H. R. 20718) granting an increase of pension to Anne

B. Whitcomb.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (H. R. 20003) granting an increase of pension to Wil-

liam Yahn:

A bill (H. R. 20004) granting an increase of pension to Isalah Perkins;

A bill (H. R. 20057) granting an increase of pension to Cyn-

A bill (H. R. 20062) granting an increase of pension to Philip

A bill (H. R. 20082) granting an increase of pension to Wil-

liam Van Alst;
A bill (H. R. 20148) granting a pension to Flora Fenzl;
A bill (H. R. 20155) granting an increase of pension to Frank

Weiss, alias Louis Weiss A bill (H. R. 9838) granting an increase of pension to Joseph

Fergerson;

A bill (H. R. 20170) granting an increase of pension to Mathias Mannes

A bill (H. R. 20183) granting an increase of pension to Cath-

erine Way;
A bill (H. R. 20217) granting an increase of pension to Fer-

A bill (H. R. 20270) granting an increase of pension to Michael Dunn;

A bill (H. R. 20299) granting an increase of pension to Lizzie E. Enright;

A bill (H. R. 20352) granting a pension to Martha Stevens; A bill (H. R. 20414) granting an increase of pension to Albert

A bill (H. R. 20588) granting an increase of pension to Nicholas S. Cantine;
A bill (H. R. 20590) granting an increase of pension to Hannah O. Reynolds;

A bill (H. R. 20622) granting an increase of pension to Sam-

nel Shoener: A bill (H. R. 23235) granting an increase of pension to James

L. Barney; and A bill (H. R. 24358) granting an increase of pension to John

R. Cauley Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (H. R. 21447) granting a pension to William W. Sparks, reported it with amendments, and sub-

mitted a report thereon. He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and

submitted reports thereon:

A bill (H. R. 21639) granting a pension to Nanny E. Hayes;

A bill (H. R. 21415) granting an increase of pension to Casper W. Tyler.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon

A bill (H. R. 21244) granting an increase of pension to Levi E. Eldred;

A bill (H. R. 21262) granting an increase of pension to Margaret Adams;
A bill (H. R. 21267) granting an increase of pension to

Jerome B. Clark

A bill (H. R. 21284) granting an increase of pension to William Earnest

A bill (H. R. 21306) granting an increase of pension to James Pool:

A bill (H. R. 21336) granting an increase of pension to Hermann Hoffmeister

A bill (H. R. 21337) granting an increase of pension to Henry A bill (H. R. 21342) granting an increase of pension to Charles

A. Parker A bill (H. R. 21348) granting an increase of pension to Wil-

liam Seymour Alden;

A bill (H. R. 21352) granting a pension to Hester A. Parrish; A bill (H. R. 21430) granting an increase of pension to Alonzo Foster:

A bill (H. R. 21525) granting an increase of pension to John

A bill (H. R. 21559) granting an increase of pension to William Ivers

A bill (H. R. 21562) granting an increase of pension to Valentine Goebel

A bill (H. R. 21608) granting an increase of pension to Louis Green

A bill (H. R. 21659) granting an increase of pension to Rose Sevin:

A bill (H. R. 21711) granting an increase of pension to Thor Nelson

A bill (H. R. 21734) granting an increase of pension to Stephen B. H. Shanks;

A bill (H. R. 21746) granting an increase of pension to Wil-

liam N. Carlisle; and A bill (H. R. 21784) granting an increase of pension to Wil-

liam Hall. Mr. FRAZIER, from the Committee on Claims, to whom was referred the bill (H. R. 5666) for the relief of L. L. Arrington

and L. S. Arrington, reported it without amendment, and submitted a report thereon.

Mr. MILLARD, from the Committee on Interoceanic Canals, to whom was referred the bill (S. 8488) to amend an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902, reported it without amendment.

Mr. OVERMAN, from the Committee on Claims, to whom was referred the bill (S. 4367) for the relief of Mrs. C. N. Graves, reported it without amendment, and submitted a report thereon.

Mr. McLAURIN, from the Committee on Claims, to whom was referred the bill (S. 3342) for the relief of the Protestant Orphan Asylum at Natchez, in the State of Mississippi, reported it without amendment, and submitted a report thereon.

Mr. BURKETT, from the Committee on Pensions, to whom was referred the bill (H. R. 17956) granting an increase of pension to John Shinolt, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 17245) granting an increase of pension to Joseph Bateman

A bill (H. R. 17307) granting an increase of pension to John

A bill (H. R. 17394) granting an increase of pension to Albert

W. Bogg A bill (H. R. 17655) granting an increase of pension to Fritz

Dittmann A bill (H. R. 18040) granting an increase of pension to Thomas Akin ;

A bill (H. R. 18110) granting an increase of pension to Asail Brown

A bill (H. R. 18396) granting an increase of pension to John

Nix; A bill (H. R. 18515) granting an increase of pension to Martin

Johnson; A bill (H. R. 18518) granting an increase of pension to Wil-

liam W. Wertman: A bill (H. R. 18519) granting a pension to Benjamin W. McCray

A bill (H. R. 18556) granting an increase of pension to William H. De Bruler;

A bill (H. R. 18571) granting an increase of pension to Ann

A bill (H. R. 18604) granting an increase of pension to Thomas M. Luman;

A bill (H. R. 18653) granting an increase of pension to Richard Limbird : A bill (H. R. 18814) granting an increase of pension to

Francis G. Knapp;

A bill (H, R. 18831) granting an increase of pension to James R. Wilson

A bill (H. R. 18874) granting a pension to Nannie T. Johnson; A bill (H. R. 18993) granting an increase of pension to James

A bill (H. R. 19065) granting an increase of pension to William R. Rodenberger;

A bill (H. R. 19069) granting an increase of pension to Cor-

nelius A. Willis;
A bill (H. R. 19079) granting a pension to Phoebe Templeton; A bill (H. R. 19106) granting an increase of pension to Margaret Epperson;

A bill (H. R. 19125) granting an increase of pension to Mary W. Humphreys;

A bill (H. R. 19291) granting an increase of pension to Charles Bachman;

A bill (H. R. 19421) granting an increase of pension to Ella A. Hodges

A bill (H. R. 19580) granting an increase of pension to Jane Williamson

A bill (H. R. 19594) granting an increase of pension to Hosea Hudson:

A bill (H. R. 19599) granting an increase of pension to William J. Large

A bill (H. R. 19658) granting an increase of pension to Ary S.

A bill (H. R. 19739) granting an increase of pension to Henry D. Miner

A bill (H. R. 19794) granting an increase of pension to Henry C. Jewett; and

A bill (H. R. 19937) granting an increase of pension to Mildred L. Allee

Mr. McCUMBER (for Mr. LA FOLLETTE), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports

A bill (H. R. 20840) granting an increase of pension to Thomas

A bill (H. R. 20886) granting an increase of pension to William W. Bell;

A bill (H. R. 20890) granting an increase of pension to Lafayette Doughty

A bill (H. R. 20952) granting an increase of pension to John W. Howe

A bill (H. R. 20954) granting an increase of pension to Henry McDevitt:

A bill (H. R. 20056) granting an increase of pension to James Kenney

A bill (H. R. 20959) granting an increase of pension to William G. Dickey

A bill (H. R. 20961) granting an increase of pension to George F. Fogg

A bill (H. R. 20963) granting an increase of pension to Rianzo M. Norton:

A bill (H. R. 20972) granting an increase of pension to George W. Rothrock

A bill (H. R. 20999) granting an increase of pension to John H. Simmons

A bill (H. R. 21038) granting a pension to Lucy A. Gaylord; bill (H. R. 21040) granting an increase of pension to Ella C. Washburn;

A bill (H. R. 21052) granting an increase of pension to Ed-

mund A. Locker;
A bill (H. R. 21055) granting an increase of pension to Archihald Bates

A bill (H. R. 21073) granting an increase of pension to Michael Harman;

A bill (H. R. 21085) granting an increase of pension to Anthony Patterson

A bill (H. R. 21130) granting a pension to Margaret McNally; A bill (H. R. 21131) granting an increase of pension to Cornelius Shea; and

A bill (H. R. 21141) granting an increase of pension to George E. Castor, alias George E. Custer.

Mr. BURKETT, from the Committee on Claims, to whom was

referred the bill (S. 5614) for the relief of the widow of Harrison S. Weeks, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 9298) for the relief of the heirs at law of David C. Haynes, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. Ankeny on the 10th ultimo, proposing to appropriate \$750 to reimburse John M. Hill, late register of the United States land office at Walla Walla, Wash., for clerk hire paid by him, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. FORAKER, from the Committee on the Judiciary, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9976) to provide for the appointment of an additional district judge in and for the southern district of the

State of Ohio; and
A bill (H. R. 18854) providing for sittings of the United

States circuit and district courts of the southern district of

Ohio at the city of Dayton, in said district.

Mr. LA FOLLETTE, from the Committee on Claims, to whom was referred the bill (S. 6190) authorizing the Omaha tribe of Indians to submit claims to the Court of Claims, reported it with amendments, and submitted a report thereon.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (II. R. 23324) authorizing the sale of certain lands to the city of Buffalo, Wyo., re-

ported it without amendment.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (8. 8430) for the relief of the Richmond Locomotive Works, successor of the Richmond Locomotive and Machine Works, reported it without amendment, and submitted a report thereon.

## COURTS IN SOUTH CAROLINA.

Mr. BACON. I am instructed by the Committee on the Judiciary to report back favorably with amendments the bill (H. R. 22334) to amend an act to regulate the sitting of the United States courts within the district of South Carolina, and I submit a report thereon. As the bill relates to the holding of Federal courts and is very short, I ask for its present consid-

The VICE-PRESIDENT. The Chair would call the attention of the Senator from Georgia to the fact that a special session of the Senate is to be held this evening for the consideration of unobjected bills on the Calendar.

Mr. BACON. Then I withdraw the request.

Mr. HALE. Right here, Mr. President, let me renew my suggestion that the clerks see to it that the bills which are reported to-day are put on the Calendar, so that when we meet to-night we shall find them there.

That is a good suggestion, Mr. President. The VICE-PRESIDENT. The bill will be placed on the

Calendar.

#### DISPOSITION OF USELESS PAPERS.

Mr. PETTUS. I am directed by the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments to submit a report; which, I believe, requires no action.

The VICE-PRESIDENT. The report will be printed and lie

on the table.

#### OLYMPIC FOREST RESERVE.

Mr. PILES. I ask that the bill (H. R. 15335) for the protection of game animals, birds, and fishes in the Olympic Forest Reserve of the United States, in the State of Washington, be placed on the Calendar under Rule IX.

The VICE-PRESIDENT. At the request of the Senator from Washington, the bill will go to the Calendar under Rule IX.

## BILLS INTRODUCED.

Mr. DICK introduced a bill (S. 8520) authorizing the Secretary of War to issue discarded arms to camps of the United Spanish War Veterans; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. OVERMAN introduced a bill (S. 8521) granting a pension to Daniel Skipper; which was read twice by its title, and re-

ferred to the Committee on Pensions

Mr. FRAZIER introduced a bill (S. 8522) for the relief of the city of Nashville, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

Mr. ELKINS introduced a bill (S. 8523) granting a pension to Noah Lamb; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also (by request) introduced a bill (8, 8524) to parole United States prisoners; which was read twice by its title, and

referred to the Committee on the Judiciary.

Mr. LONG introduced a bill (S. 8525) to carry out the findings of the Court of Claims in the case of Alfred W. Kent; which was read twice by its title, and referred to the Committee on Claims

Mr. PETTUS introduced a bill (S. 8526) permitting the erection of a dam across Coosa River, Alabama, at the place selected for Lock No. 12 on said river; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. McENERY introduced a bill (S. 8527) for the relief of the Levee Steam Cotton Press Company, of New Orleans, in the State of Louisiana; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 8528) for the relief of the heirs

of Armand Lacour; which was read twice by its title, and referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 8529) to amend an act entitled "An act permitting the building of a dam across the Mississippi River above the village of Monticello, Wright County,

Minn.," approved June 14, 1906; which was read twice by its

title, and referred to the Committee on Commerce.

He also introduced a bill (S. 8530) to amend an act entitled "An act permitting the building of a dam across the Mississippi of Commerce of Clean across the Mississippi River at or near the village of Clearwater, Wright County, Minn.," approved June 14, 1906; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FULTON introduced a bill (S. 8531) amending section 2477 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Public

Lands.

#### AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. ALDRICH submitted an amendment relative to the employment of title warrant machinists in the Navy, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

#### STATE EXPENSES IN RAISING VOLUNTEER ARMY, SPANISH WAR.

Mr. DICK submitted an amendment intended to be proposed by him to the bill (H. R. 25472) to fix the limitation applicable in certain cases; which was referred to the Committee on Appropriations, and ordered to be printed.

#### SAC AND FOX INDIANS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

At the last session I found myself unable to sign House bill No. 10133 in reference to certain disputed rights between the Iowa and Oklahoma bands of the Sac and Fox Indians. After careful investigation of the subject and on the advice of the Commissioner of Indian Affairs I recommend that a measure be passed by the Congress turning over the whole controversy just as it stands to the Court of Claims, with full power to determine the legal and equitable rights involved and to render judgment. with full power to det and to render judgment.

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 19, 1907.

#### HOUSE BILLS REFERRED.

H. R. 25549. An act to amend section 653 of the Code of Law for the District of Columbia, relative to assessment of life-insurance companies or associations, was read twice by its title, and referred to the Committee on the District of Columbia.

The following bills were severally read twice by their titles,

and referred to the Committee on Commerce

H. R. 22338. An act to bridge Bayou Bartholomew, in Louisi-

H. R. 25611. An act to authorize the Burnwell Coal and Coke Company to construct a bridge across the Tug Fork of Big Sandy River; and-

H. R. 24605. An act granting to the Norfolk and Portsmouth Traction Company the right to operate trains through the military reservation on Willoughby Spit, Norfolk County, Va., was read twice by its title, and referred to the Committee on Military Affairs.

## PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On February 16:

S. 5352. An act for the relief of William H. Osenburg.

On February 18:

S. 660. An act granting an honorable discharge to Peter Green;

S. 1215. An act to correct the military record of William Fleming;

S. 2139. An act to remove the charge of desertion from the

military record of Anton Ernst; S. 3593. An act granting an honorable discharge to Joseph P. W. R. Ross;

S. 8065. An act to provide for the transfer to the State of South Carolina of certain school funds for the use of free schools in the parishes of St. Helena and St. Luke, in said State:

S. 3668. An act to authorize the Washington, Spa Springs and Gretta Railroad Company, of Prince George County, to extend its street railway into the District of Columbia;

S. 822. An act granting a pension to Michael N. Hennessy;

S. 3461. An act granting a pension to Helen L. Woodward; S. 3681. An act granting a pension to Sanford H. Moats;

S. 4055. An act granting a pension to Nancy J. Mullally; S. 5374. An act granting a pension to Floyd A. Honaker;

S. 362. An act granting an increase of pension to James M.

S. 756. An act granting an increase of pension to Jacob Niebels

S. 1172. An act granting an increase of pension to Asaph H. Witham :

S. 1397. An act granting an increase of pension to Anna B. L.

S. 1495. An act granting an increase of pension to John Holley

S. 1511. An act granting an increase of pension to Marvin F. Barton

S. 1516. An act granting an increase of pension to Orlando O. Austin:

S. 1594. An act granting an increase of pension to Margaret E. Guthrie

S. 1797. An act granting an increase of pension to John E.

S. 2104. An act granting an increase of pension to Moses Feyler

S. 2259. An act granting an increase of pension to Charles Duby, alias Louis Deshemean ;

S. 2693. An act granting an increase of pension to Samuel

S. 2780. An act granting an increase of pension to Daniel N.

S. 2994. An act granting an increase of pension to David Har-

S. 3295. An act granting an increase of pension to Anna Williams

S. 3319. An act granting an increase of pension to James E.

S. 3320. An act granting an increase of pension to Elias H. Parker:

S. 3583. An act granting an increase of pension to Kate O'Donnell Wood;

S. 3882. An act granting an increase of pension to Delphine Darling ;

S. 4033. An act granting an increase of pension to William Kirkwood

S. 4108. An act granting an increase of pension to Martha M. Lambert

S. 4113. An act granting an increase of pension to Dell E.

Pert: S. 4396. An act granting an increase of pension to Thomas C.

S. 4509. An act granting an increase of pension to Anna M. Loomis

S. 4681. An act granting an increase of pension to William S. Grav

S. 4742. An act granting an increase of pension to Mary E. Allen:

S. 4756. An act granting an increase of pension to John Kirch: S. 4769. An act granting an increase of pension to Rosa Olds

S. 4813. An act granting an increase of pension to Samuel Doolittle;

S. 4818. An act granting an increase of pension to George W. Peabody

S. 4908. An act granting an increase of pension to William H. Kimball:

S. 5021. An act granting an increase of pension to Margaret Kearney

S. 5023. An act granting an increase of pension to Ruth E.

S. 5041. An act granting an increase of pension to George A. S. 5190. An act granting an increase of pension to Abby L.

Brown S. 5106. An act granting an increase of pension to John Ads-

head: S. 5292. An act granting an increase of pension to Michael J.

Sprinkle:

S. 5542. An act granting an increase of pension to Elizabeth S.

S. 5580. An act granting a pension to Julia A. Vroom;

S. 5586. An act granting an increase of pension to Albert F. Pepeon;

S. 5697. An act granting an increase of pension to George H. McLain; and 8.6833. An act granting an increase of pension to Bettie May

On February 19:

S. 6872. An act to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak."

DIVISION OF NEBRASKA JUDICIAL DISTRICTS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2769) to divide Nebraska into two judicial districts; which was to strike out all after the enacting clause and insert:

all after the enacting clause and insert:

That the President of the United States, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the district of Nebraska, who shall reside in said district, and who shall possess the same powers, perform the same duties, and receive the same salary as the present judge of said district.

Sec. 2. That the present district judge in said district and the one appointed under this act shall agree between themselves upon the division of business and assignment of cases for trial in said districts: Provided, however, That in case the said two district judges do not agree the senior circuit judge of the eighth circuit shall make all necessary orders for the division of business and the assignment of cases for trial in said district.

Sec. 3. That the regular terms of the circuit and district courts of the United States for said district of Nebraska shall-be held at the following times and places, namely: At Omaha, beginning on the fourth Monday in September and the first Monday in April; at Norfolk, beginning on the second Monday in January; at Chadron, beginning on the second Monday in January; at Chadron, beginning on the second Monday in May; at Hastings, beginning on the second Monday in May; at Hastings, beginning on the second Monday in May; at Hastings, beginning on the second Monday in May; at Hastings, beginning on the second Monday in May; at Hastings, beginning on the second Monday in May; at Hastings, beginning on the second Monday in May; at Hastings, beginning on the second Monday in May; at Hastings, beginning on the second Monday in May; at Hastings, beginning on the second Monday in May; at Hastings, beginning on the second Monday in May; at Hastings, beginning on the second Monday in May; at Hastings, beginning on the second Monday in May; at Hastings, beginning on the second Monday in May; at Hastings, beginning on the second Monday in May; at Hastings, beginning on the second Monday

on the irst Monday in January; at Chadron, beginning on the second on the irst Monday in January; at Chadron, beginning on the second Monday in March, and at McCook, beginning on the first Monday in March, and at McCook, beginning on the first Monday in March, and at McCook, beginning on the first Monday in March, and at McCook, beginning on the first Monday in March.

Sec. 4. That special terms of the circuit and district courts may be held in said district whenever such special terms are deemed necessary by the judges thereof and the time of the said courts or by special order of a judge thereof.

Sec. 5. That for the purpose of holding terms of court in said district of Nebraska said district shall be divided into eight divisions, known as the Omaha division, the North Platte division, the North Platte division, the Chadron division, the Lincoln comprising the counties of Douglas. Sarpy, Washington, Dodge, Colfax, Platie, Nance, Boone, Wheeler, Burt, Thurston, Dakota, Cuming, Cedar, and Dixon shall constitute the Omaha division, all terms of court for which shall be held in the city of Omaha. The territory comprising the counties of Douglas, Sarpy, Washington, Dodge, Colfax, Platie, Nance, Boone, Wheeler, Burt, Thurston, Dakota, Cuming, Cedar, and Dixon shall constitute the Chadron division, all terms of court for which shall be held at the city of Norfolk. The territory counties of Madison, Antelope, Knox, Flerce, Stanton, Wayne, Hoit, Boyd, Herms of court for which shall be held at the city of Chadron. The territory comprising the counties of Cherry, Sheridan, Dawes, Boxbutte, and Sloux shall constitute the Chadron division, all terms of court for which shall be held at the city of Madison, Carabidation, all terms of court for which shall be held at the city of Grand Island. The territory comprising the counties of Cherry, Sheridan, Dawes, Boxbutte, and Shall constitute the Grand Island. The territory comprising the counties of Lincoln, Dawson, Logan, McPherson, Keith, Deuel, Cheyenne, Kimball, Banner, and

application may be made to a court when sitting in any division in said district upon such notice to the prosecution as the court may require. Sec. 10. That all petit jurors summoned for service in any division shall be residents of such division. At or about the time for the selecting of a petit jury for any term of court in any division, if it shall be made to appear to the satisfaction of a district judge of said district that there is no litigation for trial at such coming term of court in such division in which there are issues triable to a jury, said judge may order that no jury be summoned for said term in said division.

Sec. 11. That unless otherwise ordered by the district court, grand juries in said district shall sit in the Omaha division and the Lincoln division only. The grand jury sitting in the Omaha division shall take cognizance and have jurisdiction of all crimes and offenses committed in the territory comprising the Omaha division, when Norfolk division, the Grand Island division, the Norfolk division, and such grand jurors shall be drawn from the territory comprising the Omaha division, and the Chadron division, and such grand jurors shall be drawn from the territory comprising the Lincoln division, the Hastings division, and the McCook division, and such grand jurors shall be drawn from the territory comprising said divisions. The foreman of each grand jury shall indorse upon each indictment found the name of the division in which said grand jury is sitting, the same, together with all process, writs, and recognizances relating thereto, shall be certified and transferred to the division indorsed on such indictment: Provided, That a district judge of said district may order the summoning of a grand jury for any term of court in any division of said district, and in such case such grand jury shall be drawn from the territory comprising so of this act in any way changing or medifying existing law or procedure shall not apply to crimes and offenses committed prior to the time when the same tak

be commenced and prosecuted in the same manner as if this act had never been passed.

SEC. 13. That from and after the 1st day of July, 1907, the salary of the marshal for the district of Nebraska shall be \$4,000 per annum.

SEC. 14. That all laws and parts of laws so far as inconsistent with the provisions of this act are hereby repealed.

SEC. 15. That this act shall take effect from and after its approval by the President.

The title was amended so as to read:

"An act to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district."

Mr. BURKETT. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

### JOHN M'KINNON, ALIAS JOHN MACK.

Mr. WARREN. I should like to call up the amendment of the House relating to an enrolled bill which is on the desk awaiting correction.

The VICE-PRESIDENT. The Chair lays before the Senate an amendment of the House of Representatives to a concurrent resolution of the Senate. The amendment of the House will be

The Secretary read the amendment, as follows:

The Secretary read the amendment, as follows:

Strike out all after the resolving clause and insert:

"That the action of the Speaker of the House and the Vice-President of the United States and the President of the Senate in signing the enrolled bill (S. 1160) to correct the military record of John Mc-Kinnon, alias John Mack, be rescinded, and that in the reenrollment of the bill the words 'Secretary of War,' in line 2, be stricken out and the words 'Secretary of the Navy' be inserted; that the word 'military,' in lines 4 and 7, be stricken out and the word 'naval' inserted; also that the title be amended so as to read: 'An act to correct the naval record of John McKinnon, alias John Mack;' so as to state correctly the service of the beneficiary, inaccurately stated in the bill.'

"Mar PREVICAL In way of the Sentence of the sentence

Mr. WARREN. I move concurrence on the part of the Senate in the House amendment.

The amendment was concurred in.

# GLASGOW LAND DISTRICT, MONTANA.

The VICE-PRESIDENT laid before the Senate the bill (S. 7512) to provide for an additional land district in the State of Montana, to be known as the Glasgow land district, returned from the House of Representatives in compliance with the request of the Senate.

Mr. CARTER. I move to reconsider the votes by which the

bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. CARTER. The House bill on the same subject having been passed, I move that the bill be indefinitely postponed.

The motion was agreed to.

## FOREST RESERVATIONS.

Mr. CARTER. I move that the bill (H. R. 8970) authorizing the Commissioner of the General Land Office to quitclaim the title conveyed to the United States for land in forest reservations under certain conditions be recommitted to the Committee on Public Lands.

The motion was agreed to.

## SENATOR FROM UTAH.

Mr. BURROWS. Mr. President, I am advised that the senior Senator from Utah [Mr. Smoot] would like to address the Sen-

ate this morning on Senate resolution 142. I therefore ask that that resolution may be laid before the Senate.

Mr. PROCTOR. I should, of course, like to proceed with the consideration of the agricultural appropriation bill, but I recognize that this question is one of the very highest privilege and that the Senator from Utah has a peculiar claim to be heard. My colleague [Mr. DILLINGHAM], a member of the committee, also wishes to speak. Immediately after those Senators conclude I will ask to have the appropriation bill taken up.

The VICE-PRESIDENT. The Chair lays the resolution be-

fore the Senate.

Senate resolution 142, reported by Mr. Bur-The SECRETARY. nows from the Committee on Privileges and Elections, as fol-

Resolved, That REED SMOOT is not entitled to a seat as a Senator of the United States from the State of Utah.

Mr. SMOOT. Mr. President, in what I shall say to the Sen-

Mr. BACON. Mr. President, I wish to ask that we may have order in the Chamber. It will be very unpleasant to have to interrupt the Senator, and we will have to do so if we can not hear him, because we desire to hear every word that he says.

The VICE-PRESIDENT. The Senate will be in order.

Mr. BACON. If I may be pardoned the suggestion, Senators in the Chamber do not seem to realize that in the hum of conversation it is exceedingly difficult to hear Senators who are on the floor. In this particular case-I would not say it in any other-I do trust that we may have the most perfect order. For one I desire to hear the Senator from Utah.

Mr. HALE. There can be no order here that will enable us to hear the Senator unless Senators cease conversing with each

other.

Mr. BACON. I trust the Senator from Utah will not be allowed to proceed until we have order in the Chamber.

The VICE-PRESIDENT. Business will be suspended until there is order in the Senate. [A pause.] The Senator from Utah will proceed.

Mr. SMOOT. Mr. President, in what I shall say to the Senate I do not intend to analyze the voluminous testimony taken before the committee or to make an argument thereon. The greater part of this testimony has been before the Senate for more than two years, and all of it for nearly one year. It has been fully argued by the distinguished Senators who have

already spoken upon this question. My own testimony, covering more than 125 pages of the record, is before you, and I do not feel that I should trespass upon your time by indulging in any extended discussion. Indeed, I should have been content to submit the case upon the record and speeches made by others, without saying anything myself at all, except that there are certain matters which can be known only to myself; and I think that the Senate is en-titled to a frank statement from me as to my personal attitude respecting those matters. The Senate is entitled to know my personal attitude upon the subject of polygamy and upon the subject of loyalty to this Government. Upon these two matters I shall express myself briefly, but with entire candor.

First, I desire to state, as I have repeatedly heretofore stated, to the Senate and to the country that I am not and never have been a polygamist. I never have had but one wife, and she is my present wife, and I deem it proper to further state that I

have never taught polygamy.

There has been a more or less prevalent opinion that the doctrine of polygamy was obligatory upon the members of the Mormon Church, whereas, in truth and fact, no such obligatory doctrine has ever existed. The revelation concerning polygamy, as originally made and as always interpreted, is permissible, and not mandatory. As a matter of fact, only a small percentage of the adherents of that faith have ever been polygamists. The vast majority of the adult members of the church, from its foundation to the present time, have been monogamists.

The Mormon people, however, regarded this doctrine, although permissible in character, as part of their religious faith, and when the law was passed denouncing its practice the execution of the law was resisted on the ground that it was unconstitutional as being an interference with their religious liberty. Appeals were taken to the highest courts of the land, every phase of the subject was tested in the courts, and the law was upheld. Then the church adopted the manifesto against polygamy, which was ratified by the general conference of the people, and thereupon the practice of polygamy for the future was abandoned.

This manifesto, adopted in 1890, discontinuing plural marriages, has been presented and discussed in church conferences repeatedly, sent out in the church book, The Articles of Faith, and in many other publications issued by the church, such as

text-books for the various quorums, manuals for the mutual improvement associations, Sunday schools, primaries, conference proceedings, etc., and in that way has been much more widely circulated than the original revelation on marriage. Consequently its text, tenor, and purpose in prohibiting marriages violative of law are known to every member of the church in every part of the world.

But the practice which had prevailed in the period previous to 1890 left a heritage for the succeeding period that was a grave problem. There were in 1890 about 2,451 male members of the Mormon Church who had polygamous families. That these were placed in a position of difficulty was recognized by all who were familiar with conditions. The present conditions in reference to polygamous cohabitation have grown out of past conditions, and both must be considered together to fully understand the toleration exercised by most of the people of Utah, Mormon and non-Mormon alike.

The status of the men who had entered into the plural marriage relation before the issuance of the manifesto had been fixed before that time. There was no power in the church or in the law to change that existing fact. What had been done had been irrevocably done. The only question was as to the future. What should be the attitude of the people toward the future relations of those who had entered into the polygamous status before the manifesto? This problem was a serious and perplexing one.

At that time all the machinery of the courts in the Territory was in the hands of non-Mormon officials who had been vigorous in the prosecution of polygamous relationships. These recognized the vexed nature of the situation and extended the olive branch, as it were. As a relief in this dilemma came an exercise of forbearance on the part of prosecuting officers. The three assistant United States district attorneys for that period were E. B. Critchlow, Frank B. Stephens, and William M. McCarty. Judge McCarty was inclined to continue prosecutions in some cases, but the United States district attorney refused to allow his accounts therefor and he ceased. Mr. Critchlow was the writer of the principal protest in this case and one of its signers. All of these and other Government prosecuting officers testified before the committee to the cessation of prosecutions against then existing polygamous relations, and of the general sentiment among the non-Mormon population that that was the best and quickest way to get rid of the whole question—to let the old-time relations naturally end in death. There was a general acquiescence by the people, both Mormon and non-Mormon, in this method of solving the problem. And this method is working out a complete and final solution.

At the time the manifesto was adopted there were 2,451 polygamous households in the church. Careful statistics have been taken and preserved, and will be found in the testimony, which show that this number has gradually decreased until there was at the time the testimony closed not to exceed 500 such households in existence.

There are twenty-six general authorities of the Mormon Church, including the first presidency, patriarch, apostles, first council of seventies, and presiding bishopric. In 1890 this list of officials was composed of twenty-three polygamists and three monogamists.

The first presidency and council of apostles, prior to my selection as an apostle in 1900, was composed of ten polygamists and five monogamists. In 1906 these same quorums comprised five polygamists and ten monogamists. Of the fourteen general authorities chosen since 1890, only two were polygamists, the other twelve being monogamists.

Of the seven apostles chosen since April, 1900, when I was named, only one was a polygamist, the other six being monogamists. The only polygamist chosen an apostle since 1897 is now 75 years of age, and entered into that relationship before the manifesto. At the time of his selection as an apostle his youngest child was 22 years of age. He has been a member of the church for over half a century, performing faithful and distinguished church service during most of this long period. It was on account of his long, faithful service that I voted for him to be an apostle. Nothing would have induced me to have voted for him if he had been guilty of taking a plural wife since the manifesto.

Of the 96 members of presidencies of "stakes" (ecclesiastical subdivisions) in 1890, 47, or about one-half, were polygamists. Of 165 such prominent church officials in 1906—the increase in number being because of the creation of new "stakes"—only 16, or less than 10 per cent, were polygamists.

16, or less than 10 per cent, were polygamists.

But, Mr. President, it is claimed that there have been new cases of polygamous marriage since the manifesto, and this presents altogether a different question.

I have no hesitation, Mr. President, in declaring to the Senate and to the American people that, in my opinion, any man who has married a polygamous wife since the manifesto should be prosecuted, and if convicted, should suffer the penalties of the law; and I care not who the man might be or what position he might hold in the church, he should receive the punishment pronounced by the law against his crime.

The testimony taken before the committee tends to show that there have been some polygamous marriages since the manifesto. I believe sincerely, Mr. President, that such cases have been rare. They have not received the sanction or the encouragement of the church. They have been sporadic and not systematic in their occurrence.

In respect to the thoroughness of the search made by the committee for such violations of the law, a witness before the committee testified that he had been employed since 1898 in hunting down such cases; that he "had undoubtedly the closest information possible" on this matter. This witness gathered and presented all the rumors, intimations, and suspicions he could discover of new polygamous relations in the United States, Canada, Mexico, or elsewhere, and the whole number thus suggested, though not proved, is less than an average of two cases for each year since the manifesto in all these communities, numbering over 300,000 people.

In most of the cases where rumor attached to persons a violation of the law, such persons are and have been fugitives from justice, and the alleged marriages have none of them been charged to have occurred within the jurisdiction of the United States. In but one instance was there direct proof of the plural marriage, and this, it was testified, occurred in Mexico, where the parties, after importuning an apostle then in charge of the Mexican mission to marry them and being refused, went 75 miles to another apostle, who was visiting the mission, and, as far as the testimony shows (the apostle is dead), without his knowledge that there was a previous marriage and a living wife of the man, secured his consent to marry them.

If any of these cases, resting as they do at the present time upon rumor and suspicion, are actually cases of attempted assumption of polygamous relations, such attempt is not only without the sanction and approval of the Mormon Church, but is in the face of, and in defiance of, its most solemn protest and admonition.

The forbearance displayed toward old relations does not apply to persons who might seek to form new relations; toward the latter there is the most determined hostility and aversion.

The Mormon Church has stopped plural marriages, and no polygamous relation assumed subsequent to 1890 is with the permission, sanction, or approval of the church; that is final and fixed. Every such violation of the law has the express condemnation of the church. The manifesto of 1890 was submitted to and approved by the conference of the church—which means by the body of the members of the church—and it remains the law of the church, binding upon every officer thereof, however high. It can not be repealed, modified, or suspended except by the same power that enacted it.

Reference has been made to an alleged treasonable obligation which it is sought to claim is a part of the Mormon endowment ceremonies. The Senate will understand that these ceremonies are of a sacred character to those participating in them and are therefore not divulged. They were instituted in the Mormon Church by Joseph Smith, some time prior to his death, and are yet given as part of the temple ceremonies; being of a religious, spiritual character, they are for the living and for the dead, a part of the Mormon belief being vicarious performance of ordinances and ceremonies.

There does not exist in the endowment ceremonies of the Mormon Church the remotest suggestion of hostility or of antagonism to the United States or to any other nation. They are of a purely religious nature, wholly between the person taking them and his God, and, as with the ritual of various fraternal organizations, regarded as sacred and secret.

Comment has been made on the fact that upon one occasion, before the year 1890, a single district judge in Utah—one of four such judges, Judge T. J. Anderson—refused to naturalize several Mormons because of an alleged endowment oath. But your attention was not then called to the significant fact, shown by undisputed testimony before the committee, that not only did the other judges not agree with him, but that within a month after rendering the decision referred to the same judge admitted to citizenship Mormons who had received the endowment ceremonies, and he never again refused them.

It is also significant that this decision was rendered in Salt Lake City shortly before an important and bitterly contested municipal election—the contest being between pro-Mormon and anti-Mormon parties. And never again during the six years before Utah was admitted as a State was it attempted to prevent the naturalization of a Mormon on these grounds.

Adverting to the religious and spiritual character of those ceremonies, it, is conceded that such character in ceremonies often has an influence on the conscience and conduct of the persons concerned. There is not a solitary instance where that influence in the endowment ceremonies has been displayed in an act of hostility to the Government. If any effect has been wielded, it has been for the most devoted loyalty to our own

The application in this respect, as to the loyalty of the Mormon people, can be brought home readily by an illustration within our own knowledge. We will pass by the incident of the Mormon exiles from Nauvoo furnishing a battalion for the United States Army in the war with Mexico; the action of the Utah pioneers in raising the American flag in the Salt Lake Valley when that was Mexican soil; the fidelity of Utah to the Union during the civil war. Come to the period of the Spanish-American war and the insurrection in the Philippines—all within our personal recollection.

Mr. President, we are grateful to the men who, on the field of battle, offer their lives, a noble sacrifice for the honor of the nation and the glory of the flag. Whether they pass unscathed amid the storms of shot and shell to ultimate victory; whether they return with maimed and scarred bodies; or whether they meet the angel of death in facing their country's foe, we give to them unstinted praise for their heroism which has made the American flag respected in every nation upon the globe and has placed our own America the foremost of earth's Governments in maintaining the sacred principles of freedom and human rights. Such actions on the part of American soldiers are a proof of fidelity, of loyalty, that is beyond controversy; and well it

The State of Utah came into the Union eleven years ago.

Scarce two years had passed when there appeared on our national horizon the cloud of war with Spain. You all know the causes and the results. When the nation's chief, the late President McKinley, called for volunteers to uphold the honor and dignity of the American flag in the struggle which was at hand, Utah was neither last nor least in the ranks of patriotic response. Side by side, shoulder to shoulder, with every other State in the Union, she furnished her full quota of American soldiers and offered more.

There was no question of religious distinction or dispute then. The Utah Light Artillery was composed of men of differing religious beliefs, including orthodox Mormons who had partaken of their church rites known as the "endowment ceremonies." Maj. Richard W. Young, the commanding officer of the Utah Light Artillery, was one of these. Sergt. Harry A. Young and others who gave up their lives for the flag were of this number. And in so far as these endowment ceremonies may have relation to this Government, an unreserved and indisputably accurate interpretation is given by the record of the Mormons mustered into the Utah Light Artillery, which served in the war with Spain and during the subsequent Philippine insurrection. No man has a right to question that interpretation; no true American will do it; it is inscribed in letters of fire by the history of many a battlefield.

It is not my province to describe the operations of the Utah Light Artillery in the Philippine Islands during 1898 and 1899. There is no hint or suggestion on my part that they were better than any other organization. They were the same as the men from Pennsylvania, California, or the States of the mountains and the plains. The reports of the commanding general have an oft-repeated expression:

As usual, the Utah battery did most excellent service.

A high meed of praise has been given to all those Army organizations which fought successfully through the Philippine campaign, and it was well deserved. Like the organizations from other States, the Utah Light Artillery had its losses. The frequent official report was:

These casualties occurred while serving their guns.

In the face of an accusation of an "oath of hostility," what is the reply of those men of the Utah Light Artillery who had received of the Mormon Church endowment ceremonies? is given in the roar of battle at Malate, before Manila came into possession of our troops; at Caloocan, when the Filipino insur-rection burst forth in its fury; along the Pasig, searching out the ambuscades of a fierce and bloodthirsty foe; in the personal privation, the nerve-racking strain of scores of hard-fought engagements, and the unswerving loyalty of those American soldiers, who never shrank from duty or wavered in the face of the enemy; it is given in the mutilated and lifeless remains of those brave boys whom our Government brought back home

to Utah, to be placed at rest by their loving relatives and friends. And here in the Senate of their countrymen, upon the incontrovertible witness borne by the brave survivors and the heroic dead of the Utah Light Artillery, I hurl back the charge of the defamer that there ever was a word or breath of hostility or disloyalty in the sacred religious ceremonies which they or any other persons participated in as members of the Mormon Church.

It is not an infrequent occurrence, Mr. President, for somebody, often a person of prominence, to come out with a declara-tion that this or the other thing is "menacing" the life of the Republic; that we are following the path which brought ancient world powers to decay; that our wealth, our industrial combinations, our free speech, are crowding the nation to destruction. Notwithstanding all these dire predictions, none of which is more absurd than the myth of Mormon "hierarchial" domination, the American Union is going to stand. It will continue a free and enlightened Government. It is founded on the popular will of a liberty-loving people. It discusses its public questions and decides them according to rules of tolerance, humanity, and jus-It is builded on the undying principles of human rights and human freedom. As such it will advance. It will grow. It will increase. It will progress. No other nation will prevail against it. It has the favor of God and the gratitude of its own people to perpetuate it along the centuries to come, as they have maintained it in the century that is past.

Those who lament its possible overthrow or shiver in apprehension at its being swept away will not live long enough to view as a reality the fancied cause of their lamentations and apprehensions, nor will their children or their children's children. The Government of the United States is here to stay and to win over every obstacle. And so far as I am concerned, I formally and solemnly aver that in every vote and action as United States Senator I shall be governed in the future, as I have been in the past, only by my convictions of what is best for the whole people of the United States, under my oath to

support the Constitution and laws of this nation.

In closing, let me say, under my obligation as a Senator that what I have said under oath before the committee, that I have never taken any oath or obligation, religious or otherwise, which conflicts in the slightest degree with my duty as a Senator or as a citizen. I owe no allegiance to any church or other organization which in any way interferes with my supreme allegiance in civil affairs to my country—an allegiance which I

freely, fully, and gladly give.

Mr. DILLINGHAM. Mr. President, after the very clear, concise, frank, and full statement of the Senator from Utah [Mr. SMOOT] concerning his relations to the Mormon Church and to the Government of the United States it would hardly seem necessary that more be said in his behalf. But is must be remembered that the right of this Senator to retain the seat to which the people of Utah have elected him has been seriously questioned; that a protest has been filed against his continuance as a member of this body, and that a committee of the Senate has devoted much time to a most thorough investigation of the charges made against him. Day after day, month after month, and, I may truthfully say, year after year the hearings continued, and when the case was finally submitted for the consideration of the committee they had before them testimony covering more than 3,000 printed pages and more than \$25,000 had been expended from the contingent fund of the Senate in securing it. It is right that Senators have a clear and precise knowledge of the facts as disclosed by that testimony before rendering judgment, and because of this, as a member of the Committee on Privileges and Elections, I am impelled to address the Senate at this time. It is not my purpose to take up the question whether the seat of the Senator from Utah can be declared vacant by a majority vote or whether it must be by expulsion, requiring a two-thirds vote of the Senate, because that question has been so ably discussed by the Senator from Illinois [Mr. Hopkins], the Senator from Utah [Mr. Sutherland], and the Senator from Pennsylvania [Mr. Knox]. If I were to follow them I could only concur in what they have said.

PERSONAL AND LEGAL QUALIFICATIONS.

I therefore call the attention of the Senate to the fact that the evidence discloses-and it is not denied-that Senator Smoot possesses all the qualifications prescribed by the Constitution to make him eligible to a seat in this body, and it is not denied that his election by the legislature of Utah was entirely regular in form.

The private character of Senator Smoot is not only not assailed in the evidence, but it is confirmed by everyone who has testified. It is conceded by everyone who knows him that his statement made this morning that he is not a polygamist is

true. It is also conceded by the chairman of the Committee on Privileges and Elections [Mr. Burrows], who drew the majority report, and I think it but fair to the chairman of the committee, and I think it but fair to the country that it shall go into the Record, that in his remarks in this body he said:

Let me say at the outset, touching the charge that the Senator from Utah is a polygamist, and for that reason disqualified from holding a seat in this body, no evidence was submitted to the committee in support of such allegation, and, so far as the investigation discloses, the Senator stands acquitted of that charge. This relieves the inquiry of its personal character, always distressing, and the Senator stands before the Senate in personal character and bearing above criticism and beyond reproach, and if found disqualified for membership in this body it must be upon other grounds and from other considerations.

We might well leave the question of his personal character there, except that throughout the States of this Union there is a widespread belief that Senator Smoor is a polygamist. It is not for me to say how that impression has been created, but I know that it exists. I have myself presented to this body a large number of memorials protesting against the seating of Senator Smoot, and when upon my return to Vermont I have entered into conversation with many of the signers of those memorials, I have hardly met a single individual who did not have the impression that Senator Smoot is a polygamist. That impression has been thrust upon the country in every possible way. It is believed by the people-good people, honest people, loyal people—and it is a belief which has in large measure created the public sentiment which has been expressed in the protests presented here. For that reason I quote from the testimony of Rev. Dr. J. M. Buckley, editor of the New York Christian Advocate, one of the great organs of the Methodist Episcopal Church. Doctor Buckley is a man who stands high in the councils of the church, a man of ability, of breadth, of courage, an honest man, and a good fighter when that quality is demanded. He has had occasion to deal some of the beliefs and practices of the Mormon Church hard blows. In his tes-timony before the committee he stated that he went to Salt Lake City to study the institution and to investigate conditions for himself; and while he does not approve Mormon institutions, he had this to say about the Senator from Utah:

While I was there I asked all sorts of people, Mormons and others, whom I met how Senator Smoot stood in the whole community, the whole general community, and I got plenty of answers. Would it be proper for me to say that not a syllable was breathed against him; that many commended him highly?

That is the testimony of a critic. Then, in answer to a question propounded by the senior Senator from Ohio [Mr. FORAKER], Doctor Buckley said:

Every person I saw—and the number was as many as I could see at the principal hotel, at a church to which I went, where there were more than a thousand people, with scores of whom I spoke afterwards—wherever I asked the question, "What kind of a man is Mr. Smoor?"—whether he was a polygamist or anybody believed he was a polygamist—I am compelled to say that I did not find, either in California, where I had been for months at a convention, or while I was in Utah, a single person who said one word against Mr. Smoot. Nor did I find one person who believed that he had ever been married to anyone but his wife or had otherwise lived with any woman who was not his wife. That is the fact in the case. Republicans and Democrats, Mormons and Gentiles, all talked in the same way. How many I saw I can not tell, for I did not expect ever to keep that fact in my mind as of any importance.

Not only that, but if Senators will examine the charges filed.

Not only that, but if Senators will examine the charges filed by the protestants in this case they will find this language:

We charge him with no offense cognizable by law.

That is the language of the protest filed by Dr. Paden and his associates in the ministerial association, and of those who were procured to sign that document by Mr. Critchlow. Only one man, posing as a protestant before this body, has ever made the charge that Senator Smoot is a polygamist; and that charge has never been urged before the committee, nor has one word of evidence been offered in support of it.

SENATOR SMOOT'S RELIGIOUS BELIEFS.

Now that Senator Smoot's character has been so thoroughly established, we are brought to the question of his religious belief, in which he is not only protected by the Constitution of the United States, but by the terms of the enabling act of Congress under which Utah was admitted to the Union. That act pro-

That perfect toleration of religious sentiment shall be secured, and that no inhabitants of said State shall ever be molested in person or property on account of his or her mode of religious worship.

That was a pledge on the part of the Government which had investigated past conditions in Utah, a government which had condemned many of those conditions and had prosecuted offenders in the courts until there had been a surrender on the part of the Mormon Church of any pretense of right to teach or practice polygamy. Here, I say, was a compact on the part of the Government, made in pursuance of the Constitution:

That perfect toleration of religious sentiment should be secured, and that no inhabitants of said State shall ever be molested in person or property on account of his or her mode of religious worship.

Then comes the proviso:

Provided, That polygamous or plural marriages are forever prohibited.

The State of Utah formed a constitution, and in it embodied these requirements of the enabling act. She has gone on her way as a State and has won distinction by the progress she has made industrially, and has won honor in the standing that she has to-day in the sisterhood of States.

THE PRINCIPAL CHARGE AGAINST SENATOR SMOOT.

But we are met by the charge made by the chairman of the committee, in his opening remarks on this question-

That this Mormon hierarchy

As he calls it-

That this Mormon hierarchy, of which the Senator is a conspicuous member, inculcates and encourages belief in and the practice of polygamy and polygamous cohabitation in violation of the laws of the State prohibiting the same and in disregard of pledges made for its sup-

In this charge are two offenses-polygamy and polygamous cohabitation. By polygamy is meant the entering into plural marriages since 1896, when the State of Utah was admitted. By polygamous cohabitation is meant cohabitation between those who prior to 1890 had been parties to a polygamous marriage and who believed-however erroneous that belief may have been-that such marriage was both legal and right.

CONDITIONS PRIOR TO THE MANIFESTO OF 1890.

Let me call attention to the period of Utah's history prior to 1890, because in that year there came a change which marks the present from the past. There is no question that previous to that time polygamy was taught and practiced by the church; no one can deny it. That for a long time it was tolerated by the Congress of the United States is equally true.

In 1847—to briefly state the matter—Brigham Young with his party reached Utah. In 1850 he was appointed by the President of the United States to be the governor of that Ter-That he had plural wives is undisputed. Two years later, in 1852, he proclaimed publicly what was called the revelation permitting plural marriages. Two years after that, in 1854, he was again appointed governor of the Territory by the President of the United States, and it was not until 1862, ten years after polygamy had been proclaimed and practiced, that the first legislation upon that subject was had by the Congress, and that was simply to prohibit bigamy. It is only fair here to state that the Mormon Church did not recognize the word "bigamy" as describing their plural marriages, which they, however mistakenly, considered to be legal and God-ordained. But however mistaken they may have been, they proceeded legally to test in the courts the question of their right to take plural wives. It was well known to the country that Morman marriages, so called, existed to an alarming extent, and yet the law of 1862 contained no provision against polygamous cohabitation among those who had entered into such relations.

It was not until 1882, twenty years after the first act was passed, during which period the institution had developed and become fixed in the minds of every adult Mormon in Utah as a God-ordained institution, that the Edmunds law was enacted. The system had become established as part of a religious doctrine, and was defended by its adherents with the zeal of religious conviction. This can not be denied, and however obnoxious it may be to you or to me or to the civilization of the twentieth century, to the Mormons of Utah it seemed to be a question of absolute right. It became necessary on the part of Congress to put the ax to the root of the tree, and then it was that Congress for the first time prohibited polygamous cohabitation among those who had taken plural wives under the authority of the church. It did it in these words:

SEC. 3. That if any male person, in a Territory or other place over which the United States have exclusive jurisdiction, hereafter cohabits with more than one woman, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than \$300, or by imprisonment for not more than six months, or by both said punishments, in the discretion of the court.

Congress recognized the existence of the system and, having consideration for the issue of those marriages, proceeded to legitimate all such issue by the seventh section of the act, which is as follows:

That the issue of bigamous or polygamous marriages, known as Mormon marriages, in cases in which such marriages have been solemnized according to the ceremonies of the Mormon sect, in any Territory of the United States, and such issue shall have been born before the 1st day of January, A. D. 1883, are hereby legitimated.

Prosecutions were instituted and vigorously pushed under the act of 1882, and during the next five years plural marriages nearly ceased to be known, but in order to get to the bottom of the situation and to cut out the system root and branch, Congress took advanced action in what is known as the Edmunds-Tucker Act of 1887, by which the rule of evidence was changed so as to make the lawful husband or wife of a person accused of bigamy, polygamy, or unlawful cohabitation a competent

By that act, also, the corporation of the Mormon Church was dissolved. By that act its property might be confiscated. Thereafter the children born of polygamous marriages might not inherit under the laws of the Territory. But Congress again recognized the painful condition of affairs there, and in section 11 of that act it provided:

Sec. 11. That the laws enacted by the legislative assembly of the Territory of Utah which provided for or recognized the capacity of illegitimate children to inherit or to be entitled to any distributive share in the estate of the father of any such illegitimate child are hereby disapproved and annulled; and no illegitimate child shall hereafter be entitled to inherit from his or her father or to receive any distributive share in the estate of his or her father: Provided. That this section shall not apply to any illegitimate child born within twelve months after the passage of this act, nor to any child made legitimate by the seventh section of the act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

From 1885 to 1889 there was a period when the Government

From 1885 to 1889 there was a period when the Government of the United States exercised its strong arm of authority. The whole machinery of the law was invoked. sent into Utah; district attorneys were sent into Utah; prosecution after prosecution was instituted, and the result was, according to the testimony of Mr. Critchlow, who was the draftsman of the protest filed against the seating of Mr. Smoot, most telling. He says:

In 1885, and from that time on, prosecutions were conducted with great vigor throughout the entire State. Many of the men of the Mormon Church, and the women as well, went into hiding, and, first and last, as I now remember the figures, considerably over a thousand people were convicted and sentenced.

It is in evidence that there were more than 1,300 convictions

and imprisonments under these laws. The church corporation was dissolved; its property was confiscated; the violators of the law were disfranchised; women and children were left uncared for and homeless. Hundreds also were in hiding. The conditions in Utah were hard. The majesty of the law was vindicated; its power was felt by all, and the result was that by 1887 it may be said that plural marriages ceased to be entered into in Utah.

I have in my hand a copy of the hearings before the Committee on Territories of this body in 1892, at which Judge J. W. Judd, of Utah, appeared and addressed the committee. He said that he went to Utah in August, 1888, under a commission of the President of the United States and the Senate, as one of the associate judges of the courts of that Territory. He testified that he probably heard and determined more cases against polygamists than any other judge in the Territory. He said:

I was assigned to the court at Provo, the first circuit. I went there, and during the fourteen months that I held that court under my commission I came in contact with more of these people, more of them were brought before me for polygamic crimes than any other judge in were brought the Territory.

He described the condition that prevailed, the thought of the people, the sentiment that pervaded the Territory, and he wondered whether the great body of the Mormon people believed as the leaders of the church did. He said:

lieved as the leaders of the church did. He said:

I began then to talk to the younger men and the younger women and to see if I could discover whether there was back of that an absolute sentiment in favor of polygamy. I had been told, and the estimates demonstrated beyond doubt, that there was probably not over 2½ or 3 per cent of the male population in polygamy. The settlement of Utah was forty or forty-five years old, and many of the men and women born there were grandfathers or grandmothers. I could not understand how it was that those people were consenting to such continual attacks, to such deprivations, and to such odium in the estimation of their fellow-citizens of the United States in this condition of things. And, gentlemen, I discovered as clearly a marked line between those who favored polygamy and those who did not as the banks of the Mississippi River.

He told how the young peeple would come to his room in

He told how the young people would come to his room in private and talk with him about the situation. He adds:

The younger people would come to me in my room in private and talk to me about it. I could give names and incidents of Mormons high in life, some of whom the chairman of this committee is aquainted with, who came to me and urged me, saying: "Judge, for God's sake break this thing up. We have had enough trouble. We have had all we can possibly stand of it. We have had one right after another taken from us. We have been put in an awkward attitude before our fellow-citizens of the United States, and for God's sake break it up."

Now mark this:

Now mark this:

Others said to me, notably Reed Smoot, son of the president of a stake, and the Republican candidate for mayor, and himself the product of a polygamous marriage. "Judge, we can not stand this thing, and we will not stand it; it must be settled." And I know whereof I affirm when I say before this committee that when the Mormon Church made its declaration of the abandonment of polygamy it was done as much from a force within as from a force without.

Mr. SUTHERLAND. The statement which the Senator is reading was made by Judge Judd, I understand, some fifteen woors was a young man.

years ago, when Senator Smoot was a young man.

Mr. DILLINGHAM. It was made in 1892, fifteen years ago, when REED SMOOT was a young man, before he had entered into politics at all. It appears in an official document of this body, and on the testimony of a man who was enforcing the laws of that Territory that REED SMOOT, one of the young men there who did not believe in perpetuating polygamy against the laws of the United States, was coming to him in secret and staying up his hands in the execution of his duty. He goes further than that. He says:

Moreover, I say that when they made that announcement they simply announced what was a foregone fact; that it accomplished nothing. The thing was already accomplished. I do not believe to-day, sir, that you could any more, by the consent of the people of the Territory of Utah, reestablish polygamy there than you could reestablish slavery in Georgia or Tennessee.

THE SO-CALLED " REVELATIONS."

Mr. President, a good deal has been said in discussion about the revelation under which polygamy was established as a system in the Mormon Church. And it is important to remember that the revelation authorizing polygamy was, as Senator Smoor has stated this morning, purely permissive. It is as follows:

And again, as pertaining to the law of the priesthood: If any man espouse a virgin, and desire to espouse another—

And desire to espouse another-

and the first give her consent; and if he espouse the second, and they are virgins and have vowed to no other man, then is he justified.

That is the only so-called revelation authorizing polygamous marriages contained in Doctrine and Covenants. It is purely permissive. The evidence given by Doctor Tallmage and other authorities is that it is purely permissive, and if any evidence is needed that such is the case allow me to present you the statistics of the growth of the system in the Territory of its From 1852 to 1890, in a period of thirty-eight years, the population of Utah increased, and in the latter year reached a total of 270,000 souls. The families in Utah were about 42,000 in number. In 1890 the polygamous families numbered only 2,450. Mark the difference: The polygamous families numbered only 2,450; the monogamous families, 39,550. Those are absolutely safe figures, so far as the evidence shows, because, while it is claimed by many that there was not more than 3 per cent entering into polygamous relations-I refer to the male adults of Utah-these bring the number under 6 per cent, and, wanting to be entirely fair, I have adopted these figures. They show that 94 per cent of the males of Utah never availed themselves of this permission, however much they may have believed that they had the moral right to enter into polygamous relations.

But, on the other hand, the authorities of the church, most of whom were polygamists, were insistent in their maintenance of the principle of their faith and tried by every legal method to have it established by law. As early as 1876 the most important case of all was decided. It was known as the "Reynolds case." Mr. Reynolds, as I remember, was an ecclesiastical officer of the church, and believing that, as a matter of religion, they had the right to enter into polygamous relations, a test case was made up that the question might be legally determined. Mr. Reynolds went so far as to furnish the evidence of his own guilt, that there might be no hindrance in reaching a result. But, as we should all naturally expect, the case was determined against them. The principal question involved was whether an act of Congress punishing the taking of a plural wife was an unconstitutional interference with religion, and the court held it was not.

Prosecutions and suits covering every question involved were instituted and carried to the Supreme Court of the United States for final judgment. There was one in 1885, testing the right of disfranchisement; another in 1885, which involved the law of evidence in prosecution for polygamous cohabitation; another in 1887, which covered the question of escheats—that is to say, the confiscation of the property of the church and the disposition of it. So I say the battle was waged for five long years along legal lines, and the constitutionality of every act of Congress was contested, but finally affirmed.

When the decisions of the Supreme Court of the United States had pronounced valid every piece of legislation by Congress upon this subject, then there was a surrender on the part of the Mormon Church, and from 1887 down to 1890 and since there has

been hardly a plural marriage in Utah. Again I quote Mr. Critchlow, because he stands as the head and front of this prosecution, if I may so term it, and he testifies in Volume I, page 552:

The practice of polygamy was a matter—I do not mean the practice of polygamy, but the act of marrying more than one woman—was scarcely ever heard of after 1887—that is to say, no non-Mormon at least, or scarcely any, could ever say that an instance occurred in which he was satisfied that at a particular time and place a new wife had been taken by anybody. The practice of unlawful cohabitation was not very prevalent, and yet, of course, there were many instances where the practice of unlawful cohabitation was known.

In 1890 there was not only a surrender, but a formal surrender on the part of the church. Now, bear in mind when you consider the manifesto of 1890 that the so-called "revelations" to the Mormon Church come only through the president of the church, and before they become binding and obligatory upon the church they must be submitted to and accepted by the people. There is no evidence to the contrary. All of the evidence is to that effect.

It is claimed that the revelation permitting polygamy was re ceived in 1843. No other revelation was received until 1882, when one came regarding the order of the priesthood, and, aside from one other of minor importance, which I do not recall, no further revelation came to that church through the president until 1890, when the manifesto was authorized. There had been a period of thirty-nine years when it was not claimed there had been a revelation; another priod of eight years between such revelations; and it has now been sixteen years since it is claimed that any revelation has come to that church through

the president of that body.

I want to say further, in connection with the word "revelation," that the Mormons of Utah have a very peculiar method of using that term. They use it commonly in connection with minor affairs of their church. When Apostle Lyman was on the stand he stated, in substance, that everything done by the church, from the election of the highest ecclesiastical officer to the lowest, was done by revelation. Senator Hoar, with his wonderfully keen power of cross-examination, led him to attribute pretty nearly all their actions to "revelation;" and when other members of the committee interrupted the witness and asked him if by revelation he meant the revelation which, it is claimed, comes to the church—the revelation to which I have just referred—he replied, in substance, "Why, certainly not. When we have to elect an officer of the church we pray for guidance, and then we choose him, believing we are guided, believing that it has been revealed to us that he is the right man." was nothing more or less than the practice of every church in Christendom when they have important offices to perform, that they approach the throne of the Almighty in prayer for guidance, and in whatever follows they believe they have that guidance; and that was what Apostle Lyman meant when he had used that word "revelation" in almost every line of his testimony for a whole day and possibly two days in succession.

Now, then, when the revelation of 1890 came authorizing the president to advise the people that the church law authorizing the president was the proposed by the proposed by the proposed that the church law authorizing the president was the proposed by the proposed that the church law authorized the church law authorized that the church law authorized the chur

izing polygamy was thenceforth suspended because the laws of the land prohibiting its practice had been pronounced constitutional, it was done in a manifesto, which was given out on the 26th day of September, 1890, by President Wilford Wood-

ruff. It was as follows:

OFFICIAL DECLARATION.

To whom it may concern:

Press dispatches having been sent for political purposes from Salt Lake City, which have been widely published, to the effect that the Utah Commission, in their recent report to the Secretary of the Interior, allege that plural marriages are still being solemnized, and that forty or more such marriages have been contracted in Utah since last June or during the past year; also, that in public discourses the leaders of the church have taught, encouraged, and urged the continuance of the practice of polygamy.

during the past year; also, that in public discourses the leaders of the church have taught, encouraged, and urged the continuance of the practice of polygamy.

I, therefore, as president of the Church of Jesus Christ of Latter-Day Saints, do hereby, in the most solemn manner, declare that these charges are false. We are not teaching polygamy, or plural marriage, nor permitting any person to enter into its practice, and I deny that either forty or any other number of plural marriages have, during that period, been solemnized in our temples or in any other place in the Territory.

One case has been reported in which the parties alleged that the marriage was performed in the Endowment House, in Salt Lake City, in the spring of 1889, but I have not been able to learn who performed the ceremony; whatever was done in this matter was without my knowledge. In consequence of this alleged occurrence the Endowment House was, by my instructions, taken down without delay.

Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention to submit to those laws and to use my influence with the members of the church over which I preside to have them do likewise.

There is nothing in my teachings to the church or in those of my associates during the time specified which can be reasonably construed to inculcate or encourage polygamy, and when any elder of the church has used language which appeared to convey any such teachings he has been promptly reproved. And I now publicly declare that my advice to the Latter-Day Saints is to refrain from contracting any marriage forbidden by the law of the land.

Wilford Woodbufff.

President of the Church of Jesus Christ of Latter-Day Saints

WILFORD WOODRUFF,
President of the Church of Jesus Christ of Latter-Day Saints.

Now, I have said that, according to the belief of the Mormon Church, revelations come only through the president of the It should also be remembered that these are not binding upon the church until they have been submitted to the great body of the church, and by that body accepted. When the manifesto was ready for submission, it was deemed best by the authorities of the church to bring the people face to face with the

legal situation. The laws against polygamy had been held to be constitutional and binding, and it was the first duty of the church, according to the teachings of that body, to show their loyalty to the Government of the United States. When the great conference of the people was convened, the articles of faith were presented to them for their approval. Section 12 reads as follows:

We believe in being subject to kings, presidents, rulers, and magistrates in obeying, honoring, and sustaining the law.

The articles of faith were brought in by Apostle Richards, and in submitting them he made the following significant remarks:

It may be thought that it is superfluous to offer it; but it must be borne in mind that we have a rising generation since this was last presented to us that are coming to years of judgment and understanding; and we wish to have all, old and young, rich and poor, bond and free, that hath faith in the Lord Jesus Christ and in these articles to have a chance to express it by their vote, if they wish.

That assertion of loyalty to the Government of the United States was submitted before the manifesto and was reaffirmed by the church. That being done, the manifesto was presented. It was adopted unanimously, but before that action was taken two addresses were made, one by Apostle Cannon, whose sermon was directed almost wholly to the polygamists. He knew there were men in that body having plural wives who were not in favor of submitting to the law, and he preached a powerful sermon, addressing himself to them and urging their acceptance of the manifesto. On the other hand, he recognized the fact that in that body there were men who believed the time had come for such action, and that it ought to have been taken earlier, and who were saying in their hearts, "Did we not tell you so?" If you care to read that sermon, you will find it in volume 1, page 343, of the testimony. I may see fit, with the permission of the Senate, to incorporate it in the RECORD.

The VICE-PRESIDENT. Without objection, permission is

granted.

Mr. BACON. I wish to suggest to the Senator from Vermont that anything which he thinks bears on this case ought to be read and not put into the RECORD without being read, because we will not have time to read it. We are now face to face with an obligation to vote on this question. If the document the Senator has referred to is important, it ought to be read to us; if it is not important

Mr. DILLINGHAM. I quite agree with the Senator from

Georgia.

Mr. BACON. I suggest this not in reference to the particular thing the Senator is proposing to put into the RECORD, but just We are to vote to-morrow. If there is anything the generally. Senator has to submit that we ought to know, I venture to suggest that he have it read into the RECORD. Otherwise we will not be apt to have an opportunity to examine it.

Mr. HOPKINS (to Mr. DILLINGHAM). You epitomized that?

Mr. DILLINGHAM. Yes.

Mr. BACON. That is sufficient then, I do not want to con-

Mr. DILLINGHAM. I realize the value of the suggestion made by the Senator from Georgia, and only because I see that I am occupying more time than I intended I am passing over some of these things; but in order to bring the attention of the Senate precisely to what occurred in 1890 and let them know what the attitude of the Mormon Church was toward the Government, I will call attention to the petition of the president and apostles of the church which was presented to the President of the United States in 1891, and which defined the position of the church and asked for amnesty for the people.

I read this because, as I said before, it states clearly what was the attitude of that body toward the Government. It says:

was the attitude of that body toward the Government. It says:

We formerly taught to our people that polygamy or celestial marriage as commanded by God through Joseph Smith was right; that it was a necessity to man's highest exaltation in the life to come.

That doctrine was publicly promulcated by our president, the late Brigham Young, forty years ago, and was steadily taught and impressed upon the Latter-Day Saints up to September, 1890. Our people are devout and sincere, and they accepted the doctrine, and many personally embraced and practiced polygamy.

When the Government sought to stamp out the practice, our people, almost without exception, remained firm, for they, while having no desire to oppose the Government in anything, still felt that their lives and their honor as men was pledged to a vindication of their creed, and that their duty toward those whose lives were a part of their own was a paramount one, to fulfill which they had no right to count anything, not even their own lives, as standing in the way.

Following this conviction hundreds endured arrest, trial, fine, and imprisonment, and the immeasurable sufferings borne by the faithful people no language can describe. That suffering in abated form still continues.

More, the Government added disfranchisement to its other punishment for those who clung to their faith and fulfilled its covenants.

According to our creed, the head of the church receives from time to time revelations for the religious guidance of his people. In September, 1890—

That was the time the manifesto was issued—

the present head of the church in anguish and prayer cried to God for help for his flock, and received permission to advise the members of the Church of Jesus Christ of Latter-Day Saints that the law commanding polygamy was henceforth suspended.

At the great semiannual conference, which was held a few days later, this was submitted to the people, numbering many thousands and representing every community of people in Utah, and was by them, in the most solemn manner, accepted as the future rule of their lives.' They have since been faithful to the covenant made that day. At the late October conference, after a year had passed by, the matter was once more submitted to the thousands of people gathered together.

And it tells how it was unanimously accepted at that time. Then they say:

This being the true situation, and believing that the object of the Government was simply the vindication of its own authority and to compel obedience as to its laws, and that it takes no pleasure in persecution, we respectfully pray that full amnesty may be extended to all who are under disabilities because of the operation of the so-called "Edmunds-Tucker law."

Then the leaders of the church say this:

Our people are scattered, homes are made desolate, many are still imprisoned, others are banished or in hiding. Our hearts bleed for these. In the past they followed our counsels, and while they are thus afflicted our souls are in sackcloth and ashes.

This was the appeal of the ruling class for the relief of those whom they had counseled, and they were praying for those who were now in affliction.

Mr. DUBOIS. Mr. President—
The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. DILLINGHAM. I do-for a question.

Mr. DUBOIS. I will ask a question. Does the Senator from Vermont contend that the leaders of the Mormon Church who signed that petition for amnesty have lived up to it?

Mr. DILLINGHAM. I do not know why they have not. Mr. DUBOIS. The Senator heard Joseph F. Smith testify that he himself and a number of them who signed the petition for amnesty were not living up to it.

Mr. DILLINGHAM. I do not know of a polygamous mar-

riage that has been made since that time

Mr. DUBOIS. Oh, you are

Mr. DUBOIS. On you are—
Mr. DILLINGHAM. In Utah, with the knowledge of the church or with the knowledge of the authorities.
Mr. DUBOIS. If the Senator—
Mr. DILLINGHAM. When it comes to a question of polyga-

mous cohabitation, there is no question but that there have been violations of it. Joseph F. Smith admitted on the stand that he himself was a violator of it.

Mr. DUBOIS. And Joseph F. Smith admitted on the stand that the plea for amnesty and the manifesto included polyga-

mous living

Mr. DILLINGHAM. And that he had violated the law in do-

ing it.

Mr. DUBOIS. Certainly. The president of the church testified that he had violated that manifesto.

Mr. DILLINGHAM. There is no question about that; but I was speaking

Mr. President-Mr. HOPKINS.

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Illinois?

Mr. DILLINGHAM. I do.
Mr. HOPKINS. I wish to suggest to the Senator from Vermont that Joseph F. Smith is not on trial in this body. If he has violated the law, it is the duty of the Senator from Idaho to go out there and invoke the criminal machinery of the State and not come here to the Senate of the United States and present an argument of that kind against a man who obeyed the law.

Mr. DUBOIS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Vermont yield further to the Senator from Idaho?

Mr. DILLINGHAM. I do not propose to be led off into a discussion of that question at this time, because I am trying to get before the minds of the Senate what the attitude of the church was at that time, and I will take up the other question

Mr. DUBOIS. I thought the Senator undertook to prove that they were living up to the manifesto.

Mr. DHLLINGHAM. I had not said a word on that point. I will later on in my remarks.

Then they say further:

We believe that there is nowhere in the Union a more loyal people than the Latter-Day Saints. They know no other country except this. They expect to live and die on this soil.

Then they make this comparison:

When the men of the South who were in rebellion against the Government in 1865 threw down their arms and asked for recognition along the old lines of citizenship, the Government hastened to grant their

prayer.
To be at peace with the Government and in harmony with their

fellow-citizens who are not of their faith, and to share in the confidence of the Government and people, our people have voluntarily put aside something which all their lives they have believed to be a sacred prin-

They then made their application for amnesty, which was granted, and in the proclamation issued by President Harrison he makes the statement that it has been represented that the

laws have been generally obeyed by the people since that time.

I have taken considerable time to read that petition because it so clearly sets forth what the attitude of the Mormon Church was after that revelation and after the manifesto, and that there had been a complete surrender to the authority of the Government of the United States after the constitutionality of the act of Congress had been established.

Because they fought the validity of these laws so vigorously it has been believed that the church was a disloyal body, but the evidence does not disclose that they have ever questioned the authority of the Government, their contention being ad-dressed to the constitutionality of the acts of Congress prohibiting plural marriages and to other legal questions appearing in the record.

It is a significant fact that right at that time, in 1889, after plural marriages had ceased to be celebrated, shortly before the manifesto was issued, the articles of faith of that church were sent out accompanied by expository lectures by Dr. James E. Talmage, the greatest authority in the church upon all matters of doctrine. The book was issued in 1889 as one of the authorized publications of the church by the direction of the first presidency and at the expense of the church. Since that time this book has been placed in the hands of all the teachers of the church; it is studied in all the schools of the church; every missionary of the church carries it wherever he goes. short, it is an authoritative declaration of the doctrines in respect to the matters it contains.

I turn to the twelfth section of the articles of faith, which I

have already read.

SUBMISSION TO SECULAR AUTHORITY.

We believe in being subject to kings, presidents, rulers, and magistrates in obeying, honoring, and sustaining the law.

The author of these lectures says in relation to this:

Among other virtues the church in its teachings should impress the duty of a law-abiding course, and the people should show forth the effect of such precepts in their excellence as citizens of the nation and as individuals in the community of which they are part.

I do not stop to read further from that section but proceed to the third section, the title of which is "Obedience to the authority enjoined by Scripture." Under this are two pages of citations from Scripture, showing it to be the duty of a church to recognize such authority.

The next section is entitled "Examples set by Christ and His apostles." Then follow three pages of the teachings of Christ and His apostles, inculcating precisely the same doctrine.

The next subdivision of the lecture relates to the "Book of Mormon teachings," and in that I find the same doctrine is promulgated.

The next subdivision is entitled "Mormon revelation," and under that head the writer makes the following quotation:

Let no man break the laws of the land, for he that keepeth the laws of God hath no need to break the laws of the land, wherefore, be subject to the powers that be, until He reigns whose right it is to reign, and subdues all enemies under his feet.

I might make other quotations, but must hasten on. There is, however, one which I particularly desire to read:

And that law of the land which is constitutional, supporting that principle of freedom in maintaining rights and privileges, belongs to all mankind, and is justifiable before me; therefore I, the Lord, justify you, and your brethren of my church, in befriending that law which is the constitutional law of the land.

Under the authority of that provision they defended the cases before mentioned until the acts of Congress were pronounced constitutional, and then they surrendered and issued the manifesto.

I might go further and read other extracts of the same character, but I forbear.

I come now to section 23. The author says:

I come now to section 23. The author says:

23. An illustration of such suspension of divine law is found in the action of the church regarding the matter of plural or polygamous marriage. The practice referred to was established as a result of direct revelation, and many of those who followed the same felt that they were divinely commanded so to do. For ten years after polygamy had been introduced into Utah as a church observance no law was enacted in opposition to the practice. Beginning with 1862, however, Federal statutes were framed declaring the practice unlawful and providing penalties therefor. The church claimed that these enactments were unconstitutional and therefore void, inasmuch as they violated the provision in the National Constitution which denies the Government power to make laws respecting any establishment of religion or prohibiting the free exercise thereof. Many appeals were taken to the national court of final resort, and at last a decision was rendered sustaining the antipolygamy laws as constitutional and therefore binding. The church, through its chief officer, thereupon discontinued the prac-

tice of plural marriage and announced its action to the world, solemnly placing the responsibility for the change upon the nation by whose laws the renunciation had been forced.

That is a clause contained in a book issued by authority, and, as I said before, placed in the hands of every preacher and every teacher and every missionary and introduced into every church school in the State of Utah as the doctrine of the Could any greater absurdity occur than to claim that church. the church which holds and teaches such doctrine as that could require its members to take a secret oath of hostility to the United States such as has been discussed by the Senator from Utah this morning, which would in effect make him guilty of treason against the United States?

Mr. BEVERIDGE. May I ask the Senator a question? Those are the articles of faith?

Mr. DILLINGHAM. The articles of faith.
Mr. BEVERIDGE. It is also true, is it not, that that book is circulated by the church more than all the rest of books put together?

Mr. DILLINGHAM. I think the evidence shows that it is circulated more than all other books put together, because it is a full explanation of the doctrines of the church on every subject that is treated upon by the articles of faith.

CONDITIONS IN UTAH AFTER THE MANIFESTO OF 1890 AND PRIOR TO HER ADMISSION AS A STATE IN 1896.

With the year 1890, and the promulgation of the manifesto forbidding plural marriages, ends the first period in Utah's history. The new era in the development of Utah, which the Senator from Utah so well represents, had its beginning in the manifesto and in President Harrison's proclamation of amnesty. I advance without hesitation the proposition that the conditions during the second period, extending from 1890 to 1896, show that the Mormon Church and people were sincere. I do not mean to say that there were not individual exceptions. Until the millennium comes there will be lapses in virtue; there will be individual violations of the law in every State and in every country. But the evidence shows that in the mass the people of Utah, two-thirds of whom are Mormons, were lawabiding citizens during that period and have remained so until the present time.

I do not care to base this assertion upon the testimony of prejudiced persons, but I go for information to the official report of 1891, of the governor of Utah, Arthur L. Thomas, who was appointed to his office by the President of the United

States. He says:

When the Mormon people declared, at a general gathering, that polygamy was a vital part of their religion. I accepted their action as a sincere expression of their views. Now that they have, in the same public way, resolved to refrain from violating the law prohibiting polygamy in the future, I think their action should be regarded as sincere until there is good reason for thinking otherwise.

In 1892 Governor Thomas makes another report and says:

It has a governor thomas makes another report and says:

I know of nothing which has transpired during the past year to lead me to qualify the opinions above expressed, so far as the Mormon leaders and the Mormon people as a whole are concerned. I do not believe that any polygamous marriages have taken place with the consent or permission of the Mormon leaders, and I also believe that it is the sincere intention of the Mormon people not to approve or sanction polygamous marriages for the future. I also believe that the large majority believe it now to be wrong to live in unlawful cohabitation.

He does not say all, but he says that a large majority now

He does not say all, but he says that a large majority now believe it to be wrong to live in polygamous cohabitation.

There is no doubt, however—for the evidence on this point is conclusive—that many persons who contracted polygamous marriages before the manifesto was issued have been guilty of unlawful cohabitation. Human nature does not change by the kind of church it enters, and there are Mormons who, because they have the opportunity, are deliberately violating the law prohibiting unlawful cohabitation. It is to be regretted that the sincerity of a whole people in seeking to accomplish a great reform should be placed under suspicion by the acts of a few but such is the case. It will probably be some time—it may be years—before the practice of unlawful cohabitation will finally cease. I think, though, that if the majority of the Mormon people could have their way, it would cease now and forever.

In the year 1893 Caleb W. West was governor of Utab.

In the year 1893 Caleb W. West was governor of Utah. He says in his report:

As hereinbefore stated, the practice of polygamy has been absolutely abandoned. The People's or Mormon Church party has been dissolved and no longer has either an organization or membership. The highest authorities of the Mormon Church, their chief men and leaders, upon all proper occasions have publicly denied that they claim the right to, or do, or will attempt to exercise any church influence or power to control the political action of its members.

In 1895 Governor West again reports:

It should be, and I trust is, a matter of infinite satisfaction to the whole country, as it is to the people of this Territory, that the movement begun in 1886 to obliterate the divisions, remove the bitterness, and heal the strife existing in Utah, which had so long prevented its admission as a State, are about to be consummated in the entrance of Utah into the Union as a great and prosperous State with a homogeneous, thriving, contented, peaceful, and happy people.

It will be noted that all that evidence comes from an official source, a source so far removed from church influence that added weight is attached to it.

CONDITIONS EXISTING SINCE THE ADMISSION OF UTAH AS A STATE.

Mr. President, it should also be remembered that the new attitude of the Mormon Church toward polygamous marriages was adopted ten years before Reed Smoot became an apostle. It should also be remembered that Utah became a State four years before Reed Smoot became an apostle, and in the enabling act and in the constitution itself is given that provision already recited:

That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship: Provided, That polygamous or plural marriages are forever prohibited.

What is there in evidence in this case against REED SMOOT upon which it can be claimed that he should be denied his seat in this body?

There are some peculiar things, Mr. President, disclosed in these books of evidence, things which have surprised me, which I can not fully understand, but which it is necessary to examine when we consider the condition of affairs in Utah since the admission of that State into the Union.

This question has come to me, as the evidence has been pre-sented, Is there a well-grounded public sentiment in Utah back of this movement to unseat REED SMOOT? If there is a general public sentiment of that character existing among the people of I'tah, why was Reed Smoot ever elected? Not a shred of evidence has been presented to the committee indicating that there was any attempted domination of church authority, that any unfair means were taken, or any undue influence exerted to bring about his election to this body.

The testimony discloses that there is a ministerial association in Utah. Another agency in this prosecution is a Mr. Critchlow, who drew for that association the protest which has been filed, and another agent is one Mr. Owen, whose testimony I propose to examine. I have been unable to discover any well-defined public sentiment in Utah supporting this protest, and, this being so, I have been led to examine the evidence to ascer tain how it happened to be made. In this connection I call attention to the evidence of Mr. Critchlow. It will be found in volume 1, page 601, where, in answer to a question by the Senator from Indiana [Mr. Beveride], he said that he wrote this protest. He goes on to tell how it happened. He tells how he prepared the protest in the Roberts case in the first place; and he then says:

Mr. Critchlow. When this matter came up he [referring to Doctor Paden] again applied to me and said that he was one of the committee of the ministerial association; and again, as a matter of general interest as a citizen. I took the matter up and studied over it considerably, and with him drafted this protest. It was then to have been submitted as a protest from the ministerial association. I stated to him that, on account of the prejudices which had been engendered in the State against the ministerial association—

Now mark this-

I stated to him that on account of the prejudices which had been engendered in the State against the ministerial association—

Then in brackets-

because up to that time they had been the only persons who had ever protested against the condition of affairs there—if others than members of the ministerial association could be gotten to sign that protest it would have much more weight locally and perhaps some more weight in the country at large.

That was a most remarkable statement. Note its significance. The only persons who had ever protested against the condition of affairs there was this ministerial association, and for that reason there should be other names on this protest.

He then goes on to tell how he personally undertook to get those names. Later on in his testimony I asked him this question:

Senator Dillingham. Then are we to understand that this movement was really inaugurated and pushed by the ministerial association in the first instance?

Mr. CRITCHLOW. In the first instance it was inaugurated by them because, if I may say so, they were up to that moment—

Here he repeats that assertion-

they were up to that moment the only persons who ever made any pub-lic protest against the condition of affairs in that State.

Later on in his testimony, in answer to the question by the Senator from North Carolina [Mr. Overman], he testified as

Senator Overman. I understand you reduced this to form?

Mr. CRITCHLOW. I reduced this to what I supposed to be a proper form of protest.

Senator Overman. And you say that expresses the general sentiments of the needle?

Senator Overman. And you say that expresses the general sentiment of the people?

Mr. Critchlow. Yes; I do.
Mr. Van Cott. As to this general sentiment that you have mentioned, did any of them come forward and volunteer to sign your protest?

Mr. Critchlow. No, sir. They knew nothing about it until they were asked to sign it.
Mr. Van Cott. And they never formed any affirmative movement to have a protest filed?

Mr. Critchlow. No, sir.
Mr. Van Cott. With the exception of the ministerial association?

Mr. CRITCHLOW. That is all.
Mr. VAN COTT. When you prepared this protest did these nineteen protestants meet together?
Mr. CRITCHLOW. No, sir.
Mr. VAN COTT. You obtained signatures separately?

I do not stop to read further. The portion already cited shows just what the condition was in Utah at that time. was no general sentiment back of such a proposition as this.

Mr. BEVERIDGE. Mr. President—
The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Indiana?
Mr. DILLINGHAM. Certainly.
Mr. BEVERIDGE. Does it not show the Senator that Mr.

Critchlow did not even read the petition of some of the signers?

Mr. DILLINGHAM. It does show that.
Mr. PERKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from California?

Mr. DILLINGHAM. Gladly.
Mr. PERKINS. May I ask the Senator from Vermont how many in numbers did the Ministerial Association of Utah at

that time consist of, or about the number?

Mr. DILLINGHAM. I do not remember that the evidence discloses the number of the association's membership. There are seventeen signers, as I now remember, to the protest, part of them belonging to the ministerial association and part of them Nine members of the ministerial association signed the protest, the Senator from Illinois [Mr. Hopkins] informs

Mr. PERKINS. Does that comprise the whole ministerial association'

Mr. DILLINGHAM. I do not know. I would not say

whether it did or not.

Again I refer to page 590 of volume 1 of Mr. Critchlow's testimony, where he says:

I think I ought to say in that connection that never at any time, so

I think I ought to say in that connection that never at any time, so far as I am aware, were the personal qualifications of Mr. Smoot or his fitness, outside of his relations to the presidency and apostolate of the church, brought into question by anyone.

Senater Dillingham. May I inquire, in that connection, who was responsible for this form of petition that was sent broadcast from over the country?

Mr. Chitchlow. You are referring to the protest?

Senator Dillingham. I am referring to the petitions that have come into the Senate from every State and almost every town in the country protesting against the seating of Mr. Smoot.

Mr. Critchlow. I can only speak from information, and that is to the effect that it is due to the concerted action of certain organizations of women, the Woman's Christian Temperance Union, the International Congress of Mothers, or some such organization as that, and, I think, the Interdenominational Council of Women, if I have the name correctly, but I speak only from information on that subject, there being no organization among the protestants or any efforts of any kind made by the protestants.

Then the question came:

Then the question came:

Senator Dillingham. Did the ministerial association have anything to do with that, so far as you know?

Mr. Critchlow. I know nothing about it, but I assume from the general situation that as far as possible they were in sympathy with and probably forwarding certain of the petitions. I may say, Senator, there were certain of the petitions forwarded which I think practically all of the non-Moormons of Utah deprecated; that is, those charging, in express terms, Mr. Smoot with being a polygamist.

There we get a glimpse of the manner in which many of the good women of this country have been deceived, and they are good women, sincere women, possessed of high ideals and lofty purposes, lovers of their country, lovers of humanity, devoted to every good work and who have been doing God's service, as they think, in forwarding these petitions. This, I say, is the way in which many of these good women have been deceived. I have been surprised at the extent to which this vile libel has been believed. From my own experience I may say I have never discussed the question of Senator Smoor's expulsion with any woman who had not entertained the belief that REED SMOOT was a polygamist. It is too bad. It is a crime against society to have such a false report go out. One of these protestants, Mr. Leilich, made a protest of his own and filed it here, charging that REED SMOOT is a polygamist, but refused to give the basis upon which the charge was made. He left the libel standing in the record, and it has gone from one end of the country to the other, has gone into the homes of the country, and the good people of this country believe a lie regarding this man.

Mr. DUBOIS. Mr. President—
The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. DILLINGHAM. I do.

Mr. DUBOIS. I desire to state that in all the millions of petitions which were presented to the Senate there is not one of them, I think, that alleges that REED SMOOT is a polygamist.

The women of this country understand the question.

Mr. DILLINGHAM. They do not understand, Mr. President, that he is not a polygamist, so far as my observation goes.

The junior Senator from Utah [Mr. SUTHERLAND] in his remarks the other day cited the case of a minister from Utah—I do not remember his name—who within the last year or two throughout the East went about preaching that Senator Smoot was a polygamist, and professing to give the names of his vari-

Mr. SUTHERLAND. The name of that minister was Clemen-

Mr. DILLINGHAM. As I say, I do not remember his name, but I remember the incident.

HOW EVIDENCE OF PLURAL MARRIAGES HAS BEEN SOUGHT.

Now, I wish to call the attention of the Senate to the testimony of Mr. Charles M. Owen, found in volume 2, page 395, which indicates to some extent how this case has been made up and by whom it has been made. Mr. Owen testifies that in January, 1899-so long ago as that-

January, 1899—so long ago as that—

In January, 1899, I received an offer from the New York Journal to act as its correspondent in the auti-Roberts campaign. The New York Journal was then opening or had determined to open a campaign having for its purpose the unseating, if possible, of Brigham H. Roberts, then elected to Congress, in the House of Representatives. I accepted the offer under the provision that it should not interfere with my engineering work. Later it became such a burden that it was impossible to carry on the two, both my engineering work and my newspaper work, and by September of that year—

Mr. Worthington, What year was that?

Mr. Owen, 1889. I gave up my engineering practice entirely, to devote myself to the carrying on of the antipolygamy or anti-Roberts campaign.

Then he states that he remained with the New York Journal until 1900, and then makes the statement:

I was subsequently retained-

Mark the statement-

I was subsequently retained by the Woman's Interdenominational Council, of New York, for the special purpose of making further investigation in regard to the State of Idaho, which I did.

That completed I returned to my engineering practice and stayed with it until January, 1903—the 1st of January, 1903—when I was again retained on behalf of the protestants in the Smoot investigation and my duties laid along the former lines of investigation as to the practice of polygamy, and also of preparing the whole evidence to be laid before the Senate Committee on Pricileges and Elections in the matter of Mr. Smoot's right to a seat in the Senate of the United States.

He takes the whole credit for securing all this evidence presented to the committee. He was asked:

sented to the committee. He was asked:

Mr. Tayler. To what extent have you traveled over Utah and the surrounding country gathering information?

Mr. Owen. Over almost the whole of Utah. There is a small section in the south, in St. George, and the southeast corner of Moab and Monticello that I have not been into at all. With that exception, however, I think I can say that I have been all over the whole of Utah, almost settlement by settlement, at different times; over a large portion of southeastern Idaho and southern Idaho and western Wyoming completely.

Mr. Tayler. And in making these journeys what effort have you made to learn what the facts were? How would you prosecute your inquiries?

Mr. Owen. There is hardly a settlement throughout Utah, Idaho, or Wyoming, a purely Mormon settlement, where there is not either an apostate or a member of the church in good standing who is opposed quietly to the practices; there is hardly a settlement where I do not know somebody whom I can trust and whose information I can rely upon. They do not dare to express themselves openly, but under the seal of confidence and protection as to their identity I have undoubtedly the closest information possible, and I have never accepted any one man's statement about any one person's polygamy. I have checked and checked and checked, and not until I have satisfied myself of the truth of the condition have I ever made any statement about it.

These quotations from Mr. Owen's testimony sufficiently indicate who he is and the character of the man who has had charge of the work of securing evidence under the retainer of

the ministerial association.

I find also, through an examination of the accounts of the Secretary of the Senate, that Mr. Owen has received from the contingent fund of the Senate something over a thousand dollars for attendance as a witness before the committee and for his traveling expenses.

THE RESULT OF THE QUEST.

What has been proved? What has he produced? No legal proof has been presented to the committee of any plural marriage in Utah since the manifesto of 1890, made with the knowledge of the church authorities or by their connivance.

Mr. BEVERIDGE. Mr. President

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Indiana?

Mr. DILLINGHAM. With pleasure.
Mr. BEVERIDGE. Is it not true that not only have there
been no plural marriages in Utah since 1890 with the consent of the Mormon Church, but is it not also true that there have been no plural marriages contracted with or without the authority of the church inside of the United States, and that the one where there was any proof secured occurred in Mexico, and that the other, of which there was rumor only, occurred in Canada?

Mr. DILLINGHAM. I think that is true. I know of that one only.

Mr. DUBOIS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. DILLINGHAM. I do.

Mr. DUBOIS. Do each of these Senators contend that none of the apostles-apostles, mind you-has entered into a plural marriage since the manifesto?

Mr. DILLINGHAM. I can answer that question. That was

just what I was going to take up.

Mr. DUBOIS. I will bunch the question, and ask, Does the Senator from Indiana contend that the apostles of the Mormon Church have not entered into plural marriages since the mani-

Mr. BEVERIDGE. Mr. President, I object to being bunched: but if the Senator from Vermont wishes me to do so, I will answer that one question.

Mr. DILLINGHAM. Very well.
Mr. BEVERIDGE. There were two of them who entered into polygamous relations.
Mr. DUBOIS. Plural marriages?

Mr. BEVERIDGE. Yes; plural marriages; and they have been deposed from their offices, expelled from the Mormon Church, and are now fugitives from justice.

Mr. DUBOIS. Immediately before the final vote is taken in the Smoot case—that is irrelevant, however—you admit that apostles have entered into plural marriages since the manifesto?

Mr. BEVERIDGE. No; I do not. I say if they did-I do not think that has been proven by evidence.

Mr. DUBOIS. That is also irrelevant.

Mr. BEVERIDGE. Mr. President, I do not intend—
The VICE-PRESIDENT. The Chair must insist upon the rule that Senators address the Chair and receive recognition

before proceeding.

Mr. BEVERIDGE. Mr. President, I am not conducting this debate, but I call the attention of the Senator from Vermont to what I remember of the testimony which he has before him. and he says that it is not proven; but I have not yet heard the Senator from Idaho or anybody else who is against Senator Smoot, in talking about the alleged plural marriages of the two apostles, state that it is not true that both of them have been deposed from their official positions, expelled from the church, driven from the country, and are now fugitives from justice. The Senator from Vermont will know whether or not the evidence does not show that that action was taken against them upon the motion of Senator Smoot. It is only fair to state that.

Mr. DUBOIS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. DILLINGHAM. I will answer the Senator's question as to John W. Taylor, who, I suppose, is the apostle to whom the Senator refers.

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. DILLINGHAM. I can not yield to that Senator or any body else for a colloquy. I will answer his question.

Mr. DUBOIS. I should like to know whether the Senator

from Indiana

The VICE-PRESIDENT. The Senator from Vermont has not

yielded to the Senator from Idaho.

Mr. DILLINGHAM. Mr. President, when this investigation was in progress, it appeared in the evidence of Mr. Owen that by repute Apostle Taylor and Apostle Cowley had since 1890 taken plural wives. That was as far as he went. He knew taken plural wives. That was as far as he went. He knew nothing about it. It was by repute pure and simple, Warrants were issued summoning these apostles to appear before the committee, but they failed to come. Subsequent investigation disclosed the fact that they were in Canada, beyond the jurisdiction of the United States, and, so far as I know and so far as the evidence discloses, they are in Canada at this When Senator Smoot was upon the stand he was asked time. this question:

Mr. Worthington. \* \* \* What knowledge, if any, have you as to Apostle Taylor having taken a plural wife since the manifesto, except the evidence which has been given in this case?

Senator Smoor, That is all I know about it—what I have heard here. I never heard of it before I heard of it in this room.

That is a clear and explicit statement. Later on in one of the councils of the church the question of the standing of these men was raised. They have a custom in the Mormon Church of passing upon the character of their various officials. They call it "sustaining," I think, the person. It appears that Senator Smoor was present at the first council held after his return to Utah that year and he questioned the advisability of sustaining these men against whom this charge had been made. The president of the church replied that he must know that no one could be deposed without a trial. So, under these conditions, they were "sustained" for the time; but in October, 1904, two years before the ending of the taking of testimony in this case, upon the initiation of Senator Smoot both of these apostles were deposed from the apostleship and have, so far as anybody knows, never been in the United States since that time. There is not one word of testimony showing that either one of them was married in the United States or that any officer of the church ever knew of their having been married in the United States. All who testified were as clear and distinct in their denial of any knowledge of such marriages as Senator Smoot has been,

Mr. Owen mentions one Newton, and says he is reputed to have taken a plural wife since 1890. No one knows anything about Newton, because when last heard from he was in Alaska. We do not know whether such marriage occurred or not. It is simply a question of repute. Very likely the charge is true. I think there have been marriages; but so far as the evidence goes it fails to establish a single plural marriage in Utah. An-

other case is that of A. M. Cannon-Mr. DUBOIS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. DILLINGHAM. With pleasure.
Mr. DUBOIS. Does the Senator from Vermont remember that Mr. Newton, with his plural wife and baby, was subpensed to come here and testify, with the statement that his expenses would be paid, but that he did not come?

Mr. DILLINGHAM. No; I was not aware of that fact; but if the Senator says so, I have no doubt it is true.

Mr. DUBOIS. The Senator does say so.

Mr. DILLINGHAM. As I have already said, I think there have been plural marriages, but am of the opinion that they have been exceedingly rare, and those who have entered into them have not done so openly or with the knowledge or with the approval of the church, and the attitude of the church as a

body is the question most in issue here.

Returning to the case of Mr. Cannon, it was claimed that he was married on the high seas. It was not claimed that he was married in Utah. He died twenty days after his reported marriage, and the evidence of the fact is the statement of his wife, who says that he confessed to her on his dying bed that he had married the person mentioned, and the wife says he died of remorse because of having done so. He was a prominent man in Utah, a man respected by everybody on both sides of this question. I have seen an editorial in the Salt Lake Tribune that paid him the highest tribute imaginable for worth and general excellence. Personally I have no doubt that he did take a plural wife, as stated, but secretly and without the knowledge of his closest friends. And from what has been said of his character I am prepared to believe the statement of Mrs. Cannon regarding the sense of remorse.

There is also the case of J. M. Tanner.

Mr. DUBOIS. He is an apostle? Mr. DILLINGHAM, Tanner?

Mr. DUBOIS.

Mr. DILLINGHAM. No; I do not understand that he is.

Mr. DUBOIS. The Senator is right. But he is a high officer of the church.

Mr. DILLINGHAM. He was a teacher. He has been deposed from the church. He is also in Canada. If he has ever married, we do not know when it was, where it was, or by whom, and there is not a word of evidence showing that he was mar-

ried with the knowledge of the church. The next case is that, alleged to have occurred in Mexico, of James F. Johnson and Mrs. Kennedy, mentioned by the Senator from Utah [Mr. SMOOT] this morning. The evidence shows that, being in Mexico, they went to Apostle Tensdale and asked permission to be married. He told them that it was against the law of the church to take a plural wife and utterly refused consent. It now appears, however, that they made a secret journey of 70 miles through the mountains, where, it is said, they found a missionary, who performed the marriage ceremony, but it was not disclosed to him that it was a plural marriage. Then we have the case of B. Cluff, jr., president of the academy at Provo. He went on a long trip to South Amer-While in Mexico he married a Miss Reynolds, formerly a pupil of his, I think. The evidence tends to show that they were married in Mexico, but by whom and under what circumstances nobody knows.

Mr. HOPKINS. But without the sanction of the church. Mr. DILLINGHAM. Without the sanction of the church and out of the jurisdiction of the United States. He is in Mexico now.

The protestants, through their agents, have raked and scraped the country to find evidence of bad faith on the part of the church, and in their zeal they bring before the committee the peculiar case of George Teasdale, who is charged with having taken a plural wife. It appears that he had entered into a celestial marriage with a servant in his family, a deformed person, but they never cohabited. It is true that he took a wife after 1890. There is no question about it. His marriage to this maid was afterwards declared to have been void. clear that when he married he supposed that he had the right to do so. There was also Charles Merrill, son of the apos-tle. He had a legal wife and a plural wife. The legal wife died, and instead of doing what he ought to have done, by marrying the plural wife, he married another woman. It was not technically a case of bigamy, but it was reprehensible in the highest degree. There is also the case of Josiah Hickman, who was a professor at Provo. His legal wife was dead, but his plural wife was living, and he is living with her without having remarried her. Mr. Hickman, a gentleman of education and culture, testified that he had always intended to remarry her, but, in his eyes, she was just as much his wife as if he had remarried her. I respected the man for the statement he made. I only cite the case for the purpose of showing how closely to the ground this dagnet is drawn to bring in cases which can be

Mr. Owen also mentioned John Silver, Heber Bennion, Winslow Farr, and B. Rathall. It is only by repute that we know they have taken wives, for they were not summoned here. a word of evidence was produced against them, nor were they summoned to come here and explain. I also refer to the case of Thomas Chamberlain, who was summoned, but did not appear. There may have been a reason for his not coming, and he may have married a plural wife. I do not know

Mr. Owen also testified that Apostle Merrill, an old man, was reputed to have taken a plural wife. During the session of the committee and while he was on his dying bed he made an affidavit and sent it to the committee indignantly denying the report and affirming that the charge was not true and that he had taken no plural wife. David Eccles, also by repute, was said to have taken a plural wife. He appeared before the committee and denied the charge, and there is no proof against him.

Mr. SUTHERLAND. The woman he is charged with having married was also here.

Mr. DILLINGHAM. The woman he is charged with having married also appeared.

Taking these cases and making an analysis of them, it appears that five cases, perhaps, have occurred where there may have been plural marriages. Four of the men connected with those plural marriages are fugitives from justice, living in Canada, and one is dead, and there is not a word in evidence that anybody connected with the church knew of either one of them.

In Mexico, out of the jurisdiction of the United States, there have been two cases, but taking all the alleged cases together they will not average two in a year since the manifesto was

This shows the record since 1896, when Utah was admitted into the sisterhood of States. I do not know what the record will show as to bigamous marriages in other States. I have not taken pains to inquire, but I do think, considering the people of Utah had been taught the validity of plural marriages, that this record, compiled at so much expense and so much pains by Mr. Owen, shows a very remarkable observance of the law on the part of the people of Utah.

### POLYGAMOUS COHABITATION.

Now, a word upon the question which has been suggested by my friend from Idaho [Mr. Dubots] as to violations of the law regarding polygamous cohabitation. Among those who took plural wives previous to 1890-which cases are known as Mormon marriages—there have been without question violations of the law. It was expected at the time Utah was admitted as a State that there would be such violations of the law in individual cases. But it is probable that three-quarters of the men having plural wives stood for the observance of the obligation of the law and withheld from polygamous cohabitation. the other hand, there have been individuals who have not so done. I do not stand here to defend them for a moment. The thing that has shocked this country and helped to arouse it more than anything else was the truthful statement made by the president of the church, Mr. Smith, when on the stand, that he had violated the law in that regard himself—a fact that was not generally known until he himself testified before the com-

The whole country was naturally shocked by the admission.

I was shocked also. But speaking now of the people of Utah as a whole, I am bound to say that it is a most remarkable achievement that polygamous marriages have been stamped out so completely as they seem to have been. It is equally markable that there has been so little of polygamous cohabitation. The change for the better, as Judge McCarty put it, "has been phenomenal." In judging of the situation we have to remember that each one of these plural wives was in her own conscience and in her own mind just as much the wife of her husband as his legal wife could be.

The situation was peculiar and grave. I do not know that it can be better presented than by reading an extract from the speech of the junior Senator from Utah [Mr. SUTHERLAND], a non-Mormon, a resident of Salt Lake City, and who is thoroughly informed regarding the conditions there. He said:

Mr. Sutherland. Considering the conditions there. He said:

Mr. Sutherland. Considering this testimony, Mr. President, it must be seen that this situation, which confronted us out in Utah after the manifesto was issued, was one which bristled with difficulties, was one which must be approached from the standpoint of practical statesmanship rather than from the standpoint of the religious reformer. Those men and women who entered into these marriages were not inspired by lust. They were good men; they were pure women. Any man who has lived in the State of Utah, who has mingled with them in their daily life, who has sat at their firesides, and who has talked with them must admit that this is a fact.

Congress had demanded no pledge against polygomous con-

Congress had demanded no pledge against polygamous cohabitation on the part of those who contracted plural marriages prior to 1890, and their relations were by themselves considered pure, wholesome, and God-ordained.

It was supposed by all classes, Mormon and Gentile, that time would banish these conditions and that it was wisdom to let time do the work. Public sentiment was against prosecutions. Judge McCarty testified:

I prosecuted them before the United States commissioners up until 1893, when the United States attorney refused to allow my accounts for services for that kind of work, and then I quit and confined my investigations before the grand jury in those cases.

Mr. Critchlow, who drafted the protest, testified frankly upon this question. He states the situation so clearly that I will ask to have his testimony incorporated in my remarks without reading it at this time.

The VICE-PRESIDENT. In the absence of objection, permission is granted.

The testimony referred to is as follows:

mission is granted.

The testimony referred to is as follows:

Mr. Critchlow. I think that in all probability, as near as I can get at my state of mind at that time, it was, that very shortly after the manifesto, under the conditions that existed and that we thought were going to exist, there was no inclination on the part of the prosecuting officers to push these matters as to present cohabitation—I think that is sc—thinking it was a matter that would immediately die out.

Mr. Van Cott. John Henry Smith was there?

Mr. Critchlow. I think so.

Mr. Van Cott. I think so.

Mr. Van Cott. So well known that he was living in unlawful cohabitation?

Mr. Critchlow. That was our understanding of it.

Mr. Van Cott. So well known was this, was it not, to non-Mormons there generally, that where they knew that a prominent Mormon was living in unlawful cohabitation they made no objection to it in the way of protesting to the officers? Is not that true?

Mr. Critchlow. Do you mean the non-Mormons generally?

Mr. Van Cott. I mean the non-Mormons generally.

Mr. Critchlow. Jo you mean the non-Mormons generally?

Mr. Critchlow. I think that is true.

Mr. Van Cott. They were disposed to let things go?

Mr. Critchlow. Yes, sir; I think so.

Mr. Van Cott. That was the general feeling?

Mr. Critchlow. Yes, sir; I think so.

Senator Overman. When was that?

Mr. Critchlow. During the time of the manifesto, in September, 1890, on down to very recent times; pretty nearly up to date, or practically up to date. Perhaps even now, if I was going to say what was the general inclination—

Senator Overman. The general inclination in Utah is not to prosecute Mr. Smith?

Mr. Critchlow. The general inclination in Utah is not to prosecute Mr. Smith.

Mr. Critchlow. The general inclination in Utah is not to prosecute Mr. Smith.

cute Mr. Smith.

Senator Beyeridge. Then what have you to say, on that point, as showing the great popular indignation?

Mr. Critchlow. There is no inclination on the part of the non-Mormons, and I suppose the Senator refers to non-Mormons, rather than to Mormons—there is no sentiment there in Utah, no great amount of sentiment there in Utah, that would favor putting Joseph F. Smith in the attitude of being persecuted for his religion.

Mr. Van Cott. You speak of the general disinclination to prosecute Mr. Smith at the present time. That is true generally of polygamists who were such before the manifesto, is it not?

Mr. Critchlow. Yes, sir; it is so.

Mr. DILLINGHAM. The position that he took and that taken by others is sustained by the testimony of Judge White-

taken by others is sustained by the testimony of Judge White-cotton, of Provo; by Hiram E. Booth, of Salt Lake City; by Arthur Pratt, who was United States marshal for years and years; by Mr. Thomas, a non-Mormon living in Salt Lake; by Glenn Miller, United States marshal; by Mr. John W. Hughes, editor; by Mr. Coulter, and by Mr. Stephens, the latter being secretary of the Young Men's Christian Association at Salt Lake, a man universally esteemed and beloved, who describes the situation in this way:

I meant to say that I think my children would have grown to man-hood knowing little or nothing about these old conditions, except for

the fact that it had been a matter of such public notoriety in the newspapers recently. I do not want to be understood as saying that it was not to some extent known.

The conditions in Utah were so quiet that if polygamous cohabitation existed it was in a way that did not attract public As I said before, it was only when Mr. Smith was attention. brought before the committee and made his confession that the country became so thoroughly aroused upon this question. Under the conditions indicated it was thought by everybody upon the ground, Mormons and non-Mormons, that it was better to let the matter die out naturally. Mr. Smoot testified that he was never in any house of President Smith except the house of his legal wife. He was not made an apostle until ten years after the manifesto was issued, and four years after Utah was admitted as a State. He has been no more guilty of laxity in falling to prosecute these cases than every other citizen of prominence in Utah, Mormon or Gentile. The evidence shows how fully the expectation has been realized that these matters would die out.

POLYGAMOUS FAMILIES WILL SOON BE A THING OF THE PAST.

I shall not occupy much more of the time of the Senate, but I must call attention to some very significant figures that have appeared in evidence, showing what the condition in regard to polygamous families has been and is in Utah. It appears from a careful census made in 1890, the year when President Wood-ruff issued his manifesto against further polygamous marriages, that there were 2,451 such families belonging to the church of Jesus Christ of Latter-Day Saints in the United States. In the succeeding nine years this number was so far reduced that in October, 1899, there remained only 1,543 such families. In May, 1902, three years later, a complete and thorough inquiry showed that the original number in 1891 had been reduced 63 per cent, leaving only 897 such families in the United States; and the latest estimate made indicates that, instead of there being 2.451 such families, as there were in 1800, there are not at the present time more than 500 of them remaining, and they are among the old people of Utah. At this rate of decrease polygamous families will soon be a thing of the past, and as plural marriages are now a thing of the past, Utah will occupy the position longed for by Senator Smoot-a State with no elements of polygamous life in being.

A further evidence of the progress in Utah is found in the city of Salt Lake City, the very home of Mormonism, where the temple is located. The testimony of Mr. Hughes, an editor, discloses to what an extent the number of polygamous families has

decreased.

Mr. Van Cott. What is the population of Salt Lake City?
Mr. Hughes. It is approximately 70,000 to 75,000.
Mr. Van Cott. Has this investigation lien recent?
Mr. Hughes. About two weeks ago.
Mr. Van Cott. How many polygamists did you find in Salt Lake tty?

City? Mr. Hughes. Seventy-four.

Seventy-four men with plural wives out of a population of seventy or seventy-five thousand people.

Mr. Van Cott. And how many over, say, 60 years of age and under 70?

Mr. Hughes. I think more than fifty of them were over 60.

Seventy polygamists, and a great majority of them are over 60 years of age. How many will there be in ten years from

The present chief justice of the supreme court of Utah, a non-Mormon, speaking of the condition in the whole State, testified:

Mr. MCCARTY. Oh, the change has been phenomenal.
Mr. WORTHINGTON. Phenomenal?
Mr. MCCARTY. Yes; phenomenal. There are only a very few. In
the little town in which I resided there for over twenty years there
were a large number of polygamists. Oh, there must have been in the
neighborhood of twenty of them; and I can not call to mind now but
three of those old men who are living.
There were have the history of the State of Utah as reflected.

There you have the picture of the State of Utah as reflected by the picture of the town in which the witness resides. Again, in answer to Senator Foraker, Mr. Stephens testified as follows regarding the future of the State:

Senator Foraker. Do you think polygamous cohabitation will entirely pass away with the death of the men who married plural wives before the manifesto?

Mr. Stephens. I do, sir, if there are no more plural marriages. Senator Foraker. What is your judgment as to plural marriages? I understand you to have expressed one, but I want you to express it again.

again.
Mr. Stephens. As to whether there will be more?

Senator Foraker. Yes.

Mr. Stephens. I think they will be just as rare as bigamy among people generally. Oh, I would not say quite as rare as that; very rare. It would be only in the case of an utter fanatic, who would perhaps impose upon the officiating officer in order to get a plural wife. Later, in his testimony, he says:

I think, Senator, that at the time the United States law went into effect there were few polygamous marriages being solemnized, and the feeling of the Mormon people, as a whole, would tend to suppress evi-

dence in a case of polygamy; but now I think the universal sentiment is that no punishment could be too severe for one who went into it.

Further on in his testimony he said:

I would say that there is a far more general disposition to prosecute, and there is no disposition to cover it up or evade or anything of that kind; and I believe the plural marriages that have been solemnized have been done secretly, and perhaps in some other State. I do not know anything about it. I know it would be a foolhardy man who would undertake to let it be known so it could be prosecuted. He would go to the penitentiary very quickly.

ACTION OF THE HIGH CHUBCH AUTHORITIES.

Now, as bearing upon the question whether what has been called the hierarchy is a self-perpetuating body which has entered into a conspiracy to perpetuate the system of polygamy, I desire to call attention to the changes that have been made in that body since 1890. The hierarchy, as it has been called by the protestants, consists of twenty-six persons, the president and his two counselors, making three, called the first presidency; the patriarch, one; twelve apostles, seven first counselors of the seventies, and three presiding bishoprics, making in all twenty-six. In 1890 the polygamists in that body of twenty-six numbered twenty-three. There were only three monogamists. Mark the progress in ten years. In 1900 the polygamists had been reduced from twenty-three to fifteen; the monogamists had increased from three to eleven. At the present time this body contains only nine polygamists, while against these stand seventeen monogamists.

Again, of the fourteen new appointments made to these offices since 1890 twelve have been monogamists and two polyg-

What evidence is found in these figures that this so-called self-perpetuating body is perpetuating itself in a way to re-establish or to uphold polygamous marriages? With polyg-amists disappearing at this rate, this will soon be a body of which not a member will be a polygamist.

Take the body of the apostles. Of the seven apostles chosen since April, 1900, when Reed Smoot was selected, only one was a polygamist, and that was C. W. Penrose, a man 72 years of age, who, as has been stated to-day, had a son 22 years of age

when he was elected.

I want to go further than this. Of the ninety-six members of the presidencies of the stakes—the stakes are the subdivisions of the church for business purposes—of the church in 1896, forty-seven, or about one-half, were polygamists. Of 165 such prominent church officials in 1906—the increase in number being due to the organization of additional "stakes" 16, or less than 10 per cent, are polygamists.

In view of these facts and figures, what has to become of the charge against this self-perpetuating hierarchy, that it is in conspiracy to perpetuate polygamy? Every change but one in the board of apostles has been to place men upon it who

never had more than one wife, who never accepted even the privilege of taking more than one previous to 1890.

Not only this, but the evidence shows that polygamy as a principle is not taught in schools or in the church or by the It appears further that the missionaries are instructed not to teach polygamy. The elders are under injunction not to teach it, and not a witness was brought from any part of the United States or from any part of the world who could testify that any representative from the church had ever

inculcated the principle of polygamy since 1890.

How has it been in the politics of Utah? Two-thirds, probably, of the citizenship are Mormons. Perhaps not more than 60 per cent now. In the first State legislature in 1896 there were forty-three Mormons and only nine polygamists. In the legislature of 1897 there were fifty-three Mormons and only seven polygamists. In the legislature of 1899 there were fifty-three Mormons and nine polygamists. In 1901 there were forty-six Mormons and only three polygamists. In 1903 there were forty-Mormons and only three polygamists. In 1903 there were forty-six Mormons and only three polygamists. In 1905 there were forty-three Mormons and only one polygamist, and in 1907 there is not a polygamist in the body. And yet it is charged that there is a conspiracy on the part of this church to thrust polygamy upon the people.

Not only that, but it has been charged openly in this city within the last two or three days that polygamy will not cease offices ceases. If there is a polygamist holding a Government office in the State of Utah to-day, I wish somebody would tell me who he is. I do not know of a single position of authority under the Government of the United States held to-day by a polyg-

amist.

Mr. DUBOIS. Mr. President-

The PRESIDING OFFICER (Mr. Brandegee in the chair). Does the Senator from Vermont yield to the Senator from Idaho?

Mr. DILLINGHAM. Certainly.

Mr. DUBOIS. Would the Senator class as a polygamist a polygamous wife?

Mr. DILLINGHAM. Oh, if you want to bring in such a

Mr. DUBOIS. I asked the simple question.

Mr. DILLINGHAM. Certainly. Is there one in Utah? Mr. DUBOIS. You have answered my question.

Mr. DILLINGHAM. Is there one in Utah? I should be glad to know.

Mr. DUBOIS.

Mr. DUBOIS. There is.
Mr. DILLINGHAM. I should be glad to have the Senator

tell me, because I do not know.

Mr. DUBOIS. I will tell you sometime.

Mr. DILLINGHAM. I am sorry— Mr. SUTHERLAND. Mr. President-

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Utah?

Mr. DILLINGHAM. I am very glad to yield to anyone who

will give me information.

Mr. SUTHERLAND. I should be very glad myself to know if the Senator from Idaho has any information upon that subject. I do not know of a single polygamist holding a Federal office in the State of Utah, and I do not believe there is any polygamist

holding a Federal office in the State of Utah.

Mr. DUBOIS. I will be very glad to tell the Senator, and I will state in this connection that the polygamists, after the resolution was passed through the Senate, resigned, and gradually they are appointing the wives of those polygamists who Since this investigation commenced a great many polygamists in Idaho I know have resigned their positions.

Mr. SUTHERLAND. Will the Senator permit me? Mr. DILLINGHAM. I am very glad to yield.

Mr. SUTHERLAND. I know nothing about conditions in I do know something about conditions in Utah, and I should like the Senator to state here if he knows either of a polygamous man or a polygamous woman in the State of Utah who is now holding a Federal office. Let us have the name. Let us know about it.

Mr. DUBOIS. I will say to the Senator from Utah that I will state the name. I have it not in my pocket. I will state it to the Senator from Utah, and it will result in a removal, as it did when the resolution passed the Senate to investigate the question as to what polygamists were holding offices in Idaho. They resigned. They have appointed the polygamous wives since then. They did not find very many. You pass a resolution and have some agent go out to Utah and I think both in Utah and Wyoming you will find polygamists holding office.
I do not say so, because I do not know. They did in Idaho.
Mr. SUTHERLAND. I do not want to get into a controversy with the Senator from Idaho in the time of the Senator from

Vermont. The Senator from Idaho stated, if I understood him, that after some resolution had been passed the practice of appointing polygamous men to office had ceased and their polyga-

mous wives were being appointed. Did I understand him?

Mr. DUBOIS. I said that had been done. I did not put it
so broad as to intimate that it was a practice that had grown up.

Mr. SUTHERLAND. The Senator said it had been done.

When and who was appointed?

Mr. DUBOIS. I will tell the Senator from Utah who was appointed and the party will be removed.

Mr. SUTHERLAND. Let us have the name. Let us have it

understood.

Mr. DUBOIS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Vermont yield further to the Senator from Idaho?

Mr. DILLINGHAM. I am enjoying this. I yield gladly.
Mr. DUBOIS. I will say to the Senator from Utah that I shall take the privilege of addressing the Senate again on this question to-morrow, when I will give the name of the party from

Mr. SUTHERLAND. It does seem to me that when the Senator from Idaho stands upon the floor of the Senate and says he knows of a case of that kind in the State of Utah, and the request is made here for the name, we ought to have it now. That would seem to be common fairness. I know of no such case in the State of Utah, and I am reasonably well acquainted in that

Mr. DUBOIS. The Senator from Idaho-

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. DILLINGHAM. Certainly.

Mr. DUBOIS. The Senator from Idaho will repeat in the Senate that he is going to give the name, but he will be the judge as to when he will give it. I will do it before the debate closes, I assure the Senator.

Mr. SUTHERLAND. The Senator from Idaho, of course, has the right to give or to withhold the name. He has the right to give it now or when he pleases. I think we ought to have it But the Senator may do as he pleases.

POLYGAMY IS AS DEAD AS SLAVERY.

Mr. DILLINGHAM. I have occupied more time than I have intended in going over the history of the development of the Mormon people since 1890. Had I the time I would be very glad to go into the evidence of non-Mormon witnesses who have appeared before the committee, and who have expressed in the most positive terms their opinion that the progress indicated by the facts which I have stated is going on all the time, and that polygamy as an institution is as dead in Utah to-day as slavery is in our Southern States.

I have before me a minute taken from the testimony of Judge

O. W. Powers:

The younger men and the younger women of the Mormon Church, and I have talked with a great many of them on the subject, are opposed to the practice.

Mrs. Coulter, who was a member of the legislature when Senator Smoot was elected to this body, a graduate of Michigan University, I believe, the wife of a prominent physician in the State of Utah, testified to the same effect.

Former United States Senator McConnell, cf Idaho, says:

The great bulk of Mormons in the counties of our State are opposed the polygamous relation.

Judge Booth, of Utah, says:

Judge Booth, of Utah, says:

I believe polygamy is as dead as slavery. There are several reasons for it. The first is that 98 per cent of the Mormon people are against it. It is inevitable that it must cease to exist. \* \* \* The principal right of the Gentiles has been to do away with polygamous marriages. \* \* I have among my acquaintances many prominent young Mormons, politicians and others, about my age and younger, and I have heard many of them say, with great emphasis, that if they believed the church sanctioned any plural marriages since the manifesto they would leave the church immediately; that they would not continue as members of the church if the manifesto should be violated by the officers of the church. I believe them to be just as sincere as man can be. I believe that to be the general sentiment of the younger members of the Mormon Church. Polygamy is dead without reference to the law.

It is dead because the people of Utah do not want it reestab-

It is dead because the people of Utah do not want it reestablished any more than our southern brethren want slavery rees-They are glad they are rid of it.

Mr. J. P. Meakin, a public lecturer, says:

I have entered into conversation very much with the people, and I find that they are all very well pleased that polygamy is a thing of the past; and they welcome emancipation from the system. I speak not only for the young Mormons, but for the middle aged. It is a matter of general pleasure or rejoicing that it is being obliterated.

Mr. Hughes, whom I have already quoted as being the editor of a prominent paper, says:

The Mormon people generally are as much against new polygamous marriages as the Gentiles, I believe, as a rule, especially the younger Mormons that I meet. I meet a good many of the younger Mormons, and they are absolutely against it. They would not tolerate it.

Judge Whitecotton testified to the same effect. He said:

The decided sentiment of the Mormon people in Utah is hostile to polygamy. \* \* All the Mormons—I will speak with reference to them rather than the Gentiles in that regard—are sick and tired and disgusted with polygamy; they want to get rid of it; they want to wipe it out and get it under their feet. \* \* \* I think if it were known in the community in which I live that a man had contracted a polygamous marriage, and the evidence came, there would not be a half a dozen men in that town who would not pursue that man and put him in the penitentiary. That is the sentiment where I live, and the people there are 70 per cent Mormons.

In closing, Mr. President, I wish simply to emphasize the progress made during the three periods to which I have called attention in these remarks. The contests prior to 1890 over the constitutionality of the several acts of Congress adopted for the purpose of stamping out polygamy, both in principle and practice, was sharp and long drawn out. But when the constitutionality of those measures was determined in the courts further opposition ceased, the manifesto was issued, accepted by the church and promulgated, and thereafter the right to solemnize plural marriages ceased to exist in the priesthood, and the right to take plural wives ceased to exist in the church. The property of the church was restored by the Government, amnesty was granted to all, the children of Mormon marriages were legitimated, old political parties were broken up, and Utah started out upon a new era of development in civilization and progress.

During the second period, between 1890 and 1896, the different governors of the Territory unite in certifying to the sincerity of their purpose and the willing obedience to law on the part of the Mormon people. Every objection to statehood had been removed, an enabling act was adopted, and in the last-named year, 1896, Utah was fully admitted into the Union as a State.

During the period of statehood, extending from 1896 to the present time, the history of Utah has been one of progress and

development. The attempt to fasten upon the Mormon Church a purpose to reestablish polygamy has utterly failed. A force from within has been in operation and the number of polygamists occupying positions either in church or State has constantly diminished. The legislature of 1896 contained nine polygamists. That of 1907 did not contain one. The so-called "hierarchy," which, in 1890, was composed of twenty-three polygamists and three monogamists, as now constituted contains only nine polygamists, as against seventeen monogamists. Polygamy as a principle is not taught by the church, and its

practice is not tolerated by authorities or people.

"Polygamous cohabitation," so called, is fast dying out.
Polygamous families, which in 1890 numbered 2,450, have decreased to about 500, and very soon not one will remain as a

reminder of the old conditions.

The people are unalterably opposed to polygamy, and in the language of several witnesses "it is as dead as slavery."

I wish only to add, Mr. President, that this record of progress, revealed so fully in evidence, is to my mind simply marress, revealed so that he evidence, is to my mind simply marvelous, and it seems strange to me that having emancipated themselves from the terrible blight of polygamy and, according to all evidence, being a people who are industrious, frugal, lawabiding, and of good habits, a people who have not interfered offensively in politics since the manifesto, it seems strange to me, I say, that when they support-

Mr. CULBERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Texas?
Mr. DILLINGHAM. I do.
Mr. CULBERSON. I desire to ask the Senator a question for information, because I am not familiar with the testimony upon that point. The Senator just stated that since a certain time the Mormon Church authorities have not attempted to interfere in politics. I understand the testimony is that Senator Smoot himself was not allowed to become a candidate for the position he holds until permission was obtained from the church authorities. I ask him if that is true? As I stated, I am not familiar with the testimony.

Mr. DILLINGHAM. If I had the time, I should be very glad to go into that question, but I have already spoken two hours, and I can not take it up in detail. I can explain to the Senator

in a very few words just what the position is.

There is a rule that applies to the ecclesinstical authorities of the Mormon Church alone—we will call them the "twentysix "-whose offices I have already been discussing. It simply provides that if they drop their ecclesiastical work to accept an office, to accept any position that takes them from that work—business, politics, or otherwise—they must obtain permission to do it. But if they do not get permission, they can go and do it just the same, only they have to give up their ecclesiastical office and let somebody else take it. In a very few, direct words that explains that situation, and that is all there is to it. This rule is common to every great business house. It prevails in every church. It prevails in the Methodist Church in Utah. Consent is not an indorsement of Mr. Smoot. He is not sent as their representative. It is simply that as he is laying down duties with which he is charged by the church, he has simply to relieve himself of those duties before going into politics or business or anything that would distract his attention.

The same is true, I repeat, of the Methodist Church in Utah.

That organization has a church-extension society, with an agent in that State, and it is in evidence that one of the Methodist preachers employed in its work wanted to go to the legislature, but he could not consent to become a candidate until he secured the consent of his ecclesiastical superior. tor Miller, I believe. What is true of him is true of REED SMOOT, and no more is true of REED SMOOT than of Doctor Miller.

Now, I was saying, for I was about to close, it seems a strange thing to me, in the light of the progress that has been made by the Mormon people since 1890, that the man who back of that time was laying the foundation of this progress, cooperating with the authorities of the United States in bringing to an end a pernicious system, who has always stood for law and order, whose life has been so pure and upright that among all the witnesses testifying in this case not one has brought a charge against him either in his business or social life-it seems strange to me, I say, that the people of that State should be punished by denying to such a representative of that people and of that progress a seat in the United States Senate. If there is any reason for denying him a seat, I have not discovered it.

It has been painful to me in some respects to speak upon this subject. I know what public sentiment has been created. But I know that the people of the United States are intelligent and all they want to ascertain is the truth, and when they know

what the truth is they will stand by the man who declares it. So I stand here to say that upon my oath of office as a Senator of the United States, having listened to this vast volume of testimony, having examined it in detail since that ime, having given it my most mature consideration, I fail to find any reason why I should vote to deprive Senator SMOOT of the right to occupy the seat to which he has been elected.

During the delivery of Mr. Dillingham's speech,
The VICE-PRESIDENT. The Senator from Vermont will
kindly suspend. The hour of 1 o'clock having arrived, the
Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The Secretary. Table Calendar 26, Senate resolution 214,

by Mr. CARTER.

Mr. CARTER. I ask unanimous consent that the unfinished

business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Vermont will proceed.

After the conclusion of Mr. DILLINGHAM's speech,

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. Let us proceed with the agricultural appro-

priation bill.

The Senate, as in Committee of the Whole, resumed the comsideration of the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908

Mr. PROCTOR. The amendment on page 39 striking out lines 3 to 16 was passed over at the suggestion of the Senator from Rhode Island [Mr. Aldrich]. The amendment was proposed because the language to be stricken out is the existing law. In the last appropriation bill there is this provision:

That 10 per cent of all money received from each forest reserve during any fiscal year, including the year ending June 30, 1906.

Mr. ALDRICH. I withdraw the objection I made.

The VICE-PRESIDENT. Without objection, the amendment

is agreed to.

Mr. PROCTOR. The next amendment was passed over. It begins in line 18 and ends in line 22 on page 39; and I move that it be disagreed to.

The VICE-PRESIDENT. It was disagreed to. The next passed-over amendment will be stated.

The Secretary. In line 22, page 39, it is proposed to insert the word "hereafter;" so as to read:

And hereafter the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests of the United States.

Mr. PROCTOR. That is a provision which has been in past bills, and was drawn, I believe, by the Member from South Dakota. I have no feeling about the word "hereafter," but it was inserted to prevent useless repetition in other bills. I supposed it was a matter about which there was no question. If there is objection to it, I will ask that the amendment be disagreed to.

Mr. CARTER. There is a question about it. I will explain it so that the chairman of the committee will understand.

It has been a policy almost universally adhered to that in these States the timber should not be sawed into lumber and exported to other States, because in due course of time an equal quantity of lumber would of necessity be required for shipment back to the State. That policy has been indulged from year to year, but we do not believe it should become a matter of settled law that lumber may be shipped indefinitely from Colorado into Kansas, if it becomes evident hereafter that it is desirable to keep it in Colorado. There is not a sufficient amount of timber in the State of Colorado to permanently supply that State. Therefore for whatsoever quantity of lumber is shipped out from Colorado now an equal quantity will in the future have to be shipped back.

I have no objection to this clause being allowed to remain in the law from year to year by sufferance, but the word "hereafter" would make it a permanent law, and for that reason I object to it.

Mr. HEYBURN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. PROCTOR. I do.

Mr. HEYBURN. This provision was changed in the last appropriation bill. In the appropriation bill prior to that I had the State of Idaho excepted from this provision of the bill. At the last session I was not able to be present because of illness, and the exception in favor of the State of Idaho was stricken out, so that on line 25, where the Black Hills National Forest Reserve is excepted from the provisions of the act allowing lumber to be shipped to other States, the words "and the State of Idaho" were stricken out. Now, I think I may fairly ask of the Senate at the proper time that they be restored to the bill.

Mr. PROCTOR. That would be in order. Mr. HEYBURN. I merely wanted to ca Mr. HEYBURN. I merely wanted to call attention to it at this time, because the word "hereafter" is a very comprehensive word and would give an element of permanency to this provision which I do not desire to see incorporated in it.

Mr. PROCTOR. I understand that the Senator objects to the word "hereafter."

Mr. HEYBURN.

PROCTOR. Let the amendment be disagreed to, Mr.

The VICE-PRESIDENT. Without objection, the amendment is rejected.

Mr. PATTERSON. I should like to ask the chairman of the committee what reason there was for giving this discretionary power to the Secretary of Agriculture to interdict the shipment of timber out of any State into another State. Why was that done? What is the theory upon which this power to interdict commerce in any particular matter is conferred upon one of the Secretaries? This is the language of the paragraph to which I call the attention of the Senator from Vermont:

And hereafter the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests of the United States, except the Black Hills National Forest in South Dakota, to be exported from the State, Territory, or the district of Alaska, in which said forests are respectively situated.

That is the clear power and authority given to the Secretary of Agriculture to allow the shipping of lumber or not as he sees fit. I can not understand why such power should be given. Mr. PROCTOR. I think the Senator from Montana [Mr. CARTER] can explain it.

Mr. PATTERSON. I should be very glad to have an ex-

planation.

Mr. CARTER. At this moment I am not prepared to cite the Senator from Colorado to the statute upon the subject, but I am quite satisfied that the existing law prohibits the shipping of lumber cut from timber on the public domain from one State to another. This provision is for the purpose of temporarily permitting that traffic to proceed. It will be recalled that many

Mr. PATTERSON. Let me ask the Senator from Montana were it not for this paragraph would there be any interdiction at all of the transportation of timber from one State to another?

Mr. CARTER. There would be as to timber cut on the public domain, not upon private holdings. The law at present prohibits the timber or the products of timber cut on the public domain from being shipped from one State to another. Originally that statute was based upon an effort, I think, put forth by the then Speaker of the House of Representatives, perchance the floor leader of the House, Mr. Blaine, during the Administration of President Hayes. It will be recalled that under the administration of Secretary Schurz, of the Interior Department, all cutting of timber on the public domain for mining and other purposes in the West was absolutely prohibited. A law was passed by Congress permitting the cutting of timber on mineral lands for mining and milling purposes, but prohibiting the transportation of that timber from one State to another. It is for the purpose of permitting the Secretary of Agriculture to allow the shipment to be made from forest reserves that this particular provision is inserted, I am quite well satisfied.

Mr. PATTERSON. I am frank to say that I never knew the provision the Senator from Montana suggests was in the law, and I would be pleased in the course of a little while to have the Senator point me to the provision to which he refers.

Mr. CARTER. I have sent out to procure a reference to the

statute, and I will have it in the course of a little time.

Mr. PATTERSON. Mr. President, I desire to call attention to the fact that from forest reserves no timber can be cut except by permission of the Bureau-probably the head of division or some of his agents or officers to enter into contracts upon that subject. I, for the life of me, can not understand why, if the Secretary of Agriculture, either direct or through his officials, permits timber to be cut from the forest reserves, he should have it in his power to put a stop to the use of that timber as an article of commerce; why he should have it in his power to say that timber severed from the public domain, that becomes an article of commerce immediately upon its being severed, shall not be taken out of the State, or, out of good will, to say you may take it out of the State.

I think, Mr. President, it is almost an indefensible proposition. Yet as it has existed for a long while, as is stated by the Senator from Montana, I will not at this time make any motion upon the subject.

Mr. PROCTOR. The second amendment on page 40, in re-

gard to conducting experiments in certain cases in the city of Washington and elsewhere, was passed over at the suggestion of the Senator from Montana [Mr. CARTER]. That is a provision which is necessary under the rulings of the Comptroller. A similar provision has been inserted in a great many previous bills, and, I think, several times in this bill. No help can be employed here unless it is specifically provided for.

Mr. CARTER. The only feature of the amendment challenging my attention rests in this: That it seems to be broad enough to establish a testing plant and a general establishment here, destined in the future to become quite an expensive plant, for the testing of timber, for instance, for testing textile strength, for testing the crushing power, and making those tests which architects are generally called upon to make when timber is submitted for the construction of a building.

I doubt if it is any part or portion of the province of the Government to engage in that class of experiments. It is generally done by private enterprise to better satisfaction than

the Government could possibly conduct the investigations.

This may be intended only for experimental work in the planting of trees. If so, the amendment is entirely proper, although I am at a loss to know how the planting of trees or tree culture in the District of Columbia could cast any special light upon the propagation of tree life in the arid regions of the

The tendency is to create particular establishments in the city of Washington, which naturally grow, and when once established require great and constantly increasing appropriations. I think elsewhere, upon a recent occasion, but \$100,000 was appropriated to start a gun factory down on the Potomac River somewhere. Some one wise enough to look forward predicted that that gun factory would ultimately cost about \$7,000,000 and that the appropriation of \$100,000 was but the entering wedge.

I have no objection to investigations being conducted in the District of Columbia, as provided in lines 22, 23, and 24 on page 40, but I can not perceive the necessity for conducting experiments in forestry on Puget Sound, and in the Rocky Mountains, and the Sierra Nevada by the planting of trees in the humid atmosphere of the District of Columbia. It does seem to me to be unnecessary, and I think it challenges attention sufficiently at least to merit observation here.

Mr. PROCTOR. Mr. President, there was precisely the same provision in the bill of last year. It is not necessary to expend any money here; I am not aware of any great work of the Forestry Bureau in the way of investigation or experiments going on here; but it is sometimes necessary to conduct some matter of minor importance here, and if this were stricken out it would positively forbid it. I think it is a very reasonable proposition, and I do not think it has been objected to hitherto.

Mr. HALE. Mr. President, the same thing struck me, in reading this provision, that the Senator from Montana referred to. In dealing with this subject, purely local, applicable to the great western country, and which is a matter of practical detail, I do not see any reason why we should authorize experiments to be tried here in the city of ington. We might just as well establish a laboratory to try experiments in articles of commerce, and illustrative experiments in every Department of the Government. If we give the proper money and continue the establishment of this forestry feature of the Administration, I certainly for one do not see any necessity of this clause, and I shall hope that it will be stricken out.

Mr. PROCTOR. Mr. President, very often some slight experiment or investigation is called for that can be carried on here very much cheaper than to send experts to some distant part of the country. So far as I am acquainted, there never has been anything of any consequence of the kind carried on here by the Bureau of Forestry. I have no idea that it is con-templated to do anything of the kind. I know that the provision has been in former bills, and it has never been objected to;

and I have never heard complaint of any abuse of it.

Mr. HALE. Of course the Senator understands that happily the Senate this year is devoting more time to the scrutiny of appropriation bills.

Mr. PROCTOR. Especially this one.

Mr. HALE. Not especially this one. There was considerable time taken, and taken to some purpose, on the Indian appropriation bill; there was a good deal of time taken on the Army appropriation bill, and there has been considerable time taken on this bill, and to some purpose. Because we have allowed in a lax way heretofore appropriations to be made and clauses to be inserted and passed carelessly, it is no good reason we should now, when we are scrutinizing the bills, let it go.

I do not think that this provision is at all essential to the

Forestry Bureau. It seems to me that it would be much better to have it go out and not set up a bureau establishing experiments in Washington.

Mr. PROCTOR. I should like to investigate it a little more. I presume this is not a matter that will take any lengthy time,

and I ask to have the amendment passed over.

Mr. GALLINGER. Before it is passed over, I wish to ask the Senator from Vermont if he has any knowledge as to the number of so-called "scientists" now employed in the Department of Agriculture?

Mr. PROCTOR. The reports show the name of every man and his salary. The law requires of the Agricultural Department what is not required of any other Department, a full report of every cent of its expenditures and of every man em-

ployed and his salary.

Mr. GALLINGER. I am very glad to know that fact. That is in the report of the Secretary of Agriculture?

Mr. PROCTOR. Yes; it is reported every year. It has been so for the last two years.

Mr. GALLINGER. I would be very glad to look it over.

Mr. PROCTOR. There is no such provision in regard to any other Department, but in regard to the Department of Agri-

culture every item of expense must be reported in detail.

Mr. GALLINGER. I have noticed in reading some of the bulletins of the Department of Agriculture essays by men who call themselves experts or scientists that are of about as much value to the average farmer written in English as they would be if they were written in Sanskrit; and I have wondered whether there was not a superabundance of those men

there who wanted something to do.

Mr. HALE. The Senator from Vermont is quite right in saying reports of this Department contain lists of all the employees. If the Senator from New Hampshire, or any Senator interested, will look at this report he will find that from page 199 to page 222, embracing some hundreds of employees of this Bureau, the name of each one is given, amounting to several hundred. have not added them up.

Mr. ALDRICH. I should like to ask the Senator from Ver-ont a question. I have been told, upon what I believe to be mont a question. competent authority, that there have been sixteen hundred and some odd special employees, scientists, and other people of that character added to the list in the Agricultural Department since the assembling of the present session of Congress-1,656 I think is the exact number. They are partly inspectors, but they have been added, I think, all along the line. I should like to ask the Senator from Vermont if he knows anything about that?

Mr. PROCTOR. To carry out the provisions of the meatinspection law I know that a very large number has been added. They come through the civil service regularly. I do not know

of any other branch that has called for any number.

Mr. ALDRICH. Can the Senator give us the number who

have been appointed as inspectors?

Mr. PROCTOR. I can not, but I doubt if there are any more than will be required. I know I have heard complaint that it was difficult to get them fast enough to carry out that law. They all come through the civil service.

Mr. ALDRICH. Is there any limit anywhere in the pending bill to the number of persons who may be employed at the dis-cretion of the Secretary of Agriculture in this vast number of

these experimental matters:

Mr. PROCTOR. Does the Senator refer to meat inspection?
Mr. ALDRICH. I refer to the large number of investigations carried on and for which lump sums are appropriated. I should like to ask if there is any limit in the bill anywhere upon the number of men who may be employed?

Mr. PROCTOR. I do not know of any limit except by the

amount of the appropriation.

Mr. HEYBURN. Mr. President, I have some figures in connection with the subject immediately under consideration that would be appropriate. I find from an examination of the bill under consideration that we have provided for 141 employees at Washington specifically; that that number comprises 1 Forester, 109 clerks, 10 draftsmen, 1 artist, 2 photographers, 12 messengers, 2 carpenters, 3 watchmen, and 1 electrician. We have appropriated already \$143,200 for those employees at Washington. The provision immediately under consideration Washington. The provision immediately under consideration appropriates \$756,800 in addition to that; and within the second item is included those who will be engaged in making these experiments in Washington. So these experiments will be made outside of the 141 employees who have already been provided for in the first provision relating to the Forest Service in the bill. Just what proportion of the seven hundred and odd thousand dollars is to be used for carrying on these experiments does not appear either from the bill itself or from any

report made by the Secretary of Agriculture or by the committee, so far as I can learn.

It seems to me that this item of seven hundred and odd thousand dollars demands very close scrutiny, because it only on its face designates a very limited number of purposes to which it is to be applied. So I think we may as well pause over this \$700,000 item and ascertain to our own satisfaction the necessity for making the appropriation, in view of the fact that there is now in the Treasury available in this special fund a very large sum of money not accounted for or not considered by Congress in making provision for the maintenance of this Department.

Mr. CARTER. Mr. President, one of the objections I suggest to this clause, in line 22 to line 24, rests in the unlimited authority it gives to the Director of the Bureau or the Secretary of Agriculture to conduct investigations in the city of Washington or elsewhere. It will be observed that it does not confine the work to experiments, but to investigations in Washington or elsewhere. That will permit sending men all over the globe for any purpose that may appear to the Secretary of Agriculture or the Chief Forester as entirely in harmony with the interests of that Bureau.

There should be, I think, for traveling expenses in all these bills some specified sum. I have observed large numbers of Government employees who have traveled across the continent in the Forestry Service, in the Irrigation Service, attending all sorts of conventions, at the public expense and without accounting to anybody, as far as I know, for the character of the expenses incurred.

Now, it does seem to me that when we leave an appropriation in such a condition that an officer of a bureau or the head of a Department is permitted at the public expense to submerge a convention of the people assembled for the purpose of consulting one with another on the public interest, the time has come to fix some limitation on the expenditure of public money in that direction.

I do not pretend to venture the opinion that these public agents paid by the Government, traveling at the expense of the Government, are not doing a wholesome and a useful work. It is certainly an agreeable work. There is no limit on the expense they may incur. Unless Congress shall resume its legitimate function and place some limitation, this evil will grow until no convention of the people can assemble anywhere in the country without a great swarm of Government agents coming forward at the Government expense to tell them what it is best to do and how to do it.

I do not believe there should be permission given to any officer to conduct investigations in the city of Washington or elsewhere, which means the North Pole or the Southern Cross or any other part of the globe to which a human being can go. There should be a limitation, and I think that portion at least of the provision should be stricken out.

Mr. PROCTOR rose.
Mr. NEWLANDS. Mr. President, with the permission of the Senator from Vermont, I should like to ask the Senator from Montana to what conventions he refers, to political conventions, or conventions of people of the Western States on matters relating to irrigation or forest reserves, grazing, and other matters of

common interest of that kind?

Mr. CARTER. I have not observed any very keen discrimination in that particular. I have observed these people, at the Government expense, attending sessions of the legislatures in the respective States; I have observed them attending the po-litical conventions of the respective parties; I have observed their presence at irrigation congresses and meetings; I have observed them at the meetings of stock growers, at meetings of all kinds and characters assembled in the western country for the last five years. I do not recall an assemblage of people congregated after notice for the purpose of discussing the public welfare or enacting laws that was not attended by some-body at the expense of the Government of the United States, and generally with some sort of an ax to grind.

Mr. NEWLANDS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Vermont yield further to the Senator from Nevada?

Mr. PROCTOR. I do. Mr. NEWLANDS. I will say, in reply to the Senator from Montana, that if it is the custom of these officials to attend political conventions, I certainly will join with him in the condemnation of any such practice. Such practice has never come within my observation. Of course, I do not contend against the Senator's experience if he has had personal experience in that direction.

I wish to say, however, regarding these great popular con-

ventions of the West, relating to their economic condition, that they have had a great educational effect in that region. Take the irrigation congress, for instance. It is composed usually of about a thousand men, selected from the States and Territories constituting the arid and semiarid regions. They meet for the purpose of discussing economic questions relating to their region—the question of irrigation, the question of national irrigation, and the question of State cooperation in national irrigation, the question of the uniformity of laws amongst themselves with a view to their common betterment. At such conventions it has been the custom of the Reclamation Service and the Forestry Service to summon together at the same time their leading officials in positions of responsibility in the West. It has not been their custom to participate in the conventions themselves. Each service has had a congress of its own, intended to produce an exchange of views amongst its members, an exchange of experience, so that the entire service can become familiar with the general plans of the service in the West.

In that connection it is customary for them to have their plans and their maps and to deliver lectures and expositions. They have been in that way a great educational force in the West, and I think it is the universal sentiment of the members attending these conventions that they have been of great instruction and of great use to the West in its development.

So also with reference to the associations of cattle growers, cattle raisers, and sheep raisers. Those men graze their berds and flocks on the great public domain. The public domain is subject to the common use of all, and being subject to that common use means that the domain necessarily runs the risk of being overstocked to the injury of the country and to the injury of the sheep raisers and cattle raisers themselves. So these officials go to such associations and make expositions of their work and endeavor to bring their work into general harmony with the interests and the sentiments of the West. It seems to me they perform a great public service.

At first the entire West was in a position of antagonism to

both of these services, fearing the National Government would intrude itself upon the domestic concerns to the exclusion of the The result of this communication between these great services of the Government and the people of those regions conducted in this way, the proceedings being published throughout the entire West, is that we have been able to secure harmony of action. It has been essential in many instances to pass State laws in aid of national laws and to bring the two services, the State service and the national service, into harmony of relation.

I quite agree with the Senator that if these traveling expenses are incurred there ought to be a special fund and that there ought to be a limitation. I do not believe that we should give this service a free hand. All I do contend is that the service would be absolutely worthless if the conventions of officials were confined to Washington; that they are doing a practical and beneficent work to the whole country by mingling with the people of the West and associating with them in their congresses and their associations and bringing to them a realizing view of the beneficence of the work that they have in I think that work should be encouraged and not dis-

Mr. HEYBURN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. PROCTOR. I do. Mr. HEYBURN. Mr. President, I desire to reply briefly to the suggestion of the Senator from Nevada [Mr. NEWLANDS] that the result of the attendance of the officials of the Forestry Service of the Government upon irrigation congresses and other assemblies in the West has been to bring them into harmony. I ask leave to read the resolution adopted by the legislature of Idaho on yesterday, which I have in my hand. announcing it, referring to this resolution, reads: The telegram

Boise, Idaho, February 19, 1997.

Senator W. B. HEYBURN. United States Senate, Washington, D. C.:

United States Senate, Washington, D. C..

Don't permit our telegram for Judge Ailshie as second choice to interfere with Dietrich chance of appointment. Dietrich is our choice all the time. We passed Gleason forest reserve resolution in house to-day, and by plain talk indersed your fight for Idaho people's rights.

J. W. WEBESTER.
P. G. JOHNSTON.

The resolution, which was passed by the legislature, reads:

Be it resolved by the legislature of the State of Idaho, That the forest-reserve policy of the General Government as ministered is detrimental to the interests of the State of Idaho, in that it has resulted in a practical transfer of jurisdiction over more than one-third of the State to a bureau of the General Government, which has substituted rules and regulations inconsistent with the legal rights of the citizens of the State under the general laws by which the State is presumed to be governed;

That it has included within its boundaries more than 1,000,000 acres of land belonging absolutely to the State of Idaho, granted to the State by Congress under the admission act, which said act and the constitution of the State provide the sole means of disposal;

That the grant of sections 16 and 36 was for the exclusive use of public schools;

That while Congress has provided for homestead entries within forest reserves under burdensome and impractical conditions, the State can not hope for a substantial growth under such conditions, as no people would care to make their homes in a section of the country subject to such limitations and restrictions as will naturally prevent the growth of communities large enough to bring schools, churches, and other institutions incident to community life;

That contrary to the best interests of the State and the people the mineral lands are included within the forest reserves, and while theoretically they are open to prospecting, the limitations of the forest-reserve rules are such as to render it practically impossible to secure an investment of sufficient capital to develop mining claims after the prospector has found them, and capital will not, except in rare cases, invest in mining claims or locations within the forest reserves, as they prefer to operate under well-defined legal rights rather than permissions and privileges dependent upon the pleasure of departmental forces;

That we favor the amendment of laws where they are found to be

forces;
That we favor the amendment of laws where they are found to be defective rather than a suspension of them, which means people's rights to be suspended at the will and pleasure of a departmental agent; and That a copy of these resolutions be sent to our Senators and Representatives in Congress.

That is the harmony that has been brought about by the presentation of the views and methods of the Forestry Service of the United States. I say that at this time, in reply to the Senator from Nevada, that the system and those representing it have been instrumental in bringing about a harmony of views between the national policy and the States.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Nevada?

Mr. PROCTOR. I do.
Mr. NEWLANDS. The Senator from Idaho certainly shows the great difference of view between the legislature of Idaho and the Forestry Service regarding the administration of the forestry laws; but that has nothing to do with the question I was discussing. I think the Senator from Idaho will agree with me that if such a spirit of dissatisfaction exists in his own State, it would be a wise thing for the officials of the Forestry Department to go out to the State of Idaho and acquaint themselves with the feeling there.

Mr. HEYBURN. With the Senator's permission, I should like to interrupt him there.

The VICE-PRESIDENT. Does the Senator from Nevada

yleld to the Senator from Idaho?
Mr. NEWLANDS, Certainly,
Mr. HEYBURN, The Senator may or may not be aware of the fact that at the meeting of the National Irrigation Congress, which was held in the city of Boise, the capital of the State of Idaho, during the past season, the Forestry Service was represented there in very large numbers, sufficient to create disorder in the meeting and to attempt to interfere with the proceedings of the meeting. I will not go further, because there are those present on the floor who will recall vividly the scene when I, being a member of that convention, undertook to discuss the forest-reserve laws in the convention.

If I am accurately informed—and I believe I am—a number of these forest rangers and employees had been brought there and placed in a body in that meeting, as I believe for the avowed purpose of interrupting its proceedings should I presume to express my views there. Then the Senator will understand that the Service has already presented itself to the people of Idaho and its methods, and that they have been condemned by the resolution which I have just read, which is not a sud-den inspiration, but is the result of several years of harassments and embarrassments under the application of this system, which has selzed upon that State in its infancy and has prostrated it, stayed the hand of progress, and threatens to create and build up, by the very provisions of this bill we are now considering, a permanent establishment in Idaho, with telephone systems and a system of public roads, for whose use? For the use of the foresters. If the forest reserve is to be permanent, the public have no interest in the roads that traverse it.

They took forcible possession of roads that cost the State of Idaho \$180,000 to construct, and when you pass over those roads to-day you do it by the grace of a forest officer, and under the rules and limitations of the Department. It is proposed now that we shall expend \$750,000, as provided by the section under consideration, plus a million dollars, as provided in the succeeding paragraph in this bill, for the purpose of making permanent that which it is our determination to wrest ourselves from.

It can not be wondered at that those who understand conditions in the State have expressed by this resolution that we should make a stubborn resistance here against any further legislation that would fasten upon us this blight.

Mr. NEWLANDS. Mr. President, I do not intend to take

issue with the Senator from Idaho as to the conditions in his own State, for I am not familiar with those conditions. Whilst I have attended most of the irrigation congresses that have been held during the past twelve years, I did not attend the one at Boise City. If, as the Senator says, the Forestry Service organized a lot of men and took them there to participate in the deliberations of that congress and not, as heretofore, to act simply in an educational way on the outside, and if, as the result of that intrusion upon the deliberations of that congress, a discourtesy was committed upon the Senator from Idaho, I am sure I will join him in every word of reproof that he can utter re-

Mr. FULTON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Nevada

yield to the Senator from Oregon?

Mr. NEWLANDS. Let me finish my sentence, please. I will conclude in a few moments. All I can say is this, that within my experience the action of the Reclamation Service and the Forestry Service has not been intrusive; that it has been simply suggestive, educational, and instructive, and in that way they have done a great work. If the Forestry Service has been guilty of the things to which the Senator refers, it seems to me that complaint ought to be made to the President, complaint ought to be made to the Secretary of Agriculture, and that kind of intrusion remedied. I am only talking about the educational and instructive work which thus far they have done.

Mr. HEYBURN. I should like to ask the Senator-

The VICE-PRESIDENT. Does the Senator from Nevada

yield to the Senator from Idaho?

Mr. NEWLANDS. If the Senator will permit me just a moment further, because I do not intend to hold the floor very

Mr. HEYBURN. I want to ask, instructive to whom? Mr. NEWLANDS. Outside of the intrusion of which the Senator complains upon the deliberations of that congress; I should think it was a very good thing to have the members of the Forestry Service there. I think it is a good thing that the members of the Forestry Service are brought everywhere through the West in contact with the public sentiment, and if the public sentiment of the Senator's State and of that con-gress was adverse to their action, I am sure it would be instructive and influential to that Service in the future. I think it is a great deal better for these men to be in the West, moving about there in actual contact with the problems which they have to solve, rather than to establish a mere bureaucracy 3,000 miles away from the work that is to be accomplished. It is only for that that I stand, and I suggest in that connection that it is absolutely essential that traveling expenses should be paid.

As to the abuses to which the Senator refers, I have nothing to say. I am not informed in regard to them beyond what the Senator says. But, assuming that his statement is correct-and I have no doubt that it is, or he would not make itit seems to me it was a grave offense, which should be brought to the attention of the President and the Secretary of Agricul-I can not believe, Mr. President, that misconduct upon the part of the members of any service under the United States Government will be sustained by such men as the President of

the United States and the Secretary of Agriculture,
Mr. CARTER. Mr. President, I was present at the Boise congress, to which reference has been made, and I wish to bear cheerful testimony to the uniform consideration manifested by the Forestry Service for that convention and its membership. That certain controversies arose there was probably not to the

detriment of the public service.

I have no objection to urge against the Chief Forester or such person as he may designate going anywhere for the purpose of diffusing knowledge among the people, but I do object to leaving the aggregate sum of \$1,900,000 open and unprotected, to be spent in traveling expenses, by that or any other officer at his own sweet will. There is no officer so wise as to be entirely worthy of such mighty confidence as this bill reposes in one man

of limited experience.

In connection with a matter hereinafter to be referred to shortly, I have the statement of the Chief Forester to the effect that, desiring to get charge of the public grazing lands, he went hence to New York, from New York to Salt Lake, where he had seventeen of these forest supervisors gathered round about to assist in herding a little convention of stockmen there assembled. From there he proceeded to Denver, in the State of Colorado, where another bunch of citizens were assembled in convention, and there he was joined by eighteen other forest super visors, with expenses and salary and hotel bills paid by the Government of the United States. The result was a certain sort of neutral expression of those people concerning certain public questions involved in extending to the forest supervisors supreme dominion over the whole public domain of the United

Mr. President, it is as to that lavish, unrestrained expenditure of the public money by, any officer that I raise my voice, and, in doing so, be it understood that I in no manner, form, or sense reflect upon the integrity nor the lofty purpose of any officer of the Government. As a principle of legislation and a matter of wise and judicious and patriotic administration, it must be taken for granted that the men who framed this Government, in placing the right in Congress to appropriate the public money from Treasury, were warranted in that reservation by good, ad sense. When an appropriation passes this body and the sound sense. other branch of Congress it must pass the scrutiny of some 400 odd persons. It must pass the ordeal of committee and scrutiny in both branches of Congress, and it is safe to assume that when bills have been scrutinized in that manner the expenditure is presumably fairly justified.

But what may be said of the Congress appropriating sub-

stantially \$2,000,000 and leaving \$1,250,000, in addition, to be disposed of in a star-chamber proceeding by one individual? Congress has nothing to say about the salaries to be fixed or the number of persons to be employed. The only limitation that the chairman of the committee has suggested is the aggregate amount of the appropriation. The Forester and the Secretary of Agriculture may make salaries at \$10,000 a year, \$100 a month, \$150 a month, or whatsoever they please. With that a month, \$150 a month, or whatsoever they please. this Congress has naught to do, and it supinely refuses to exercise its ordinary authority and perform its duty in leaving this vast sum thus unguarded in any manner or form.

I have never met a man in the public service, I have never known a pair of men in the public service with whom I would trust this great administrative power more cheerfully or confidently than I would to the Secretary of Agriculture and the Chief Forester; but, Mr. President, the theory of the whole matter is inherently and radically wrong and involves an abdication by Congress of a function and the refusal to perform a duty.

Mr. WARREN. Mr. President, I wish to make an observation. I came in just as the Senator from Montana was alluding to the presence of the Forester and his assistants at the live stock association meetings at Salt Lake City and Denver.

Mr. CARTER. I only made an incidental reference to it. Mr. WARREN. I assume that the Senator will do the Secretary of Agriculture and the Forester the justice to admit that in all those cases they merely acceded to urgent invitations extended by the associations.

Mr. CARTER. That is, to come in person and bring seventeen forest supervisors in one case and eighteen in the other?

Mr. WARREN. To come in person, so far as the Secretary and the Forester were concerned. I assume when the Senator says that the Forester brought seventeen or eighteen persons he does not mean to indicate that he took those from Washington or from any other point except the forest reservations near the places where the Forester visited. He brings them in to the nearest common center for consultation regarding future work as well as for reports upon the work already done. I understand—and I have attended many of these meetings—they have nothing to do with lobbying or asking appropriations. But the Forester himself was asked to come before the bodies and, if you may put it that way, to defend the policy. As proof that he must either have come in that way or been unsuccessful in his endeavors, I placed in the Recond a few days ago resolutions passed by the National Wool Growers' Association at Salt Lake City, in which the association mildly criticises the Forester for excessive charges for grazing. But in all those cases-I want to be just, and know the Senator does-these officials only responded to urgent invitations from the associations

Mr. CARTER. Well, Mr. President, I think it entirely proper for the Chief Forester to respond to an invitation extended by representative citizens or bodies of citizens anywhere, but I believe that the Congress should not provide the expense of travel and hotel expenses and all the expenses incident to and attendant upon such meetings of a large number of other persons employed by the Government and assembled there without invitation. If that proposition were up here to-day, I imagine there would be some question raised as to the necessity of so many assembling at a given point for a purpose entirely alien to the forest reservations, because in both cases the Chief Forester was present for the purpose of securing support to his proposition to entitle him to the privilege of leasing the public domain.
Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield further to the Senator from Wyoming?

Mr. CARTER. I yield

Mr. WARREN. I do not think that quite tallies with the actual occurrences.

Mr. CARTER. I have a statement here which I will later

Mr. WARREN. I have yet to see the charges made by the Forester in going to any one of these meetings, except where it was connected with his regular visits to the various reservations or localities. I think the Senator would find upon investigation that the meeting of seventeen or eighteen, or whatever the number of other persons was, had really nothing to do with the association meeting, other than to meet at that point with the Forester and talk over matters of administration.

Mr. ALDRICH. Mr. President— Mr. CARTER. I should like to ask the Senator from Wyoming a question.

Mr. ALDRICH. I should like to ask both the Senators a question-whether these associations which are now being referred to are the same associations that advocated this legislation on the agricultural bill?

Mr. CARTER. The delegates from these associations were the same persons who appeared here to advocate this legislation.

Mr. WARREN. As the Senator from Montana says, there were delegates from there and also delegates from associations other than those which the Senator has mentioned.

Mr. SMOOT. I simply rise to state that, so far as the foresters of the State of Utah are concerned, they were invited to the congress referred to by Mr. Pinchot to meet him for the purpose of discussing the administration of forest reserves in the State of Utah. They made a report to him and talked the matter over with him as to what should be the future policy as to the administration of the forest reserves in Utah. They had no whatever in the convention and no voice there. They simply, to save expense, met there with the Forester at that time, as was convenient for him to meet them, in order not to make a special trip to the West for the purpose of meeting him.

I have attended several of those meetings where Mr. Pinchot and the foresters have met together for consultation. I know the results of those conferences are good, and they have been for the betterment of the Service so far as the forest reserves

are concerned.

I wished simply to state that much, so far as the seventeen foresters who were invited to Salt Lake City are concerned.

The VICE-PRESIDENT. The question is on agreeing to the

amendment at the bottom of page 40.

Mr. HALE. What amendment is that?

The VICE-PRESIDENT. The Secretary will state the amendment.

The Secretary. On page 40, line 22, after the word "foresters," it is proposed to insert:

And in conducting experiments and investigations in the city of Washington and elsewhere.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The Secretary. The amendments of the committee on page 41 have already been agreed to. The next amendment is, on page 42, lines 2 and 3, to strike out "five hundred thousand" and insert "one million;" so as to read:

And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000,000, to be expended as the Secretary of Agricfiture may direct, for the proper and economical administration, protection, and development of the national forests.

The amendment was rejected.

Mr. HEYBURN. I should like to inc ment on page 41, line 13, was agreed to. I should like to inquire when the amend-

The VICE-PRESIDENT. It was agreed to yesterday.
Mr. HEYBURN. That is the amendment which carries the appropriation. That would raise the whole question.

Mr. CARTER. It will be raised later—on page 42, line 15.
Mr. HEYBURN. I desire at another time to reopen the consideration of that amendment.

The VICE-PRESIDENT. The Secretary will state the next

The Secretary. On page 42, line 6, after the word "forests," it is proposed to insert "\$250,000 of which amount is to be immediately available."

Mr. GALLINGER. Inasmuch as the amount has been re duced, at least the committee amendment was negatived, it seems to me this sum ought to be reduced, if the clause is left in the bill at all,

Mr. PROCTOR. It seems to me fair and reasonable, if the

appropriation is to stand at \$500,000, that some part of it should be made available for immediate use. Mr. GALLINGER. I move to amend the amendment by

striking out "two hundred and fifty" and inserting "one hundred and twenty-five."

Mr. PROCTOR. That is agreeable.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire to the amendment of the committee will be stated.

The Secretary. It is proposed to strike out "two hundred and fifty" and insert "one hundred and twenty-five;" so as to read "\$125,000."

The amendment was agreed to.

The amendment as amended was agreed to.

Mr. HEYBURN. I reserve the right to reopen that question when the bill comes into the Senate.

The VICE-PRESIDENT. The Senator has that right. The

next amendment proposed by the committee will be stated.

The Secretary. On page 42, line 7, it is proposed to strike

That hereafter a detailed estimate of the services herein appropriated for shall be submitted to Congress with the other estimates for the Department of Agriculture.

And insert:

That hereafter detailed reports of all expenditures under this appropriation, during each calendar year, shall be submitted to Congress by the Secretary of Agriculture on or before the 1st day of February

Mr. PROCTOR. I move that the first amendment, striking out, be agreed to, and that the second, the insertion, be disagreed to; and I submit the amendment which I offered yesterday as a substitute. It has been printed.

Mr. HALE. Let it be read. Mr. ALDRICH. The motion of the Senator from Vermont

is somewhat complicated, I think.

The VICE-PRESIDENT. The Chair understands his suggestion to be equivalent to disagreeing to the amendment to insert, and then the Senator moves to strike out the House provision and to insert in lieu thereof what he has sent to the desk.

Mr. ALDRICH. I think the part to be added could be added, and then the motion could be put as a whole to strike out and

insert. That is the effect of what the Senator proposes.

Mr. PROCTOR. I move to agree to the first amendment to Mr. PROCIOR. I move to disagree to the second amendment, which was to insert, which leaves nothing—
Mr. ALDRICH. That is not the parliamentary form. But

still the Chair has the purpose in mind.

Mr. PROCTOR. That leaves nothing; and then I propose to

insert this amendment as a substitute.

The VICE-PRESIDENT. The Chair understands the effect of the motion of the Senator from Vermont is to strike out the portion proposed to be stricken out by the committee, and to strike out the committee amendment inserting, and to insert in lieu of both what the Senator has sent to the desk. Without objection, the committee amendment striking out is agreed to. and the committee amendment inserting is disagreed to. Secretary will state the matter proposed to be inserted by the Senator from Vermont.

The SECRETARY. In lieu of the matter proposed to be inserted by the committee in the bill, insert, after the word "Provided," the following:

That hereafter on or before the 1st day of January of each year the Secretary of Agriculture shall submit to Congress detailed estimates of all expenditures intended for this service for the next fiscal year and detailed reports of all expenditures under any appropriation for such service during the preceding fiscal year.

Mr. HALE. That is a very satisfactory amendment. The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. NELSON. There is a defect in that amendment. In requiring a detailed account of expenditures it should also require a detailed account of expenditures from the income de-

rived from the forest reserves.

Mr. HEMENWAY. I offer the amendment I send to the desk.

The VICE-PRESIDENT. Is the amendment proposed by the Senator from Indiana an amendment to the amendment proposed by the Senator from Vermont?

Mr. HEMENWAY. It is a separate amendment. I understood that the one offered by the Senator from Vermont had been agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Vermont.

Mr. LODGE. On the matter of the amendment proposed by the Senator from Vermont it seems to me the point made by the Senator from Minnesota is correct.

Mr. NELSON. It ought to be included.
Mr. LODGE. It is confined, as it now reads, to the money appropriated and does not cover the money expended from the fund derived from rentals and sales of timber.

Mr. HEMENWAY. I have an amendment covering that. Mr. LODGE. If the Senator has an amendment covering

that, all right.

The VICE-PRESIDENT. Without objection, the amendment proposed by the Senator from Vermont will be agreed to. The Secretary will state the amendment proposed by the Senator from Indiana.

The Secretary, After the amendment just agreed to it is proposed to insert:

Provided further, That all money heretofore or hereafter received by or on account of the Forest Service for timber or from any other source of forest reservation revenue, except sums heretofore expended from said fund, shall be covered into the Treasury of the United States as a miscellaneous receipt.

Mr. PROCTOR. I should like very much to examine the amendment, and I will bring it up later. It may be all right, but I should like to look at it.

The VICE-PRESIDENT. The amendment proposed by the Senator from Indiana will be passed over for the present.

Mr. FULTON. There is a question I should like to ask of the proposer of this amendment. Will it prohibit the States and counties from receiving the 10 per cent now authorized by law? Provision ought to be made in the amendment for that.

Mr. HEMENWAY. I overlooked that provision. There is a

provision that 10 per cent shall go to the States?

Mr. FULTON. Yes. I suggest that the amendment go over.

Mr. HEMENWAY. This provision on page 39 of the bill has been stricken out.

The law as it now stands provides that each Mr. WARREN. year there shall be that amount-10 per cent of the total earnings of the forest reserves-paid to the States or, in fact, to the several counties for public schools and the building of The reason why it was stricken out in this bill is because it was thought unnecessary to repeat what is already the Now, the Senator wants to be careful that we do not

interfere with that 10 per cent.

Mr. HEMENWAY. We can do it right here in a minute by simply modifying the amendment so as to say that it shall not

interfere with this provision of law.

Mr. HALE. Or, what is still better, the Senator can provide that the 10 per cent to the States shall be paid to them by the

Mr. HEMENWAY. It is so paid now.

Mr. WARREN. It is so paid now, but you have to provide

how, if it all is to go into the Treasury.

Mr. NEWLANDS. I should like to suggest to the Senator from Indiana that his purpose can be accomplished without affecting this fund. It would be desirable to have a special fund in the Treasury to be called the "forest-reserve fund," but to provide that no money shall be paid out of that fund except upon specific appropriation. I think it would be very much more satisfactory in that shape.

Mr. HEMENWAY. I see no reason why it should be designated as the "forest-reserve fund." It is a fund that is derived from the sale of timber off our public lands and from rentals for the use of grazing lands. It has nothing whatever to do

with the purposes of a forest reserve.

Mr. NEWLANDS. If the Senator will permit me, I will state that these receipts are not by way of revenue to the United States. The purpose is not to collect these moneys as a part of the revenue of the United States and apply them to general expenditures. The purpose is simply to collect such moneys as will enable the Forestry Service to be self-supporting.

Mr. HEMENWAY. In my judgment that is all a mistaken ea. We never intended that the forest reserves should be selfsupporting. The forest reserves were created for a separate purpose altogether, and it is a new notion, a recent notion, that we should go into the speculating business with forest reserves. Of course, as to the income from forest reserves, the Forester can make it ten million or twenty million or thirty million dollars, if he sees fit, depending upon the amount of timber he sells from the public lands. In regard to the idea that they shall be self-supporting, I will say that of course there are mil-lions of dollars' worth of timber on the forest reserves that may be sold to make the service supporting. My idea was to cover into the Treasury all moneys received from the sale of timber on our public lands, and to appropriate out of the Treasury a sufficient sum of money to administer the forest reserves, Congress at all times keeping in touch with the amount of money to be expended, and putting the money derived from the reserves into the Treasury, where it belongs.

Mr. NEWLANDS. Do I understand the purpose of the Senator is to impose the expense of the forest reserves upon the tax-

paying public of the United States?

Mr. HEMENWAY. If the Senator will just think for a moment, he will see that it does not make any difference whether we pay it in this way or in the way he suggests, except that we keep in touch all the time. We get the money into the Treaskeep in touch all the time. We get the money into the Treasury from the sales of timber upon the forest reserves. We get the money into the Treasury from the rental for grazing lands. We appropriate it and pay it out for the maintenance of the forest reserves. In my judgment, as I stated yesterday, no official of the Government should be permitted to sell the Government's property and take the receipts and put them into a generate fined and even what the water without conjugate. separate fund and expend the money without coming to Con-

Mr. NEWLANDS. I quite agree with the Senator that Congress should make all appropriations, but it does seem to me Mr. HEMENWAY. Then we are together, and there is nothing to discuss.

Mr. NEWLANDS. It seems to me, as a matter of bookkeeping, it would be very much better to keep it in this special fund.

Mr. HEYBURN. I should like to call attention to the fact that the amendment on page 39 was disagreed to because it is existing law, and it being existing law it will not be affected in any way by the legislation we are now proposing, and by the terms of existing law this money is not paid out of the special fund. It reads:

That 10 per cent of all money received from each national forest during any liscal year shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said national forest is situated, etc.

That, of course, means that it is paid out of the Treasury, as other funds are disbursed. So we do not need to take into consideration this provision at all. It is existing law and will not be interfered with by the transfer of the money now in this special fund to the general fund.

Mr. FLINT. I desire to call the attention of the Senator from Vermont to the appropriation for forest reserves, in the event that this amendment should be adopted. The appropriation is \$900,000. The expense for the year is estimated at \$2,500,000, and if this amendment be adopted and the money now in that fund or hereafter collected should be covered into the Treasury, then there would be no money available to carry on the business of the forest reserves for the coming fiscal year.

Mr. ALDRICH. Here is the million three hundred thousand

dollars

Mr. FLINT. The expenses are estimated at \$2,500,000.

Mr. HEMENWAY. If the appropriation is not sufficient, it can be increased. I supposed the appropriation of a little over a million dollars would be sufficient.

Mr. FLINT. The estimate, as I have it here, for the fiscal year 1908 is as follows: The appropriation should be \$900,000; the amount received as estimated from timber sales, \$900,000; grazing, \$800,000, making the total receipts \$1,700,000; appropriation, \$900,000; total from all resources, \$2,600,000, and the estimated cost of administration is \$2,500,000, leaving \$100,000

Mr. HEMENWAY. That, I understand, includes the million dollars that they want to put into improvements. Of course, if the chairman of the Committee on Agriculture and that committee think that the expense of maintaining the forest reserves during the next fiscal year will be \$2,600,000 or \$2,500,000, that would be a matter which could very well be discussed by the Senate. I can not understand how that much money could be properly expended in administering forest reserves during the next fiscal year.

Mr. WARREN. May I interrupt the Senator from Indiana? Mr. HEMENWAY. Certainly, Mr. WARREN. Of course it would not be expended in the ordinary running expenses. It is only a question as to how much we shall do in the way of cutting roads and trails and building telephone lines, etc. We are not to expend two million and a half for the ordinary running expenses. Every dollar that is expended for road making or telephone building is money that saves expense or should save it hereafter, and give better forest fire insurance as well.

Mr. HEMENWAY. May I ask the Senator a question?

Mr. WARREN. Certainly.

Mr. HEMENWAY. Do I understand that the \$900,000, or the million dollars in round numbers, that we have here is for the expense of maintaining the forest reserves, force, etc., during the next fiscal year, and that a sum in addition is to go for permanent improvements? There is \$500,000 in here now for that

Mr. WARREN. It is a question about the \$900,000, whether

it will entirely cover the expenses. That estimate was based on using the forest earnings as well. I agree with the Senator that the forest and grazing lands should not become a matter of large profit to the Government, and that if we are to make any revenue out of them it should merely be enough to sustain the forests and administration expenses. My criticism—and I have always had that criticism and have often expressed it, and I express it again now-against the forest reserves is that they have charged too much for grazing and in some cases charged too much for the timber. But on investigation as to the timber, I find that the Forester is not at all to blame, for he is in this position: If he allows one man to have timber at \$2 a thousand and some other man is ready to pay \$3 for it, the latter raises the complaint that he is discriminated against and that there

On the other hand, when it is open for competitive bids, then it is bid up to four or five or more dollars a thousand, which seems to be an uncalled-for price. I confess I have nothing just now to offer as to what shall be done about this particular situation, but the circumstances exist as I state them, that these large prices are where the lumber is eagerly sought after and where there is competitive bidding. I think we should appropriate as much as is necessary to preserve these forests, regard-less of what they earn. We should be careful how we put a tax upon the people as to earnings from these reserves and take care that it shall be no more than will pay the running expenses and eventually pay for the improvements.

Mr. ALDRICH. I think it is important that we should know whether the estimates of these expenditures cover the provisions contained on page 71 of this bill. In other words, the proposition here is to turn over to the Agricultural Department, and to this Bureau of it, all of the unappropriated and unre-served lands of the United States. Will these proposed expenditures cover the care and improvement of that land as well as this?

Mr. PROCTOR. No; they do not. That has not been considered at all.

Mr. ALDRICH. So, if this amendment should be adopted another appropriation of a large sum will be required for the care of these lands as well as the others?

Mr. WARREN. Oh, no. That is entirely a separate thing, and the proposition is that there shall be only so much charged as will pay the running expenses, and the surplus will go to the States.

Mr. ALDRICH. It would require an additional appropriation.

Mr. WARREN. No; it would not. Mr. PROCTOR. I am not entire

I am not entirely satisfied but that the amendment offered by the Senator from Indiana might do some harm which he does not anticipate. I know he does not wish it, but I have fear as to the word "heretofore." I have no objection whatever to any other part of the amendment. This money has been deposited in the Treasury as a special fund under the law of last year. It would be a query with me whether it would be in order, whether this is not a change in existing law, to put in the word "heretofore."

But, aside from that, I fear this money is necessary to pay the expenses incurred. We have carefully stopped any trouble of that kind in the future. It strikes me that what has been done had better be left as it is. I wish to conform to the Senator's views just as far as I can, but it seems to me it is better to strike out that word. Then I will be satisfied with

Mr. HEMENWAY. In view of the suggestion of the chairman of the committee and in view of the fact that we have stricken out \$500,000 on page 42, I am inclined to think that the money now on hand ought to be left to be expended.

Mr. KEAN. What is the amount of the fund?

Mr. CARTER. About \$361,000.

Mr. HEMENWAY. Unexpended about \$361,000. Mr. ALDRICH. The statement was made yesterday.

Mr. HEMENWAY. Since then we have had a statement that

some of it has been expended.

Mr. HEYBURN. Pertinent to the suggestion that the special fund already on hand should not be converted into the Treasury, I would call attention to the specific condition of this fund. Yesterday I was advised that the amount on hand in the special fund was \$361,104.88. By the annual report for the last year I find that the field expenses of maintaining the forest reserves, covering the salaries of supervisors, rangers, and guards, traveling expenses of supervisors and rangers, furniture and equipment on reservations, communication, roads, trails, bridges, and telephones; shelter cabins, fences, etc.; protection, fire lines, flash burning, etc.; emergencies in fire time, aggregated \$43,-323.07. That is a small item to provide for out of a fund now on hand aggregating \$361,104, and it seems to me that all of

this large appropriation which we are proposing now is to go into the building of new roads, telephone lines, and the general exploiting of the property as though it were a private estate to

be put in shape to produce some revenue.

Inasmuch as it seems to be the sentiment of the Senate that the forest reserves are not to be held by the Government as a source of profit, but merely for the purpose of protecting an existing asset, it is utterly inconsistent to equip these forest reserves with a system of public roads and telephones that are to be used only by the foresters in the performance of their duties. It is a pretty large expenditure—\$500,000 plus \$361,000, \$800,000-for the building of trails and roads for the accommodation of employees whose gross salaries do not exceed \$45,000. It is a pretty expensive household for them to be placed in for the performance of this duty, whether it is important or unimportant.

Then, again, should the Forestry Service be permitted to equip the forests, that are not, under any possible construction of law, deemed to exist forever, with a system of public roads built not upon the plan of the necessity of the public, but built upon the plan of the necessity of the forest rangers? The public builds roads to connect places of business, communities, localities, for the convenience of the individual. This \$800,000 is to be used for the construction of roads and telephone lines not for the use of the public at all, but for the use of a few officers engaged in this service. It seems to me we may well pause before adopting the amendment suggested by the junior Senator from Indiana.

Mr. GALLINGER. Are not the public permitted to use the

roads through the reserves?

Mr. HEYBURN. The public may use those roads, and I have the rules and the Use Book here. While nominally they have free access to them, if the whole country is a forest reserve what business has the public in there? What business can they transact? How can they make the roads valuable for public use, even though the public be permitted to pass over them for the mere pleasure of doing so? The forest reserve is closed against all individual enterprise. Wherein can it be necessary to spend a million dollars for the purpose of thus equipping forest reserves to be used by Government officers alone?

Mr. GALLINGER. I will ask the Senator a question. posing there is an important town at the north of a forest reserve and another important town at the south, would not the public be permitted to traverse those roads in the forest reserve

to get from one community to another?

Mr. HEYBURN. I will answer the Senator by calling attention to rule 63.

Mr. GALLINGER. I will say to the Senator that I think if there is an inhibition of that kind it ought to be removed. That is my personal opinion. I do not know much about it.

Mr. HEYBURN. These are the conditions under which the roads and trails may be used by the public. They are stated in rule 63, at page 82, of the Use Book—the last edition issued. I will call the special attention of the Senate to this restriction, because it is of such an unusual character as to challenge us for consideration at this time. This was formerly regulation 22. It affects these roads, and it reads in this way:

Regulation 63 (formerly regulation 22). Persons who own, or who have leased from the owners, land within any reserve which they desire to use for grazing purposes will be allowed to cross the reserve lands with their stock to reach such private holdings; but when the stock will be grazed on reserve land en route, they must make application to the supervisor for the privilege of crossing. The application must be accompanied by a personal certificate of title showing the description and ownership of the land, and, if leased from an owner, a copy of the lease must state the number of stock to be taken in, the length of time required to cross the reserve land, the route over which the stock is to be driven, the period during which the stock will remain upon the private land, and how much stock the owned or leased land will pasture during the period specified.

When the private land is unfenced a special clause may be inserted in the agreement waiving the right to the exclusive use of the private land and allowing it to remain open to other stock grazed under permit, in consideration of which a permit will be issued free of charge, allowing the stock to be grazed at large upon the forest reserve, but the grazing fee must be paid on all stock over the estimated grazing capacity of the private lands.

When any such application is made to the supervisor he will examine it, and if he finds it reasonable and just and made in good faith for the purpose of utilizing such private holdings only he will approve it and forward it, accompanied by all papers supporting it, to the Forester. After the Forester approves the application due notice will be given the supervisor, who may then issue a permit allowing the stock to enter.

Now, that is what they call free ingress and egress to their

Now, that is what they call free ingress and egress to their lands and holdings. That is the proceeding a man must go through to get to his own property when it is surrounded by a forest reserve.

So I say that is the class of roads they are proposing to expend a million dollars of the Government's money to construct, under the suggestion that they might be useful to private individuals as well as to forest employees.

What is the necessity for constructing roads and telephone lines? It is said to be in order to have quick and efficient means of signaling or calling together the reserve forces in case of fire. How is a fire going to originate in a forest reserve if there is nobody there but the forest-reserve officers, unless it origi-nates from lightning or such a cause? These forest lands are not open to free access on the part of the people. If a forest fire arises in a forest reserve, it must either be by the act of God, in a stroke of lightning, or it must originate with some of the employees, who are the sole persons upon the forest reserve. Yet they would expend a million dollars in order that they may rush to the assistance of each other in the event of a fire being started upon the forest reserve. Let the people in there to make their homes and they will see to it that the fires do not gain headway.

It seems to me that the fund now on hand should go into the Treasury of the United States, because if we leave it at the disposition of this Bureau of the Government it will be put to these useless and wrong purposes and will serve no good purpose to the public. I should like to see the amendment remain as it was, so that the whole fund would go into the Treasury of the United States

Mr. FULTON. May I ask the Senator a question before he takes his seat?

Mr. HEYBURN. Certainly.
Mr. FULTON. Does he not think, in view of the fact that these lands were once devoted to the irrigation fund, that at least a large proportion of the proceeds of the sale of the timber

really should be transferred to it?

Mr. HEYBURN. Mr. President, that calls to my mind a suggestion that has frequently occurred to me. The result of this proceeding is to starve the irrigation fund, to which we have looked for great results. Every acre of land that you withdraw from settlement is withdrawn from the reclamation fund. say this whole proceeding is one that results in starving the reclamation fund. The reclamation fund is made up of the sale of the public lands, and if you withdraw the public lands from sale, to that extent you have withdrawn from the resources of the reclamation fund.

It appears to me singular that those Senators whose interests lie in the States where they depend upon the reclamation of the arid land should be found here supporting a policy for the creation of forest reserves which withdraws 121,000,000 acres from sale, when if that 121,000,000 acres should remain a part of the public domain open to settlement and sale it would contribute to the reclamation fund to the extent of millions and millions Yet, as though it were, intended to defeat the purpose of the reclamation fund, upon the enactment of that great law which is bringing millions of acres and hundreds of thousands of settlers to our new country, they have withdrawn the resources upon which this reclamation law depended for its efficiency

Mr. PROCTOR. Mr. President, the Senator from Indiana has made a slight modification of the amendment he introduced, and has added a proviso in regard to the 10 per cent, as was sug-I ask that it be agreed to, following the amendment which begins in line 7

The VICE-PRESIDENT. The Senator from Indiana [Mr. Hemenway] proposes an amendment, which will be stated.

The Secretary. Following the amendment of the Senator from Vermont, at the end of line 7, page 42, it is proposed to insert the following:

Provided further, That all money hereafter received by or on account of the Forest Service for timber or from any other source of forest reservation revenue shall be covered into the Treasury of the United States as a miscellaneous receipt.

Provided further, That 10 per cent of all moneys received from each forest reserve during any fiscal year, including the year ending June 30, 1906, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which such reserve is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated.

Provided further, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of such reserve shall be proportionate to its area therein.

Provided further, That there shall not be paid to any State or Territory or any county an amount equal to more than 40 per cent of the total income of such county from all other sources.

Mr. PATTERSON. There ought to be a medification of the total income of the county of the service of the service of the county of the county of the service of the county of the count

Mr. PATTERSON. There ought to be a modification of that amendment. I refer to the part of it which requires 10 per cent to be paid to the State officer for the use of the school fund of the particular county in which the forest reserve is situated. Forest reserves occupy entire counties, and there are some forest reserves that will give a very considerable amount of revenue where there are few schools. You will have some schools starving for the want of some such appropriation as this, while others will have appropriated for the schools within the county in which the forest reserve is situated much more than they

can possibly use. I therefore suggest—
Mr. HEMENWAY. Mr. President—
The VICE-PRESIDENT. Does the Senator from Colorado

yield to the Senator from Indiana?

Mr. PATTERSON. With pleasure. I therefore suggest that the amendment be modified so that the 10 per cent shall go to the proper State officer, to be used for school purposes, without confining the use of it to the county in which the forest reserve is situated.

Mr. HEMENWAY. I will say to the Senator from Colorado that that provision is now the law. There was some doubt expressed by the Senator from Oregon and the Senator from Wyoming as to whether or not my amendment would repeal by implication the law. So we just depend on the law and leave it

Mr. PATTERSON. I ask that the amendment be modified to that extent.

Mr. FULTON. Will the Senator allow me to make a suggestion?

Mr. PATTERSON. Certainly.

Mr. FULTON. I think, on further consideration, the Senator will see the justice of the provision as it is. The idea is to recompense the locality to some extent, at least, for the injury that results by reason of the withdrawal from taxation and revenue producing of this land in their midst. If the timber within a certain county be withdrawn from sale and entry, it is not revenue producing. Then should not this 10 per cent that is derived from the sale of timber in that county or locality go to that county?

Mr. PATTERSON. Ah, Mr. President, the head of the forest reserve has authority to sell timber, and to sell great quantities of timber. The Senator from Idaho and the Senator from Wyoming, I know, will bear witness that these forest reserves are in localities in which there is little or no population. In the State of Idaho they cover entire counties. In the State of Colorado they cover entire counties in which there are but few people and in which there is no necessity for many schools, These very few schools will answer every purpose. Why should 10 per cent of the proceeds of timber that may be cut and that might amount to half a million dollars on a reserve

in one county be used for school purposes?

Mr. CLARK of Wyoming. Will the Senator from Colorado

permit me to interrupt him?

Mr. PATTERSON. With pleasure.

Mr. CLARK of Wyoming. I think the inquiry of the Senator may be answered. If he will look at the amendment, he will find that if the money is not needed it will not be used in that county, because the amendment provides that the total amount paid to the county shall not exceed 40 per cent of the revenue which the county derives from other sources.

Mr. WARREN. And, further, it provides that the money can

be used for public roads.

Mr. CLARK of Wyoming. Yes. It does not necessarily follow that the entire 10 per cent shall be paid to the county, but it is to be paid to the county up to that point where the 10 per cent from the reserve equals 40 per cent of the county revenues from all other sources

Mr. WARREN. Then it can be used for schools, for public roads, or for both.

Mr. PERKINS. I wish to say to my friend from Colorado that this modification of the amendment was agreed to by his colleague [Mr. Telles] last year. At the time I presented the amendment, which was later adopted, the senior Senator from Colorado was opposed to it for the reasons which the Senator now indicates. Afterwards the amendment was modified so that it was acceptable to him, except he claimed that it ought to be 20 or 25 per cent instead of 10 per cent.

I hope the Senator from Colorado will see the wisdom of the law remaining as it now is, for under its wise provisions the State of Colorado, I think, received last year nearly \$20,000, which went into the school fund of the respective counties or into the road fund of his State, as it did also in the same proportion in the State which I have the honor in part to represent.

Mr. PATTERSON. Mr. President, I am not very insistent about it, but Colorado has a very intelligent system of school laws. The State legislature looks after education in every county in the State. I have heard little or no complaint about the amount of the educational fund for the different counties of the State, and I think Senators will be able to say the same of their own States,

I can readily understand how it may be made to coerce, as it were, the payment of a very large sum of money in a particular locality in a particular area, and especially in an area that under the forest-reserve system can not be populated, and in

which there is little or no necessity for schools and in which a comparatively small sum will make a sufficient educational

Now, then, why not let this money go into the State treasury, to be disposed of according to the wisdom of the legislature?

Mr. HEYBURN. I should like to ask the Senator from Colorado a question.

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. PATTERSON. With pleasure. Mr. HEYBURN. Is it true in Colorado, as it is in Idaho, that the admission act gave the States sections 16 and 36 as a school grant?

Mr. PATTERSON. Oh, yes.

Mr. HEYBURN. And is it not true that by the terms of the admission act of Colorado and of Idaho the money derived from public school lands, sections 16 and 36, must go into the general fund of the State, to be disposed of, not as limited by this amendment, but as provided by the legislature of the State itself? That is true in Idaho.

Mr. PATTERSON. Oh, yes; that is true of Colorado.

Mr. HEYBURN. I assumed that it is true of Colorado. amendment repeals the admission act of Idaho so far as its public lands are concerned. Of course the admission act of a State can not be repealed, because Congress has no power to modify the admission act of a State.

Mr. CARTER. Will the Senator from Colorado permit an interruption?

The VICE-PRESIDENT. Does the Senator from Colorado

yield to the Senator from Montana? Mr. PATTERSON. With pleasure.

Mr. CARTER. I understand the fact to be that the right of the State to lease sections 16 and 36 within a forest reservation is not abridged and is not questioned. An issue of that kind arose quite recently with reference to one of the forest reserves in Montana, and the Chief Forester advised me, and finally issued instructions to the supervisor, that the right of the State to its proportionate share of the lease money from sections 16 and 36 was unquestioned.

Mr. HEYBURN. With the permission of the Senator from Colorado, I will reply briefly in a moment to that. The question that I raise is not as to the right to lease the lands; it is as to the distribution of the fund resulting from the lands that

have been leased.

Mr. CLARK of Wyoming. Mr. President—
The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. PATTERSON. I do.

Mr. CLARK of Wyoming. The inequality of the amendment presented by the Senator from Colorado, coupled with the remarks of the Senator from Idaho, will be made manifest from this statement. Sections 16 and 36 are scattered over the State in every county. Therefore, each county gets a revenue from the general school fund which is acquired from the rental or sale of those lands proportionate to the number of the school pupils which that county or district has.

Mr. HEYBURN. But not proportionate to the number of

acres of land in the county.

Mr. CLARK of Wyoming. That depends upon the value of the land. Each county relatively has the same amount of school land, sections 16 and 36, in every township; but this is the inequality which would flow from the proposition of the Senator from Colorado. Some counties of large areas have a county government to support. Suppose one-half of the area of that county is taken from under the taxing power, ought not the land which is taken from under the taxing power of that county contribute to the support of the county government?

Mr. HEYBURN. If the Senator will permit me, it is not a question as to what ought to be done; it is a question as to what

Mr. CLARK of Wyoming. We are not interfering with sections 16 and 36 at all, in my view of the case.

Mr. HEYBURN. If the Senator will permit me, in Idaho they have included more than a million acres of sections 16 and 36 within forest reserves, and are leasing them and using them and selling timber from them without regard to the State's rights.

Mr. CLARK of Wyoming. I will say, then, in my opinion, in

that as in many other instances, the action of the Bureau of Forestry is entirely unwarranted by law. But to proceed to the matter mentioned by the Senator from Colorado, if this land in the individual county be withdrawn from taxation, ought not the proceeds of that land, 10 per cent, or whatever is contributed toward school and road purposes, to the support of those objects in the county from which the land has been withdrawn from taxation?

Mr. HEYBURN. Not under the constitution of Idaho or the law creating the State. When Idaho was made a State the constitution had been adopted, and it is referred to and approved in express terms in the admission act. The constitution of Idaho says not that this money shall be used to maintain public schools-we tax for that-but that the public school fund of the State shall forever remain inviolate and intact. Our supreme court has held that it can not even be used for the purpose of buildings, but it remains intact, and that only the interest or income from the fund can be used for the purpose of buildings.

Mr. CLARK of Wyoming. The Senator presumes that I am

ignorant of that statement.

Mr. HEYBURN. No; I do not presume that. Mr. CLARK of Wyoming. Of course, Mr. President, nobody has ever assumed that the principal of the school fund, either in his State or mine, could be used; but it is the revenue derived from the school lands that is used.

Mr. HEYBURN. We do not treat it as revenue; and our supreme court does not treat the fund derived from the use of the school lands as a fund that may be disseminated. It is the interest on the money.

Mr. CLARK of Wyoming. Exactly so. There is no difference between the Senator and myself, but the Senator is injecting into a statement that I desire to make something that is not relevant.

Mr. HEYBURN. I beg the Senator's pardon. I will later

make myself plain.

Mr. CLARK of Wyoming. As I understand the school-land proposition, the State gets the benefit at large of every acre of

school land that is used. Am I correct?

Mr. HEYBURN. In the absence of forest reserves?

Mr. CLARK of Wyoming. In the presence of a forest reserve, unless the forest-reserve officials act illegally in re-

Mr. HEYBURN. They take exclusive possession of it.
Mr. CLARK of Wyoming. That is not the fault of the law.
The law makes it the State's property.

Now, if the Senator will allow me, in reference to the statement of the Senator from Colorado, I asked him the question whether it were not fair and proper that the county from whose taxing power the forest reserve is drawn should receive the benefit of the percentage of that forest reserve, money that is paid into the State, in preference to the county, which has all this property still subject to taxation, and from which no land has been withdrawn?

As an illustration, in the county in which I live-it is a county of some considerable size—the expense of a county government there is very great. Yet from the property of that county, which would in the course of time become taxable, has been withdrawn in various areas and for other reasons more than enough land to cover the whole State of Massachusetts. Now, having withdrawn from the county of Uinta that much of the possible taxing power of the county, ought not the 10 per cent, or whatever other per cent is derived from the use of that withdrawn land, be devoted to the support of the county? I submit that to the Senator for his consideration.

Mr. PATTERSON. Mr. President, a simple answer to the Senator from Wyoming is that the lands that are included in forest reservations are not taxable by the State for any purpose. They will only possibly yield a revenue, and that is the possibility of settlement under the homestead laws. But they have a right to settle under the terms of the forest-reserve act upon agricultural lands within forest reserves. So the creation of forest reserves does not take away from the county any taxable property whatever under the language of the law

Mr. CLARK of Wyoming. Theoretically, no; practically, yes;

as the Senator well knows

Mr. PATTERSON. But we are now talking about the law. When a forest reserve is created it takes from no county any

taxable property.

Mr. CLARK of Wyoming. Mr. President, I can hardly allow that statement to pass unchallenged. As a matter of fact—

Mr. PATTERSON. Of course I do not want to choke down the consciousness of the Senator from Wyoming, but nevertheless I am speaking of it as a legal proposition. Taking no taxable property from the county, why should there be additional revenues that would be collected by taxation given to the

Of course, if the Senators from the arid States, States in which the forest reserves are situated, are sufficiently in love with the present arrangement to allow it to go unchanged, I do not propose to be too persistent in insisting upon a change. But I do know, Mr. President, that if the purpose of the law is carried out, in my county revenues dependent as a matter of course upon the amount of timber that may be sold and licenses secured for grazing will be in revenues for school purposes far

in excess of their needs.

It seems to me that the State legislature should be allowed to dispose of the revenue derived from this source as its wisdom and sense of justice would dictate. It will result in great inequality, especially if the revenues from the forest reserves increase—and they are bound to increase. If there is timber amounting to \$700,000,000 on the public domain, or \$300,000,000, and that timber is to be used to meet the needs of the county and will be cut under wise regulations, it must follow that some counties will have given to them an immense revenue, and since the revenue is confined to the counties in which the forest reserves are, there will be some counties receiving these large revenues that have little or no population and scarcely any school population worth mentioning.

Mr. CLARK of Wyoming. Mr. President—
The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. PATTERSON. With pleasure.

Mr. CLARK of Wyoming. If the Senator will again allow me, the counties which have little or no population, and consequently very little taxable property, would derive little or no revenue from taxation. Therefore no immense amount of money can go into such counties, from the fact that-

Mr. PATTERSON. I will not dwell any longer on that

proposition

Mr. CLARK of Wyoming. This 10 per cent is limited to not

to exceed 40 per cent of the revenues.

Mr. PATTERSON. Coming to the 40 per cent. Mr. President. I am inclined to think that a little criticism of that provision will show that if it is correctly interpreted, as the language requires it to be interpreted, only 40 per cent of the revenues would go to the State at all, and there is no provision for the other 60 per cent.

Let me call the attention of Senators to the language of the law, as the same exists, for the purpose of demonstrating

the correctness of what I say.

That 10 per cent of all money received from each forest reserve during any fiscal year, including the year ending June 30, 1906, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated.

Up to that point the provision requires that this 10 per cent shall be paid to the legislature, to be appropriated by the legislature for one single specific purpose, and that is for the benefit of the roads and schools of the county in which the forest reserves are situated. Now we come to the proviso:

Provided. That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportioned to its area therein.

And provided further—

This is what I desire to call the attention of Senators to-

And provided further. That there shall not be paid to any State or Territory for any county an amount equal to more than 40 per cent of the total income of such county from all other sources.

You can only pay it to the State, and it shall be used by the legislature for the specific purpose of schools and roads in the Then it provides that whatever amount is paid shall counties. not exceed 40 per cent of the revenues of the counties in which these forest reserves are situated. What is going to become of the other 60 per cent? It is all paid under the provisions of the bill, and to be employed for a specific use within particular The proviso declares that only 40 per cent shall be paid to the State for such county, and it is an amount equal to 40 per cent of the revenues of the county, and that only shall be paid to the State for that purpose. Where is the rest going?

Where is the 60 per cent going?

Mr. HEMENWAY. Mr. President—

Mr. PATTERSON. The language is clear, perfectly clear. There is no question in the world as to the purpose for which

Let me ask the Senator-

Mr. PATTERSON. As to the purpose for which it goes to the State. A limitation is placed upon it.
Mr. HALE. Does the Senator suppose

Mr. HALE. Does the Senator suppose we can change that law in this bill?

Mr. PATTERSON. We can, unless there is a point of order raised.

Mr. HALE. Undoubtedly there would be a point of order raised at once. I do not see that what the Senator proposes is practicable. We can not change that law, which is existing law, by any amendment to this bill.

Mr. PATTERSON. Mr. President, the Senator from Maine every now and then, when he thinks an amendment which changes existing law is necessary, graciously permits it to go

through for the benefit of the country at large. When he wants an amendment, even though it changes existing law, he does not see any lack of ability to change existing law.

Mr. HALE. I do not know whether I want this or not; but clearly we can not change on this bill—this subject is not before the Senate-we can not change the existing law on this That is not involved in this bill at all.

Mr. PATTERSON. I confess, Mr. President, that I do not understand the logic of the Senator from Maine.

Mr. President-Mr. HEMENWAY.

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. I do.

Mr. HEMENWAY. I say the sole object of adding this provision to my amendment was the fear expressed by Senators that this amendment might by implication repeal the existing law. I do not think it would; but there was some fear expressed here, and so I put this proviso on. Now it is clear that the existing law can not be changed on this bill, because there are a number of Senators who have stated that they would make a point of order against any change of existing law.

Mr. PATTERSON. Mr. President

Mr. LODGE. Has the question been taken?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. LODGE. I merely wished to make a parliamentary inquiry. Has the pending amendment been agreed to?

The VICE-PRESIDENT. It has not been agreed to.
Mr. PATTERSON. Mr. President, I realize that very much time is being taken up in side matters, and I shall not press this view any further; but my interpretation of the language is positively correct, and, if the law should be administered under a fair construction of the language, Congress would fail unqualifieldy in having carried out the object of the legislation it is attempting

Mr. HEMENWAY. I ask that the amendment be stated, as I have changed one or two words of it.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 42, at the end of line 7, after the amendment offered at that place and already agreed to, it is proposed to insert the following:

Provided further, That all moneys received after July 1, 1907, by or on account of the Forest Service, for timber or from any other source of forest-reservation revenue shall be covered into the Treasury of the United States as a miscellaneous receipt.

The Secretary need not read more. Mr. HEMENWAY. The Secretary need not read more. That is the only change I have made. I only put in "July 1" be-Mr. HEMENWAY. cause there was some doubt as to whether this would be operative before the beginning of the next fiscal year.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Indiana [Mr. Hemen-

The amendment was agreed to.

Mr. GALLINGER. Mr. President, it will be remembered that on yesterday, in view of certain statements made by Senators, I gave notice of a proposed amendment to the amendment offered by the Senator from Vermont [Mr. Proctor] calling attention to the fact that we hoped to have a forest reserve in the White Mountains at some time, and we did not wish to be interfered with so far as our control of that matter was con-I have seen the Chief Forester, and he has assured me that we would not be interfered with; but I have still an impression that the amendment I offered is a wise one, and I propose to submit it to the Senate.

I am unable to see why the Forestry Service should levy tribute upon individuals or corporations because of the fact that the reserves conserve the water, as they claim, any more than we when we improve our streams at Government expense should levy tribute upon the men who run steamboats and schooners and canoes on those streams. I think it is bad policy. I can see that there is sense in making a charge for timber that is removed, but why there should be a charge for the conservation of the water surpasses my comprehension. I offer an amendment, which I send to the desk, and trust that it may be agreed to.

The VICE-PRESIDENT. The Senator from New Hampshire proposes an amendment, which will be stated by the Secretary. The Secretary. After the last amendment adopted it is

proposed to insert the following:

Provided further, That the Secretary of Agriculture is hereby expressly prohibited from making any charge whatsoever for the conservation or use of water in the streams running through or any part of which is contiguous to any forest reserve.

The VICE-PRESIDENT. The question is on agreeing to the

amendment proposed by the Senator from New Hampshire.

Mr. HEYBURN. Mr. President, I want to speak of that in connection with the practice now existing in the Department. have here a blank form, No. 832, which is the contract under which water privileges are now being granted under existing

Mr. PROCTOR. The Senator has no objection to this amendment?

Mr. HEYBURN. This amendment is for the purpose of preventing them from doing what they are now doing.

Mr. PROCTOR. There is no objection to it, is there?
Mr. HEYBURN. I understand there is not; but it is important, inasmuch as yesterday it was asserted here that it would not interfere with the free use of these streams, and, inasmuch as the Senator from New Hampshire has stated that the Chief Forester has said it will not interfere with them-

Mr. GALLINGER. In the White Mountains.

Mr. HEYBURN. I am not content to consider only the White Mountains, though I want to consider them, and I am glad to have the cooperation of Senators from other States, from the States of the East, to the end that we may reduce this whole system to a reasonable basis.

Mr. PATTERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. HEYBURN. Yes. Mr. PATTERSON. I want to ask the Senator from Idaho if he can see any logical reason why the Government should prevent the owners of cattle and sheep and horses from grazing them on the public domain without the payment of a fee, and not require those who use the water for commercial purposes to pay something for that? I suppose the theory upon which the Government is operating is that, being the owner of the soil, it has a right in behalf of all the people to secure a fair revenue to be used for certain purposes from those who get the benefit of the use of the public domain.

Mr. HEYBURN. Mr. President, that might be true if the doctrine of riparian ownership existed. In our country it does not. Our Constitution abolished it, and the right as to the use of water is by appropriation and not under the rules of ripa-

rian ownership.

Mr. PATTERSON. It does not make any difference to whether it is under the rule of riparian ownership or not. It does not make any difference to me am opposed to the Government charging those who are using the public domain in the manner in which it has been used ever since we have had a country for the grazing of cattle or If the Government is to derive financial benefit from the public domain otherwise than from the sale of the land, I can see no logical reason why, if a great corporation goes into a canyon and erects a dam to divert the water for the purpose of constructing and operating an immense electrical power plant, it should not pay to the Government some fair sum for the use of the water that it takes possession of for commercial purposes within the forest reserves. There is no difference, logically, between granting free grazing privileges to those who own cattle and sheep and who live upon the public domain and charging for the use of the water that is flowing within the public domain when that use is made on the domain.

Mr. HEYBURN. I would inquire, Mr. President, of the Senator whether, if we can charge for power purposes, we can not charge for irrigation purposes or for domestic use, or for

any other one of the many possible uses of water?

Mr. PATTERSON. It is showing again the absurdity of this whole system. Why, if you do not charge for the use of water for irrigation purposes, will you charge for permitting your horse or your cow or your sheep to nibble that grass that grows spontaneously upon the public domain?

Mr. HEYBURN. I wonder if any Senator knows that arti-

cle No. 8 in the contract that is proposed and presented by the

Department contains this language:

No Member or Delegate to Congress is or shall be admitted to any share, part, or interest in this agreement or to any benefit to arise therefrom.

That is, no Member of Congress or Delegate in Congress can obtain the use of the water of these streams for pasturage or any other purpose.

Mr. WARREN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. PATTERSON. With pleasure.

Mr. WARREN. Of course the Senator from Idaho knows he is too good a lawyer not to know-that the statutes of the United States require that every contract made with the United States shall contain that very clause.

Mr. HEYBURN. Mr. President, I have on the desk before

me the provision to which the Senator refers. It has no more

application to this class of provisions, which may be termed one of the domestic contracts of life, in which every person is entitled to share equally-it has no more reference to it than it has to the question of transportation upon railroads. I have the section before me. It is section 3742.

Mr. WARREN. That is the Senator's construction of it.

me ask the Senator this question. Does the Senator believe that the contract which he holds in his hand would ever have had that language in it except for the statute he has before him?

Mr. HEYBURN. I do not believe it would ever have had the language in it if the man who drew it had any conception of the intent or purpose or effect of the statute.

Mr. PERKINS. Mr. President-

The VICE-PRESIDENT. Does the yield to the Senator from California? Does the Senator from Colorado

Mr. PATTERSON. I yield the floor, Mr. President.
Mr. PERKINS. I simply wanted to follow up the question
asked by the Senator from Colorado by asking my friend from Idaho another question. If you are to charge the poor farmer and the poor stockman who takes his cattle and his sheep into the forest reservation to feed them, why should you give the corporations the timber free, without charge? Why should the water which has been conserved by the forest reservation be given free? Why should we give power which is equivalent to that of a coal mine-for certainly the streams of water flowing through the reserves which generate power to run turbine wheels that generate electric power are worth from six to seven dollars a month in horsepower-why should that be given gratuitously, without charge?

Mr. HEYBURN. Mr. President, this water has been running through the forest reservations generating power in imagi-

nation.

Mr. PERKINS. I would ask my friend, if he had control of the waters of a river flowing through his land, if he would permit one to go on and enjoy it without payment?

Mr. HEYBURN. Mr. President, air and water do not come within the same class or contemplation as the other items.

Mr. PERKINS. Mr. President, the water flowing through this land belongs to the Government-

Mr. HEYBURN. Not at all.
Mr. PERKINS. And to the people of this country.
Mr. HEYBURN. Mr. President, by virtue of an ac

Mr. President, by virtue of an act of Congress it belongs to the States and is under control of the States. subject to appropriation under the laws of the State by direct It does not belong to the Government. enactments. preme Court of the United States says that no one has title to the water; it is only to the use of the water, and that having been transferred to the State it is a complete answer to the Senator from California.

Mr. PERKINS. You can not use the water unless you use the lands through which it flows, and you must utilize it by building dams or utilizing natural falls over which it flows,

Mr. HEYBURN. Congress has given to individuals and to the States the right of way over the public domain and by direct law for all conduits for water and for trails and for roads. That is sufficient to answer the question of the Senator from California.

Mr. PERKINS. My friend from Idaho is one of the best lawyers we have west of the Rocky Mountains, and he understands as thoroughly as any Senator on this floor that the riparian rights of water in the State of California can not be diverted from the channel and used for other purposes, depriving one who resides on the stream below from its use.

Mr. NEWLANDS. May I ask the attention of the Senator from Vermont regarding the appropriation for Forest Service? As I understand, we appropriate \$900,000 for administration during the fiscal year 1907, and the Senate has since also provided that all revenues and all moneys received by the Forest Service for timber or from any other source, or forest-reservation revenue, shall be covered into the Treasury of the United States as a miscellaneous receipt.

The question I wish to ask him is whether or not that amendment, applying as it does to all receipts after July 1, 1907next July-will not have the effect of taking out from the fund available for the expenses of the Forest Service during the fiscal year commencing July 1 next the moneys which otherwise under

existing law would be used for administration?

As I understand, the receipts from timber and other sources amounted to about \$1,250,000 a year. The Forest Service has asked for \$900,000 in addition to that, making nearly two million and a quarter, which, under the bill as it stood, was available for the expenses of the administration for the next fiscal year. I wish to call the Senate's attention to the fact that this amendment providing that these moneys received during the next fiscal year shall be paid into the Treasury as a miscellaneous receipt subtracts from the sum total available for administration during the next fiscal year about a million and a quarter dollars.

I imagine it is not in the intention of the Senate to cut down the expenses of the administration of this Forestry Service more than one half, and I will ask the Senator whether this amendment would not have that effect?

Mr. PROCTOR. Mr. President, it is my impression that it

does have that effect.

Mr. NEWLANDS. I will ask the Senator whether, in his judgment, from the debate, it is the intention of the Senate that that should be the effect?

Mr. PROCTOR. I was very much afraid, from the nature of the vote, that it was the intention of the Senate that it should have that effect. I regretted it very much indeed, but that was

Mr. NEWLANDS. Mr. President, I call attention then of the Senator and of the Senate to the fact that this means cutting down the existing force of administration of the forestry reserves one-half.

Mr. ALDRICH. Oh, no.

Mr. NEWLANDS. Oh, yes. The Senator from Rhode Island says no. Let me demonstrate that to him. I think he did not listen to my explanation.

Mr. PERKINS. Mr. President—
The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from California?

Mr. NEWLANDS. Yes.

Mr. PERKINS. I want to say, if the Senator from Nevada will permit me, that it requires about 1,000 men-rangers, etc.to care for the forest reservations, to protect them from the devastation of fire and the ravages of the stock that is roaming at will over them. That is \$1,000,000 alone. It certainly would require another million for us to properly care for these forest reserves during the ensuing year. It seems to me, Mr. President, that we ought to make a sufficient appropriation for the care of the forest reserves so that we may throw them open to

Mr. NEWLANDS. If the Senator from Rhode Island will give me his attention I will try to demonstrate to him that our action has really reduced the fund available for administration during the next fiscal year one-half. I assume that that is not

the intention.

Mr. ALDRICH. Mr. President-

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Rhode Island?

Mr. NEWLANDS. Certainly.

Mr. ALDRICH. I suppose we can go back and take up all the various provisions of this bill that we passed over. So far as can see, we have appropriated \$143,000 for clerical work in Washington. The rest of this appropriation, which amounts to \$1,300,000, plus six or seven hundred thousand dollars received before the 1st of January-

Mr. KEAN. The 1st of July.

Mr. ALDRICH. In all, \$2,000,000 is to be used for the maintenance and improvement of forest reserves. If we cut it down one-half, I do not know what would happen to this country

Mr. NEWLANDS. Let me say-

ALDRICH. In other words, if \$4,000,000 are required instead of \$2,000,000, I certainly have misunderstood this question from the start.

Mr. NEWLANDS. Let me explain to the Senator from in cash. I do not remember how much it was; probably \$900,000. Rhode Island. We made an appropriation last year of so much

A million dollars. Mr. HEYBURN.

Mr. NEWLANDS. That was for the present fiscal year. But in addition to that they had to pay for the expense of administration \$1,250,000, received from the sales of timber, etc., making very nearly \$2,250,000 for general administration. Now, we have provided for the next fiscal year \$900,000, but \$2,250,000 for have also provided that the money derived from the sales of timber, etc. (which during this fiscal year goes into the fund from the sales of timber and can be paid out upon the order of the Secretary of Agriculture), shall hereafter be put into the general Treasury as a miscellaneous receipt. So the million and a quarter which is available this year is absolutely locked up next year, for one year from July 1, 1907.

Let me suggest that the real purpose of Congress was to change this system of accounts and not to affect the total of this fund, and if you will simply substitute for the words "July first, nineteen hundred and seven," the words "July first, nineteen hundred and eight," then it will leave that million and a quarter subject to the command of the Secretary of Agriculture and the Chief Forester.

The Senator shakes his head as to that. Then I suggest, if we are not going to leave that money in the fund subject to the disposal of the Secretary of Agriculture, we should have increased this appropriation of \$900,000 by the sum of one million and a quarter dollars, so as to make the sum available during the next fiscal year equal in amount to the sum available during the present fiscal year.

I do not understand that it is the purpose of Congress to

cut down the sum.
Mr. HEMENWAY.

Mr. HEMENWAY. Mr. President—
The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Indiana?

Mr. NEWLANDS. Certainly.

Mr. HEMENWAY. There is appropriated in this bill, as suggested by the Senator from Rhode Island, \$143,000 for clerical services in Washington. There is appropriated \$500,000 for permanent improvements. There is appropriated in addition to that \$900,000 for expenses, etc. There is a fund on hand now of something in the neighborhood of \$314,000. Then there are all the funds to be received up to July 1; probably, taking the estimates of the Chief Forester, \$700,000 more. So you have \$700,000, \$314,000 now on hand, making a million dollars. You have \$900,000 appropriated for expenses, making \$1,900,000. Take this \$500,000, and it makes \$2,400,000, and you have to add to it the \$143,000, making \$2,543,000, two millions and over for maintenance, and to be expended under the direction of the Secretary of Agriculture, \$500,000 for permanent improvements. Evidently that is an ample sum for the next fiscal year.

Will the Senator from Nevada permit me to Mr. WARREN.

ask a question of the Senator from Indiana?

Mr. NEWLANDS. Certainly.

Mr. WARREN. I wish to say that the \$900,000, as I understand it, includes the \$143,200 which the Senator from Indiana referred to, and in fact all of the appropriations under the Forest Service head until you come to that point in the billin fact, in the entire bill. So the entire appropriation will be \$900,000 plus \$500,000. Total, \$1,400,000. Then, of course, the Senator must remember when he computes the income between now and July that he must also look out for the expenses for the balance of the present fiscal year as well as the following fiscal year, because the money received between now and the 1st of July will be largely expended in the four months before the 1st of July.
Mr. HEMENWAY. Yes; but for the fiscal year 1995 the total

expenditures for maintenance were only \$375,000, while in 1908 \$2,000,000, in round numbers, is appropriated for maintenance and \$500,000 for permanent improvements. If we are going to make the same rapid increase in appropriations for other branches of the Government, at the end of the fiscal year 1908

we will be bankrupt.

Mr. NEWLANDS. Mr. President-

Mr. ALDRICH. Is there any question before the Senate, Mr.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator, from New Hampshire.

The amendment was agreed to.

Mr. NEWLANDS. Now, if I may be allowed, I will make a reply to the Senator from Indiana. I am sure we all want to understand this matter, and that is all. I am sure the purpose of the Senator is not to reduce this fund.

Mr. HEMENWAY. I do not want to reduce it beyond the amount that I have mentioned, but certainly this appropriation is ample. If we increase the appropriations for other branches of the Government at the same rate, it will simply mean bankruptcy at the end of the fiscal year 1908; and while I have great admiration for the manner in which the Chief Forester administers this service, for he is a wonderfully enthusiastic, energetic public official, yet we must keep within some bounds the expenditures of this Bureau as well as other bureaus of the Government; and certainly, also, there is, in round figures, \$2,500,000, if the estimates of the Forester as to the amount of the receipts is correct, which will be available for the year 1908.

The Senator speaks of the estimate of a million and a quarter for the next fiscal year. The receipts up to date have not been a million and a quarter at all per year. Eight hundred thousand dollars is the total amount received and on hand-and this law was enacted in 1905-showing that the receipts have not been anything like a million and a quarter a year, but much less than that.

Mr. ALDRICH. I think there is no misapprehension on this side of the Chamber as to what was done by the amendment and what was intended by the amendment.

Mr. NEWLANDS. Certainly there is no misapprehension if the purpose of the Senate was to cut down by one-half the sum

available for administration, for when this bill was framed by the committee its view was that for the year 1907 to 1908 there would be available for pending administration not only the \$900,000 provided for by the bill, but the million and a quarter dollars which it was estimated would come in from receipts from timber sales, etc. We have absolutely cut off that million and a quarter. We propose that it shall be locked up in the Treasury and that it shall not be available to the Secretary of Agriculture or the Forestry Reserve Service, and we leave only \$900,000. I say the purpose of the committee was to give that \$900,000 and the million and a quarter, and I suggest that the only way we can remedy that is by providing that this money shall not go into the Treasury as a miscellaneous receipt until one year later, or if we are unwilling to do that and propose to lock it up in the Treasury, then we should appropriate from it now the sum necessary to secure the ordinary administration of this Service.

Mr. ALDRICH. I understand the Senator from Nevada to claim-I am not sure whether he is a member of the Committee on Agriculture or not—that it was the purpose of the Committee on Agriculture to appropriate by this bill \$1,900,000 for the next fiscal year, plus the million and a quarter which it is estimated will be received from grazing and lumber during the next fiscal year, amounting in all to \$3,200,000 for this Service for the next fiscal year. If they had any such purpose, or if the Senator from Nevada has any such purpose, I certainly do not agree with it, and I do not think the Senators who have been discussing this question and who have views upon the subject propose to have \$3.200,000 appropriated for this Bureau next year, that being \$700,000 more than the estimates, more than the largest sum the Chief Forester asks for the next fiscal year. We have no such purpose. I think we understand fully the effect of the amendment adopted by the Senate.

Mr. NEWLANDS. Do I understand the Senator to insist

that we have already appropriated \$1,900,000 for this Service?

Mr. ALDRICH. I said the committee recommended \$1,900,000 plus, as the Senator says, \$1,200,000, which is to come from the receipts.

Mr. NEWLANDS. Yes.

Mr. ALDRICH. If the committee intended that, the Senate, in my opinion, does not.

Mr. NEWLANDS. The question is what does the Senate intend now? Does it intend to cut down the entire appropria-

Mr. ALDRICH. The language adopted by the Senate is perfectly plain. There can be no misunderstanding whatever about it. It appropriates \$1,400,000, in round numbers, for this Bureau for the next fiscal year.

Mr. LODGE. For the ensuing fiscal year?

Mr. LODGE. For the ensuing fiscal year.

Mr. ALDRICH. For the ensuing fiscal year.

Mr. NEWLANDS. The Senator understands that, then, one-half of the foresters now employed will have to be discharged.

Mr. ALDRICH. That no basis whatever in fact. That is the Senator's deduction, which has

I insist upon it that it has.

Mr. NEWLANDS. I insist upon it that it has.
Mr. ALDRICH. We may not be able to raise trees on the
arid lands of Nevada with that appropriation, but I think it is

ample for all the legitimate purposes of the Bureau.

Mr. NEWLANDS. I am not a member of this committee. whatever may be the determination of the Senator from Rhode Island, I do not believe it is the intention of the Senate to cripple this Service. I do not believe it is the intention of the Senate to cut down the present force one-half, and I insist upon it you have done it. From the \$1,400,000 \$500,000 is to be applied to permanent improvements, leaving only \$900,000 for administration. I am told that the \$900,000 will be less than one-half the present expenses of mere administration of the forest reserves. Whatever may be the understanding or the intention of the Senator from Rhode Island, I do not believe the Senate intends such a wrong and injustice to the Service.

Mr. HEMENWAY. If the Senator from Nevada will consult the appropriation for the present fiscal year, he will find that the appropriation in this bill is a larger sum than the Bureau had for the present fiscal year.

Mr. NEWLANDS. Will the Senator tell me what that appro-

priation was?

Mr. HEMENWAY. So if the appropriation is to be cut down one-half, then in violation of the law they have employed more men than they were authorized to employ, because the law prohibits the creation of deficiencies. They are confined to the appropriation for the fiscal year; and this appropriation in the bill is larger than the Bureau had for the present fiscal year.

Mr. NEWLANDS. I have just been handed the law for the last year. It makes the total for Forest Service \$1,000,000.

Mr. HEMENWAY. Yes.

Mr. NEWLANDS. To that is to be added the sum now available from the receipts from timber and other sales, aggregating, according to my information, from a million to a million and a quarter dollars; and that entire sum is now spent in administration. It goes to pay foresters and other employees, not for the purpose of permanent improvements. What have you done under this bill? You put \$500,000 into permanent improve-ments, not a dollar of which can be expended for ordinary administration, and you have left only \$900,000 in this bill for ordinary administration, when during the current fiscal year ordinary administration has cost at least \$2,000,000.

The Senator referred to the appropriations of last year. have the bill before me. The appropriation last year was \$1,000,000 for mere administration, not involving anything in the shape of permanent improvements. We have given \$900,000

Mr. HEMENWAY. How much of the receipts from sales of dead and down timber and from rentals of lands for grazing purposes has been expended up to the present time?

Mr. NEWLANDS. I can not tell you, but I will say generally that almost all of the money received during the current fiscal year will be expended in ordinary administration before next July

Mr. HEYBURN. I can give those figures exactly.
Mr. HEMENWAY. I was told yesterday that \$42,000 had been expended, but the Senator from Idaho has the correct figures and will furnish them.

Mr. HEYBURN. Last year the appropriation was \$1,000,000, and the amount received up to yesterday was \$869,809.44.

Mr. NEWLANDS. Up to what time? Mr. HEYBURN. Up to yesterday. That covers the necessities of the forest reserves, as demonstrated by the actual experience for last year. It more than covers them, because there is an overlap

Mr. HEMENWAY. Mr. President-

Mr. HEYBURN. I will give you all the figures together. The appropriation as it is now in the bill, with the \$500,000 stricken out, leaves it stand this way for this year: The items, as reported by the Senate committee, amount to \$1,900,000; deduct \$500,000 from \$1,900,000 and you have an item of \$1,400,-000. That is the appropriation gross as it stands with the amendment striking out the \$500,000. Then the balance in the Treasury now, which will be available and which we are not requiring them to turn back, is \$361,104. Then the income according to the estimates of the Department before the time when they are required to turn it into the Treasury will be \$700,000, making available for Forestry Service this year, with the \$500,-000 stricken out, \$1,461,104, which is more than a million dollars more than was necessary for the administration and all expenses last year.

Mr. NEWLANDS. What does the Senator refer to when he says last year?

Mr. HEYBURN. I mean under the last appropriation for the last fiscal year.

Mr. NEWLANDS. The last appropriation has not yet been

Mr. HEYBURN. I am speaking now of fiscal years, and I assume that the Department in giving us these figures has taken into consideration the expenses of the fiscal year for which the appropriation was made. That is a fair deduction.

Mr. WARREN. May I ask the Senator a question before he

sits down?

Mr. HEYBURN. Certainly. Mr. WARREN. Is there a fund in addition to that which accrued from timber and grazing which was also expended and not included in those estimates?

Mr. HEYBURN. No. I have included in those figures all the money found necessary to maintain this branch of the Government last year.

Mr. NEWLANDS. What was the total expense last year?

Mr. HEYBURN. One million dollars was the amount of money that they found necessary to expend, and we are giving them by this appropriation bill, after striking out \$500,000. \$2,461,104.

Mr. NEWLANDS. Does the Senator insist under this bill, after striking out the \$500,000, we are giving them \$2,100,000?

Mr. HEYBURN. Yes; \$2,461,000.

Mr. NEWLANDS. For the next fiscal year?

Mr. HEYBURN. For the next fiscal year.
Mr. NEWLANDS. But he puts in that the moneys received during this fiscal year, which will be spent during the current fiscal year.

Mr. HEYBURN. No; I put in the unexpended balance which

is on hand.
Mr. NEWLANDS. Yes.

Mr. HEYBURN. I put in the admitted income which will be

Mr. NEWLANDS. The Senator assumes that the money on hand and the money received between now and next July will remain in the Treasury to pay the expenses of the next fiscal year.

Mr. HEYBURN. Yes; it will remain in the Treasury.

Mr. NEWLANDS. When as a matter of fact, as I understand,

the moneys will be spent in the ordinary administration for the

Mr. HEYBURN. Mr. President-

Mr. NEWLANDS. I shall not participate in the debate any longer, because we are involved in a confusion of figures. Later on, if I find that the impression I have is correct—and I

think it is—I shall move to reconsider these amendments.

Mr. PROCTOR. Referring to what the Senator from Nevada [Mr. Newlands] has said, I agree entirely with him as to what ought to be done under this bill.

These reserves constitute a hundred and twenty-five million acres, and to care for them properly requires a large appropriation. Many of them have been newly created, and I do not think the appropriations proposed were too large. But I think it would be economy to make the full appropriation. haps in some respects we have gone a little fast in this direction, but I am sure the country will be educated soon so that they will see the necessity of it.

The junior Senator from California [Mr. FLINT] presented all this matter very ably. He said to me in conversation that the saving of one fire by foresters in a reserve in California had earned the entire expense of the appropriation. President, I think the Senate did precisely what it intended voted against the amendments cutting down the appropriations, but so far as I can recall my voice was the only one that I heard, while the votes on the other side of the questilon were very strong. So I did not think it worth while to call for the yeas and nays, and I bowed with as much resignation as I could to what seemed to me to be the expressed will of the Senate. I will say in conclusion that at the end of next year we shall at least have had the experience.

Mr. NELSON. Mr. President, in order that we may know we stand on this subject which has been debated, I should like to have the amendments reported as they were adopted on page 42. I have an impression that there is a great deal more to the argument of the Senator from Nevada [Mr. Newlands] than we suppose. It is a question whether we ought not to reappropriate for the next fiscal year the revenues which will be derived from the sale of timber, etc., and whether that point is covered. If we provide in the amendment that this money shall be covered into the Treasury, which is not the law now, it will not be available, unless we reappropriate it. Therefore I ask that the amendments on page 42 may be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

The Secretary read as follows:

And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$500,000, to be expended as the Secretary of Agriculture may direct for the proper and economical administration, protection, and development of the national forests, \$125,000 of which amount is to be immediately available: Provided, That hereafter on or before the 1st day of January of each year the Secretary of Agriculture shall submit to Congress detailed estimates of all expenditures intended for this service for the next fiscal year and detailed reports of all expenditures under any appropriation for such service during the preceding fiscal year: Provided further, That all money received after July 1, 1907, by or on account of the Forest Service for timber or from any other source of forest-reservation revenue shall be covered into the Treasury of the United States as a miscellaneous receipt: And provided further, That 10 per cent of all money received from each forest reserve during any fiscal year, including the year ending June 30, 1906, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territory legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: Provided further, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein: And provided further, That there shall not be paid to any State or Territory for any county an amount equal to more than 40 per cent of the total income of such county from all other sources: Provided further, That these shall be proportional to its area therein: And provided further, That there shall not be paid to any State or Territory for any county an amount equal to more than 40 per cent of the total income of such cou

Mr. NELSON. Under the second proviso, which has been read, of the amendment offered by the Senator from Indiana the money derived from the forest reservations is to be put into the general fund of the Treasury after the 1st of July next under the head of "Miscellaneous expenses." If that is the case, unless we reappropriate it in some form, that money will not be available for the next fiscal year. It really amounts to this, that the appropriation for the Department for the next it will cut them off entirely from what they derive from the forest reservations during the next fiscal year; and unless we reappropriate it in some form they are cut off from that revemay be mistaken, but that is the way it strikes me.

I think we ought to cover that point and make that money vailable. I do not think it was the purpose of the Senate to available. prevent the Department from using that money, but simply that we wanted an account of it and wanted to have it appropriated, But we have failed to appropriate it, in the form in which the amendment now stands.

Mr. HEMENWAY. I will indicate to the Senator, as nearly as I can, the effect of the amendment. There is appropriated by the bill, first, \$500,000. Let me read what it is for.

Mr. NELSON. If the Senator will allow me a question, I think I can simplify it. I understand what the bill appropriates and the Senator need not recapitulate it. By his amendment he provides that this revenue—I have called it that—after the 1st of July shall be covered into the Treasury under the head of "Miscellaneous expenses;" but by failing to put in a provision reappropriating it you tie it up in the Treasury and make it unavailable for the Forest Reserve Service.

Mr. HEMENWAY. It is to be appropriated hereafter. What I wanted to demonstrate to the Senator, if I could, was that the appropriation carried by the bill and the fund now on hand and the funds that will be received before July 1 will give a much larger sum for the fiscal year 1908 than the Bureau of Forestry have ever had at their discretion to expend.

Mr. NELSON. Will the Senator allow me? We do not

know that there will be a surplus of the revenue, but assuming that the Forestry Service will not use all the revenues derived from that source during the present fiscal year up to July 1, what will become of that surplus? Will it be covered into the Treasury again under the rest of the Senator's amendment or will it be in the air and be available for the next fiscal year?

Mr. HEMENWAY. It is available for the next fiscal year

under the act of February 1, 1905.

Mr. NELSON. Then you are brought down to this, that the only amount of the forest revenue, I will call it, that will be available for the next fiscal year will be the surplus that remains from this fiscal year after the 1st of July.
Mr. HEMENWAY. Absolutely.

Mr. NELSON. And unless we appropriate that it is absolutely tied up and kept from the Service.

Mr. HEMENWAY: Absolutely.

Mr. NELSON. Is not that the state of the case?

Mr. HEMENWAY. The Senator has stated it correctly. That it the object of the amendment. It is to stop the Secretary of Agriculture from selling the Government's property and putting the money where he can check it out again—checking it out and expending it without its being appropriated by Congress. It is taking the key of the Treasury away from the Secretary of Agriculture and putting it in the hands of Congress, where it

Mr. NELSON. To that extent, if the Senator will allow me, to the principle that he is invoking I entirely agree. But how does the Senator know that the surplus of the revenue derived from the Forestry Service this year, with what we directly appropriate in this bill, will be sufficient to run the Service next year?

Mr. HEMENWAY. I can only answer the Senator by saying that, taking into consideration the amount expended up to date by the Bureau of Forestry, it indicates clearly there will be a surplus of from \$700,000 up at the end of the year. As I started to say, that surplus, which is clearly indicated by the expenditures up to date, added to the amount appropriated in this bill, will be in round figures about \$2,500,000.

Then, when Congress meets next winter, if it is demonstrated that the amount is not sufficient, it is very easy to make a portion of the fund immediately available, as we do this time with the appropriation of \$500,000. Of the \$500,000 appropriated at this time, \$125,000 is made immediately available, and if next year, when our appropriation bills are passed, this sum does not prove to be sufficient-I believe it will be sufficient if the affairs are economically administered—we can easily, by making a portion of that fund immediately available, correct any error.

Of course I am free to say that it is not a satisfactory question to deal with. There seems to be no very definite estimate. As I understand it, the bill carries the estimates, and more, too. We want definite estimates. We want the Bureau of Forestry and the Agricultural Department generally and all other Departments to bring down sufficient estimates, so that we will If next winter know what they are going to do with the money. it turns out that this is not a sufficient sum of money, as I said, this, that the appropriation for the Department for the next sit is a matter that can be very easily corrected by making a part fiscal year will be simply what we give in the pending bill, and of the appropriation then made immediately available.

The Senator from Minnesota has clearly stated the purpose of the amendment. It is to cut off the use of money which be-longs in the Treasury of the United States by the Secretary of Agriculture, unless the money is appropriated by the Congress of the United States.

Mr. ALDRICH. I will state to the Senator that in December we will have the detailed estimates made by the Department of Agriculture as to the expenses of this Bureau, and if it is necessary to make an appropriation then, we can act with some knowledge of the service that ought to be rendered and the

amount that ought to be appropriated.

Mr. HEMENWAY. That is the statement I intended to make. Under the amendment they will send down the estimates. When the estimates come next December, if it shall appear that the sum appropriated by this bill is not sufficient, Congress can appropriate the amount required and make immediately available a sufficient sum. But we have got to get started, and the only way to get a start that I see is by the amendment that has been offered. We want to get started right. Then the estimates will come in, and having in mind the estimates of the Department we will determine whether we shall appropriate the sum suggested as necessary for the Bureau of Forestry.

Mr. NEWLANDS. Mr. President, I should like the atten-

tion of the Senator from Indiana. I wish to ask him whether he would justify Mr. Pinchot, the Chief Forester, during the first six months of the ensuing fiscal year in expending the entire appropriation made by Congress for that year upon the assumption that at the next session of Congress Congress would appropriate enough money to pay for the succeeding six months?

Mr. HEMENWAY. The Senator did not-

Mr. NEWLANDS. Let me state right here that I make that statement upon the assumption that the fund available for the next year will be at least one million and a quarter less than will be necessary for the general expenses of the administration of the forest reserves.

Mr. HEMENWAY. The Senator from Indiana can only speak for himself, but if the Chief Forester should expend the appropriation for the fiscal year 1908 in six months, the Senator from Indiana would go into it very carefully, and I think I would be able to prove, at least to my own satisfaction, that there had been great extravagance in administering the forest

My attention has just been called to the fact that for the fis-cal year ending June 30, 1906, it cost \$1,193,000, in round figures, to administer this service.

Mr. NELSON. Did that include both the appropriation and the revenue derived from the service?

HEMENWAY. It included everything. The Senator from Kansas advises me that for the fiscal year ending June 30, 1906, the total expenditure was \$1,193,000.

Mr. NELSON. Will the Senator state approximately what is likely to be the expenses for the ensuing fiscal year, after the

1st of July?

Mr. HEMENWAY. From the statements I have here, running as it will now—it will have to be a rough guess, an opinion—in round figures, I should say, \$1,700,000, unless from now on until July 1 they increase very rapidly the expenditures; and if they are more, they ought not to be.

I hate to repeat so often, but for 1905 the expenditures were

\$375,000. For 1906 they jumped up to \$1,193,000. Mr. SPOONER. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Indiana

yield to the Senator from Wisconsin?

Mr. HEMENWAY. In a minute, I wish to say if the expenditures by the different Departments were to be increased at one half or one-fourth this rate, when we come to the close of the fiscal year 1908 we would find a deficiency that would absolutely wipe every man out of Congress who was here, or it cught to do it, if the Congress of the United States will allow the expenditure of the people's money, and allow such a rapid increase in the expenditure of the different Departments of the Government, and do it in the way we have been doing it, simply appropriating a lump sum and saying to some Cabinet official, "You may spend it as you see fit; we make you the judge of what money shall be expended." We have the result of such a policy right here in this increase from 1905 to 1906.

When Congress had its hand on the key to the Treasury and made a direct appropriation and required that the receipts from the sales of timber and grazing lands should go into the Treasury, they got along with \$375,000; but the minute we turned it over and said, "Sell this property and spend as you please," it increased in one year to \$1,193,600; and now on the floor of the Senate we are having the argument made that even \$2,500,000 is not a sufficient sum.

I say it is time to call a halt. I have tried to call it by the

amendment I have introduced to-day. I believe the Senate understood what they were doing when they adopted the amendment, and I sincerely hope they will stand by it and hold the key of the Treasury in our own hands, and not turn it over again to any head of a Department in this great Government of

Mr. SPOONER. I wish to ask the Senator from Indiana a question.

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. HEMENWAY. I have concluded what I have to say, unless the Senator wishes to ask me a question.

Mr. SPOONER. Does it follow at all because an appropriation of this kind has increased from year to year that the expenditures are therefore extravagant? This has been a progressive work. It had a small beginning. Whether the work has been extravagant or not depends on the character of the work and the details of it.

Mr. HEMENWAY. It does not necessarily mean that there has been an extravagant expenditure of money, but the Senator knows something about the character of these expenditures. It is proposed to build lodges in our forest reserves, I believe, with a limit of a thousand dellars on the price of the building that is to be constructed. It is proposed to erect telephone lines through the forest reserves. I do not know, but I presume in the great State represented by the Senator there are prosperous farmers who are not yet enjoying the benefits of a telephone line. I know that down

Mr. FLINT. Mr. President-

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from California?

Mr. HEMENWAY. I do.

Mr. FLINT. I simply desire to say for the information of the Senator from Indiana that the telephones proposed to be constructed and operated through the reserves are not as a matter of pleasure, but as a matter of business, so that the supervisor can communicate with the rangers in the various parts of the reserve and they can all be brought to one place.

Mr. HEMENWAY. I understand the purpose, but can the Government stand the expenditure of money necessary to con-

struct telephone lines for that purpose?

Mr. FLINT. Mr. President-Mr. HEMENWAY. I yield to the Senator.

Mr. FLINT. I can state for the information of the Senator that the amount of loss by one fire in a reserve in the southern part of California last year would pay for the telephone lines and ten times over.

Mr. HEMENWAY. Conceding the statement of the Senator, how in the world is a telephone line going to stop a fire? I have heard that statement over and over again; but the more roads you build, the more telephone lines you build, the more lodges you build, the more people who go there, there is more danger of fire.

Mr. SPOONER. Will the Senator allow me? If his house were to take fire at midnight and a telephone wire enabled him to communicate with the fire department and bring the engines quickly to his relief, it would not be the telephone wire

that stopped the fire, but-

Mr. HEMENWAY. The Senator's illustration is not a very apt one. A telephone line would be running through a forest reserve without a town for miles and miles. With a telephone in a town, where you have a fire department handy, and you can get it very quickly, you may stop the fire; but you have not any fire department out in the forest reserves. You have a few rangers scattered around through them. But that is only one item.

Mr. CARTER. Before the Senator passes from the telephone question, I desire to call attention to the well-known fact that eyesight is about as good as sound and a little bit quicker. An incipient fire can be perceived in those mountain ranges 20 miles away before it has reached proportions extending beyond a good-sized camp fire. The Senator from Wisconsin will bear me out in the fact that in the Jackson Hole country, or the Jacksons Lake region, the Yellowstone Park, or any part of the great mountain country, the smoke of a very small fire can be seen a very great distance, and the perception of the danger gives warning to those who are charged with the meeting of the danger, whether it be by 'phone or sight.

Mr. HEMENWAY. This whole scheme, if I may be permit-

ted to say it, commends itself to certain gentlemen who are dreaming about great game preserves with lodges and roads and great parks with taverns scattered somewhere through them. We are entering upon a vast amount of expenditure in the name of forest reserves that is absolutely unnecessary. From all this talk about telephone lines, and so forth, and preventing fires, I

would have supposed that long before this our forests would all have been burned up. But they have been there for years and years and years; they are there yet, and they will continue to be there for many years to come.

I am not against forest reserves. I want them well and fairly administered. The only way to maintain our great system of forest reserves is to go ahead and maintain them upon economical lines. If this appropriation continues at this rate, the people of the country are some day going to call our atten-

tion to it and say, "You had better call a halt."

Mr. SPOONER. Mr. President, I have said nothing on this subject, for I am not familiar with the details of the work which has been done or the work which is proposed to be done. But I think the Senator from Indiana takes a very-I will not say narrow—but inadequate view of this subject. I believe for the interest of the whole people this is one of the most important public works which has ever been inaugurated in this country. I do not believe, in this country or any other, there could be found a person better fitted to control this matter with judgment and with skill, for he has been educated to it and is devoted to it, than is Mr. Gifford Pinchot. I believe the greatest wastefulness in the world is niggardliness of expenditure in matters of public importance.

This a few years ago was deemed an experiment. It really has passed beyond the stage of experiment, and it should not be abandoned. Money sufficient should be appropriated to enable the prosecution of the work on lines of intelligence and efficiency

If the Senator from Montana alluded to my knowledge of the Jacksons Hole country, or the Jackson Lake country, in Wyoming, for the purpose of making it apparent to the Senate, I hope it satisfied the Senator that I know all that is necessary to protect the forest against an incipient fire is that the forester should use his eyes.

I agree to no such proposition as that. That assumes that the forester has notice of the incipient fire or that he is up upon a high mountain or up in a high tree upon a high mountain watching for some incipient fire. He may be asleep—because foresters have to sleep. That is what these lodges are for. They are not luxuries. They are cheap cabins, in which the foresters, the men engaged in this work—and theirs is a solitary life-may be protected from the snows, the rain, the storms, and the cold.

Mr. TILLMAN. If the Senator will pardon me

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. I am always pardoning the Senator from South Carolina.

Mr. TILLMAN. I just wanted to call the Senator's attention to the fact that there can be no danger of fire in that country in winter, when the snow and sleet and precipitation come. The fire must come in the summer.

SPOONER. There is danger of fire in that country in

Mr. TILLMAN. There is danger of fire, I suppose, whenever

Mr. SPOONER. Oftentimes the fires have broken out because hunters had not taken due precaution when they have left and broken camp to go somewhere else. My friend from Montana knows, and I know, that when I first went into that country to hunt very little attention was paid to the camp fires and there resulted great harm and great destruction. the forest was a ranging country and men were obliged, under penalty of fine and all that, to extinguish the fires, and extinguish them carefully, because the camps were speedily visited by

These men are few relatively, and the area is very great, and if the forester may not have a station here and there, a little lodge, which the Senator from Indiana would not sleep in, and a telephone

Mr. HEMENWAY. Will the Senator yield to me?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. SPOONER. Yes.

Mr. HEMENWAY. I am not objecting to the little lodges, but to this magnificent appropriation which the bill carries of \$2,500,000. When you take into consideration the amount that is likely to be received July 1, they can build all of the tempo-

rary lodges, all of the cabins, they want.

Mr. SPOONER. How does the Senator know that? Is he very familiar with the details of this business. I can remember a few years ago-

Mr. HEMENWAY. If the Senator will permit me, I have dealt with it as a member of the Committee on Appropriations for a number of years. I know in 1899 we started out and

appropriated \$175,000. I know that in 1900 we appropriated \$175,000. I know that in 1901 we increased it to \$300,000. I know that in 1902 we gave them \$300,000. I know that in 1903 the appropriation was \$300,000. I know that in 1904 it was \$375,000. I know that in 1905 it was \$375,000. I know, then, that for the year 1906 there was only a million one hundred and ninety-three thousand dollars expended all told, and I feel reasonably certain, in view of the expenditures of the past, that the appropriations in this bill are ample for the proper administration of the forest reserves

Mr. SPOONER. Mr. President, I have very great confidence in the judgment of the Senator from Indiana when he understands thoroughly a situation, but the Senator's calculation is a faulty one in this respect, if not in others, that during these years, beginning with \$175,000 and going up in three years to \$300,000, and then increasing above that, he forgets that there has been a vast increase in the acreage of the forest reserves.

Mr. HEMENWAY. Certainly. I understand that, and that is responsible for the increase of appropriations.

SPOONER. Certainly. Not only that, but, Mr. President, it has been possible to systematize the work. been a great deal done in the way of improving streams. has been an immense amount of work done necessary to the conservation of the water supply and necessary to properly safeguard the forests.

Mr. HALE. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. SPOONER. Yes.

Mr. HALE. Is the forester improving streams?

Mr. SPOONER. Certainly; he improves the streams where it is necessary to do so in order to preserve the forests. They have to cut out more or less timber to preserve the forests, and that improves the streams.

Mr. HALE. I understand that, but I did not know part of the forester's work was to improve streams, except as streams are improved by the conservation of the water, so that it does not run out.

Mr. SPOONER. That is part of it. They take out the tim-

ber that can go to market.

Mr. HALE. Does the Forester dig and dredge and improve the streams so that they come under what those of us who are acquainted with streams know is comprehended in the word "improving streams?" Does he build dams and dredge and take out rocks and all that?

Mr. SPOONER. I do not know the details.

Mr. HALE. I should like to know, because if that is the case we are going into a very much larger matter than I sup-

Mr. SPOONER. Mr. President, from this bird's-eye glance at this business it will be seen that the expenditure has increased undoubtedly with the increase of the service.

Mr. HALE. It would increase enormously if the Forester is going on to take all these other steps. If he is going to improve the streams, it will certainly increase.

Mr. SPOONER. He has to protect the timber, care for the forest, conserve the water supply, and it is of the utmost consequence to the people of the whole region.

Mr. WARREN. Mr. President-

· The VICE-PRESIDENT. Does the yield to the Senator from Wyoming? Does the Senator from Wisconsin

Mr. SPOONER. Certainly.

Mr. WARREN. I desire to say in connection with what the Senator is saying about the increase of expenditures that a very large increase has been caused by reason of the Government taking up supervision of the sales of timber for manufactures, etc. Formerly they took care of forests only as against fire under small appropriations. Now there is a corps of men to do the cruising or measuring. Also the trees are all marked before cutting, so that they shall not cut the young and growing trees, and then there must be superintendents while all this cutting of railroad ties and other lumber is going on. This is hardly a part of the expense proper, because the income from lumber pays for it; yet it has increased the number of employees very greatly in the last few years, and we must appropriate accordingly.

Mr. SPOONER. Not only that—
Mr. ALDRICH. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Rhode Island?

Mr. ALDRICH. The Senator is displaying great familiarity with this subject.

Mr. SPOONER. I have no very great familiarity with the details, but for thirty years I lived in a timber country.

Mr. ALDRICH. It is unfortunate for the Senate that he has

not been able to speak more connectedly. The discussion has

been rather desultory.

Mr. SPOONER. There is more of sarcasm than there is of argument in the Senator's observation.

Mr. ALDRICH. I hope the Senator will give us the benefit of his knowledge and tell us how much he thinks we ought to appropriate.

Mr. SPOONER. If I had my way about it-I have so much confidence in the gentleman who has devoted his life to this business and is pursuing it more because he loves it and wants to do it and wants to do good to the country than anything else, and because he is more familiar with it than anyone else, and in whose integrity I have the utmost faith-I would not cut down his estimates unless some good showing was made for that reduction

Mr. HEYBURN. What does the Senator understand the estimate to be?

Mr. SPOONER. I do not remember the estimate. I think it was not excessive, however.

I was about to say, Mr. President, that this service is beginning to produce results. It is beginning to bring money to the Government, and it is estimated that if a system which at once conserves the forests, with all that that implies, and yet brings in financial results to the Government, goes on in the next three years as it has during the last few years then the Department will be self-sustaining. More than that, in the end it will be a profitable Department and that through the saving of timber.

I have seen a million dollars' worth of timber destroyed by a single fire in the northern part of my State, and the effect it had on the water by drying up the streams all over that region was very great. I traveled 60 or 70 miles several years ago was very great. I traveled 60 or 70 miles several years ago along down by the Teton Mountains, under the trees. It was a beautiful ride. My friend from Montana [Mr. Carter] will remember it. We had to cross full streams on our way to Jackson Lake. The last time I was out there the fire had swept over a part of that country and the streams were nearly The snows went earlier.

I believe there is nothing better for us to support, and to support in a liberal way-not in an extravagant way, but in a liberal way-than this work of the conservation of our forests and of the water supply of the country. I believe it will pay in more ways than one.

While I am utterly ignorant of details about it, I know something in a general way upon the subject. I believe it to be a wise expenditure of public money to be fairly liberal about it. If the forestry officials invade the domain of the State, if they intrude into public gatherings and make them-selves offensive, there is a remedy for that; but the remedy is not in the destruction of this work. It is in turning out the men who know no better than to do such a rude thing.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. SPOONER. I do. Mr. HEYBURN. I wo I would say to the Senator from Wisconsin that one of the most pressing causes of complaint is that Congress invades the rights of the States by making laws that authorize an intrusion upon those rights at the expense of the

Mr. SPOONER. I suppose Congress has a perfect right to make laws to regulate and protect the public property.

Mr. HEYBURN. But not the State's property.
Mr. SPOONER. If the State's property is inside the Government's property, it can not regulate its own property without

also in a way regulating the State's property.

Mr. HEYBURN. Then. I would ask whether the Senator thinks, if the State property is inside the Government property, that the Government is authorized to surround the State's property with rules and regulations that render the State's property of no value?

Mr. SPOONER. That begs the question.
Mr. HEYBURN. That is the question.
Mr. SPOONER. The Government certainly has a right to regulate its own property.

Mr. HEYBURN. If in so doing it interferes with the State's property?

Mr. SPOONER. Certainly. Mr. HEYBURN. It first has a right to regulate its prop-

Mr. SPOONER. I think if the Government has a great tract of land in the center of which there is a piece of land owned by State, the Government is not thereby precluded or ousted of a constitutional power to protect the timber growing on its own land and to make regulations essential to the conservation of it. even though it thereby interferes with the property of the State incidentally.

Mr. HEYBURN. Mr. President, that is the strangest doctrine that I have ever heard preached. The State has a million acres of land in Idaho inside the forest reserves, and the Senator would defend a policy that would permit the Government officers or agents to so surround State property as to render it valueless, to rent it, and to collect the rent from it and hand it out as though it were a matter of grace or a favor. That is what they are doing. That is what Congress is doing, and that is what we are complaining of.

Mr. SPOONER. I have said nothing which warrants the Senator in saying-

Mr. HEYBURN. That is the present policy in the administration of the forest reserves.

Mr. SPOONER. Cutting of timber on the State property?
Mr. HEYBURN. Yes; cutting of timber on the State property and grazing on State property and saying to the State, "We

will give you 10 per cent of the gross proceeds."

Mr. SPOONER. I think it is likely the State should be

grateful to the Government for doing that.

Mr. HEYBURN. I have heard of that kind of charity before. You take possession of a man under the claim that you are better able to run his business than he is, and then say he should be thankful to you for the supervision which you have exercised over his affairs

Mr. SPOONER. How many acres of Government forest-re-

serve land is there in Idaho?

Mr. HEYBURN. There are in the United States—
Mr. SPOONER. No; in Idaho.
Mr. HEYBURN. I was going to give the greater and then
the lesser. Of forest reserves, as Congress contemplated forest reserves, there are eighteen million and odd acres in Idaho, of which there are 8,000,000 acres upon which there are no trees. I do not know whether the Senator can class that as forest reserve or not, but Mr. Pinchot, under oath in his examination before the House committee, admitted that there were 30,000,000 acres that had no forest on them out of the 131,000,000 acres in the United States.

The Senator does not answer my question. Mr. SPOONER. Of Government timber forest reserve land, how many acres are

there in Idaho?

Mr. HEYBURN. There are 18,000,000 acres, less a million acres that belong to the State, and perhaps 500,000 acres that

are included which belong to, or ought to belong to, individuals.

Mr. SPOONER. Then the Senator would preclude the Government from taking care of its 18,000,000 acres, because inside of the 18,000,000 acres there are a million acres which belong to the State.

Mr. HEYBURN. Certainly.
Mr. SPOONER. Does the Government—
Mr. HEYBURN. Can you farm a man out of his estate?
Mr. SPOONER. Does the State desire to take over this work from the Government?

Mr. HEYBURN. The Senator was not here, I think, when that was brought out. The people of the State certainly do. Since I read to the Senate this afternoon a resolution passed by the house of representatives of the legislature of Idaho yesterday, condemning the forest-reserve policy as usurping the State's rights, and upholding the position which I have taken in this matter, I have telegraphed for the vote by which the resolution was passed and have this answer:

Boise, Idaho, February 19, 1907.

W. B. HEYBURN, United States Senator, Washington, D. C.:

Resolution passed by vote of 33 to 7; absent, 11. Negative all Democrats; 4 Democrats voting affirmative. Had all been present, ballot would have been 43 to 8.

W. L. GLEASON.

That expresses the sentiment as to whether the State wants

Mr. SPOONER. Mr. President, I have no doubt that there are people in the West who are opposed to the forest reserves, and who would a great deal rather have these lands thrown open to the market than to be reserved from market, in order that the forest may be protected and conserved. I presume that is more or less so in Idaho.

Mr. HEYBURN. They want them open to settlement.

Mr. SPOONER. They want them open to settlement.

Mr. HEYBURN. And homestead.

Mr. SPOONER. Certainly; but the Government is not

obliged to open them to settlement.

Mr. HEYBURN. Why not?

Mr. SPOONER. There is no law that requires the Government to open them to settlement.

Mr. HEYBURN. Mr. President, if the Senator will permit

The VICE-PRESIDENT. Does the Senator from Wisconsin yield further to the Senator from Idaho?

Mr. SPOONER. I want to get through as soon as I can.

Mr. HEYBURN. I will take but a moment, if I will not be considered as encroaching upon the time of the Senator. there not a contract between the Government and the State of Idaho when it created that State that the people of that State and the State as a political organization should have the benefit to be derived from the natural resources within the State? While they nominally belonged to the Government, they were really held by the Government in trust for whom? For the people who are willing to go and take advantage of them. Was not that the contract?

Mr. SPOONER. No. I think when a State is admitted into the Union, and there lies within its boundaries a large amount of Government land, the Federal Government is under no obligation to dispose of those lands except as it chooses. It is at perfect liberty, if their character be such as to warrant it, to withhold them from market in view of a larger public interest.

Mr. HEYBURN. Just one more word and I will not interrupt

the Senator again.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. SPOONER. Yes.

Mr. HEYBURN. I just want to ask the Senator from Wisconsin what would have been the effect on the State of Wisconsin if the timber lands had been included in forest reserves under the present policy at the time the State was admitted into the Union?

Mr. SPOONER. I do not think the people of Wisconsin would have liked it.

Mr. HEYBURN. I guess they would not. Mr. SPOONER. But I think if that had been done and the forests of Wisconsin had been conserved and protected-magnificent as they were, they are gone to-day-if they had been protected and cared for it would have been a mighty advantage to those who live on the prairies of. Wisconsin,

But the Senator's argument goes too far. Certainly he does not contend that there is any special obligation upon the part of the Government to dispose of all of its timber lands in Idaho which is not equally applicable to the Government as to its timber lands in all the Western States.

If there rests upon the Government an implied obligation when a Territory is admitted into the Union as a State to throw open all the public lands to settlement, most of the timber lands would have been gathered up by great concerns and monopolies.

That was the result in northern Wisconsin, and that would be the result in Idaho largely.

But if the Senator's argument is good, then as to every Territory in the West admitted into the Union as a State the Gov-ernment agreed impliedly—and ought as a matter of public policy to carry out the agreement—to throw open to settlement, under the homestead laws and other laws, every acre of Government land. If that had been done, there would have been no forest reserves; and I venture to say, from what little I know about it, that the day would come before many years when the people of Idaho and of the other Western States would regret it.

Territory can not grow into a great and prosperous State in a year or two years or three years. It takes time. We have lands owned by the State of Wisconsin, conferred upon the State at the time it was admitted into the Union, covered with timber, which in all the years since the State has not been able to utilize. Why? Because they are surrounded by Indian reservations. There is more than one such case in Wisconsin. The sixteenth section, the school section, in a small way, is the same case put by the Senator from Idaho. Yet the State of Wisconsin has been precisely, in that small way, in the same

It will always happen, it always has happened, although, if I am not mistaken, the State could surrender that land to the United States and take lieu land, could she not?

Mr. HEYBURN. After that I will have to violate my promise not to interrupt the Senator. Our constitution provides that the lands of the State shall be sold only at public auction, after advertisement, and they can not be traded or exchanged or disposed of in any other way.

Mr. SPOONER. Timber land? Mr. HEYBURN. Every particle of land belonging to the State, and Congress ratified that constitution in express terms, and it admitted us on that basis.

There is one view of it which every man who lives in the locality complains of and there is force in it. It is same argument exactly that the settler always makes

against a large nonresident ownership of land held out of the market, that it makes the taxes higher for the settler; it interferes somewhat with the development of schools, and all that, and it is a sort of hardship. But, outside of that-and the advantage of the forest reserve is to be put against that-outside of that, these lands, this million acres of land in the heart of this great forest reserve, being taken care of and protected from fire and all that, will be in fifteen years from now worth more money to the school fund of the State of Idaho than anyone would conceive possible, I imagine. The salable timber in Washington, in California, in Idaho, my friend's State, has been taken and is being rapidly cut and manufactured into

Mr. HEYBURN. Through the forest-reserve policy.

Mr. SPOONER. No, sir; not through the forest-reserve The northern part of my own State twenty years ago was covered with magnificent timber, but it is gone, a large part of it wasted, a great deal of it destroyed by fire because of carelessness in cutting and leaving the underbrush. My friend from Minnesota [Mr. Nelson] I think would say that they have had the same experience in the timbered part of Minnesota. The same in Michigan. It was waste. It was thought it would last forever, but in a few years it was all gone.

We should go on with this work, not in an extravagant way, but in a reasonable way, and I venture the prophecy that before many years have gone by it will be considered one of the best policies which could have been adopted for the benefit of the States. There may be too many lands established in forest reservations. I do not know about that. If there are millions of acres there without timber, possibly they should be taken out of the forest reserves. I am not speaking of the details, but I am simply speaking upon a principle, and I am expressing my dissent from the notion that you can judge this progressive work, this forestry conservation, if I may so speak, by the annual increase in the expenses of the Departments here in Washington.

I believe Mr. Pinchot prophesied accurately when he said that within three or four years, if he is allowed to continue the work which he has planned, this will be a self-supporting Bureau. If there are wrongs in this situation, and there may be-not his fault, but in the orders of reservation-they can be corrected, because it seems to me the policy can be carried forward without serious injustice to localities.

Mr. LODGE. Mr. President, I have sat here all day in the hope, the vain and fleeting hope, that the chemistry section might be reached, in which there is a provision in which I take a great deal of interest, and I have listened attentively to the entire debate. I agree absolutely with the Senator from Wisconsin [Mr. Spooner] as to the merits of the forestry policy. It has had my cordial support from the time it was begun. will continue to receive my cordial support. I do not believe the Government has at this time a more accomplished, a more devoted, a better servant than the head of the Forestry Bureau. I think that what is at stake in the Forestry Service concerns the entire people of this country. I should regard it as a dire misfortune if what remains of our forests were left to the tender mercies of the States or the settlers.

It is through the reckless improvidence that has been shown by the States and the settlers in them that our forests have been almost completely destroyed, and that we are within twenty years now of the complete destruction of the great American forests. Therefore, to no one does this Bureau and this policy appeal more strongly than to me.

But, Mr. President, I utterly fail to see why it should be a reflection on any man who is charged with the conduct of the

public business to say that the expenditure of great sums of money should only be on estimates and by the appropriation of I do not think that large sums of money, aggregating a million or more, should be put into the hands of any officer of the Government, I care not who he is, President, Secretary of State, or anyone else, to spend as he pleases. I make the same objection to all parts of this bill. In the next provision there is \$600,000 given in a lump sum for one man to distribute and spend as he likes. I do not think that that is the way in which the business of the United States should be done. Let us give the most liberal appropriations that can be demanded in reason for all these important bureaus, and especially for forestry, but we ought not to leave it in any man's hands to expend a million dollars of public money exactly as he pleases without estimate and without appropriation.

Now, as to the amount; the Senator from Wisconsin [Mr. SPOONER] says the question is not whether it is a large expenditure, but whether it is an extravagant expenditure, and I entirely agree. Mr. President, only two years ago the appropria-tion was \$375,000. This bill, as it stands, proposes to increase that appropriation tenfold. Are we to be told that it is unreasonable to suggest, when an appropriation is increased ten times within two years, that it seems a very large expenditure? Last year the expenditure was \$1,100,000.

Mr. ALDRICH. Will the Senator permit me here?

Mr. LODGE. Certainly,
Mr. ALDRICH. Of that expenditure, \$875,000 was for administration expenses, and \$300,000 was for permanent improvements; and the Chief Forester, in a statement before the House committee this year, said that was money enough for the running expenses of his Department, but that we ought to spend

more money for improvements.

Mr. LODGE. I want to do everything that can in reason be done for the forests and for their proper preservation. Last year we spent less than \$1,200,000. Under the bill as it stands now with the reduction made by the Senate and allowing for an estimated balance for the present fiscal year, we are giving the Bureau \$2,400,000, more than twice what it had last year. Is that to be called niggardly, and are we to be told that we are crippling the service when for the next year we double the amount of money they had last year? Mr. President, it is absurd on the face of it.

Mr. NEWLANDS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nevada?

Mr. LODGE. I yield for a question. The time is short. Mr. NEWLANDS. I will ask the Senator upon what basis his assumption-

Mr. LODGE. It has been-

Mr. NEWLANDS. If the Senator will listen to my ques-

Mr. LODGE. The time is short. We have to take a recess at 6 o'clock. I have not spoken to-day, and I should like to have the time uninterrupted.

Mr. NEWLANDS. I understood the Senator agreed to yield for a question.

Mr. LODGE. It is a long period of silence for me, but it has been kept.

Mr. NEWLANDS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nevada?

Mr. LODGE. I yield for a question, but when the Senator

entered upon an explanation, of course I could not yield. have only five minutes.

Mr. NEWLANDS. Mr. President-

The VICE-PRESIDENT. The Senator from Massachusetts has not yielded.

Mr. LODGE. Yes; I will yield for a question.

Mr. NEWLANDS. I proposed to ask the Senator a question, and he interrupted me before I had given three words of my question.

Mr. LODGE. Ask the question.

Mr. NEWLANDS. I ask on what assumption does the Senator make the statement that, starting with an expenditure of

\$375,000, this bill proposed to increase it tenfold?

Mr. LODGE. If it has been said in this debate to-day once, it has been said fifty times, and the appropriations have been cited over and over again that two years ago the appropriation was \$375,000. This bill as it stood, including the estimated amount that was carried forward, carried \$3,000,000— \$2,900,000—and we cut it down \$500,000.

Mr. PROCTOR. I wish to ask a short question. I should like to ask the Senator if there has not been a great amount of land added to the forest reserves, entailing a very much larger

expenditure?

Mr. LODGE. Undoubtedly there has been a great amount added to the forest reserves, but they have not been doubled in one year, and the appropriation as it now stands, now cut down, is more than double. It has been explained, and the figures have been gone over here until I should think no one could fail to understand them. There is a million four hundred thousand dollars in the bill as it now stands-

Mr. CARTER. And over a million in the balance.

Mr. LODGE. And over a million in the balance for the present fiscal year, which is simply given to the Bureau to be spent without detail or accounting.

Mr. President, I should not have spoken at all in this matter if it were not that I do not like to be put in the attitude of crippling the Forestry Service. There is no service in the Government in which I take a greater interest; there is none that I more want to help and support, not only on account of the value of the policy, but on account of my great respect and admiration for the gentleman who is at the head of that Bureau.

But, Mr. President, I do think we ought to have the money received accounted for and appropriated as all other moneys

are accounted for and appropriated, and I can not believe that when we give him, as against \$1,100,000 last year, \$2,400,000 we are treating him in a niggardly fashion; and we are only standing as it is on the grounds of the House provision.

RECESS.

The VICE-PRESIDENT. The hour of 6 o'clock having arrived, the Senate will take a recess in accordance with the unanimous-consent agreement.

Thereupon the Senate took a recess until 8 o'clock p. m.

### EVENING SESSION

The Senate reassembled at 8 o'clock p. m.

The VICE-PRESIDENT. The Secretary will state the first bill upon the Calendar.

#### BILLS PASSED OVER.

The bill (S. 2993) to ratify an agreement with the Yankton Sioux Indians of South Dakota and making appropriation to carry the same into effect was announced as first in order upon the Calendar.

The VICE-PRESIDENT. On the 10th of last December this bill was read three times and passed, and the vote by which it was passed was afterwards reconsidered.

Mr. CLAY. The bill had better go over, then. The author of

it seems not to be here. The VICE-PRESIDENT. The bill will lie over without preju-

The bill (H. R. 17833) providing for the administration of the operations of the act of Congress approved June 17, 1902, known as the reclamation act, was announced as next in order.

The VICE-PRESIDENT. The bill has heretofore been read. The question is on agreeing to the amendment proposed by the

Senator from Idaho [Mr. Heyburn] to strike out section 5.
Mr. HEYBURN. Let the bill go over.
The VICE-PRESIDENT. The bill will lie over without

The bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia was announced as next in

Mr. GALLINGER. As the amendment submitted by the Senator from Indiana [Mr. Beveringe] is pending to this bill, and as it is a very important amendment, I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over without prejudice.

The bill (S. 5965) to establish the plan of a ship canal to be constructed in the Panama Canal Zone, ceded to the United States by the Republic of Panama under the provisions of the treaty promulgated on the 26th day of February, 1904, was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The VICE-PRESIDENT. It will go over without prejudice. Mr. HALE. Mr. President, the object of this evening session will be entirely destroyed if Senators who are interested in the bills do not come here. If every bill that comes up goes over and continues on this Calendar, it may come up at any time when Senators are not here to object and be passed by unanimous consent. I think the idea of this session was that Senators who are interested in bills, who have reported them and find that they are on the Calendar, should come here and look out for them. If we are going through the Calendar and every bill is to remain on it we shall make no progress whatever; we will not clear up the Calendar.

The VICE-PRESIDENT. What is the pleasure of the Sen-

Mr. HANSBROUGH. I suggest that Senators who are present and interested in bills should be allowed to call up such bills.

Mr. HALE. I do not think we can quite do that yet.

Mr. GALLINGER. I shall object to that course.

Mr. HALE. We can go on, and when we come to bills in charge of Senators who are not here I shall ask that they go to the Calendar under Rule IX.

Mr. GALLINGER. Let the one just reached go to the Calendar under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX.

INFORMATION CONCERNING CROPS BY DEPARTMENTAL OFFICERS.

The bill (S. 6248) to amend section 5501 of the Revised Statutes of the United States was announced as next in order on the Calendar.

The VICE-PRESIDENT. The bill has been twice read. Mr. HALE. Let the bill be read so that we may see what it is.

The Secretary proceeded to read the bill.

Mr. HALE. Let it go to the Calendar under Rule IX. The VICE-PRESIDENT. At the request of the Senator from

Maine, it will go to the Calendar under Rule IX.

Mr. CULBERSON subsequently said: I have just entered the Chamber. I understand that Senate bill 6248 has been transferred to the Calendar under Rule IX. I would be very glad if it could remain where it has been, without prejudice.

Mr. HALE. I do not like to disagree with the Senator, but the trouble is if we let these cases remain, which will give rise to debate more or less extensive, as this bill will, they are liable to be reached some time and passed by unanimous consent when Senators who are opposed to them are not present. When a bill goes to the Calendar under Rule IX it can only be taken up by a vote of the Senate. I am so much opposed to this bill that I can not consent that it shall remain where it may be passed by unanimous consent at some time when I am not here. For that reason I asked that it should go to the Calendar under Rule IX.

Mr. CULBERSON. I understand that a bill on the Calendar, even under Rule VIII, is taken up on motion, so that if this bill

should remain there

Undoubtedly when it goes to the Calendar Mr. HALE. under Rule IX it can be taken up by motion, but the Calendar under Rule VIII is almost always considered by unanimous consent, and a Senator who is opposed to a bill on that Calendar has to be here always in order to object. I do not object to any bill the Senator believes should be passed, when it goes to the Calendar under Rule IX, being taken up by a vote of the Senate, but I do not think that these controverted cases ought to remain on the Calendar under Rule VIII, where they can be taken up by unanimous consent. That is the object of the Calendar under Rule IX.

Mr. CULBERSON. Can a single objection to a bill on the Calendar under Rule VIII take it to the Calendar under

Rule IX?

Mr. HALE. Undoubtedly.
The VICE-PRESIDENT. That is the common practice.

CULBERSON. Possibly we could transfer all these bills there.

Mr. HALE. That is, all contested cases, where, I think, they ought to be practically. Rule VIII is the unanimousconsent rule.

Mr. CULBERSON. It was not my purpose, I will state to the Senator from Maine, to ask for the consideration of the bill to-night. We understand each other, as far as that cerned. I did not want it to go to the Calendar under Rule cerned. Even IX, because possibly some time it might be considered. the Senator from Maine might be willing to have it considered.

Mr. HALE. Then the Senator obliges me, being opposed to the bill, to be here every time that the Calendar under Rule VIII is considered. I do not think, considering the burden of duties that rests upon some of us, we ought to be asked to do that. I can not be here whenever the Calendar under Rule VIII is considered.

Mr. CULBERSON. We understand that, Mr. President; but because one Senator objects to a bill it ought not to prevent

its consideration for an entire session.

Mr. HALE. The Senator always, under Rule IX, has the right to move, when the opportunity offers, that the Senate shall take up a bill; but clearly the rights of Senators who have bills on this Calendar that can be considered by unanimous consent ought not to be obstructed by bills that will receive opposition and which ought to go to the Calendar under

Mr. CULBERSON. Of course, if the objection of a single Senator can take it to the Calendar under Rule IX, and the Senator from Maine insists upon its going there, I can not help myself.

### PAYMENT OF CLAIMS.

The bill (S. 5951) to repeal section 3480 of the Revised Statutes of the United States was announced as next in order on the Calendar.

That bill will require some explanation, and Mr. CARTER. the Senator having charge of the bill being absent, I suggest that it go to the Calendar under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, at the request of the Senator from Montana.

## ESTATE OF SAMUEL LEE.

The bill (H. R. 850) making appropriation to pay to the legal representatives of the estate of Samuel Lee, deceased, to wit, Samuel Lee, Anna Lee Andrews, Clarence Lee, Robert Lee, Harry A. Lee, and Phillip Lee, heirs at law, in full for any claim for pay and allowances made by reason of the election

of said Lee to the Forty-seventh Congress and his services therein was announced as next in order.

Mr. CARTER. That seems to be quite an extensive claim. I suggest that the bill go to the Calendar under Rule IX. The Senator who reported it is not present.

VICE-PRESIDENT. The bill will go to the Calendar

under Rule IX.

## JOHN SCOTT.

The bill (S. 2951) for the relief of John Scott was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, to add at the end of the bill the following proviso:

Provided, That no amount shall be allowed which was not deducted from the pay due the soldiers who had died in the service or who had deserted.

So as to make the bill read:

So as to make the bill read:

Be it enacted, etc., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to examine and settle the claim of John Scott, late sutler Twenty-first Regiment New York Cavalry, for money alleged to be due him by certain enlisted men of the said regiment who had died in the service or who had deserted; and in the examination of said claim the accounting officers are authorized to regard the certificate of the commanding officer of the regiment now on file with the case as equivalent to an entry on the muster roll of the regiment; and a sufficient sum of money to pay the amount found due to John Scott is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay all of said claim not already settled by the United States with the men or their legal representatives: Provided, That no amount shall be allowed which was not deducted from the pay due the soldiers who had died in the service or who had deserted.

The amendment was agreed to.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### ESTATE OF GEORGE W. SOULE.

The bill (S. 188) for the relief of the legal representatives of George W. Soule was announced as next in order.

The VICE-PRESIDENT. There is a memorandum on the bill to the effect that the junior Senator from Nebraska [Mr. Bur-KETT] desires to be present when the bill is considered.

Mr. CULBERSON. I was going to suggest that there is a minority report here, and that the bill had better go over.

The VICE-PRESIDENT. The bill will go over without preju-

# PENSIONS OF ARMY NURSES.

The bill (S. 695) increasing the pensions of army nurses was announced as next in order.

Mr. GALLINGER. Let that go to the Calendar under Rule

The VICE-PRESIDENT. At the request of the Senator from New Hampshire the bill will go to the Calendar under Rule IX. DRAINAGE OF SWAMP AND TIDAL LANDS.

The resolution reported by Mr. LATIMER from the Committee on Agriculture and Forestry directing the Secretary of Agriculture to submit a report on drainage of swamp, tidal, and overflowed lands, etc., was announced as the next business in order.

Mr. HALE. Let that go to the Calendar under Rule IX. . The -VICE-PRESIDENT. The resolution will go to the Calendar under Rule IX at the request of the Senator from Maine. ESTATE OF W. W. JACKSON.

The bill (S. 1569) for the relief of the estate of W. W. Jackson, deceased, was announced as next in order.

Mr. GALLINGER. Is there a report in that case?

The VICE-PRESIDENT. There is a report.

Mr. CULBERSON. How much is involved?
The VICE-PRESIDENT. Six thousand six hundred and thirty dollars

Mr. CULBERSON. I object to the consideration of the bill. The VICE-PRESIDENT. The bill will lie over without prejudice.

## STREET RAILWAY TICKETS.

The bill (S. 826) to amend "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, relating to the improper issue, sale, gift, or use of transfer tickets of street railroads was announced as next in order.

Mr. GALLINGER. The Senator from Georgia [Mr. CLAY] objected to this bill on a former occasion, and I ask that it may go over. I am sure he would object if he were here

The VICE-PRESIDENT. The bill will go over without prejudice.

INCORPORATION OF BANKS IN THE DISTRICT OF COLUMBIA.

The bill (8, 6906) to provide for the incorporation of banks within the District of Columbia was considered as in Committce of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments, in section 3, page 3, line 11, after the word "of," to insert "July;" and in line 18, after the date "1890," to insert "any person, firm, or company regularly licensed to engage in the business of private banking in the District of Columbia prior to the 1st day of January, 1906, banking institutions having officers or banking houses in foreign countries, as well as in the District of Columbia;" so as to make the section read:

to make the section read:

SEC. 3. That from and after the 1st day of July, A. D. 1907, no person, company, association, copartnership, or corporation, except associations organized under the national-bank act, corporations organized under an act of Congress entitled "An act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia," approved October 1, 1890, any person, firm, or company regularly licensed to engage in the business of private banking in the District of Columbia prior to the 1st day of January, 1906, banking institutions having officers or banking houses in foreign countries, as well as in the District of Columbia, and corporations organized under this act shall transact a banking business or maintain an office or banking house where deposits or savings are received within the District of Columbia. Any person, and any officer or agent of any company, firm, or corporation who shall willfully violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not more than \$1,000, or by imprisonment not longer than two years, or by both said punishments, in the discretion of the court.

The amendments were agreed to.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### JAMES P. BARNEY.

The bill (H. R. 9877) for the relief of James P. Barney was considered as in Committee of the Whole. It proposes to pay to James P. Barney, late first lieutenant and battalion adjutant of the Third Regiment United States Volunteer Engineers, \$247.63, to reimburse him for that amount of public funds stolen from him, without his fault or neglect, in September, 1898, at Jefferson Barracks, Mo., which funds he accounted for and paid over, notwithstanding said loss, to Maj. Willoughby

Walke, as required by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

## BRIDGES ACROSS TUG FORK OF BIG SANDY RIVER.

The bill (H. R. 19312) to authorize the Mingo-Martin Coal Land Company to construct a bridge across Tug Fork of Big Sandy River at or near mouth of Wolf Creek was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

The bill (H. R. 23218) to authorize the Kentucky and West Virginia Bridge Company to construct a bridge across the Tug Fork of Big Sandy River at or near Williamson, in Mingo County, W. Va., to a point on the east side of said river in Pike County, Ky., was considered by the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

### PAY CLERK WALTER DELAFIELD BOLLARD.

The bill (H. R. 7741) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Pay Clerk Walter Delafield Bollard, United States Navy, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ACTING ASST. SURG. GEORGE R. PLUMMER.

The bill (S. 6447) to authorize the appointment of Acting Asst. Surg. George R. Plummer, United States Navy, as an as-sistant surgeon in the United States Navy, was considered as in Committee of the Whole,

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### ALLEN V. REED.

The bill (H. R. 7676) authorizing the appointment of Allen V. Reed, now a captain on the retired list of the Navy, as a commodore on the retired list of the Navy, was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with amendments, in line 5, after the word "a," where it occurs the second time, to strike out "commodore" and insert "rear-admiral;" and in line 7, after the word "office," to insert "the

appointment to date from the 30th day of September, 1898;" so as to make the bill read:

Be it enacted, etc., That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint Allen V. Reed, now a captain on the retired list of the Navy, to be a rear-admiral on the retired list of the Navy, with the rank and pay of said office, the appointment to date from the 30th day of September, 1908.

Mr. CULBERSON. I will ask the Senator from Maine, the chairman of the Committee on Naval Affairs, how much this bill will increase the pay of this officer, from captain to rear-

admiral?

Mr. HALE. Very considerably, Mr. President. Mr. CULBERSON. It seems that he is a captain on the retired list, and the bill as it passed the House was to retire him as commodore, and the amendment of the Senate is to retire him as a rear-admiral. It seems to me that is quite a jump.

Mr. HALE. It is a very great jump. Mr. GALLINGER. I will say to the Senator that a similar bill passed the Senate precisely as it is now amended, and it was very elaborately discussed. If the Senator had time to read the report which on one occasion was made by myself, I think he would see that this officer was very badly treated and that we ought to do him justice.

Mr. CULBERSON. He is now a captain.
Mr. GALLINGER. There is, of course, no such grade now as commodore. There was originally, but that grade has been abolished. The next grade above captain is that of rear-aumiral.

Mr. HALE. I think if the Senator from Texas has any doubt

about the bill it had better go over, at any rate.

Mr. GALLINGER. I will say further to the Senator that this officer is now practically blind and he is poor. That is no reason why we should pass the bill, except a sentimental reason. It is well enough to mention that he was a very gallant officer and was deprived of his promotion under circumstances that I think he ought not to be held blamable for.

Mr. DANIEL. What pay is he getting now? Mr. GALLINGER. He is retired as a captain.

Mr. DANIEL. What pay does he get now? Mr. GALLINGER. I do not know what that pay is.

Mr. HALE. About three-fourths of \$2,800.

Mr. PETTUS. I should like to inquire what time the pay starts from under this bill?

Mr. TILLMAN. Eighteen hundred and ninety-eight. Mr. GALLINGER. Eighteen hundred and ninety-eight.

Mr. HALE. It is a retroactive bill.

Mr. CULBERSON. The statement of the Senator from New Hampshire appeals to me. I am only inquiring with reference to the matter to see what ought to be done in my judgment. It seems that the bill passed the House to retire this officer as a commodore, and the amendment is to retire him as a rearadmiral, which I understand is one grade higher than a commodore, though there is no such office now as that of com-modore in the Navy. I made the inquiry once or twice of those familiar with the subject, but have received no answer so far as to how much per annum this will increase the pay, from captain to rear-admiral.

Mr. HALE. I do not know, Mr. President.

Mr. McCUMBER. Mr. President, in this connection I should like to know what good reason there is for making the bill retroactive. It is an uncommon character of legislation.

Mr. GALLINGER. It is not very uncommon, I will say to the Senator, and if he will read the report—
Mr. McCUMBER. The Senator can tell me just as well. perhaps.

Mr. GALLINGER. I can not tell in a few words. If the Senator wishes to have the report read, it explains it thoroughly. Mr. President, there is a very small number of Senators here to-night, and, if there is objection to the bill, I will ask that it may go over.

Mr. CULBERSON. I have made no objection; I am simply

inquiring about it.

Mr. McCUMBER. I think it had better go over.
The VICE-PRESIDENT. The bill will go over without prej-

Mr. GALLINGER. I will say that at some time, if opportunity offers, when a larger number of Senators are present, I will, if no one else does, call up the bill and have it once more explained. It was very thoroughly thrashed out on two former occasions, and passed the Senate, I think, unanimously after

occasions, and passed the senate, I think, unanimously after it had been considered.

Mr. McCUMBER. I will withdraw my objection if the Senator is himself satisfied. I thought he rather gave an invitation to have it go over on account of there being so few present.

Mr. GALLINGER. I did not.

Mr. DANIEL. I will object.

The VICE-PRESIDENT. Objection being made, the bill will

be passed over without prejudice.

Mr. GALLINGER. I wish to say, in justice to myself, that I did not invite an objection. My only thought was that there were other bills yet to be considered that other Senators have an interest in, and I did not wish to block their consideration; that is all.

### MITSUI BUSSAN KAISHA.

The bill (H. R. 9289) for the relief of the Mitsui Bussan Kaisha was considered as in Committee of the Whole. It proposes to pay \$600 to the Mitsui Bussan Kaisha for damages to their steamer Hikosan Maru, caused by collision with a coal hulk owned by the United States Quartermaster's Department on July 31, 1902; and the further sum of \$948.27 to the Mitsui Bussan Kaisha for damages to their chartered steamer Shirley, caused by collision with a coal hulk owned by the United States Quartermaster's Department in Manila Bay on March 23, 1962, making altogether the sum of \$1,548.27.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF COPYRIGHT ACTS.

The bill (S. 8190) to consolidate and revise the acts respect-

ing copyright was announced as next in order.

Mr. KITTREDGE. That bill is reported by a majority of the Committee on Patents. Views of the minority have been submitted. If there is any objection, I would be very glad if the bill might be read and that certain formal committee amendments to which all are agreed might be acted upon, and then let the bill go over.

Mr. McCUMBÉR. I can see very little use of reading it now, because we shall have to take it up at some other time. It would have to be read over again, and it would be simply wast-

would have to be read over again, and it would be simply wasing time. I would not insist, with so few present, on reading
it now, and then reading it again some other time.

Mr. KITTREDGE. Of course, I appreciate the fact that a
single objection will take it over, but it is quite long, and I
think it would save quite a bit of time.

I can say for the benefit of the Senator and of Senators that with the exception of two sections of the bill, so far as the committee is concerned, there is complete accord. It is an important bill, and we are very anxious that it should pass at this session, if there is a possibility so to do.

Mr. GALLINGER. If I may be permitted to make an in-

quiry concerning a similar bill that has been reported in the other House, I will ask the Senator if that bill at all corre-

sponds with this measure?

Mr. KITTREDGE. The bill is in substance exactly like this bill, except in the respect I have indicated as to two sections. In that regard the House bill agrees with the minority and this bill with the majority of the committee.

Mr. GALLINGER. The Senator, I take it, does not expect

this bill to become a law at the present session.

Mr. KITTREDGE. I had hoped that it, too, might be passed. Mr. GALLINGER. I did not suppose there was any hope of Mr. GALLINGER. that in anyone's mind.

Mr. KITTREDGE. There is always hope.

The VICE-PRESIDENT. Is there objection to the consideration of the bill?

Mr. OVERMAN. That is the copyright bill?

The VICE-PRESIDENT. It is the copyright bill. Mr. OVERMAN. I object to its consideration.

The VICE-PRESIDENT. Objection is made.

Mr. OVERMAN. I will state that I object on account of the Senator from Florida [Mr. MALLORY], who signed the minority

report, I understand.

Mr. KITTREDGE. I said, perhaps in the Senator's absence, that I did not expect that the bill would be acted upon and finally passed to-night, stating that as regards two sections of the bill there was a difference in the committee, and with the exception I have stated the committee is in complete accord. I asked that the bill might be read, if there was no objection, and that certain committee amendments of a formal character be acted upon, and then I would ask that the bill be laid aside so that it might be considered as to those sections with a view to the presence of the Senator from Florida [Mr. Mallory] when they are considered.

Mr. OVERMAN. I think the Senator from Florida ought to be here when the bill is considered.

Mr. CLAY. I will state that the bill will necessarily lead to considerable debate. I think the Senator will find considerable opposition to it, and it will probably lead to hours of debate.

Mr. HALE. Then it may as well go to the Calendar under

Mr. KITTREDGE. I ask that it may retain its place under Rule VIII.

The VICE-PRESIDENT. On the request of the Senator from Maine the bill will go to the Calendar under Rule IX.

Mr. KITTREDGE. I hope that will not be insisted upon

Mr. HALE. I have not the least interest in the bill, but the objections which have been made disclose that it will be contested and give rise to great debate.

A bill of this kind on the Calendar under Rule VIII ought A bill of this kind on the Calendar under Rule VIII ought not to remain on the Calendar under Rule VIII; it ought to go to Rule IX and be taken up by a vote of the Senate. But under the practice which prevails here, when a Senator makes an objection, not because he has an interest in the bill, but in the interest of public business, he is solicited not to make the objection. I think the Senator must see he never can get this bill through under Rule VIII by unanimous consent.

#### GROUNDS FOR PUBLIC BUILDINGS IN THE DISTRICT.

The bill (S. 6649) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes, was announced as next in order on the Calen-

Mr. HEYBURN. I think that bill has been already read. Mr. GALLINGER. I will ask that it be read again, Mr. President.

Mr. DANIEL. It is a very important bill. I do not think the Senate is in a condition to discuss a measure so important

The VICE-PRESIDENT, Objection is made.

Mr. HEYBURN, I ask the Senator if he will not withhold his objection a moment, while I make a statement?

Mr. DANIEL. With pleasure.

Mr. HEYBURN. I only want to say—I think I may safely say—to every Senator that there has been a unanimous demand from his State that this bill should be taken up and enacted at this session.

Mr. DANIEL.

Mr. DANIEL. A unanimous demand from whom?
Mr. HEYBURN. From the newspapers of every State in the
Union, which have given the strongest kind of an expression of
approval to this measure. I had hopes that it might be taken

Mr. DANIEL. Is the Senator sure that all the editors read

this bill and understood exactly what it meant?

Mr. HEYBURN. I think it was very generally considered. It is a short bill and one that has received such universal commendation that I felt I might reasonably ask that the Senate

Mr. DANIEL. What is the amount of the appropriation? Mr. HEYBURN. It provides for the purchase of the prop-rty south of Pennsylvania avenue, and it appropriates Mr. DANIEL. \$10,000,000 for that purpose.

Mr. DANIEL. How many million? Mr. HEYBURN. Ten million. Mr. TILLMAN. It is a small item.

Mr. HEYBURN. It never can be bought for less money than that.

Mr. DANIEL. A night session is not a ten-million session.
Mr. GALLINGER. I am not going to object to the consideration of the bill, but I want to say, inasmuch as the Senator says it is a short bill, that it is a short appropriation, too. It will cost, in my judgment, twice and a half that amount at least.
Mr. McCUMBER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield

to the Senator from North Dakota?

Mr. HEYBURN. Certainly. Mr. McCUMBER. I simply desire to say, Mr. President, that the passage of this bill rather binds us irrevocably to the scheme of putting up future public buildings on Pennsylvania avenue. That may be right, but it does not appeal to me, and I think that very many reasons could be urged why we should not follow that scheme. While Senators may consider that that is the best thing to do, it certainly would give rise to considerable debate, While Senators may consider that that is the best because it is an important question. I think it would be impossible for the Senator to get that disposed of at this session.

Mr. HEYBURN. I ask that it remain on the Calendar with-

out prejudice.

The VICE-PRESIDENT. The bill will lie over without preju-

# DAVID M'CLELLAND.

The bill (H. R. 7153) for the relief of David McClelland for loss sustained at Chickamauga Park, Ga., January 29, 1904, was considered as in Committee of the Whole.

Mr. DANIEL. I ask to have the report read. I should like to have stated the ground of the liability of the United States.

The VICE-PRESIDENT. The Secretary will read the report,

at the request of the Senator from Virginia.

The Secretary read the report submitted by Mr. Kean on January 31, 1907, as follows:

The Committee on Claims, to which was referred the bill (H. R. 7153) for the relief of David McClelland, for loss sustained at Chickamauga Park, Ga., January 29, 1904, having carefully considered the same, report the same favorably to the Senate and recommend that it do pass, and adopts as its report thereon the House report on the same

do pass, and adopts as its report thereon the House report on the same measure.

The House report is as follows:

"The Committee on Claims, having considered the bill (H. R. 7153) for the relief of David McClelland, report the same favorably to the House with the recommendation that it pass.

"This bill provides for the payment to Mr. McClelland of the sam of \$171.21, for loss of personal property by fire on the morning of January 29, 1904, at the new military post at Chickamauga Park, Ga.; the claimant being late draftsman and assistant to the engineer in the Quartermaster's Department, and upon discovering the fire endeavored to put it out and saved valuable drawings belonging to the Government, was severely burned himself, and meanwhile his own clothes, drawing utensils and materials, and other personal effects were nearly all burned.

"The value which he puts upon his effects seems to be reasonable, and payment thereof is recommended by George E. Pond, Acting Quartermaster-General, United States Army, and by the War Department.

"Official and unofficial papers in the case are hereto attached."

OFFICE OF THE QUARTERMASTER-GENERAL, Washington, March 20, 1996.

OFFICE OF THE QUARTERMASTER-GENERAL,

Washington, March 20, 1906.

SIR: I have the honor to return herewith communication of Hon.

James M. Miller, chairman Committee on Claims, House of Representatives, inclosing copy of House bill 7153, Fifty-ninth Congress, first session, together with all the papers in the case (and a schedule of same) on file in this office in re claim of David McClelland, a civilian employee of the Quartermaster's Department, for reimbursement for the loss of personal property destroyed by a fire which occurred at the Army post at Chickamauga Park, Georgia, January 28, 1904.

The records show the receipt in this office, November 3, 1904, of a claim filed by Capt. H. W. French, constructing quartermaster, Chattanooga, Tenn., in favor of David McClelland, as above stated.

This claim was investigated by this office, and on November 5, 1904, was returned to Captain French with information that there was represented to Captain French with information that there has character could be paid.

Mr. McClelland was employed in the Quartermaster's Department as a civilian draftsman and assistant engineer, and occupied a room in a frame building on the grounds used by the Government as a storchouse. His room contained a fireplace, in which a fire was kept throughout the day and evening. The building was of light frame construction, built entirely of wood, with yellow-pine partitions.

On the night of January 28, 1904, a fire took place. The flames spread rapidly, and Mr. McClelland endeavored to put out the fire and save valuable drawings, but was unable to do so, and lost all of his clothing and other effects.

From the evidence disclosed this office is of the opinion that the claim is a meritorious one and Mr. McClelland should be reimbursed in the amount claimed.

Respectfully,

amount claimed

Respectfully,

Assistant Quartermaster-General, U. S. Army,

Acting Quartermaster-General.

The SECRETARY OF WAR.

[First indorsement.]

WAR DEPARTMENT, March 21, 1906.

Respectfully returned to the chairman Committee on Claims, House of Representatives, inviting attention to the within report of the Acting Quartermaster-General, under date of the 20th instant, which is favorable to the passage of the bill.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

OCTOBER 29, 1904.

SIR: I have the honor to inclose herewith claim of David McClelland for property destroyed by fire at the new Army post at Chickamauga Park, Ga.

Very respectfully,

Captain and Quartermaster, United States Army.

The QUARTERMASTER-GENERAL UNITED STATES ARMY, Washington, D. C.

OCTOBER 12, 1904.

Sin: Replying to your letter of no date, it is requested that the inclosed statement be gotten up in the form of an affidavit and returned to this office in triplicate, when the matter of securing your reimbursement for your loss will be taken up. It is also requested that the inclosed certificate from the surgeon at Camp Thomas be furnished in triplicate.

This matter would have been taken up some time ago but for the fact of not knowing your address.

Very respectfully,

Captain and Quartermaster, United States Army.

Mr. David McClelland.

Mr. DAVID McCLELLAND, Care of Allied Arts Club, 605 St. Paul street, Baltimore, Md.

Hospital, Camp Georgie, January 29, 1904.

I certify herewith that David McClelland, assistant to the engineer, Cloud Springs, Ga., was examined by me and found to have received the following injuries at the fire in office building of the constructing quartermaster, Cloud Springs, Ga., while trying to save Government property, this on or about 1 a. m. January 29, 1904:

Severe burn, right ear; slight burn, scalp; slight burn, left ear; slight burn, right hand, and severe bruise, right foot.

He is not able to perform his duties.

F. Norvall, Contract Surgeon, United States Army.

JANUARY 31, 1903.

I, David McClelland, employed by the Quartermaster's Department, United States Army, at the new military post at Chickamauga Park,

Georgia, as a draftsman and assistant to the engineer, certify herewith that I have been filling my present position since October I, 1903, during which time I have occupied a room in the building used as the Government office and storehouse in the ground.

The office contains a fireplace, in which during the winter months a fire has been kept throughout the day and evening.

On the night of January 28, at about 9.15. I retired, after seeing that the fire was banked, as was my custom. I immediately fell asleep and awoke about 1 a. m. to find the entire wall above the mantel in flames. My first impulse was to quench the fire, and I rushed through the door leading to the rear room and awakened Private Richard Pahnke, of the Hospital Corps, who occupied this room. He responded to the call with a blanket, and I secured a bucket of water at hand, and together we endeavored to quench the flames, but to no avail.

The building was of light frame construction, built entirely of wood, with thin yellow-pine partitions. The flames spread with great rapidity, and we abandoned the attempt to put out the fire, and I turned my attention to saving some valuable drawings in the office. The original tracing of the plan of the post was pinned to a large drawing board in front of the window facing the street. I selzed the board and carried it to the shelter of an adjoining building about 100 feet distant from the door of the office. I then returned for the purpose of securing some more property and entered the room for this purpose, but the heat was so intense that I was immediately forced to retire, picking up, as I did so, a revolver that lay at the head of my cot, which I fired in the air four times upon reaching the porch; this for the purpose of alarming the occupants of adjoining houses and summonling help. I then attempted to secure the surveying instruments which were in the storeroom adjoining the office, but found door to same locked, so I hastened to the back of the building and entered through the rear door to see if s

Article.	Condition.	Value.
1 Army cot	New	\$2,50
1 Army blankata	Good	7.00
2 Army blankets	New	1.7
1 pillow slip	do	.10
1 pinow sup	do	. 80
2 sheets (linen)	Good	1.00
1 leatner pillow	do	5. 00
1 rain coat	New	2.00
Pair rubber boots (Army)	do	
1 umbrella	Canada	25.00
1 heavy overcoat	Good	
1 suit gray summer clothes	do	15.00
1 heavy black sweater	New	7.50
1 blue army shirt	do	2.04
1 soft hat	Good	2.00
1 pair riding trousers (khaki)	New	1.27
1 pair riding gauntlets	New	2.0
2 pair kid gloves	do	3, 00
9 noir logging		.70
1 pair suspenders	do	, 50
1 leather belt	do	1.00
1 scarf	do	. 50
1 pair low-out shoes	Good	3.00
1 pair black shoes	do	3.00
1 pair patent-leather shoes	. New	3, 50
1 cane	. Good	1, 2
1 suit clothes	. Old	1.00
1 slouch hat	do	. 50
1 shawl strap	New	. 20
1 alligator traveling bag	do	5.00
I hair brush	do	2,50
2 combs	do	. 50
1 whisk broom	do	. 1
1 nailbrosh	do	. 25
1 nail file	do	1.50
1 razor	Good	1.50
1 looking glass	New	2.00
1 weshhowl (large) china	G0001	2.00
1 shaving mug	do	. 2
1 shaving brush		.50
1 toothbrush	do	.10
1 bottle tooth powder	New	. 50
1 ivory-edged scale	Good	. 2
n shony lined triangles	60	1.60
1 shong lined T sougre	do	. 90
1 right-line drawing pin		1.5
Tink around stool	00	. 9
1 pair gold-filled everlasses	do	5.0
		5.0
1 pair gold-filled watch (open face) silver scarf pin.	New	9.0
silver searf pin	Good	1.0
Pocket money		. 55
1 book, Martin's Construction Details	New	2, 00
1 set of civil engineering books, 13 volumes		
2 books on general building construction	}do	a 30, 00
Miscellaneous plates, unbound books, etc	Good	5.00
Total		171.2

The original cost to me of these books was about \$140. The publishers of them are willing, however, to replace them for \$30, in consideration of the conditions under which they were lost.

In view of the conditions under which my property was destroyed, I hereby make claim for compensation.

I inclose herewith a certificate received from the medical officer at Camp Thomas, who dressed the burns received during the fire.

In my opinion, the fire started by a spark igniting the woodwork adjacent to and surrounding the chimney stack.
Respectfully submitted.

DAVID MCCLELLAND.

Witness PARKER S. BURBANK.

Parker S. Burbank.

Be it remembered that on this 20th day of October, 1904, before me, the subscriber, a notary public of the State of Maryland, residing in Baltimore, State of Maryland, personally appeared David McClelland, who, being duly sworn by me, made oath in due form of law that the above facts as enumerated are true as stated.

Sworn to and subscribed before me this 20th day of October, 1904, as witness my hand and seal at Baltimore aforesafd.

[SEAL.]

PARKER S. BURBANK, Notary Public.

OFFICE OF CONSTRUCTING QUARTERMASTER, Chattanooga, Tenn., June 14,

Sir: In reply to your letter of the 10th of June, 1904 (106149), I have the honor to request that a board of survey be appointed to act on property destroyed by fire in the Barringer House at Chickamauga Park, Georgia, during the night of January 28 and 29, 1904, and that the affidavits filed with my return be returned for use as evidence for the andavits ned with his tree was made by telegraph to your office Hequest for board of survey was made by telegraph to your office January 29, 1904.

Very respectfully,

H. W. French,

Captain and Quartermaster, United States Army. The QUARTERMASTER-GENERAL UNITED STATES ARMY.

Washington, D. C.

[First indorsement.]

WAR DEPARTMENT. OFFICE OF THE QUARTERMASTER-GENERAL,
Washington, June 27, 1904.

Respectfully returned, by direction of the Quartermaster-General, to Capt. H. W. French, quartermaster, United States Army, custom-house building, Chattanooga, Tenn.
Affidavits filed as voucher 1, Abstract I, third quarter, fiscal year 1904, are herewith returned, as requested.

Major and Quartermaster, United States Army.

[Second indorsement.]
OFFICE OF CONSTRUCTING QUARTERMASTER,
Chattanooga, Tenn., October 12, 1904.

Respectfully returned to the Quartermaster-General, United States Army, Washington, D. C., proceedings of board of survey inclosed herewith. It is requested that it be filed as voucher 1, Abstract I, third quarter, fiscal year 1904, with my return of quartermaster's supplies for that quarter.

H. W. FRENCH, Captain and Quartermaster, United States Army.

A true copy :

H. W. French, Captain and Quartermaster, United States Army.

Indorsements on office letter dated October 29, 1904. [First indorsement.]

WAR DEPARTMENT,

War Department,

Office of the Quartermaster-General,

Washington, November 5, 1904.

Respectfully returned, by direction of the Quartermaster-General, to
Capt. H. W. French, constructing quartermaster, Chattanooga, Tenn.,
with the information that there is no appropriation available in this
Department from which a claim of this character can be paid.

Congress alone can afford relief.

J. B. Bellinger, Major and Quartermaster, U. S. Army. [Second indorsement.]

Office of the Constructing Quartermaster, Chattanooga, Tenn., November 9, 1904.

Respectfully referred to Mr. David McClelland, care of Allied Arts Club, 605 St. Paul street, Baltimore, Md., inviting attention to preceding indorsement.

H. W. FRENCH Captain and Quartermaster, U. S. A

Mr. DANIEL. I object to the consideration of the bill. The VICE-PRESIDENT. Under objection, the bill will go over.

GEORGE A. ARMSTRONG.

The bill (S. 7921) for the relief of George A. Armstrong was considered as in Committee of the Whole.

Mr. DEPEW and Mr. GALLINGER. The amount is left blank.

Mr. NIXON. Mr. President, since the introduction of this bill I have taken the matter up with the Auditor for the War Department, and he states that the pay and emoluments for a captain of cavalry, including servant's allowances, from January 28 to May 30, 1864, both dates included, are \$532.45. I ask that that amount be inserted in the bill.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. Before the word "dollars," in line 7, it is proposed to insert "five hundred and thirty-two;" and after the word "dollars," to insert "forty-five cents;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George A. Armstrong, late captain Company D. Seventh Michigan Cavairy, out of any money in the Treasury not otherwise appropriated, the sum of \$532.45. as pay and emoluments from January 28, 1864, to May 30, 1864, inclusive.

The amendment was agreed to.

Mr. DANIEL. I ask that the report be read. The VICE-PRESIDENT. There is no report with the bill.

Mr. DANIEL. There is nothing here to show the liability

of the Government that I can see.

Mr. NIXON. I have a letter from the Treasury Department in regard to this matter, and I believe the committee reported unanimously in favor of the bill.

Mr. NEWLANDS. I suggest that the letter be read.

Mr. DANIEL. I ask the Senator to have the letter read so that we may understand what we are doing.

The VICE-PRESIDENT Without chication the Secretary

The VICE-PRESIDENT. Without objection, the Secretary will read the letter as requested.

The Secretary read as follows:

TREASURY DEPARTMENT, Washington, February 2, 1907.

Hon. George S. Nixon, United States Senate.

SIR: In reply to your letter of the 1st instant, inclosing a copy of bill S. 7921, for the relief of George A. Armstrong, late captain, Seventh Michigan Cavairy, and asking what amount will be due if said bill is passed, I have the honor to inform you that the pay and emoluments of a captain of cavairy, including servant's allowances, from January 28 to May 30, 1864, both dates included, are \$532.45.

Your letter and the copy of the bill which accompanied it are returned herewith.

Respectfully,

B. F. HARPER, Auditor.

Mr. NIXON. Mr. President, in explanation of this, I would say that while Captain Armstrong was dismissed from the service, it appears from the records of the War Department that he made application for restoration thereto, and that his case was referred to a military commission for an investigation and report, which resulted in his acquittal and a recommendation that he be restored to duty. This amount is to cover the time during which he was separated from the service and for which he was never paid.

Mr. DANIEL. I should like to know why the Government should pay for the time that he was suspended. He was suspended by a court-martial and the terms of his reinstatement are not related to us. We do not know whether it was an act, in some degree, of clemency. It may have been. We can not tell what the ground is, and we have no information imparted to the Senate showing any liability on the part of the Gov-ernment, nor any equity on the part of the man. I object to the consideration of the bill.

The VICE-PRESIDENT. Objection being made, the bill will go over.

W. B. SUTTER.

The bill (H. R. 5169) for the relief of W. B. Sutter, was considered as in Committee of the Whole. It directs the Postmaster-General to allow on the accounts of W. B. Sutter, postmaster at Lindsey, Pa., a credit of \$218.19, for postage stamps and money stolen from that post-office by burglars March 15-16, 1898.

Mr. CLAY. Is there a report from the Committee on Post-Offices and Post-Roads in regard to that bill? I do not recall that any action has been taken by the committee on it. I may be mistaken about it, however.

The VICE-PRESIDENT. There is a report accompanying the bill.

Mr. CLAY. I shall not object if there is a report.

Mr. SPOONER. Let the bill be again read.
The VICE-PRESIDENT. The bill will be again read.

The Secretary again read the bill.

Mr. SPOONER. Is that bill recommended by the Post-Office Department?

Mr. TILLMAN. It is recommended by the Post-Office Committee.

The VICE-PRESIDENT. There is a letter from the Post-master-General embodied in the report of the committee.

Mr. SPOONER. Recommending the passage of this bill?

The VICE-PRESIDENT. The Secretary will read the letter of the Postmaster-General in the report of the committee.

The Secretary read as follows:

Office of the Postmaster-General,

Washington, D. C., January 29, 1907.

Sir: I have the honor to acknowledge receipt of your communication of the 25th instant, transmitting bill (H. R. 5169) for the relief of W. B. Sutter, postmaster at Lindsey, Pa., and requesting my opinion as to its merits.

as to its merits.

It appears from the records of this Department that Mr. Sutter filed a claim for credits aggregating the amount mentioned in the bill, on account of loss resulting from the burglary of his office March 15, 1898, and that the claim was disallowed by Postmaster-General Smith, for the reason that the stamps and funds stolen were taken from a safe, the "combination" of which had not been changed by the postmaster as required by the regulations of the Department, and the outer door of which was opened by the burglars without resort to the use of force.

Subsequently affidavits were presented to Postmaster-General Payne, from which, as appears from his letter to Hon. Joseph V. Graff, dated March 2, 1904, a copy of which is herewith inclosed, he was convinced that the loss in question did not result from fault or negligence on the

part of the postmaster, and that relief could properly be granted by the Congress. I see no reason to dissent from his view of the matter.

Very respectfully,

GEO. B. CORTELYOU, Postmaster-General.

Hon. Boies Peneose, Chairman Committee on Post-Offices, etc.

Mr. CULBERSON. I am a member of the Committee on Post-Offices and Post-Roads, and yet I never before heard of that bill. It may have been acted on in my absence, but, under

the circumstances, I object to it.

The VICE-PRESIDENT. Under the objection of the Senator from Texas, the bill will go over, without prejudice.

Mr. SPOONER. What becomes of bills to which objection is

made, Mr. President?

The VICE-PRESIDENT. They go over without prejudice, and they remain on the Calendar, under Rule VIII.

Mr. SPOONER. If they do not go over without prejudice, as

understand it, they go to the Calendar under Rule IX?
The VICE-PRESIDENT. If the request is made that they go to the Calendar under Rule IX, they are so transferred.

BARCLAY H. WARBURTON.

The bill (H. R. 3577) for the relief of Barclay H. Warburton as considered as in Committee of the Whole. It proposes to was considered as in Committee of the Whole. appropriate \$1,079 for the purpose of reimbursing Barclay H. Warburton, of Philadelphia, Pa., for revolvers, holsters, and cartridge boxes furnished by him to the United States Government while serving as captain of Light Battery A, National Guard of Pennsylvania, for the equipment of that company during the war with Spain, etc.

Mr. SPOONER. Is there a report with that bill? The VICE-PRESIDENT. There is a report with the bill. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILBURN WAGON COMPANY, OF TOLEDO, OHIO.

The bill (H. R. 5195) for the relief of the Milburn Wagon Company, of Toledo, Ohio, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the Milburn Wagon Company, of Toledo, Ohio, \$1,150, being the balance of an amount justly due said company for the construction and delivery of 100 Army wagon beds, under a contract for the same entered into between that company and the Quar-

termaster-General of the Army during the year 1903.

Mr. CULBERSON. I should like to have that bill explained, Mr. President, so we may know what it is. I dislike to object to the bill if I do not know what it is.

Mr. FORAKER. Mr. President, I can state what the bill is. The Milburn Wagon Company, of Toledo, Ohio, had a contract to make 100 wagon beds. The contract was awarded to them upon a bid. It was discovered after the bidding was over that a mistake had been made in the making of the bids. The War Department thereupon, however, requested the Milburn Wagon Company, under the necessities of the situation, to go ahead with the contract, advising them that they would recommend that a bill be passed by Congress to give them relief to cover the difference between the amount of the bid and the actual cost. They went ahead on the assurance of the Department. There were 100 wagon beds delivered, and this bill is to reimburse the company for the actual cost to which they were subjected in making and delivering those wagon beds. They were without fault in the matter, and immediately notified the Department. There is a report accompanying the bill showing the facts.

The bill was reported to the Senate without amendment, or dered to a third reading, read the third time, and passed.

MISS BERNICE FARRELL.

The bill (H. R. 8078) for the relief of Miss Bernice Farrell was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Miss Bernice Farrell, of St. Paul, Minn., the sum of \$400, which sum was erroneously paid by her for the entry of public lands in the local land office of the Duluth (Minn.) district, on November 25, 1903, which entry was subsequently relinquished by her at the request of officers of the United States.

Mr. SPOONER. I think it would be just as well and quite as polite to strike out the word "Miss" in the bill before the name

Bernice Farrell."

Mr. TILLMAN. It being a House bill, such an amendment would send it to conference.

Let it go.

Mr. SPOONER. That is so. Let it go. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF M. A. PHELPS AND JOHN W. RENNER.

The bill (H. R. 12009) for the relief of the heirs at law of M. A. Phelps and the heirs at law of John W. Renner was considered as in Committee of the Whole. It proposes to appro-

priate the sum of \$416.20, to be paid into the registry of the United States district court in bankruptcy for the southern district of Ohio, western division, to be used and disposed of under the direction of the United States district judge in Cincinnati, Ohio, to be applied in the payment of final dividends as follows: In case No. 1100 in bankruptcy in said United States district court in the matter of the involuntary bankruptcy of Benjamin Homans, jr., to the personal representatives of M. A. Phelps, deceased, \$315; to the personal representatives of John W. Renner, \$101.20; such amounts having been, by misapprehension, paid the assistant treasurer of the United States at Cincinnati, Ohio.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OSCAR FULGHAM.

The bill (H. R. 19493) to reimburse Oscar Fulgham, exsheriff of Madison County, Ala., for judgment and costs rendered against him when acting in the service of the United States, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay \$434.55 to Oscar Fulgham, ex-sheriff of Madison County, Ala., to reimburse him for judgment and costs rendered against him by the State courts, resulting from his action while he was sheriff of Madison County, Ala., in recovering three mules, at the request of General Coppinger, who was in the command of the Federal troops stationed at Huntsville, Ala., during the winter of 1898 and 1899, which were stolen from the corral at the camp of the troops stationed at Huntsville, Ala., during the winter of 1898 and 1899.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COLUMBIA HOSPITAL AND DR. A. E. BOOZER.

The bill (H. R. 7746) for the relief of Columbia Hospital and Dr. A. E. Boozer was considered as in Committee of the Whole. It proposes to appropriate \$125 to pay the claim of the Columbia Hospital, of the city of Columbia, S. C., and Dr. A. E. Boozer, of said city, for nursing, board, and medical attention to Henry Hofar, a civilian teamster of the United States Army, in that city for the period extending from November 7 to December 12, 1898, at the request of Brigadier-General Cole, of Third Brigade, Second Division, Second Army Corps, United States Army.

Mr. SPOONER. There is no provision contained in this bill for a division between the hospital and Doctor Boozer. Is it

proposed to divide the sum equally?

Mr. TILLMAN. I do not know anything about how they divide it. I suppose they settle that. Perhaps Doctor Boozer is the physician of the hospital.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

LOSSES BY FIRE AT ROCK ISLAND ARSENAL.

The bill (H. R. 11676) for the relief of persons who sustained property damage caused by fire at the Rock Island Arsenal was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HAMILTON D. SOUTH.

The bill (H. R. 1078) for the relief of Hamilton D. South, second lieutenant, United States Marine Corps, was considered second neutenant, United States Marine Corps, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Hamilton D. South, second lieutenant, United States Marine Corps, \$1,157, to be a payment in full for all losses of personal property incurred by him by reason of the destruction by fire of the marine barracks at Pensacola Navy-Yard on the 21st day of December, 1901.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WIDOW AND MINOR SON OF CAPT. CHARLES W. DAKIN, AND OTHERS. The bill (H. R. 15909) to reward the widow and minor son of Capt. Charles W. Dakin and the widow and minor children of Thomas J. Hennessy, late of the San Francisco fire department, who lost their lives while fighting a fire on board of the United States Army transport Meade, was considered as in Committee of the Whole.

Mr. KITTREDGE. Let that bill go over, Mr. President.

The VICE-PRESIDENT. At the request of the Senator from South Dakota, the bill will go over.

Mr. PERKINS. I hope the Senator from South Dakota will listen to the reading of the letter written to the Military Secretary by General Funston, commanding the Department of California, before objecting. If he then objects to it, I will

have nothing more to say.

Mr. CARTER. Let the bill be first read through, Mr. Presi-

dent.

Mr. PERKINS. It will appeal to us very strongly. The bill has passed the House of Representatives without objection.

Mr. CARTER. Let the Senator from South Dakota withdraw his objection and let the bill be read through.

Mr. KITTREDGE. I have no objection to the bill being read, if it is the desire of Senators. I think it is only fair to state, however, that after the bill is read I shall interpose an objection.

Mr. GALLINGER. Let the bill go over.

Mr. PERKINS. I should like very much to have the letter of General Funston read.

Mr. CARTER. Let us see what the bill is first. The VICE-PRESIDENT. Is there objection to the reading of the bill? The Chair hears none, and the Secretary will read the bill.

The Secretary read the bill.

The VICE-PRESIDENT. The Senator from California requests the reading of the letter of General Funston. Is there objection?

I will say in addition that the bill has the approval of the War Department.

Mr. KITTREDGE. I think I should state again that I object

Mr. GALLINGER. That ought to end it.
Mr. GALLINGER. That ought to end it.
Mr. PERKINS. I hope my friend will permit the letter of General Function to be read, so that it may go into the Record.
Mr. HALE. Let the letter of General Function be printed in the Record to satisfy the Senator from California and the record to the control of the control of the Record to satisfy the Senator from California and the record to the control of the con

the RECORD to satisfy the Senator from California, and then let us go on with some other business.

Mr. PERKINS. Let the whole report be printed.
The VICE-PRESIDENT. The entire report will be printed in the RECORD without being read, if there is no objection.

Mr. McCUMBER. Has it not already been printed? Mr. TILLMAN. Not in the Record.

Mr. McCUMBER. It has as a report. What is the use of

Mr. McCUMBER. It has as a report. What is the use of duplicating it in the Record?

Mr. PERKINS. The use of doing it is that these men in defense of the property of the United States gave their lives. They have left wives and three little children, each from 1 to 4 years of age. The military Department of California, commanded by General Funston, has asked and recommended this appropriation. The War Department has recommended it. The fire department of San Francisco has recommended it; and as the Senator from South Dakota objects to the passage of the bill or its consideration at this time, the least he can do is to consent that the record of the heroism of these men who gave their lives in defense of the property of this Government shall go into the RECORD, and I insist upon that.

Mr. SPOONER. I see that the bill is recommended by the Acting Secretary of War; by General Funston; by the Quartermaster-General, and by General Bate, Lieutenant-General, Chief

of Staff.

Mr. PERKINS. And also by the Assistant Secretary of War,

Mr. Oliver.

The VICE-PRESIDENT. Is there objection to the request of the Senator from California that the entire report of the committee be printed in the RECORD without reading? The Chair hears none, and it is so ordered.

The report submitted by Mr. Fulton January 31, 1907, is as

follows:

The Committee on Claims, to which was referred the bill (H. R. 15909) to reward the widow and minor son of Capt. Charles W. Dakin and the widow and minor children of Thomas J. Hennessy, late of the San Francisco fire department, who lost their lives while fighting a fire on board of the U. S. Army transport Meade, having had the same under consideration respectfully report the same back to the Senate with the recommendation that it do pass.

The report of the House Committee on Claims, which is hereto attached and made a part hereof, quite fully states the facts on which the claim is based.

The House report is as follows:

"The Committee on Military Affairs, to whom was referred the bill (H. R. 15909) entitled "A bill to reward the widow and minor son of Capt. Charles W. Dakin and the widow and minor children of Thomas J. Hennessy, late of the San Francisco fire department, who lost their lives while fighting a fire on board of the U. S. Army transport Meade," report the same back to the House with the recommendation that it do pass.

"Capt. Charles W. Dakin and Thomas J. Hennessy lost their lives while bravely fighting a fire on board of the U. S. Army transport Meade on the night of January 31, 1906. By their heroism and bravery they helped to save Government property of great value, although in so doing they were overcome by smoke and gases in the hold of the ship and fell dead at their post of duty. The following correspondence explains fully the merits of the bill:

"Was Department,"

explains fully the merits of the bill:

"WAR DEPARTMENT,

"Washington, February 21, 1906.

"Dear Sir: I have the honor to submit, for your consideration, a letter from Gen. Frederick Funston, commanding the Department of California, urging the Department to seek Congressional relief for the families of two firemen who lost their lives in the recent fire on board the transport Meadc.
"As these men were not in the service of the United States in any

capacity, but were employed by the fire department of the city, I hesitate to refer the case formally to Congress, and have thought it better to first submit the matter to you, as their Representative in Congress, for your consideration and action.

"If a bill were introduced and referred here for report, the Department's attitude would be most favorable, en account of the heroic manner in which these men lost their lives in endeavoring to save property of the United States.

"Very respectfully,

ROBERT SHAW OLIVER,
"Acting Secretary of War.

ROBERT SHAW OLIVER, "Acting Secretary of War.

"Hon. Julius Kahn, "House of Representatives."

HEADQUARTERS DEPARTMENT OF CALIFORNIA,
OFFICE OF THE COMMANDING GENERAL,
San Francisco, Cal., February 12,
1906.

Sir: During the disastrous fire that occurred on board the United States Army transport Meade, lying at her wharf in this city, early on the morning of the 1st instant, two members of the San Francisco fire department, Charles Dakin and Thomas J. Hennessy, lost their lives. These men, with a number of their comrades, had gone down into the hold of the ship and were making a heroic fight against the fire when they were overcome by smoke and gases and perished.

They met their deaths not from some untoward accident, but solely as a result of their heroism in sticking to their post in the presence of great and evident danger. Both left families in absolutely destitute circumstances—Dakin a widow, Frances Dakin, and a son 12 years of age, and Hennessy a widow, Ellen J. Hennessy, and three children, 4, 2, and 1 years of age, respectively.

While it is recognized that the families of these men have no legal claim against the United States, I desire to submit that it would be a very proper and graceful thing for Congress to recognize their heroic services by removing their families from the fear of want in the immediate future by an appropriation of \$10,000 for the relief of the widow of each of the men named. The San Francisco fire department has on several occasions rendered highly valuable service during fires on the military reservations immediately contiguous to this city, and the present occasion gives an opportunity for the Government to recognize their services in a highly appropriate manner.

Very respectfully,

\*\*Frederick Funston\*\*,

\*\*Brigadier-General\*\*, Commanding.\*\*

FREDERICK FUNSTON,
Brigadier-General, Commanding.

THE MILITARY SECRETARY,
War Department, Washington, D. C.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER-GENERAL,
Washington, February 20, 1906.

Respectfully returned to The Military Secretary.

While I know of no precedent of Congressional action in cases similar to those herein mentioned, I agree with General Funston in his remarks that it would be a very proper act for Congress to recognize the services of the two San Francisco firemen who lost their lives while fighting the fire on the Army transport Meade on February 1, 1906, either by making a generous appropriation for the benefit of their families or granting a pension to their widows.

I therefore recommend that this matter be submitted to the Secretary of War with recommendation that it be brought to the attention of Congress and favorable action thereon taken.

C. F. Humphrey,

C. F. Humphrey, Quartermaster-General United States Army. [Third indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, February 21, 1906.
Respectfully submitted to the honorable the Secretary of War, concurring in the recommendations of General Funston and the Quartermaster-General.

J. C. BATES, Lieutenant-General, Chief of Staff.

OFFICE OF THE BOARD OF FIRE COMMISSIONERS, San Francisco, February, 7, 1996.

Hon. E. A. Hayes, House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

DEAR SIR: On February 2, 1906, the board of fire commissioners of the city and county of San Francisco, in regular session assembled, adopted the following resolutions:

"Whereas, on February 2, 1906, while engaged in the voluntary and purely patriotic service of saving one of our nation's transports, the Meade, from destruction by fire, two of the gallant members of this department heroically gave up their lives: Therefore be it

"Resolved, That the board of fire commissioners of the city and county of San Francisco does hereby place on record its testimonial to the bravery of Capt. Charles W. Dakin, of engine company No. 4, and Hoseman Thomas J. Hennessy, of engine company No. 22, and its sense of the loss to the department through the death of these two men; and be it further

"Resolved, That the secretary of this commission extend to the families of the deceased its condolence in their bereavement; and be it further

lies of the deceased its condolence in their bereavement; and be it further

"Resolved, That it is the sentiment of this board that it would be eminently proper and just for Congress to recognize the bravery and gallantry of the deceased by making some provision for their afflicted widows and orphaned children, and the president of this board, together with the chief engineer of the department, are herewith authorized and requested to make such representations to the National Government, through Congressmen Julius Kahn and E. A. Haxes, of the Fourth and Fifth Congressional districts, as may best serve to bring needed relief to the distressed and afflicted families."

In accordance with said resolution the undersigned respectfully bring to your attention the facts which led to the adoption of the resolution and the propriety of action by the Federal Government in the premises. On Wednesday, January 31, a fire occurred upon the transport Medde, lying at the United States transport pier in the Bay of San Francisco. Notwithstanding the fact that the fire was outside of municipal jurisdiction, both as to the site of the fire and the location of the vessel, the fire department of San Francisco, with its usual bravery and heroism, responded to the call for aid and subdued the flames with much attendant danger and difficulty. In so doing, notwithstanding the exercise of the utmost care, the stifling fumes arising from the burning hold extinguished the lives of the two brave men whose names appear in the reso-

lution, the subaltern losing his life in the vain endeavor to rescue his

lution, the subaltern losing his life in the vain endeavor to rescue his superior.

No more commendable acts of courage than those performed by these two men are recorded in the annals of local history.

Their death leaves dependent on public support two widows and four little children, entirely destitute of this world's goods. A charitable response has been made by the people of San Francisco for the temporary alleviation of their condition.

It would seem, under the circumstances, especially justifiable and proper to ask the Government of the United States to make some provision for the families of these deserving men, not only for the actual necessities which inspire this communication, but also as an encouragement for further and future deeds of valor on the part of the ever self-sacrificing membership of this department.

Therefore we respectfully, but earnestly, request you in suitable manner to present these suggestions to the proper authorities for attention and consideration.

Thanking you in advance for your courteous compliance with our request, we are, on behalf of the fire department of the city and county of San Francisco,

Very respectfully, yours.

H. M. WIEDEN,

President Board of Fire Commissioners.

D. T. Sullivan,

Chief Engineer San Francisco Fire Department.

Mr. PERKINS. The bill will go over under Rule VIII.

Mr. PERKINS. The bill will go over under Rule VIII. The VICE-PRESIDENT. It will retain its place on the Cal-

### JOHN AND DAVID WEST.

The bill (H. R. 18865) for the relief of John and David West was considered as in Committee of the Whole. It proposes to pay to John and David West, of Cathlamet, Wahkiakum County, State of Washington, \$88.50, as a reimbursement in full for all damage to their dock or wharf in the Columbia River at Cathlamet accidentally inflicted by the United States dredge W. S. Ladd in the month of December, 1901.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HENRY O. BASSETT.

The bill (H. R. 3268) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased, was announced as the next

business in order, and was read.

Mr. GALLINGER. Is that all there is of the bill?

The VICE-PRESIDENT. That is all.

Mr. GALLINGER. I suggest that we ought to have a portion of the report read, at least. It seems to be a gratuity.

The VICE-PRESIDENT. There is a report accompanying

Mr. GALLINGER. Let the bill go over for the present.

The VICE-PRESIDENT. The bill will go over, retaining its

# JOHN A. BINGHAM.

The bill (S. 7143) directing the Postmaster-General to credit John A. Bingham, late postmaster at Vandalia, Ill., in the sum of \$500 on account of stamps lost by burglary, was considered

as in Committee of the Whole.

Mr. CULBERSON. Let the report be read, if it is not long.

The VICE-PRESIDENT. The report will be read, at the request of the Senator from Texas.

The Secretary read from the report submitted by Mr. Hor-kins January 31, 1907, as follows:

The Committee on Post-Offices and Post-Roads have considered the bill (S. 7143) directing the Postmaster-General to credit John A. Bingham, late postmaster at Vandalia, Ill., in the sum of \$500 on account of stamps lost by burglary.

The bill has not the approval of the Post-Office Department, as will appear by the annexed letter, but the committee is of the opinion that as precedents have been established to relieve postmasters who have experienced similar losses the same course should be pursued in this case, and therefore recommend that the bill pass.

Mr. CULBERSON. I object to the consideration of the bill. The VICE-PRESIDENT. The bill will go over without preju-

# ANNA B. MOORE.

The bill (S. 7922) to reimburse Anna B. Moore, postmaster at Rhyolite, Nev., for money expended for clerical assistance was considered as in Committee of the Whole.

Mr. OVERMAN. Let the report be read.

The VICE-PRESIDENT. The Secretary will read the report, at the request of the Senator from North Carolina, if there

is no objection.

The Secretary read the report submitted by Mr. Hopkins January 31, 1907, as follows:

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 7922) to reimburse Anna B. Moore, postmaster at Rhyolite, Nev., for money expended for clerical assistance, having considered the same, report thereon with a recommendation that it be amended as follows:

In line 6, after the word "thousand," strike out the words "eight hundred and fifty-two" and insert "ninety-two," so that the bill as amended will read "one thousand and ninety-two dollars;" and that the bill, thus amended, pass,

The bill as amended has the approval of the Post-Office Department, as will appear by the following letter:

"Post-Office Department,
"Office of the Postmaster-General,
"Washington, D. C., January 26, 1907.

"Sir: I have the honor to acknowledge the receipt of your letter of the 19th instant, inclosing copy of bill (S. 7922) 'To reimburse Anna B. Moore, postmaster at Rhyolite, Nev., for money expended for clerical assistance,' and requesting an opinion regarding its merits.

"The post-office at Rhyolite was established in June, 1905, and owing to the rapid increase in the receipts, became Presidential on October 1, 1906. The \$1,852 claimed by Mrs. Moore represents the amount paid by her for clerical assistance from September 1, 1905, to June 30, 1906, while the office was of the fourth class.

"Under date of October 20, 1905, the postmaster applied to the Department for an allowance effective October 1, 1905, sufficient to enable her to employ one clerk. On January 10, 1906, she renewed her application, suggesting that the allowance be made effective November 1, 1905.

partment for an allowance effective October 1, 1905, sufficient to enable her to employ one clerk. On January 10, 1906, she renewed her application, suggesting that the allowance be made effective November 1, 1905.

"The only appropriation available for the payment of clerical assistance at the Rhyolite office during the period mentioned was the appropriation for 'unusual business at third and fourth class post-offices.' That appropriation, however, was so far depleted at the time the postmaster at Rhyolite made an application for an allowance that the Department found it impracticable to allow but \$30, effective April 1, 1906, to cover the months of April, May, and June, 1906.

"The conditions obtaining at Rhyolite during the nine months when the postmaster made the payments for which she asks reimbursement were extraordinary and the need for clerical assistance was undoubtedly an urgent one, and notwithstanding that the conditions at fourthclass offices are frequently such that the postmaster is obliged to use a portion of his or her own salary to maintain the service, it is hardly reasonable to expect that the postmaster at Rhyolite, whose compensation was derived from cancellations and could not exceed in amount \$1,000 per annum, should employ assistance costing at the rate of not less than \$4 per day, as was necessary, according to the correspondence on file in the Department both from the postmaster and from the field representative of the Department, whose station is in that section of the country. But it is difficult to determine the precise amount to which the postmaster is justly entitled. Inasmuch as the postmaster at no time during the nine months involved suggested the necessity for employing more than one clerk, and as late as May 25, 1906, mentions the fact that she had employed one since October, 1905, it is believed that the claim should be reduced to the equivalent of \$4 per day from October 1, 1905, to June 30, 1906, which would amount to \$1,092. This would be in addition to the \$30 allowed b

"GEO. B. CORTELYOU, "Postmaster-General.

"Hon. Boies Penrose,
"Chairman Committee on Post-Offices and Post-Roads."

The bill had been reported from the Committee on Post-Offices and Post-Roads with an amendment, in line 6, after the word "thousand," to strike out "eight hundred and fifty-two" and insert "and ninety-two dollars;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Anna B. Moore, postmaster at Rhyolite, Nev., out of any money in the Treasury not otherwise appropriated, the sum of \$1,092, to reimburse her for money expended for necessary clerical assistance.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# OVERTIME CLAIMS OF CERTAIN LETTER CARRIERS. .

The bill (S. 1181) to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitations was considered as in Committee of the Whole.

Mr. CLAY. I should like to hear the report read in connection with that bill.

Mr. SPOONER. It will take all night.

Mr. CLAY. Will it?
Mr. HALE. Yes. The bill had better go over.

The VICE-PRESIDENT. The bill will go over without preju-

Mr. SPOONER. The report consists of fifty-nine pages

Mr. CLAY. I am not familiar with the merits of the matter. Mr. SPOONER. One can not become familiar with the merits of it in five minutes.

Mr. CLAY. I should think not.

## PATRICK J. MADDEN.

The bill (H. R. 4271) for the relief of Patrick J. Madden was considered as in Committee of the Whole. It proposes to pay to Patrick J. Madden \$223.71, being the amount of money which was stolen from the Cambridgeport (Mass.) Station of the Boston post-office, and paid to the Post-Office Department by Madden under protest.

Mr. OVERMAN. Is the bill recommended by the Depart-

Mr. CULBERSON. Let the report be read.

The Secretary read from the report submitted by Mr. Fulton January 21, 1907, as follows:

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 4271) for the relief of Patrick J. Madden, having considered the same report thereon with a recommendation that it pass.

The features of this bill are fully set forth in Report No. 4192 of the House of Representatives, herewith appended, and which is made a part of this report, the Post-Office Department being unable to sup-ply additional information, as will be seen by the accompanying com-munication from the Postmaster-General.

Office of the Postmaster-General.

Office of the Postmaster-General,

Washington, D. C., January 29, 1907.

Sir: I have the honor to acknowledge receipt of your communications of the 25th and 29th instant, relative to bill (H. R. 4271) for the relief of Patrick Madden, a clerk in the Cambridgeport station of the post-office at Boston, Mass.

All the information material to the case in the possession of this Department is embraced in the printed reports in the possession of your committee, and inasmuch as the loss sustained by Mr. Madden is not one for which existing statutes provide any relief, I do not feel warranted in expressing any opinion as to the merits of the bill.

Very respectfully,

Geo. B. Corpelyou

GEO. B. CORTELYOU, Postmaster-General.

Hon. Boies Penrose, United States Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### HOLTZER-CABOT ELECTRIC COMPANY.

The bill (H. R. 14381) authorizing and directing the Secretary of the Treasury to pay to the Holtzer-Cabot Electric Company the amount due said company from the Post-Office Department was considered as in Committee of the Whole. It proposes to pay \$4,656 to the Holtzer-Cabot Electric Company, of Brookline, Mass., being the balance due the company from the Post-Office Department for electric motors sold that Department

Mr. OVERMAN. What is the report of the Department? Is the bill recommended by the Department?

Mr. SPOONER. The Postmaster-General says:

The claim is without doubt a just one and would have been paid long ago had not the appropriation been exhausted. The company furnished the motors in good faith and rendered direct to the Department a bill for each at the time of shipment to the office for which it was intended. These bills were allowed to accumulate during the period above mentioned instead of being ordered paid when received, as is the customary practice.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### DISTRICT STREET RAILWAYS.

The bill (S. 825) to authorize street railway companies in the District of Columbia to convey small freight, express matter, etc., was considered as in Committee of the Whole.

Mr. CARTER. Is there any limitation as to the hours during

which this traffic may progress?

Mr. GALLINGER. There are amendments, I will say to the Senator, which will be reported. The bill has been very care-

fully considered.

The bill had been reported from the Committee on the District of Columbia with amendments, in line 7, before the word "cars," to insert the words "between the hours of 12 o'clock midnight and 5 o'clock antemeridian;" and at the end of the bill to insert the following proviso:

Provided. That the operation of said cars in the conveyance of such small freight, express matter, and fuel shall be subject to regulations prescribed by the Commissioners of the District of Columbia, and said Commissioners are hereby authorized to make such regulations and to attach such penalties thereto as they may deem necessary to enforce the observance thereof.

So as to make the bill read:

Be it enacted, etc., That the street railway companies in the District of Columbia are authorized to operate over their tracks cars for the purpose of conveying small freight and express matter, and between the hours of 12 o'clock midnight and 5 o'clock a. m. cars for the conveyance of fuel to be used in the operation of power plants furnishing power for the propulsion of cars: Provided, That the operation, etc.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### HARPSWELL STEAMBOAT COMPANY, PORTLAND, ME.

The bill (H. R. 4233) to reimburse the Harpswell Steamboat Company, of Portland, Me., for expenses incurred and for repairing damages sustained by its steamer 'Sebascodegan in collision with the U. S. S. Woodbury was considered as in Committee of the Whole. It proposes to pay to the Harpswell Steamboat Company, of Portland, Me., \$2,016.25 for expenses recurred and for receiving damages systained by its steamer. incurred and for repairing damages sustained by its steamer Sebascodegan in collision with the U. S. S. Woodbury, July 18, 1904.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JOHN C. RAY, ASSIGNEE OF JOHN GAFFORD.

The bill (H. R. 7960) for the relief of John C. Ray, assignee

of the Whole. It appropriates \$853.25 for the relief of John C. Ray, assignee of John Gafford, deceased, mail contractor on route No. 7956, in the State of Arkansas, for carrying the United States mails to May 31, 1861.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### L. BIERTEMPFEL.

The bill (H. R. 12840) for the relief of L. Biertempfel was considered as in Committee of the Whole.

Mr. CULBERSON. I ask for the reading of the report accompanying the bill. It seems to be an extraordinary bill.
Mr. GALLINGER. It is a long report, and I ask that the

bill may go over.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from New Hampshire.

#### M. D. WRIGHT AND ROBERT NEILL.

The bill (H. R. 5622) for the relief of M. D. Wright and Robert Neill was considered as in Committee of the Whole. It proposes to pay to the beneficiaries named \$60 to reimburse them for a like amount of money deposited May 26, 1903, in the Boise City National Bank to the credit of the United States to cover

cost of survey of Waterloo and Victoria placer-mining claims.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### J. H. HENRY.

The bill (H. R. 9109) for the relief of J. H. Henry was considered as in Committee of the Whole.

Mr. DANIEL. I ask that the report in the case be read.

The Secretary proceeded to read the report submitted by Mr.

Fulton on the 1st instant.

Mr. OVERMAN. It is a very long report. Let the bill go

The VICE-PRESIDENT. Without objection, at the request of the Senator from North Carolina the bill will go over without prejudice.

### EDWIN T. HAYWARD, EXECUTOR, ETC.

The bill (H. R. 12686) for the relief of Edwin T. Hayward, executor of Columbus F. Hayward and the administrator of Charlotte G. Hayward, was considered as in Committee of the Whole. It proposes to pay to Edwin T. Hayward, executor of the last will and testament of Columbus F. Hayward, deceased, \$714, and to Edwin T. Hayward, administrator de bonis non, with the will annexed, of Charlotte G. Hayward, deceased, \$939, in payment of damages to land belonging to Columbus F. Hayward and Charlotte G. Hayward, respectively, which was washed away and overflowed by reason of the extension of end of Dam No. 4 in the Muskingum River in the month of July, 1890.

Let the bill go over.

Mr. FORAKER. I hope the Senator will not object to the bill. This is a case where the Government took possession of a man's property and built a dam on it. They certainly ought to pay for it. It has been through the Court of Claims and has been in all the Departments. It is recommended by every offi-cial who has had anything to do with it. There is an explicit

finding of fact on every point.

Mr. CLAY. If the Senator himself has carefully examined the claim and thinks it ought to be paid, I will withdraw the objection.

Mr. FORAKER. I have. I would not ask it if I did not feel

that it was proper that it should be paid.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### PARKWAY ALONG PINEY BRANCH.

The bill (H. R. 129) for the opening of a connecting parkway along Piney Branch, between Sixteenth street and Rock Creek Park, District of Columbia, was considered as in Committee of the Whole.

Mr. OVERMAN. The bill seems to be indefinite. quire of the chairman of the committee how much this bill involves?

Mr. CLAY. Six hundred dollars is proposed to be appropriated.

Mr. OVERMAN. I understand, but what will be required to reimburse the landowners for the land to be condemned? It is not certain how much money is involved.

Mr. GALLINGER. Mr. President, I can not state definitely

about it at the present time. I do not know the extent of the land.

It can be bought at the present time at a very cheap price. It is an extremely desirable opening to the park, and the Com-The bill (H. R. 7960) for the relief of John C. Ray, assignee of John Gafford, of Arkansas, was considered as in Committee that the committee of the House—I have that information from the chairman-examined it personally. The committee of the Senate gave it perhaps not very careful consideration, for the reason that it had been recommended by the Commissioners and the House committee had given it personal examination. think it will involve quite a little sum of money. It can be bought for \$2,500 an acre. I have an impression that the expenditure will be in the vicinity of probably \$60,000.

Mr. OVERMAN. I believe I will object.

The VICE-PRESIDENT. Objection is made, and the bill will

lie over.

Mr. CARTER. I wish to suggest to the Senator from North Carolina that this is an almost indispensable approach to the

Mr. GALLINGER. It is. Mr. CARTER. And it will undoubtedly cost more next year than this year and more the year after than the next year. It is a matter of economy, I think, to institute proceedings. Congress can later take up the matter of payment.

Mr. GALLINGER. I trust the Senator from North Carolina

will not further object to it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### RETENT ON CONTRACTS WITH THE DISTRICT.

The bill (H. R. 21684) to amend section 2 of an act entitled "An act regulating the retent on contracts with the District of Columbia," approved March 31, 1906, was announced as the next business in order on the Calendar, and it was read.

Mr. CULBERSON. Unless the Senator from New Hampshire, the chairman of the Committee on the District of Columbia, thinks there is some necessity for action on this bill to-night, as it is a general bill, I shall object to its consideration.

Mr. GALLINGER. I will state that at the last session we passed a bill, as I recall it, relieving contractors from a deposit being made on contracts relating to buildings under \$500, the Commissioners saying that there was no difficulty in making satisfactory arrangements and that there could not possibly be any loss. As I understand it, this is simply a provision that they shall have the same privilege in respect to the construction of bridges, sewers, etc.

Mr. CULBERSON. Does the Senator think it important to

consider this measure to-night?

Mr. GALLINGER. I do not know that it is important, I will say to the Senator. I presume we will get along if it is not considered at the present session.

Mr. CULBERSON. I object to its consideration.

The VICE-PRESIDENT. Objection is made, and the bill will lie over without probables.

lie over without prejudice.

Ile over without prejudice.

Mr. GALLINGER subsequently said: The Senator from Texas [Mr. Culberson] made an objection to the bill (H. R. 21684) to amend section 2 of an act entitled "An act regulating the retent on contracts with the District of Columbia," approved March 31, 1906, which he is good enough to withdraw. It is in one sense an inconsequential bill, but the Commissioners are anxious to have it passed, and I ask that it be considered.

Mr. CARTER. The bill has been read.

There being no objection, the bill was considered as in Com-

mittee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

METROPOLITAN POLICE.

The bill (H. R. 23201) to amend the act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### RECOPYING OF OLD RECORDS.

The bill (H. R. 22350) to authorize the recorder of deeds of the District of Columbia to recopy old records in his office, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ABANDONED ROADWAYS.

The bill (S. 7526) to authorize the Commissioners of the District of Columbia to close and abandon roadways in said District outside of the city of Washington, and to transfer the title of the United States in said roadways to abutting owners, and for other purposes, was considered as in Committee of the

The bill was reported from the Committee on the District of

Columbia with an amendment, to strike out all after the enacting clause and insert:

Columbia with an amendment, to strike out all after the enacting clause and insert:

That whenever all the owners of any tract of land in the District of Columbia outside of the city of Washington shall present to the Commissioners of said District a petition asking that any roadway not in accordance with the plans for a permanent system of highways in the District of Columbia within said tract may be wholly or partially closed, and shall in said petition offer to dedicate for public use in accordance with said highway-extension plans, and shall so dedicate ground owned by the petitioners for public streets in area equal at least to the area included in the roadway proposed to be closed, and shall also present with said petition a plat of such tract, to be prepared by the surveyor of the District of Columbia at the expense of said petitioners, upon which shall be correctly delineated the position and dimensions of the existing roadway or roadways and a subdivision of the entire area of the roadway or roadways sought to be closed into such parcel or parcels as said owners for the future ownership of the same to be made on said plat and showing also the positions and dimensions of the new street or streets proposed to be substituted therefor, the Commissioners of the District of Columbia are hereby authorized, upon being satisfied of the facts stated in the petition as to ownership and the correctness of the plat and also that the proposed change will not be detrimental to the public convenience nor condict with any existing private easements over such roadway or roadways, to make an order declaring the existing roadway or roadways closed as prayed for in said petition and opening a new street or streets dedicated as aforesaid, to be substituted for such existing roadway or roadways; to make an order declaring the existing roadway or roadways; to make an order declaring the existing roadway or roadways; to make an order declaring the existing roadway or roadways in the proposed to be abandoned showing the ownersh

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as to read: "A bill to authorize the Commissioners of the District of Columbia to close and abandon roadways in said District outside of the city of Washington, and for other purposes.'

### JAMES CARROLL.

The bill (S. 5888) authorizing the President to appoint James Carroll on the retired list with the rank of major was announced as next in order.

Mr. CULBERSON. I will ask if this man Carroll is in the Army now? The proposition is to retire him as a major. I wish to know if he is in the Army now or if he has any connection with the Army?

Mr. CLAY. The author of the bill is not present. I think it

had better go over.

Mr. CULBERSON. I do not ask that the bill shall go over, but I should like to know something about it.

The VICE-PRESIDENT. The Senator who reported the bill

is not present.

Mr. SPOONER. He is referred to as Lieutenant Carroll, assistant surgeon, and is said to be still on the pay roll. He is the officer who submitted himself to test in Cuba as to the effect of the mosquito in conveying yellow fever, and acquired the disease.

I think the bill ought to go over.

The VICE-PRESIDENT. At the request of the Senator from Virginia the bill will go over without prejudice.

Mr. GALLINGER. Before that is done—I do not find the report in this case, but as I remember, Doctor Carroll rendered very conspicuous service in the matter of yellow fever in connection with the late discovery that the mosquito conveyed the yellow-fever virus.

Mr. SPOONER. And he offered himself for experiment to

Mr. SPOONER. And he offered himself for experiment to demonstrate the transmission of yellow fever by the mosquito. Mr. GALLINGER. He offered himself, as stated by the Senator. We have given a large gratuity, I think, to the widow of Doctor Reed, who lost his life in the same service. This is a matter about which a great many physicians have written to me, and while I do not find the report and am not familiar with the circumstances, I have a general knowledge of it, and I think it is a matter, that outlet to expect to we appeal to we as below of I think it is a matter that ought to appeal to us as being at least just.

Mr. DANIEL. Will the Senator allow me a moment? The report states that he is 52 years of age and is an officer in the Army and is getting along very well. I do not see why he

should be retired.

Mr. SPOONER. It was recommended that he be retired. The Surgeon-General says:

He is, in my opinion, far too valuable a man to be placed on the retired list, as provided by this bill. I recommend, therefore, that the bill be passed, so amended as to give Doctor Carroll the grade of major on the active list.

Secretary Taft especially recommends it as a proper bill to be

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 6, to strike out:

Major in the United States Army, and place him upon the retired list with the rank of major, the retired list being increased for that purpose only, with such pay or allowances as shall accrue by reason of this act.

#### And to insert:

Surgeon, with the rank of major, in the Medical Corps of the Army, and that the number of officers in the Medical Corps be increased by one, with the rank of major, for this purpose.

So as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint James Carroll, lieutenant-surgeon, United States Army, and curator of the Army and Navy Museum, a surgeon, with the rank of major, in the Medical Corps of the Army, and that the number of officers in the Medical Corps be increased by one, with the rank of major, for this purpose.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as to read: "A bill authorizing the President to appoint James Carroll a surgeon, with the rank of major, in the United States Army."

### AGRICULTURAL BANK IN THE PHILIPPINES.

The bill (S. 6249) to provide for the establishment of an agricultural bank in the Philippine Islands was announced as next in order.

Mr. CULBERSON. Mr. President, I am anxious to send something to the Calendar under Rule IX to-night, and I ask that this bill may go to that Calendar.

The VICE-PRESIDENT. At the request of the Senator from

Texas, the bill goes to the Calendar under Rule IX.

### J. M. BLOOM.

The bill (S. 7851) for the relief of J. M. Bloom was considered as in Committee of the Whole.

The bill was reported from the Committee on Post-Offices and Post-Roads with amendments, in line 6, before the word "cents," to strike out "eighty-nine dollars and twelve" and insert "eighteen dollars and eighteen;" and on page 2, line 5, before the word "cents," to strike out "eighty-nine dollars and twelve" and insert "eighteen dollars and eighteen;" so as to make the bill pred; "so as to make the bill read:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to cause the account of J. M. Bloom, late postmaster at Clearfield, State of Pennsylvania, to be credited with the sum of \$118.18, and that he cause said credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of loss of \$12.3 in postal funds by robbery of said post-office on the 10th day of February, 1897, and \$66.12 for expenses incurred in the effort to apprehend the burglars, it appearing that said loss was without fault or negligence on the part of said late postmaster; and the sum of \$118.18 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay said claim.

The amendments were agreed to.

Mr. SPOONER. Is there a report with the bill?
The VICE-PRESIDENT. There is a report.
Mr. SPOONER. Is it a lengthy report?
The VICE-PRESIDENT. Not very. Does the Senator wish to have it read?

Mr. SPOONER. Just a little of it. If there is any recommendation from the Department, that is what I want.

The Secretary read from the report submitted by Mr. Simmons, from the Committee on Post-Offices and Post-Roads, on the 4th instant the following:

Office of the Postmaster-General,

Washington, D. C., January 23, 1967.

Sir: I have the honor to acknowledge receipt of your communication of the 19th instant, transmitting bill (S. 7851) for the relief of J. M. Bloom, late postmaster at Clearfield, Pa., and to transmit herewith a statement prepared in the office of the Assistant Attorney-General for this Department, setting forth the facts connected with the burglary of the said post-office, from which the reasons for the fallow Mr. Bloom the entire amount claimed to have been lost by the burglary will fully appear.

The records of the Department fail to furnish any information of value concerning the claim for reimbursement of expenses incurred in the effort to apprehend the burglars, the papers in the case having been referred to the inspector in chage at Philadelphia. Your letter has therefore been referred to the chief post-office inspector for the purpose of ascertaining whether any voucher for such expenditures can be

found, and upon receipt of his report you will be further advised on the subject.

Very respectfully,

George B. Cortelyou,

GEORGE B. CORTELYOU,

Postmaster-General.

Hon. Boies Penrose, United States Senate.

Money-order funds \_\_\_\_\_

In re J. M. Bloom, postmaster, Clearfield, Pa.

Claim for credit on account of loss by burglary, February 10, 1897. as follows Postal funds

BRIEF.

It appears from the evidence in this case that on the date mentioned, at about 3 a. m., the post-office was forcibly entered by burglars, who blew open the postmaster's safe, from which they took the postal and money-order funds for which credit is claimed, besides postage stamps of the value of \$1,103.28; the stamps were subsequently found and returned to the postmaster.

The postmaster's statement, intended to show how the amount of postal funds stolen was determined, is incoherent and does not serve, the purpose for which it is intended, but the report of the inspector who investigated the matter shows that \$43 is the amount stolen.

There is no reason to doubt that the amount of money-order funds stolen is as claimed, but it appears that the greater part of the amount should have been previously remitted for deposit. At the close of business Monday, February 8, 1897, there were on hand money-order funds to the amount of \$226.18, and as the postmaster was allowed an "irrespective reserve" of \$75, he should have remitted on the following day all over and above such reserve, or \$151; and had such remittance been made the amount on hand at the time of the burglary would have been but \$49, as payments made on the following day reduced the amount on hand to \$200.18; but as he was authorized to maintain his reserve at \$75, and could have done so by making payments from his postal funds, it is but just to admit that \$75.18 were properly on hand at the time of the burglary.

Aside from the failure to make prompt remittance of surplus funds there was no fault or negligence on the part of the postmaster, and he should be allowed credit as follows:

Postal funds.

\$43.00
Money-order funds.

Postal funds\_\_\_\_\_ Money-order funds\_

Mr. SPOONER. Let the bill go over.
The VICE-PRESIDENT. The bill will go over at the request of the Senator from Wisconsin, retaining its place on the Calendar. E. RUSSELL MEARS.

The bill (S. 4767) authorizing the President to appoint E. Russell Mears captain and paymaster, United States Army, was announced as next in order.

The VICE-PRESIDENT. The bill has heretofore been read and the amendment of the Committee on Military Affairs agreed

Mr. BURKETT. Was not this placed as an item in the Army appropriation bill-that is, applying to paymasters after thirtyfive years of service?

Mr. GALLINGER. No; this is not the one.
The Secretary read the bill as amended.
Mr. SPOONER. Let the bill go over.
The VICE-PRESIDENT. The bill will go over without preju-

### WALES ISLAND PACKING COMPANY.

The bill (S. 616) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Pack-

ing Company was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from North Carolina.

Mr. TILLMAN. Do I understand that bills going over go to the Calendar under Rule IX or do they retain their places?

The VICE-PRESIDENT. They retain their places unless a request is made that they go to the Calendar under Rule IX.

Mr. TILLMAN. I thought the Senator from Maine [Mr. HALE] laid down the idea at the beginning that we were trying to clear the Calendar and get rid of all matters calculated to excite debate or cause a Senator to be watching here all the time; but it looks like we have forgotten what we started out to do.

Mr. HALE. No; any Senator who insists that a bill shall go to the Calendar under Rule IX can have it go there, but in case a Senator does not insist upon that it simply remains on the Calendar.

Mr. CULBERSON. I trust that my proposition to have Calendar No. 5939, the Philippine bank bill, go to the Calendar

under Rule IX has not been overlooked.

The VICE-PRESIDENT. That has gone to the Calendar under Rule IX at the request of the Senator from Texas.

Mr. CULBERSON. That is the special request that I made.

Mr. HALE. That bill has gone to the Calendar under Rule

Mr. CULBERSON. I did not want any doubt about it.
Mr. HALE. There is no doubt about it. There is never any doubt about the Senator's desires.

SOLDIERS' MONUMENT AT CHALMETTE, LA.

The bill (S. 8292) providing for the completion by the Secretary of War of a monument to the memory of the American soldiers who fell in the battle of New Orleans, at Chalmette, La. and making the necessary appropriation therefor, was announced as next in order.

Mr. OVERMAN. That was included as an item in the Army appropriation bill. Let the bill go over without prejudice.

The VICE-PRESIDENT. The bill will go over without

prejudice.

Mr. HALE. It had better be taken off the Calendar.

### SNARE & TRIEST COMPANY.

The bill (H. R. 18020) for the relief of the Snare & Triest

Company was announced as next in order.

Mr. SPOONER. What committee was the bill reported from?

The VICE-PRESIDENT. It came from the Committee on Claims.

Mr. SPOONER. What is the amount involved?
Mr. McCUMBER. It simply refers a claim to the Court of Claims.

Mr. SPOONER. Is that all? Mr. GALLINGER. That is all.

The bill was considered as in Committee of the Whole. refers to the Court of Claims the claim of the Snare & Triest Company for reimbursement for loss and damage to barge, tools, and machinery, resulting from a collision with the U. S. S. Colorado on the night of February 9, 1905, at the League Island Navy-Yard.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### HEIRS OF JOHN SMITH.

The bill (H. R. 2926) for the relief of the heirs of John Smith was announced as next in order.

The Secretary read the bill.

Mr. CARTER. This is rather a singular bill. It puts the Senate in the position of determining who are now the lawful This is rather a singular bill. It puts the heirs of a certain person. It appears to me that there should be some provision whereby letters of administration should be issued and the fact of heirship judicially determined.

Mr. SPOONER. Let the bill go over.
Mr. CARTER. I do not know what the practice is here, but it appears to me rather unusual for the Senate to undertake to settle a matter of blood relationship, that being expressly a judicial function. In the absence of any explanation of the matter, I ask that the bill may go over.

Mr. SPOONER. Is there anything in the bill about the personal representatives of the deceased?

Mr. CARTER. It specifies the names of the persons to whom

the money is to be paid.

Mr. SPOONER. The Senator is right about it. I hope the

bill will go over

The VICE-PRESIDENT. The bill will go over, without prejudice, on the request of the Senator from Wisconsin.

### TIMBER ON PUBLIC LANDS.

The bill (S. 7494) to provide for the disposal of timber on public lands chiefly valuable for timber, and for other purposes, was announced as next in order.

Mr. HEYBURN. I ask that the bill go to the Calendar under

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, at the request of the Senator from Idaho.

## REVENUE CUTTER AT NEW ORLEANS, LA.

The bill (S. 8075) to provide for the construction and equipment of a revenue cutter, with headquarters at New Orleans, La., was considered as in Committee of the Whole. It proposes to appropriate \$225,000 to be expended, under the direction of the Secretary of the Treasury, in constructing and equipping a steam revenue cutter, with headquarters at New Orleans, La.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time,

and passed.

## CUSTOMS DISTRICT OF ARIZONA.

The bill (S. 8170) amending an act to create a customs district of the Territory of Arizona, approved April 29, 1890, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, to insert after the enacting clause the following:

That the act to create a customs district of the Territory of Arizona, approved April 29, 1890, be, and the same is hereby, amended so as to read as follows.

So as to make the bill read:

Be it enacted, etc., That the act to create a customs district of the Territory of Arizona, approved April 29, 1890, be, and the same is hereby, amended so as to read as follows:

"That a new customs district, to be called the district of Arizona, be, and the same is hereby, established, which shall embrace all the Territory of Arizona. The collector of said district shall reside at Nogales, Ariz., and shall receive a salary of \$3,000 per annum, which

compensation shall be in lieu of fees, commissions, storage, and all per-quisites of every name and nature."

The amendment was agreed to.

Mr. SPOONER. I have a little curiosity about the bill. What change does it make in the existing law?

Mr. PERKINS. I will state that it increases the salary of the collector \$1,000 per annum in accordance with the recommendation of the Secretary of the Treasury.

The bill was reported to the Senate as amended, and the

amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### RAMIE-FIBER SILK AND FLAX.

The bill (S. 4633) authorizing Government assistance in the development and encouragement of ramie-fiber silk and flax preparation and manufacture and their production and profitable home market in the United States, under the supervision of the Secretary of Commerce and Labor, was announced as next in order.

Mr. HANSBROUGH. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without preju-

### ALASKA-YUKON-PACIFIC EXPOSITION.

The bill (S. 7382) to encourage the holding of an Alaska-Yukon-Pacific Exposition at the city of Seattle, State of Washington, in the year 1909, was announced as next in order.

Mr. HALE. Let the bill go over, holding its place. The VICE-PRESIDENT. It will be so ordered.

#### SNAKE RIVER DAM IN WASHINGTON.

The bill (H. R. 24928) authorizing the construction of a dam across the Snake River, in the State of Washington, by the

Benton Water Company, was announced as next in order.

Mr. CULBERSON. I notice that this bill was passed and the vote by which it was passed has been reconsidered. I do not see the Senator from Washington [Mr. Piles] present.

Mr. HALE. It had better go over.

The VICE-PRESIDENT. The bill will go over without prejudice.

Mr. HEYBURN subsequently said: Referring to Order of Business 6544, I desire that the bill shall go over under Rule

IX.
The VICE-PRESIDENT. The Chair will state that the Senator from Nevada [Mr. Newlands] left a special request that

the bill should remain on the Calendar under Rule VIII.

Mr. HEYBURN. I ask that it shall go over under Rule IX. I do not desire to have to watch for the bill.

The VICE-PRESIDENT. At the request of the Senator from Idaho the bill will go to the Calendar under Rule IX.

RAILROAD, TELEGRAPH, AND TELEPHONE LINE IN ALASKA

The bill (H. R. 18891) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska was

announced as next in order.

Mr. McCUMBER, I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over without the bill will be a bill be a The bill will go over without prejudice, at the request of the Senator from North Dakota.

### AMENDMENT OF NATIONAL BANKING ACT.

The bill (H. R. 13566) to amend sections 6 and 12 of the currency act, approved March 14, 1900, was announced as next in order.

Mr. CULBERSON. Let the bill go over.

Mr. ALDRICH. I ask to have the bill read. I have no idea of proceeding to its consideration further than to have it read. Mr. CULBERSON. Does the Senator object to its going to the Calendar under Rule IX?

Mr. ALDRICH. I do, decidedly.
The VICE-PRESIDENT. Is there objection to the reading of the bill?

Mr. ALDRICH. It comprises only-two or three pages. It is a short bill.

Mr. McCUMBER. It is not a long bill?

Mr. ALDRICH. It is not a long bill.

The VICE-PRESIDENT. Is there objection to the reading of

Mr. CULBERSON. I do not insist that it shall go over.
Mr. ALDRICH. The bill was unanimously reported by the
Committee on Finance. I think there will be no objection to it
on the part of the Senator from Texas or anyone else.

Mr. CULBERSON. If the Senator objects to its going to the Calendar under Rule IX, I will not insist on it.

The VICE-PRESIDENT. Is there objection to the reading

of the bill?

Mr. CLAY. I suggest to the Senator that there are several other small measures on the Calendar that we want passed.

Mr. ALDRICH. It will take only a very short time, and I

1907.

do not think the Senate will make any better progress than by

reading the bill; it is very short.

Mr. CLAY. Will not the Senator be willing to have it printed in the Record?

Mr. ALDRICH. No; I ask that it be read. It is very short. The VICE-PRESIDENT. Without objection, the Secretary Mr. ALDRICH. will read the bill and the amendments of the Committee on Finance.

The first amendment of the Committee on Finance was, in section 1, page 2, line 1, before the word "dollars," to strike out "five" and insert "ten;" so as to make the section read:

That section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, be, and the same is hereby, amended to read as follows:

proved March 14, 1900, be, and the same is hereby, amended to read as follows:

"Sec. 6. That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer or any assistant treasurer of the United States in sums of not less than \$20, and to issue gold certificates therefor in denominations of not less than \$10, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued, and when held by any national banking association may be counted as a part of its lawful reserve: Provided, That whenever and so long as the gold coin and bullion held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below \$100,000,000 the authority to issue certificates as herein provided shall be suspended: And provided further, That whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed \$60,000,000 the Secretary of the Treasury may, in his discretion, suspend the issue of the certificates herein provided for: And provided further, That the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of \$50 or less: And provided further, That the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of \$10,000, payable to order. And section 5193 of the Revised Statutes of the United States is hereby repealed."

The next amendment was, at the top of page 3, to strike out

The next amendment was, at the top of page 3, to strike out section 2 in the following words:

Sec. 2. That section 12 of said act is hereby amended to read as follows:

"Sec. 12. That upon the deposit with the Treasurer of the United States, by any national banking association, of any bonds of the United States in the manner provided by existing law, such association shall be entitled to receive from the Comptroller of the Currency circulating notes in blank, registered and countersigned as provided by law, equal in amount to the par value of the bonds so deposited; and any national banking association now having bonds on deposit for the security of circulating notes in blank to an amount which will increase the circubeen issued less than the par value of the bonds, shall be entitled, upon due application to the Comptroller of the Currency, to receive additional circulating notes in bank to an amount which will increase the circulating notes held by such association to the par value of the bonds deposited, such additional notes to be held and treated in the same way as circulating notes of national banking associations heretofore issued, and subject to all the provisions of law affecting such notes: Provided, That nothing herein contained shall be construed to modify or repeal the provisions of section 5167 of the Revised Statutes of the United States, authorizing the Comptroller of the Currency to require additional deposits of bonds or of lawful money in case the market value of the bonds held to secure the circulating notes shall fall below the par value of the circulating notes outstanding for which such bonds may be deposited as security: And provided further, That the circulating notes furnished to national banking associations under the provisions of this act shall be of the denominations prescribed by law; and that any national banking association shall, after the passage of this act, be entitled to receive from the Comptroller of the Currency, and place in circulation, such portion of its circulating notes, in the circulating notes for circulation of \$5, as the Secretary of the Treasury any nat

And to insert the following new sections:

And to insert the following new sections:

SEC. 2. That whenever and so long as the outstanding silver certificates of the denominations of \$1, \$2, and \$5, issued under the provisions of section 7 of an act entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900, shall be, in the opinion of the Secretary of the Treasury, insufficient to meet the public demand therefor, he is hereby authorized to issue United States notes of the denominations of \$1, \$2, and \$5, and upon the issue of United States notes of such denominations an equal amount of United States notes of higher denominations shall be retired and canceled: Provided, hovever, That the aggregate amount of United States notes at any time outstanding shall remain as at present fixed by law: And provided further, That nothing in this act shall be construed as affecting the right of any national bank to issue one-third in amount of its circulating notes of the denomination of \$5, as now provided by law.

SEC. 3. That section 5153 of the Revised Statues be amended to read as follows:

SEC. 3. That section 5153 of the neviscolous as follows:
"Sec. 5153. All national banking associations designated for that

purpose by the Secretary of the Treasury shall be depositaries of public money, under such regulations as may be prescribed by the Secretary: and they may also be employed as financial agents of the Government: and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government, as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. And every association so designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatsoever association issued, which have been paid into the Government for internal revenue, or for loans or stocks."

SEC. 4. That section 9 of the act of July 12, 1882, as amended by the act of March 14, 1900, be further amended to read as follows:

"SEC. 9. That any national banking association now organized, or hereafter organized, desiring to withdraw its circulating notes, upon a deposit of lawful money with the Treasurer of the United States, as provided in section 4 of the act of June 20, 1874, or as provided in this act, is authorized to deposit lawful money and, with the consent of the Comptroller of the Currency and the approval of the Secretary of the Treasury, withdraw a proportionate amount of the bonds held as security for its circulating notes in the order of such deposits: Provided, That not more than \$9,000,000 of lawful money shall be deposited during any calendar month for this purpose: And provided further, That the provisions of this section shall not apply to bonds called for redemption by the Secretary of the Treasury, nor to withdrawal of circulating notes in consequence thereof."

Amend the title so as to read: "An act to amend the national banking act, and

Mr. ALDRICH. I ask that the bill may go over and retain its place on the Calendar.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from Rhode Island, retaining its place on the Calendar.

### AGRICULTURAL APPROPRIATION BILL.

The bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, was announced as next in order.

Mr. GALLINGER. Let that go over, Mr. President. The VICE-PRESIDENT. The bill will go over.

THE CALAVERAS BIGTREE NATIONAL FOREST.

The bill (S. 8117) to create the Calaveras Bigtree National Forest, and for other purposes, was announced as next in order.

Mr. HANSBROUGH. Let that go over, Mr. President.

The VICE-PRESIDENT. The bill will go over under objec-

### PENSION APPROPRIATION BILL.

The bill (H. R. 24640) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes, was announced as next in order.

Mr. McCUMBER. Let that bill go over. The VICE-PRESIDENT. The bill will go over.

# COMMUTATIONS OF HOMESTEAD ENTRIES.

The Senate, as in Committee of the Whole, resumed consideration of the bill (S. 7496) relating to commutations of home-stead entries and to confirm such entries when commutation proofs were received by local land officers prematurely.

Mr. HEYBURN. I offered an amendment to this bill when formerly under discussion, which I desire to withdraw, so as to

leave the bill standing as reported.

Mr. HANSBROUGH. The bill has been read, Mr. President.

The VICE-PRESIDENT. The bill has been read.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## ENLISTED MEN OF PHILIPPINE SCOUTS.

The bill (S. 8301) for the reimbursement of certain sums of money to certain enlisted men of the Philippine Scouts was considered as in Committee of the Whole. It proposes to appropriate \$3,600 to enable the enlisted men of the Philippine Scouts to be reimbursed for certain sums of money intrusted by them to Lieut. Andrew Shea, Philippine Scouts, for safe-keeping and for transmission to their families in the Philippine Islands, embezzled by him and fraudulently converted to his own use.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CUTTING OF TIMBER ON MENOMINEE LANDS IN WISCONSIN.

The bill (S. 8431) to authorize the cutting and sale of timber on land reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin, was announced as next in order.

Mr. KITTREDGE. Let that bill go over. The VICE-PRESIDENT. The bill will go over, at the request of the Senator from South Dakota.

AMENDMENT TO CODE OF LAW FOR THE DISTRICT OF COLUMBIA. The bill (H. R. 25482) to amend section 878 of the Code of Law for the District of Columbia was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REGISTRATION OF BIRTHS IN THE DISTRICT OF COLUMBIA.

The bill (S. 4506) to provide for the better registration of births in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### EXTENSION OF FORTY-FIFTH STREET NW.

The bill (H. R. 24875) authorizing the extension of Fortyfifth street NW. was considered as in Committee of the Whole. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OPENING OF WARREN AND FORTY-SIXTH STREETS NW.

The bill (H. R. 24284) for the opening of Warren and Fortysixth streets NW., in the District of Columbia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### CALIFORNIA DÉBRIS COMMISSION.

The bill (H. R. 13367) to amend section 13 of an act of March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### EXTENSION OF PARK PLACE NW.

The bill (S. 8208) authorizing the extension of Park place NW. was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### BARNABY ROAD.

The bill (S. 6993) to create the Barnaby road, from its intersection with the Livingston road to the District line, a public highway in the District of Columbia, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments, in line 6, after the word "District," to strike out "unless within six months from the date of this act becoming law there shall be filed with the Commissioners of the District formal written objection from any person legally interested in any of the property through which the said road may pass;" on page 2, line 1, before the word "if," to strike out "that;" and in line 4, after the word "dedication," to insert "free of cost to the District of Columbia;" so as to make the bill read:

Be it enacted, etc., That the Barnaby road, from its intersection with the Livingston road to the District line, shall be regarded and treated by the Commissioners of the District of Columbia as a public highway of the said District, and if dedication of any part of this road may be considered necessary the Commissioners are hereby authorized and directed to accept such dedication free of cost to the District of Columbia.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### J. TENNANT STEEB.

The bill (H. R. 1371) to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of do-mestic production shipped from the United States to Hawaii and thereafter returned was considered as in Committee of the Whole.

The bill was reported from the Committee on Finance with an amendment, on page 1, line 7, before the word "hundred," to strike out "sixty-six" and insert "thirty;" so as to make the

bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund and repay from the appropriation "to repay to importers the excess of deposits for unascertained duty or duties or other moneys paid under protest," made by section 3089 of the Revised Statutes, the sum of \$2.360.83, paid without protest by J. Tennant Steeb as duties upon certain scrap iron and pig lead, products of the industry of the United States, shipped to Hawali and thereafter returned to the United States by the American schooner F. S. Redfield, and entered at the subport of Tacoma, State of Washington, on September 25, 1901, and subsequent to the passage of the act approved April 30, 1900, entitled "An act to provide a government for the Territory of Hawali."

The amendment was agreed to

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

### METLAKAHTLA INDIANS OF ALASKA.

The bill (S. 8299) to confer certain civic rights on the Metlakahtla Indians of Alaska was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments, on page 1, line 4, after the word "who," to strike out "immigrated" and insert "emigrated;" on page 2, line 1, after the word "craft," to insert "and also licenses as operators of motor boats and other craft, subject to the provisions of the act of Congress approved May 16, 1906, entitled 'An act to amend section 4426 of the Revised Statutes of the United States, regulation of motor boats;'" in line 8, after the words "United States," to strike out "and any such Indian who shall be the owner of any motor boat or other craft coming under the provisions of the act of Congress of May 16, 1906, entitled 'An act to amend section 4426 of the Revised Statutes of the United States, regulation of motor boats,' shall be entitled to a license as owner under the provisions of such act the same as if he was a citizen of the United States" and insert "any such Indian may be the owner of any such motor boat or other craft, subject to the provisions of the said act of May 16, 1906, although such Indian be not a citizen of the United States, without depriving said motor boat or other craft of the benefits and privileges of a vessel of the United States;" so as to make the section read:

make the section read:

Be it enacted, etc., That all Indians of the Tsimpsean or Haida tribe of the full or mixed blood who emigrated from British Columbia and settled at Metlakahtla, on Annette Island, in southeastern Alaska, in the year 1887 and subsequent years, as well as all descendants of such Indians, and all other Indians who have since become and remained bona fide residents of said Metlakahtla, Alaska, shall, if otherwise qualified, be entitled to receive and obtain licenses as masters, pilots, and engineers, as the case may be, of any and all steamboats and other craft, and also licenses as operators of motor boats and other craft, subject to the provisions of the act of Congress approved May 16, 1906, entitled "An act to amend section 4426 of the Revised Statutes of the United States, regulation of motor boats," with the same force and effect as if they had been citizens of the United States; any such Indian may be the owner of any such motor boat or other craft, subject to the provisions of the said act of May 16, 1906, although such Indian be not a citizen of the United States, without depriving said motor boat or other craft of the benefits and privileges of a vessel of the United States.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 22, after the word "of," to strike out "the Rev. William Duncan, the missionary at Metlakahtla, Alaska, or a certificate under the hand of the president and village clerk of the village council of said Metlakahtla" and insert "any officer of the customs in Alaska;" so as to make the section read:

Sec. 2. That a certificate under the hand of any officer of the customs in Alaska, to the effect that the applicant for one of the different licenses mentioned in the foregoing section comes within one of the provisions of said first section of this act, shall, together with the affidavit of the applicant to that effect, be sufficient evidence of the fact that said applicant is entitled to the privileges conferred upon said Indians by the first section of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## UNION STATION, WASHINGTON, D. C.

The bill (H. R. 9329) to amend an act approved February 28, 1903, entitled "An act to provide for a union station in the District of Columbia, and for other purposes," was announced as next in order.

Mr. CLAY. I ask that that bill go over under Rule IX. Mr. President.

The VICE-PRESIDENT. At the request of the Senator from Georgia, the bill will go over under Rule IX.

## MISSOURI RIVER BRIDGE AT YANKTON, S. DAK.

The bill (S. 8446) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time. and passed.

### L. L. AND L. S. ARRINGTON.

Mr. CLAY. I ask the Senator from North Dakota [Mr. McCumber], in charge of the pension bills, before we take them up, to allow me to have considered the bill (H. R. 5666) for the relief of L. L. Arrington and L. S. Arrington. It was reported this morning, and it will lead to no discussion. If it does not conflict with the unanimous-consent agreement, I ask that it may be now considered.

Mr. McCUMBER. I will not object if it does not conflict with the unanimous-consent agreement, and I do not think it

The VICE-PRESIDENT. The bill referred to by the Senator from Georgia is within the terms of the unanimous-consent agreement.

The bill (H. R. 5666) for the relief of L. L. Arrington and L. S. Arrington was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CLAIMS OF OMAHA INDIANS.

I ask unanimous consent for the present consideration of the bill (S. 6190) authorizing the Omaha tribe of Indians to submit claims to the Court of Claims. It was reported this morning.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments, on page 1, line 7, after the word "for," to insert the words "determination of;" after the word "amount," in the same line, to insert the words "if any;" and in the same line, after the word "due," to strike out the words "or claimed to be due;" in line 14, before the word "claims," to insert the words "legal or equitable;" and after the word "claims," in the same line, to insert the words "if any;" so as to read:

That all claims of whatsoever nature which the Omaha tribe of Indians may have or claim to have against the United States shall be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said Omaha tribe of the United States under any treaties or laws of Congress or the unexecuted stipulations of any treaties, or for the misappropriation of any of the funds of said Omaha tribe, or for the failure of the United States to pay to said Omaha tribe any money due; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all legal or equitable claims, if any, of said Omaha tribe against the United States and to enter judgment thereon, etc.

The amendments were agreed to.
Mr. BURKETT. Mr. President, Senators about me think this bill ought not to be considered to-night, because there are only a few Senators present. It will be remembered that the bill was called up the other day as a part of the Indian appropriation bill, and there was considerable discussion on it. As I under-stood from the Senators who raised objection at that time, they had no objection to the measure as a separate bill. Some Senators, however, think that the bill should not be considered with so few Senators present, and I therefore ask that it be now laid aside, retaining its place.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from Nebraska, retaining its place.

### ADDITIONAL DISTRICT JUDGE IN OHIO.

Mr. FORAKER. I reported favorably from the Committee on the Judiciary this morning two bills—one authorizing the appointment of an additional district judge for the southern district of Ohio, and the other authorizing the holding of court at Dayton, Ohio. I ask if they are on the Calendar? are, I ask unanimous consent for their present consideration.

The VICE-PRESIDENT. The bills to which the Senator re-

fers are on the Calendar.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (H. R. 9976) to provide for the appointment of an additional district judge in and for the south-· ern district of the State of Ohio.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### UNITED STATES COURT AT DAYTON, OHIO.

Mr. FORAKER. I now ask unanimous consent for the present consideration of the bill (H. R. 18854) providing for sittings of the United States circuit and district courts of the southern district of Ohio at the city of Dayton, in said district.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### RAILROAD, TELEGRAPH, AND TELEPHONE LINE IN ALASKA

Mr. CARTER. The senior Senator from Colorado [Mr. Teller], who is absent on account of sickness, requests me to announce that he desires to be heard on the bill (H. R. 18891) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska. I ask that the bill be placed on the Calendar under Rule IX.

The VICE-PRESIDENT. At the request of the Senator from Montana, the bill will be placed on the Calendar under Rule IX.

#### ROBERT COLE.

The bill (H. R. 526) granting an increase of pension to Robert Cole was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Cole, late of Company C, Eighth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### WILSON M. HOLMES.

The bill (H. R. 560) granting an increase of pension to Wilson M. Holmes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wilson M. Holmes, late of Company D, Twelfth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

#### GILES TOWNSEND.

The bill (H. R. 561) granting an increase of pension to Giles Townsend was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Giles Townsend, late of Company A, Sixth Regiment Michigan Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### AMOS J. LORANGER.

The bill (H. R. 654) granting an increase of pension to Amos J. Loranger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amos J. Loranger, late of Company D, Ninth Regiment Michigan Volumteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ALFRED NICHOLS.

The bill (H. R. 1171) granting an increase of pension to Alfred Nichols was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred Nichols, late of Company E, Forty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ANDREW JARVIS.

The bill (H. R. 1223) granting an increase of pension to Andrew Jarvis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew Jarvis, late unassigned, Thirty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN V. BUSKIRK.

The bill (H. R. 1232) granting an increase of pension to John V. Buskirk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Buskirk, late of Company F, Twenty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### LUKE REYNOLDS.

The bill (H. R. 1242) granting an increase of pension to Luke Reynolds was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Luke Reynolds, late of Company G, Twenty-fifth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### THOMAS G. DALLMAN.

The bill (H. R. 1377) granting an increase of pension to Thomas G. Dallman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas G. Dallman, late of Company I, One hundred and twenty-second Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### THOMAS C. FISHER.

The bill (H. R. 1474) granting an increase of pension to Thomas C. Fisher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas C. Fisher, late of Company G, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### FRANKLIN SAMPSON.

The bill (H. R. 1574) granting an increase of pension to Franklin Sampson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Franklin Sampson, late of Company F, Thirteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### FREDERICK E. HAYWARD.

The bill (H. R. 1665) granting an increase of pension to Frederick E. Hayward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick E. Hayward, late of Company F, Second Regiment Vermont Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### GEORGE C. VANCE.

The bill (H. R. 1728) granting an increase of pension to George C. Vance was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George C. Vance, late captain and assistant quartermaster, United States Volunteers, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JAMES H. MARCUM.

The bill (H. R. 1767) granting an increase of pension to James H. Marcum was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Marcum, late of Company B, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and to pay him a pension of \$24 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ASA J. CLOTHER.

The bill (H. R. 1838) granting an increase of pension to Asa J. Clother was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Asa J. Clother, late of Company F, One hundred and fifteenth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### RALPH D. PARSONS.

The bill (H. R. 1851) granting an increase of pension to Ralph D. Parsons was considered as in Committee of the Whole. proposes to place on the pension roll the name of Ralph D. Parsons, late of Company K, and hospital steward Fourth Regiment and Twelfth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 1890) granting an increase of pension to Adam Leak was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adam Leak, late of Company B, Third Regiment Tennessee Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### DANIEL SULLIVAN.

The bill (H. R. 2064) granting an increase of pension to Daniel Sullivan was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of Daniel Sullivan, late of Company G, Twelfth Regiment Massachusetts Vol-unteer Infantry, and U. S. S. Ohio, Ethan Allen, and Savannah, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JOHN LEHN.

The bill (H. R. 2270) granting an increase of pension to John Lehn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Lehn, late of Company C, Ninety-eighth Regiment New York State Militia Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### CHRISTINA VETTER.

The bill (H. R. 2324) granting a pension to Christina Vetter was considered as in Committee of the Whole. It proposes place on the pension roll the name of Christina Vetter, widow of Casper Vetter, late of Company F, Thirty-second Regiment Indiana Volunteer Infantry, and to pay her a pension of \$8 per

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### TURNER J. PREBLE.

The bill (H. R. 2821) granting an increase of pension to Turner J. Preble was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Turner J. Preble, late of Company G, First Regiment Minnesota Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### BURR CLARK.

The bill (H. R. 2905) granting an increase of pension to Burr Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Burr Clark, late of Company C, Seventeenth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### GEORGE W. STEWART.

The bill (H. R. 3239) granting an increase of pension to George W. Stewart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Stewart, late of Company D, Second Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## FREDERICK W. WAGNER.

The bill (H. R. 3785) granting an increase of pension to Frederick W. Wagner was considered as in Committee of the It proposes to place on the pension roll the name of Frederick W. Wagner, late of Company K, Fifty-first Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

## JOHN C. M'GINIS.

The bill (H. R. 4150) granting an increase of pension to John C. McGinis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Mc-Ginis, late of Company E. One hundred and ninth Regiment, and Company C, Eleventh Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### WILLIAM G. CUMMINGS.

The bill (H. R. 23860) granting an increase of pension to William G. Cummings was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wil-

liam G. Cummings, late captain Company D, First Regiment Vermont Volunteer Cavairy, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### CARRIE DIEFENBACH.

The bill (H. R. 8775) granting an increase of pension to Carrie Diefenbach was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Carrie Diefenbach, widow of Henry Diefenbach, late first lieutenant Company I, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WILLIAM R. WILKINS.

The bill (H. R. 4553) granting an increase of pension to William R. Wilkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William R. Wilkins, late of Company I, Second Regiment West Virginia Volunteer Infantry, and Company I, Fifth Regiment West Virginia Volunteer Cavalry, and to pay him a pension of \$24 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### EDWARD WILLIS.

The bill (H. R. 4757) granting an increase of pension to Edward Willis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward Willis, late of Company C, Sixty-second Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BEVERLY W. SULLIVAN.

The bill (H. R. 5029) granting an increase of pension to Beverly W. Sullivan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Beverly W. Sullivan, late of Company B, and first lieutenant and adjutant, Forty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### EPHRAIM M. BOLTZ.

The bill (H. R. 5050) granting an increase of pension to Ephraim M. Boltz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ephraim M. Boltz, late of Company F, Ninety-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 5162) granting an increase of pension to James F. Travis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James F. Travis, late of U. S. S. Mercury, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JENNIE R. HUNT.

The bill (H. R. 5202) granting an increase of pension to Jennie R. Hunt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jennie R. Hunt, widow of David R. Hunt, late captain Company F, Twenty-fifth Regiment Ohio Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### SILAS GARRISON.

The bill (H. R. 5388) granting an increase of pension to Silas Garrison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Silas Garrison, late of Company F, Eighty-fifth Regiment Pennsylvania proposes to place on the pension roll the name of John Shobert,

Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### CORA ALLIE BOOTH.

The bill (H. R. 5497) granting a pension to Cora Allie Booth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cora Allie Booth, widow of James J. Booth, late of Company I, Twenty-ninth Regiment of Infantry, United States Volunteers, war with Spain, and to grant her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JOHN C. L. HARGIS.

The bill (H. R. 5627) granting an increase of pension to John C. L. Hargis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. L. Hargis, late of Company M, Fifth Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### JOHN REDDING.

The bill (H. R. 5634) granting an increase of pension to John Redding was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Redding, late of Company C, Thirteenth Regiment Pennsylvania Reserve Volunteer Infantry, and Company C, Twenty-second Regiment Veteran Reserve Corps, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### CORNELIA MITCHELL.

The bill (H. R. 5774) granting a pension to Cornelia Mitchell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cornelia Mitchell, former widow of Leonard Peaslee, late of Company D, Third Regiment Maine Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOSEPH G. MADDOCKS.

The bill (H. R. 5800) granting an increase of pension to Joseph G. Maddocks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph G. Maddocks, late of Company I, Nineteenth Regiment Maine Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

### SARAH C. PITMAN.

The bill (H. R. 5926) granting a pension to Sarah C. Pitman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah C. Pitman, widow of Charles A. Pitman, late of Company B, Fourteenth Regiment New York Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### STEPHEN J. HENNING.

The bill (H. R. 6206) granting an increase of pension to Stephen J. Henning was considered as in Committee of the It proposes to place on the pension roll the name of Stephen J. Henning, late of Company H, Eighty-fifth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### DAVID BETHURUM.

The bill (H. R. 6237) granting an increase of pension to David Bethurum was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Bethurum, late of Company G, Nineteenth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JOHN SHOBERT.

The bill (H. R. 6353) granting an increase of pension to John Shobert was considered as in Committee of the Whole. It

late of Company D, Twentieth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### HOBART P. SWEET.

The bill (H. R. 6767) granting an increase of pension to Hobart P. Sweet was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hobart P. Sweet, late of Company A, First Regiment Michigan Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### MARCUS DAVIS.

The bill (H. R. 7242) granting an increase of pension to Marcus Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marcus Davis, late first lieutenant Company E, Seventeenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CHRISTOPHER HORN.

The bill (H. R. 7255) granting a pension to Christopher Horn was considered as in Committee of the Whole. It proposes to restore to the pension roll, as of date February 1, 1902, the name of Christopher Horn, late of Company K, Forty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of \$10 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and time of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### ELIJAH C. ADELOTTE.

The bill (H. R. 7374) granting an increase of pension to Elijah C. Adelotte was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elijah C. Adelotte, late of Smith's independent company, Maryland Vol-unteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### ANDREW CRAMER.

The bill (H. R. 7554) granting an increase of pension to Andrew Cramer was considered as in Committee of the Whole. proposes to place on the pension roll the name of Andrew Cramer, late of Company H, Seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

### ORVILLE DICKINSON.

The bill (H. R. 7565) granting an increase of pension to Orville Dickinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orville Dickinson, late of Company F, Seventy-sixth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## LEVI HOSKINS.

The bill (H. R. 7578) granting an increase of pension to Levi Hoskins was considered as in Committee of the Whole. It pro-poses to place on the pension roll the name of Levi Hoskins, late of Company I, Twenty-fourth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### MARTHA G. MATLACK.

The bill (H. R. 7634) granting an increase of pension to Martha G. Matlack was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha G. Matlack, widow of Joshua Matlack, late of Company H, Twenty-third Regiment New Jersey Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### RICHARD PROST.

The bill (H. R. 8408) granting an increase of pension to Richard Prost was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard Prost, late of Company C, Eighth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill-was reported to the Senate without amendment,

ordered to a third reading, read the third time, and passed.

### DAVID C. MAY.

The bill (H. R. 8503) granting an increase of pension to David C. May was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David C. May, late of Company I, Thirty-ninth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JAMES P. BLEDSOE.

The bill (H. R. 8682) granting an increase of pension to James P. Bledsoe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James P. Bledsoe, late of Company B, Thirty-fifth Regiment Kentucky Volunteer Mounted Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### CHARLES W. BURGESS.

The bill (H. R. 8770) granting an increase of pension to Charles W. Burgess was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Burgess, late captain Company I, Thirtieth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JOHN FINCH.

The bill (H. R. 8785) granting an increase of pension to John Finch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Finch, late of Company B, Forty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARTHA E. SANFORD.

The bill (H. R. 9256) granting an increase of pension to Martha E. Sanford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha E. Sanford, widow of George W. Sanford, late of Loyall's company, Georgia Mounted Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

## IDA E. G. PIERCE.

The bill (H. R. 9445) granting a pension to Ida E. G. Pierce was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ida E. G. Pierce, widow of Ebenezer W. Pierce, late colonel Twenty-ninth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of \$15 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### THOMAS B. HOCKLEY.

The bill (H. R. 9448) granting an increase of pension to Thomas B. Hockley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas B. Hockley, late of Company G, Second Regiment Ohio Volunteer Infantry, and Company C, First Battalion, Fifteenth Regiment United States Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### EDWIN C. DURFEY.

The bill (H. R. 9664) granting an increase of pension to Edwin C. Durfey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin C. Durfey, late of Company G, Fourteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### WILLIAM A. LYON.

The bill (H. R. 9785) granting an increase of pension to William A. Lyon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Lyon, late of Company K, Fifty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendement, or-

dered to a third reading, read the third time, and passed.

### BENJAMIN F. WILLIAMS.

The bill (H. R. 9850) granting an increase of pension to Benjamin F. Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Williams, late of Company D, Twenty-fifth Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendement, ordered to a third reading, read the third time, and passed.

### MARTHA J. LEWIS.

The bill (H. R. 10023) granting a pension to Martha J. Lewis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha J. Lewis, helpless and dependent daughter of Henry C. Lewis, late of Company C, Third Regiment Missouri Volunteer Cavalry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### EMMA L. BEATTY.

The bill (H. R. 10164) granting a pension to Emma L. Beatty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma L. Beatty, widow of Charles W. Beatty, jr., late of Company I, First Regiment Maryland Volunteer Infantry, in the war with Spain, and to pay her a pension of \$12 per month and \$2 per month additional for the minor child of said soldier until he shall attain the age

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

### CHARLES M. ARNOLD.

The bill (H. R. 10212) granting an increase of pension to Charles M. Arnold was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles M. Arnold, late of Company F, Ninety-third Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JOSEPH M. PARISH.

The bill (H. R. 10241) granting an increase of pension to Joseph M. Parish was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph M. Parish, late of Company D, Seventy-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving .

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### GEORGE N. BEYMER.

The bill (H. R. 10301) granting an increase of pension to George N. Beymer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George N. Beymer, late of Company I, Sixtleth Regiment Illinois Volunteer Infantry, and pay to him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### SAMUEL LEDGERWOOD.

The bill (H. R. 10430) granting an increase of pension to Samuel Ledgerwood was considered as in Committee of the It proposes to place on the pension roll the name of Samuel Ledgerwood, late of Company E, Fifty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### CHARLES W. KENISSTON.

The bill (H. R. 10431) granting an increase of pension to Charles W. Kenisston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of York, late of Company A, Third Regiment Iowa Volunteer Cav-

Charles W. Kenisston, late of Company I, Thirty-eighth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### N. DELMONT M'REYNOLDS.

The bill (H. R. 10739) granting an increase of pension to N. Delmont McReynolds was considered as in Committee of the Whole. It proposes to place on the pension roll the name of N. Delmont McReynolds, late surgeon's steward U. S. S. St. Clair, United States Navy, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### WILLIAM H. GARRISON.

The bill (H. R. 10889) granting an increase of pension to William H. Garrison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Garrison, late of Company D, Thirtieth Regiment United States Volunteer Infantry, war with Spain, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ANNIE L. BOONE.

The bill (H. R. 10935) granting an increase of pension to Annie L. Boone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie L. Boone, widow of John L. Boone, late first lieutenant and adjutant First Regiment Oregon Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving: Provided, That in the event of the death of Lorenzo S. Boone, helpless and dependent child of said John L. Boone, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death of Annie L. Boone the name of said Lorenzo S. Boone shall be placed on the pension roll at \$12 per month from and after the date of death of said Annie L. Boone.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 11198) granting an increase of pension to Emanuel Sandusky was considered as in Committee of the It proposes to place on the pension roll the name of Emanuel Sandusky, late of Company C, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, and to pay him a pen-sion of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### WILLIAM KIRKPATRICK.

The bill (H. R. 11285) granting an increase of pension to William Kirkpatrick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Kirkpatrick, second lieutenant Company A, Fifth Regiment Virginia Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HOLLIS SMITH.

The bill (H. R. 11621) granting an increase of pension to Hollis Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hollis Smith, late of Company B, Thirtieth Regiment Maine Volunther Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### WILLIAM J. CLARK.

The bill (H. R. 11845) granting an increase of pension to William J. Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Clark, late of Company B, Eighth Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### GEORGE E. YORK.

The bill (H. R. 11848) granting an increase of pension to George E. York was considered as in Committee of the Whole.

alry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

### WESLEY LAYTON.

The bill (H. R. 11995) granting an increase of pension to Wesley Layton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wesley Layton, late of Company A, Fourteenth Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

### ALBERT J. ACKERLEY.

The bill (H. R. 12240) granting an increase of pension to Albert J. Ackerley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert J. Ackerley, late major, Eleventh Pennsylvania Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ANDREW J. SPROUL.

The bill (H. R. 12344) granting an increase of pension to Andrew J. Sproul was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Sproul, late of Company I, Sixteenth Regiment Qhio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ABRAHAM D. STOUFFER.

The bill (H. R. 12346) granting an increase of pension to Abraham D. Stouffer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abraham D. Stouffer, late of Company L, First Regiment Po-tomac Home Brigade Maryland Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiv-

Ing.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## EDGAR M. BARBER.

The bill (H. R. 12349) granting an increase of pension to Edgar M. Barber was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edgar M. Barber, late of Company M, Second Regiment Ohio Volunteer Infantry, war with Spain, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### JACOB LITTLE.

The bill (H. R. 12353) granting an increase of pension to Jacob Little was considered as in Committee of the Whole. proposes to place on the pension roll the name of Jacob Little, late of Company I, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ANDREW L. HOOK.

The bill (H. R. 12563) granting an increase of pension to Andrew L. Hook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew L. Hook, late of Company E, Eighth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### CHARLES E. YOUTT.

The bill (H. R. 12580) granting an increase of pension to Charles E. Youtt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles E. Youtt, late of Company A, First Regiment Vermont Volunteer Cavalry, and Company F, Fifth Regiment, and Company I, First Regiment Vermont Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

## JAMES E. LESLIE.

The bill (H. R. 12631) granting an increase of pension to James E. Leslie was considered as in Committee of the Whole. Thomas McPeek was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of James E. Leslie, late of Company C, One hundred and forty-third Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ALEXANDER BUCK.

The bill (H. R. 12969) granting an increase of pension to Alexander Buck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander Buck, late of Company E, Fourteenth Regiment West Virginia Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CHARLES L. COLE.

The bill (H. R. 13012) granting an increase of pension to Charles L. Cole was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles L. Cole, late of Company E, One hundred and seventh Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### MARY E. BROWN.

The bill (H. R. 17011) granting an increase of pension to Mary E. Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to insert "war with Mexico;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Brown, widow of Manning Brown, late of Company H, Palmetto Regiment South Carolina Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

## GILBERT W. CLARK.

The bill (H. R. 13133) granting an increase of pension to Gilbert W. Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gilbert W. Clark, late of Company B, Sixty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### RITTIE BLACKWELL.

The bill (H. R. 13163) granting a pension to Rittle Blackwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rittie Blackwell, widow of Isaac Blackwell, late of Company C, One hundred and nineteenth Regiment United States Colored Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ERASTUS A. DOE.

The bill (H. R. 13334) granting an increase of pension to Erastus A. Doe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Erastus A. Doe, late of Company D, First Regiment Maine Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ABRAHAM J. SIMMONS.

The bill (H. R. 13810) granting an increase of pension to Abraham J. Simmons was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abraham J. Simmons, late of Company B, One hundred and first Regiment New York Volunteer Infantry, and Oneida Independent Company, New York Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# THOMAS M'PEEK.

It proposes to place on the pension roll the name of Thomas McPeek, late of Company H, Twelfth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### WILLIAM H. TURNER.

The bill (H. R. 13963) granting an increase of pension to William H. Turner was considered as in Committee of Whole. It proposes to place on the pension roll the name of William H. Turner, late of Company E, Eighty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### MILTON BROWN.

The bill (H. R. 14104) granting an increase of pension to Milton Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milton Brown, late of Company A, Fourth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ABRAM NUSSBAUM.

The bill (H. R. 14228) granting an increase of pension to Abram Nussbaum was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abram Nussbaum, late first lieutenant and regimental quartermaster Fifty-eighth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### EDWIN R. PHILLIPS.

The bill (H. R. 14244) granting an increase of pension to Edwin R. Phillips was considered as in Committee of the Whole. Edwin R. Phillips was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin R. Phillips, late of Company E, Forty-eighth Regiment Ohio Volunteer Infantry, and Company A, Battalion Forty-eighth Regiment Ohio Veteran Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### WILLARD WHEELER.

The bill (H. R. 14779) granting an increase of pension to Willard Wheeler was considered as in Committee of the Whole. What wheeler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Willard Wheeler, late of Company F, Fifty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading road the third time and reader.

dered to a third reading, read the third time, and passed.

### SAMUEL DE HAVEN.

The bill (H. R. 15241) granting an increase of pension to Samuel De Haven was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel De Haven, late of Company A, Seventh Battalion District of Columbia Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### SOLOMON STANFIELD.

The bill (H. R. 15452) granting an increase of pension to Solomon Stanfield was considered as in Committee of the Whole. Solomon Stanfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Solomon Stanfield, late of Company H, Fifth Regiment Indiana Volunteers, war with Mexico, and Company K, Fifty-first Regiment Indiana Volunteers, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM L. TYLER.

The bill (H. R. 15492) granting a pension to William L. Tyler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William L. Tyler, late of Company E, Third Regiment Tennessee Volunteer Infantry, and Company B, Ninth Regiment United States Infantry, war with

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### GEORGE W. MAYNARD.

The bill (H. R. 15543) granting an increase of pension to George W. Maynard was considered as in Committee of the It proposes to place on the pension roll the name of George W. Maynard, late of Company C, Fifty-first Regiment, and unassigned, Fifty-sixth Regiment, Missouri Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ESTHER C. KELLY.

The bill (H. R. 15688) granting an increase of pension to Esther C. Kelly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Esther C. Kelly, widow of Matthew Kelly, late second and first lieutenant Company F, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JACOB SALAT.

The bill (H. R. 15879) granting an increase of pension to Jacob Salat was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Salat, late of Company E, Nineteenth Regiment United States Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CHARLES REED.

The bill (H. R. 16192) granting an increase of pension to Charles Reed was considered as in Committee of the Whole. It Proposes to place on the pension roll the name of Charles Reed, late of Company F, Fifty-seventh Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month

in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JOB CLARK.

The bill (H. R. 16221) granting an increase of pension to Job Clark was considered as in Committee of the Whole. poses to place on the pension roll the name of Job Clark, late of Company D. Third Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JOHN P. BARE.

The bill (H. R. 16261) granting an increase of pension to John P. Bare was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John P. Bare, late of Company H, Twenty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### FRANCIS D. MATHENY.

The bill (H. R. 16343) granting an increase of pension to Francis D. Matheny was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis D. Matheny, late of Company C, Twenty-second Regiment Indiana Volunteer Infantry, and Company D, Eighth Regiment Veteran Reserve Corps, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## PATRICK BOGAN.

The bill (H. R. 16439) granting an increase of pension to Patrick Bogan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patrick Bogan, late of McMullin's independent company, Pensylvania Rangers Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARY DENNY.

The bill (H. R. 16607) granting an increase of pension to Mary Denny was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Denny, widow of James Denny, late of Company H, Fourteenth Regiment United States Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### CATHARINE M'NAMEE.

The bill (H. R. 16608) granting an increase of pension to Catharine McNamee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catharine McNamee, widow of Miles McNamee, late of Company C, Fourth Regiment Rhode Island Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JEFFERSON G. TURNER.

The bill (H. R. 16687) granting an increase of pension to Jefferson G. Turner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jefferson G. Turner, late of Company F, Thirteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JAMES MILTIMORE.

The bill (H. R. 16718) granting an increase of pension to James Miltimore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Miltimore, late of Company I, Fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### JOHN V. SUMNER.

The bill (H. R. 16819) granting a pension to John V. Sumner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John V. Sumner, late of Company L, Fourth Regiment Illinois Volunteer Infantry, war with Spain.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

### ALLAN S. ROSE.

The bill (H. R. 16834) granting an increase of pension to Allan S. Rose was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Allan S. Rose, late of Company L, Fifty-sixth Regiment New York Vol-unteer Infantry, and second lieutenant Company I, One hundred and third Regiment United States Colored Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### BENJAMIN F. JOHNSON.

The bill (H. R. 16839) granting an increase of pension to Benjamin F. Johnson was considered as in Committee of the Benjamin F. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Johnson, late second lieutenant, Fourth Battery, Indiana Volunteer Light Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ANNA E. MARBLE.

The bill (H. R. 16905) granting a pension to Anna E. Marble was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna E. Marble, helpless and dependent daughter of Emery H. Marble, late of Company I, Fourth Regiment, and Company I, Twelfth Regiment, Illinois Volunteer Cavalry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### JOHANNE LANGE.

The bill (H. R. 16925) granting a pension to Johanne Lange was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Johanne Lange, dependent mother of Emil Lange, late of Company K, First Regiment Missouri Volunteer Infantry, war with Spain, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## PATTERSON REESE.

The bill (H. R. 16939) granting an increase of pension to Patterson Reese was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patterson

Reese, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### LEVI DEATER.

The bill (H. R. 17002) granting an increase of pension to Levi Deater was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi Deater, late of Company K, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### GEORGE MYERS.

The bill (H. R. 17091) granting an increase of pension to George Myers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Myers, late of Company I, Twenty-fourth Regiment New York Volunteer Cavalry, and to pay him a pension of \$65 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### HUNGARIAN REFORMED FEDERATION OF AMERICA.

The bill (H. R. 24046) to incorporate the Hungarian Reformed Federation of America was announced as the next business in order on the Calendar.

Mr. McCUMBER. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without preju-

### NORTHERN JUDICIAL DISTRICT OF ALABAMA.

The bill (H. R. 24887) providing for a United States judge for the northern judicial district of Alabama was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### LEGAL REPRESENTATIVES OF W. T. SCOTT, DECEASED.

The bill (S. 8427) to annul certain titles to land acquired by judicial proceedings in the courts of the United States in Texas, and for other purposes, was considered as in Committee of the Whole. It proposes that the United States shall relinquish to the heirs or legal representatives of William T. Scott, late of Scottsville, Harrison County, Tex., and to his assigns, all the right, title, and interest of the United States in and to 52 sections of land of 640 acres each, lying and being situated in the counties of Tom Green, Mitchell, Concho, Irion, Coke, Sterling,

and Atascosa, in the State of Texas.

Mr. CULBERSON. I will state that the passage of this bill is recommended in an elaborate review of the whole matter by the Solicitor-General.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

## CHARLES C. LEE.

The bill (S. 7726) to correct the naval record of Charles C. Lee was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, in line 5, before the word "discharge," to strike out "an honorable" and insert "a;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to correct the naval record and grant a discharge to Charles C. Lee, late ordinary seaman, United States tugboat Marigold, United States Navy.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# NAVAL RESERVATIONS IN PORTO RICO.

The bill (S. 8119) to readjust the boundaries of the naval reservations in Porto Rico, established in pursuance of the act of July 1, 1902, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pacific Islands and Porto Rico with an amendment, in line 19, on page 2, before the word "wall," to strike out "scrap" and insert "scarp," so as to read: "Scarp wall."

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COUNCIL CITY AND SOLOMON RIVER BAILROAD COMPANY.

The bill (H. R. 23720) to aid the Council City and Solomon River Railroad Company was announced as the next business in order on the Calendar.

Mr. McCUMBER. I ask that the bill may go over. The VICE-PRESIDENT. The bill will go over, at the request of the Senator from North Dakota.

#### NATIONAL GERMAN-AMERICAN ALLIANCE,

The bill (H. R. 11273) to incorporate the National German-American Alliance was announced as the next business in order on the Calendar.

Mr. McCUMBER. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from North Dakota.

Mr. KNOX. I hope the Senator from North Dakota will not persist in asking that it go over. The bill has passed the House after full consideration.

Mr. McCUMBER. I think others who are not present want to be heard upon the bill. I know they desire it to go over. There are some things in the bill about which I want to know

something, and I do not care to discuss it now.

Mr. KNOX. The bill was called up yesterday and was about to pass when the Senator from Maine objected. I inquired of him if his objection was based upon any objection to the merits of the bill. He said it was not; that it was only because he desired the business of the Senate to proceed. Of course, if anyone else wants to be heard upon the bill, that is another proposition. The Senator who objected, the Senator from Maine, told me to-day it was not because of any objection to the merits of the bill, but simply because he desired it to go over on account of the business of the Senate.

Mr. McCUMBER. I desire to look into the bill myself, I will say frankly to the Senator.

The VICE-PRESIDENT. The bill will go over without preju-

Mr. McCUMBER subsequently said: I desire to withdraw my objection to the present consideration of House bill 11273.

The Senate, as in Committee of the Whole, proceeded to con-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ROSEBUD INDIAN RESERVATION, S. DAK.

The bill (S. 6618) to authorize the sale of a portion of the Rosebud Indian Reservation, in South Dakota, and for other purposes, was announced as the next business in order on the Calendar.

Mr. GAMBLE. I ask that the bill go over without prejudice. The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from South Dakota.

### DAM ACROSS ROCK RIVER AT LYNDON, ILL.

The bill (H. R. 25234) permitting the building of a dam across Rock River at Lyndon, Ill., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ROSEBUD INDIAN RESERVATION, S. DAK.

The bill (H. R. 24987) to authorize the sale and disposition of a portion of the surplus or unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, to insert at the end of section 7 the

following:

And there is hereby appropriated the further sum of \$15,000, or so much thereof as may be necessary, for the purpose of making the allotments provided for herein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

## WILLIAM F. CLENDENING.

The bill (H. R. 20223) granting an increase of pension to William F. Clendening was considered as in Committee of the

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Company," to strike out "United States.Army;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws the name of William

F. Clendening, late of Company I, Third Regiment Tennessee Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

### ANNE B. WHITCOMB.

The bill (H. R. 20718) granting an increase of pension to Anne B. Whitcomb was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "sixteen" and insert "twenty;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anne B. Whitcomb, widow of George C. Whitcomb, late captain Company B, Hatch's battalion, Minnesota Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### WILLIAM YAHN.

The bill (H. R. 20003) granting an increase of pension to William Yahn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Yahn, late of Company B, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### ISAIAH PERKINS.

The bill (H. R. 20004) granting an increase of pension to Isaiah Perkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaiah Perkins, late of Company E. Second Regiment New York Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

### CYNTHIA MARSH.

The bill (H. R. 20057) granting an increase of pension to Cynthia Marsh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cynthia Marsh, widow of Manton E. Marsh, late of Company H, Fourteenth Regiment United States Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### PHILIP LAPE.

The bill (H. R. 20062) granting an increase of pension to Philip Lape was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philip Lape, late of Company G, Ninety-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM VAN ALST.

The bill (H. R. 20082) granting an increase of pension to William Van Alst was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Van Alst, late of U. S. S. North Carolina and Gettysburg, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### FLORA FENZL.

The bill (H. R. 20148) granting a pension to Flora Fenzl was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Flora Fenzl, widow of George Fenzi, late of Company D, Sixty-fifth Regiment New York Vol-unteer Infantry, war with Spain, and to pay her a pension of \$12 per month, and two dollars per month additional for each of

the minor children of said soldier until they shall attain the age of sixteen years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### FRANK L. WEISS, ALIAS LOUIS WEISS.

The bill (H. R. 20155) granting an increase of pension to Frank L. Welss, alias Louis Welss, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank L. Weiss, alias Louis Weiss, late of Company M, Fourteenth Regiment New York Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOSEPH FERGERSON.

The bill (H. R. 9838) granting an increase of pension to Joseph Fergerson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Fergerson, late of Company H, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

### MATHIAS MANNES.

The bill (H. R. 20170) granting an increase of pension to Mathias Mannes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mathias Mannes, late of Company B, One hundred and eighty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CATHERINE WAY.

The bill (H. R. 20183) granting an increase of pension to Catherine Way was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine Way, widow of Henry C. Way, late of Company E, Second Regiment Pennsylvania Volunteer Heavy Artillery, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### FERDINAND KUNKEL.

The bill (H. R. 20217) granting an increase of pension to Ferdinand Kunkel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ferdinand Kunkel, late of Company C, Fifty-first Regiment Missuori Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### MICHAEL DUNN.

The bill (H. R. 20270) granting an increase of pension to Michael Dunn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Dunn, late of Company D, Thirty-first Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

### LIZZIE E. ENRIGHT.

The bill (H. R. 20299) granting an increase of pension to Lizzie E. Enright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lizzie E. Enright, widow of Jeremiah Enright, late of Company C, Fourth Regiment United States Cavalry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARTHA STEVENS.

The bill (H. R. 20352) granting a pension to Martha Stevens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha Stevens, widow of Andrew Stevens, late of Company A, Twenty-fourth Regiment New York Volunteer Cavalry, and to pay her a pension of \$8 per month, such pension to cease upon proof that the soldier is living.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ALBERT LAUNT.

The bill (H. R. 20414) granting an increase of pension to Albert Launt was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of Albert Launt, late of Eighth Independent Battery, New York Volunteer Light Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### NICHOLAS S. CANTINE.

The bill (H. R. 20588) granting an increase of pension to Nicholas S. Cantine was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nicholas S. Cantine, late of Company B, One hundred and fortythird Regiment New York Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### HANNAH O. REYNOLDS.

The bill (H. R. 20590) granting an increase of pension to Hannah O. Reynolds was considered as in Committee of the It proposes to place on the pension roll the name of Hannah O. Reynolds, widow of Benjamin Reynolds, late cap-tain Company G, One hundred and forty-third Regiment New. York Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### SAMUEL SHOENER.

The bill (H. R. 20622) granting an increase of pension to Samuel Shoener was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Shoener, late first lieutenant Company K, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JAMES L. BARNEY.

The bill (H. R. 23235) granting an increase of pension to James L. Barney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James L. Barney, late of Company K, Sixth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$40 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN R. CAULEY.

The bill (H. R. 24358) granting an increase of pension to John R. Cauley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John R. Cauley, late of Company C, First Regiment Florida Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM W. SPARKS.

The bill (H. R. 21447) granting a pension to William W. Sparks was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Second," to insert "Regiment;" and in line 7, before the word "and," to insert "war with Spain;" so as to make the bill read:

War with Spain, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Sparks, late of Company D, Second Regiment United States Volunteer Engineers, war with Spain, and pay him a pension at the rate of \$12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed,

## NANNY E. HAYES.

The bill (H. R. 21639) granting a pension to Nanny E. Hayes

was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "mother," to insert "dependent;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nanny E. Hayes, dependent mother of David Hayes, late of Company II, Second Regiment Arkansas Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### CASPER W. TYLER.

The bill (H. R. 21415) granting an increase of pension to Casper W. Tyler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Casper W. Tyler, late captain Company H and lieutenant-colonel One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving. receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### LEVI E. ELDRED.

The bill (H. R. 21244) granting an increase of pension to Levi E. Eldred was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi E. Eldred, late of Company B, Forty-seventh Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### MARGARET ADAMS.

The bill (H. R. 21262) granting an increase of pension to Margaret Adams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Adams, widow of Henry C. Adams, late of Company A, Twelfth Regiment Illinois Volunteer Cavalry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

### JEROME B. CLARK.

The bill (H. R. 21267) granting an increase of pension to Jerome B. Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jerome B. Clark, late of Company F, First Regiment Connecticut Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### WILLIAM EARNEST.

The bill (H. R. 21284) granting an increase of pension to William Earnest was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Earnest, late of Company F, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JAMES POOL.

The bill (H. R. 21306) granting an increase of pension to James Pool was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Pool, late of Company C, Fifteenth Regiment Missouri Volunteer late of Company C, Fifteenth Regiment Missouri Volunteer Cayalry, and to pay him a pension of \$24 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### HERMANN HOFFMEISTER.

The bill (H. R. 21336) granting an increase of pension to Hermann Hoffmeister was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hermann Hoffmeister, late of Company C, Second Regiment Missouri Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### HENRY J. BARROWS.

The bill (H. R. 21337) granting an increase of pension to Henry J. Barrows was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Henry J. Barrows, late of Company B, Fifth Regiment Connecticut Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CHARLES A. PARKER.

The bill (H. R. 21342) granting an increase of pension to Charles A. Parker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles A. Parker, late of Company B, Seventh Regiment Vermont Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### WILLIAM SEYMOUR ALDEN.

The bill (H. R. 21348) granting an increase of pension to William Seymour Alden was considered as in Committee of the It proposes to place on the pension roll the name of William Seymour Alden, late of Second Battery, Vermont Volunteer Light Artillery, and to pay him a pension of \$24 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### HESTER A. PARRISH.

The bill (H. R. 21352) granting a pension to Hester A. Parrish was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hester A. Parrish, widow of Robert W. L. Parrish, late boatswain's mate, second class, Naval Academy, United States Navy, and to pay her a pension of \$12 per month, and \$2 per month additional on account of each of the minor children of the said Robert W. L. Parrish until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ALONZO FOSTER.

The bill (H. R. 21430) granting an increase of pension to Alonzo Foster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alonzo Foster, late of Company F, Sixth Regiment New York Volunteer Cavalry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JOHN SHORT.

The bill (H. R. 21525) granting an increase of pension to John Short was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Short, late of First Independent Battery, New York Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM IVERS.

The bill (H. R. 21559) granting an increase of pension to William Ivers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Ivers, late of Company G, Sixty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### VALENTINE GOEBEL.

The bill (H. R. 21562) granting an increase of pension to Valentine Goebel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Valentine Goebel, late of Company B, Thirty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### LOUIS GREEN.

The bill (H. R. 21608) granting an increase of pension to Louis Green was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louis Green, late of Company H, Third Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that

e is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ROSE SEVIN.

The bill (H. R. 21659) granting an increase of pension to Rose Sevin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rose Sevin, widow of Charles Julius Sevin, late hospital steward U. S. S. *Hartford*, Colorado, and Pensacola, U. S. Navy, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### THOR NELSON.

The bill (H. R. 21711) granting an increase of pension to Thor Nelson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thor Nelson, late of Company B. Twenty-third Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### STEPHEN B. H. SHANKS.

The bill (H. R. 21734) granting an increase of pension to Stephen B. H. Shanks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen B. H. Shanks, late second lieutenant Company H, One hundredth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

### WILLIAM N. CARLISLE.

The bill (H. R. 21746) granting an increase of pension to William N. Carlisle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William N. Carlisle, late of Company E, Forty-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$50 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 21784) granting an increase of pension to William Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Hall, late of Company D, Ninety-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or dered to a third reading, read the third time, and passed.

### ISTHMIAN CANAL

The bill (S. 8488) to amend an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902, was announced as the next business in order on the Calendar.

Mr. CULBERSON. Let the bill go over. The VICE-PRESIDENT. The bill will go over.

### MRS. C. N. GRAVES.

The bill (S. 4367) for the relief of Mrs. C. N. Graves was considered as in Committee of the Whole. It proposes to pay to Mrs. C. N. Graves, widow of R. F. Graves, jr., deceased, \$7,000, being the amount assessed for the use and occupation of the property of R. F. Graves, jr., in Prince George County, Va., by the board of survey appointed for that purpose May 30, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### UNITED STATES COURTS IN SOUTH CAROLINA.

The bill (H. R. 22334) to amend an act to regulate the sitting of the United States courts within the district of South Carolina was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, in section 2, line 13, before the word "district," to strike out "western;" and in line 15, after the word october, to strike out the period and insert a semicolon; and to strike out lines 1 and 2 and down to and including the word "year" in line 3, on page 2, as follows:

SEC. 3. That the regular terms of the district court of the United States for the eastern district of South Carolina shall be held in each year. word "October," to strike out the period and insert a semicolon;

### So as to make the section read:

SEC. 2. That the regular terms of the district court of the United States for the district of South Carolina shall be held in each year in the city of Greenville, on the third Tuesday in April and on the third Tuesday in October; in the city of Charleston, on the first Tuesday in June and on the first Tuesday in December; in the city of Columbia, on the third Tuesday in January and on the first Tuesday in November,

the latter term to be solely for the trial of civil cases, and in the city of Florence, on the first Tuesday in March.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

### PROTESTANT ORPHAN ASYLUM, NATCHEZ, MISS.

The bill (S. 3342) for the relief of the Protestant Orphan Asylum at Natchez, in the State of Mississippi, was considered as in Committee of the Whole. It proposes to pay to the Protestant Orphan Asylum at Natchez, Miss., \$5,375, in full settlement and discharge of its claim for the use and occupation of the property of the asylum by the military forces of the United States during the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

### and passed.

JOHN SHINOLT. The bill (H. R. 17956) granting an increase of pension to John Shinolt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to insert "war with Spain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Shinolt, late of Company H, Thirtieth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time,

The bill was read the third time, and passed.

### JOSEPH BATEMAN.

The bill (H. R. 17245) granting an increase of pension to Joseph Bateman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Bateman, late second lieutenant Company D, Twenty-fifth Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JOHN A. BAKER.

The bill (H. R. 17307) granting an increase of pension to John A. Baker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Baker, late of Company G. One hundred and forty-first Regiment New York Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading read the third time and record.

dered to a third reading, read the third time, and passed.

### ALBERT W. BOGGS.

The bill (H. R. 17394) granting an increase of pension to Albert W. Boggs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert W. Boggs, late of Signal Corps, United States Army, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## FRITZ DITTMANN.

The bill (H. R. 17655) granting an increase of pension to Fritz Dittmann was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fritz Dittmann, late of Company H, Second Regiment Wisconsin Volunteer Cavalry, and Company I, Twenty-ninth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### THOMAS AKIN.

(H. R. 18040) granting an increase of pension to Thomas Akin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Akin, late of Company D, Sixth Regiment Tennessee Volunteer Mounted Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ASAIL BROWN.

The bill (H. R. 18110) granting an increase of pension to Asail Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Asail Brown, late of Company B, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JOHN NIX.

The bill (H. R. 18396) granting an increase of pension to John Nix was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Nix, late of Company A, Twenty-fifth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### MARTIN JOHNSON.

The bill (H. R. 18515) granting an increase of pension to Martin Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin Johnson, late of Company G, Thirty-fifth Regiment Kentucky Volunteer Mounted Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WILLIAM W. WERTMAN.

The bill (H. R. 18518) granting an increase of pension to William W. Wertman was considered as in Committee of the It proposes to place on the pension roll the name of William W. Wertman, late of Company D, Seventh Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### BENJAMIN W. M'CRAY.

The bill (H. R. 18519) granting a pension to Benjamin W. McCray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin W. McCray, late of Company C, Eighth Regiment Ohio Volunteer Infantry, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### WILLIAM H. DE BRULER.

The bill (H. R. 18556) granting an increase of pension to William H. De Bruler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. De Bruler, late of Company K, One hundred and thirty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now re-

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

## ANN O'NEIL.

The bill (H. R. 18571) granting an increase of pension to Ann O'Neil was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ann O'Neil. widow of William O'Neil, late of Company H, Forty-second Regiment New York Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

### THOMAS M. LUMAN.

The bill (H. R. 18604) granting an increase of pension to Thomas M. Luman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas M. Luman, late quartermaster-sergeant Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, and to pay him a pension of \$24 per month in lieu of that he is now

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## RICHARD LIMBIRD.

The bill (H. R. 18653) granting an increase of pension to Richard Limbird was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard Limbird, late of Company I, Twenty-seventh Regiment Ohio

Volunteer Infantry, and to pay him a pension of \$30 per month

in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### FRANCIS G. KNAPP.

The bill (H. R. 18814) granting an increase of pension to Francis G. Knapp was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis G. Knapp, late of Company K, Sixth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JAMES R. WILSON.

The bill (H. R. 18831) granting an increase of pension to James R. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James R. Wilson, late of Company A, Seventy-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### NANNIE T. JOHNSON.

The bill (H. R. 18874) granting a pension to Nannie T. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Namie T. Johnson, dependent mother of Cave Johnson, late first lieutenant Company H, First Regiment Tennessee Volunteer Infantry, war with Spain, and to pay her a pension of \$17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JAMES SHAW.

The bill (H. R. 18993) granting an increase of pension to James Shaw was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Shaw, late of Company I, Twelfth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### WILLIAM R. BODENBERGER.

The bill (H. R. 19065) granting an increase of pension to William R. Rodenberger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William R. Rodenberger, late of Company H, Eighteenth United States Infantry, war with Spain, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

## CORNELIUS A. WILLIS.

The bill (H. R. 19069) granting an increase of pension to Cornelius A. Willis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cornelius A. Willis, late of Company H, Twenty-fifth Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

### PHOEBE TEMPLETON.

The bill (H. R. 19079) granting a pension to Phoebe Templeton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Phoebe Templeton, helpless and dependent daughter of William Templeton, late of Company H, Third Regiment Massachusetts Volunteer Heavy Artillery, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### MARGARET EPPERSON.

The bill (H. R. 19106) granting an increase of pension to Margaret Epperson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Epperson, widow of William T. Epperson, late of Company B, Fourth Regiment Kentucky Volunteers, war with Mexico, and first lieutenant Company A, Third Regiment Kentucky Infantry Volunteers, and to pay her a pension of \$16 per month in lieu of that she is now receiving. The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

## MARY W. HUMPHREYS.

The bill (H. R. 19125) granting an increase of pension to Mary W. Humphreys was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary W. Humphreys, widow of Robert W. Humphreys, late first lieutenant, Fourteenth Regiment United States Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CHARLES BACHMAN.

The bill (H. R. 19291) granting an increase of pension to Charles Bachman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Bachman, late of Company B, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ELLA A. HODGES.

The bill (H. R. 19421) granting an increase of pension to Ella A. Hodges was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ella A. Hodges, widow of George T. Hodges, late first lieutenant, Sixth Regiment United States Infantry, and to pay her a pension of \$15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JANE WILLIAMSON.

The bill (H. R. 19580) granting an increase of pension to Jane Williamson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jane Williamson, widow of Samuel U. Williamson, late of Company A, Fifty-sixth Regiment New York Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### HOSEA HUDSON.

The bill (H. R. 19594) granting an increase of pension to Hosea Hudson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hosea Hud-son, late first lieutenant Company C, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### WILLIAM J. LARGE

The bill (H. R. 19599) granting an increase of pension to William J. Large was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Large, late of Company K, Twenty-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ARY S. BENNETT.

The bill (H. R. 19658) granting an increase of pension to Ary S. Bennett was considered as in Committee of the Whole. proposes to place on the pension roll the name of Ary S. Bennett, widow of Edward R. Bennett, late of Company C, Seventy-fourth Regiment Ohio Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### HENRY D. MINER.

The bill (H. R. 19739) granting an increase of pension to Henry D. Miner was considered as in Committee of the Whole, It proposes to place on the pension roll the name of Henry D. Miner, late of Company C, Tenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### HENRY C. JEWETT.

The bill (H. R. 19794) granting an increase of pension to Henry C. Jewett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry C. Jewett, late of U. S. S. *Unadilla*, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MILDRED L. ALLEE.

The bill (H. R. 19937) granting an increase of pension to Mildred L. Allee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mildred L. Allee, widow of Abraham Allee, late second and first lieutenants Company K, Sixteenth Regiment Illinois Volunteer Cavalry, and to pay her a pension of \$15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### THOMAS M. LORD.

The bill (H. R. 20840) granting an increase of pension to Thomas M. Lord was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas M. Lord, late of First Independent Battery, Connecticut Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### WILLIAM W. BELL.

The bill (H. R. 20886) granting an increase of pension to William W. Bell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William W. Bell, late captain Company D, Thirteenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### LAFAYETTE DOUGHTY.

The bill (H. R. 20890) granting an increase of pension to Lafayette Doughty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lafayette Doughty, late of Company F, Seventy-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### JOHN W. HOWE.

The bill (H. R. 20952) granting an increase of pension to John W. Howe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Howe, late of Company K, Forty-second Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### HENRY M'DEVITT.

The bill (H. R. 20954) granting an increase of pension to Henry McDevitt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Mc-Devitt, late of Company D, Third Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JAMES KENNEY.

The bill (H. R. 20956) granting an increase of pension to James Kenney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Kenney, late of Company H, Sixty-first Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### WILLIAM G. DICKEY.

The bill (H. R. 20959) granting an increase of pension to William G. Dickey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William G. Dickey, late of Company K, Third Regiment Vermont Volunteer Infantry, and Second Company, First Battalion, Veteran Reserve Corps, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### GEORGE F. FOGG.

The bill (H. R. 20961) granting an increase of pension to George F. Fogg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George F. Fogg, late of Company D, First Regiment Massachusetts Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### RIANZO M. NORTON.

The bill (H. R. 20963) granting an increase of pension to Rianzo M. Norton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rianzo M. Norton, late of Company L, Thirty-first Regiment Maine Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## GEORGE W. ROTHROCK.

The bill (H. R. 20972) granting an increase of pension to George W. Rothrock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Rothrock, late of Company D, Thirteenth Regiment Indiana Volunteer Cayalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN H. SIMMONS.

The bill (H. R. 20999) granting an increase of pension to John H. Simmons was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Simmons, late of Company E, Sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### LUCY A. GAYLORD.

The bill (H. R. 21038) granting a pension to Lucy A. Gaylord was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy A. Gaylord, widow of William E. H. Gaylord, late of Company C, Fifty-fifth Regiment Illinois Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ELLA C. WASHBURN.

The bill (H. R. 21040) granting an increase of pension to Ella C. Washburn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ella C. Washburn, widow of Charles A. Washburn, late of Company G, First Regiment Maine Volunteer Cavalry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### EDMUND A. LOCKER.

The bill (H. R. 21052) granting an increase of pension to Edmund A. Locker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edmund A. Locker, late of Company E, One hundredth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ARCHIBALD BATES.

The bill (H. R. 21055) granting an increase of pension to Archibald Bates was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Archibald Bates, late of Company G, Fourteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### MICHAEL HARMAN.

The bill (H. R. 21073) granting an increase of pension to Michael Harman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Harman, late of Company C, Twenty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ANTHONY PATTERSON.

The bill (H. R. 21085) granting an increase of pension to Anthony Patterson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anthony Patterson, late of Company K, Forty-eighth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### MARGARET M'NALLY.

The bill (H. R. 21130) granting a pension to Margaret Mc-Nally was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Mc-Nally, widow of Michael McNally, late boilermaker U. S. S. Machias, United States Navy, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### CORNELIUS SHEA.

The bill (H. R. 21131) granting an increase of pension to Cornelius Shea was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cornelius Shea, late of Company B, Twenty-eighth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### GEORGE E. CASTOR, ALIAS GEORGE E. CUSTER.

The bill (H. R. 21141) granting an increase of pension to George E. Castor, alias George E. Custer, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George E. Castor, alias George E. Custer, late of Company E, Tenth Regiment Maryland Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### DAVID C. HAYNES, DECEASED.

The bill (H. R. 9298) for the relief of the heirs at law of David C. Haynes, deceased, was considered as in Committee of the Whole. It proposes to pay \$1,012.50 to the heirs at law of David C. Haynes, a deceased contractor, for services rendered by him in transporting the United States mails in the State of Texas prior and up to the 1st day of June, 1861.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### RICHMOND LOCOMOTIVE WORKS.

The bill (S. S430) for the relief of the Richmond Locomotive Works, successor of the Richmond Locomotive and Machine Works, was considered as in Committee of the Whole. It directs the Secretary of the Navy to examine the claim of the Richmond Locomotive Works, successor of the Richmond Locomotive and Machine Works, for the payment of \$10,490.96, alleged to be due for damages and losses incurred in the construction of the machinery of the armored battle ship Texas.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### SALE OF LANDS TO BUFFALO, WYO.

The bill (H. R. 23324) authorizing the sale of certain lands to the city of Buffalo, Wyo., was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to sell to the city of Buffalo, Johnson County, Wyo., for \$1.25 an acre, certain lands for use as a public park and fair grounds.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. This concludes the Calendar What is the further pleasure of the Senate?

Mr. McCUMBER. I move that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 20, 1907, at 11 o'clock a. m.

# HOUSE OF REPRESENTATIVES.

## Tuesday, February 19, 1907.

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of the proceedings of yesterday was read and approved.

## RIGHT OF WAY OVER FOREST RESERVES.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25124) amending section 2477 of the Revised Statutes of the United States.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2477 of the Revised Statutes of the United States be amended to read as follows:
"Sec. 2477. The right of way for the construction of highways over

public lands and lands included in forest reserves, not otherwise reserved for public uses, is hereby granted."

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to

object, I would like to ask the gentleman if this is a general

Mr. JONES of Washington. It is. It is to amend section 2477 of the Revised Statutes relating to right of way for highways. The law was passed in 1866, before we had forest reserves, so that that law is not applicable to forest reserves. If a county wants to build a road over a forest reserve they have to come here and ask for permission, and the purpose of this bill is simply to make that law apply to forest reserves just the same as it applies to public lands. The Commissioner of the Land Office states:

At the date of the statute embraced in said revised section (July 26, 1866) there were no forest reserves, and the law as it now exists is not applicable to them. The highways provided for will be constructed under the local State laws and regulations, will be of benefit to the officers having charge of the reserves as well as to settlers and other citizens, and I see no objection to the passage of the bill.

Mr. CLARK of Missouri. Who is it that grants this per-

Mr. JONES of Washington. The statute itself.

Mr. CLARK of Missouri. The statute can not enforce itself. Mr. JONES of Washington. The local authority, of course, will build the road the same as they do over public lands now.

Mr. CLARK of Missouri. What committee does this come from?

Mr. JONES of Washington. The Public Lands Committee, and it has the unanimous report of that committee.

Mr. PAYNE. I would like to ask the gentleman who gets

the timber?

Mr. JONES of Washington. The timber is cut off and thrown to one side, I suppose, or used in the building of bridges, culverts, embankments, etc.

Mr. PAYNE. What is there to prevent the running of highways in all directions over forest reserves in order to get the timber?

Mr. JONES of Washington. The county authorities do not have money enough to run many highways over forest reserves. They are usually restricted in their means. Furthermore, there never was any disposition to do this over the public lands and there is no danger of it now. These roads are put in by public money and no officer would think of following the course suggested. The gentleman surely does not make this suggestion seriously

Mr. FITZGERALD. Has this been referred to the forestry division?

Mr. JONES of Washington. Yes; and they say that the law is sufficient; they ask that a provision be put in that it shall be subject to the rules and regulations of the forestry division The Committee on Public Lands was opposed or department. to that proposition.

Mr. PAYNE. Is there any provision in the bill that some

Government official shall first give permission?

Mr. JONES of Washington. There is not, the purpose of the bill is to avoid anything of that kind.

Mr. PAYNE. I think, Mr. Speaker, I must object.

BRIDGES OVER CUMBERLAND RIVER NEAR NASHVILLE, TENN.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 8274) to amend an act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn. The Clerk read the bill, as follows:

Be it enacted, etc., That an act entitled "An act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn.," approved April 24, 1906, be so amended as to extend the time for commencing the construction of said bridges one year, and for completing the same three years, from April 24, 1907.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the

On motion of Mr. Adamson, a motion to reconsider the last vote was laid on the table.

GRANT OF LANDS TO BOULDER, COLO.

Mr. BONYNGE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 22599) to grant certain lands to the city of Boulder, Colo.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That the following-described tracts of land, situate in the county of Boulder, Colo., namely, all of the north half of the southeast quarter of section 18, all of the southwest quarter of the southeast quarter of section 18, all of the north half of the southwest quarter of section 18, and all of the south half of the northwest quarter of section 18; all of the north half of the northwest quarter of section 19, all of the southeast quarter of section 19, and all of the north half of the southwest quarter of section 19; all of

the west half of the northwest quarter of section 20 and all of the northwest quarter of the southwest quarter of section 20; all of the southwest quarter of the southwest quarter of section 21; all of the southwest quarter of section 21 all of the northwest quarter of the southwest quarter of section 21; all of the northwest quarter of section 28, and all of the northeast quarter of section 28, and all of the northwest quarter of section 28, and all of the northwest quarter of the northwest quarter of section 28; all of the north half of the northwest quarter of section 29; all of the north half of the northwest quarter of section 30; all in the northwest quarter of the northwest quarter of section 30; all in township 1 north, range 73 west of the sixth parallel meridian; also all of the southeast quarter of section 24 and all of the north half of the northeast quarter of section 24 and all of the north half of the northeast quarter of section 25, in township 1 north, range 74 west of the sixth parallel meridian; containing 1,560 acres of land, more or less, be, and the same is hereby, granted and conveyed to the city of Boulder, in the county of Boulder and State of Colorado, upon the payment of \$1.25 per acre by said city to the United States, to have and to hold said lands to its use and behoof forever for purposes of water storage and supply of its waterworks; and for said purposes said city shall forever have the right, in its discretion, to control and use any and all parts of the premises herein conveyed, and in the construction of reservoirs, laying such pipes and mains, and in making such improvements as may be necessary to utilize the water contained in any natural or constructed reservoirs upon said premises: Provided, however. That the grant hereby made is, and the patent issued hereunder shall be, subject to all legal rights heretofore acquired by any person or persons in or to the above-described premises, or any part thereof, and now existing under and by virtue of the laws of the United States.

The Clerk read the amendments recommended by the committee, as follows:

Amend said bill, on page 1, in line 6, by striking out the words "the southwest quarter of the southeast quarter" and inserting in lieu thereof the words "lots 6 and 10."

Ou page 1, line 7, strike out the words "the north half" and insert in lieu thereof the words "lot 3 of section 18, all of the northeast quarter".

On page 1, line 8, after the word "eighteen," insert the words "all of lot 2 of section 18;" and in the same line, strike out the words "south half" and insert in lieu thereof the words "southeast quarter."

quarter."

On page 1, line 9, strike out the word "northeast" occurring as the last word in said line and insert in lieu thereof the word "southeast."

On page 1, line 11, after the word "nineteen," insert the words "all of lot 3 of section 19."

On page 1, line 12, strike out the words "north half" and insert in lieu thereof the words "northeast quarter."

On page 1, line 13, strike out the words "the west half" and insert in lieu thereof the words "lot 2 of section 20, all of the southwest quarter."

On page 2, lines 10 and 11 cm.

On page 2, lines 10 and 11, strike out the words "the northwest quarter of the northwest quarter" and insert in lieu thereof the words "lot 1."

"lot 1."
On page 2, line 13, strike out the word "parallel" and insert in lieu thereof the word "principal."
On page 2, line 16, strike out the word "parallel" and insert in lieu thereof the word "principal."
On page 2, line 17, strike out the word "sixty" and insert in lieu thereof the words "fifty-seven and eighty-seven one-hundredths."
The SPEAKER. Is there objection?

Mr. FINLEY. Mr. Speaker, reserving the right to object, I would like to ask the gentleman what is the character of this

Mr. BONYNGE. This is land in a canyon where the city of Boulder gets its water supply, and the purpose of the bill is to give control of the land to prevent pollution of the water.

Mr. FINLEY. What is similar land worth in that community

Mr. BONYNGE. I do not know that it has any value. We are paying under this the minimum price, \$1.25 per acre. The bill has the unanimous report of the Committee on Public Lands, has been referred to the Department, and has the approval of the Department.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Bonynge, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS ALLEGHENY RIVER IN ARMSTRONG COUNTY, PA.

Mr. SMITH of Pennsylvania. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25627) to authorize the county of Armstrong, in the State of Pennsylvania, to construct a bridge across the Allegheny River in Armstrong County, Pa.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the county of Armstrong, in the State of Pennsylvania, a municipal corporation under the laws of Pennsylvania, its successors and assigns, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Allegheny River, from a point on the Bonnett road, near a derrick erected by the Pittsburg Plate Glass Company, in North Buffalo Township, Armstrong County, Pa., to a point on the public road leading from Rosston to Kittanning, near the old landing of Midway Ferry, in the borough of Ford City, in said county and State, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time,

was read the third time, and passed.

On motion of Mr. Smith of Pennsylvania, a motion to reconsider the last vote was laid on the table.

DAM ACROSS COOSA RIVER, ALABAMA.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 25694) permitting the erec-tion of a dam across Coosa River, Alabama, at the place selected for Lock No. 12 on said river.

The SPEAKER. The Clerk will report the bill.

icion of a dam across Coosa River, Alabama, at the place selected for Lock No. 12 on said river.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Alabama I over Company a corporation organized under the to the Alabama I over Company a corporation organized under the to the Alabama I over Company a corporation of said grant and assigns, to build a dam, of such height as the Chief of Engineers and the Secretary of War may approve, across the Coosa River, in Alabama, at the place selected for the location of Lock and Dam No. 12 on said river, as located in the survey made by the engineers of the location of the wint the requirements of the river and harbor act approved June 13, 1902, for the development of water power, and such works and structures in connection therewith as may be necessary or convenient in the development of said power and in the utilized of the construction of the same; Provided further, That the Alabama and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of the same; Provided further, That the Alabama and the same and the Secretary of War before the commencement of the construction of the same; Provided further, That the Alabama and the same and the Secretary of War. Provided further, That said dam such plans after sand, is such series of a said splans shall have previously been submitted to and received the approval of the Chief of Engineers and the Secretary of War. Provided further, That said dam only of the river not required for the navigation of the Chief of Engineers and the Secretary of War personal provided in the provisions of this act which shall at any time injure or interfere with the navigation of said river or impair the usefulness of any important of the provisions of this act which shall at any time injure or interfere with the provisions of this act which shall as any time inj

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, may

I ask what committee reported this bill?

Mr. BURNETT. The Committee on Rivers and Harbors. The bill was called to the attention of the gentleman on yester-It was first improperly referred to the Committee on Interstate and Foreign Commerce and then referred to the Committee on Rivers and Harbors, and it comes in with the unanimous re-

port from the committee and has the recommendation of the Chief of Engineers, War Department.

Mr. MANN. It is in violation of every principle that has been

adopted by the Committee on Interstate and Foreign Commerce in recommending the passage of these dam bills. It makes no reference whatever to the general dam act, to which we require all dam acts to conform.

Mr. BURNETT. I hope the gentleman will make no objection. This bill is well guarded and is recommended by the Chief of Engineers, War Department, and was considered very carefully by the subcommittee and then by the full Committee on Rivers

and Harbors.

Mr. MANN. I had understood it was a mere matter of a dam in connection with a lock constructed by the Government. I am not willing to say we require one thing in a committee that has proper jurisdiction and consent that another committee shall report a different kind of bill, unless at least we have examined Let us have time to look at it. Temporarily, Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

BOULEVARD THROUGH THE MILITARY RESERVATION OF FORT DOUGLAS, UTAH.

Mr. HOWELL of Utah. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 8362) to authorize the city council of Salt Lake City, Utah, to construct and maintain a boulevard through the military reservation of Fort

Douglas, Utah.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby empowered to authorize the city council of Salt Lake City, Utah, to construct and maintain a boulevard through the military reservation of Fort Douglas, Utah, upon such location and of such width and upon such plans and subject to such conditions as he may deem proper for the protection of the interests of the United States.

The SPEAKER. Is there objection?
Mr. CLARK of Missouri. Mr. Speaker, does this entail any charge upon the United States Government in the way of expense?

Mr. HOWELL of Utah. Not a dollar. Mr. CLARK of Missouri. Does the Department recommend

Mr. HOWELL of Utah. It has the approval of the com-mander of the fort and the War Department. The bill is drafted in accordance with the directions of the Secretary of

Mr. CLARK of Missouri. How near is the reservation to this town?

Mr. HOWELL of Utah. The reservation adjoins the city of Salt Lake.

Mr. CLARK of Missouri. Does it vest its title in the town

or simply does it give an easement?

Mr. HOWELL of Utah. It simply authorizes the Secretary of War to grant permission for the construction of this boulevard upon such plans and conditions as he may deem necessary to protect the interests of the United States.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. Howell of Utah, a motion to reconsider the

last vote was laid on the table.

### ALLOTMENT OF LANDS IN SEVERALTY TO INDIANS.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25570) to amend an act approved May 8, 1906, entitled "An act to amend section 6 of the act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians. and for other purposes."

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act of May 8, 1906 (34 Stat. L., 182, 183), entitled "An act to amend section 6 of an act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," be, and the same is hereby, amended by inserting the words "of the Five Civilized Tribes" between the word "Indians" and the word "in" in the last line of the third proviso; so that this proviso shall read:

"And provided further. That the provisions of this act shall not extend to any Indians of the Five Civilized Tribes in the Indian Territory."

The SPEAKER. Is there objection?
Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I would like to know what the bill is?

Mr. BURKE of South Dakota. This bill proposes to amend a law that was passed at the last session of this Congress so that the law will read exactly as it passed the House. a bill last year with a proviso that it should not apply to the Five Civilized Tribes, and the bill went to the Senate, and the Senate amended it by changing the proviso so that it should not apply to the Indians in the Indian Territory. All that this bill does is to put the law into the shape that the bill was in when it passed the House last year.

Mr. CLARK of Missouri. Did that bill finally become a

Mr. BURKE of South Dakota. That bill became a law. Mr. CLARK of Missouri. What is the reason it did not fix it then?

Mr. BURKE of South Dakota. If the gentleman desires me to do so, I will read briefly what the Commissioner says in regard to it. This is a bill that the Department asks for and the Commissioner of Indian Affairs has written me concerning

it as follows:

The explanation of the need of such an amendment is as follows: When your bill was on its passage somebody concerned in dissociating the Indians of the Five Civilized Tribes of Indian Territory from any connection with your plan for disposing of allotments through administrative action procured the insertion of an exception to this effect: "And provided further, That the provisions of this act shall not extend to any Indians in the Indian Territory." Everybody seems to have forgotten for the moment that there is one other agency in Indian Territory besides that which has jurisdiction of the Five Civilized Tribes. We know it as the Quapaw Agency, under which are grouped fragments of the Peoria, Ottawa, Quaqaw, Modoc, Seneca, Eastern Shawnee, Miami, and Wyandotte tribes, numbering in the aggregate about 1,600 souls. These Indians are in a different situation generally and at a different stage of development from the Five Civilized Tribes, and belong to the same group as other reservation Indians scattered throughout the country. They should have the same treatment as regards their allotments. A considerable number of them are now entirely fit to be set free; a much larger number are not. By the "provided further" which I have quoted above these people can not be reached, when they are deserving of emancipation, except by special individual legislation. The passage of this bill would limit the operation of the proviso to the Five Civilized Tribes, and thereby leave us in administrative control of the Indians under the Quapaw Agency just as we are of the Kiowas and the Sioux and all the rest.

Mr. STEPHENS of Texas. If the gentleman will permit me

Mr. STEPHENS of Texas. If the gentleman will permit me to suggest, I will state that this reservation is up next to Kansas and Missouri, in the northwestern portion of the Indian Territory, and it was presumed at the time this bill was in the Senate that there were no Indians in the Territory save the

Five Civilized Tribes.

Mr. CLARK of Missouri. Is that the Miami tribe of Indians? Mr. STEPHENS of Texas. That is one of them. There were several grouped under the Quapaw Agency, and they were cut out under the provisions of the bill, and it should be extended This is to cure a defect in the original bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time,

was read the third time, and passed.
On motion of Mr. Burke of South Dakota, a motion to reconsider the vote by which the bill was passed was laid on the

The title was amended to read as follows:

A bill to amend an act approved May 8, 1906, entitled "An act to amend section 6 of the act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other pur-

BOAT FOR MIDSHIPMEN.

Mr. FOSS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 7372) to authorize the acceptance by the Secretary of the Navy, as a gift, of a sailboat for use of midshipmen at the Naval Academy

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of a bill, which the

Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to accept as a gift, from a member of the family of the late Assistant Naval Constructor Joseph E. McDonald, a saliboat for the use of the midshipmen at the Naval Academy.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. Foss, a motion to reconsider the vote by which the bill was passed was laid on the table.

SARAH R. HARRINGTON.

Mr. LOUDENSLAGER. Mr. Speaker, I desire to call up a conference report on the bill H. R. 21579, and ask that the statement may be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 21579) granting an increase of pension to Sarah R. Harrington, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as fol-

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-five dol-

H. C. LOUDENSLAGER, WM. H. DRAPER, WILLIAM RICHARDSON, Managers on the part of the House. P. J. MCCUMBER, N. B. SCOTT, JAS. P. TALIAFERRO,

Managers on the part of the Senate.

The Clerk read as follows:

#### STATEMENT.

This bill originally passed the House at \$25 per month, but was amended in the Senate to \$50 per month. The result of the conference is that the House recede from its disagreement to the amendment of the Senate at \$50 per month, and the conferees have agreed to a rating of \$35 per month; and your conferees recommend that the bill pass at \$35 per month, in accordance with said agreement.

H. C. LOUDENSLAGER, WM. H. DRAPER, WILLIAM RICHARDSON, Managers on the part of the House.

Mr. LOUDENSLAGER. Mr. Speaker, I move the adoption of the report.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman a question. What kind of a pension bill is this? Mr. LOUDENSLAGER. It is for the widow of Commander Harrington, of the Navy.

Mr. CLARK of Missouri. You never got a \$30-a-month bill for the Mexican veterans out of that committee yet?

Mr. LOUDENSLAGER. Yes; we have, begging the gentleman's pardon.

Mr. FINLEY. One at \$45.

Mr. CLARK of Missouri. No; I mean a general bill. Mr. LOUDENSLAGER. No; we have not.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the report was agreed to.

### UNIVERSITY OF OKLAHOMA

The SPEAKER laid before the House the bill (H. R. 25013) entitled "An act granting to the regents of the University of Oklahoma section No. 36, township No. 9 north, of range No. 3 west, of the Indian meridian, in Cleveland County, Okla.," with a Senate amendment.

The Senate amendment was read.

Mr. McGUIRE. Mr. Speaker, I move to concur in the Senate amendment.

The question was taken; and the motion was agreed to.

## JAMES H. DAVIS.

The SPEAKER laid before the House the bill (H. R. 9841) entitled "An act to correct the military record of James H. Davis," with Senate amendment.

The Senate amendment was read.

Mr. EDWARDS. Mr. Speaker, I move to concur in the Senate amendment.

The question was taken; and the motion was agreed to.

PHOENIX WATER COMPANY, PHOENIX, ARIZ.

Mr. SMITH of Arizona. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 25039. The bill was read, as follows:

A bill (H. R. 25039) to enable the city of Phoenix, in Maricopa County, Ariz., to use the proceeds of certain municipal bonds for the purchase of the plant of the Phoenix Water Company and to extend and improve said plant.

Be it enacted, etc., That the contract entered into by and between the common council of the city of Phoenix, county of Maricopa, Territory of Arizona, and the Phoenix Water Company, a corporation doing business in and about the said city of Phoenix, Ariz., of date January 15, 1907, for the purchase of the water plant of the said Phoenix Water Company for the sum of \$90,000 in cash and the assumption of \$60,000

of first-mortgage bonds be, and the same is hereby, validated, ratified, and confirmed, and the said common council of the city of Phoenix is hereby authorized to proceed under said contract to purchase the said water plant described and specified in said contract, and is hereby authorized to use the money arising from the sale of the \$300,000 water-works bonds heretofore authorized by the Congress of the United States and mentioned in said contract, for the purpose of purchasing the said property and carrying out the provisions of the said contract, and for the further purpose of paying the said \$60,000 assumed thereunder and of improving, extending, enlarging, repairing, and rebuilding said water system.

SEC. 2. That this act shall be in force and take effect from and after

its passage.

Sec. 3. That all acts and parts of acts in conflict with the provisions of this act in so far as they affect this act are hereby repealed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GRANT OF CERTAIN LANDS TO COLORADO.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 24134.

The bill was read, as follows:

The bill was read, as follows:

A bill (H. R. 24134) providing for the granting and patenting to the State of Colorado, free of price, desert lands formerly in the Ute Indian Reservation in Colorado.

Be it enacted, etc., That the provisions of section 4 of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and the acts amendatory thereof, approved June 11, 1896, and March 3, 1901, respectively, be, and are hereby, extended over and shall apply to the desert lands included within the limits of the former Ute Indian Reservation in Colorado not included in any forest reservation, in addition to the provisions of existing laws relating to homestead entries and cash entries thereon, and that the State of Colorado may make application for the segregation of said desert lands under said section, and the United States thereupon shall donate, grant, and patent to the State of Colorado, free of price or cost of survey, such desert lands upon the State of Colorado complying with the provisions of said section 4, approved August 18, 1894, and the acts amendatory thereof.

SEC. 2. That all sums of money that may be lost to the Ute Indian fund by reason of the passage of this act shall be paid into the fund by the United States, to be held by the Secretary of the Interior for the use and benefit of the Ute Indians.

SEC. 3. That no lands shall be included in any tract to be segregated under the provisions of this act on which the United States Government has valuable improvements or which have been reserved for Indian schools or farm purposes.

The amendments recommended by the committee were read,

Amend the title by inserting the word "Southern" before the word "Ute," in line 2 of the title.

Section 1, line 12, amend by inserting before the word "Ute" the word "Southern."

Strike out section 2.

Renumber section 3 as section 2.

Mr. FITZGERALD. Reserving the right to object, I would

like some explanation of the bill.

Mr. MONDELL. Mr. Speaker, I wish to call attention to the fact that the bill as printed does not contain the proviso recommended by the committee. I wish to move to amend by inserting in the print of the bill the proviso recommended by the committee in its report.

The SPEAKER. Without objection, that amendment will be read.

The Clerk read as follows:

Amend section 1 by striking out all after the word "reservation," in line 13, page 1, and insert the following:

"Provided, That before a patent shall issue for any of the lands aforesaid under the terms of the said act approved August 18, 1894, and amendments thereto, the State of Colorado shall pay into the Treasury of the United States the sum of \$1.25 per acre for the lands so patented, and the money so paid shall be subject to the provisions of section 3 of the act of June 15, 1880, entitled 'An act to accept and ratify the agreements submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriation for carrying out same."

Mr. MONDELL. I move also to amend the title by striking out the words "free of price."
Mr. FITZGERALD. Reserving the right to object, I would

like to inquire what this bill does?

Mr. MONDELL. I call this bill up for the gentleman from Colorado [Mr. Brooks], who is necessarily absent for a moment. This bill relates to some lands in the Southern Ute Indian Reservation in Colorado. Some time between 1880 and 1890 these lands were opened to settlement under various land laws, with a provision that the settler should pay \$1.25 an acre. Later a bill was passed granting the settler under the home-stead laws these lands without any payment. Some two years ago the State of Colorado attempted to provide for the irriga-tion of these lands, which had not been settled, under what is known as the "Carey Act," and made application for segrega-tion under that act, but the Land Office held that the lands were not subject to segregation under the Carey Act.

This bill proposes to make this land subject to segregation under the Carey Act, and provides that the State of Colorado shall pay the regular desert-land price for the same. The genshall pay the regular desert-land price for the same. tleman understands that the Carey Act is a law under which the State obligates itself for the irrigation, reclamation, and settlement of desert land, and the patents ultimately go to those who irrigate, reclaim, and settle. The bill meets the objections of the Department in its present form. The Commissioner of Indian Affairs objected to it in its original form, because that did not provide for payment to the Indians. Now, as a matter of fact, the Government would not receive any money for these lands if they were settled under the homestead law, but would be obligated to pay the Indians \$1.25 per acre. The committee was of the opinion that if the land was to be made subject to the Carey Act it would be wise to provide for payment as suggested by the Commissioner, and hence we provide for that in the amendment which has been read.

Mr. FITZGERALD. I desire to inquire if this land was paid for by the United States when it took it from the Indians?

Mr. MONDELL. The original provision of the law was that the settler should pay, and as to those lands that were taken under the homestead law, it was later provided the settler should have his land free, and the Government was to pay the Indians \$1.25 an acre. That is the present condition of these lands. If they are settled under the homestead law the Government would be obligated to the Indians to pay \$1.25 and the settler would pay nothing. Under the proposed law these lands, for such portion as are to be turned over to the State, for such portion as can be irrigated under the Carey Act, the State is to pay the Government, for the benefit of the Indians, the sum of \$1.25 an acre.

Mr. STEPHENS of Texas. Was this bill reported from the

Committee on Public Lands?

Mr. MONDELL. It was reported from the Committee on Public Lands.

Mr. STEPHENS of Texas. This is not the Hogg bill, to buy

lands from the Indians?

Mr. MONDELL. These are public lands, and the purpose is to authorize the sale of them. There is an obligation on the part of the Government when the lands are disposed of to pay the Indians. Now, the object of the legislation is to provide that the State of Colorado shall take upon itself the obligation to pay for such lands as are irrigated.

Mr. STEPHENS of Texas. Are the payments to be made to the treasury of Colorado or to the Treasury of the United

States?

Mr. MONDELL. The State of Colorado is to pay into the Treasury of the United States and make its own arrangement with the settlers

Mr. STEPHENS of Texas. What authority have we to com-

pel the State to make an agreement?

Mr. MONDELL. We compel nothing; we permit. The State of Colorado pays under the Carey Act if they accept these

Mr. STEPHENS of Texas. But the gentleman must know that the State must be obligated by the legislature of the State. Mr. MONDELL. The State does not receive these lands until

these matters have been provided for by the State.

Mr. STEPHENS of Texas. This, then, is only a proposition on the part of Congress to the State of Colorado, as I understand?

Mr. MONDELL. Only a proposition on the part of Congress to the State.

Mr. WALDO. Will the gentleman yield for a question?

Mr. MONDELL. I will.
Mr. WALDO. I should like to know whether any provision is made here for the reservation of coal and mineral lands to the United States?

Mr. MONDELL. There is no reservation, more than there has been in any law that has been passed by the American Con-These lands are examined by a special inspector of the Interior Department before they are turned over to the State. A personal examination of the ground is made, and the lands must of course be nonmineral lands or they can not be turned over to the State under the law.

Mr. BROOKS of Colorado. Will the gentleman pardon a

suggestion?

Mr. MONDELL. Certainly.

Mr. BROOKS of Colorado. I should like also to call the attention of the gentleman from New York [Mr. FITZGERALD] to the fact that the original act, to which this relates, is limited by its terms to nonmineral, nonforested, agricultural desert lands, which are subject to a dual examination, one by the Government and one by the State.

Mr. WALDO. In case it should subsequently develop that these are mineral lands, will the lands then belong to the State or its patentees, or do they return to the United States?

Mr. MONDELL. Mr. Speaker, it has been the rule of this Government from its foundation down to the present time, and there has been no exception to it at any time, that after lands obtained in good faith are patented they are the property of the patentee, together with all that the lands contain. There has never been any exception to that; but these lands are examined and they must be nonmineral, nontimbered, and desert in character, so far is it is possible for an examination to develop those facts, or they can not go under the grant.

Mr. WALDO. How many acres are there?

Mr. MONDELL. Probably about 15,000 would be affected by this law

The SPEAKER. Is there objection?

There was no objection.

The amendment of Mr. Mondell was agreed to.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and

On motion of Mr. Mondell the title was amended as previously indicated.

On motion of Mr. Mondell, a motion to reconsider the last vote was laid on the table.

### HOLDERS OF MEDALS OF HONOR.

Mr. FOSTER of Vermont. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution

The SPEAKER. The resolution has been read heretofore in the House. The Clerk will read the title.
The Clerk read as follows:

House joint resolution 223, relating to the holders of medals of honor, Mr. GILBERT, Mr. Speaker, I should like to have the resolution again reported.

The SPEAKER. If there be no objection, the resolution will be again reported.

The Clerk read as follows:

Resolved, etc., That the holders of medals of honor under the act approved July 12, 1862, and section 6 of the act approved March 3, 1863, shall not be required to surrender such medals in case such medals are replaced, in pursuance of the provisions of the act of Congress approved April 23, 1904; and that wherever the holders of such medals of honor have surrendered them, in order to receive the medals provided for by said act approved April 23, 1904, such medals shall be returned to them: Provided, That no recipient of both medals shall wear both medals at the same time.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be engressed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. Foster of Vermont, a motion to reconsider the last vote was laid on the table.

### POST-OFFICE APPROPRIATION BILL

Mr. OVERSTREET of Indiana. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the postoffice appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25483, the post-office appropriation bill, with Mr. Currier in the chair.

Mr. OVERSTREET of Indiana. Mr. Chairman, I yield ten minutes to the gentleman from New York [Mr. Bennet].

Mr. BENNET of New York. Mr. Chairman, last year I had the honor to submit, on the 13th day of April, when the post-office appropriation bill was before the Committee of the Whole House on the state of the Union, some remarks, of which the following was a part:

I am not one of those who cavil unreservedly at the Committee on the Post-Office and Post-Roads. I have come to appreciate that they have many difficulties with which to contend, and while I can not think that they have done and are doing justice to the carriers and clerks in large cities, I am at least in the frame of mind which was enjoined on the congregation in a western church by the sign over the organ, "Please don't shoot the organist; he is doing his level best."

Mr. Chairman, my views as to the Post-Office and Post-Roads Committee have not changed since that time. sume that these remarks were the first commendation that had been uttered by a New York City Member relative to the Committee on the Post-Office and Post-Roads in the last twenty-five years. I should not blame the gentleman from Indiana [Mr. Overstreet] and his associates very much if they with-held consideration from a great deal that we ask for for New York City, for our newspapers give them very little credit for the good that they do.

Last year they authorized a great extension of our pneumatictube service in New York City, and they authorized a ten-year contract which we had been contending for for years. All the reward they ever have gotten from New York City, outside of reward they ever have gotten from New York City, outside of the speech of mine, which I sent through my district, was an article in a magazine published in our city in January, six months after they had authorized the pneumatic-tube service, denouncing the gentleman from Indiana [Mr. Overstreet] by name, and other Members collectively, as "hayseeds" for not giving them that pneumatic-tube service which they had actually given our city six months before.

I think that the committee has given attention to the affairs of large cities. I do not think that they have done full justice to the clerks and carriers this year, but I think that is possibly because they have had their minds engrossed with railway mail pay and second-class matter proceedings. While I feel so friendly toward the Committee on the Post-Office and Post-Roads, it is an additional grief to me that in the carrier matter they have, in the language of the streets, "handed us a lemon,"

and I say it more in sorrow than in anger.

I desire to have the Clerk read in my time a communication which I received showing how erroneous is the idea that this bill increases carriers' salaries. In the city of New York to-day when they advertise an examination for clerks the Republican county committee sends me, as an executive member from the nineteenth assembly district, a notice to send down all men I can, and that every man who passes with 70 per cent will be appointed. I say in sadness that the men on the average who are now being appointed clerks in the New York City post-office are not as high grade men as those appointed five years ago. Of course there are very many good men who go in, many splendid men, but the average is not so good.

Mr. FINLEY. Will the gentleman allow an interruption?
Mr. BENNET of New York. Yes.
Mr. FINLEY. The gentleman says that he receives notice from the Republican committee. I would like to ask if any Democrat receives anything of that sort?

Mr. BENNET of New York. Yes; Democrats as well as Republicans.

Mr. GOLDFOGLE. Will the gentleman kindly indicate who of the Democrats has ever been notified of that fact?

Mr. BENNET of New York. They are notified the same as we are. There is a paper called "The Chief," which publishes all these matters. Our county committee being up to date, under the lead of the gentleman from New York here, Mr. Parsons, subscribes for the paper, reads it, and when he finds a notice of examination sends that notice around to the district leaders. It is public information, open to all. And I want to say to my colleague from New York that Tammany Hall is just as smart and just as vigilant in New York City as the Republicans—according to election results, smarter.

Mr. GOLDFOGLE. I understood my colleague to say that

Mr. GOLDFOGLE. I diderstood my colleague to say that he received a notification, not that he saw an advertisement.

Mr. BENNET of New York. Oh, I received a notification from the secretary of the Republican county committee, and I posted it upon the bulletin board of my club, and if I get any more I shall post them up in the same way.

Mr. GOULDEN. I want to thank the gentleman for giving the Democratic organization in New York City, Tammany Hall, the credit of being as smart as the New York Republicans of that city. I believe that its leaders are thoroughly alert and do not let any opportunity slip to benefit its members and improve the service.

Mr. GOLDFOGLE. But we don't get the Federal offices.
Mr. GOULDEN. I am fully convinced that the Democrats
have full and equal opportunity in the examinations, but I am

have full and equal opportunity in the examinations, but I am not so sure that this applies to appointments.

Mr. BENNET of New York. Now, Mr. Chairman, the danger is that unless we do something for the carriers, the carrier service will decrease in efficiency. I concede that the Post-Office and Post-Roads Committee ought not to consider first the individual welfare of the carrier, but the welfare of the service.

And now we have got the clerks' service in such a condition we can not get men to fill the vacancies, and if this misleading so-called "carriers' increase" goes through, under which a man going into the service now will have to wait certainly nine and possibly thirteen years before he will get as much money under the new schedule as he is getting now, we will have the carriers' service in the large cities so you can not get men to deliver your mail. I know the Committee on Post-Offices and Post-Roads did not intend that, and I think if they had had more time to consider it the committee would have seen where the trouble came in.

Mr. FINLEY. The gentleman will excuse me. The Committee on Post-Offices and Post-Roads has not done any such thing. It will not take ten or fifteen years

Mr. BENNET of New York. When my friend hears this read I will be very glad if he gets time from his side to refute it. I

will now ask the Clerk to read this.

The CHAIRMAN. The paper will be read in the time of the gentleman.

The Clerk read as follows:

To the Senators and Congressmen of the United States:

DEAR SIRS: Will this be an increase in salary?
We most respectfully beg to call your attention to the following table of letter carriers' salaries in cities with a population of over 75,000: Salary under present law :

First yearSecond year	\$600
Third year	1,000
Fourth year	1,000
Fifth year	1,000
Sixth yearSeventh year	
Eighth year	1,000
Ninth year	1,000
Total	8, 400
	The Profession Committee of the

Salary as prop	osed under the Over	rstreet	bill:
Second y Third ye Fourth y Fifth yes Sixth yes Seventh Eighth y	yearear	700, 800, 900, 1,000. 1,100, 1,100, 1,100,	loss \$100. loss \$200, loss \$100.
Less interest loss	otal	8, 400. 90.	
Total		9 910	

Result after nine years' services as a regular carrier, loss \$90. Adding to this from two to four years' services as a substitute carrier, it would require from eleven to thirteen years' services to be even with the present salary law (not figuring any interest lost), should the bill as recommended by the Post-Office and Post-Roads Committee become a law.

During the reading,
The CHAIRMAN. The time of the gentleman has expired. Mr. BENNET of New York. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record by printing the remainder of that article.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. OVERSTREET of Indiana. I yield to the gentleman

from Connecticut [Mr. SPERRY].

Mr. Chairman, for some time past I have been Mr. SPERRY. receiving letters from the business men of my district, from business men's associations, and from other commercial organizations, all urging strongly the necessity of increasing the salaries of our postal employees. These petitions and letters call attention to the fact that many railway mail clerks, post-office clerks, city and rural carriers are resigning because of insufficient remuneration, and the files of the Post-Office Department will bear this out. There are few, and, in some places, no eligibles on the civil-service list for these places, a condition of affairs that necessarily tends to cripple the entire service. The First Assistant Postmaster-General, when before the Committee on the Post-Office and Post-Roads, admitted that resignations were taking place. A large majority of these men leave the service because they are offered better inducements somewhere else and better remuneration.

The loss of good clerks or experienced carriers is a great loss to the people they serve, for postal work is of such a nature that it requires considerable time for a new man to learn the business sufficiently to serve the patrons of the office as they have a right to expect. Our entire post-office organization is the outgrowth of a very small beginning. It has taken years to build up, and we have placed it on a high plane. Its reputation is good and its personnel efficient. We should strive to maintain the excellent reputation it has taken years to estab-Without good men to do the work, we can not hope to maintain the record of the service for the past few years. loss of a long-tried and faithful clerk is a great loss to the business community.

Let me quote to you from the report of the First Assistant Postmaster-General for the current year:

Much of the work in our post-offices is of such a nature that it requires months of practice before proficiency can be attained, and the necessity of employing untrained men to replace those resigning

a Lost in interest, at 5 per cent, \$90.

is a serious handicap. Recognizing these conditions, the Department has greatly increased its estimates for salaries, and it is believed that the granting of the larger appropriations recommended will be a measure of true economy. A failure at this time to increase materially the compensation of post-office employees, thus keeping pace with the advancing wages in other lines of employment, will seriously jeopardize the efficiency of the service.

Post-offices were not established for the purpose of filling our vaults with money, but to assist our business men to carry on their business successfully and to promote social correspondence. Post-offices had their small beginnings and a natural growth. In the early times we had to go to the post-office to transact our postal business. We paid in cash at the office the postage required. From such a crude beginning the service has grown to its enormous proportions of to-day. We have railway mail clerks distributing mail day and night on our fast express trains. The clerks in our post-offices work day and night, while our carriers collect and deliver mail free of charge. For all this service we simply are required to pay the necessary postage.

The Post-Office Department employs to-day over 200,000 persons, and it is estimated that there are 65,600 post-offices throughout the whole country. The importance to the country of this vast service can be seen at a glance. It is, in fact, the branch of the service of our Government which comes closest to the people, and for that reason we should strive all the more to improve it.

It is stated by the subcommittee, who had this bill in charge originally, that every employee of the postal service gets an increase under the bill. I hardly think this is so, for I find in some of the higher grades, such as for assistant superintendents and chief clerks, there is no increase in the number of clerks provided for in this bill as compared with the one for the current year. I do not see why all should not be increased. The same conditions of higher living confront them all, and they should all be treated alike. For this reason I voted in committee for a general increase all along the line of 20 per cent, but I was one of a very small minority, and I fear that it is useless at this session to try further on this line.

The bill now before us, however, is a step in the right direction. Justice is certainly done to some and many will be benefited by the provisions of this bill. It is at least an opening wedge, and we show the people we are not unmindful of the needs of the service so dear and close to them. For these reasons I urge you all to vote for the bill as reported by the committee and leave to future Congresses to meet whatever conditions may arise in the years to come. [Loud applause.]
Mr. OVERSTREET of Indiana. Mr. Chairman, I yield to the

gentleman from Illinois [Mr. SMITH].

Mr. SMITH of Illinois. Mr. Chairman, under general debate on H. R. 25483, being "A bill making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes," I desire in the limited time given me, to offer some suggestions on the bill in general and some special remarks relative to rural free-delivery service.

This bill carries an appropriation of \$209,416,802 for the fiscal year ending June 30, 1908. This is an increase of \$2,754,612 over the original estimates made by the Department. This fact alone shows the great interest the committee had in this service and their earnest desire to liberally provide for same and better it in every way possible during the coming fiscal year.

It further shows that the committee have carefully gone into an investigation of this service and are willing to provide, as far as possible, for its betterment and support.

I served for several terms as a member of the Committee on Post-Office and Post-Roads and know something of the arduous work they have to perform. Speaking generally, I believe the bill now under consideration is a fair one.

When I first became a member of that committee, the annual appropriation bill amounted to about \$60,000,000. I have seen it grow to the enormous sum of \$209,416,802, as provided for in this bill. The needs of the country have demanded this increase.

It is one of the duties of a government to furnish to its people every convenience of mail service and otherwise to which they are entitled, and I am pleased to note that under the wise and liberal provisions of Congress this Government is furnishing our people the best mail facilities provided for by any civilized government in the world.

I regret that the committee did not provide a larger amount for rent, light, and fuel as well as an increase for clerk hire in second, third, and fourth class post-offices, and that no sufficient provision is made for increase of salaries to all the railway mail clerks, and I trust that by amendments to this bill

same may be provided for. I shall be more than glad to aid in securing increased appropriations along this line.

During my terms of service on the Committee on Post-Office and Post-Roads the question of establishing rural free-delivery service was frequently brought up and discussed generally.

Myself and certain other members of the committee always favored same. However, a majority of the committee were against us for several sessions of Congress. Finally, for the fiscal year 1897, we secured an appropriation of \$40,000 to inaugurate an experimental rural delivery. I well remember that those of us who favored this were laughed at by many of our colleagues in the House. We were told that our ideas on this subject were visionary and could never be carried into effect. However, during the fiscal year 1897 this appropriation was expended, and the experiment worked so well that the Post-Office Department, in 1898, asked us to increase the appropriation to \$50,250 for the next fiscal year. This we did.

In 1899 the appropriation was increased to \$150,032. In 1900 the appropriation was increased to \$450,000. In 1901 the appropriation was increased to \$1,750,796. In 1902 the appropriation was increased to \$4,089,075. 1903 the appropriation was increased to \$8,580,364. In 1904 the appropriation was increased to \$12,926,905. 1905 the appropriation was increased to \$21,116,600.

In 1906 the appropriation was increased to \$25,828,300.

In the bill now under consideration the amount recommended for this service is \$28,200,000.

Such has been the wonderful growth in this country of rural free delivery since its inception ten years ago, and having trav-eled in some other countries where rural delivery is in vogue, am glad to say that, from my observations, our service in the

United States is not surpassed by any other country.

This service will be continued and soon rural free delivery will be fully provided for the entire United States. It is a godsend to our people in the country. It gives them to understand that this great Government of ours carefully looks after the individual interests and personal conveniences of its citizens. Through this service the Government delivers at the doors of its rural citizens their mall as promptly and conveniently as it delivers same to the residents of cities. In my judgment, rural service is one of the greatest means for the dissemination of knowledge and information to our people in the country they have ever enjoyed. By this means they are enabled to keep in touch with the markets of the country and with current events in all parts of the world. It is a great boon to all our people, and I am glad I have lived to see it ripen into a permanent service, which will continue to improve and eventually carry to the doors of the humblest citizen its beneficent benefits.

On pages 3 to 10 of the report of the Fourth Assistant Poston pages 3 to 10 of the report of the Fourth Assistant Post-master-General for the year ending June 30, 1906, will be found a detailed statement of "Growth of the service," "County rural service," "Inspection of existing service," "Conditions necessary to establishment," "Rural mail boxes," "Roads,"

"Transportation of mail," and "Rural letter carriers."

These statements I regard as being of especial interest to my people, and I have taken the liberty of inserting them here as a part of my remarks:

## GROWTH OF THE SERVICE.

In the fiscal year ended June 30, 1906, the tenth year in which rural delivery has been in operation, there has been material decrease in the demand for the service. The climax in the development of the rural delivery of mail was reached in the fiscal year 1904, when the service was installed on 9,447 routes. At that time the average number of petitions filed per month was 700. This average was maintained during the fiscal year 1905, but during the past fiscal year the number of petitions filed was 4,687, a monthy average of 390. Of this number, 3,720 were accepted for investigation.

With the close of the fiscal year 1906, rural delivery was in operation on 35,766 routes. On 233 of these routes service is performed triweekly. On nearly all of the remainder the service is daily, as it is contrary to the policy of the Department to establish rural delivery with service more frequent than once a day. During the year 3,732 new routes were established and 76 routes were discontinued, the net increase for the year in the number of routes in operation being 3,656. The decrease in the number of routes established is due to the falling off in the demand for the service. The number of petitions pending June 30, 1906, ws 3,099. Since that date 449 petitions have been accepted and 752 routes established or ordered established. There are on hand awaiting action 825 petitions favorably reported, making the net number of petitions pending October 1, 1906, 1,908.

### COUNTY RURAL SERVICE.

On June 30, 1906, complete rural delivery was in operation in 448 counties, in 165 of which it had been completed during the year. Since that date and up to September 30, orders have been issued for completing the service in 98 additional counties.

The following table shows, by States, the disposition of petitions for rural service in the aggregate up to June 30, 1906, and during the fiscal year ended on that date:

	Dispo	sition to Jun	n of petitions up ne 30, 1906.			three- service	Disposition of petitions during fiscal year 1905-6.				
State.	Cases referred,	Routes in opera- tion.	Adverse reports.	Rougs discontin- ned.	Cases pending.	Routes having t times-a-week se June 30, 1906.	Cases pending June 30, 1905.	Cases referred.	Net number of routes established.	Adverse reports.	Routes discontin- ued.
Alabama Arizona Arizona Arizona Arkansas California Colorado Connecticut Delaware District of Columbia Florida Georgia Hawaii Idaho Illinois Indiana Illinois Indian Territory Iowa Isle of Guam Kansas Kentucky Louisiana Maine Maryland Mussachusetts Michigan Minnesota Mississippi Missouri Montana Nebraska New Hampshire New Hersey New Mexico New Hampshire New Hampshire New Jersey New Mexico New Hort North Dakota Ohio Oklahoma Oregon Pennsylvania Rhode Island South Carolina South Dakota Tennessee Texas Utah Vermont Virginia Washington West Virginia Wisconsin Wyoming	1, 653 13 13 15 13 15 13 15 13 15 15 16 14 15 16 16 17 17 17 17 17 17 17 17 17 17 17 17 17	639 182 1, 986 28 569 361 1, 534 1, 525 42 284 833 194 221	70552 2 2 1822 777 655 535 188 1,167 10 648 451 455 446 451 450 451 450 451 450 451 450 451 450 451 450 451 450 451 450 451 450 451 450 451 450 450 450 450 450 450 450 450 450 450	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	2299 3 700 211 133 100 144 988 866 6673 11 1400 400 400 400 400 400 400	0 5 5 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	1222 222 222 222 222 222 222 222 222 22	373 32 11 184 43 32 177 177 177 177 177 177 177 177 177 17	0 85 85 211 5 7 7 1 10 0 0 19 157 107 6 157 0 101 754 323 226 16 119 9 56 127 217 211 217 6 0 9 177 6 0 19 166 127 127 14 14 15 16 16 16 16 16 16 16 16 16 16 16 16 16	2422 11 1488 2099 666 67 57 566 197 59 44 183 156 66 66 67 77 77 77 77 77 77 77 77 77 77	0 3 0 0 0 1 0 0 0 0 3 0 0 0 0 3 0 0 0 0

INSPECTION OF EXISTING SERVICE.

233 4, 602 5, 560 3, 656 3, 331 76

Total ...... 53, 632 35, 766 14, 647 120 3, 099

Carrying out the purpose expressed in the last annual report of this office, a system of inspection of the rural-delivery service has been instituted with a view to bringing it up to a reasonable standard of efficiency, eliminating unnecessary duplication of service on roads traversed by star-route service and ascertaining the causes of lack of patronage where found and, if possible, applying a remedy. In this inspection the policy outlined in the report of the Postmaster-General for the fiscal year ended June 30, 1905, has been followed, to wit:

In all cases where the patronage of post-offices is believed to be adequately served by rural delivery, recommendations for their discontinuance have been submitted to the First Assistant Postmaster-General; where the patronage of a route is not deemed sufficient to warrant daily delivery triweekly service is substituted, reducing the cost of the service, and where triweekly service is not justified the route is discontinued In carrying out this policy every effort is made to continue the service to the patrons who have used it. Out of 35,766 routes in operation June 30, 1906, triweekly service was being rendered on 233, only 45 of which had been reduced from daily delivery because of lack of patronage, the remainder having been inaugurated with triweekly service in sections where the population did not require daily deliveries.

In many instances the reductions of routes from daily to triweekly service has resulted in stimulating increased patronage and consequent restoration of daily service. Since June 30 and up to Septemter 30, 1906, service has been rendered triweekly on 88 routes because of lack of patronage, and 42 routes have been established with such service.

CONDITIONS NECESSARY TO ESTABLISHMENT.

The requirements for the establishment of rural delivery have been the same as for the two preceding fiscal years except that since December 1, 1905, it is required, before service is installed, that the postmaster at the distributing office certify that not less than three-fourths of the possible patrons have provided for mail boxes conforming to the regulations. The initial step in securing the inauguration of rural delivery service is the filing of a petition for such service.

Inquiry is now made through postmasters as to whether petitioners te heads of families or householders actually residing along the pro-

posed route of delivery, and if so, it is presumed they have petitioned in good faith for the service.

After a petition is accepted an inspector visits the locality and if the conditions are favorable lays out the route to be traveled in the delivery of mail. Favorable conditions are: The roads to be traversed to be in good condition, unobstructed by gates; no unbridged creeks or streams not fordable at all seasons of the year, and a possible patronage of 100 or more families on each route of 24 or more miles in length, or a proportionate number of families where it is necessary to lay out routes less than the standard length.

#### RURAL MAIL BOXES.

Persons desiring the benefits of service on a rural delivery route are required to furnish and erect in a suitable place accessible to the carrier, at their own cost, boxes for the reception of mail to be delivered or collected by the carrier.

All rural letter boxes must conform to the specifications fixed by the Department as to size, shape, and workmanship; must be made of galvanized iron or sheet steel, equipped with some kind of a signal for indicating the presence of mail therein, and must be approved by the Department.

vanized iron or sheet steel, equipped with some kind of a sproved by the indicating the presence of mail therein, and must be approved by the Department.

Patrons may make their boxes or have them made to order by submitting a plan of such boxes and a sample of the material of which they are to be made or the boxes themselves for approval to the postmaster at any first or second class post-office located in the county where rural delivery is in operation, and in case rural delivery is not in operation at the county seat and there are no first or second class post-offices in the county, to the postmaster at any post-office in the county where rural delivery is in operation.

ROADS.

While the requirement of the Department that all roads over which rural delivery is established and maintained shall be in good condition and kept in repair has resulted in greatly improved roads and the expenditure in the aggregate by local authorities of many thousands of dollars, still there is in many localities such a lack of interest in keeping the roads in a passable condition during all ordinary seasons that the rural delivery is continued regularly with difficulty, and frequently a temporary suspension of the service has been necessary. When there is no disposition to meet the requirements of the Department in this regard, it is necessary to rearrange the route and withdraw the service from the impassable roads.

Since January 1, 1906, increased efforts have been made by road officials in various States to secure the cooperation of the Post-Office Department in the improvement of public highways on which rural delivery service has been established. The Department is now actively aiding the road officials in the States of Illinois, Wisconsin, Missouri, Minnesota, Iowa, New Jersey, and Maine to attain this object. The method of procedure is for the road officials to send out to each rural carrier a blank containing questions to be answered by him in regard to the condition of the roads; the materials of which they are composed; how often worked and in what manner; the condition of the bridges and culverts, and whether suitable road-building material is available in the neighborhood. Postmasters at rural delivery offices are directed to cooperate with State and local road officials and to instruct the rural carriers attached to their offices to furnish all the information called for. As a result of these efforts, complaints in regard to the bad condition of roads in the States named are becoming much less frequent.

There continues to be urgent need of more active interest in road building and improvement in the prairie sections of the country, in States where low, flat lands and swamps are found, and in the mountainous regions embraced within the Appalachian chain.

## TRANSPORTATION OF MAIL.

In the establishment of rural service, where it is necessary to cover roads traversed by carriers on star routes or mail-messenger routes, and where the post-offices supplied thereby can not be discontinued, it is frequently possible to curtail or discontinue such service and have the mail for the post-offices involved transported by rural carriers without additional expense. The number of post-offices receiving mail supply in this way on September 30, 1906, was 4,894.

RURAL LETTER CARRIERS.

The resignations of 4,441 carriers were accepted during the year, about 12 per cent of the carriers in the service June 30, 1906, and an increase of 1,559 over the number accepted during the preceding fiscal year. This is the greatest number of carriers resigning in any one year in the history of the service, being 125 more than in 1904, when 17 per cent of the carriers resigned.

Under the law the maximum compensation which may be paid a rural carrier is \$720 per annum. They are required to furnish and maintain their own conveyances, which must provide proper protection for the mail, be a credit to the service, and be kept in a good state of repair.

In performing their duties rural carriers are exposed to all conditions of weather at all seasons of the year, which in some portions of the country calls for great physical endurance. Of the 35,666 carriers employed June 30, 1906, 13,365 are serving routes 25 to 30 miles in length, and 7,540 routes of 24 miles in length—1. e., not quite three-fifths and considerably more than one-half of the carriers travel from 24 to 30 miles six days each week. To do this requires the maintenance of at least two horses, and on a large number of routes three horses are necessary to render regular service during continued inclement weather.

Of the remaining carriers, 7,536 are performing service on routes from 20 to 24 miles in length, which, as a rule, require two horses. The Department insists, in the interest of regular, satisfactory service, on strict compliance with the schedule of departure and arrival fixed for the carriers' trips—based on an average rate of travel of 4 miles per hour.

The cost of horses and their maintenance varies greatly throughout

for the carriers' trips—based on an average rate of travel of 4 miles per hour.

The cost of horses and their maintenance varies greatly throughout the country, but a moderate estimate of the original average cost of horses and vehicles is \$275, and the estimated average cost of maintaining an outfit is about \$250 per annum. With the daily wear and tear to which a carrier's equipment is subjected, the life of the horses and vehicle ranges from three to five years. Based on these estimates the average annual cost of the carrier's outfit is not less than \$300

to \$340, if kept in such condition as to be a credit to the postal service, leaving from \$380 to \$420 for his own labor.

In this connection a comparison of the conditions under which carriers in the city-delivery service are employed is only just to the rural carrier. Granting that city carriers are employed for the most part where the expense of living is greater, the most of them are not required to maintain any equipment, and those who are mounted are given an allowance about equal, as a rule, to the cost of maintenance. Then, too, the city carriers are not subject to the same exposure to storms and cold as are rural carriers. The compensation of city carriers ranges from \$600 the first year to \$850 the second year in cities of less than 75,000 population and from \$600 to \$1,000 the third year in cities with a population of over 75,000. Out of 22,965 city carriers in the service last year only 615 resigned. While this is a marked increase over the number resigning the previous fiscal year, it is only about 2½ per cent of the total number of carriers employed in that service.

service.

Inasmuch as rural carriers are required to furnish and maintain their horses and vehicles, and in view of the rigorous conditions under which they must perform their duties and of the increased cost of living, the present compensation is deemed generally inadequate.

An increase in salary is proposed rather than an allowance for the maintenance of equipment for the reason that as rural delivery is now in operation in every State and the Territories of Oklahoma, Arizona, New Mexico, and the Indian Territory, the cost of keeping horses varies greatly, and the making of fair and equitable allowances therefor would be most difficult. It would involve securing information as to the cost of horse feed in various localities in different States, the determination of the question whether service on a given route should be performed with two or three horses, and constant appeals for increased allowance based on these varying conditions.

From the above quotations it would seem to me that the present maximum rate of pay to our rural carriers, \$720 per annum, is absolutely inadequate. I have always advocated giving a reasonable living wage to every employee in the Government service.

I note that in this bill the recommendation is that carriers' salaries shall be increased from \$720 to \$840. I do not consider this increase commensurate with the expenses which they have to incur nor the duties they have to perform.

At the proper time, during the consideration of this bill in the Committee of the Whole, I shall offer, if I can secure recognition from the Chairman, the following amendment:

On page 30, line 17, strike out the words "eight hundred and forty" and insert in lieu thereof the words "one thousand;" so that the paragraph shall read:

paragraph shall read:
"That on and after July 1, 1907, letter carriers of the rural freedelivery service shall receive a salary not exceeding \$1,000 per annum. I believe this increase is absolutely just and right and that it

should be adopted.

The rural carriers throughout our country are selected from the best of our young men. They are required to possess a good education. They must perform their duties to the satisfaction of the Post-Office Department. They are courteous and gentlemanly to all their patrons. They are respected citizens of the United States and are entitled to receive from the Government which they serve a reasonable wage for a reasonable day's For this principle I have strenuously contended since the inauguration of this service, and to secure same I shall continue my efforts along this line till our labors shall have reached their fruition and the rural letter carriers of our country shall receive the meed of justice from our Government to which they are fully, absolutely, and justly entitled. [Applause.]

Mr. OVERSTREET of Indiana. I would request the gentleman from Tennessee to occupy some time.

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from New York [Mr. Goldfolls]. Mr. Chairman, I yield to the gen-

Mr. GOLDFOGLE. Mr. Chairman, while the increases proposed for the postal clerks and letter carriers in this bill are by no means adequate, yet it is gratifying to find that the Committee on Post-Offices and Post-Roads have taken a step in the right direction. My views in regard to the salaries of these deserving postal employees are so well known and have so frequently been stated on this floor that they need not be repeated now. It is a quarter of a century since the salaries of the carriers were fixed by law. Since then their work has greatly increased, their labor heavily multiplied, the cost of living in cities has immensely advanced, but the salaries of these men, who have rendered faithful and efficient service, have remained the same. That this is an act of gross injustice on the part of the Government toward these men no fair-minded citizen can deny.

For years efforts have been earnestly made to secure an increase of the salaries. Ever since I came to Congress I advocated it. I recall how my colleagues, Messrs. Sulzer, Fitz-GERALD, and GOULDEN, on the floor of this House spoke in support of the amendment I offered to increase the salaries. is pleasing to find that at last the proposition to increase has found favor with the committee, though I do regret that they did not go a little further while they were at it and make the maximum \$1,200, as it at least ought to be.

I wish the committee had treated the junior carriers a little

better than they are treated in the pending bill. In some instances they are to receive something less than they are now receiving, and I want to say this is hardly fair. ere we pass the measure-when we come to perfect the billthat this inequality may be corrected.

It is pleasing to note that there is to be an allowable exchange between postal clerks and carriers, so that the carrier, where his health requires indoor work, may take a clerk's place and the clerk who may require outdoor exercise may be taken from his confined position. Such a provision will serve a salutary purpose and I trust it will receive the unanimous support of this House.

Every consideration of fairness and fair play requires a raise of the pay of the postal men, who constitute one of the hardestworked classes of Government employees. They serve the people well. They have been, of all Government employees, the most underpaid. In the large cities of the land, especially in New York, which in part I have the honor to represent, their pay, in the light of both increased labor and cost of living, is in fact beggarly. The men-clerks and carriers alike-are worthy of an increase much beyond that now proposed in the bill, and as an act of common justice to the men who have served the public so well the well-earned increases ought to be made. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MOON of Tennessee. I yield to the gentleman from Ar-

kansas [Mr. Robinson].

Mr. ROBINSON of Arkansas. I have received a large number of telegrams from citizens in the State of Arkansas asking me to oppose any reduction in the railway mail pay. Actuated purely by a desire to vote intelligently on the matter, I have made some extended investigation of the subject since receiving those telegrams. I find that there is no Member of this House who does not advocate some reduction in the railway mail pay. The Committee on Post-Offices and Post-Roads, reporting the bill to this House, recommended very material The Committee on Post-Offices and Post-Roads, reduction, and some of those recommendations are supported by the report of the postal railway commission.

I regret my inability to comply with the request contained in these telegrams. If the authors of them had opportunity to investigate the subject it is more than probable that they would reach the conclusion that existing conditions justify, if they do not make necessary, a readjustment of the compensation paid

to railroads for transporting the mail.

The statute authorizing this pay I insert in part. It is as follows:

SEC. 3997. The Postmaster-General shall arrange the railway routes on which the mail is carried, including those in which the service is partly by railway and partly by steamboat, into three classes, according to the size of the mail, the speed at which they are carried, and the frequency and importance of the service, so that each railroad shall receive, as far as practicable, a proportionate and just rate of compensation, according to the service performed.

Sec. 4002. The Postmaster-General is authorized and directed to readjust the compensation hereafter to be paid for the transportation of mail on railroad routes upon the condition and at the rates hereinafter

mentioned:

First. That the mail shall be conveyed with due frequency and with speed; and that sufficient and suitable room, fixtures, and furniture in a car or apariment, properly lighted and warmed, shall be provided for route agents to accompany and distribute the mail.

Second. That the pay per mile per annum shall not exceed the following rate, namely: On routes carrying their whole length an average weight of mail per day of 200 pounds, \$50; 500 pounds, \$75; 1,000 pounds, \$100; 1,500 pounds, \$25; 2,000 pounds, \$150; 3,500 pounds, \$175; 5,000 pounds, \$200, and \$25 additional for every additional 2,000 pounds, the average weight to be ascertained, in every case, by the actual weighing of the mails for such a number of consecutive working days, not less than thirty, at such times, after June 30, 1873, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the l'ostmaster-General may direct.

WHY A READJUSTMENT SHOULD BE MADE.

WHY A READJUSTMENT SHOULD BE MADE.

The first reason that suggests itself to my mind as indicating the necessity for a change is found in the antiquity of the law. The statute was passed in 1873. It was slightly modified in 1876 and again in 1878, and the appropriation act of March 3, 1905, provided for a longer period of weighing, as follows

That hereafter before making a readjustment of pay for transportation of mails on railroad routes the average weight shall be ascertained by the actual weighing of the mails for such a number of successive working days, not less than ninety, at such times after June 30, 1905, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct.

Thus it appears that for almost thirty-five years this statute has remained without material change. During this period amazing development has occurred throughout the country, and the facilities for transportation have been greatly increased and improved. It seems to me that a second reason demanding a readjustment is found in the fact that a rate fairly compensa-

tory thirty-five years ago is more than likely to be extortionate now. It is incredible that through all this development and improvement this subject should present the anomaly of requiring no change in its treatment by Congress. Freight rates, passenger rates, and express charges have in the meantime been greatly reduced and are still being reduced. While there are some features of this subject peculiarly calling for consideration, the vital question is whether the present system of paying the railroads is fair and should be maintained or whether inequalities and absurdities exist in the system that make necessary its revision.

FEATURES OF THIS BILL RELATING TO RAILROAD MAIL PAY.

The principal features of the bill under consideration, of which representatives of the railroads complain, are the following:

1. Reducing compensation 5 per cent on routes carrying over 5,000 pounds and less than 48,000 pounds daily.
2. Reducing compensation 10 per cent on routes carrying over 48,000 pounds and less than 80,000 pounds daily.
3. Reducing rates on routes carrying over 80,000 pounds daily to \$19 for every additional 2,000 pounds.
4. Changing the method of reaching the daily average.
5. Eliminating from the weights empty mail sacks.
6. Reducing pay for furnishing, equipping, and hauling railway post-office cars.

The committee having in charge the measure have reported to the House recommending these alterations in the law. It has been charged by gentlemen here that these recommendations are made without due consideration; that they do not reflect the individual opinion of the Members composing that committee; that those individuals do not justify in their own judgments the action which they propose in this regard. I would like to know, then, whose opinion these recommendations do represent.

How did they get before this body?

The gentleman from Pennsylvania [Mr. Sibley] a few days ago, in discussing this subject, said, in effect, that the time has come when it is impracticable for the railroads to receive fair treatment by this body. To use his exact language, he says:

I submit to the gentlemen of this body that in this era, when corporations have not too many friends who dare defend them even when right, when the railroads have few defenders who will stand on the floor of this House and plead for equal and exact justice, none the less, in my judgment, if the cause can be fairly and fully presented, the greatest corporation can come before this body and receive the same measure of justice, or, at least, should receive the same measure, neither more nor less, than is accorded to the poorest and humblest private citizen of our Republic. Let the square deal fall where it will.

Mr. Chairman, I have not found, in my brief career as a Member of this body, any disposition on the part of the Members of this House to oppress the railroads. On the contrary, if I may be permitted to differ with the distinguished gentleman from Pennsylvania, I have found that they have very many able defenders here, among whom may be fairly counted the gentleman from Pennsylvania himself.

I am impelled by no sense of opposition to railroads, but by a sense of duty alone, to say that while I regard railroads as institutions of great value in our commercial and industrial development, demanding and being entitled to receive fair treatment at the hands of all legislative bodies, yet we also owe the duty to the public to see that while no injustice is done the railroad in the manner and in the amount by which they are compensated for services rendered the Government, the people are not unjustly charged for the services they receive at the hands of these corporations. The subject should at least have fair, open, and full consideration by this body. There is a general impression throughout the country that the railroads are overpaid. The conviction is growing on the minds of the people that the entire method of compensation should be revised. The Arkansas Gazette, a leading daily paper in the State of Arkansas, contained in a recent edition the following editorial:

RAILROAD COMPENSATION FOR CARRYING THE MAILS.

Apparently some railroads are going to fight the proposed readjustment of the rates paid them by the Government for carrying the mails by threatening to cut off fast mail services or to take other such steps. Right at home we hear reports that the Iron Mountain may discontinue the fast mail train that now runs from St. Louis to Texas through Little Rock.

After long and careful investigation a Congressional committee has

the fast mail train that now runs from St. Louis to Texas through Little Rock.

After long and careful investigation a Congressional committee has decided that the present arrangement under which the compensation of the roads for carrying the mails is fixed is unjust to the Government and has recommended a readjustment that will reduce the amount the Government has to pay. Now that this matter is pending, the roads are believed to be emitting hints and threats that the public will suffer if this compensation is reduced.

We believe Congress will go ahead and make the proposed readjustment. The roads are now paid under an arrangement that was made in 1874. Conditions have changed since then. The Government should not pay the roads too much even if the Government had money to throw away, but the money is urgently needed for other departments of the postal service. The country districts are continually calling for extension of the rural free-delivery service, and sooner or later the

Government will have to pay higher wages to its post-office clerks and other employees or see the service deteriorate.

And another thing the Government should do is to make the railroads run their mail trains with some regard to their schedules.

The present method of fixing compensation contains some absurd features, to which I desire, briefly, to call attention. First, with reference to the method of ascertaining the average daily weight of mail carried, to which attention has been called by the gentleman from Kansas [Mr. Murdock], it has been con-clusively established during the course of this debate that the mails are weighed for a given period, including Sundays, and the average daily weight carried is found by dividing the total weight carried for all the days by the number of days less Sundays. The statute requires that the weighing shall be done on "working days." Working days, according to the best authorities, means days on which work may be legally done. This would exclude not only Sundays, but legal holidays as well. The mistake, which has become so well established as now to be regarded as law, in the method of ascertaining the daily average is due to the fact that "working days" seems to be given two similarities that "working days" seems to be given two similarities that "working days" seems to be given two significations in its application to railway mail carriage. In the weighing of the mails it is made to mean every day on which the mails are in fact carried, including Sundays and legal holidays; but in the ascertaining of the daily average it is interpreted as meaning the days on which work may be legally done, which excludes holidays as well as Sundays. Now the law does not authorize the weighing of mails except on working days, and if working days means only six days in the week, as it has been construed, then the weight should be ascertained for the six days and the average weight determined by dividing

It is clear to my mind that the correct way to ascertain the "average daily weight" is to ascertain the whole weight for a given number of days and divide that sum by that number of days. It is contended by the Department and by many gentlemen here that the statute fixes what is, in effect, an arbitrary method of ascertaining the average daily weight of mails carried, and that the method, however incongruous it may appear, must be followed in the application of the law. I do not here controvert the proposition that the legislative department has the power to fix the method of ascertaining the daily weight of mails carried and that by means of the manner in which they fix it the average ascertained may be in fact very different from the true average daily weight. But I do contend that Congress has not done that, and if the law under which mails have been transported for thirty-five years is susceptible of the construc-tion that the average daily weight is to be ascertained by adding together the mails carried on seven days and dividing the sum by 6 instead of 7, then, for the sake of simplicity and fairness, the law ought to be changed and the system placed upon a rational basis that will not present to the public eye the appearance of favoritism to the railroads in the administration of the law.

Some gentlemen who oppose this change in the law, it appears to me, are somewhat inconsistent. In one breath they say that it makes no difference whether in ascertaining the daily average the actual average be ascertained, or what may be termed the constructive average, and yet they oppose the removal from our statutes of this anomalous or ambiguous provision which makes possible confusion and has justified criticism. As a matter of fact, this change alone will result in saving several millions of dollars annually to this country. I think the time has come when the change ought to be made. It is not apparent that any injustice will be done by reason of such a change, but, on the contrary, since freight rates, express charges, and passenger fares have fallen and are constantly decreasing, some reduction can certainly be made in the expense of transporting our mails, which has come to be so considerable an item as to carry in this bill \$44,660,000. This is more than one-half dollar to every man, woman, and child in the United States. I am proud of the fact that this service rendered by the railroads has been in many instances highly satisfactory and in most instances efficient. In some localities, however, the service is and has been open to severe criticism. The railroads, to save expense, in some parts of the country have permitted great delays in the transportation of the mails. Quick service and prompt service has come to be regarded as essential, and in this regard the service heretofore rendered by the railroads is certainly not altogether above criticism.

### PAYMENT FOR EMPTY MAIL BAGS.

Another feature of this proposed legislation relates to the payment for the transportation of empty mail bags. A careful examination of the statutes relating to the subject reveals the fact that no express provision is contained in the law authorizing such payment. On yesterday I telegraphed the Second Assistant Postmaster-General asking by what authority such payments are made. To that telegram I received the following

Hon. JOSEPH T. ROBINSON:

POST-OFFICE, February 18, 1967.

Answering telegram: The original significance of mail includes the sack in which the mail matter is carried. This was decided to be true by Federal courts in 1830 and 1849 and a State court in 1878. Under the general laws authorizing payment for transportation of the mails, mail sacks have been and are held by established custom, and as supported by judicial decisions, to be part of the mails. No distinction is made against empty sacks, the carriage of which are necessary to mail transportation.

W. S. SHALLENDERGER.

W. S. SHALLENBERGER, Second Assistant Postmaster-General.

The cases relied on to sustain the construction placed upon the statutes as authorizing payment for transportation of empty sacks are as follows:

Wynen v. Schappert (6 Daly, p. 558).

In this case the word "mail" is defined as follows:

The word mail means the carriage of letters by public authority whether applied to the bag in which they are put or the vehicle or other means employed for their carriage and delivery.

This case presented the question whether due diligence had been used in the transmission of a note for collection by delivery to a letter carrier.

United States v. Wilson and Porter (1 Baldwin, p. 105).

This case hinged upon the proposition whether on an indict-ment charging a robbery of the mail the evidence must show that the "whole mail" was robbed. This contention was farfetched, and the decision in the case really throws no light on the subject in controversy, except in so far as it defines the word "mail." The court said:

word "mail." The court said:

It is contended that inasmuch as the indictment charges a robbery of the mail, the evidence must show that the whole mail must be robbed; that though robbing part of the mail is the same offense, yet the indictment not so laying the " "robbery, the defendant can not be convicted. It is said that by mail the law means all the bags then in the stage containing letters, papers, or packages. We can not assent to this proposition. By a mail is meant a bag, valise, or portmanteau used in the conveyance of letters, papers, packages, and so forth, by any person acting under the authority of the Postmaster-General from one post-office to another; each bag so used is a mail, of which there may be several in the same vehicle, as the way mail, the general, the letter, or the newspaper mail. " "The court have no doubt that robbing the person intrusted with any one bag, valise, or portmanteau used for the purpose aforesaid is a robbery within the express words of the law. " "
United States v. Marselis, Case No. 15724 (26 Fed. Cases).

United States v. Marselis, Case No. 15724 (26 Fed. Cases).

This case involved the construction of the terms "mail" and "post-office," in the trial of the defendant on an indictment for stealing mail. It throws no real light on the question as to whether our statute in providing for payment to railroads for the transportation of the mails intended also to pay for the transportation of empty sacks after the mails had been delivered. It might be contended that in compliance with its contract to deliver the mail the railroads would be under no obligation to return empty sacks or to remove the same from one post-office to another when desired by the Government for use again in transporting the mail; that for this reason the Government might be compelled to pay an additional sum for hauling the empty sacks. The question as to whether empty sacks are, in fact, mail seems susceptible of but one answer. Whether the Government should continue to pay for the transportation of empty bags, the same as if they contained mail, or whether they should be carried without cost to the Government in view of the large sums which the Government pays for transporting the mails, or whether they should be transported at less cost, are all subjects which this House might well consider and determine.

The rule adopted yesterday anticipates that a point of order will be made against all provisions in the bill relating to the proposed reduction in the compensation to railroads for transporting the mails. I am not yet convinced that this House will be denied the right to vote upon any of these questions in this way. I am not sure that any gentleman will make a point of order against their consideration. I regret that the rule does not provide for the consideration of all the recommendations made by the committee in its report to this House. Can not this body be trusted to exercise its judgment upon such questions? Ought we not have the opportunity to consider and determine whether the railroads are overpaid; whether the false average daily weight, as now ascertained, ought to be corrected and the actual daily weight provided for; whether the Government should be made to pay for the carriage of empty mail bags, and if so, what amount?

Both the committee of this House and the Postal Commission have recommended such action.

THE POSTAL COMMISSION.

On page 33 of their report, submitted to this House January 28, 1907, the Postal Commission said:

In our judgment, these empty bags, returned for the purpose of again being filled with paying freight, are vehicles of transit and should not be counted as weight of mail. We think that in this case the analogy of empty crates, baskets, and the like, which are usually returned by the carrier to the shipper free of expense, holds good as to these empty bags, and we accordingly recommend that bags so returned be excluded from the weight of which railway mail compensation is to be computed.

Are we to be denied the right of passing upon the correctness of this recommendation? The contention that empty bags should be excluded is dignified by this report and by the action of the House committee in recommending it. That committee say on page 5 of the report on this bill:

say on page 5 of the report on this bill:

The recommendation for the elimination of empty mail bags from the weights at the times of the general weighing periods is based upon the theory that mail bags are vehicles of freight, and when full payment has been made upon both bag and contents the empty bag should not be again computed as a part of the mail weight when it is being returned to some center for use in the transmission of additional mail. There will always be greater demand at some common centers rather than others for bags in which to transport the mail. The practice has long obtained at the Department, and with this practice the committee offers no change of sending by freight in carload lots empty mail bags to such common centers. There will, however, always exist the necessity of some empty bags being constantly transmitted in compartment cars or railway post-office cars. There is no data upon which to make any estimate as to what the effect in dollars and cents may be by the proposed change of law. It seems to the committee, however, that this change is entirely justified, and the continued practice of shipment by freight of the larger part of the surplus empty mail bags will impose upon the Government the full obligation to do her part in returning these vehicles of freight to common centers and avoid any abuse by overloading the carriers with empty mail bags upon which no payment will be made. The practice which has universally obtained with reference to the return by carriers without extra charge of empty crates, kegs, baskets, and vehicles of like character ought to obtain with reference to the Government in respect to empty mail bags.

By the adoption of all these propositions the annual cost of

By the adoption of all these propositions the annual cost of transporting the mails would be reduced at least \$8,000,000. The House ought to pass upon the question whether these reductions should be made. It will only be permitted to vote on one proposition, and that has already been approved in the adoption of the rule submitted yesterday. I have reached the conclusion that there are some discrepancies in the existing statute and some absurdities in the present method of applying it that ought to be eliminated. My humble mind is not able to grasp the proposition that the correct way to arrive at the average daily weight of mails is to weigh it for seven days and divide that total by six. I believe that in the determination of this average weight the statute contemplates that all the mail shall be weighed for a given number of days and the average weight determined by dividing by the number representing the days for which it was in fact weighed; that if the statute contemplates any other course, if it authorizes a weighing for seven days and dividing by six, in order to ascertain the average daily weight, the statute ought to be amended. I may be wrong, but I earnestly believe that this conclusion is correct.

I know that the railroad lobby, which is said to be in evidence in this city, has circulated a large number of printed documents, whereby they attempt to show that the compensation for carrying mails is less than the compensation they receive, all things fairly considered, for freights and express. effort is made to show the process by which this conclusion is If, however, it be a correct one, that of itself does not convince me that the present basis for which mail transportation is paid is correct. Express charges are notoriously high, so extortionate, in my conviction, as to demand remedial action to protect the public against the oppression which these The argument does not appeal to me as being charges inflict. The argument does not appeal to me as being worthy of great consideration, because I am convinced that express charges are excessive, and while the railroads may not have anything to do with fixing these charges, they furnish a false basis upon which to arrive at a fair charge for services rendered the Government in carrying the mails.

It is not my purpose to cripple or embarrass the speedy transportation and delivery of our mails. I look with pride upon the efficient, prompt, and certain delivery of mails in the United I am far from criticising the efficiency of the Post-Office Department in so far as it relates to the manner of handling mail. I look upon our mail system as one of the chief factors in that unparalleled progress which has characterized our country—every section of our country—in recent years. Commerce and education in the United States are deeply indebted to the admirable manner in which communication is had and intelligence disseminated through the mails and post-offices of the country. My purpose is rather to increase than decrease the efficiency of mail transportation and delivery. I believe it is a safe and certain means of raising the standard of our citizenship and exalting the ideals of the American people, but I

submit that the railroads of this country, among the chief bene-ficiaries of our institutions and our laws, the recipients of great privileges and almost unlimited favors, ought not to combine to maintain and perpetuate a system of charges against this Government for services rendered to it that is open to grave criticism for unfairness and excess. Let us do what is right to the public as well as to the railroads. Let us readjust the compensation to railroads for carrying mail and place it upon a basis that is fair and consistent with the conditions that now confront us.

Mr. MOON of Tennessee. Mr. Chairman, I would ask the Chair to recognize the gentleman from Missouri [Mr. Murphy] for five minutes

Mr. MURPHY. Mr. Chairman, I desire at this time to call the attention of the House to the bill (H. R. 25232) entitled "An act to promote the comfort of patrons of hotels, restaurants, cafés, and eating houses in the District of Columbia," known as the "antitipping bill." It reads as follows:

"antitipping bill." It reads as follows:

That it shall be unlawful for any guest or patron at any hotel, restaurant, café, or eating house in the District of Columbia to give, or offer to give, to any steward, waiter, porter, or other employee, or for any such steward, waiter, porter, or other employee to solicit or receive, or for any proprietor or manager of any such hotel, restaurant, café, or eating house to knowingly permit any such steward, waiter, porter, or other employee to receive from any such steward, waiter, porter, or other employee to receive from any such guest or patron any gift, compensation, or honorarium other than the regular charges established for such hotel, restaurant, café, or eating house.

SEC. 2. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined in a sum of not less than \$5 nor more than \$500.

I introduced this bill in all sincerity and expect to bring it before the House next District day for its consideration. believe it a necessity and a much-needed reform, not only in the city of Washington, but the entire country. While we can not invade the States, yet we can, in a measure, make this one of the greatest and most desirable cities in which to live, or to visit, on the face of the earth; and I have no doubt when we set the example the States will follow, and we will drive from our shores a low species of bribery.

Why an honest hotel man will permit this nefarious and, I am compelled to say, degrading practice is only conjecture. I do not believe any man who permits his guests to be held up in such fashion is honest. I am not unmindful of the fact that this measure has been branded as freak or foolish legislation; but, sir, have we so soon forgotten that it became necessary for the Congress to legislate against the old negro who stands in front of the Baltimore and Ohio depot with his blind horse and much-worn cab, in the rain, in the cold, and in the snow, and we wrote it into law what his charges should be for any and every service he might render? Was that foolish legislation? Why did we do it? That all men might be treated equally; to prevent discrimination; that the old negro might not "make flesh of one and fowl of another." These are some of the reasons which induced me to introduce the bill, together with others to which I will call attention.

Mr. Chairman, I am also aware that there is opposition to this character of legislation. I find the hotel proprietors not doing an honest business, and that class of waiters who expect to hold up every guest that happens to pass his way, and those who have acquired wealth suddenly, and ofttimes improperly, who want to display it on every occasion by giving it away and lighting cigars with five and ten dollar bills, and that class of men who are spending their father-in-law's fortune trying to find a brand of whisky which will taste as good coming up as going down, as well as that class of people whose chief asset in gaining admission into so-called "society" is in his number of servants. I can understand why the first class referred to oppose me, and they drive the waiters to this hold-up. In addition to paying the regular charges, which are based on the salary of a Congressman, exorbitant and beyond all reason, we are expected to pay the salaries of the stewards, waiters, porters, bell boys, chambermaids, elevator boys, and, in fact, all the help round and about. I find that the salaries of waiters in the city of Washington range from 50 cents per day to \$1 per day; the proprietor calculates the value per month of tips and arranges the waiter's salary accordingly; the higher the tips the lower the salary. This can better be told by the following article clipped from the Star, published at Schenectady, N. Y., which was written by a well-known correspondent:

[Special to the Star.]

Washington, February 13, 1907.

"Tip? No tip!" Washington walters and hotel keepers are excited, while the public is curiously interested in the fate of the measure introduced by Representative Murphy, of Missouri, prohibiting the giving or taking of tips in hotels or restaurants. For the benefit of their patrons the proprietors of hotels say they favor such a measure, but for the benefit of their waiters they oppose it. Why a hotel proprietor should favor such a measure is not clear. When one sees a smooth-faced, cleanly, white waiter deftly attending to his wants, he instinctively com-

pliments the hotel proprietor for employing such excellent help and regards the "tip" as a token of appreciation for specially attentive service. It does not occur to the guest, as a general rule, that he pays at the desk for this service and then pays the waiter. The rate of pay for the highest class waiters in Washington is \$30 per month. In other words, the proprietor pays \$1 per day as a sort of retaining fee to insure the presence of the waiter and to recompense him for such small services as he may perform for the hotel itself, such as removing solled dishes and table linen. But for whatever the waiter does for the guest the latter is expected by the hotel proprietor and the waiter to pay out of his own pocket, in addition to settling a bill which is always high enough to include first-class service. The tariff is usually 10 per cent of the bill on large checks, but on small checks, say from \$1 to \$2, it is 25 cents. If the check is less than a dollar, the guest is expected to give the change to the waiter. The interests of the hotel proprietor and the waiter are thus identical, for as the tip is generally regulated by the size of the check the larger the bill the larger the tip. No complaint has been heard recently of the practice which formerly prevailed to some extent, under which the waiter made a false addition in lead pencil and thus cheated the guest in addition to getting a tip. So much complaint was made of this custom that it was practically abandoned and is no longer practiced in first-class places. Nor is it customary for waiters in Washington to pay the hotel proprietors for the privilege of waiting on their customers in return for tips, as is the case in some places. They are confined to the gentle proprietors for the privilege of waiting on their customers in return for tips, as is the case in some places. They are confined to the gentle practice of frowing on the modest tipster and of smiling on the more generous.

The writer fails to remember, in the course of a long experience with Washi

Washington hotels, a case where a man paid a bill at the table without tipping the waiter, so he can not say what happens under such
circumstances.

At the so-called "family hotels," where the patronage is largely confined to permanent guests, the tariff for tips is \$2 per week for the
man and \$1 per week for each member of the family. Thus, where a
family has a table at which sit a man, wife, and two daughters the
waiter is expected to receive a weekly honorarium of \$5. Of this
the head walter collects from 20 to 50 per cent. This rate varies
from about haif as much to double, according to the standing of the
hotel. Then there is the weekly tip to the chambermaid of from one
to two dollars per room or bed. The head porter gets his every time
a piece of baggage is moved, and the porter moving the baggage is
duly rewarded. Tips to the head porter average \$1, and the active
porter receives 25 to 50 cents per large pieces.

There is no cut-and-dried system of feeing the bell boys. Permanent
guests in the smaller hotels try to get one or two bell boys on their
staff and fee them by the week. Transients have to take their chances
and fee all the time. The schedule runs like this: Bringin in bag
and carrying to room, 25 cents; same on departure; pitcher ice water,
10 cents; drinks in rooms, 10 to 25 cents; brushing coats, 10 cents;
stationery, 10 cents; other services in proportion. The usual tip to
"pages" is 10 cents. They call the visitors' cards. Pages who open
the door to the telephone booths get 5 to 10 cents. Elevator boys in
family hotels expect 25 cents to 50 cents per week from each guest or
family. In the large European hotels they seldom receive anything.
The custom of "tipping" the cook does not prevail here, although
after a dinner party it is considered "au fait" to remember him or
her. As the cook does not come in contact with the guests, she or
he depends on the hotel proprietors for their wages, together from what
they rake off from the waiters. It is also considered fashionable to
tip the head

occasionally it should be five. In addition, he gets a percentage of the waiters' tips, and in most cases at least receives something from the proprietor.

The hotels in Washington have another pleasant custom which appeals strongly to the guests. The regular price for a telephone call from a pay station is 5 cents. In most cities the hotels supply telephones in the rooms as an accommodation to the guests, but in Washington they are made a source of considerable revenue. In coming to Washington the visitor is advised to allow at least 10 and preferably 20 per cent of what he calculates on spending for tips.

I contend, Mr. Chairman, that when a guest goes to a hotel, a café, or an eating house he is entitled to the same treatment accorded any other; no better, no worse. The idea that a boniface should be privileged to compel his guests to endure black-mail in silence in order to secure food and service for which they pay the aforesaid boniface prices out of all proportion to what they get is preposterous as well as outrageous. The waiters contend that tips are "for politeness, for prompt service," etc. I am constrained to ask for what does the traveling public pay the proprietor? Is it not his business to furnish polite and attentive help as much as clean table linen and drinking water? Is a guest not entitled to expect a pitcher of ice water without feeing the bell boy?

My attention has been directed to a hearing had before the District Commissioners on this bill the 16th of this month, which was attended by about fifty persons, composed of hotel managers, waiters, and a hired attorney. I say "attorney" because we Missourians differentiate between a lawyer and an attorney, in that Blackstone defines a "lawyer" as a person learned in the law, our statutes defining an "attorney" as one admitted to practice law. This hearing was remarkable. Using the language of a Senator, they could get a patent on the arguments there made for their novelty, yet they couldn't patent them because they are of no value. "Tipping is a condition that has existed from time immemorial, and I do not think it ever can be stopped," said the hired attorney. What, Mr. Chairman! Have these people reached such a degree of degradation that they have no respect for law? Are they over, above, be-yond, or greater than the laws of the country? I do not believe this gentleman was commissioned to make such a confession or admission on behalf of or for the people he professed to represent. "Is it necessary," Commissioner Macfarland, who presided at the hearing, asked, "that patrons should give tips in

order to receive proper attention and to receive courteous treat-"In a great many respects it is," answered the attorment?"

That very answer, Mr. Chairman, not only demonstrates the necessity for, but the wisdom of, this character of legislation. When a patron must dig down into his pocket and produce additional compensation in order to receive proper attention and courteous treatment at the hands of the employees of men whose duty it is to furnish such to his guests, it is time for the Congress to call a halt on such a high-handed procedure. It has no place in a civilized country, and properly belongs to the criminal catalogue. Now, let us see what one of the head waiters advanced at this hearing as a reason why this bill should not pass:

"Unless patrons give tips they have to make a howl for everything they want, and there is not much pleasure in their eating" was the amusing statement made by J. L. Dickinson, head waiter at Harvey's.

"Two men enter a hotel for dinner. One of them is known to be a free tipper, and the other one of those who don't believe in tipping. They sit at separate tables and the first one has his meal served up to him nice and steaming long before the other man. The latter has to ask to have his glass refilled with water; he has to ask for more butter; in fact, he has to ask for everything, while the first man does not."

"Then, unless a patron pays this compulsory tip," Commissioner Macfarland interrupted, "he doesn't get the service?"

"I regret to say he does not," the head waiter replied.

This is the way, I suppose, business is carried on at Harvey's, and ought to be an incentive for every Congressman, every Washingtonian, and every visitor to patronize that would-be fashionable café. But it is no worse, Mr. Chairman, than the New Willard, the Arlington, the Raleigh, and some others I might mention, yet it is better than the Shoreham. But in all of them—mark what I say—in all of them a failure to tip or give what is considered a proper tip results nine times out of ten in an insult, and it makes no difference whether it be a gentleman or lady guest. I speak from experience, and Members on this floor have related the same character of treatment to me since I introduced this bill. I believe we should provide by law that our good women can go into any hotel or café without being subjected to a "hold up" or an insult.

There is only one gratifying feature of the tipping system; it creates caste. No one receives a tip without instinctively feeling

a lowering of his public standing; no one bestows a tip without feeling he is superior to the recipient. Not only this, but tips breed graft, and, I quote the following from Theo Waters in

Everybody's Magazine:

Everybody's Magazine:

But it is the nature of the graft that the extorter has always in his turn to meet extortion. If the waiter does not share his harvest with his helper, the "bus" boy will complain to the head waiter, and the latter will also demand a share. Indeed, I was told by several New York waiters that their salaries are continually drawn upon by the head waiters, who thus exact their share of the patrons' gratuities. The method is as follows: The head waiter borrows sums of money from the regular waiters, and if the latter demand repayment they soon find themselves out of a job. A waiter working in a Chicago hotel told me that unless he tipped the chef constantly he got the wrong end of the joint, thus lessening his chance of pleasing his customer. Still another waiter complained of having to contribute part of his earnings to the cashier, on pain, in case of refusal, of having his "change" handed to him in such denominations as would make it inconvenient for the patron to give him a proper tip.

It is not necessary to assume that waiters are, as a class, deliberately dishonest. Such is not the case. But one can not cling to the spokes of a moving wheel without losing one's sense of perspective, and many a waiter who would scorn to steal from his neighbor condones these practices merely because they are the accepted way of the world.

The wage rate for waiters in hotels in large cities is usually \$1 a day, but some of the biggest hotels in New York pay but \$25 a month, and most of this, the waiters complain, ebbs back into the managerial till by reason of an elaborate system of fines which covers everything that a waiter may or may not do, from laying his tablecloth crooked to turning his toes inward. So that between the head waiters and the fining system it would seem that ordinary waiters see but little of their salaries. And in some hotels waiters as well as minor employees are deprived of wages and given a commission on all wine sold. In one large metropolitan restaurant they receive 6 per cent

Why, Mr. Chairman, in the older countries tipping is called "the great evil of America." I submit herewith an article which appeared in a Washington paper on September 16, 1906:

LONDON, September 15, 1906.

London newspapers have not yet finished their "silly season" discussing about whether the tipping nuisance is greater in the United States than in England. It is agreed that when Americans "learn the ropes" they find tipping cheaper in London than in New York, for here a waiter is often satisfied with a tip of 4 or 6 cents for a slight service, whereas in New York he would turn up his nose at anything under a dime.

Augustus Van Biene, the 'cello player, in a letter to The Mail, declares that the tipping imposition is greater in the United States than anywhere else.

Mr. Van Biene writes:

"England is the European country where tipping is the least indulged. In Australia tipping is hardly known.

"But the country where tipping is a curse is America, and if you do not tip you get nothing done. You ring your bell for the bell boy to bring you a jug of ice water; he brings it up and expects the humble, but necessary, nickel. If you do not tip him you may ring your bell from now till Christmas and he will not come up, and if you

complain to the manager you are told it 'will be seen to,' but it never is.

"You dine or eat in the restaurant and you are expected to tip at least a quarter for every meal. If you do not, the waiter will pass you by. You may call him from now till Easter Monday and he does not come; and, again, if you complain to the manager, you are told it 'will be seen to,' but it never is.

"When you are traveling no porter takes any notice of you until ten minutes before you arrive at your destination. He then takes a brush and gives you a kind of apology for brushing, and expects his tip—not less than 25 cents, more often 50.

"Porters there are none; you must do everything yourself. Here in this country, when I arrive at a place, I give the porter my 'cello to put in a cab, and I give him 6 cents, and he says, 'Thank you, sir.' You try to offer a man 6 cents in America. He won't say anything—he will 'chuck' it at you."

Now, Mr. Chairman, let us see who, besides myself and the

Now, Mr. Chairman, let us see who, besides myself and the Committee on the District of Columbia, favors this legislation. The following resolutions speak for themselves:

The following resolutions speak for themselves:

Whereas the custom of giving and receiving what are known in common parlance as "tips" is un-American and has a tendency to lower the standard of American citizenship by placing upon the recipients of "tips" the stigma of beggary; and

Whereas the act of giving "tips" assumes that the giver of the "tips" is of a higher rank, class, or standing than the recipients thereof, thus creating a feeling of class distinction or social inequality, which is at war with the principles of republican institutions; and

Whereas the solicitation of "tips" places upon respectable vocations the badge of servility; and

Whereas the practice of "tipping" has reached such enormous proportions that the service of stewards, waiters, porters, and other employees of hotels, restaurants, cafés, and eating houses in the District of Columbia has become discriminatory, unfair, and unjust to guests of said places who are financially unable or who have the courage to refuse to thus pay tribute for service to which they are of right entitled: Therefore, be it

Resolved, That the Business Men's Association of the District of Columbia hereby indorses and earnestly recommends the passage of the bill known as H. R. 25232, having for its object the doing away with the "tip" evil and the promotion of the comfort of guests or patrons of hotels, restaurants, cafés, and other eating places in the District of Columbia.

Resolved further, That the secretary of this association transmit copies of this resolution to the Committees on the District of Columbia of the Senate and the House of Representatives and a copy to the Commissioners of the District of Columbia.

The association adopting these resolutions is composed of the business men of the District of Columbia, having a membership of about 600, among whom are found such well-known men as A. Leftwich Sinclair, Judge Kimball, Dr. H. L. E. Johnson, Allan D. Albert, J. M. Brown, James F. Oyster, Charles W. Linkins, and C. C. Lancaster. In transmitting these resolutions to me the writer said:

There is a crying need for legislation upon this subject in the District, and I trust that you may be able to bring about the passage of your bill during the present session.

your bill during the present session.

The Washington Post, on February 3, 1907, in an editorial bearing a headline "A plea for reform," said:

Few doctors of law in Congress or out of Congress believe that Mr. Murphy's bill to abolish the tipping evil is good law, but all realize that it is good policy. The traveling public ought to have some rights in this country. When a man opens a hotel for the accommodation of guests he has first procured a license from the powers that be allowing him to engage in the business, and he must be a man of good character, with a reputation for honesty, probity, and good demeanor. The Government is responsible for him, and his license is warrant to his guests that every one dealing with him shall have equal and fair play.

his guests that every one dealing with him shall have equal and fair play.

But it is notorious, from ocean to ocean, in our great country, that the guest who refuses to "tip" does not get fair play, just as the competitor, without a rebate, could not get fair play in a rivalry with the Standard Oil trust. The tip is not voluntary; it is extorted. Every guest knows that he will be given a cold potato, tough steak, viliatious coffee, impossible toast, and insufferable eggs if he does not bribe the menial who waits on him. It is called infamous to bribe an appropriation through Congress to discharge a just debt owed by the Government. The creditor has a right to his debt without fee or reward to anybody, and the guest of the hotel has a right to his dinner without fee or reward to a waiter if his credit is good at the clerk's desk.

But this tipping will not be abolished. There is too much mingled vanity and cowardice in the land for that. Yet it should be regulated, and it would be well enough to begin it in this very town of Washington, D. C.

The Washington Times, under "Pass the antitipping bill"

The Washington Times, under "Pass the antitipping bill" headline on February 12, 1907, contained the following editorial:

Representative Murphy, of Missouri, has had the courage to put into legislation the convictions most of us hold secretly. His antitipping bill is no joke. It is only an honest and wholly praiseworthy effort to directly correct an abuse—a character-destroying, debasing, fradulent abuse—which has developed indirectly and saddled itself on the

lent abuse—which has developed indirectly and saddled itself on the country as a curse.

The tip strikes both at him that gives and him that takes.

We all know either the sense of smothered protest or the cheap pride with which it is given. In the one case we are paying twice for being served. In the other we are indulging the littlest, most fatuous, most contemptible pride in making a show of our ability to give a fellow-man, one like us, a free-born American citizen, a dime or a quarter. In either event we are loser by the operation.

But the tip is more an evil when viewed from the standpoint of him that takes it. He is performing a known service. He is ostensibly an employee of the hotel or café where he works. His pay is included—generously—in the prices on the menu card. It is an honest service, and is paid for honestly. But where the tip flourishes this man will bow and scrape, wipe off invisible crumbs from the cloth, fill your glass when you don't care to drink, make a menial and a

lickspittle of himself, and then with mock humility hold out his hand like a beggar at the corner. The whole transaction is hypocritical, un-American, and unmanly.

Of course, there will be a defense of it, and some waiters will not hesitate to come forward in its behalf. Well, there is nothing to prevent men from selling their American birthright if they choose. Nor is there any way to make men refuse to pay twice for the same thing by moral suasion. But there can be no question that neither such a waiter (with his total lack of self-esteem) nor such a patron (with his petty, stuck-up sufficiency in his pocketbook) ought not to be allowed to corrupt others.

That, from a casual reading, is the foundation of Mr. Murphy's bill to prevent tipping in the District of Columbia. Similar legislation has been enacted for other jurisdictions, including this Representative's home State, and so far found to be not any more ridiculous than the railway rate bill or any other reform. This bill, or another of the same purpose, ought to pass, and that speedily.

One evil, Mr. Chairman, results in another. In other words,

One evil, Mr. Chairman, results in another. In other words, one crime leads to another. A man who will steal or rob will kill. I can remember in my own State, Missouri, in the city of St. Louis, some time ago, one waiter shot another in a café, resulting from a quarrel over a tip. The following special appeared in the Washington Post last Thursday:

NEW YORK, February 13.

New York, February 13.

Mannie Frey, special policeman, died in the Gouverneur Hospital this morning from a bullet wound in his head. Gustave Weir, another special policeman, is locked up. Frey was shot just after midnight outside a dance hall at 180 Suffolk street.

Mannie Frey lived at 82 Second street, and was stationed in front of the Café Liberty, or Little Hungary, on East Houston street. Weir was on duty at 180 Suffolk street, and lives at 441 East Ninth street.

There had not been the best of feeling between the two policemen. They fell out about which one should call the carriages for the guests of the Little Hungary, and as there was some profit in this in the way of tips for the successful one, there was much rivalry between them. Weir's post was just around the corner from Frey's, and it seems that Frey thought he was interfering with the source of his tips. There was a violent quarrel between them over this.

Frey was walking along Suffolk street about midnight when he encountered Weir. They went up the alley, and there they became involved in an argument. What they said may never be known, but before long there was a shot and Frey fell forward on his face. A bullet had plowed through his cap into his forehead, carrying away part of the insignia of his cap.

Is this character of legislation new? The States of New York

Is this character of legislation new? The States of New York and Wisconsin have laws against tipping. Nebraska has an antitreating law. The following special which appeared in a Washington paper on January 1 last might be interesting:

LONDON, December 31, 1906

Great Britain has a new crime, or will have on January 1, 1907. Hitherto the law has not leaned too heavily on the givers and the receivers of bribes, but now an act has been adopted somewhat similar to the "antitipping" act of the State of New York.

Why, Mr. Chairman, in not a State in this country can we tip a voter at an election, a judge for rendering an opinion, a juror for deciding a case, a legislator for casting a vote, a sheriff or official for doing or not doing certain acts. We prohibit many of these things by act of Congress. In this body we cry loud and long about discriminations, and pass laws to prevent them. Is there a more unjust discrimination for a man of wealth to receive "proper attention and courteous treatment" against his less-fortunate fellow-man stopping at the same hotel, paying the same rate of charges, because of a lavish display of his wealth? The railroad rate bill was enacted for this very principle. But, oh, some say the law is unconstitutional. You can't interfere with personal liberties. You can't prevent me from giving away my own money; just as well try to prevent Carnegie from giving away libraries.

Mr. Chairman, a man can do as he pleases so long as he does not interfere with another's personal liberty or welfare or infringe upon the rights of others. Let a man put on female attire and walk down Pennsylvania avenue. What would be the result? Arrest and punishment. Burn your own house, and you are amenable to the law for arson. Attempt suicide, and you are confined in some character of asylum. Do anything that has an evil tendency, and the law meets you with a punishment, and laws of such character are being passed every day. Laws in some jurisdictions forbid the giving away of whisky and certain drugs, and even extend to cigarettes. Carnegie can establish and endow libraries throughout the world; but he could not legally establish or endow a brothel or a bawdy house in a single civilized community, however remote it might be; he could not establish nor endow a saloon or a tippling shop in Maine or Kansas. Laws, Mr. Chairman, are founded on justice. It was never my idea of justice that one man should be permitted to put his hand into another's pocket and take that which did not belong to him, and when you permit this evil and pernicious system of tipping you sanction that very thing and give one man an advantage over another. Pass a law of this character and you will do more to make this a greater Washington than anything else you could do. In Chase's Theater, in Washington, you are greeted with this ad-

Positively no fees of any kind are permitted in this theater, as everything is free after purchasing your ticket.

What do we find there? Proper attention and courteous treatment; a ladies' reception room, with maid in charge, with remedies for sudden illness or slight indisposition; gentlemen's room, with porter in attendance, where every care and atten-tion is given to patrons, including the polishing of shoes; pub-lic writing desk, with stationery, daily newspapers, current magazines; messenger and carriage calls for patrons; in case of rain umbrellas are loaned. No tips allowed for anything. What is the result? Every afternoon and night the theater is crowded with the very best people living in and coming to Washington. Pass this bill, and Washington will be known from the Lakes to the Gulf and from the Atlantic to the Pacific as a place where graft and bribery do not hold full sway in public places.

It is said, Mr. Chairman, that France can not be judged by Paris, nor England by London; but this great country of ours ought to be judged by its capital and as the one spot under the shining sun where there is "a square deal for every man," be

Mr. MOON of Tennessee. I now yield to the gentleman from

Texas [Mr. GILLESPIE].

Mr. GILLESPIE. Mr. Chairman, I want to call the attention of the House to a resolution—a concurrent resolution—passed recently by the Texas legislature. The resolution is a request to the Congress to enact such laws as will enable the Federal Government to enter into such trade arrangements with foreign nations as will afford the best possible market for live stock and its products and farm products of this country, and expressing entire confidence in the President of the United States relative thereto.

This expression of confidence in the President of the United States I desire to call the attention of the House to. There is another expression in this resolution that I would direct the attention of the House to, and it is this:

That the law fixing these schedules-That is, the tariff schedules

may be safely modified so as to afford a consideration for making such trade agreements with foreign nations without any injury to the just rights of the industries of this country which are entitled to protection.

The point is that the Texas legislature goes upon record that there are certain industries in this country which the to protection. Another feature of the resolution is this: They to protection. Another feature of the United States, "as a there are certain industries in this country which are entitled consideration for such agreement, to grant, give, and make such concessions and modifications in the tariff schedules on articles of commerce as will enable this Government to secure the most favorable trade relations," etc.

They want this power placed in the hands of the President of the United States.

Now, Mr. Chairman, according to the Texas legislature, here is the great live-stock interest and the farming interest of Texas expressing entire confidence in the President of the United States. The protected interests of this country also have entire confidence in the President of the United States. Why, the steel trust has confidence in the President of the United States. Why, the The American woolen-goods trust has confidence in the President of the United States. The leather trust, the lumber trust, and all the stand-patters in this country have entire confidence in the President of the United States that he will not permit the Dingley tariff rates to be interfered with in any manner. Now, here are the live-stock interests and the farming interests of Texas, if these resolutions properly express it, also having entire confidence in the President of the United States. I want to suggest that there is a misplaced confidence somewhere. Either farming interest and live-stock interest are mistaken in their confidence in the President or the trust interests are mistaken. I want to suggest to the Texas legislature that, in my opinion, their confidence in the President of the United States along these lines is entirely misplaced and that the confidence of the trusts is well founded. Mr. Chairman, it is my opinion that those of this country, and certainly I am one of them, who be-lieve in freer trade relations with all the world and larger world markets for the product of farm, pasture, factory, and mine will make a mistake when they seek relief through special trade agreements and abandon a general assault all along the ene-You can not reduce a single Dingley tariff schedule by a trade agreement that you can not reduce by a general tariff revision. I call attention to the situation with reference to Germany. Now, Germany has a surplus of refined sugar. We need that surplus and have to pay for it with the tariff added, largely for the benefit of the sugar trust. Now, Germany needs our food products, meat, flour, etc.

Now, if you undertake to reach this situation with a special trade agreement, what opposition do you find? The sugar trust, and this trust calls to its aid all the other trusts fed and sus-

tained by the Dingley rates, notably the steel trust, the leather trust, the farming implements trust, the lumber trust, and the others. They all make common cause. This is abundantly proved by the failure of the trusts to carry out the express promise of the Dingley law-that its high rates should be reduced by reciprocity treaties. All efforts at reciprocity have been scorned by the trusts. Their programme is the President's programme; it is the stand-pat programme. I repeat, our only hope is general charge all along the line for juster and lower tariff rates.

It may be true that the principle of protection is so embedded in our policy as that it can not be overthrown, but there is such a thing as greater justice and equity in protection, which is being demanded now all over the country, and it is only through the success of this movement that any hope is offered for extended foreign markets or for any justice and equity to be meted out to our farmers and stockmen, who have been all too long so unjustly weighted down with tariff exactions. I ask that this resolution and the letter accompanying it be printed as a part of my remarks.

The letter and resolutions are as follows:

House of Representatives, State of Texas, Austin, February 15, 1907.

Hon. Oscar W. Gillespie,
House of Representatives, Washington, D. C.

DEAR SIR: Herewith I inclose you house concurrent resolution No. 7, adopted by the house and senate.

Very respectfully,

Chief Clock House of Research Street

Chief Clerk, House of Representatives.
Thirtieth Legislature of Texas.

House concurrent resolution No. 7, requesting Congress to enact such laws as will enable the Federal Government to enter into trade arrangements with such foreign nations as will afford the best possible markets for live stock and its products and farm products of this country, and expressing entire confidence in the President of the United States relative thereto.

Resolved by the house of representatives (the senate concurring),

country, and expressing entire confidence in the President of the United States relative thereto.

Resolved by the house of representatives (the senate concurring), Third States relative thereto.

Resolved by the house of representatives (the senate concurring), Whereas the live-stock producing interests of the United States are suffering material loss by reason of the fact that they are practically deprived of access to the markets of continental Europe for the sale of live stock; and

Whereas there is no provision of law authorizing the administrative departments of the Government of the United States to make any trade agreements with foreign nations favorable to an extension of our foreign trade in live stock and the products of live stock, as well as other products of the farm and ranch; and

Whereas it is the belief of the farmers and live-stock raisers of this country that it is competent for Congress to pass a law or laws which will empower the President of the United States, as a consideration for trade agreements with foreign countries, to grant such concessions in the schedules of tariff on articles imported or to be imported from such foreign countries the products of the farms and ranches of this country without reasonable restrictions; and Whereas we believe that the foreign trade in the products of the farms and ranches in this country has been sacrificed by the Inauguration of schedules of tariff on manufactured articles, and that the law fixing those schedules may be safely modified sufficiently to afford a consideration for making such trade agreements with foreign nations without any injury to the just rights of the industries of this country which are entitled to protection; and

Whereas that fair protection which the law should afford, but which unhappily it does not afford, to the live-stock and farming interests of the markets of the world to the products of the nature, and whereas the live-stock producing interests of this country which are entitled to a much consideration on the part of

DUNCAN. POOL.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Frederick Landis having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed joint resolution and bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. R. 92. Joint resolution authorizing the Secretary of War to permit José March Duplat to receive instruction at the Military

Academy at West Point;

S. 8400. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904;

S. 7903. An act granting an increase of pension to Catherine De Rosset Meares :

S. 8511. An act granting a pension to George L. Dancy; S. 8508. An act granting an increase of pension to Miranda W. Howard:

S. 8314. An act granting an increase of pension to James P. Worrell:

S. 7993. An act granting an increase of pension to George E. Purdy

S. 7283. An act granting an increase of pension to William T.

Cooper; and S. 1217. An act for the relief of the estate of Henry Ware,

deceased.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the concurrent resolution (S. C. Res. 48) to correct the military record of John McKinnon, alias John Mack.

The message also announced that the Senate had passed with amendments bill of the following title; in which the concurrence

of the House of Representatives was requested: H. R. 5290. An act providing for the allotment and distribution of Indian tribal funds.

### POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. MOON of Tennessee. Mr. Chairman, I yield to my colleague.

Mr. PADGETT. Mr. Chairman, I desire to use the few minutes to call attention to a practice that seems to prevail in the House against which I want to protest. At the beginning of the session, when the rules are adopted, the Committee on War Claims is named; and the rules provide that one Friday in each month shall be devoted to the consideration of bills on the Private Calendar from the War Claims Committee. I have now been in this House for six years, and it is my observation that the War Claims Committee does not receive fair and courteous treatment. Bills reported from that committee are smothered in effect. It seems that either an adjournment is taken over that day, a special rule is adopted for that day, or something else, so as to crowd out the War Claims Calendar; and if, perchance, we get an occasional day, a systematic filibuster deprives us of all results.

It is not so with other committees. The other day we passed about 700 pension bills in about two hours. We devoted a whole day to the consideration of one bill on the War Claims Calendar and accomplished nothing. Now, I am for pensions. I believe they are just. It may be that they have become a fad in this House; it may be that they are carried to an extreme, but I am not here to protest against that. I am here, however, to insist that the business from the War Claims Committee shall hereafter receive the same courteous consideration and treatment that is accorded to business coming from other committees. The gentlemen composing the membership of that committee are just as worthy of the presumption of honest purpose and integrity of action as that which is accorded to any other committee, and I want to give notice and place it upon the record that I shall for this session waive the rights that I have under the rules; but at the next session of Congress, if there is a substantial business upon the War Claims Calendar and it is sought to smother it, after that day "Jordan will be a hard road to travel" for legislation in this House. [Applause.] I want to serve notice on those in authority, the Speaker, the Committee on Rules, and those who have the management of affairs, that business on the War Claims Committee at the next session of Congress must receive just and fair consideration, and if it is denied, then legislation in this House on all propositions will have to be in strict accordance with the rules. A word to the wise is sufficient. [Applause.]

Mr. MOON of Tennessee. Mr. Chairman, I desire to inquire

of the Chair how much time is still unconsumed on this side?

It was understood that there was to be an equal division of the time to-day

The CHAIRMAN (Mr. McGavin). The gentleman has used twenty-two minutes so far this morning.

Mr. MOON of Tennessee. How much time have we?

The CHAIRMAN. The general debate closes at 4 o'clock. Mr. MOON of Tennessee. I desire the Chair to take control of the time which is left to this side of the House.

Mr. OVERSTREET of Indiana. My recollection is that this morning I yielded only about thirty minutes. The gentleman has yielded how many minutes?

Mr. MOON of Tennessee. I understand, twenty-two minutes.

Mr. OVERSTREET of Indiana. That is practically an equal use of the time thus far.

Mr. MOON of Tennessee. It is immaterial as to the exact number of minutes

The CHAIRMAN. The gentleman has about one hour and

thirty-five minutes.

Mr. MOON of Tennessee. So many requests have been made for time that I find it impossible to proceed with this debate along intelligent lines in the discussion of the bill itself without limiting the number of speeches on this side. The minority members of the committee up to this time have not had an opportunity to be heard. I therefore desire that the Chair take control of the time which I have and divide it equally between three members of the committee, recognizing first the gentleman from Missouri [Mr. Lloyd], next the gentleman from Georgia [Mr. Griggs], and next the gentleman from South Carolina [Mr. Finley], and permit those gentlemen to use all the time which I now have.

Mr. OVERSTREET of Indiana. Mr. Chairman, I should like to state to the gentleman from Tennessee that there are two members of the committee, Messrs. Steenerson and Stafford, to whom I desire to yield, fifty minutes to Mr. Steenerson and forty-five to Mr. Stafford. If we should now use an hour and thirty-five minutes on a side, it would just make the fifty and forty-five minutes for this side.

Mr. MOON of Tennessee. That is entirely agreeable to me, and the gentlemen can alternate in the debate.

The CHAIRMAN. The Chair would suggest to the gentleman from Tennessee that if he should yield thirty minutes to each of the three gentlemen, that would just about consume all the time he has.

Mr. MOON of Tennessee. It is immaterial as to the number of minutes, so it is equally divided. I yield thirty minutes to each of the gentlemen, and request that the gentleman from

Missouri [Mr. Lloyd] be first recognized.

Mr. LLOYD. Mr. Chairman, the pending bill carries the largest appropriation ever provided in a post-office appropriation bill. It is astonishing how rapidly the expenses of the postal department have grown. It is equally astonishing to observe how the receipts of that Department have increased. The receipts and expenditures of this great service have doubled within ten years, a very astounding fact.

No branch of the public service directly affects more people than the Post-Office Department. The mail is carried by the swiftest means of transportation to every village and hamlet in the land. It is delivered at the door of the person who resides in the city and at the gate of the farmer in the interior. It finds its way to the far off Alaska and is delivered at or near every mining camp in that undeveloped region. It reaches every part of the Hawaiian Islands and is transported across the seas to the remotest parts of the world. Wherever civilization has blazed the path of progress, wherever men are congregated for business pursuits, and wherever intelligence is sought by an English-speaking people this Government delivers the mail. Not alone is it taken to those of our own tongue, but in every nation and in every clime among all classes of men wherever our Yankee ingenuity has found a hold and has sought to de business among the people mail from the United States is received and delivered.

The amount carried in this bill for the support of the postal system for the fiscal year beginning July 1 next may be summarized in millions of dollars as follows:

Postmasters' salaries	\$25, 500, 000 24, 000, 000
Assistant postmasters, clerks, messengers, and janitors in post-offices Pneumatic-tube service Rent, light, and fuel in post-offices Rural mail carriers Railway mail clerks Star route service Railway mail pay and railway post-office cars Foreign mails All other items	28, 300, 000 1 250 000
Total	209, 400, 000

In last year's law it was provided that rural agents charged with the examination of rural routes should be placed under the supervision of the chief inspector, and thereafter to be known and recognized as inspectors. I was not in sympathy with that merger. I do not believe yet it was wise, although I am gratified to learn how well it has done. The work of the inspector and the rural agent were entirely dissimilar and required different qualifications. The inspectors seem to feel, in many cases, that they are superior officers to the rural agents and treat them accordingly. The rural agents speak of themselves as "step children." The chief inspector does not share in this sentiment and has the confidence and respect of everyone so far as I have information. He would reprimand any officer, I am sure, guilty of encouraging this spirit of superiority. I have no reference to the very excellent inspector who has charge of the work of post-office inspection in my district.

When the rural agents were under the control of the super-

When the rural agents were under the control of the superintendent of rural free delivery, Mr. Spillman, who, in my judgment, is one of the best officials in the Post-Office Department, there seemed to be a disposition to favor the rural agents where it might be done, but at the present many of them feel that much is done to harass and annoy. None of this has been charged against the chief inspector so far as I know. I hope, however, that these imperfections may be overcome and that good feeling and harmonious effort may unify and fraternize

these dissimilar elements.

In the short time that is allotted to me I wish to call attention to some particular features of the pending bill. The first is that city letter carriers shall be increased in their salaries and that there shall be a compulsory system of promotion which, in my judgment, is a very important advance. If this bill becomes a law, the clerk in the first-class office who has an efficient record at the end of the first year, as a matter of course, is promoted into the second grade, and receives \$100 increase in salary. This is not dependent upon the whim of the post-master, it is not dependent upon the influence of politicians, but if the individual has discharged his duty he is entitled to promotion as a matter of right; and so it is on up in the first-class office to the clerk having a salary of \$1,100. Above that the promotions are dependent, as they are now, upon the individual, but it may be subject to some extent to the influence that may be brought to bear in favor of the particular individual. is the same provision as to second-class offices, excepting the promotions are to \$1,000.

This bill also provides that city letter carriers shall be placed on an equal basis, as far as compensation is concerned, with city clerks, and that they shall be exchanged at the same salary from one grade to a like grade in the other. The bill provides for an increase of salary for both the city clerks and the city carriers. This bill carries an increased appropriation for rural letter carriers. It provides for additional compensation to them of \$120 each. At the present time the rural letter carrier who carries mail on what is called the "full route" receives compensation not exceeding \$720 per annum. If the provisions of this bill should become a law they will receive a salary not exceeding \$840 per annum. The theory of the committee in that regard is that the additional \$240 above what the city letter carrier would receive in the first grade, or the city clerk shall receive in the first grade, is accounted for in the \$240 additional which the rural letter carrier must expend out of his own pocket for the equipment of his team and for its care and maintenance.

It is intended by this salary of \$840 to place the rural letter carrier on an equal basis with the carrier in the city in the first grade. The city letter carrier has an opportunity for promotion. The rural letter carrier has no such opportunity. His salary is fixed. We provide a change in this bill in another particular, which strikes me as being very important. Under the existing law a substitute carrier, or an individual performing the duty of a carrier on leave, is permitted to receive not more than at the rate of \$600 per annum. We provide in this bill that he shall receive the same salary as the principal. In other words, we increase that from \$600 to \$840. Those of us who have been brought in contact with the rural carrier and know something of the important duties devolved upon him and the hardships he has to bear, especially upon the average roads of the Mississippi Valley, are impressed with the fact that it is absolutely necessary that the salary of those carriers shall be increased to something like a reasonable compensation.

I wish now to approach another question which greatly concerns the people of the country—the subject of compensation to the railroads for carrying the mails. By the provisions of the pending bill certain reductions are made which will have the effect of lessening the pay which the railroads will receive for this service. There has been a wild clamor from various quar-

ters demanding reduction in various amounts as high as 50 per cent of the present compensation. I am well satisfied that the system of arriving at the compensation is so intricate that few persons are really advised as to the necessity of reduction. This body should not be led into radical procedure to gratify spectacular newspaper writers or to comply with the suggestions of sensational magazine articles. On the other hand, no man should refuse to make reduction simply because such reduction would affect the profits of the railroad companies. question that should be determined is whether the present compensation is reasonable and whether it may properly be increased or decreased. Duty should be performed. If it is made clear that the present rate of pay could be reduced 50 per cent without serious injury to the railroads, no one should hesitate to make the reduction in accordance with what is right. On the other hand, if the Government is not sufficiently compensating the railroads for this valuable service, it should not refuse to increase the compensation. No branch of public service means as much, day by day, to the people of the country as the expediting of the mails.

Commercial interests demand at the hands of the railroads that fast mail trains should be maintained and that the mails shall be distributed through the country with the greatest possible speed. They look with suspicion on any movement which might have the effect of crippling this service. The railroad companies have apparently done all in their power to assist the people in obtaining the best possible mail facilities and an expedition not surpassed in any other service. For this extraordinary facility the Government should not fail to give reasonable compensation. It should, of course, permit no extortion on the Government and should fix no rates which would simply have the effect of filling the coffers of the railroads. This question should be considered in a spirit of fairness, and it is my purpose to try to discuss the reduction proposed in this bill in

that spirit.

I think it should be admitted that there have been no special means provided for specific information since 1900. At that time a learned commission of superior men was appointed under act of Congress to investigate the subject of railway mail pay and make report to Congress. The commission was composed of Senators Wolcott, Allison, Chandler, Martin, and Faulkner, and Representatives Loud, Catchings, Fleming, and Moody. The commission, after exhaustive hearings covering a long period of time, assisted by an expert accountant, Prof. H. C. Adams, of the University of Michigan, made report of their inquiry into the subject in three large volumes, and after careful consideration of all the information which they could gather both from the railway experts and Government officers who appeared before them, seven of the nine members reported that there should be no reduction in railway mail pay. Their report was expressed in these words:

Upon a careful consideration of all the evidence and the statements and arguments submitted, and in view of all the services rendered by the railroads, we are of the opinion that the prices now paid to the railroad companies for the transportation of the mails are not excessive and recommend that no reduction thereof be made at this time.

Mr. Moody, now Supreme Court justice, in a separate report concurred in the views above expressed, but amongst other things stated:

When the Commission was created it was supposed, upon the faith of statistics furnished by the Post-Office Department itself, that the average cost of the transportation of a pound of mail was 8 cents and that the average rate paid to the railroads for mail matter was 6.58 cents a pound; that the average railway haul was 328 miles, and that the average rate paid to the railroads was 40 cents per ton per mile. Public-spirited citizens, accepting these statistics as accurate, not unnaturally protested that they demonstrated that the railway mail pay was excessive.

In this connection I wish to say that in 1898 I addressed this House on the subject of railway mail pay and based my argument upon the statements just quoted from Justice Moody and took the position then that railway mail pay should be greatly reduced; and if these statistics were true, the present demand for a 50 per cent reduction would not be unreasonable. But what are the facts in this matter? I quote again from Justice Moody in his report:

It appeared that the average rate paid to the railroads for mall matter was 2.75 cents, in stead of 6.58 cents; that the average railway haul was 438 miles, instead of 328 miles, and that the average rate paid to the railroads was 12.567 cents per ton per mile, instead of 40 cents per ton per mile; that such changes in the accepted bases of reasoning should profoundly affect the discussion of the question.

Justice Moody could well make this statement, because the facts would no longer warrant the demands which had been made for reduction of pay, and the proposition to reduce became a more seriously vexed one, and certainly less cause was manifest for any reduction.

Mr. Fleming and Senator Chandler, of the Commission, indorsed the suggestion made by Prof. H. C. Adams that notwith-

standing the development had been such as to show but slight if any, excessive pay that there might be a flat reduction in present rates of 5 per cent and a reduction in addition above 5,000 pounds of from 1 to 12 per cent, graded upward on a scale of weights. The report of the Commission made in 1900 seems to have been accepted as final, and no attempt has been made to reduce railway mail pay until this session of Congress. It is true that speeches have been made in favor of it, that the country's attention has been riveted upon it by newspaper articles. but no definite effort had been made to secure the result.

The Postal Commission appointed last summer by act of Congress to investigate postage rates, composed of the following persons, Senators Penrose, Carter, and Clay and Representatives Overstreet of Indiana, Gardner of New Jersey, and Moon of Tennessee, in their report recently made, say:

There is also a widespread belief that the high total cost of the postal service results, in some degree at least, from what is regarded as overpayment to the railways for mall transportation. Much of the controversy as to a proper charge for second-class matter has raged around the question of railway mail pay. So far as this Commission has felt it to be within its authority it has endeavored to formulate just conclusions as to the merits of that controversy. It has accordingly recommended in this report a reduction of mail pay upon dense routes where the great volume of second-class matter permits economies in transportation, and it has also recommended the climination of return empty bags from the computation of weight.

In their recommendations they suggest a reduction of 5 per cent from existing rates between 5,000 and 48,000 pounds of mail, 10 per cent between 48,000 and 80,000 pounds, and designate a flat charge of \$18 per ton above the weight of 40 tons. The Post-Office Committee have embodied the same provision in this bill, as suggested by the Commission, excepting that \$19 per ton may be paid above 80,000 pounds.

It will be observed that no change in compensation is suggested where the average daily weight of mail is less than 5,000 pounds. There seems to be no demand for such reduction. The impression seems to be that the mails carried in small quanti-ties do not demand decreased pay. This was the opinion of the Postal Commission, as shown by its recommendation, and the pending bill makes no reduction under 5,000 pounds weight. Attention might very properly be called, however, to the compensation which the railroads receive for carrying these smaller amounts of mail. In pay per pound they receive much larger compensation than where greater weight is carried. I submit herewith a table which fully illustrates this statement. In it will be found a statement of the daily weight in pounds, yearly weight, amount of pay per mile, daily pay per mile, and the number of pounds carried 1 mile for 1 cent. This makes an interesting table and shows some strange facts. For example, in the pay for 200 pounds weight the railroads receive compensation of 1 cent for every 17 pounds of mail carried 1 mile, while on a train where 80,000 pounds are carried 365 pounds are carried 1 mile for 1 cent. The table follows:

Daily weight in pounds.	Yearly weight.	Annual pay per mile.	Daily pay per mile.	Number of pounds for 1 cent 1 mile.
200	73,000 182,500 365,000 730,000 1,825,000 17,520,000 29,200,000	\$42.75 64.12 85.50 128.25 171.00 630.45 801.37	Cents. 11.7 17.5 23.5 35 47 1.73 2.19	17 28 42 58 106 280 365

If passengers were carried on weight basis, it might be interesting to note the comparison with the mail, and the result would be novel, I am sure. The average weight of a pas-senger is supposed to be 140 pounds. He is permitted to carry senger is supposed to be 140 pounds. He is permitted to carry 150 pounds of baggage, making a total weight of passenger and baggage 290 pounds. This is carried almost anywhere in the United States for 3 cents. This is 25 per cent less weight and three times the compensation that would be paid for carrying the mail over the heavy traffic roads; but where only 200 pounds of daily mail are carried the passenger gets the best of the bargain, for he has a mileage weight seventeen times as great,

but only pays three times as much for it.

Mr. CLARK of Missouri. I would like to ask my friend if there is anything in this bill that fixes the price of passenger rates by weight?

Mr. LLOYD. No, sir.

Mr. CLARK of Missouri. If there is, I object to it. [Laugh-

Mr. LLOYD. My friend is afraid he will go beyond the limit and have to pay more than the ordinary passenger on account of his excessive weight. He and I would travel some-

what under the same conditions, because we would have to pay pretty nearly the same amount of exces

Last year the railroads carried 739,000,000 passengers and received \$472,000,000 for their transportation. They carried each passenger an average of 32 miles at 2 cents per mile. This on a weight basis would be 145 pounds carried 1 mile for 1 cent.

There was carried 1,100,000 and more tons of mail, and the Government paid \$44,490,000 for its transportation. This would be a little over \$40 per ton, or about 200 pounds 1 mile for 1 cent for last year.

There has been an attempt to compare express charges with mail transportation, and perhaps it is the nearest to a complete comparison, because mail and express are frequently carried in the same train and under the same circumstances. But it is almost impossible to make a correct comparison between them. The gentleman from Pennsylvania [Mr. Sibley] in a speech that he made on Saturday called attention to a comparison between mail charges and express charges. It is a very interesting comparison, but I think that the explanation that he gives shows beyond question that more is paid for carrying the mail than for carrying express. I quote from the table which he presented:

Table showing and comparing rate received by railways per hundred-weight for transportation of United States mail and rates received for the carriage of express business between points named below.

		Mail.	Express (estimated).	
	Dis- tance.	Rate per 100 pounds,a	Amount actually re- ceived.b	
New York to— Buffalo Chicago Omaha Indianapolis Columbus East St. Louis Portland, Me Chicago to— Milwaukee Minneapolis	440 980 1,480 906 761 1,171 347 85 421	\$1.58 3.57 5.38 3.27 2.49 4.38 1.33 .34	\$1.16 2.59: 4.89 2.57 2.06 3.50 1.22	
New Orleans Detroit Cincinnati Cincinnati to— St. Louis Chicago Cleveland	922 284 306 374 306 263	1.83 5.27 1.31 1.20 1.61 1.20 1.26	2, 00 3, 16 , 75 1, 07 1, 31 1, 07 , 92	

Allowed railroad companies under last weighing, including the cost of railroad post-office cars.
 By railroads per 100 pounds on all classes of business carried for express companies, including heavy merchandise, fish, live stock, fruit, machinery, etc.

This table which has been furnished by the railroad companies is based upon the statement made by Mr. Julier, of the American Express Company, who is supposed to be the best expert on express rates there is in the United States, and who appeared before the Wolcott Commission in 1899 and gave testimony there. He then put this table which is quoted here in his remarks. It showed that beyond question more is paid per 100 pounds for carrying mail than is paid for carrying and the paid for carrying and the paid for carrying mail than is paid for carr ing express. So that if there is anything in the comparison at all between the carriage of mail and the carriage of express, it shows that if the railroad company can afford to carry the express at the present compensation, then there ought to be a reduction in railway mail pay. The suggestion embodied in the proposed amendment that was voted upon yesterday, providing that there shall be a reduction in weight between 5,000 pounds average daily weight on 48,000 pounds of 5 per cent, and above that 10 per cent, and excepting land-grant roads above a daily average of 48,000 pounds, is a good provision above a daily average of 48,000 pounds, is a good provision as far as it goes as to daily weight. I want to call attention, however, in this connection to one thing with reference to that amendment. It provides that land-grant roads may be excepted where they have an average daily weight of 48,000 pounds, but if their average daily weight is between 5,000 pounds and 48,000 pounds there must be a 5 per cent reduction.

This seems to me entirely unfair to the smaller roads and a benefit that is specifically given to the greater roads. If the land-grant road has mail furnished to it to such an extent as that it will carry daily over 48,000 pounds, it ought to receive greater reduction rather than less. The roads that ought to be cared for, if either of these classes are selected, in my judgment are the land-grant roads whose daily carriage of mail is between 5,000 pounds and the 48,000 pounds rather than the roads whose daily average weight of mail is beyond the 48,000 pounds, but in my opinion all land-grant roads should be excepted from the reduction because they now only receive 80 per

cent of full railway pay.

One of the most perplexing problems in connection with the Post-Office Department is the ascertainment of a correct system for the determination of compensation to the railroad com-panies for carrying the mails. The present law has been in existence for over thirty years. It has been attacked at various times by those who are not satisfied with it; other methods of ascertaining have been suggested, but during this long period of time no other method has had any considerable support in either branch of Congress. The interpretation of that law by the Fost Office Department has been upheld by numerous law officers and all the Postmasters-General during that time. The law seems to be rather a strange one. It is based upon the idea that the weight of mail should determine the compensation for its carrying. The vigorous attack recently made by the gentle-man from Kansas [Mr. Murdock] upon the system as it is now carried out is, in my judgment, without foundation in so far as it may reflect upon the administration of that law. The gentleman is correct, as I believe, in demanding a change of the law, but I do not believe that the Postmasters-General of the past are responsible for any loss to the Government by reason of their interpretation of existing law.

The Postmaster-General is required to have the mail weighed for not less than ninety successive working days. This is done to obtain a daily average weight which shall serve as the basis of computation in ascertaining the amounts to be paid to the railroads. The weights during the weighing period are added together and their sum divided by ninety, the number of working days, to secure the average daily weight. On this average, thus secured, computation is made for the amount of compensation to be paid to the railroads for carrying the mail. It will be observed that the law directs the weighing during ninety successive working days. Why use the word "working?" Plainly to distinguish it from a day not a working day, What is that day? It would seem to me that anyone must answer "Sunday." The Department has construed Sunday as a rest day and have omitted it from the weighing period. The time required to secure ninety working days, if Sunday is not counted, will be one hundred and five days, but since there have been only ninety days on which mail has been weighed to obtain the correct daily weight under the law, the divisor must be ninety, the number of working days.

Confusion has arisen, however, over the Sunday mails and their relation to the weighing period. At the time the law was enacted there were but few, if any, Sunday trains, so that it is probable that the word "working" was used intentionally, and because of the fact that no mails were carried on that day. At the present time many railroads carry mail on Sunday, while others do not. How shall those roads be treated, and their compensation ascertained, which accommodate the public by carrying mail on Sunday? If the mail carried on that day is not weighed, then the road that has no Sunday train will secure the advantage and receive the greater compensation, because its mails are accumulated on Sunday and will be included in Monday's mail and weighed as a part of it. No one, of course, would contend that the road which gave the Sunday service should be punished by the Government by reduced compensation for so doing. It is probable that this difficulty was not contemplated when the law was enacted. But the condition has to be met in the construction of existing law. mails have been weighed on Sunday, which were carried on Sunday, but such weighings have been counted in and made a part of Monday's mail, just as it is added by accumulation when there is no Sunday train. Under the present interpretation the mails accumulating on Sunday and the mails carried on Sunday are both included in Monday's weighing. No fairer disposition of it could be made under existing law, and it seems to me no more reasonable interpretation of the existing statute could have been given.

By the pending bill it is proposed to omit the word "working" from the present law and to require mail to be weighed for one hundred and five successive days. If this provision should become a law, then the mails will be weighed each day without reference to whether that day is a working day, and the divisor will be 105, where heretofore it has been only 90, and, as anyone can see, will very seriously diminish what purports to be the daily average and will furnish what is, in fact, a correct daily

average:

It is now provided that the mails shall be weighed once in every four years, and that weighing secures a daily average which serves as a basis of pay from the 1st day of July thereafter for four successive years. In order to be fair and obtain a correct basis for mail pay there should be an estimate of weight for each successive year and a provision made for that estimate

to become a basis of weight for the succeeding year. The mails are enlarging in bulk rapidly, and the weights are so greatly increasing, that it is apparent that in the second, third, and fourth years, under the present system, there will be a large amount of mail for which the railroad companies will receive no compensation, if the law is changed so as to leave out the word " work-There is no provision in the proposed change in the law for payment to the railroads for the increased weight of mail during the latter part of the quadrennial period, although they are required to carry the increased mail.

The second-class mails are weighed each year. We can easily, therefore, determine the extent of increase of that class of mail. I submit herewith a statement of these weighings and their per-

centage of increase commencing with the year 1900:

Year.	Weight of mail.	Per cent of increase from 1903.
1900	Pounds. 382, 538, 999 429, 444, 573 454, 152, 359 509, 537, 962 569, 719, 819 618, 664, 754 660, 638, 840	12 21 31

From this table it may be seen that if the weight of secondclass mails for the year 1903 were taken as the basis of weight and if all other mail increased in the same proportion from time to time, then there should be added 12 per cent to that weight to time, then there should be added 12 per cent to that weight to secure the basis of pay for 1904, 21 per cent to secure the basis of pay for 1905, and 31 per cent to the weight to secure the basis for 1906. In other words, on this computation on actual weights the railroads carry, without compensation, a very large per cent in the three last years of the quadrennial

Another computation may be made which will throw some light on the proposition by showing what is the increase in the gross revenues for the same period. This is as follows:

Year.	Revenue.	Per cent of increase from 1903.
1903 1904 1905 1906	\$134, 224, 443 143, 582, 624 152, 826, 585 167, 932, 782	7 13 25

This table is not given for the purpose of showing that the railroads actually carried 25 per cent more mail in 1906 than in 1903, but this rapid increase in postal receipts was brought about by the handling of largely increased amounts of mail, and it may be therefore naturally inferred as a reasonable deduction that the mails were 25 per cent greater in weight in 1906 than they were in 1903.

A careful investigation of the reports of the Post-Office Department showing the average daily weight of mail on the various railroad routes i nthe United States at the last weighing period, and the one for four years preceding it, fully bear out the statement that the weight of mail has increased more than 25 per cent between these weighing periods. If the law were changed so as to omit the word "working," then the railroad companies would receive no compensation for carrying this 25 per cent increase. I call attention at this time to the average daily weight of mail on various roads at the several weighing periods, with the increased per cent during the period:

1900, daily weight 1904, daily weight

Increase, 26 per cent.

New York Central, between New York and Buffalo:	
	Pounds.
1901, daily weight of mail	315, 251
This shows an increase of a little over 30 per cent.	111,000
Next I call attention to the mail between Philade	lphia and
Pittsburg, carried on the Pennsylvania Railroad:	
	Pounds.
1901, daily weight	270, 078 262 006
An increase on this route of 34 per cent.	50_, 000
Boston to Troy, N. Y.:	
20010U 10 41001 AN AN	Pounds.
1901, daily weight	12, 359
1905, daily weight	15, 428
Increased per cent, 25.	
Cincinnati, Ohio, to Chattanooga, Tenn.:	

Pounds.

1899, daily weight 1903, daily weight	34, 45 41, 35
Increase, 20 per cent.	
Kirkwood, Mo., to Texarkana, Tex., over	er the Iron Mountai
	Pound
1902, daily weight of mail	52, 38
1906, daily weight of mail	78, 08
Increase, 49 per cent.	
Denver to Chevenne:	
1902	6.97
1906	11, 96
Increase, 71 per cent.	
San Francisco to Ogden:	
1902	

These conditions as shown on these several important railroads show an increase in the quadrennial period of more than 30 per cent. If the proposed change in the law, omitting the word "working," is insisted upon I shall offer at the proper time, if I am permitted, an amendment which, in my judgment, will about correct this error in weight, and will have the effect of paying the railroads for all the mail they carry and will insure to the Government no greater outlay than is necessary to pay for the actual mail carried. It is as follows:

Provided further, That the average dally weight of mail secured by law for the purpose of determining the compensation to the railroads for each four-year period beginning with the 1st day of July thereafter shall serve as the basis of compensation for only one year thereafter; that at the end of said year there shall be added 8 per cent to the daily weight of the mail to serve as the basis of compensation for the second year of said four-year period; that at the end of the second year there shall be added 16 per cent to the daily average weight of the mail as originally ascertained to serve as the basis of compensation for the third year of said four-year period; that at the end of the third year of said four-year period; that at the end of the third year of said four-year period; that at the end of the third year of said four-year period; that at the end of the third year of said four-year period; that at the end of the third year of said four-year period.

The percentage of increase suggested by this proposed amond-

The percentage of increase suggested by this proposed amendment is slightly less than the actual percentage of increase in second-class mail matter. It is about proportionate to the increase in postal receipts, and is less than the actual percentage of increase shown between the last periods of weighing. Exact justice should be shown between all parties as nearly as possible. If we are to accept the weight of mail as a correct basis of pay, then the railroads should receive compensation for every pound of mail matter carried, but should not be paid for that which is not carried. If the daily average is made on successive days-as, in my judgment it should be-then the existing law should be so changed as to secure to the railroads each year compensation for all the mail carried by them, and the suggested amendment of increase for each succeeding year of the quadrennial period fully accomplishes it and should be incorporated in the law.

It will be observed, however, that if the word "working" is omitted and the amendment made which I suggest, it will but slightly affect the existing result. In other words, the present law, with the interpretation given it by the Department, se-cures a very nearly correct basis, if weight of mail is to be the determining factor.

The four gentlemen of the Post-Office Committee who sign the minority report give a hypothetical case to illustrate the injustice of the change by leaving out the word "working," as follows:

365 tons, 730,000 pounds  $\div$  313 = 2,332 pounds per day for... \$132.52 305 tons, 730,000 pounds  $\div$  365 = 2,000 pounds per day for... 128.30 The road performing the Sunday service receives \$4.22 per mile less

than the road resting on Sunday. This is erroneous. If the word "working" is omitted from the law, then, whether the mail is carried one day, three days, six days, or seven days, the divisor is the same, "seven." divide the weight of the week by the number of days in the week to find the average daily weight for the week. the mail has been carried seven days the railroad is entitled to full pay. If it has carried it only six days, it is entitled to six-sevenths of a week's pay. If it has carried mail three days, three-sevenths, and if only one day, then it is entitled to one-seventh as much pay as if it had carried it every day in the

Now take the above illustration and correct it:

365 tons, 365 days, 2,000 pounds per day, for	\$128, 20
365 tons carried in 313 days, or six times per week, for	109.89
365 tons carried in 156 days, or three times per week, for	54. 94
365 tons carried in 52 days, or one time per week, for	18. 31

By this system if a railroad carries mail on Sunday it gets the same compensation for that day as for carrying the mail on

any other day, but the road that does not carry on Sunday loses the benefit from Sunday's accumulation of mail,

If I had time I would be pleased to go into detail and explain more at length the system of weighing and make further illustrations which would make plain the present system and the remedy that might properly be applied. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET of Indiana. Mr. Chairman, I yield fifty

minutes to the gentleman from Minnesota [Mr. STEENERSON].
Mr. STEENERSON. Mr. Chairman and gentlemen of the committee, I want to say at the outset that when I come to the question of the divisor I should be glad to have any gentleman ask me any question pertinent to the subject, and will yield if I can get time to answer.

In the first place, Mr. Chairman, I want to congratulate the House and the country upon the presentation of a post-office appropriation bill which, although not free from defect, is, in my humble opinion, the most meritorious and fairest appropriation bill ever presented to Congress. The merit of this bill does not consist entirely in what it contains. Its merit consists to a very large degree also in what it omits, for I call the attention of the House and the committee to the fact that this bill omits the hoary-headed special-facilities subsidy iniquity that was with us for lo, so many years and which had such a narrow escape at the last session of Congress when the appropriation bill was up that a Member had to be voted who was a thousand miles away from the Capitol, and I think that had a recapitulation of the vote been properly asked for the provision would then have been defeated.

But evidently the subsidy got such a scare then that it has not dared to appear again. I say, therefore, that it is a great merit in this bill that so far as railway mail pay is concerned every railroad company in the United States, when this bill becomes a law, will stand upon the same footing and will be regulated by the same rule of compensation. There will be no stepchildren, no favorites, but all railway companies carrying the mail will be put upon the same basis and be paid according to the same rule. The greatest objection to that item in former bills was that there was an inequality of compensation.

This appropriation bill has two important features. One provides for an increase in the expenditures of the postal revenue and the other for a decrease in the expenditures of postal revenue. Both of these features of the bill are meritorious. The provisions relative to increased expenditure are those relating to the salaries of clerks in first and second class postoffices in the country, railway mail clerks, and city mail carriers and rural carriers. The increase in the compensation of these servants is, in the opinion of all of the members of the committee, just, and in most instances absolutely necessary. The increase in the compensation of rural carriers is absolutely The increase in the compensation of rural carriers is absolutely necessary in order that the efficiency of the service may be maintained. The work of the rural carriers, especially in the northern part of the United States, where in winter the weather is cold and the snow is deep, is very difficult and onerous, and the compensation under the present law is insufficient, so insufficient that there has been great difficulty in maintaining the service. That is generally the best criterion as to the sufficiency of compensation. I will insert in my remarks the following extract from the Department report upon the subject:

In the fiscal year ended June 30, 1906, the tenth year in which rural delivery has been in operation, there has been material decrease in the demand for the service. The climax in the development of the rural delivery of mail was reached in the fiscal year 1904, when the service was installed on 9,447 routes. At that time the average number of petitions filed per month was 700. This average was maintained during the fiscal year 1905, but during the past fiscal year the number of petitions filed was 4.087, a monthly average of 390. Of this number, 3,700 were accepted for investigation.

The growth of the rural service during the ten years of its existence is shown by the following table:

Fiscal year.	Carriers.	Appropria- tions.	Expendi- tures.
1897. 1898. 1899. 1900. 1901. 1902. 1902. 1904. 1904.	83	\$40,000	\$14, 840
	148	50,250	50, 241
	391	150,032	150, 012
	1,276	450,000	420, 433
	4,301	1,750,796	1, 750, 321
	8,466	4,089,075	4, 089, 041
	15,119	8,580,364	8, 051, 549
	24,566	12,926,905	12, 645, 275
	32,055	21,116,600	20, 864, 885
	35,666	25,828,300	24, 785, 256

With the close of the fiscal year 1906 rural delivery was in operation on 35,766 routes. On 233 of these routes service is performed tri-weekly. On nearly all of the remainder the service is daily, as it is contrary to the policy of the Department to establish rural-delivery service more frequent than once a day. During the year 3,732 new

routes were established, and 76 routes were discontinued, the net increase for the year in the number of routes in operation being 3,656. The decrease in the number of routes established is due to the falling off in the demand for the service. The number of petitions pending June 30, 1906, was 3,099. Since that date 449 petitions pending June 30, 1906, was 3,099. Since that date 449 petitions have been accepted and 752 routes established or ordered established. There are on hand awaiting action 825 petitions favorably reported, making the net number of petitions pending October 1, 1906, 1,968.

The appropriations for this item increased from \$21,116,000 in 1905, \$25,828,300 in 1906, to \$32,987,400 in the present bill, this great increase being due largely to the general increase in the compensation of the carriers. But great as is the expenditure for this service it is certain that it also results in increased revenue.

The total receipts for 1906 were \$157,932,782.95, an increase over 1905 of \$15,106,197.85, which is the greatest increase for any year in the history of the service. The per cent of increase for any year in the history of the service. The per cent of increase in receipts is 9.88, as compared with 6.42 for 1905. For the third quarter the receipts exceeded the expenditures by \$286,724.46.

The total expenditures during 1906 were \$178,449,778.89, an increase of \$11,050,609.66 over 1905. The per cent of increase, 6.60, is less than for a number of years and is smaller by one-third than the per cent of increase during 1905.

It is an interesting fact, as showing the relation between postal receipts and expenditures, that for several years past the receipts of one year have about equaled the expenditures of the year before.

These records show that last year 12 per cent, or approximately one-eighth of the rural carriers, resigned, and 21 per cent of the city carriers resigned, showing that there was not so great a difficulty in maintaining the service of carriers in the cities as in the rural districts.

Mr. CAMPBELL of Kansas. Mr. Chairman, did the committee inquire into the question as to whether or not the rural feature of the Post-Office Department was anything like selfsustaining at this time, or what deficit there is in that service?

Mr. STEENERSON. I do not think that the committee considered that. I might say that I have given that subject some thought, and the report of the Postmaster-General above referred to shows that there has been an unprecedented increase in postal revenues of late years, and concurrently an unprecedented increase in the rural service, and the Postmaster-General in his report further says that there can be no question but that the rural service has increased the amount of first-class matter, the only matter upon which there is any profit to the Depart-

Mr. CAMPBELL of Kansas. That has been my contention as a layman.

Mr. STEENERSON. The gentleman from Kansas was right,

Mr. CAMPBELL of Kansas. And I should have been glad to see the committee report \$900 instead of \$840 for the rural

Mr. STEENERSON. There was not a member of the committee who did not desire to make it \$900, but considering all the demands for salary increases, a compromise was agreed to at \$840. I believe that in the near future it will be necessary to

place it at the figure which the gentleman has named.

Now, I believe this is a pretty good index to the necessity for salary increase. I think this affords a valuable suggestion to my colleague from Minnesota [Mr. Davis] in searching for arguments in support of his bill for the increase of the salaries of the clerks in Washington. Perhaps upon investigating the statistics, which I have never done, he might find what the percentage of resignations had been here in the last year, and if it were very great, and if there were danger that the wheels of the Government would stop if we did not increase the salaries of the clerks in Washington, it would afford a splendid argument in support of his bill. [Laughter.] Now I come to the question of the provisions of the bill which, if enacted into law, will result in a decrease in the expenditures of postal revenues. the provisions that relate to railway mail pay. The reduction on postal-car pay—on the 40-foot cars from \$30 to \$27.50, on the 50-foot cars from \$40 to \$32.50, on the 60-foot cars from \$50 to \$40-has been estimated to amount in round numbers to a million dollars.

There is in the bill, as drawn in the committee, provision for other decreases or diminution of railway mail pay. The first is a 5 per cent reduction upon those roads that carry an average daily weight in excess of 5,000 pounds; next, 10 per cent reduction upon those roads that carry an average daily weight in excess of 48,000 pounds, and then fixing a flat rate of \$19 per ton per mile per annum for the quantity above that amount.

Then, there was incorporated into the bill the famous proposition which, for convenience, I think I might denominate the "Murdock proposition," in honor of the gentleman from Kansas. That is a provision to change the method of determining the average daily weight under the statute of 1873 by changing the divisor from thirty to thirty-five or, as the period has been lengthened, from ninety to one hundred and five, there being fifteen weeks of six working days each in ninety days, and nreen Sundays being added makes one hundred and five. In other words, we might weigh for the whole year, and if we

weighed for the whole year, the working days, we would have three hundred and thirteen, and if you counted Sundays it would be three hundred and sixty-five.

On December 11 the gentleman from Kansas [Mr. Murdock] made his speech in this House. It was more than two months before the Post-Office Committee reported this bill. three weeks before it began the consideration of the post-office appropriation bill. He printed his speech in the RECORD, and in that he contended that he had made a most astonishing dis-covery—that by means of a false construction, as he termed it, an unwarranted construction of the law of 1873, the Department had been giving the railroads an advantage, which he explained amounted to millions and which, as a matter of fact, does amount, according to the computation of the Department subsequently made, to \$5,000,000 and over and which I submit amounts exactly to one-seventh of the total amount.

Now, if that was a discovery of a fact, it was an important discovery, but unfortunately—or I might say fortunately—the gentleman was mistaken. Now I want to say a few words about this at this time because of the reflection that it necessarily easts upon this Administration and prior Administrations of looting the Treasury, as the gentleman said, of \$40,000,000 or, as he amended it day before yesterday, \$60,000,000.

Mr. MURDOCK. Mr. Chairman, I want to ask the gentle-man if I ever used the word "loot?"

Mr. STEENERSON. Oh, I will take that back. The gentleman said by false or by unwarranted construction—by illegal construction—the Department had allowed the railroads wrongfully take the funds of the Government Treasury.

Now, I do not wonder at the gentleman making that discovery, or thinking he had made a discovery, because I know the gentleman's zeal for the public welfare, and I know how he is trying during his services in Congress to render valuable service to the people, and especially to the Post-Office Committee. But I want you also, in considering the amount of weight to be given to the legal opinion of the gentleman, to remember that possibly he may have unconsciously been biased. man is not of the legal profession, but a journalist, engaged in publishing a newspaper, and I want to recall the fact that since the Second Assistant Postmaster-General started the agitation for the increase of postage on second-class matter all the newspapers in the country have retorted that we are not charging too low a rate for second-class matter when we charge a cent a pound, but you, Congress, are paying too much to the railroads, and, secondly, throughout the whole length and breadth of the land there has been an outcry that railways have been paid entirely too much, that the way to reduce the deficit or wipe it out of the postal revenues is to decrease the railway mail pay. I believe in being perfectly fair to the railroads, and believe in paying them fairly for the service they perform in transporting the mails.

I am one of those who believe that the railway mail pay on certain routes, as I said yesterday, is excessive; but I do not believe that railway mail pay on all routes is excessive, and I had occasion to explain that last April when we were considering the last appropriation bill. I pointed out then that the present pay of the light routes, carrying 5,000 pounds or less and who furnish a compartment in a car and carry a messenger without charge, can not be called excessive.

further pointed out that under the law of 1873 the so-called "sliding scale" of reduction of pay as density of traffic increases exhausts itself at 5,000 pounds. The law was framed on the principle that increase of traffic enabled economies to be effected. That is an economic law, especially applicable to transportation, the law of "increasing returns," so called. But as Professor Adams, in his celebrated report to the Wolcott Commission, said, this law of 1873 exhausts its sliding scale of

lowering charges too soon.

At 5,000 pounds the per ton mile rate is 18.7 cents, and the weight over 5,000 goes at the flat rate of 5.8 cents mile. The rate continues the same above that weight, however great the weight daily. Average freight rates are 0.72 cent per ton per mile. The lowest possible rate for mail, even if it moves in hundreds of thousands of tons daily is eight times the average charge for freight. I will show later on that on the very heavy routes running out of New York they carry second-class matter packed solid in storage cars up to 47,000 pounds, so that there is great economy in the transportation. But I will go back to the Murdock proposition. I submit that it simply involves whether the Department's construction of the law was correct or not. Did the Department in adopting the divisor that they did adopt interpret the law correctly? Did they carry out the intention of Congress as expressed in the act. It is a question of legal hermeneutics, of the construction of a statute, and in order to judge whether or not the Department has put a proper construction upon it, whether or not they have given effect to the intent of Congress we must observe the ordinary rules of statutory construction familiar to the law. One would suppose it a question for lawyers to settle.

I was very much gratified at the conclusion my friend from Missouri [Mr. Lloyd] came to a few moments ago when he said the Department's interpretation of the law was correct. I was glad to hear he finally came to that result, because I reached that result some time ago myself, but I do not agree with him in the history of this law, and I think a reference to its history will help us to solve this question of statutory construction if we desire to solve it. The gentleman from Kansas made his charge on December 11, and January 5 the chairman of the Committee on Post-Offices and Post-Roads wrote a letter to the Postmaster-General asking him to explain the rules and methods under which they determine the average daily weight of mail upon the railroads, and received answer as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 9, 1907.

Washington, D. C., January 9, 1907.

Sin: Receipt is acknowledged of your letter of the 5th instant, reading as follows:

"Will you please advise me of the general practice followed by the Post-Office Department in determining the weight of mails at the various weighing periods under the law, and the method of computations by which the rate for such payment is ascertained?"

In reply I submit the inclosed statement from the Second Assistant Postmaster-General, who is charged with immediate supervision of the transportation of the mails, including the direction of the weighing of the mails and the adjustment of compensation thereon.

In transmitting this information I desire to say that some time ago I directed an investigation of this feature of the Department's work, among a number of other matters concerning which I desired to be advised, and it has been my intention, upon receipt of the necessary data, to request an opinion from the Assistant Attorney-General for this Department and, if thought advisable, from the Attorney-General of the United States.

Department and, if thought advisable, from the Attorney-General of the United States.

A question may be asked as to what the difference in compensation to railroad companies would be if the average daily weight were ascertained by using as a divisor the actual number of days, including Sundays. In the weighing period instead of the number of week days, excluding Sundays. In view of the recent discussion in the House on this subject, I some days ago directed that calculations be made as to 100 representative railroad routes covering all sections of the country to show what the compensation would be if the actual number of days, including Sundays, in the weighing period were used as a divisor, and an estimate as to the decrease in compensation for all railroad service on a pro rata basis of the results actually ascertained in the 100 typical routes. I inclose herewith a table showing the result of those calculations. lations.

Very respectfully,

GEO. B. CORTELYOU, Postmaster-General.

Hon. Jesse Overstreet, Chairman Committee on the Post-Office and Post-Roads, House of Representatives.

The statement of the Second Assistant Postmaster-General was as follows:

POST-OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, January 9, 1907.

The Postmaster-General.

The Postmaster-General.

Sir: Referring to the letter of the 5th instant from the chairman of the Committee on the Post-Office and Post-Roads, House of Representatives, asking that he be advised "of the general practice followed by the Post-Office Department and determining the weight of the mails at the various weighing periods under the law, and the method of computations by which the rate for such payment is ascertained," the following is submitted:

By section 4002, Revised Statutes (Postal Laws and Regulations, sec. 1164), the Postmaster-General is authorized and directed to adjust compensation for railroad mail transportation at certain rates herein, specified, upon the average daily weight of mail carried, "the average weight to be ascertained in every case by the actual weighing of the mails for such a number of successive working days, not less than thirty, at such times, after June 30, 1873, and not less frequently than once every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct."

By the act of March 3, 1875 (Postal Laws and Regulations, sec. 1164, par. 4), the Postmaster-General "is hereby directed to have the mails weighed, as often as now provided by law, by the employees of the Post-Office Department, and have the weights stated and verified to him by said employees under such instruction as he may consider just to the Post-Office Department and the railroad companies."

The appropriation act approved March 3, 1905, provided for a longer period of weighing, in the following language:

"That hereafter before making a readjustment of pay for transportation of mails on railroad routes the average weight shall be ascertained by the actual weighing of the mails for such a number of successive working days, not less than ninety, at such times after June 30, 1905, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct."

By section 18, Pos

whose names appear on the eligibles for appointment as substitute railway mail clerks.

These welghers are placed in the mail cars and railroad stations and are furnished with cards upon which are to be entered the weights of mails taken on and put off the trains at each station. The weighers in the cars take these weights under the supervision of the head clerk. The cards are forwarded daily to the chief clerk in charge of the lines, by whom they are sent to the division superintendent railway mail service, and in his office a corps of clerks consolidate the weights shown by the cards for the several trains and the several days in the weighing period so as to show the total weight put on and the total weight put off all the trains at each station for each day of the entire weighing period. These consolidated weights are entered upon what is known as the "weight" circular, one for each route, and the weight circulars are forwarded to the division of railway adjustments, Post-Office Department. There the weight circular is taken, together with the distance circular showing the distances between the several stations of each route, and calculations are made to determine the average weight carried over the entire route. Then to determine the average weight carried over the entire route for the entire route the average weight carried over the entire route for the entire weighting period is divided by the number of "working days" (to use the language of the statute)—that is, the number of week days, excluding Sundays, during the weighting period.

divided by the number of "working days" (to use the language of the statute)—that is, the number of week days, excluding Sundays, during the weighing period.

The question as to whether the average daily weight contemplated by the statute is correctly ascertained by the present practice of dividing the total average weight carried over the entire route by the number of week days, excluding Sundays, within the weighing period, or whether the average daily weight would be more correctly determined by dividing the total average weight carried over the entire route by the total number of days, including Sundays, during the weighing period, has frequently been discussed and was recently referred to on the floor of the House. It has been contended by some that the average should in every case be obtained by using as a divisor the actual number of days in the weighing period. It can not be denied that this would produce an average daily weight for that period, but the question is whether this would produce the average intended by the statute, and in order to ascertain this not only the special language of the statute providing for an annual rate of pay based upon an average daily weight, to be ascertained by an actual weighing of the mails for a certain number of "successive working days," should be considered, but also the history of the manner of adjusting compensation for railroad service which preceded the act of 1873, the extent to which it was incorporated in the act of 1873, and the contemporaneous statements of l'ostmaster-General with reference thereto. When this is done it seems that no doubt can remain that Congress intended that not the whole number of days within the period of weighing should be used as a divisor, but the number of working days within such period. Such examination will show, I think, that under conditions where there are railroad mail routes upon which there is both week-day and Sunday service and week-day service alone, the specific language of the statute requiring a weighing to be had

mails in order to arrive at a basis of classification for compensation for service the law of March 3, 1845, section 19, was in force, which provided that—

"To insure as far as may be practicable an equal and just rate of compensation, according to the service performed, and on the several rallroad companies in the United States for the transportation of the mail, it shall be the duty of the Postmaster-General to arrange and divide the railroad routes "\* Into three classes, according to the size of the mails, the speed with which they are conveyed, and the importance of the service."

In order to more accurately determine the "size of the mails" so conveyed, the Post-Office Department issued in 1867 to railroads a "railroad weight circular," requesting them to weigh the mails for "thirty consecutive working days" and report the results to the Department, together with description of accommodations furnished, etc. The majority of the railroads compiled with the request (Report of the Postmaster-General for 1867, pp. 10, 11). Computations of the average daily weight were made upon these returns (pp. 72 to 91, inclusive). An examination of the departmental records and reports shows that the instructions were to weigh for "thirty consecutive working days," and that in computing the average daily weight thirty was used as a divisor; therefore, the weights were taken for every day of the period measured by the "thirty consecutive working days," and that in computing the average daily weight thirty was used as for the first readjustment by classes, determined by the average daily weight, under the law of 1845. The Postmaster-General, in his report for 1868 (p. 10), says:

"The 30th of June, 1868, being the period for the expiration of the first readjustment of the case of pay on railroad routes in those States, based upon returns of the weights of the mails conveyed and the accommodations provided for mails and agents of the Department, received in response to the 'railroad-weight circular' referred to in the last an

master-General, 1874, p. 8). The returns were received, and the computations and readjustments were made under the provisions of the law (pp. 108 to 183, inclusive).

In making these computations and adjustments the divisor used was the same as that which had theretofore been used, namely, thirty days. The reports and records for the succeeding years show the same character of weighing and the same manner of computation and adjustment. It is apparent from these facts that the same system of weighing the mails and of computing the average daily weight upon the returns for a certain number of "consecutive working days," which had obtained in the Department for years before the passage of the law of 1873, was practically adopted by that law and continued without change in the administration of the same. For this we have not only the logic of the facts, but the statement of the Second Assistant Postmaster-General for the year 1878, who states on page 61 of his report. In 1871 the service rendered by rullroad sort of 1873 was gauged by the system substitution of the page of the same state of the service rendered by rullroads for carrying mails was before Congress at two different times during this period, upon which occasions reductions in the rates were made. By the acts of July 12, 1876, and June 17, 1878, Congress reduced the rates provided for by the act of 1873 by a flat reduction of 10 per cent and 5 per cent, respectively. I think it must be assumed that such action could not be taken by Congress without thorough information upon the act of 1873 by the executive officers and the details of administration, yet the reduction effected was by a flat rate of deduction and not by any change in the law which would necessitate a different construction and practice with reference to the manner the computing the average weight, the correction of which would reduce the pay of railroads. This is also confirmed by reference to the annual report of Postmaster-General Batton, 1884. When some paying the paying the provision

"This Commission heid extended hearings for a period of several years and examined witnesses from all available sources, including expert statisticians, and submitted its report to Congress in 1901. Congress has taken no action on this report nor on the one preceding it."

Among these Postmaster-Generals were not only several eminent lawyers, such as Mr. Vilas and Mr. Bissell, but men eminent in business affairs and who gave special study to the question, and who concluded that the practice was not only justified by the law, but the only one that would be equitable and just under the circumstances. In September, 1884, Postmaster-General Gresham issued an order to become effective at the next weighing, as follows: "That hereafter when the weight of mail is taken on railroad routes performing service seven days per week the whole number of days the mails are weighed, whether thirty or thirty-flve, shall be used as a divisor for obtaining the average weight per day."

Postmaster-General Gresham retired from office soon thereafter. Postmaster-General Hatton succeeded him October 14, 1884. He submitted the order to the Attorney-General with a statement and illustration of the practice which had prevailed in tabulating weights from the time the law became effective. On October 31, 1884, the Acting Attorney-General rendered an opinion sustaining the practice of the Department, in which he said:

"I have considered your communication of the 22d instant, requesting to know whether the construction placed by the Post-Office Department on section 4002, subsection 2, prescribing the mode in which the average of the weight of mails transported on railroad routes shall be ascertained, is correct, and am of the opinion that that construction is correct, and that a departure from it would defeat the intention of the law and cause no little embarrassment."

The opinion was published by the Postmaster-General, who revoked the order of Postmaster-General Gresham, above referred to, and the practice has continued since as therefor

portion thus being in favor of the company with the least claim for consideration. This can not be the design of the statute."

At all times since the passage of the act of 1873 there have been routes of both kinds, though the proportion upon which daily, including Sunday, service is maintained has increased. The reports and records show that at the time of the first weighing, in 1867, and at the times of the several weighings since, including the weighing upon which the first readjustment under the law of 1873 was made, there were a number of routes upon which only week-day service was rendered. At present in the State of Pennsylvania there are 56 routes upon which malls are carried every day in the year, more or less Sunday service being performed on such routes. In the same State there are 190 routes upon which malls are carried only six days out of seven, the malls originating and accumulating between 12 o'clock Saturday night and 12 o'clock Satunday night being weighed and tabulated with the mails carried on Monday. In the State of New York 78 routes have Sunday service, and 81 routes six days a week service. In the States comprising the Middle West, the section of the country in which malls will be weighed within the next few months, there are 374 routes which had Sunday service—in other words, which relied upon six days a week service as fulfilling proper conditions justifying the legal rate of pay.

In the practice of the Department, railroads which do not carry mails on Sunday are held to be entitled, under the decision of the Attorney-General and the long-prevailing practice, to have all mail matter originating and accumulating during Sunday added to the Monday tabulation of weights, for the reason that weighing of the mails must be constructively on working days, and therefore mails carried on Sunday are mails which otherwise would be carried on Monday and which, if railroads did carry on Monday, they would receive pro rata compensation for. If any other practice were adopted with reference to this s

OCTOBER 24, 1884.

OCTOBER 24, 1884.

Sir: The act of March 3, 1873 (17 Stat. L., p. 558), regulating the pay for carrying the mails on railroad routes provides:

"That the pay per mile per annum shall not exceed the following rates, namely:

"On routes carrying their whole length an average weight of mails per day of 200 pounds, \$50; 500 pounds, \$75; 1,000 pounds, \$100; 1,500 pounds, \$125; 2,000 pounds, \$150; 3,500 pounds, \$175, etc.

"The average weight to be ascertained in every case by the actual weighing of the mails for such a number of successive working days, not less than thirty " " "

Upon a large number of the railroad routes mails are carried on six days each week—that is, no mail is carried on Sunday. On others they are carried on every day in the year.

It has been the practice since 1873 in arriving at the average weight of mails per day on these two classes of service to treat the "successive working days" as being composed of the six secular or working days in the week, which is explained by the following lilustrations:

Two routes, No. 1 and No. 2, over each of which 313 tons of mails are carried annually.

On route No. 1 mails are carried twice daily, except Sunday, six days per week, and are weighed for thirty successive working days, covering usually a period of thirty-five days. The result is divided by, thirty and an average weight of mails per day of 2,000 pounds is obtained.

Transportation per mile of road per annum miles 1,252

Transportation per mile of road per annum miles 1, 252
Weight per mile of road per annum tons 313
Pay per ton per mile of road per annum cents 47, 92
Pay per mile run of road per annum do 11, 9
Rate of pay allowable per mile per annum \$150

On route No. 2 mails are carried twice daily, seven days per week, and are weighed for thirty successive working days, and for the intervening Sundays, the weight on the Sundays being treated as if carried on Mondays, the weighing, as before, covering usually a period of thirty-five days. The result is divided by thirty and an average weight of mails per day of 2,000 pounds is obtained.

Transportation per mile of road per annum miles 1, 460
Weight per mile of road per annum tons 313
Pay per ton per mile of road per annum cents 47, 92
Pay per mile run of road per annum do 10, 2
Rate of pay allowed per mile per annum \$150

I have thought it necessary to give the foregoing illustrations in order that the practice of this Department under the law cited may readily appear, and I will thank you to advise me whether that practice is in compliance with or in violation of the statute.

If not in conformity with the law will you please indicate the correct method by which the average weight per day should be obtained and the compensation adjusted thereon?

Yery respectfully,

FRANK HATTON,

FRANK HATTON,
Postmaster-General.

Hon. B. H. Brewster, Attorney-General, Department of Justice.

DEPARTMENT OF JUSTICE, Washington, October 31, 1884.

The Postmaster-General.

Sir: I have considered your communication of the 22d instant, requesting to know whether the construction placed by the Post-Office Department on section 4002, subsection 2, prescribing the mode in

which the average of the weight of mails transported on railroad routes shall be ascertained is correct, and am of opinion that that construction is correct, and that a departure from it would defeat the intention of the law and cause no little embarrassment.

I have the honor to be, your obedient servant,

WM. A. MAURY,

Acting Attorney-General.

The charge was so serious that the Postmaster-General properly said that he had been considering the propriety of sub-

mitting the question to the Attorney-General. The letter gives the history, the origin, of this act of Congress and points out that the first statute upon the subject of railway mail pay was in 1845; that in 1869 in order to carry out that statute the Department ordered a weighing. were required to determine the size of the mail; so in order to determine that they determined to have a weighing and issued a weighing circular. There was no provision in the statute of 1845 requiring a weighing, but simply to determine the quantity, and the Department, without any specific direction in that statute, ordered a weighing in order to determine the quantity. They weighed under directions, which will be found in the Department, for a period of thirty days. The\_instructions were that they should weigh for a period of thirty work-The gentleman from Missouri [Mr. Lloyd] is mistaken when he says there were not Sunday routes in those days. The record shows there were both of those routes; in fact, three kinds of routes—daily and Sunday and triweekly. Under the weighing circular they weighed the mail on the six-day route six days, of course. They weighed the mail on the seven-day route seven days and counted the Sunday

weight as of Monday. Will the gentleman yield for a moment Mr. MURDOCK.

there?

Mr. STEENERSON. I prefer to wait until I have finished. Mr. MURDOCK. Can you give some documentary evidence

on the second proposition?

Mr. STEENERSON. If I am mistaken I shall be very glad to retract it. I think you can find it in the Postmaster-General's letter. Now, then, they computed the thirty-day period as including thirty working days, and they took the weight on the five Sundays and added it to the five Mondays in the period. That was the only way by which a just and accurate determination of the total amount of mail transported on each road could be determined, because it must necessarily be determined according to the pound per mile basis. It is, and was then, before the statute of 1873, a per ton per mile rate, weight multiplied by distance. Now, then, after that had been the practice of the Department for seven years Congress enacted the law of 1873 and used the same words, "working days," in the statute that were to be found in the weight circular of 1867. It is one of the elementary principles of statutory construction that the circumstances surrounding the enactment of a law must be taken into account in construing it. So if you copy or adopt a statute from another State that has had a peculiar construction put upon by the courts of that State, you adopt not only the words of the statute, but the construction there given to it.

Mr. HILL of Connecticut. May I ask a question?

Mr. STEENERSON. Yes. Mr. HILL of Connecticut. Without reference to the law, why would it not have been just as fair to have added Saturday and Sunday to the other five days and then divided it by five?

Mr. STEENERSON. I will explain that to the gentleman, or, at least, I hope to. I will come to that right away.

Now, there is a most remarkable difference of opinion on this subject among the members of the committee. There are three The chairman [Mr. Overstreet of Indiana] signs one, and he, in my opinion, is mistaken as to the effect of this proposed provision in the bill, for he says:

In computing the average weight of mail carried per day, the whole number of days such mail may be weighed shall be used as a divisor.

That is not the effect of the provision in the bill. The effect of the provision is to adopt as a divisor the total number of days in the weighing period-that is, including workdays and Sundays. It is a single divisor for all classes of routes. do not use the number represented by the days upon which mail is weighed . There is where the gentleman from Kansas seems-I do not say that he is, but seems-to be in error, as well as many other gentlemen, for they will say if you adopt a "false" divisor, as the gentleman from Kansas [Mr. Murdock] says, then it is wrong. If you adopt a divisor for each class of route, using only the number of days mail is carried on, you have a different basis for each. This fixes a per ton per mile compensation for transportation of the mail. Given the length of route and weight carried in the whole period of a year, you divide the total by the whole number of working days. Instead of ninety days, take a year. What divisor would you use if you

set aside no weighing period? Weighed every day in the year, except on six and three day a week routes, you would weigh three hundred and thirteen and one hundred and fifty-seven. If you are only compelled to carry mail on working days, clearly the divisor should be three hundred and thirteen.

Mr. GOEBEL. But the statute says you must fix the compen-

Mr. STEENERSON. I will come to the gentleman after

while. The gentleman has a minority report here.

If you adopt the construction placed upon it by the report of the chairman of the committee [Mr. OVERSTREET] and that placed upon it by the gentleman from Connecticut [Mr. Hill] and the gentleman from Ohio [Mr. Goebel] and say you must use as a divisor the days only upon which the mail is weighed, you will adopt three divisors—three hundred and sixty-five for the seven-day route, three hundred and thirteen for the six-day route, and you will adopt one hundred and fifty-seven for the The result will be, of course, that when you decrease the divisor you will increase the rate per ton-mile. You will give the triweekly route twice as much weight per mile as you give the six-day-a-week route, and you will give the sixday-a-week route one-seventh more than you do the seven-day-aweek route, causing a loss in ton mileage, which results in dividing with the highest divisor. Now, the argument of the gentleman from Kansas [Mr. Murdock] and his followers on this man from Kansas [Mr. MURDOCK] and his followers on this remind me very much of a farmers' convention in my State many years ago when the millers used to take toll from the grist. They took one-eighth of the quantity. The farmers thought it was an extortion, and they held a convention and resolved to seek a remedy in law. One gentleman, who was considerable of a demagogue, thinking he could curry favor, introduced a resolution to the effect that a law should be passed prohibiting any higher toll than one-fourth; but the farmers could not follow that kind of reasoning, and they voted it down quickly.

But if the gentleman from Kansas [Mr. MURDOCK] had been there, it seems to me that he would have argued that it was better for the farmer to have a small divisor than a big one. and, therefore, that you decreased the toll by decreasing the divisor. Now, what can you do? You have three kinds of routes. You can not take three divisors, because it would result in absurdity, paying a higher rate per ton per mile where you carry the mail with less dispatch.

Mr. MURDOCK. Are there not 756 different routes, carrying less than 5,000 pounds, that would not be affected by any

divisor at all?

Mr. STEENERSON. No; you must have a divisor to get a daily average, but you need not have a weighing period, for you can weigh the whole year. When the price fixed, as I said, is per ton per mile allowed for the transportation of mails under the law, it gives the Department the right to determine the frequency and the speed with which it is to be transported. We have three kinds of routes: Three days a week, six days a week, and seven days a week; and unless you use the same divisor for all of them you will have a higher rate per ton per mile for the fewer dispatches of mail.

Now, a great many have understood, again, that the suggested new proposition would result in paying less for the Sunday service-the seven-day-a-week service-than you pay for the six-As a matter of fact, if you use the same day-a-week service. divisor-if you divide the total weight of mail passing over the road by the total number of working days in the week, month, quarter, or year, or whether you raise the divisor or lower itif you use the same divisor for all three classes of routes, the result is the same per ton per mile compensation on each class. Each class of route should have the same rate for same amount of transportation. That is what the Legislature had in mind when they enacted this law. That is what the Department had in mind when they interpreted it. from Kansas is not now sticking to the original proposition that he made, that you should have a divisor representing the same number as the number of days upon which the mail is weighed—one divisor for the seven-day-a-week route and another for the six. You have got to have a fictitious divisor as to one or the other, unless you use more than one. So that there is no difference in the pay on six or seven day route for same total weight under the present proposition. The only dif-ference as I understand it is that by using the higher divisor you reduce the daily average one-seventh. That is the only result; and you pay the same price per ton per mile to both roads. It is true that the Sunday route gives one more dispatch of mail.

Now, I illustrate that this way: I can say if, for instance, a rural service has daily service, that if we pay the rural carrier \$1 per pound on the average weight of mail and his route is

25 miles, if he carried 10 pounds, he would get \$250 per annum; if it was 20 pounds, he would get \$500 per annum, and if it was 30 pounds, he would get \$750 per annum. But if one rural carrier should say, "Here, I have friends on this route; they are willing to feed my horse on Sundays, perhaps the whole week. if I will give them an extra carriage, and I will carry the mail on Sunday," and he carries one-seventh of the mail on Sunday, thereby reducing the average load which he would have to carry on the six days. Now, we will have two carriers who will have transported over the same distance the same quantity of mail, but if you use 7 for the divisor, the man who gives one extra expedition of the mail a week will be paid one-seventh less. The only extra service of the seven-day-a-week service is that they get the same quantity of mail in the seven days that they otherwise get in six, and the pay being per ton per mile a day, it ought to be the same, because the statute simply says there shall be daily mail.

So that where the Post-Office Department requires two deliveries of mail, or even three, there being bigger train mileage, the total weight remaining the same, you do not divide by the double divisor, but give the average rates of pay to that road with the road that has just one train a day. On some routes the Post-Office Department requires dispatch of the mail more frequently than twice. There are some routes where the dispatches are every two hours or every three hours, but that neither increases nor diminishes the pay.

When the mail, therefore, in contemplation of this statute, is carried on the working days in the week, or in the month, or in the year, there is a daily mail within the contemplation of this statute, the true division is 313, and you must use that whether you carry the mail 157 times a year or whether you

carry it 365 times a year or 313 times a year.

Mr. MURDOCK. Will the gentleman let me ask him a ques-

tion?

Mr. STEENERSON. How much time have I?

The CHAIRMAN. Nine minutes. .
Mr. STEENERSON. I am afraid I can not yield to the gen-

Mr. MURDOCK. Just a minute. It is vital to a proper un derstanding of this.

Mr. STEENERSON. Very well.

Mr. MURDOCK. If it is fair to put the Sunday weights into Mr. MURDOCK. If it is fair to put the Sunday weights into the Monday mail and divide by 6, then why is it not fair to put all the weights of the week into Saturday and divide by 1?

Mr. STEENERSON. I have shown the absurdity of that proposition by my story of the miller.

Mr. MURDOCK. I don't think you have.

Mr. STEENERSON. If you carried the mail once a year,

and divided by 1, which would be no divisor at all, you would get 365 times the pay.

Mr. HILL of Connecticut. Certainly; and you get one-seventh more pay the way you figure it. No; the total pay is the same for the same weight over the same length of route. If you don't want to carry mall Sunday you can leave it over to Monday and have just the same number of pounds.

Mr. STEENERSON. I want to read from the report of the gentleman from Ohio [Mr. Goebel] on this bill. Here is the

minority report of the gentleman: Again, I do not think that the Department was justified in fixing the compensation on the hypothesis that it is a Sunday service or special in its character. It is said that this change involves a reduction of \$5,000,000 during the next four years. If that be true, and the action of the Department could be justified upon the theory that it is a Sunday service, then it seems to me that the amount which the Government would have to pay is far in excess of the value of such service. If it can be shown that this service involves extraordinary expense or differs in other respects from the week-day service, then, clearly, additional compensation ought to be allowed to the railroads.

There never was any proposition to pay the seven-day service any more for the same amount of transportation than you pay the six-day route. The gentleman overlooks the fact that what you gained in weight of mail on Sunday you diminished in the other six. The pay is the same.

The gentleman claims that the seven-day routes now get more pay than the six-day routes, but that is an error. They get absolutely the same pay for carrying the same amount of mail over the same distance, and that disposes of the position of the gentleman.

I will now consider the general subject of the justice of reducing railway mail pay upon the dense routes. This subject was investigated for three years by the Wolcott Commission, which reported to Congress in 1901. Every expert on the subject of prominence in the United States was heard. The report is a divided one. There were eight members. Of these, four-Wolcott, Allison, Martin, and Loud-reported that railway mail pay was not excessive; two-Moody and Catchingsreported that on the evidence as to the size of the average load

carried on a postal car they were in doubt; that the whole question, as explained by the Commission's expert, Mr. Adams, turned on the size of the load—that is, if the cars in a mail train on the dense routes could be loaded with 3½ tons, instead of 2, as testified to by some railroad witnesses, the cost of transportation would be reduced more than half. They wanted further evidence, and if that disclosed that the average load on postal car exceeded 2 tons then they would recommend a

The other two members-Chandler and Fleming-were satisfied from the evidence taken that railway mail pay on the dense routes was excessive and should be reduced.

Now, since that report we have additional evidence on this very point. In spite of the claim of the minority report, I submit there is evidence on this subject which ought to be con-The last Postal Commission took evidence as to the way in which second-class mail is handled in the mails. It was proven before them that it is packed in solid storage cars containing 22,000 pounds and more. That Commission in its report recommend unanimously in favor of reduction. I quote from page 32 of the report:

page 32 of the report:

We accordingly recommend the scheme of progressive reduction of compensation for mail carried in excess of 5,000 pounds per day which is embodied in the accompanying bill. The reduction begins with a weight in excess of 5,000 pounds. It leaves untouched the present rate of \$171 for the daily average weight of 5,000 pounds for the reason that we do not believe that density of that degree only permits sufficient economies in the methods of transportation to justify a lower compensation. Where the daily weight, however, is in excess of 5,000 pounds, we think that the economies above mentioned are possible and can be increasingly utilized. The scheme of reduction which we recommend is therefore progressive, beginning with a 5 per cent reduction between 48,000 and 80,000 pounds, and thereafter at the reduced rate of \$15 per ton per mile per annum carried instead of the present rate of \$21.37.

In addition to this, I took pains to inquire at the hearings

In addition to this, I took pains to inquire at the hearings before the committee last year, and Second Assistant Postmaster-General Shallenberger promised to look the matter up from the way sheets, and in response to an inquiry sent a letter I printed in the Record last April, which I here reproduce:

POST-OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER-GENERAL,
RAILWAY MAIL SERVICE,
Washington, April 4, 1906,

Hon. Halvor Steenerson, House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

Sir: Replying to your several inquiries in regard to the relative
weight of mails carried in storage cars and distributing cars on exclusive mail trains, I regret that we can not give you just the information
you call for, because in weighing mails we have never kept the weight
carried in a storage car separate and apart from that carried in a distributing car on the same train, nor would it be practicable, as mail is
being constantly shifted from one car to another in the process of distribution.

Taking all of the trains that carry storage cars as well as distribu-

tribution.

Taking all of the trains that carry storage cars as well as distributing cars on what might be termed "exclusive mail trains"—although that term is to some extent a misnomer, because there are probably not more than two or three trains in the country that are made up exclusively of mail cars, there being usually one or more express or baggage cars, or possibly a passenger car or sleeper—we find that on such trains we have forty-eight distributing cars as against twenty-six storage cars. The weight of mail carried in storage cars, as well as in distributing cars, fluctuates very much. We recently had a report showing that 47,000 pounds was carried in a storage car, but the average weight will probably run from 20,000 to 30,000 pounds. The average amount carried in a distributing car will probably run from 5,000 to 8,000 pounds. S.000 pounds.

to 8,000 pounds.

On the transcontinental trains, as well as all other through trains, the mail in the storage car does not, as a rule, go through intact from one end to the other. It is usually distributed en route, the undistributed mail being taken from the storage car into the distributing car to be worked, its place in the storage car being taken by through mail that has already been distributed.

Very respectfully,

Second Assistant Postmaster-General.

W. S. SHALLENBERGER, Second Assistant Postmaster-General.

You will observe that he says that on routes that have special mail trains they had forty-eight distributing cars as against twenty-six storage cars, or approximately one-half storage cars. The storage cars have been loaded as high as 47,000 pounds, but the average would be from 20,000 to 30,000 pounds, and the average in a distributing car would run from 5,000 to 8,000 pounds—that is, from 2½ to 4 tons.

At the hearings before the Post-Office Committee this year I again examined Mr. Shallenberger on the same subject, and this will be found in the hearings, beginning with page 154 and continuing to page 160.

On page 155 is the following:

On page 155 is the following:

Mr. Shallenberger. We would find, I think, if we weighed, this result: In the cars leaving New York, filled with newspapers in sacks, probably a weight of 22,000 pounds; with magazines of heavy paper, packed solid and square in sacks and packed solid in the car, a result of perhaps 40,000.

Mr. Steenbergon. The result is according to the way it is packed, but the storage cars will carry 10 or 12 tons?

Mr. Shallenberger. Yes; as an average load.

Mr. Steenbergon. Or 22,000 pounds. And what is the average load of the railway post-office car that is used for distribution purposes?

Mr. Shallenberger. From 2½ to 4 tons.

Mr. Steenbergon. From 5,000 to 8,000 pounds?

Mr. Shallenberger. I should perhaps say from 2 to 4 tons.
Mr. Stafford. How much in a 50-foot car?
Mr. Shallenberger. I will ask Mr. Grant to answer that question.
Mr. Grant. It runs from 2 to 4 tons in the 40 to 60 foot cars. I do not think the 60-foot cars will average more perhaps than 3½ tons.
The weight of a 60-foot car is about 100,000 pounds.
Mr. Steenberson. And that carries about 8,000 pounds?
Mr. Steenberson. And that carries about 8,000 pounds?
Mr. Steenberson. Mr. Shallenberger, the fact that this mail can be carried in storage cars is a factor that would be an argument in favor of reduced railway mail pay for those routes, would it not?
Mr. Shallenberger. It would be an argument in favor of applying any reduction to those routes more largely than to the smaller routes.
Mr. Shallenberger. It would be an argument in favor of applying any reduction to those routes more largely than to the smaller routes.
Mr. Shallenberger. Very much less.
Mr. Shallenberger. Very much less.
Mr. Shallenberger. Very much less.
Canada has half a cent per pound rate for second-class matter. Peru has recently agreed, as I am advised, to carry second-class matter free. Inasmuch as we want to carry only legitimate second-class matter and rule out the illegitimate, let us not longer tempt the railroads to seek that class of storage-car matter in preference to other. Let us have reduction of expenditure when we fill a storage car, particularly with that class of mail matter. Let it be less remunerative to them than other matter carried in other cars, so that we will not be expecting to have them bid for it, as it were.
When we take into consideration that the storage cars will

When we take into consideration that the storage cars will average from 10 to 15 tons and sometimes carry as high as 47,000 pounds and that the lowest estimated average for the distributing cars is 3½ tons, it will be seen that the average load is largely increased. If we should have, for instance, in a train four distributing cars of 3½ tons each and two storage cars of 15 tons each, we would have an average of 71 tons of mail in each car, which, according to Mr. Adams's famous report, would justify a reduction in the railway mail pay on such trains of one-half or more.

Mr. Adams's report on this subject is as follows:

one-half or more.

Mr. Adams's report on this subject is as follows:

My judgment is that the application of the statute of 1873 to the present conditions under which mail is carried results in overpayment upon the dense routes.

This conclusion is reached by a comparison of mail compensation upon any route exceeding 150 or 200 miles with railway compensation for carrying express matter or first-class freight.

In this comparison the railway has been allowed 50 per cent of the total charge for express, instead of 40 per cent, which is the contract rate. It is further shown in the report that the Pennsylvania Railroad carried daily an average weight per mile of 300,000 pounds of mail, or 150 tons, and received an annual compensation of \$3,422 per mile of line. The question arises, Can the Pennsylvania Railroad afford to carry the mail between New York and Philadelphia for less than \$3,422 per mile of line, or \$83.75 per mile of line per day? The answer depends primarily upon the manner in which the freight is to be moved. If we assume that the mail is to be carried by postal cars, with about 2 tons to each, it is doubtful if the railroad could afford to render the services more cheaply, but on the other hand, should the cars be loaded with, let us say, 3½ tons of mail, the railroad company operates on a margin of profit that warrants a reduction of pay. The calculation upon which the above conclusions rest is as follows: At 2 tons per car, 150 tons of mail demand that 78 cars be passed over each mile of this route daily. Seventy-eight cars would make eight trains.

The average cost per train mile, all operating expenses being taken into account on all trains, is a little under \$1, but we will call it \$1. The New York Central gives the rate per passenger train per mile at 73 cents. This would make \$8 per mile per day chargeable to operating expenses. If to this were added 33 per cent for fixed charges and dividends, improvements chargeable to income, investments, and the like, we should have \$10.40 per mile, whic

I have shown that on these routes the average weight is not 5 tons, but more than 7 tons. Mr. Adams finds that with a 5-ton load to a car the expense would be per mile of line \$1,533, and the earnings for the estimated weight of 300,000 pounds would be \$3,422 per mile of line, or a clear profit over all expense of \$1,889 per mile of line.

For these reasons I believe that Congress is fully justified in making a heavy reduction, even heavier than has been proposed by the majority, on the lines where the traffic is dense, but I submit that there is no evidence whatever that any reduction is justified, and that there is no excessive pay on the light roads

carrying less than 5,000 pounds as a daily weight.

If the opportunity, therefore, be offered I shall support an amendment to this bill leaving the statute as to the method of computing the daily average weight as it is, and under which the weight has already been ascertained for three years to come on some of the most important lines of the country, and substituting a straight percentage reduction on the roads carrying more than 5,000 pounds and a still heavier reduction on roads carrying more than 48,000 pounds. I am willing, on those routes, to reduce 20 per cent or 30 per cent or even more, because I believe that in view of the method of transportation that they are grossly overpaid under the present rate. paid more than twice as much as the transportation costs.

These are the facts, and no one has controverted them. claim now made that the railroads should have been heard seems strange under the circumstances. We, at their request,

set aside two days for a hearing, and when the time came they failed to put in an appearance. They offered no evidence. They evidently thought it was more to their interest to claim "we had no hearing." The fact is, they had the opportunity to be heard and refused to submit proof.

Now, Mr. Chairman, there is to-day sufficient to any fair-minded man, in my opinion, to justify a reduction upon the The only objection I have to the proposed reducdense routes. tion of 5 and 10 per cent is that is not great enough. I believe the evidence amply justifies my proposition which I introduced in this House of 20 per cent reduction for these roads.

Mr. CROMER. Will the gentleman yield?

Mr. STEENERSON. I will.
Mr. CROMER. If the divisor suggested by the gentleman

from Kansas is adopted, will it reduce the railway mail pay?

Mr. STEENERSON. It will indirectly, for it will reduce the average daily weight one-seventh. Consequently when you reduce the daily weight you reduce the pay, but it is objectionable for this reason—that we have four weighing divisions. division is weighed this year and another the next year, and if a contract is entered into for four years you can not change the process of weighing after you made the contract. So you could not have the weight changed in the country for four years; it would be four years before you could enforce fully the Murdock proposition. The gentleman from Kansas stated before the committee that it would take four years, and therefore he would save only one-quarter of the \$5,000,000 dollars and for four years we would be running on an inequality. In some division on the old divisor, some on the new. Now, it seems to me when we can accomplish a 14 per cent reduction just as easy without disturbing the system of ascertaining the average daily weight that has been in vogue for forty years that is the right way to accomplish the object that we have in view. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has one minute.

Mr. STEENERSON. I want to thank the House for the attention it has given me. I should have liked, and if you could by some means arrange to give me another hour, I should be most delighted to continue the discussion, both of the divisor and all these questions.

The CHAIRMAN. The time of the gentleman from Minne-

sota has expired.

Mr. GOEBEL. Mr. Chairman, I ask unanimous consent that

the gentleman have five minutes more.

Mr. STEENERSON. I felt that it was not right to let this charge that by a false and erroneous and unjustifiable interpretation of the statute the Post-Office Department had "robbed" the Treasury of so vast a sum of the people's money, go unnoticed. I have so high a regard for the gentleman from Kansas that I was really grieved when he repeated the same accusation, after two months' reflection, here yesterday. In view of the fact that the postal authorities were acting under the advice and on the authority of the Department of Justice, it seems to me strange, if not reckless, in the gentleman to still maintain his accusation. Without hesitation he overrules the highest legal authority in the Government, outside of the judiciary, an authority that the Post-Office Department was bound to respect.

I am satisfied the charge is utterly unfounded; but for the sake of those who are misled by the apparent complications of the question I hope it will again be submitted to the Depart-

ment of Justice. [Applause.]

The CHAIRMAN. There is no time to extend, and the gentleman from South Carolina is recognized for thirty minutes.

Mr. FINLEY. Mr. Chairman, two hundred and nine million four hundred and sixteen thousand eight hundred and two dol-lars is a very large amount of money to be carried in one appropriation bill, but this is the amount called for in the bill under consideration for the support of the Post-Office Department for the fiscal year beginning July 1 next. It has been correctly stated that this is the greatest amount of money ever reported to Congress in a single bill. This is a great country, having a population of possibly 86,000,000, exceeding in material wealth any other two countries in the world, and in possible development far exceeding any one of them.

On pages 6, 7, and 8 of the Postmaster-General's report is a statement showing the revenue and expenditures of the Postal Service during the past fiscal year. The revenues were \$167,932,782.95, and the expenditures for the year ending June 30, 1906, \$178,270,103.02; excess of expenditures over receipts, \$10,337,320.07. There can be no question that the prosperity of the country is reflected in the postal receipts. The increase in the revenue during the past fiscal year was the greatest in the history of the Service and amounted to \$15,106,197.85, or 9.88 per cent as compared with 6.42 for the preceding year.

For the third quarter the receipts exceeded the expenditures by \$286,724.46. I believe that in three or four years at most, if the present growth of the Service continues, the Post-Office Department will be self-sustaining. Not only this, but will be so notwithstanding the burden of performing the Government service in the way of carrying penalty mail and mail under frank without any compensation. This service amounts probably from fifteen to seventeen millions of dollars anually. Giving the Post-Office Department credit for this service there is no postal deficit to-day. There is one observation I wish to make in speaking of the postal deficit, and it is interesting considered in connection with railway mail pay. The present law fixing railway mail pay was enacted in 1873, together with the law fixing railway post-office car pay or rent. It was found that under this law the railroads receive more than a reasonable pay for the service rendered.

1876 Congress reduced this pay 5 per cent, and it was found that the pay was still too high, for the reason that in the year following the deficit was nearly 22 per cent. So that in 1878 Congress again reduced railway mail pay by making a horizontal reduction of 10 per cent. Since that time no reduction in railway mail pay has been made, notwithstanding the fact, beginning with about 1880 or 1882, there has been a large reduction in freight and passenger rates by the railroads. In 1882 the average receipts per ton per mile for freight carried 1 mile by the railroads was 1.24 cents. In 1903 the average was 0.78 of 1 cent, a reduction of more than 37 per cent during this period, and, I may add, there has been a corresponding reduction in passenger rates and also in express charges. the entire postal revenue was less than \$27,500,000.

Provision has been made in the bill for 28,728 clerks and 25,530 city letter carriers in first and second class post-offices. The salary of these employees is increased \$3,700,000, in round numbers. The pay of 15,222 railway mail clerks is increased by \$1,452,083, and the salary of 42,646 rural delivery carriers is increased \$3,722,310. In all provision is made for the increase in the salaries of 112,106 employees in the four classes mentioned.

Mr. Chairman, I think the Post-Office Committee may congratulate itself for the way it has been treated by the House in the discussion of the bill appropriating money for the postal service for the ensuing fiscal year. No criticism has been heard in the debate.

We have differed among ourselves, and I think that speaks for progress. If we came here with great propositions like there are contained in the bill now under consideration, agree-ing unanimously, standing together as one man, without any difference of opinion, without any variation in thought or argument, all standing together, I do not think there would be much in the bill that would speak for progress or for the advancement of the postal service of this country.

Briefly summing up the most important matters contained in this bill, I might mention first the increase of salaries; next, the decrease in railway-mail pay. Now, some newspapers and some individuals outside of the House have thought fit to charge that the Post-Office Committee saw fit to increase the salaries of post-office clerks, city carriers, railway-mail clerks, and the rural delivery carriers, and then endeavor to recoup the Government by deducting as large an amount as possible from the railroads to make up this increase of expenditure.

I want to say, speaking for myself, Mr. Chairman, and I believe for every member of the majority reporting the bill, that this charge is unfounded. It is true that salaries paid to the employees of the Government, the classes I have mentioned, are increased. To-day more money is required to defray the necessary expenses of living for the individual than at any time in the past thirty-five years. So that the Post-Office Committee believes that the increase of salaries should be made and they have gone about this matter in a way that they think right and proper, and I take it that the fact that no voice has been raised in the consideration of this bill in condemnation of the action of the committee is proof that what we did appeals to the judgment of the Members of the House. In the matter of clerks in city post-offices it is a fact that during the past year the number of resignations in this branch of the service has been continually on the increase.

Now, there must be some cause for this condition, and it is simply this, that clerks in city post-offices, on account of the

increased cost of living and on account of the salary to be obtained in the business walks of civil life, have found that they could make more money outside the Government service, and the better class of clerks are constantly leaving it.

Mr. Chairman, a man in civil life has every avenue open to him. He has that which comes to every American citizen, opportunity to the individual, and if he makes use of it he can go on and build himself up and acquire a competency. But take the man in the Government service in one of the city post-offices. What opportunity is there for him? His salary is limited, and I think that statistics show that to-day it is fixed too low, so that in order to do justice and even up the employees in the service of the Government and give to them an increase is necessary and proper.

What I said in reference to city post-office clerks is equally applicable to city carriers. It is more emphatically applicable to the rural delivery carrier. The Post-Office Committee, I believe, have brought into this House, in my judgment, with possibly a few exceptions, in the classification and promotions they provide in the bill, the very best bill that can be obtained, everything considered. We provide in post-offices where the receipts do not exceed \$50,000 that the clerks and carriers shall have classification and compulsory promotion from \$600, the entrance salary, to \$900, and while I am one of those who do not believe that \$50,000 was the right sum to fix as a maximum for the smaller offices-I think \$40,000 is the proper sum-I submit that in the scheme of classification and compulsory promotion provided for in the bill that clerks and carriers are given a standing and position which insures to them their rights in the Government service.

Heretofore promotions of a clerk in a classified post-office depends to-day, more than anything else, on the favor of the postmaster of his office. The Post-Office Committee does not believe that this should be. We believe that a man in a city post-office, clerk or carrier, that the only requisite for his promotion should be efficiency of service and the length of time he has been in the service. So that I do not think that it is necessary to take up the time of the Committee of the Whole in defending the action of the committee in providing classification and compulsory promotion of clerks and carriers in first and second class offices

Mr. CROMER. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman yield?

Mr. FINLEY. Certainly.

Mr. CROMER. Does the gentleman know that under the present law that in cities of less than 75,000 inhabitants a carrier in the first six years of his service receives \$50 more than he will receive under the classification given by the committee.

Mr. FINLEY. I understand the gentleman's contention and I will explain that.

Mr. CROMER. And in cities above 75,000 that he receives

more in the first eight years-

Mr. FINLEY. I am familiar with the contention. I say this to the gentleman, that my personal opinion is that the grade \$700 should be abolished as to both clerks and carriers. I think it should be eliminated from the bill, and that the clerk and the carrier should go from \$600 to \$800, but I am only one member of the Post-Office Committee. The majority thought otherwise, but I may say to the gentleman this, that the provision in the bill providing for the classification and compulsory promotion is infinitely better for the rank and file of present clerks and carriers in the service than the law is to-day, so that, Mr. Chairman, going to the increase of salary for rural carriers, they are resigning at a rate that threatens the efficiency of the service in some sections of the country. I believe between four and five thousand resigned last year. It is claimed that where one resigns there is always somebody to take his place, but that is not absolutely true. In some instances, a few I will say, routes have been temporarily discontinued because of the fact that carriers could not be obtained at the salary provided by law, to wit, \$720 annually.

Not only this, but these employees of the Government are entitled to more pay than they receive to-day, because they perform service entitling them to increased pay. Voicing my inperform service entitling them to increased pay. dividual opinion, I may say that the salary should be \$900 at least. I believe that because I believe that they perform services which entitle them at least to this much compensation. These employees have no classification. They have no thought of promotion. They furnish their own equipment, horse and vehicle. They support themselves. The report of the Postmaster-General and the statement of the Fourth Assistant Postmaster-General in the hearings show that, approximately speaking, they spend about \$300 annually on their equipment and keep of same, leaving only something like \$420 for their in-

dividual compensation over and above expenses.

The railway mail clerks are provided for in the increase, and I may say that not a word has been spoken anywhere against this increase. Of all the Government employees, the people engaged in the Railway Mail Service perform the hardest and most laborious work, and a service of the greatest danger and risk. And I believe that the time will never come when the American Congress will fail to provide for these people in a proper way.

Now, as to the reduction of railway mail pay. The committee did the very best that it could, and finally brings into the House by a majority report the provisions contained in the bill. First, on the average daily weight of mail, on routes carrying 5,000 pounds and not over 48,000 pounds, a reduction of 5 per cent; on all routes in excess of 48,000 pounds and not in excess of 80,000 pounds, 10 per cent. And on each ton over 80,000 pounds, a flat rate of \$19 per ton. The law to-day is \$21.37 per ton. I believe, and am satisfied, that this is right, and I have the highest proof of the fact in the action of the House on yesterday. So, Mr. Chairman, I do not propose to take up the time of the committee in discussing what the House of Representatives indorsed by a unanimous vote in the passage of a rule on vesterday practically incorporating into the bill the provisions I have alluded to, with some slight modifications.

Now, there are other matters in the bill. One of these is the proper weighing of the mail. And I approach this subject with-

out a great deal of diffidence.

But I want to say this, that the majority of the Post-Office Committee believe that when the mails are weighed for 105 days, to divide by 105 in order to ascertain the daily weight of the mail is correct, and some believe that the law does not need any amendment. I am one of the latter. I believe that when the law requires the mail to be weighed for not less than 90 consecutive working days, and the mail is actually weighed on a route for 90 days, including week days and Sabbath days, that the proper divisor to ascertain the average daily weight of the mail should be 90. The practice of the Department to-day is to weigh for 105 days and then to divide by 90, because they claim that the Sabbath day can not be taken in contemplation of law as a working day. Well, generally speaking, it is not. In the statutes of this country, and in the statutes of every State in the Union, generally speaking, it is not. It is a day of rest. But, Mr. Chairman, when work is done on the Sabbath day in transporting and in weighing the mails, when as much mail is carried on that day as is carried on Monday or on Saturday, or on any other day in the week, I submit that, practically speaking, and in contemplation of law, that the Sabbath day is a working day for this purpose.

I might add right here that personally I believe that it would be for the good of the people of this country if no mails were carried on the Sabbath day. I believe that the Government should not transport its mails on that day, and I believe that if Congress would prohibit this, the American people would indorse its action. Designating the Sabbath day a day of rest, when in point of fact as much work is done on that day as on any other day, is a fallacy. The practice is, I have stated, to weigh one hundred and five days. The statutes require weighing to be for ninety consecutive working days, and they weigh for one hundred and five days and eliminate the fifteen Sabbath days included in that time and divide by ninety. This gives in these cases one-seventh more weight and one-seventh

But, Mr. Chairman, the fallacy of the argument contending that you should weigh the mail for seven days and divide by six is shown by the fact that you might just as well divide by any other number than six. You would as well divide by five, or by four, or by three, and the Post-Office Department practice, where their service is for three days, and the mail is weighed, is to divide by six. Why do they not divide it by two or by three, or some other divisor? Why not? I can see no reason for that. If the mails of the United States were only carried on six days of the week, the railroads would receive the very same pay they do to-day, as a whole, under the present practice, because the weight of the mail is the amount of average of daily weight. Take a route that carries mail six days in a week and one that carries mail seven days. If in the course of the week the same amount of mail is carried on both roads, they would receive the same amount of money. Yes. But the road that carried six days in the week would carry more mail by onesixth on each of its six days than the road that carried the mail for seven days in the week.

So I think that this discussion, while it is interesting, and while it may be fruitless, as we have pretty certain indications that points of order are going to be made, I believe the Post-Office Department can regulate this matter. If they have been practicing thirty years and more something that is contrary to law, and which has cost the Government a great deal of money, the Department can not itself regulate this, but to make sure that which is doubted by some, I am in favor of so amending the law that there can be no doubt about it.

How much time have I consumed, Mr. Chairman?

The CHAIRMAN. The gentleman has twenty-two minutes

Mr. FINLEY. Mr. Chairman, I do not undertake to say that

the Post-Office Committee should agree and that the House should be of one mind on all of these great questions. I wish to be fair to the railroads and just to the people. I want to call the attention of the House, in connection with this, to another matter, which is of very great importance, one that Congress and various individuals throughout the country have come up against time and again, and that is the question of secondclass postage.

The members of the Post-Office Committee approached this subject with a great deal of care. It is a very important matter. Speaking for myself, I would do nothing that would unreasonably or wrongfully lay the pressure of a finger upon the great newspapers and periodicals of this country. I have stated be-fore that the welfare, the prosperity, and the perpetuation of free institutions in this country is largely in the keeping of the

Mr. CAMPBELL of Kansas. Mr. Chairman, I have had a great many letters and protests from newspaper men from my district and in the State, and I assume that other Members of this House have had similar letters and protests.

I can join with the gentleman in that.

Mr. CAMPBELL of Kansas. Protests against what they charge to be unjust to the newspapers of the country. the gentleman from South Carolina would go into that matter, and explain to the committee what has been done.

Mr. SULZER. Mr. Chairman, I would like to ask my friend

a question.

Mr. FINLEY. Certainly.
Mr. SULZER. Does the present bill, in regard to the newspapers of the country or the Department regulations, change the existing law or change the existing rules of practice in

Mr. FINLEY. The Post-Office appropriation bill does not in the slightest degree change the second-class postage rate, or in any way interfere with the rights and privileges of the news-

papers of this country.

Mr. SULZER. That is what I understand.

Mr. FINLEY. They stand to-day where they have stood for years, and I was coming to discussion of that subject.

Mr. SULZER. Right in that connection, and before you come to that discussion, I understand that the Postal Commission, which examined into this question, have recommended a change in the existing law on different things.

Mr. FINLEY. If the gentleman will bear with me, I was

coming to that.

Mr. SULZER. I would like to hear the gentleman on that. Mr. FINLEY. At the last session of Congress a Postal Commission was appointed, consisting of three members of the House and three Senators. They proceeded, had lengthy hearings, took testimony; and in connection with that subject they considered the question of railroad mail pay. Now, a great many people will think it a remarkable fact that the Postal Commission should do this. Appointed to investigate second-class mail and wind up with the recommendation as to railway mail pay. I want to say what, in my opinion, every gentleman in this House knows, that there is a very close relation between second-class mail and railway mail pay. It is a remarkable coincidence that of the total weight of the mail, excluding equipment, second-class mail constitutes a fraction over 28 per cent; and you will bear in mind that the equipment is something like 46 or 47 per cent. The weight of second-class mail is a fraction over 28 per cent of the total mail, and the railway mail pay is a fraction over 28 per cent of the total cost of the postal service.

It is true that there is a close relation between the two in conducting the postal service of the United States. this country there is a difference of postage. Second-class mail pays 1 cent per pound, first-class mail pays 2 cents an ounce, or fraction thereof, and the difference is very great. But in paying the railroads for carrying the mail the Government pays the same price per pound for carrying a newspaper or a book or print of any kind that it pays for carrying a letter with a 2-cent stamp on it. Now, this practice does not prevail in all countries. In fact, I may say to a limited extent it does not prevail in the ocean-going mail from this country. There, as I remember, the rates are for prints 7 cents a pound and for first-class mail 44 cents a pound. A difference is made in paying for the transportation of the various classes of mail.

Now, whether or not it is best to make a difference in the pay to the railroads for transporting various classes of mail, and if so, what the difference should be, and what the various rates should be, that is one proposition. On the other hand, whether or not the second-class postage should be burdened with an additional charge, is another proposition.

Mr. CAMPBELL of Kansas. Just in that connection, do we

pay the same to the railroads per pound for carrying merchandise that we do for carrying letters?

Mr. FINLEY. Oh, yes; the Government pays the same rate of postage for all classes of mail.

Mr. CAMPBELL of Kansas. So if we carry 4 pounds of merchandise it is worth just as much to the railroads as 4

pounds of letters.

Mr. FINLEY. When the Post-Office Department carries 4 pounds of merchandise for a citizen of the country it costs the Government just as much as it would to carry 4 pounds of

So, Mr. Chairman, this question has been in the minds of the American people for some years, and I think it is well that Congress has been considering the matter. I could go on discussing this question for quite a while, but there are some other matters that I wish to touch upon.

There is a further provision in the bill with reference to empty mail bags, practically speaking, requiring the railroads to transport empty mail bags free, on the principle that express companies transport crates, baskets, casks, etc., free that have previously gone over the route filled with merchandise. Now, this is new legislation. Whether or not a point of order will be made upon it I do not know.

Mr. JAMES. That could have been included in the resolu-

tion which was adopted yesterday.

Mr. FINLEY. There is no doubt about that. Every new proposition of legislation contained in the post-office appropriation bill might have been so included.

Mr. JAMES. Can the gentleman explain to the House why it is that all that was not done and all this money saved to the

public Treasury?

Well, I will say to the gentleman that while Mr. FINLEY. he has not been in Congress as long as my friend from Missouri [Mr. Clark] and myself, he knows as much about that subject as anybody else. In order to do this it would have been necessary to obtain the assent or consent of the member of this House highest up, and it would be impossible to do it without that. We did all that we could do when the rule passed by the House on yesterday was secured. But in discussing this matter of empty mail bags, I want to say that there is a provision in the law to-day in which I take some pride. I believe that I was largely instrumental in originating this proposition and bringing about its incorporation into the post-office appropriation bill last year. That provision is as follows:

year. That provision is as follows:

For pay of freight or expressage on postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps, \$250,000. And the Postmaster-General shall require, when in freightable lots and whenever practicable, the withdrawal from the mails of all postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps, in the respective weighing divisions of the country immediately preceding the weighing period in said divisions, and such postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps, shall be transmitted by either freight or express.

Likelium that if the law is fairly and efficiently only converded that

I believe that if the law is fairly and efficiently enforced that the saving to the Government will be as much as the saving will be from the reduction of railway-mail pay. It is the law to-day and no point of order can be made against it. I believe that when it is in operation, as it will be after the 1st of July-the weighing is going on in the western division now, and they are necessarily operating under it-that after the 1st of July and annually thereafter, the benefit to the Government and the saving in the railway-mail pay arising from the operation of this law will be very considerable, and I do not regard the provision in the bill with reference to requiring them to carry empty mail bags free as anything like as important as the other provisions in the bill for the reduction of the pay to the railroads.

Mr. GAINES of Tennessee. Will the gentleman yield for an interruption?

Mr. FINLEY. I will, but I have only a short time.

Mr. GAINES of Tennessee. The gentleman speaks about carrying the mail bags by express being cheaper. a bill for oranges handed me yesterday by a gentleman from Philadelphia—"40 boxes, at \$2.50 a box, \$100. Express on 38 boxes to Philadelphia, \$2.83 a box, \$83.60." That does not look like a cheap way of transporting things from Florida.

Mr. FINLEY. This provision provides for the transporta-

tion by freight as well. So that, Mr. Chairman, I think that what was done last year, and what we are putting into this bill, will accomplish much in the way of reducing the pay to the railroads to something like a fair basis. When these provisions of law are in operation I think there will not be so much reason to make a charge that the railroads are overpaid.

The charge has been made in the press of the country and else-

where that the Post-Office Committee refused the railroads a This charge is untrue, and in justice to the committee, I think the House and the country ought to know it. When the railroads asked for hearings on the proposition, we accorded them time and set aside two days to hear the railroads. When the time came, they did not take advantage of the offer. On the contrary, the statement was made for them that they would submit to the 5 and 10 per cent reduction, and asked that the Postal Commission's recommendation of a flat rate above 80,000 pounds per day be fixed at \$19 per ton instead I do not think it fair to the Post-Office Committee for these charges to be heralded throughout the country branding the committee as not being willing to treat the rairoads fairly and justly. The railroads desired no hearing upon the reduction, but were willing to accept the 5 and 10 per cent reduction

and the \$19 per ton rate.

Mr. GAINES of Tennessee. When do they weigh the mail?

Mr. FINLEY. There are four weighing divisions and they weigh one division every year.

Mr. GAINES of Tennessee. But what is the date of the weighing?

Mr. FINLEY. The Department fixes that at some time when

it is supposed that they will obtain an average mail.

Mr. GAINES of Tennessee. Does the gentleman think that they ought to fix it at this time when we are sending boxes and heavy mail?

Mr. FINLEY. Oh, no; but I haven't time to go into that. Mr. GAINES of Tennessee. I do not think they should.

Mr. FINLEY. There is another matter, Mr. Chairman, which wish to mention briefly and that is the matter of salary also. The largest class of postal employees, the class which is poorest paid and comes nearer working for the United States Government for nothing, is the fourth-class postmasters, and I will say now, what I have believed for years, that the compensation of these people should be increased.

I am very glad to know that there is a distinguished gentleman in the Post-Office Department, one in whose sense of fairness I have great confidence, in the hearings stated that the compensation, in his judgment, was very low; and I hope that Congress, the next time that it deals with salaries, or with the compensation of postal employees, will not forget the great army of 65,000 men and women, the fourth-class postmasters, whose compensation in the majority of cases is to-day much lower than it should be, and in every instance lower than the compensation paid other postal employees of the Government. hope that this injustice will be remedied soon.

Mr. SPERRY. And under the laws of the Department they are forced to be there all the time and give their full attention,

are they not?

Mr. FINLEY. They are, practically speaking, and they are required to furnish to the Government free an office building. Mr. FINLEY. They are required to furnish their own light, heat, and fuel, And as a whole, considering their compengenerally speaking. sation, and comparing it with the compensations paid to other classes of the postal service, they are the very poorest paid. One thing I neglected to say, or did not think of saying, but it is true, is that Congress in dealing with the postal service acts upon the principle that if an office is small no particular consideration should be paid it or reasonable compensation paid for services performed. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET of Indiana. Mr. Chairman, I yield twenty minutes to the gentleman from Illinois [Mr. LORIMER].

Mr. LORIMER. Mr. Chairman, I understand the purpose of the increase of the salary appropriation is to better the financial condition of all the post-office employees. I wish to call the attention of the chairman of the committee and its members to the effect the change proposed in this bill will have on the letter carriers, and hope the chairman will propose an amendment to remedy its defects.

The changes proposed will increase the salaries of the carriers who now receive \$1,000 per annum in the large cities and \$850 in the small cities, but it will decrease the income of all carriers who do not now receive the maximum salaries in either the first or second class cities. They number between 6,500 and 7,000, or about 30 per cent of all the carriers in the service of the Government, according to a statement made by the Postmaster-General under date of May 17, 1906, addressed to the Hon. Boies Penrose, chairman of the Committee on Post-Offices

and Post-Roads of the United States Senate.

It can be seen from this table, beginning with the \$600 grade in first-class post-offices, it would take nine years to earn the amount of money under the proposed law that would be earned in the same period of time under the present law.

	At present rate.	Proposed new rate.
First year . Second year . Third year . Fourth year . Fifth year . Sixth year . Seventh year . Eighth year . Ninth year .	1,000 1,000 1,000 1,000	\$600 700 800 900 1,000 1,100 1,100 1,100
Total	8,400	8,400

In the second-class cities all carriers beginning at the \$600 grade would have to serve seven years before the amount of money earned would equal the amount earned under the present law, as shown by this table that I submit:

	At present rate.	Proposed new rate.
First year Second year Third year Fourth year Fifth year Sixth year Seventh year	\$600 850 850 850 850 850 850	\$600 700 800 900 900 900 900
Total	5, 700	5,700

These tables show that there will be no increase in the income of 30 per cent of the carriers in the first-class cities under the proposed law until the tenth year of their regular service and until the eighth year in the second-class cities.

It is also plain from these tables that the 30 per cent referred to will not only receive no increase in the next fiscal year, but will suffer a reduction of \$100 in the large cities and \$150 in the small cities.

In offices of the first class under the present law, at the end of six years, the average time it takes a carrier to reach the highest grade he can be promoted to, his earnings will amount to the following: Nineteen dollars per month as substitute, which is the average pay for twelve months, equals \$228 per annum. years, average time served as substitute, equals \$684, total earnings for three years as substitute; \$600 first year of regular service, \$800 second year of regular service, and \$1,000 third year of regular service equal \$3,084, the total earnings for six years which, divided by six, gives \$514 as the average salary per year for six years.

In offices of the first class under the plan proposed in the postoffice appropriation bill, at the end of six years the amount earned would be as follows: Nineteen dollars per month as substitute for twelve months equals \$228 per annum, or \$684, the total earnings for three years as substitute; \$600 first year of regular year of regular service, and \$800 third year of regular service, and \$800 third year of regular service, equal \$2,784, the total earnings for six years, which, divided by six, gives \$464 as the average salary per year for six years. Five hundred and fourteen dollars average under present law for six years, less \$464, average under proposed law for six years, leaves \$50 less average earnings per year for each of the six years, which in all amounts to \$300 in six years in favor of the present law.

In small cities under the present law at the end of five years, the average time it takes a carrier to reach the highest grade he can be promoted to, his earnings will amount to the following: Nineteen dollars per month as substitute for twelve months equals \$228 per annum, or \$684, the total earnings for three years as substitute; \$600 first year of regular service and \$850 second year of regular service equal \$2,134, the total earnings for five years, which, divided by five, gives \$426.80 as the average salary per annum for five years.

In small cities under the plan proposed in the post-office appropriation bill, at the end of five years the amount earned would be as follows: Six hundred and eighty-four dollars, total would be as follows: Six hundred and eighty-four dollars, total earnings for three years as substitute; \$600 first year of regular service and \$700 second year of regular service equal \$1,984 as the total earnings for five years, which, divided by five, gives \$396.80 as the average salary per annum for five years. Four hundred and twenty-six dollars and eighty cents, average salary per annum under present law loss \$206.80 as average salary per annum under present law, less \$396.80, average salary per annum under proposed law, leaves \$30 less

per year for each of five years under the proposed law, or \$150 in five years in favor of present law.

To extend it out a little further, the first table shows that it will take nine years in the regular service under the proposed law for a carrier to earn an amount equivalent to that which he will earn under the present law. Adding to that table the

three years he serves as substitute, it will be seen from the following table that he must serve twelve years under the proposed law to earn the equivalent of his earnings in twelve years under the present law, which is \$9,084 in either case:

	Under the present law.	Under the proposed law.
For first six years	\$3,084	\$2,784
Seventh year	1,000	900
Eighth year	1,000	1,000
Ninth year	1,000	1,100
Tenth year	1,000	1,100
Eleventh year	1,000	1,100
Twelfth year	1,000	1,100
Total, twelve years	9,084	9,084

It is therefore obvious that there will be no increase of income under the proposed law until his thirteenth year of service.

I am discussing now, Mr. Chairman, the 30 per cent of the carriers. I propose to offer an amendment, Mr. Chairman, for the consideration of the committee, which I will ask the Clerk to read in my time.

The CHAIRMAN. The amendment will be read for the information of the committee in the time of the gentleman from Illinois.

The Clerk read as follows:

The Clerk read as follows:

That hereafter the salaries of letter carriers in the city-delivery service shall be graded as follows:

In all cities which contain a population of 75,000 or more there shall be five grades, as follows: First grade, salary, \$600; second grade, salary, \$800; third grade, salary, \$1,000; fourth grade, salary, \$1,100; fifth grade, salary, \$1,200.

In all cities which contain a population of less than 75,000 there shall be four grades, as follows: First grade, salary, \$600; second grade, salary, \$50; third grade, salary, \$900; fourth grade, salary, \$1,000: Provided. That all carriers entitled to promotion under this act shall be promoted to the next highest grade on July 1, 1907, or at the beginning of the quarter following the expiration of a year's service in the next lower grade; but no promotions to the fifth grade shall be made in cities of more than 75,000 population, nor to the fourth grade in cities of less than 75,000 population until on and after July 1, 1908, when all carriers who have served one year of service in the next lower grade will be entitled to all promotions progressively.

Mr. LORIMER. Mr. Chairman, I submit as part of my re-

Mr. LORIMER. Mr. Chairman, I submit as part of my remarks a list of offices where the carriers would only be raised \$50 per annum to the \$900 grade if the proposed plan is adopted, and it would take them four years to reach this grade, while under the present law they receive a maximum salary of \$850 after serving one year at \$600. If the amendment I propose is adopted, they will be brought up to \$1,000 per annum.

The list is as follows:

The list is as follows:

Alabama.—Anniston, Bessemer, Florence, Gadsden, Huntsville, New Decatur, Selma, Tuscaloosa.

Arizona.—Phoenix, Prescott, Tucson.

Arkansas.—Fayetteville, Helena, Hot Springs, Jonesboro, Newport, Pine Bluff, Texarkana.

California.—Alameda, Bakersfield, Berkeley, Chico, Eureka, Hanford, Long Beach, Marysville, Modesto, Napa, Palo Alto, Petaluma, Pomona, Redding, Redlands, Riverside, Salinas, San Bernardino, San Luis Obispo, San Rafael, Santa Ana, Santa Barbara, Santa Cruz, Santa Rosa, Stockton, Vallejo, Watsonville, Woodland.

Colorado.—Boulder, Canyon City, Crippie Creek, Durango, Florence, Grand Junction, Greeley, La Junta, Leadville, Longmont, Rocky Ford, Trinidad, Victor.

Connecticut.—Ansonia, Bristol, Danbury, Derby, Greenwich, Middletown, Naugatuck, Norwalk, Norwich, Putnam, Rockville, South Manchester, South Norwalk, Stanford, Torrington, Wallingford, Willimantic, Winsted.

Delaware.—Dover.

Chester, South Norwalk, Stanford, Torrington, Wallingford, Willimantic, Winsted.

Delaware.—Dover.

Florida.—Gainesville, Key West, Miami, Ocala, Orlando, Pensacola, St. Augustine, Tallahassee.

Georgia.—Albany, Americus, Athens, Brunswick, Columbus, Cordele, Dalton, Dublin, Gainesville, Griffin, Marietta, Newnan, Rome, Thomasville, Valdosta, Waycross.

Idaho.—Bolse, Lewiston, Moscow, Pocatello, Wallace.

Illinóis.—Alton, Batavia, Belleville, Belvidere, Blue Island, Cairo, Canton, Carbondale, Centralia, Champaign, Charleston, Chicago Heights, Clinton, Danville, Dekalb, Dixon, Dwight, Freeport, Galena, Galesburg, Granite City, Greenville, Harvey, Highland Park, Hoopeston, Jacksonville, Jerseyville, Kankakee, Kewanee, La Grange, La Salle, Lincoln, Litchfield, Macomb, Mattoon, Maywood, Mendota, Monmouth, Morgan Park, Mount Vernon, Murphysboro, Naperville, Oak Park, Ottawa, Pana, Paris, Pekin, Peru, Pontiac, Princeton, St. Charles, Steriling, Streator, Sycamore, Taylorville, Urbana, Waukegan, Wheaton, Wilmette, Zion City.

Indiana.—Alexandria, Anderson, Attica, Auburn, Bedford, Bloomington, Biuffton, Brazil, Columbia City, Columbus, Connersville, Crawfords-

Zion City.

Indiana.—Alexandria, Anderson, Attica, Auburn, Bedford, Bloomington, Bluffton, Brazil, Columbia City, Columbus, Connersville, Crawfordsville, Decatur, Elwood, Frankfort, Franklin, Goshen, Greencastle, Greenfield, Greensburg, Hartford City, Huntington, Jeffersonville, Laporte, Lebanon, Linton, Logansport, Madison, Martinsville, Michigan City, Mishawaka, New Albany, New Castle, Noblesville, North Vernon, Peru, Portland, Princeton, Rushville, Seymour, Shelbyville, Union City, Valparaiso, Vincennes, Warsaw, Washington, Winchester.

Indian Territory.—Ardmore, Chickasha.

Iowa.—Ames, Anamosa, Atlantic, Boone, Carroll, Cedar Falls, Centerville, Charles City, Cherokee, Clarinda, Clinton, Creston, Decorah, Esterville, Fairfield, Fort Dodge, Fort Madison, Grinnell, Independence, Iowa Falls, Le Mars, Lyons, Marion, Mason City, Mount Pleasant, Muscatine, Newton, Oelwein, Osage, Oscaloosa, Red Oak, Sheldon, Shenandoah, Washington, Webster City.

Kansas.—Abilene, Arkansas City, Beloit, Chanute, Cherryvale, Clay Center, Coffeyville, Concordia. Emporia, Fort Scott, Galena, Girard, Great Bend, Hlawatha, Hutchinson, Independence, Iola, Junction City, Leavenworth, McPherson, Manhattan, Newton, Olathe, Ottawa, Parsons, Pittsburg, Salina, Wellington, Winfield.

Kentucky.—Ashland, Bowling Green, Danville, Frankfort, Henderson, Hopkinsville, Mayfield, Maysville, Owensboro, Paris, Winchester.

Louisiana.—Alexandria, Baton Rouge, Crowley, Lake Charles, Monroe, New Iberia.

Mainc.—Auburn, Bar Harbor, Bath, Belfast, Biddeford, Brunswick, Gardiner, Houlton, Rockland, Rumford Falls, Skowhegan, Westbrook.

Maryland.—Annapolis, Cambridge, Easton, Frederick, Hagerstown, Salisbury, Westminster.

Massachusetts.—Adams, Amesbury, Amherst, Andover, Athol, Attleboro, Beverly, Chicopee, Chicopee Falls, Clinton, Concord Junction, Danvers, Dedham, East Hampton, Franklin, Gardner, Greenfield, Hudson, Hyde Park, Leominster, Marbiehead, Marlboro, Medford, Middleboro, Milford, Natick, Newburyport, North Abington, North Attleboro, Norwood, Orange, Peabody, Plymouth, Reading, Rockland, Southbridge, South Framingham, South Weymouth, Stoneham, Wakefield, Ware, Wolten.—Michigan,—Adrian, Albion, Allegan, Alpena, Benton Harbor, Big

Woburn.

Michigan.—Adrian, Albion, Allegan, Alpena, Benton Harbor, Big Rapids, Cadillac, Calumet, Charlotte, Coldwater, Dowagiac, Escanaba, Grand Haven, Hancock, Hastings, Hillsdale, Holland, Houlton, Iona, Ironwood, Ishpeming, Ludington, Manistee, Marquette, Menominee, Monroe, Mount Clemens, Mount Pleasant, Niles, Owosso, Petoskey, Pontiac, Saginaw West Side, St. Clair, St. John, St. Joseph, Sault Ste. Marie, South Haven, Three Rivers, Traverse City, Wyandotte, Ypsilanti.

Pontlac, Saginaw West Side, St. Clair, St. John, St. Joseph, Sault Ste. Marie, South Haven, Three Rivers, Traverse City, Wyandotte, Ypsl-lanti.

Minnesota.—Albert Lea, Austin, Bemidji. Brainerd, Crookston, Faribault, Fergus Falls, Hibbing, Lake City, Little Falls, Mankato, Moorhead, New Ulm, Northfield, Owatonna, Red Wing, Rochester, St. Cloud, St. Peter, Sleepy Eye, Stillwater, Willmar.

Mississippi.—Biloxi, Clarksdale, Columbus, Greenville, Greenwood, Hattlesburg, Natchez, West Point, Yazoo City.

Missouri.—Cape Girardeau, Carrollton, Carthage, Chillicothe, Clinton, Columbia, Fulton, Hannibal, Independence, Jefferson City, Kirksville, Louisiana, Macon, Marshall, Maryville, Mexico, Moberly, Nevada, Poplar Bluff, St. Charles, Sedalia, Trenton, Warrensburg, Webb City.

Montana.—Anaconda, Billings, Bozeman, Great Falls, Kallspell, Livingston, Missoula.

Nebraska.—Beatrice, Columbus, Fairbury, Fremont, Grand Island, Hastings, Kearney, Nebraska City, Norfolk, York.

Nevada.—Reno.

New Hampshire.—Claremont, Dover, Exeter, Franklin, Keene, Laconia, Portsmouth, Rochester, Somersworth.

New Jersey.—Arlington, Bloomfield, Burlington, Cape May, Cranford, Dover, Englewood, Freehold, Gloucester City, Hackensack, Haddonfield, Lakewood, Long Branch, Madison, Merchantville, Millville, Moorestown, Mount Holly, Newton, Ocean City, Ocean Grove, Perth Amboy, Philipsburg, Princeton, Rahway, Red Bank, Ridgewood, Rutherford, Salem, Somersworth. South Orange, Summit, Vineland, Washington, Weehawken, Westfield, West Holooken, Woodbury.

New Hesico.—Albuquerque, East Las Vegas, Raton, Roswell, Santa Fe, New York.—Albion, Ballston Spa, Batavia, Bath, Brockport, Canajoharie, Canandalgua, Carthage, Catskill, Cohoes, Cooperstown, Corning, Cortland, Dansville, Dunkirk, East Aurora, Far Rockways, Fort Plain, Fredonia, Fulton, Glens Falls, Gouverneur, Hempstead, Herkimer, Hoosick Falls, Hornell, Hudson, Hion, Irvignton, Johnstown, Leovy, Lestershire, Liberty, Little Falls, Lockport, Lyons, Malone, Mamaroneck, Medina, Middletown, Newark, New B

North Carotina.—Durinal, Elizabeth City, Fayetteville, Washington. Wilson.

North Dakota.—Bismarck, Jamestown. Minot, Valley City.
Ohio.—Alliance, Ashtabula, Athens, Barberton, Blair, Bellefontaine, Bellevue, Bowling Green, Bücyrus, Cambridge, Canal Dover, Canton, Chillicothe, Circleville, Conneaut, Coshocton, Defiance, Delaware, Elyria, Findlay, Fostoria, Fremont, Galion, Gallipolis, Greenfield, Greenville, Hillsboro, Ironton. Lancaster, Lebanon, Lorrain, Marietta, Marion, Maritins Ferry, Massillon, Middletown, Mount Vernon, New Philadelphia, Niles, Norwalk, Oberlin, Painesville, Piqua, Portsmouth, Ravenna, St. Marys, Salem, Shelby, Sidney, Steubenville, Tiffin, Troy, Urbana, Van Wert, Wapakoneta, Warren, Washington Court House, Wellsville, Wilmington, Wooster, Xenia.

Oklahoma.—Altus, El Reno, Enid, Guthrie, Lawton, Perry, Shawnee, Oregon.—Albany, Astoria, Baker City, Eugene, Oregon City, Pendleton, Salem, The Dalles.

Pennsylvania.—Ambler, Ashland. Athens, Beaver Falls, Bellefonte, Berwick, Bethlehem, Bloomsburg, Braddock, Bristol, Brookville, Butler, Cannonsburg, Carbondale, Carlisle, Carnegie, Chambersburg, Charleroi, Clearfield, Coatesville, Columbia, Connelisville, Conshohocken, Corry, Danville, Dubois, Franklin, Gettysburg, Greensburg, Greensville, Hanover, Hazletown, Homestead, Honesdale, Huntingdon, Indiana, Irwin, Jeanette, Kane, Kittanning, Lansdowne, Latrobe, Lewisburg, Lewistown, Lockhaven, McKees Rocks, Mahanoy City, Mauch Chunk, Meadville, Media, Monessen, Monongahela, Mount Carmel, Mount Pleasant, Nanticoke, New Brighton, Phillipsburg, Phoenixville, Potistown, Punxsutawney, Ridgeway, Rochester, St. Marys, Sayre, Scottdale, Sewickley, Shamokin, Sharon, Shenandoah, Somerset, Steelton, Sunbury, Tarentum, Titusville, Towanda, Union City, Uniontown, Vandergrift, Wampum, Wayne, Waynesboro, Waynesburg, Wellsboro.

Porto Rico.—Mayaguez, Ponce, San Juan.

Rhode Island.—Bristol, Central Falls, East Providence, Westerly, Woonsocket.

South Carolina.—Anderson, Florence, Georgetown, Greenville, Green.

Woonsocket.

South Carolina.—Anderson, Florence, Georgetown, Greenville, Greenwood, Rockhill, Spartanburg, Sumter.

South Dakota.—Aberdeen, Brookings, Deadwood, Huron, Lead, Mitchell, Pierre, Watertown, Yankton.

Tennessee.—Bristol, Clarksyille, Columbia, Greenville, Harriman, Jackson, Johnson City, Murfreesboro.

Texas.—Abilene, Beaumont, Cleburne, Corsicana, Denison, Ennis, Gainesville, Greenville, Hillsboro, Laredo, McKinney, Marshal, Palestine, Paris, Sherman, Temple, Terrell, Tyler, Waxahachie, Weatherford.

Utah.—Logan, Ogden, Proyo.

Vermont.—Barre, Bellows Falls, Bennington, Brattleboro, Montpelier, Rutland, St. Albans.

Virginia.—Alexandria, Bedford City, Charlottesville, Danville, Fortress Monroe, Fredricksburg, Hampton, Harrisonburg, Manchester, Newport News, Petersburg, Portsmouth, Staunton, Suffolk, Winchester, Washington.—Aberdeen, Ballard, Bellingham, Everett, Hoquiam, North Yakima, Olympia, Vancouver, Walla Walla.

West Virginia.—Bluefield, Clarksburg, Elkins, Falrmont, Grafton, Huntington, Mannington, Martinsburg, Morgantown, Moundsville, Parkersburg, Sistersville.

Wisconsin.—Antigo, Appleton, Ashland, Baraboo, Beaver Dam. Be-

Kersburg, Sistersville. Wisconsin.—Antigo, Appleton, Ashland, Baraboo, Beaver Dam. Beloit, Chippewa Falls, Eau Claire, Fond du Lac, Fort Atkinson, Grand Rapids, Green Bay, Janesville, Kenosha, Manitowoc, Marinette, Marshfield, Menasha, Menomonie, Neenah, Platteville, Portage, Rhinelander, Ripon, Sheboygan, Stevens Point, Superior, Watertown, Waukesha, Wausau, Wauwatosa, Whitewater.

Wyoming.—Cheyenne, Laramie, Sheridan.

Mr. LORIMER. The letter-carrier service differs from all other. They are required to serve as substitutes until regularly appointed. The average time of a substitute's service is three years. The average pay per month during this service is \$19. They report for duty every day, wait around the office for such extra work as the postmaster may assign to them, or to take the place of a letter carrier who may be ab-

I submit this statement of the average daily and annual income of the carrier during a period of first twenty years' service under the proposed plan in cities where the annual gross receipts are in excess of \$200,000: Nineteen dollars per month, average pay as substitute, for twelve months equals \$228 per annum, or \$684 earnings for three years as substitute; \$600 first year of regular service, \$700 second year of regular service, \$800 third year of regular service, \$900 fourth year of regular service, and \$1,000 fifth year of regular serivce, making \$4,684 as total earnings for eight years. One thousand one hundred dollars maximum salary per year for twelve years equals \$13,200, earnings for twelve years at maximum salary, making \$17,884 the total earnings for twenty years, an average of \$894.20 per annum for twenty years, or an average of \$2.45 per day for twenty years.

Under the change proposed in offices where the annual gross receipts are at least \$50,000 and not in excess of \$200,000 the average annual and daily salary of carriers will be as follows: Nineteen dollars per month, which is the average pay as substitute, for twelve months equals \$228 per annum, or \$684, earnings for three years as substitute; \$600 first year of regular service, \$700 second year of regular service, \$800 third year of regular service, and \$900 fourth year of regular service, making \$3,684 as total earnings for seven years. One thousand dollars maximum salary per year for thirteen years equals \$13,000, total earnings for thirteen years at maximum salary, making \$16,684 the total earnings for twenty years, an average salary of

\$834.20 per year, or an average salary of \$2.29 per day.
Under the change proposed in offices where the annual gross receipts are less than \$50,000, the average salary of carriers for twenty years will be as follows: Nineteen dollars, average earnings per month, as substitute, for twelve months equals \$228, average earnings per annum, or \$684, earnings for three years as substitute; \$600 first year of regular service, \$700 second year of regular service, and \$800 third year of regular service, making \$2,784, total earnings for six years. Nine hundred dollars, maximum salary for fourteen years, equals \$12,600, total for fourteen years at maximum salary of \$900, making \$15,384 the total amount earned in twenty years, an average salary of \$769.20 per year, or an average of \$2.11 per day.

When we consider that carriers serve three years at \$19 per month as substitutes, we must know that they enter the regular service very poor and in debt to every person from whom they can borrow, and in many cases have mortgages on the very beds in which they sleep. It is not doing too much for them to amend the proposed law so as to conform with the present law, and to continue to promote them from the \$600 grade to the \$800 grade after one year of service, and from the \$800 grade to the \$1,000 grade after two years.

Such an amendment should prevail in common fairness to this intelligent and faithful set of men. It is true the law provides that carriers shall work eight hours a day, but they actually put in twelve or more hours each day. They report at 6 in the morning and do not finish until 6 or later in the evening. They lay off from one-half to two hours at different intervals during the day, for which they receive no credit. It is time occupied just as much as though they were on their routes delivering mail.

When we consider further that carriers enter the service at an average age of 25 years and can only earn in the best twenty years of their lives under the proposed law in large cities \$17,884, or an average of \$894 per year, or \$2.45 a day; in cities of 75,000 population, \$16,880 in twenty years, or an average of

\$834.20 per year, or \$2.29 per day; in small cities, in twenty years a total of \$15,384, or \$769.20 per year, \$2.11 per day, I am convinced the country will justify Congress in promoting the carriers to a maximum salary of \$1,200 per year, and I hope the House will see the equity of this amendment and at last

give these deserving men their just deserts.

Now, Mr. Chairman, I have no complaint of the action of the committee. I know this committee has put in a good deal of time preparing this very large appropriation bill, and it can not be supposed that they have gone into every little detail in connection with every item of appropriation contained in this bill, and so I submit these remarks in order that the chairman of the committee and his committee may give them careful consideration before we come to the final passage of this bill. I know that the clerks of this country are very much gratifiedwhile they are not receiving under this appropriation all that they would desire—that the Committee on Post-Offices and Post-Roads have attempted to do something for them.

Mr. SOUTHARD. Will the gentleman submit to a question?

Mr. LORIMER. I will be very glad to do so.
Mr. SOUTHARD. I see you have made the maximum salary for the clerks \$1,200 and for the carriers \$1,100. What was the

occasion for that?

Mr. LORIMER. I am not a member of the committee, and the chairman of the committee, I am sure, will be glad to answer the question. I say I know that the clerks are very much gratified at what the committee has done for them, and it is not in a spirit of complaining that I rise here to-day. wanted to call the attention of the committee to the conditions as they would be under the bill that they propose, and hope that they will make such recommendations as will rectify these faults in their present bill. I reserve the balance of my time and yield it back to the chairman of the committee.

The CHAIRMAN. The gentleman from Illinois reserves the balance of his time and yields it back to the chairman of the

Mr. OVERSTREET of Indiana. Mr. Chairman, the time remaining for general debate, which is to close at 4 o'clock, I now yield to the gentleman from Wisconsin [Mr. Stafford].

Mr. STAFFORD. Mr. Chairman, before addressing the House on the main subject to which I will later invite attention, that of the railway mail pay, I wish to make some passing mention on the increases of salaries provided for the personnel of the

postal service.

Some criticism has been lodged against the committee recommendation in that our scale of promotion has not been sufficient to meet the demands of the country in this service. But I believe that the House and the country will appprove the statement that we have been most liberal in our allowances for promotions, and that no bill has ever before been presented to the House that carried a larger amount for promotions and extended increase of salary to a larger number of employees. When you stop to consider that the promotions and increases of salary that are provided in this bill extend to nearly 100,000 people you will get some idea of the scope of this service and of the benefits that will accrue from the committee's recommendation.

In the rural free-delivery service, for the standard route we have raised the salary \$120, raising it from \$720 to \$840, or an increase of \$10 per month. That is the maximum for the standard route which, as the committee knows, is 24 miles. There is a regulation of the Department that provides a graduated diminishing amount for routes of less than 24 miles, and carriers on those routes will benefit likewise by this increase of more than 16 per cent.

Coming to the question of the increases for the city letter carriers, under the provisions recommended by the committee there is not a letter carrier in the service who will not receive

some increase of salary.

Mr. GOEBEL and Mr. LORIMER rose.

The CHAIRMAN. To whom does the gentleman from Wisconsin [Mr. Stafford] yield?

Mr. STAFFORD. First to the gentleman from Ohio [Mr.

Mr. GOEBEL. Does the letter carrier of the first grade receive any increase?

Mr. STAFFORD. The letter carrier of the first grade does receive an increase.

Mr. GOEBEL. In what way?

Mr. STAFFORD. Because at present the law provides that the maximum pay for letter carriers in cities having a population above 75,000 shall be \$1,000, while the bill recommended by the committee, as the gentleman is well aware, provides for an increase of \$100, making the maximum \$1,100. Mr. GOEBEL. Oh, but the gentleman did not answer my

Mr. STAFFORD. I may have failed to grasp the purport of

the question.

Mr. GOEBEL. I mean the letter carriers of the first grade. Mr. STAFFORD. The letter carriers of those post-offices in cities above 75,000 population? Every carrier in the service in those cities having 75,000 population and a great proportion of the letter carriers in cities having 75,000 population receiving the maximum salary of \$1,000 will by reason of this law on July 1 next be promoted to receive \$1,100.

Mr. GOEBEL. The gentleman does not answer the question. My question was: The present salary is \$600 in the first grade,

and does the carrier receive an increase?

Mr. STAFFORD. I misunderstood the gentleman's designa-tion of "first grade," thinking that he referred to those offices which carry the maximum salary in cities of 75,000 and over. No; I will say to the gentleman in answer to his query, not increase the starting point whatsoever as far as carriers are concerned, and with none of this character of employment save the rural letter carriers, where they will receive the maximum amount of \$840, provided they are serving on a standard route, as soon as they enter the service, and except in the case of clerks in second-class offices. Heretofore it has been the rule, so far as the clerks attached to second-class offices were concerned, that they started at a salary of \$400 and \$500.

Now, the committee recommends the abolishment of those low grades, because we believed, following the recommendations of the Post-Office Department, that you can obtain and should obtain also in these smaller offices, men who are to be retained in the service years and years, of a higher grade of efficiency by starting them at a living salary of \$600 rather than the salary which has been provided heretofore of \$400 and \$500. I now yield to the gentleman from Illinois [Mr.

LORIMERI

Mr. LORIMER. Under the existing law carriers now serving in the first grade at \$600 per year on the 1st day of next July will be promoted to \$800 a year in large cities, and those residing in small cities of the first grade at \$600 a year will be promoted to \$850. Now, is it not a fact that under this proposed law the carriers working in large cities will only receive an increase of \$100, and the same applies to the small cities, which would amount to a loss of \$100 on the 1st of July to every carrier in large cities and to \$150 to a carrier in small cities?

Mr. STAFFORD. I followed carefully the address made by the gentleman a few minutes before I began to address the committee as to the letter-carrier salary. There can be no question but what we provide in our scheme of increase of \$100 yearly rather than at present of \$200 in cities above 75,000 population, and of \$250 in cities of the second grade, because we want to make this service uniform with the clerical service by providing that both the clerks and the carriers should receive promotion at the same time, and whenever the carriers shall be transferred into the clerical service or transferred from the clerical service into the carrier service they will be receiving the same grade of salaries as those in the corresponding service. We followed the rule which prevails as to clerks rather than as to carriers, believing that the assurance of \$100 every year to carriers, that it would not detract any persons from entering into service, even though increase of salary would not be as great as heretofore.

But I want to impress upon the committee the fact that we demote the salary of no man in the service, but provide for an increase of salary for every carrier, whether he is a rural or city carrier, for every post-office clerk, and for every railway

mail clerk, no matter in what grade of service.

Mr. LORIMER. Will the gentleman submit to one further question?

Mr. STAFFORD. Gladly. Mr. LORIMER. Is it not a fact that when clerks go into the service now they become at once, within thirty days, under the present conditions, able to earn \$600 a year, and where the carriers go into service the average service as substitutes is three years, when they must report every day and receive an average of \$19 a month, which makes a difference in the carrier's service of three years as against that of allowing the clerks to get theirs within thirty days?

Mr. STAFFORD. In this bill we have sought to correct the inadequacy of payment which has prevailed heretofore, as far as the salaries of substitute carriers are concerned, by providing a new character of service, known as "auxiliary service," whereby we authorize the Department to employ for a minimum service each day of two or more hours these substitutes, so that they will not be compelled to live on starvation wages until they get into the regular service, and that this auxiliary service applies not only to the letter carriers, but applies likewise to the clerks.

It is the principle of this proposed legislation, and it is a principle which follows the recommendation of the Department to have these services interchangeable; to have the carrier take up some part of the work of the clerks, so that he can at times when in the post-office be occupied in clerical I can not take up so much time on this phase of the subject because I want to get to the subject of the railway mail pay

Mr. NORRIS. The question that I want to ask you is about the one that you were talking about when you were diverted. I want to know specifically the position of the gentleman as to the exact increase given to carriers in post-offices of the second class

Mr. STAFFORD. I will answer the gentleman that in so far as the grade of salaries for carriers are concerned they do not follow the same classification as post-offices of the second class and of the first class. There is a gradation on the basis of population, the dividing line being 75,000 population. So that letter carriers employed in cities which have a population of less than 75,000 under the present law receive a maximum of \$850. The committee departs from the population plan, following the recommendation of the Department, and I believe the whole House will approve of the equity of the recommendation in departing from the population and taking up gross re-celpts as the determiner. Under the former plan an office Under the former plan an office would have to be determined, before entering the next grade, by reason of the census returns, which only occur every ten

We believe that the postal returns, the gross receipts of the office, are a more proper criterion to determine the character of the office than population. So we have taken the average gross receipts of \$200,000, which correspond to the receipts of offices located in cities with 75,000, and then we create a new grade with \$50,000 gross receipts as the dividing line. So where to-day letter carriers who are employed in offices having gross receipts of less than \$200,000 and more than \$50,000 the maximum salary received is \$850, we provide a maximum salary of \$850, and where the receipts are under \$50,000 the maximum salary will be \$900 instead of \$850.

Mr. NORRIS. What is the limit now?

Mr. NORRIS. What is the limit is \$850.

Mr. STAFFORD. The limit is \$850.

Mr. NORRIS. So there will be a raise of \$50 for carriers in second-class offices where the gross receipts are less than \$50,000?

Mr. STAFFORD. In second-class offices and all in those first-class offices below \$50,000 gross receipts, because \$40,000 gross receipts form the dividing line between first and second class offices, and in all those first-class offices which have gross receipts above \$50,000 and up to \$200,000, where the carriers are to-day generally receiving \$850 as the maximum, they will receive this coming year a \$50 promotion and the next year to the limit of \$1,000. So these carriers will have an opportunity for promotion in two years to the maximum of \$1,000, while in the smaller offices, below \$50,000, they will have their limit as \$900.

Mr. NORRIS. That will be an increase of \$50.

Mr. STAFFORD. It will be an increase in these offices of \$50. Every carrier will receive that increase, and in most offices carriers receiving \$850 will go to \$1,000 in two years.

Mr. CROMER. Will the gentleman yield for a question? Mr. STAFFORD. I will yield to the gentleman from Indiana for one short question.

Mr. CROMER. By this bill clerks in post-offices whose gross receipts are less than \$50,000 go to \$900. Will you tell us how a clerk in that office can go to \$1,000?

Mr. STAFFORD. A clerk can go in those offices having between \$50,000 and \$40,000 receipts, which latter amount is the line of demarcation between first and second class offices, not only to \$1,000 but to \$1,200, just the same as in this bill we provide for compulsory promotion of clerks in the largest offices to the \$1,100 grade, which is the sixth grade, but nevertheless have another grade which is the seventh grade, of We do not provide for compulsory promotion to that last grade, but we provide by appropriation an amount which will permit of the promotion of 50 per cent of these clerks now employed at \$1,100. Now, to answer specifically the question of the gentleman, I will say that it will depend entirely upon the action of the Post-Office Department. If the Department approves, and the appropriations are made by Congress, there will be nothing to prevent a clerk in a second-class office, which is an office having less than \$40,000 gross receipts, be-

ing promoted, not compulsorily, but at the discretion of the Department, to \$1,000, and in an office between \$40,000 and \$50,000, up to \$1,200, just the same as in any office of the first class

Mr. CROMER. Is there any law now that enables the Department to increase the salaries of clerks? Are clerks graded

by law at the present time?

Mr. STAFFORD. I will gladly answer the gentleman. suppose from his long service on the Post-Office Committee he is acquainted with the fact that there is no law pertaining to the classification of clerks, and, as I stated a few minutes ago, the clerks in second-class offices started at \$400 and \$500, while under this bill we start them all at the same level of \$600, and provide for compulsory promotion to \$900-\$100 each year-if they are employed in localities where the gross receipts of the office are under \$50,000. If between \$50,000 and \$200,000, we provide for compulsory promotion for four years, to \$1,000, and if above \$200,000 gross receipts, then to the grade of \$1,100, with promotions each year of \$100. I do not believe that you will find anywhere in private employment any business make such a regular promotion in salary for like service as that which we provide in this bill by giving to every clerk and carrier a promotion of 16 per cent, basing it upon the lowest salary of \$600 a year until they reach the maximum compulsory promotion salary provided in this bill.

Mr. KAHN. I understood the gentleman to say that the maximum compulsory promotion salary provided in this bill.

mum pay of clerks in this bill is \$1,200 and that the maximum pay of carriers is \$1,100, and that the purpose of the committee was to have these people interchanged. Now, does the gentle-man believe for a moment that a clerk who is able to receive a maximum salary of \$1,200 in his particular line of endeavor will exchange with a letter carrier, who would only receive

\$1,100 at his best?

Mr. STAFFORD. Oh, yes; if the conditions are such as to impel the clerk to seek outdoor employment. It has been called to the attention of the committee time and time again that men are obliged to give up the arduous service in the railway mail, at a higher compensation, and accept lower pay in some clerical position that will permit them to remain at home, without the wear and tear consequent on traveling. My attention has been called to cases where by reason of confinement of clerks-and that service is dreadfully confining and arduous—that they will be forced and will gladly accept \$100 less compensation for outdoor employment. So far as the carriers are concerned, if they wish to go into the higher grade and higher character of service, it is provided that they shall be transferred to the clerical service, allowing them to go in the same grade and then to be promoted and advance farther into the higher class of service, like superintendent, cashiers, and other employment of that character.
Mr. CROMER. Will the gentleman yield?

Mr. STAFFORD. I decline to yield further, for my time is getting short

Mr. GRAHAM. I want to ask the gentleman just one ques-

Mr. STAFFORD. I will yield to the gentleman for a very brief question.

Mr. GRAHAM. I want to ask the gentleman if he replied to the argument of the gentleman from Illinois in regard to the injustice done the carriers in the large cities?

Mr. STAFFORD. I intended to meet that argument; I do not know whether I fully met it or not. I hardly think my statement satisfied the gentleman from Illinois.

Mr. GRAHAM. Then the only chance we have is to move an amendment?

Mr. STAFFORD. I believe the committee recommendation

worthy of support.

Mr. CROMER. Now will the gentleman yield to me?

Mr. STAFFORD. I will yield to the gentleman for a ques-

How many clerks will have their salaries reduced by this bill?

Mr. STAFFORD. There is not a position in the service today, as I said a few moments ago, and if the gentleman had been following me-

Mr. CROMER. I have been following the gentleman. Mr. STAFFORD. He would have heard, as I specially emphasized the fact, where there is any demotion in salary whatever as carried in this bill.

Mr. CROMER. How will the clerks in the second-class postoffices get \$1,000 under this bill?

Mr. STAFFORD. Because they are provided for in the number of clerks carrying the salary of \$1,000, just as the clerks that are now receiving \$1,200, where there is no compulsory

promotion. They will receive the same \$1,200 salary because we provide for the number of clerks receiving that salary, and provide 50 per cent of those employed now in the \$1,100 grade

Now, Mr. Chairman, coming to the question of the increase of salary provided in the railway mail service, the committee has recommended an arbitrary increase of \$100 in all the grades of service below \$1,500. We have not only provided for an increase of \$100 for every man employed in the railway mail service, but we have raised the grades of those employed in that service just \$100. So where a man who has heretofore been employed and has been receiving \$1,500 for that character of work, hereafter he will receive \$1,600. The man now employed at \$1,400 in that character of work will hereafter receive \$1,500, and so down the line, starting at \$800. No one will question but that this service requires the most proficient men of any employment in the service. Members must not have their attention diverted by the disparagement of the salary of \$1,600 for the railway mail employee and \$1,200 provided for the post-office clerk, because you must take into consideration that the \$1,600 class of railway mail clerks are men in charge of crews on traveling railway post-office cars, and they, like most of these high-salaried clerks, are obliged to be absent from home one-half to one-third of the time, and entail expenses while absent from home, which amount on an average to \$175 to \$250 a year, and that amount must necessarily be deducted from the salary we provide for these men in this service. So when the committee considers carefully these respective promotions for the different services, I think they will agree that the committee has dealt liberally and fairly with the clerks and carriers connected with the postal service.

Mr. STERLING. Will the gentleman allow me to ask a

question?

Mr. STAFFORD. I will yield for one question.

Mr. STERLING. On Saturday I offered a table showing that the carriers would not be increased in salary for five years in certain offices and in other offices for ten years, and I under-stood the gentleman to say at that time I was wrong about it. I would ask the gentleman to point out wherein I was wrong.

Mr. STAFFORD. If the gentleman will look at the Record, I believe he will see I attracted his attention so far as clerks are concerned and only so far as clerks are concerned.

Mr. STERLING. My proposition applied to carriers. Mr. STAFFORD. I understood the gentleman, though I may have been in error, to have included in his statement not only carriers, but clerks, and I was inviting his attention as to whether or not he was in error so far as clerks were concerned.

Taking up the question of railway mail pay, everyone will admit that it is a very intricate subject, and that it requires a lifelong study by an expert before he is qualified to speak on the subject of the cost of railway transportation; but the mere abstruseness of the subject and a lack of acquaintance with details should not deter legislators in favoring a reduction of railway mail pay if certain undisputed facts warrant this reduction. The pay for the transportation of mails is based upon the law of 1873, which provides a sliding scale of pay according to the weight carried. That law was a reenactment of a practice of the Department which had been in force many years. I may say that up to the time of the enactment of the law of 1873 there had been no change in the pay for the carriage of mail from the time of the enactment of the law of 1845, which provided for the pay according to three grades of service, of \$50, \$100, and \$300 per mile yearly, regardless of weight carried. A couple of years thereafter the maximum was increased 25 per cent when night service was rendered, making the maximum \$375.

So the rates of pay as embodied in the law of 1873 was the reenactment of departmental regulations, except as to the last class. The only new feature in the law that differed from the prior practice was that it created a new basis of pay on all those roads carrying in excess of 5,000 pounds daily, where, for each additional 2,000 pounds carried they were to receive at the annual rate of \$25. This law was amended in 1876 by a horizontal reduction of 10 per cent, and again, in 1878, by a horizontal reduction of 5 per cent, and with those percentages of reduction the highest rate for the smallest amount of mail carried, which is 200 pounds or less on a daily average throughout the year, is \$42.75, which, I wish to call to the attention of the committee, is at the rate of \$427.50 per ton. The rate pro-vided by this law, subject to this percentage of reduction for the carriage of 5,000 pounds, is \$171, or at the rate of \$68.40 per ton. The difference in rate between that charged for the weight of 5,000 pounds and that of 200 pounds and under is 625 per cent less than the-

Mr. MADDEN. Will the gentleman permit a question-Mr. STAFFORD. In just one minute, when I finish this. Six hundred and twenty-five per cent less than the maximum

pay; and the rate of \$21.37 per ton above 5,000 pounds as compared with the maximum pay is 2,000 per cent less, or one-twentieth of the amount of the maximum pay of \$427.50. Now

Mr. MADDEN. I will ask the gentleman from Wisconsin how he justifies the action of the committee which reduces the compensation of the carriers getting \$600 and a right of promo-

tion to \$800, so that they now only get \$700?

Mr. STAFFORD. If the gentleman had been in the House when that subject was under discussion, the gentleman would have been informed, so far as I was able to inform him when a like query was propounded by the gentleman's colleague from I can not at this time, because I went over it once or twice, go over the subject again, as I wish to direct the attention of the committee now to the subject of railway mail pay. I must beg to be excused from further yielding on that subject.

Mr. MADDEN. Will not the gentleman permit a single question?

Mr. STAFFORD. On that subject I will have to decline to

yield, because I have gone over that already.

Mr. MADDEN. Will not the gentleman let me ask him one more question?

Mr. STAFFORD. I can not, if it is on that subject. Mr. Chairman, I will have to decline to yield.

Mr. SPERRY. Will the gentleman yield to a single question which he can answer "yes" or "no?"

Mr. STAFFORD. I have declined to yield for a question to the gentleman from Illinois [Mr. Madden], because it is something I have already covered. I will gladly yield to my colleague on the committee.

Mr. SPERRY. Does the law provide for an increase in the salary of assistant superintendents and chief clerks in the railway mail service?

Mr. STAFFORD. To which law does the gentleman refer? Mr. SPERRY. I should have said the bill which has been presented.

Mr. STAFFORD. The bill of course provides for the employees now engaged in the service, both as to chief clerks and assistant superintendents, but no increase of salary is made in those grades.

Mr. LITTLEFIELD rose.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. Stafford] yield to the gentleman from Maine [Mr. Little-FIELD ?

Mr. STAFFORD. I yield to the gentleman from Maine [Mr. LITTLEFIELD].

Mr. LITTLEFIELD. The bill for last year, as I remember it, provided for increases in the salaries of some of the railway mail clerks, and they failed to get their increases by reason of the fact that there was not sufficient appropriation for the increase. For instance, a clerk that was getting a thousand dollars, if the appropriation had been made, would have been receiving now \$1,100. Is there any provision made for those clerks and those promotions in this bill?

Mr. STAFFORD. If the gentleman had been present in the Chamber he would have heard me state that every clerk in the railway mail service receives an increase of salary of \$100 at the end of the fiscal year.

Mr. LITTLEFIELD. That does not answer this question. There were some railway mail clerks who were expected to receive a promotion under the last bill, the bill for the fiscal year 1907, and they did not receive it.

Mr. STAFFORD. I will answer the gentleman, although it is outside of the pertinency of my remarks, and say that the committee can not legislate to meet the expectations of every person in the service.

Mr. LITTLEFIELD. Now, that all may be true.

Mr. STAFFORD. I will have to decline to yield further, because it is apart from the subject-matter on which I am addressing the committee.

Mr. LITTLEFIELD. I beg the gentleman's pardon if it is not germane to his remarks.

Mr. STAFFORD. I am touching on the question of railway mail pay, and if the gentleman will excuse me, as my time is limited I wish to continue the address along that line.

Mr. LITTLEFIELD. I trust that some time some of the

gentlemen of the committee will give me the information.

Mr. STAFFORD. When the bill is under consideration under

the five-minute rule I will be glad to do so.

Coming again to the question of rates of pay at present in

force, I call attention to the following table, which I will print as a part of my remarks:

Pay per mile per annum.

Average weight of mails per day carried over whole length of route.	Rates al- lowable under act of Mar. 3, 1873.	of July 12,	Rates allowable to land- grant railroads, being 80 per cent of allow- ance to other railroads, un- der act of July 12, 1876.
200 pounds	\$50.00	\$42,75	\$34. 20
500 pounds	75.00	64.12	51.30
1,000 pounds	100.00	85.50	68.40
1,500 pounds	125.00	106.87	85.50
2,000 pounds	150.00	128.25	102.60
3,500 pounds	175.00	149.62	119.70
5,000 pounds		171.00 21.37	136.80 17.10

Mention should also be made that those railroads that have received land-grant aid which was conditioned upon their carrying the mail at such rates as Congress should determine receive but 80 per cent of the present rates.

The change suggested provides for a 5 per cent reduction of the pay on all those routes which carry an excess daily of 5,000 pounds up to 48,000 pounds, and on those routes in excess of 48,000 pounds, 10 per cent. The rate per ton above 5,000 pounds, as now provided in existing law, is \$21.37, which, with the 5 per cent reduction, amounts to \$20.30 per ton on those routes in excess of 5,000 pounds, and of \$19.24, or 10 per cent reduction, on those routes which carry an average daily weight in excess of 48,000 pounds.

These rates are pure tonnage charges that have no relation whatsoever to frequency or character of service. In fact, the basic charge for railway-mail carriage is that of tonnage rather than expedition, frequency of service, or space of cars utilized. However, to a small degree the railroads receive compensation based upon the space used for the carriage of the mail, which, indirectly, because it is used solely on the heavy lines, is a receive to frequency of service.

indirectly, because it is used solely on the heavy lines, is a payment for frequency of service.

This is the so-called "railway post-office service" which, in other words, are the traveling post-offices. These vary in size from 40 to 65 and 70 feet in length, and the pay is based entirely on mileage. No change in the rate of pay has been made since 1873, when allowance was first granted for this character of service. The rates of pay vary from \$25 per daily line per annum for a 40-foot car, \$30 per daily line for a 45-foot car, \$40 per daily line for a 50-foot car, and \$50 per daily line for a car being 55 feet.

A daily line of railway post-office cars in postal parlance means a route on which a car makes a round trip daily, so that the rate per mail per annum for the use and carriage of one of these cars is one-half of the rates just mentioned.

This extra compensation for traveling post-office cars is based on the space used and service rendered rather than upon the tonnage carried. From 1864, when this service was first introduced at the request of the Post-Office Department, down to 1873 no extra pay was made for this service. It appears from the debates at the time of the enactment of this legislation that the few railroads which were carrying the great bulk of the mail were protesting that the maximum limit of pay of \$375 per mile per annum was not adequate and did not compensate them for the added service in transporting the additional and increasing weight, because other roads carrying an amount much less in weight received the same maximum pay.

When this provision for extra compensation for railroad postoffice service was enacted the existing contracts with the railroad companies contained a provision whereby they were obligated to provide full cars or parts of cars on call of the Post-Office Department. This method of payment for this service was never debated in the House. It had its birth and origin in the Senate by amendment to the annual post-office appropriation bill, and was agreed to in committee of conference and passed the House without any debate or explanation.

Ever since I have been in Congress I could not understand the incongruity of rates provided by the law between that of \$25 for a 40-foot car and of \$50 for a 55-foot car, a 100 per cent increase of pay for about 50 per cent increase of space. I have sought in the Post-Office Committee in prior Congresses to remedy this incongruity; and if the recommendation of the

Post-Office Committee prevails, the rate will be based proportionately to space, using the \$25 rate as the lowest amount, which remains unchanged for the 40-foot car, and providing \$27.50 for the 45-foot instead of \$30, and \$32.50 instead of \$40 for the 50-foot, and \$40 instead of \$50 for the 55-foot car and above. You will notice—

Mr. HILL of Connecticut. Is that included in the proposition ,

which was agreed to yesterday?

Mr. STAFFORD. That was included in the proposition that

was agreed to yesterday.

The reduction of the rate from that now paid for the largersized car, which is 55 feet and over, and which is in general use
in the Railway Mail Service, the committee will see is 20
per cent. The estimate of the Department on the proposed
reductions of pay for this railway post-office service is
\$993,000, which, according to my calculation, is 1.8 per cent of
the total amount estimated for railway mail pay for the next

fiscal year.

But the question before the House is whether the recommendation for reduction of railway mail pay is proper and fair in view of the service rendered. All acknowledge that with density of traffic, whether freight or passenger, there come economies in the service which diminish the cost of transportation proportionately greater than the increase in the volume of traffic. This feature is present and should be controlling in determining the proper rate for railway mail pay. Because the density in volume of railway mail has increased tremendously during the past thirty years and there has been no corresponding reduction in the rate of pay on those routes which have this dense traffic is the reason, and the justification if need be, for the reduction of pay on those routes which carry a daily average in excess of 5,000 pounds.

If you take the weights now carried on the respective routes and compare them with those when the last reduction in mail pay was made, in 1878, you will find that the weights have increased many fold. The heaviest route thirty years ago carried an average daily weight of 39,000 pounds, while at present the heaviest route is more than 450,000 pounds. Those who believe that there should be no reduction in rates advance the argument that notwithstanding there has been no diminution in the rate charged, there has been a decrease of 16 per cent in the average rate per ton per mile as computed upon the gross tonnage carried at the present aggregate pay for railway mail carriage. But I will remind gentlemen that that decrease has been brought about by the lowering rate of pay on those roads carrying in excess of 5,000 pounds, because, as the House will see, the rate is \$21.37 for every additional 2,000 pounds above that weight. The reason for that lowering proportionate rate on the gross tons carried has been the lower rate—the lower average rate-paid to those roads carrying in excess of 5,000 pounds where the additional weight has been very large.

It is generally agreed by railway traffic authorities that with the density of tonnage either in freight, passenger, or express there comes a corresponding economy in the service which permits of a reduction in rates by reason of the increasing economies, and this decreasing proportionate cost of service with increasing volume is present in the carriage of the mail by railroads. There is a greater return to the railway companies from passenger traffic when the seating capacity of the coaches is three-fourths filled than when only one-fourth, and so where a train carries four coaches full of passengers as compared with one car full.

The cost of conducting and transportation is about the same per train load whether the passenger train consists of one or such a number of additional cars that the motor power of the engine is capable of banking

engine is capable of hauling.

But there is another question that impresses itself in this connection, and that is whether the mail is an incident to or coequal with the passenger service. I contend that it is but an incident, just like and in the same category with the sleeping-car service, and that the rate should be based on that proportionate charge that accrues by reason of the additional service, and by adding its share of the charges for maintenance, and a reasonable allowance for profit. That was the view taken by so eminent a Member as the present Speaker of this House when this matter was under consideration in the House more than thirty years ago, when, on May 4, 1876, he used this language.

The true rule is, I apprehend, that the Post-Office Department should only be charged for mail service for the additional cost incurred on its own account, and that the cost of the other services should be estimated as if the postal car was not transported.

This view point as the proper basis on which to estimate the railway mail pay is that followed by the railroads in determining the proper charge for sleeping-car service and the passenger

rate for commutation service. The latter rate on some trunk lines for suburban service is 6 mills per mile, but this rate, if applied to all passenger service, would be far from compensatory. The commutation rate is justified because this traffic is regular and frequent, and its density is far greater than with the ordinary passenger service, where the average number of passengers to the coach are fewer and varying.

But the mail has a distinctive characteristic that is not present in so marked a degree with other classes of traffic, in that it is certain, continuous, and regular. This unvarying quality affords economies in handling and transportation which increases over the other traffics as it predominates.

Considering these elemental facts of the manifold increase in weight and the corresponding increase in density of mail traffic, with the resulting economies to the railroads in carrying this increased traffic, and its peculiar nature, the reduction of railway mail pay will be confirmed on investigation as fair and

But consider for a moment the figures of the railroads, that it costs 10 to 12 cents for the carriage of one of these traveling post-offices 1 mile. Let us see what the pay will be as based

upon the cut rates.

Under the maximum pay of \$40 for a 55-foot railway post-office and over, the rate per mile run for the carriage of the car is 5.47 cents. It is estimated by the Department officials that 2½ tons of mail is the average carried in one of these traveling post-The lowest rate paid for a ton of mail, based on the proposed 10 per cent reduction, is 6.2 cents per mile, and for 21/2 tons at that rate it will amount to 15.6 cents for the average load. Add to this the 5.47 cents for the use of the railway postoffice and that will bring it up to 21 cents, or more than 9 cents above the cost of carriage as estimated by the railroads.

When the mail is carried in a storage car the weight is much more than 2½ tons, and it reaches 10, 12, and sometimes 20 tons and over. At 20 tons, which would be the average weight of mail in the storage cars on some of the heavy mail trains, the railroads would receive, at the lowest compensation of 6.2 cents per ton per mile, \$1.24. No railway man will contend that these amounts do not yield a supplemental return to their passenger-train earnings above the cost of conducting and transportation. The railroads may claim that the price for this service should be made as if mail carriage was an independent service like freight and passenger. I contend that the mail service, except on exclusive mail trains, is but an adjunct to the passenger service and should be so regarded in arriving at the proper charge. When you consider the vast increase in the volume of mail in the last thirty years and that passenger rates in those sections of the country where the traffic is dense are being reduced and acquiesced in by the railroads, gentlemen will see that the proposed reduction can in no wise be considered as confiscatory, but as giving a fair return to the railroads and at the same time safeguarding the interests of the public.

It is estimated that the proposed reduction in the gross tonnage pay of 5 and 10 per cent, heretofore adverted to, will result in a cut of some \$3,000,000, reducing the estimate of \$47,660,000 to \$44,660,000, and that the cut in the pay for the service on the railway mail post-offices is \$993,000, resulting in a total reduction of nearly \$4,000,000, or 7.4 per cent of the total

amount for railway-mail pay.

Mr. HILL of Connecticut. In this whole matter is any allow-

ance whatever made for frequency of service?

Mr. STAFFORD. No allowance whatever is made for frequency of service. That has never been considered as an element of charge, the basis of pay being on the tonnage idea, and the only allowance for frequency of service is incidental on those heavy lines which have full railway post-office service, where the rallroads receive an additional allowance for every mile traveled by those cars. The more frequent the service on routes having such cars the added return is for the use of the car, irrespective of and additional to the weight carried.

Mr. HILL of Connecticut. They get an allowance in the pay

for railway postal cars?

Mr. STAFFORD. Yes; but in many instances there is frequent service where the mail is carried in so-called "apartment cars," for which the railroads receive no additional compensa-

tion to the weight allowance.

It has been suggested that space used in the carriage of the mail would be a better determiner of mail pay than tonnage. This is a large question, which I will not enter upon at present, as the hour to consider the bill by paragraphs is almost arrived, but I will say, in response to the query of my friend from Connecticut, that if space was the determiner, compensa-tion for frequency of service would accordingly follow, as the space occupied would depend upon and correspond with fre-

quency of train service. Under the space basis the railroads would receive compensation for the apartment-car service, for which, other than the tonnage pay, they receive no additional allowance.

If anything is certain in this mooted question of whether the railroads have been receiving too much for the carriage of the mails, it is that the excess charge has been on the heavy lines. To cut down the rate of pay on these large routes is the purpose of the proposed amendments.

Thirty years have passed since any reduction was made; the changed conditions fully justify the proposed cut. With reduced freight rates and reducing passenger rates, the House may safely, without danger of impairing the service, reduce the mail pay, with the belief that the proposed rates will be ade-

quate for the service rendered. [Applause.]
Mr. OVERSTREET of Indiana. Mr. Chairman, I ask for the reading of the bill under the five-minute rule.

The CHAIRMAN. The Clerk will report the bill. The Clerk (proceeding with the reading of the bill) read as follows:

OFFICE OF THE POSTMASTER-GENERAL.

For advertising, \$5,000.

Mr. GOEBEL. Mr. Chairman, I desire to offer at this time and to have pending the amendment which I send to the Clerk's I do that in order that the House may have notice that I intend to insist upon the amendment at the proper time.

The CHAIRMAN. The gentleman from Ohio [Mr. Goebel] sends to the desk to have read for the information of the committee an amendment, and asks unanimous consent that it may

be considered as pending.

Mr. OVERSTREET of Indiana. Mr. Chairman, before I hear
the amendment read, and therefore before I can be influenced by knowing what it is, I wish to object and insist that amendments be offered at their proper places in the bill.

The CHAIRMAN. Objection is made.

Mr. GOEBEL. Mr. Chairman, I move to strike out the last word, and let the Clerk read the amendment in my time.

The CHAIRMAN. The gentleman moves to strike out the last word, and the amendment will be read in the gentleman's time for the information of the committee.

The Clerk read as follows:

On page 5, line 17, after the word "dollars," insert the following:
"Provided further, That in addition to the foregoing allowance there shall be allowed and paid to each employee in the respective grades a sum which, together with the allowance herein provided, would equal 20 per cent upon the salary now fixed by law.

Mr. MURPHY. Mr. Chairman, I move to strike out, in line 8, page 1, the words "five thousand" and insert the words "three thousand five hundred."

The CHAIRMAN The continues from Missers of the salary of the salary from Missers of the salary of the salary

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

. In line 8 strike out "five thousand" and insert the words "three thousand five hundred."  $\ensuremath{\text{Theorem No.}}$ 

Mr. MURPHY. Mr. Chairman, I do not know for what purpose this money is used, but I do know it is going the rounds of the newspapers that this is to be a billion-dollar Congress and I do know that it has not been necessary heretofore to appropriate more than \$3,500 for advertising for the Postmaster-General. In this connection I want to call the attention of the House to the fact, and that is one reason why I offered the amendment, that while we have the most elaborate printing office, the largest printing office in the world, we find it neces sary to send out the Postal Guide to be printed under contract by J. B. Lyon Company, of Albany, N. Y. I do not know what it costs, but I do know that it could be set on a linotype in the Government Printing Office and remain there; in two or three days the necessary changes could be made and it could be

printed each year in our own shop, with little expense.

Therefore, Mr. Chairman, \$3,500 the amount that has heretofore been appropriated for the Postmaster-General ought to be

sufficient.

Mr. OVERSTREET of Indiana. Mr. Chairman, if the gentleman from Missouri had any information at all with reference to this item he would not have imposed upon the House for the time it has required to make his statement. This item is not the item from which the expenditure for the publication of the Postal Guide is taken, and therefore that shot of the gentleman went wide of the mark. Nor is he, apparently, familiar with the fact that the postal service grows from year to year. It does not stand still like some enterprises, and there is required each year some additional appropriation to cover the additional ex-

penditure made necessary by that growth.

This particular item covers \$884 for ocean mail service; \$861 for supplies for the Post-Office Department and postal service; \$417 for letter boxes, fasteners, and posts; \$260 for improve-

ments in patented devices for use in moving trains; \$204 for facing slips; \$152 for postal cards, and various other items covering the necessary publication of notice for various contracts that must be advertised for under the law. You can curtail this item, but if you do it does not admit of proper advertisement which Congress usually exacts in the dissemination of information in order to secure the widest possible competition. I hope the amendment will be disagreed to.

The question was taken; and the amendment was lost.

The Clerk read as follows:

Salaries of post-office inspectors: For salaries of 15 inspectors in charge of divisions, at \$3,000 each; 10 inspectors, at \$2,400 each; 15 inspectors, at \$2,250 each; 15 inspectors, at \$2,000 each; 10 inspectors, at \$1,800 each; 130 inspectors, at \$1,600 each; 110 inspectors, at \$1,400 each; and 72 inspectors, at \$1,200 each; in all, \$599,150.

Mr. CRUMPACKER. Mr. Chairman, I will take advantage of the opportunity afforded by the debate upon this bill to submit some additional remarks upon the bill providing for a judicial review of fraud orders issued by the Postmaster-General, which passed the House some weeks ago. There seems to be some misunderstanding respecting the scope and purpose of that bill, based, as far as I am able to learn, upon a careless or willful misrepresentation of its provisions by individuals who seem to have little regard for the truth. It has come to be quite the fashion when any legislation is proposed that curtails or modifies power that is being exercised by a bureau officer in one of the Departments, however wise and just the measure may be, for some dilettante reformer who is long on theory and short on practical wisdom, and who has no faith in the common people nor respect for the integrity of the courts, to open up a tirade against the measure and to asperse the Representative who may

propose it and all those who give it support.

have observed, also, that some of the chiefs of bureaus in the Departments stubbornly resist every attempt to reduce or modify the power they exercise or to reduce in any measure the appropriations for the administration of their bureaus. It is not always a question of patriotism or public good with them, but often a question of personal and official aggrandizement. Some bureau chiefs have gone so far in their opposition to just and prudent measures as to inspire unjust attacks upon Members advocating them and to recklessly, at least, misrepresent their purpose and effect. These officers seem to have no difficulty in securing means of communicating their opposition to the public. There are individuals engaged in newspaper and magazine work who are willing to believe anything that may be told them by a bureau chief in disparagement of the ability and integrity of a representative of the people, and without inquiry or investigation they send out broadcast over the country gross misstatements concerning the provisions and purposes of proposed legislation. Those individuals seem to be imbued with the idea that this is a government of the bureaus, by the bureaus, and for the bureaus, and that any proposition, however wise or salutary, that in any degree minimizes the dignity or power of a bureau chief must of necessity be against the public good. It is human nature for one who is in the enjoyment of autocratic authority to resist every attempt made to limit or modify the exercise of that authority.

The House has a most salutary rule that prohibits legislation upon general appropriation bills. The object of the rule is to prevent "riders" from being attached to appropriation bills and to secure the consideration of each measure independently

upon its own merits.

Recently a newspaper correspondent, prompted by personal enmity or a general malicious instinct, assailed a Member of the House for making a point of order against an item of legislation that was contained in a general appropriation bill in violation of the rules of the House. The fact that the point of order was sustained and the action of the Member upheld by the presiding He wanted a officer made no difference to the correspondent. Intelligent and fair criticism of proposed legislation is of great good, but unjust and dishonest criticism is destructive of confidence in public men and even in government, and it does incalculable harm. Members of Congress must always be free to propose and support measures they honestly believe to be for the public good, and no Department officer should, under any circumstances, feel justified in misrepresenting measures or in imputing bad faith to Representatives who propose or support them.

THE FRAUD-ORDER LAW AND ITS ADMINISTRATION.

The criticism of the bill for a judicial review of fraud orders has been chiefly a misrepresentation and perversion of its provisions. Under the existing law the Postmaster-General may issue a fraud order against any person whom he believes is using the mails for criminal or fraudulent purposes, and the law provides for no notice to the person to be effected and no opportunity for him to appear and defend himself. A fraud order is an

order issued by the Assistant Attorney-General of the Post-Office Department, in the name of the Postmaster-General, to the postmaster where the accused receives his mail, directing him to pay no money orders to the accused and to deliver no mail to him, but to stamp all mail that comes to him with the word "fraudulent" and return it to the writer where the envelope bears a return card; otherwise to forward it immediately to the Post-Office Department, to be disposed of through the deadletter office. The order covers all mail, business or social, without discrimination. In many and perhaps in most instances, as a matter of favor, the Department notifies the person to be effected by a fraud order and gives him an opportunity to appear and show cause, if he can, why the order should not be issued. The hearing is voluntary, and is conducted by the Assistant Attorney-General, who is bound by no rules and follows no fixed course of procedure. In some cases no notice is given at all. The law does not require it, and the Assistant Attorney-General decides when notice shall be given and when not. In numerous instances fraud orders have been issued upon the mere confidential report of a post-office inspector, without any notice whatever to the person affected or any opportunity to disprove the charges against him.

CHARACTER OF EVIDENCE UPON WHICH FRAUD ORDERS ARE ISSUED.

Now, I want to say a few words in regard to the evidence upon which the Assistant Attorney-General acts in issuing fraud orders. I stated a moment ago that his action was based, in the main, upon confidential reports which were the result of secret investigations by post-office inspectors. They constitute the bulk of the evidence. The Assistant Attorney-General for the Department is himself first convinced, and then he notifies the person affected by the proposed action to appear and show cause, without allowing him to see the report or know what it contains. He is at once the prosecuting attorney, judge, and executioner, and the privilege of appearing before that officer, who has already made up his mind, to refute evidence that he can know nothing about is one without any practical value.

The Supreme Court has held that the fraud-order power may be conferred upon the Postmaster-General because the right to the mail is a privilege and not a vested right and that the proceeding is not criminal in its character. While this may be the correct constitutional theory, yet the party against whom a fraud order is issued is branded as a criminal and stigmatized as a perpetrator of fraud. It makes him an outlaw as far as one of the most important branches of the Government is concerned. The issuance of such an order covers all his mail and deprives him of the right to communicate with his friends, his wife, or his mother, or to receive any communication from them by

means of the mails.

All of this is done upon confidential reports, the result of secret investigations based upon ex parte statements of persons whose motives can not be known, who may be responsible or who may be irresponsible, who may not be competent witnesses, and who are not sworn and do not carry the responsibilities of Their names and identity are not disclosed, ordinary witnesses. and their evidence does not contain one single safeguard against fraud or one single test of credibility. Such evidence would not be received in the humblest magistrate's court of the country in a case involving the investigation of the most inconsequential right of person or property.

The confidential nature of the reports and the statements they contain, including the names of persons giving information, is such that they are never made public or disclosed to the parties vitally affected by them. About a year ago this House adopted a resolution requesting the Postmaster-General to furnish it with the facts upon which a certain fraud order was issued and copies of the inspector's reports in the case, and that officer politely and respectfully returned the resolution to the House with the statement that it would not be compatible with the public interest to comply with the request.

The investigation and decision of fraud-order cases under the practice in the Department is necessarily made by the Assistant Attorney-General. During the two years ending June 30 last, 660 fraud orders were issued and a number of cases investigated where the accused agreed to modify his advertising matter so that it would conform to the ideas of propriety of the Assistant Attorney-General, thereby obviating the issuing of an order excluding him from the mails. Over one case a day had to be examined and decided, and it would be out of the question for the Postmaster-General to give his personal atten-tion to the examination and decision of these cases and attend to the other arduous and multitudinous duties of his office. The Assistant Attorney-General devotes the bulk of his time to the fraud-order business. He refers complaints to post-office inspectors, examines reports, decides questions of law and fact, hears matter in defense, and practically has the decision

of the ultimate question as to whether a fraud order shall be issued or not, although the work is done in the name of the Postmaster-General. It is a matter of common experience that men who represent the Government in hunting down and ferreting out fraud and in conducting prosecutions become imbued with an official prejudice to such an extent as to unfit them to deal justly between their own client and paymaster and one whose interests may be adverse. I do not say this in disparagement of this class of officials, for a man who has the zeal and enthusiasm necessary to make a success of the work in which he is engaged, unless he be exceptionally even tempered and well poised, is most apt to become inoculated with that official bias that will prevent his dealing justly with those whose interests he may have in charge.

THE ASSISTANT ATTORNEY-GENERAL IS PROSECUTOR, JUDGE, AND EXECUTIONER.

The Assistant Attorney-General is a detective, in a large sense, to hunt down frauds, and is the prosecutor to convict the perpetrators, and in the fraud-order practice he is the judge and jury to pass upon their guilt or innocence. In view of the vital questions that are involved directly and impliedly in the fraudorder practice, it is a most unsafe thing to intrust an officer of this kind with such unlimited power. This Government is said to be a Government of law and not of men. The personal and property rights of citizens should not be vitally affected by any department of government, excepting in pursuance of law. the execution of the fraud-order law much may depend upon the temperament and the ideals of the Assistant Attorney-General. One person occupying that position may have peculiarly high notions of business ethics and little or no patience with those who do not deal absolutely fairly with their fellows. On the other hand, another may have lax ideas respecting these matters and much sympathy for wrongdoers. Under a practice where the result must of necessity be largely colored by the temperament and sentiment of a departmental official, the vital concerns of the citizens ought not to be reposed without the right to appeal to the courts.

I desire to impress upon the House, in addition, the dangerous character of the method of presenting proof on the part of the Government in fraud-order cases. The same zeal that I have referred to in connection with the Assistant Attorney-General characterizes the action of post-office inspectors. There seems to be a belief or feeling on the part of these functionaries that unless they are able to discover official irregularities or individual delinquencies in connection with the mails their records as efficient officers will suffer. Their investigations are made secretly and contain, largely, interviews with citizens in various communities which are always private, and the names of the citizens who give information are to be kept inviolate.

How many men, prompted by feelings of envy or jealousy against a business rival, with the understanding that their names will not be disclosed under any circumstances, will be prompted to give information that may be largely colored by their feelings or interests—information that as citizens, carrying the responsibilities of a witness in public, they would under no circumstances feel at liberty to give. Such testimony is a positive menace to the safety of person, reputation, and property under any system of administration. It is contrary to the commonest notions of justice and fair dealing. Due process of law, as is commonly understood in our system of Government, means that process of law that is administered in the open, where the accused party may have a right to confront his accusers; where those who give testimony on either side must carry the solemn responsibilities of their conduct before the public.

ALL EVIDENCE SHOULD BE OPEN TO INSPECTION.

I have no sympathy with or respect for the policy that affects the important rights of person, reputation, or property by means of confidential reports of secret emissaries of the law. Reports containing evidence respecting the rights of the citizen should always be made public. No consideration of delicacy or embarrassment should justify the Government in blasting the reputation and ruining the business of a citizen without giving him an opportunity to know exactly who has testified against him and to what he has testified. The reports of inspectors under any practice should be open to the person who may be affected by the fraud order. He should be allowed to know who have given information or testified against him, and citizens who are interviewed should understand that their names and statements would be open to inspection by the person against whom they testify or give information. This would have a most wholesome and salutary influence. Men would see that the statements that were written up by the post-office inspectors and credited to them were fair and just and absolutely true. There should be no

inducement or opportunity for men to attempt to stab the business or reputation of rivals in the dark.

Even under the present law the investigation of fraud-order questions should be conducted in as open a manner as possible. Star-chamber procedure has no place in the administration of rights in this Government. It is contrary to the spirit of the age. The whole fraud-order practice in the Post-Office Department, however honest and pure the intentions and purposes of its administrators may be, is out of harmony with the principles of individual liberty. It is claimed, I know, that if reports were made public and the names of men who give information were disclosed, it would be difficult, if not impossible, for post-office inspectors to secure necessary information in this class of cases. I make the assertion that a citizen who will not give testimony except upon condition that his name be withheld from the public, and particularly from the individual against whom he testifies, as a rule is not worthy of credence. His testimony is to be suspected and should not be regarded as sufficient to deprive any person of any substantial right.

CRIMINAL LAWS BEST DETERRENT OF CRIME.

The Federal criminal code imposes penalties for almost every act that would justify the issuing of a fraud order. If post-office inspectors in investigating crimes and frauds would investigate them with a view of detecting the perpetrators, and their reports be immediately transmitted to the Department of Justice, where instructions could be sent to arrest the criminals, it would do more than anything else could do to stop the practice of debauching the mails. The Postmaster-General in his recent report claims that under the fraud-order practice lotteries and other criminal concerns have almost been driven out of existence. In my humble judgment, if there were no penalty excepting that of a fraud order, the country would be overrun with lotteries, "green-goods" institutions, and other criminal concerns to-day. The criminal courts have suppressed lotteries and "green-goods" dispensers. They have been the efficient power in purifying the mails and protecting them against the schemes and devices of evil doers.

The only deterrent effect of a fraud order is to take from the swindler a portion of the proceeds of his wrongful practices. It takes some time to discover the fact that a person is prostituting the mails, and he may swindle the public out of thousands of dollars before he is discovered. All that he so receives is clear gain. A fraud order prevents him from receiving any additional fruits of his crime. He may go to another place and assume another name and continue his dishonest scheme until he is again discovered. A law that would simply compel a horse thief to return stolen horses he might have in his possession to the rightful owner and then go on his way, would be very poor protection against horse stealing. Yet this is the theory and effect of the fraud-order law. The penitentiary is what deters and terrorizes criminals. Fraud orders protect some people from imposition and crime, but they have little or no terrors for the criminal.

In making these criticisms of the fraud-order practice, it is not my intention to reflect in any degree upon the Postmaster-General, the Assistant Attorney-General for the Post-Office Department, or any other official. The result is the necessary and logical outcome of the arbitrary system of investigation authorized by the statutes. It is not the fault of the officers

authorized by the statutes. It is not the fault of the officers personally, but the fault of the system, and it is the system that I am complaining about and which I believe ought to be mate-

rially modified.

A number of years ago it was the practice in the administration of the pension laws to have special agents make secret examinations of pension claims, with a view of detecting frauds, and thousands of veterans of the civil war were dropped from the pension rolls upon confidential reports without notice, without having been given an opportunity to present their defense, and the sense of justice of the entire country was so aroused that Congress quickly passed a law providing that in all investigations of pension claims by special examiners the applicant should have notice before a single witness was examined and allowed to be present and cross-examine the witnesses and have an opportunity to submit testimony in his own behalf, and that he should at all times have access to the reports of the special examiners. Under the law now, a veteran who is drawing a pension of only \$6 a month can not be deprived of that token of his country's gratitude upon confidential reports of special agents. He can not be deprived of it except by notice, with an opportunity to confront the witnesses who testify against him and with an opportunity to submit evidence on his own part, and the whole proceeding must be conducted publicly and in the open, while under the fraud-order practice the reputation of an individual may be blasted, his business destroyed, he may be

branded as a perpetrator of crime and a common outlaw on confidential reports of secret emissaries, without the privilege of knowing what is contained in the reports or who has given information against him or what the character of that information may be.

The principle would be the same if a grand jury, with its secrecy and its confidences, should hear evidence and indict a citizen for a crime, and then he should be arraigned before the same grand jury to plead to the merits of the case, and the jury should notify him by the indictment of the general nature of the charge, and say to him:

The evidence on behalf of the State has already been introduced. It is confidential and secret, and will not be disclosed to you. You have the high privilege of proving yourself innocent if you are able to do it.

In fact the situation is worse, because witnesses before a grand jury testify under the sanction of an oath and are liable to prosecution for perjury. In some instances they may be liable in the civil courts for damages for malicious prosecution. Yet a witness who is interviewed by a post-office inspector regarding the character and conduct of a citizen or his business carries with him absolutely no kind of responsibility in the criminal courts for perjury and no kind of responsibility for malicious prosecution, slander, defamation of character, or anything of that sort.

FRAUD ORDERS NOT OPEN TO REVIEW BY COURTS.

Fraud orders are not subject to review in the courts in so far as questions of fact are involved. That is to say, no court can determine in any proceeding whether the facts charged against the accused are true or false; whether the evidence against him is credible or otherwise; whether it carries conviction or The courts do have power to review questions of lawthat is, questions respecting the jurisdiction of the Postmaster-General to act at all in the particular case. The courts may inquire into facts so far as it is necessary to determine whether the particular transaction or business on which the fraud order is based comes within the statute and therefore within the jurisdiction of the Postmaster-General. If the court finds that the case comes within the jurisdiction of the Postmaster-General, that is the end of it, regardless of whether the questions of fact were decided right or wrong, and upon that question the ac-

cused is utterly helpless. He is wholly without a remedy.

It is asserted that courts already have the right to review the facts as well as the law in fraud-order decisions, but that assertion is made by no one familiar with the law. It has been repeatedly decided by the courts that where Congress vests a discretionary power in a Department officer the exercise of that power can not be controlled, modified, or reviewed by the courts unless the law expressly authorizes it. There is not a decision of any Federal court to the contrary. The reports of the courts There is not a decision abound in decisions uniformly denying the right to investigate questions of fact involved in the decision of a question reposed in an administrative or executive officer. In the case of Bates & Guild Co. v. Payne (194 U. S., 106), in deciding a question exactly identical in principle with the fraud-order power, the

court said:

When the decision of questions of fact is committed by Congress to the judgment and discretion of the head of a Department his decision thereon is conclusive.

In a case decided by the United States circuit court for the State of Missouri in July, 1905, involving the power of the court to review questions of fact in fraud-order cases, the court reviewed all of the decisions upon the subject and held that the courts had no such authority. It was said in the course of the

opinion:

The proposition conceded by all, that if the Postmaster-General committed an error of law this court should enjoin the enforcement of the fraud order, is made the basis of an attack thereon by complainant's counsel. It is urged that if the evidence on which the fraud order was issued was meager or lacking, then the Postmaster-General committed an error of law. There is no authority to sustain the contention in any of the reported cases. To sustain such a contention would be equivalent to a writ of error from this court to review the decisions of that officer on the ground that his findings are not supported by the evidence. But he did have evidence before him. That evidence may or may not have been legal evidence according to the standard of the text-books. It may have been hearsay; it may have been secondary; it may have been delivered by an incompetent witness; or it may have been such as the courts would receive. But whatever it was, it was evidence satisfactory to him. evidence satisfactory to him.

The Postmaster-General had, under the power with which he is clothed, the right to investigate the subject-matter. It was his right and duty to ascertain whether the methods of the bank were to further a scheme by the use of the mails to obtain money by fraudulent means. His findings of fact were that such practices were carried on. He had the power to act. He committed no error of law, and his findings of fact are not open to inquiry by the courts.

In that case a fraud order had been issued by the Postmaster-General, and the party against whom it was issued brought suit to have it enjoined, and insisted upon the right to introduce evidence to prove his innocence of the charges made against him,

but the court held that the Department had jurisdiction of the subject-matter and that the court could not hear evidence as to whether the charges were true or false, and the suit was dis-While the fraud-order statute confers a very broad power upon the Postmaster-General, I have no disposition to curtail that power in any way that would prevent the Post-master-General from using it for the protection of the people against fraud and imposition through the mails. The mails are peculiarly adapted to fraudulent uses, and for that reason I believe it is entirely proper to vest in the Postmaster-General a summary power to prevent the use of the mails by evil doers for improper purposes, but I also believe that a citizen whose right to the mails has been denied upon charges that destroy his reputation and ruin his business should be allowed to prove his innocence of the charges made against him in a court where justice is administered according to established procedure if he is able to do so. No question affecting the right of property or person can be determined, however inconsequential it may be, without a trial in a court under sanction of law. object of the pending bill is to secure to the Department the right to protect the public against the prostitution of the mails by swindlers and criminals, and at the same time secure to those who honestly believe their rights have been unjustly denied them the privilege of going into court and having the law and facts investigated and their guilt or innocence determined by. legal evidence according to established procedure. Public opinion condemns lynching, not so much because the victim does not deserve death, but because of the universal instinct that every citizen is entitled to his day in court, be he guilty or innocent.

## EXPANSION OF FRAUD-ORDER POWERS.

If the fraud-order law were now administered according to its original purpose and intention, I would be the last man to raise my voice against it, arbitrary and despotic though it seems. I have no use for criminals and swindlers who seek to debauch the mails for unlawful purposes, but where men who honestly believe they are innocent of violations of law are denied the right of the mails and branded with infamy I believe they should be accorded the privilege of going into court and proving

their innocence if they can.

The fraud-order law was originally intended to enable the Postmaster-General to withhold mails from the promoters of lotteries, "green-goods" institutions, get-rich-quick concerns, and fly-by-night affairs that were essentially and palpably fraudulent and criminal. It was not intended that it should interfere with old established business institutions that could be reached through the civil and criminal courts, but during the last two or three years a surveillance has been instituted over old establishments using the mails in a mail-order business, and numerous concerns of that kind have been brought before the Assistant Attorney-General and subjected to all manner of embarrassment and humiliation, and in some instances fraud orders have been issued against them and their business and reputations forever It is the ambitious policy of the Assistant Attorney-General for the Department in the fraud-order line during the last few years that has subjected this salutary power to the criticism that it is receiving all over the country at this time.

## HAS THE FRAUD-ORDER POWER BEEN ABUSED?

But we are told that no abuses have arisen under the fraudorder law, and therefore there is no need of legislation modifying it. It, in the first place, vests a tremendous discretion in the Post-Office Department, a discretion that is greatly liable to be abused. It affords a dangerous opportunity for fraud and corruption. It has only been three or four years since the law officer of that Department was indicted for corruptly receiving money for withholding fraud orders against guilty persons.

But who knows how often the power has been abused? know that in a number of cases during the last six years fraud orders were issued by the Department, and in a few weeks thereafter they were rescinded because they were wrongfully issued in the first instance. I have in mind one case where an order was issued upon the report of a post-office inspector, and, after it had done its deadly work and ruined a legitimate business and blackened the reputation of those conducting it, the Assistant Attorney-General reexamined the case and decided that there had never been any just ground for issuing the order, and he revoked it. This was several years ago. In his letter to the attorney of the victim informing him of the revocation of the order the Assistant Attorney-General said:

I have carefully examined the evidence adduced by your client, and I am fully satisfied that the "fraud" order, dated the 30th day of August last, against the Security Building Loan Mortgage Company and its officers was improvidently issued. I can not find from the evidence that that company or its officers, or any of them, have been engaged in a scheme to defraud the public or to obtain money by false pretenses, and hence the order has been revoked.

It was some consolation that the order was finally revoked, but that was a very inadequate reparation for such a grievous wrong. That letter is on the official files in the Department. Who knows how many other cases of that kind there may be?

I also know of a number of old and substantial institutions, institutions that are financially responsible, that have been brought to Washington on a fraud-order notice, compelled to employ attorneys, and subjected to much trouble and expense in order to prevent fraud orders from being issued against them. Others of that character have been compelled to submit to the humiliation of having the Assistant Attorney-General edit their advertising matter for them and make it conform to his notion of advertising ethics. I know that according to well-recognized principles of justice, wherever a substantial right of a citizen is taken from him without an opportunity to be heard, whether he he guilty or innegent a wrong has been committed.

he be guilty or innocent, a wrong has been committed.

There was one case decided by the Supreme Court of the United States where a fraud order issued by the Post-Office Department was held to have been wrongfully issued. That was the case of the American School of Magnetic Healing v. McAnnulty (187 U. S., 94). The plaintiff in that case was engaged in the treatment of diseases by mental action. The Postmaster-General decided that any person or association that advertised the treatment of human diseases by mental action was a perpetrator of a fraud, and therefore issued a fraud order against that company. The company commenced suit to enjoin the order, and the case went to the Supreme Court of the United States, where the court held the fraud order was unlawfully issued, that the business of the company was not covered by the fraud-order statute. The opinion is a severe rebuke to the Department.

It is said that in upward of thirty cases where individuals against whom fraud orders have been issued sought relief in the courts the decision of the Department has been upheld. But what does that signify? In almost every case the court decided that it had no authority to determine whether the charges were true or false. None of those cases were decided upon its merits. In every case the court refused to investigate the facts, except to ascertain whether the Postmaster-General had jurisdiction. How many of those cases would have been decided otherwise if the law had authorized the courts to investigate their merits and decide whether the accused was really guilty or innocent? It is of no benefit to go into court and be told that the court is powerless to investigate and decide the case upon its merits.

THE PROPOSED MEASURE CARRIES NO COMFORT TO SWINDLERS. In view of this record and the grave danger of the abuse of such an arbitrary power as that contained in the fraud-order statute, is there a fair-minded man in all this country who would oppose a law that would leave with the Postmaster-General sufficient authority to amply protect the mails against criminals and swindlers and at the same time give to those against whom fraud orders are issued, who honestly believe they are innocent of offense against the laws, an opportunity to go into court and prove their innocence? That is exactly the question at issue. The proposed measure does not make fraud easy, as some of its critics have declared, but it makes wrong and injustice difficult, if not impossible. No man is infallible. Even the Assistant Attorney-General for the Post-Office Department, who investigates and decides more than one case a day, may make a mistake occasionally.

The proposed legislation provides that when the Postmaster-General decides to issue a fraud order he shall make a record of it and cause a copy of the order to be served upon the person to be affected by it, and the order shall not be final until fifteen days after service or a return of "not found," but the moment the order is decided upon the Postmaster-General may stop the payment of postal money orders and the delivery of mail to the accused as effectually as if the order was absolute in the first instance. During the fifteen days the person affected by the proceeding may, upon the filing of a sufficient bond for the payment of costs and as a guaranty of good faith, commence suit in the United States district court in the district in which his post-office is located to have the fraud order proceeding reviewed both as to the law and the facts, and have the question of his guilt or innocence decided by the court upon legal evidence. If no proceeding shall be commenced within the fifteen days the fraud order becomes final and the accumulated mail and all other mail will be disposed of as it is disposed of under the present practice. If suit should be brought and it could not be determined within the fifteen days, upon filing a bond in the sum of \$10,000 to cover all cost and damages, the court may order the further postponement of the fraud order until the suit is determined, but in the meantime the accused can not receive a single item of mail until the case is disposed of and he has proven his right to it. The power to impound the

mail in the delivery post-office from the moment the Department decides that a fraud order ought to be issued, and keep it impounded in case of a suit in court until the suit is finally disposed of, is as complete and perfect protection of the public as is afforded by the existing law.

is afforded by the existing law.

The bill authorizes the court to make such orders for the disposition of the mail pending the suit as the interests of justice may require. This provision is intended to give the court authority, where there is a large accumulation of mail, to appoint some responsible person to take charge of it and explain the situation to correspondents and hold money orders and valuables to be returned to the sender if the decision should be against the complainant. The bill gives no possible comfort to criminals and swindlers, and in no respect promotes the per-petration of fraud. It does not interfere with a single preventive power that the Postmaster-General has now. The Postmaster-General may go on and have cases investigated by inspectors and decide them upon confidential reports, with or without notice or hearing, just as he does now, and issue orders peremptorily withholding the privilege of the mails from those whom he believes to be using them for unlawful purposes, as effectually as he can under the present practice. The right to go into court for a review of fraud orders would not arrest or suspend in any measure or degree the power the Postmaster-General has to shut off the mails on account of fraud, and the accused can not receive a single item of mail or collect a single money order until the case has been finally tried, and then only if he has clearly proved his innocence. The bill does not provide for a long and tedious trial by a jury, as some of its uninformed critics have claimed. It provides for a "summary" trial, and that means a speedy trial. Every lawyer knows that a summary proceeding or suit can not permit a jury trial. The Department can not be embarrassed and subjected to unnecessary delays.

## DOES NOT TEND TO PROMOTE UNMERITORIOUS LITIGATION.

Neither does the bill tend to encourage vexatious or unmeritorious litigation. A person who is using the mails for criminal or fraudulent purposes knows of his own guilt and he would not commence proceedings in court to review a fraud order. There would be no inducement for him to do so. What could he gain by it? He would be compelled to put up a bond and employ an attorney and to pay the costs of the litigation if he should fail, and he would not be permitted to receive any mail whatever until the case was finally disposed of. I repeat, any person who is using the mails for criminal or fraudulent purposes would never go into court under the provisions of the bill, because there would be absolutely nothing to be obtained by him. If he could commence proceedings and arrest the opera-tion of the fraud order and in the meantime receive his mail there might be some object for him to do so, but the bill provides that the moment the Postmaster-General decides to issue the fraud order the mail shall be held up and shall be impounded all of the time until the case is finally decided, and if it is decided against the complainant he could not get a single item of No person would be prompted to go into court to resist a fraud order except one who honestly believed his rights had been unjustly denied him, and who will say that such an individual ought not to have that privilege? Furthermore, the swindler would be liable to criminal prosecution for fraudulently using the mails.

It is likely that four out of every five fraud orders are rightly issued and in none of those cases would there be any litigation. In the other one-fifth there ought to be a right to a hearing in court and a decision on the real merits of the case, if the person affected desired it. The courts are created for the purpose of determining controversies, and they are the chief safeguard of liberty and property. No man can be deprived of a right of the value of \$5 in any State in the Union unless it be by due process of law, and that means by proceedings in court, where the witnesses testify in the open, where they can be cross-examined, where they are put under oath and are responsible for what they say, and yet it is insisted that in a proceeding that brands a citizen with infamy, that stigmatizes him as a criminal, that outlaws him and denies him the ordinary privilege of communicating with his wife or his dearest friend, he may be denied all the rights that experience has found necessary for the protection of person and property.

# WHERE SUIT MAY BE COMMENCED.

The bill provides that suits shall be brought in the district in which the post-office is located at which the complainant has been receiving his mail. It is the policy of the Government to provide for the trial of cases at the place most convenient for the parties and witnesses, and the policy is a wise one. Under the fraud-order practice every hearing is held at the Post-Office Department in the city of Washington. A citizen of California, for instance, who is notified to show cause why a fraud order should not be issued against him is required to bring his attorney and his witnesses clear across the continent, 3,000 miles or more, and make his defense before an officer who follows no rules and is bound by no kind of procedure. He may decide the case arbitrarily, in so far as questions of fact are concerned, and his decision can not be reached in any

In the States every citizen has the right to be tried in the county in which he resides. In the Federal Government every suit must be tried in the judicial district in which the controversy arises or where the defendant lives, and yet in the fraudorder practice every single hearing is conducted in the Post-office Department in the city of Washington.

I challenge anyone to point out in the proposed legislation a single provision that would permit any person accused of misusing the mails to gain any advantage whatever until he has proved by legal evidence in a court of justice his entire innocence of the charges made against him. The proceeding in court does not subject the Government to any undue and unnecessary trouble or embarrassment. It is as much the duty of the Government to protect the innocent in the enjoyment of their rights as it is to punish the guilty. If a man is guilty of misconduct the Government would have no difficulty in securing evidence to prove it. Testimony could be taken by deposition, and there are now over three hundred and sixty post-office inspectors traveling about over the country investigating the postal service and also quietly and secretly investigating the character of business of men who patronize the mails. The character of business of men who patronize the mails. same detective service, the same spy system that gives the Postmaster-General information in the first place would furnish all the evidence that could be gotten to sustain fraud orders in the courts.

#### THE CASE OF THE PEOPLE'S BANK OF ST. LOUIS.

The chief argument against the bill is that one E. G. Lewis, of St. Louis, Mo., who was connected with the People's Bank at that place, against which a fraud order was issued in 1905, is advocating its enactment. That is a high ground of opposiis advocating its electrical. That is a high ground of opposi-tion, indeed. It seems to me that the bill should be considered and disposed of on its merits, without regard to who may be for it or who may be against it. The question is, Should the bill be enacted into law upon its own merits? I know nothing about the details of the People's Bank case. I do know, in a general way, that officers of the bank had sold over \$2,000,000 of its stock to people throughout the country, and it had several hundred thousand dollars of deposits. In June, 1905, a fraud order was issued against the bank and its officers, which completely wrecked its business. The fraud order was issued upon confidential reports of post-office inspectors based upon secret investigations. The officers of the bank were not allowed to see or inspect the reports, and they do not know and probably never will know what evidence they contained. A receiver was appointed for the bank by a State court in St. Louis, and its affairs, settled through the expensive and wasteful process of a receivership, showed over \$2,000,000 of net assets. Every debt due the bank was collected, every loan was well secured, and every depositor was paid in full, and the stockholders have been paid about 90 per cent of the face value of their stock, and there are assets vet remaining. An appeal was taken to the supreme court of the State of Missouri from the order of the local court appointing the receiver, and that order was reversed on the ground that no reason was shown that would justify the appointment of a receiver. The State supreme court ordered the management of the bank put back in the control of its officers, but the fraud order still stands, and, of course, the business of the bank is ruined.

It may be that the bank was doing a fraudulent business: I do not know. But I do know that directly after the fraud order was issued the officers of the bank brought suit in the United States circuit court in the eastern district of Missouri to enjoin the fraud order, on the ground that the business of the bank was not fraudulent or unlawful, and they asked the privilege of being permitted to prove by legal evidence in a public trial its entire innocence of fraud or wrongdoing. The Post-Office Department interposed through the United States district attorney and resisted the application, and the court decided that it had no power to inquire into the guilt or innocence of the bank or its officers; that that question had been decided by the Post-Office Department in the fraud-order proceeding, and whether that decision was right or wrong, whether it was based upon sufficient evidence or not, whether the evidence was given by competent or incompetent witnesses, the decision must stand as final, and no court had any power to review or inquire into it, and the suit was dismissed. I say, it may be that the bank was doing a fraudulent business, but the feeling is instinctive that its officers should have been given the right to show their innocence in a public trial if they were able to do so. numerous cases of that kind scattered throughout the country.

The proposed measure was introduced in the House on the 12th of January, 1906, and was referred to the Committee on the Judiciary. The Assistant Attorney-General for the Post-Office Department had notice of the bill, and he appeared personally at two meetings of the committee and made oral arguments against it, and he also submitted a written argument against the bill. That committee, composed of eighteen of the ablest lawyers of the House, carefully and exhaustively examined the bill, and by a unanimous vote ordered it reported to the House with the recommendation that it pass. The bill was reported on the 12th of June, 1906, and remained on the Calendar until the 7th day of January, 1907, when it was taken up in regular order and thoroughly discussed and passed. Sixteen members of the House participated in the discussion, and every Member who desired had an opportunity to speak upon it. The bill passed the House without amendment by practically a unanimous vote. There were not five votes against the bill on its final passage.

I introduced and urged the passage of the bill because I thought it was right. I am firmly of the conviction that it is a just and meritorious measure, and I have no doubt that it, or some other bill embodying its principal features, will become a law in the near future.

I will print with this speech a copy of the bill as it passed the House.

An act to provide for a judicial review of orders excluding persons from the use of United States mail facilities.

lic record of the United States.

(b) And any person, upon written application therefor, shall be entitled to a copy thereof, duly certified as correct by direction of the Postmaster-General, upon payment of a fee of \$1 for copying the same.

(c) And a copy of any such order shall be served by delivery of a certified copy thereof by the United States marshal (within and for the district wherein he shall have been appointed) to the person, firm, or corporation against whom the same shall be directed in the district wherein said person, firm, or corporation shall have a place of residence or of business, or its chief office, as soon as such service can reasonably be made.

(d) In all cases where any person whose right to the

wherein said person, firm, or corporation shall have a place of residence or of business, or its chief office, as soon as such service can reasonably be made.

(d) In all cases where any person whose right to the use of any mail facilities shall be affected by said order has, at the date thereof, a residence or place of business within any part of the United States or its territories or possessions, said order shall not become operative or put into execution (except to the extent of holding undelivered all mail directed to said party at the delivery office thereof) until fifteen days after the service thereof, or fifteen days after its date if service thereof can not be made as aforesaid.

(e) Any such citizen, firm, or corporation aforesaid whose said right or privilege to the use of the United States mail service is limited or denied by any such order made in the Post-Office Department of the United States may apply to the circuit court of the United States, or to any judge thereof in vacation (within the district of residence of any such application shall pray a review of the matters of law and fact involved in the issue of such order; and the said court or judge shall hear and determine said application summarily, and if it is found by said court or judge that any such order has been made to the effect aforesaid, whereby said applicant has been deprived or limited in the use of the United States mail service, the said court or judge shall grant to said applicant a writ of certiorari to the Postmaster-General, directing him to return, or cause to be returned, into said circuit court the record of said order affecting said applicant, together with so much of the original papers and other evidence relating thereto as, in his discretion, may be compatible with the public interest and with the proper discipline and conduct of the Post-Office Department or of any Executive Department of the United States Government; and said writ shall be returnable within ten days from the date thereof, unless longer time (not t

both as to the law and the facts of said order of the Postmaster-General to which said application relates, shall be reviewed summarily and as promptly as may be practicable for the fair trial thereof anew, by said circuit court, as a civil action at law, with all the rights to either party incident thereto; said cause shall be entitled "The United States e, (names of the parties mentioned in said order of the Postmaster-General); and such records and evidence as may have been returned into said court under said writ of certiforari shall be received in evidence in said court on behalf of either party at the hearing of said matter, so well as any other evidence which the United States or the defendant may submit at the trial of said cause and which may be competent and relevant according to the usages and practice of said coxrt in the trial of actions at law; and the proceedings for the further hearing of the said matter of said order and the review of any judgment thereon shall be in conformity with the practice and proceedings provided by law for the review of records, verdiets, and judgments in same may be applicable and in harmony with the terms of this law); and in such particulars of practice and proceedure as may not be expressly defined or indicated by this act the said circuit court wherein said cause may be pending shall prescribe and regulate, by general rules, the mode and method of procedure for the hearing and trial of such causes, and any appellate court into which said cause may be remembed of procedure therein for review in the correct he mode and method of procedure for a writ of certiforari as herein provided shall be made by said court, or judge thereto, unless the applicant, or some one for him, shall file in said court a bond to the United States in the sum of at least \$500 (and in the discretion of said court or judge, a larger sum, not to exceed \$10,000), with good and sufficient surety (to be approved by said court, or judge thereto, included which the said order of the Postmaster-Genera

The Clerk read as follows:

For compensation to clerks and laborers at division headquarters, fifteen, at \$1,600 each; nine, at \$1,400 each, twenty-seven, at \$1,200 each; elght, at \$1,100 each; thirteen, at \$1,000 each; five, at \$900 each; and two, at \$660 each; in all, \$96,620.

Mr. LITTLEFIELD. Mr. Chairman, I move to strike out the last word. I would like to inquire of the chairman of the committee whether this is one of the paragraphs that includes increases of salaries?

Mr. OVERSTREET of Indiana. It does not.

While I am on my feet, then may I fur-Mr. LITTLEFIELD. ther inquire of the chairman upon what basis the salaries that are increased have been increased? I have been looking the report over, and while I find an explanation of the manner in which the increases are made I do not find any statement of the reasons why they are made. I get an aggregate increase of Will the chairman be kind enough to state now, if he can, for what reason the committee made the increases and on the basis of what investigation?

Mr. OVERSTREET of Indiana. In answer to a very strong public demand, evidenced by the pressure in this House, and be-

cause we believe the proposed increases are justified.

Mr. LITTLEFIELD. I understand that is without reference to any investigation as to whether they are entitled thereto or not. Mr. OVERSTREET of Indiana. Oh, there was an investigation, not by a summoning of witnesses, but by conversations with the officials of the Department as to the number of resignations on account of lack of compensation and the general difficulty in getting employees to continue in the service or to accept service on account of existing salaries.

Mr. LITTLEFIELD. I will say to the gentleman that I

learn the Keep commission have made a very extensive investigation of the whole question of salaries, and the sworn testimony before the Committee on Expenditures in the Agricultural Department, a committee heretofore moribund, shows that all Government clerks drawing \$1,400 and under are now receiving from 20 to 30 per cent more than men rendering similar service in private employment.

Mr. OVERSTREET of Indiana. Does not that apply entirely

to the departmental service?

Mr. LITTLEFIELD. It applies to all Departments.
Mr. OVERSTREET of Indiana. I said departmental serve.
I do not understand that the Keep commission made any Investigation into the employees of the post-offices throughout the country, but its investigation was limited to the departmental service.

Mr. LITTLEFIELD. To be entirely frank with the gentleman, I did not examine them as to that point, but Mr. Galloway and Mr. Pinchot both testified before my committee, and both testified that they had spent anywhere from eighteen months to two years and more in a very careful investigation of this whole question of salaries. I did not examine them in reference specifically to the Post-Office Department, but that statement was general that the salaries from \$1,400 down are, after careful investigation and examination, from 20 to 25 per cent in excess of the salaries of men performing similar service in private life.

Mr. OVERSTREET of Indiana. Our view was quite to the contrary, so far as it related to employees in the postal service. We made no investigation of the departmental service.

Mr. LITTLEFIELD. You mean the distinct departmental

service here in Washington?

Mr. OVERSTREET of Indiana. Yes, sir.
Mr. LITTLEFIELD. Well, they have given a list of over 62,000 employees as to which this condition applies. I have not the aggregate, I am having it made—
Mr. OVERSTREET of Indiana. Is this the same Mr. Pin-

chot to whom you refer the one who has just had his salary raised?

Mr. LITTLEFIELD. Yes.

Mr. OVERSTREET of Indiana. And he did not make any comment about salaries above \$1,400?

Mr. LITTLEFIELD. I do not think that is a fair criticism. He was testifying before my committee on oath, and that suggestion does not impair the value of his testimony.

Mr. OVERSTREET of Indiana. The gentleman does not

want to be understood he was not on oath when his own salary

was under consideration?

Mr. LITTLEFIELD. I do not understand that he made an application for the increase of his own salary. I do not know anything about that matter, but I want to say to the gentle-man further that the Keep Commission investigated the whole question, and Mr. Pinchot and Mr. Galloway simply testified before my committee as to the facts they ascertained. What I wanted to know was whether this committee had made any investigation of the facts for the purpose of determining whether or not these employees were being paid more than other persons doing similar work for private parties. may be allowed to say perhaps that the fact that Mr. Pinchot's salary was increased in the Senate the other day does not necessarily affect that proposition.

Mr. OVERSTREET. I quite agree with that proposition.
Mr. Chairman, this is a matter that we can properly take up when that item is under consideration.
Mr. LITTLEFIELD. Mr. Chairman, I move to strike out the

last two words for the purpose of finding out what part of the bill it is in, so that if I am here I can make the inquiry.

Mr. OVERSTREET. It begins on page 5.

Mr. LACEY. Mr. Chairman, I move to strike out the last word. I wish to call attention of the committee to the necessity at times for the exercise of the right to issue fraud orders. I hold in my hand a letter written by a man who calls him-self the "registration agent of the Flathead Indian Reservawhich he writes to various old soldiers in the country wanting to register them for the Flathead opening. I will not advertise him by name, nor even state the locality in which he lives, but I will read from his letter for the benefit of the committee, because a great many Members are receiving these letters from old soldiers in their districts, wanting to know whether they ought to send this man \$15 or not. Occasionally these letters come to the Members of the House with a \$15 check inclosed, and Members come to me and ask whether it was a good thing for his constituent to forward \$15 to the gentlemen in question. The letter states

If you will write me what company and regiment you served in, when enlisted, and when discharged, I can prepare the papers necessary to register you for a 160-acre farm at the Flathead land opening.

You understand that your agent will be a responsible person, residing near the reservation, and that he will act for you only and can not represent any other soldier. The law prohibits an agent from acting for more than one soldier.

To make sure of getting registered, it is best to reserve an agent as soon as possible, as I must reject all applications after my agents are taken. I have been forced to do this at former openings.

My fee for furnishing an agent and having all necessary papers prepared is \$15. This covers the entire cost of registration.

I inclose one of my application blanks, and will be glad to answer any other questions you may desire to ask.

As a matter of fact, the Flathead Reservation survey has not been completed. The allotments have not all yet been made. The President is authorized to make and proclaim the regulations as to the method of this opening. He may take the same method he adopted as to the Wind River Reservation and as to the Crow Reservation, and he may not. The law does not re-quire anything of this kind, a different plan may be proclaimed. and here is a gentleman now collecting \$15 in advance, possibly a year in advance of any opening at all, on the statement that this is "a matter of law," and that he can give them some special and peculiar advantage by reason of his employing him early so as to get in on the ground floor, as it were, with this gentle-

man who is engaged in the registration business.

This, on the face of it, is obtaining money for something that may or may not be useful. The chances are that it will not be useful. It is a very easy thing to get a list of old soldiers from the pension rolls of the different pension agencies, and then a letter like this, sent to each one of them, appealing to his cupidity, and telling him that he can get a quarter section of land for \$15, is a very strong inducement to the party named. And I can see where the two or three gentlemen in different localities, who are working this scheme, may accumulate a very large fund, and therefore dispose of a considerable portion of the money we have just appropriated under the pension laws. It is an industry that I think ought to be broken up, and any Member of this House who receives circulars of this kind, I think, ought to be informed of the propriety of any one endeavoring to collect money from old soldiers this long in advance of any actual opening, without any notice whatever of what the terms of the opening will be

Mr. CRUMPACKER. Will the gentleman answer a question?

Mr. LACEY. Yes, sir.

Mr. CRUMPACKER. Is not there a statute that makes it criminal for anyone to make use of the mails for the purpose of obtaining money under false pretenses, and would not that individual be subject to criminal prosecution if he is using the mails for that purpose, and has the gentleman notified the Department of Justice of this instance of gross abuse of the mailing privileges?

Mr. MANN. Does the gentleman know whether the Department of Justice are not waiting to know whether the Crum-

packer bill will pass or not?

Mr. LACEY. The question is whether we ought to encourage this sort of thing or not—I am addressing the gentleman from Indiana [Mr. CRUMPACKER]—because I do not think that it

should be permitted.

Mr. CRUMPACKER. I think that everybody believes in discouraging such things and everybody believes in prosecuting fraud and crime in the courts in the usual and ordinary manner, and using likewise the power the Postmaster-General has in a proper way to protect the public against impositions of that I am as firmly a believer in the policy as the gentleman from Iowa.

The CHAIRMAN. The time of the gentleman from Iowa

[Mr. LACEY] has expired. The Clerk read as follows:

For traveling expenses of inspectors without per diem allowance, inspectors in charge, and the chief post-office inspector, and expenses other than livery hire incurred by inspectors not covered by per diem allowance, \$25,000.

Mr. MURPHY. Mr. Chairman, I make the point of order against line 7, after "inspectors in charge," and against the words "and the chief post-office inspector."

The CHAIRMAN. The Chair will hear the gentleman on the

Mr. OVERSTREET of Indiana. Mr. Chairman, that is the law now. It is not contrary to existing law.

The CHAIRMAN. The Chair will hear the gentleman from Missouri [Mr. Murphy] on the point of order.

Mr. MURPHY. Mr. Chairman, I claim that it is new legisla-

tion or general legislation on the appropriation bill here. It did not appear in the last appropriation bill.

Mr. OVERSTREET of Indiana. Oh, yes; it did.

The CHAIRMAN. The chairman of the committee states to the Chair that it is existing law. Can the gentleman controvert that statement? If not, the Chair overrules the point of

Mr. OVERSTREET of Indiana. Mr. Chairman, I move to amend, in line 8, page 3, by striking out the words "other than livery hire."

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For livery hire incurred by inspectors not covered by their per dlem allowance in connection with the installation and inspection of rural routes, \$60,000.

Mr. MANN. Will the gentleman explain why it was that he struck out the words "livery hire" in the last paragraph and leaves the same thing in this paragraph?

Mr. OVERSTREET of Indiana. This paragraph applies entirely to the livery hire incurred by rural delivery inspectors in the installation of the rural delivery service. If we had continued "other than livery hire" in the preceding paragraph, it would have prohibited any part of the appropriation being would have prohibited any part of that appropriation being used by the inspectors for any portion of their livery hire when engaged in the discharge of their duties which required that character of expense.

For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers, \$20,000: Provided, That of the amount herein appropriated not to exceed \$2,000 may be expended, in the discretion of the Postmaster-General, for the purpose of securing information concerning violations of the postal laws, and for services and information looking toward the apprehension of criminals.

Mr. CRUMPACKER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert after line 23, page 3, the following:

"And provided further, That all reports of inspectors and other documents submitted in connection with fraud-order investigations shall be open to inspection and examination by any person, firm, or corporation whose right to receive mail at any post-office may be affected thereby."

Mr. OVERSTREET of Indiana. I make the point of order

against that,
Mr. CRUMPACKER. I admit that the amendment is subject to the point of order, but I hoped that the gentleman would not make it.

The CHAIRMAN. The Chair sustains the point of order.

To complete the work of printing and binding the opinions of assistant attorneys-general for the the Post-Office Department, \$10,000.

Mr. MURPHY. I reserve the point of order upon that paragraph, and ask the gentleman the question if that is provided

for by law now?

Mr. OVERSTREET of Indiana. Mr. Chairman, I have forgotten the date, but a number of years ago authority was given by Congress for compilation of the opinions of the assistant attorneys-general for the Post-Office Department. The compilation was not completed. The appropriation was entirely expended, and to-day the Department is complaining that it has to resort to letter files or letterpress files in order to ascertain what those decisions were. This item is for a continuation of

the compilation and to complete it.

The CHAIRMAN. The Chair understands the gentleman from Indiana to state that authority has been given by Congress

for this purpose.

Mr. OVERSTREET of Indiana. In a letter of the Department to the chairman of the committee, under date of January 21, 1907, the Department made this explanation:

The act making appropriations for the service of the Post-Office Department for the year ended June 30, 1904, embraced an item appropriating \$5,000 for—

Here are the quotation marks: "Printing and binding the opinions of the Assistant Attorney-General for the Post-Office Department."

And then the letter goes on:

Of that appropriation \$4,208.75 was expended in printing and binding two volumes, covering opinions of this office from the date of its establishment, namely, June 23, 1873, to March 7, 1892, both inclusive. To complete the work of compiling, printing, and binding, these opinions there remains to be covered the period from March 7, 1892, to the present time, being nearly fifteen years; and it is believed that if performed with the same economy which characterized the previous work, this can be accomplished at an expenditure of about \$10,000, including the preparation and printing of a suitable digest.

Mr. Chairman, that is the authority appropriating \$5,000 in the act of June 30, 1904, for this work, and this item of appropriation is for the completion of that service.

The CHAIRMAN. The Chair understands the gentleman from Indiana to state that authority was given and appropriation made to complete the work of printing and binding certain documents

Mr. STAFFORD. May I inquire whether the gentleman from Missouri has yet made the point of order?

The CHAIRMAN. The gentleman has reserved the point of order. The gentleman does not understand that any authority is given definitely for continuing this work.

Mr. PAYNE. Is unanimous consent required to reserve the

The CHAIRMAN. The Chair understands that the gentleman from Missouri makes the point of order now. The Chair has sufficient information as to what the appropriation was to cover, but now the gentleman from Indiana states that this is a continuation, an indefinite continuation of the work.

Mr. OVERSTREET of Indiana. I do not understand this present item is a continuation of this work, but it is to com-I do not understand this

plete what was already begun.

The CHAIRMAN. Completing certain documents up to the time that it was made in 1904?

Mr. OVERSTREET of Indiana. I have not before me the I have no objection to its standing over until to-morrow and then I could call the attention of the Chair to the exact statute. I did not have any idea that anybody would object to the completion of that work which had already been undertaken.

Mr. OLMSTED. I think that the gentleman has stated that the work that the House authorized was in progress and reached a certain point in 1904, and it is to complete that work which was in progress.

Mr. OVERSTREET of Indiana. I have quoted from the letter what the item originally was for, and will read it again:

Printing and binding the opinions of the Assistant Attorney-General for the Post-Office Department.

The CHAIRMAN. Now, if the appropriation made here is for the purpose of completing the work of printing and binding the opinions then rendered, the Chair would overrule the point of

Mr. OVERSTREET of Indiana. Perhaps the gentleman from Missouri [Mr. Murphy] has full information about the item.

Mr. MURPHY. The chairman of the committee [Mr. Overstreet] read in the letter that it was necessary for printing the opinions of the Attorney-General from the time that they left off down to the present time. That is what the letter

stated and that is what the appropriation is for.

The CHAIRMAN. If the gentleman is correct in that, the Chair will sustain the point of order. The Chair sustains the

point of order.

The Clerk read as follows:

For compensation to assistant postmasters at first and second class post-offices, 2, at \$4,000 each; 27, at \$3,000 each; 6, at \$2,500 each; 5, at \$2,000; 12, at \$1,900 each; 20, at \$1,800 each; 60, at \$1,700 each; 100, at \$1,600 each; 120, at \$1,500 each; 105, at \$1,400 each; 240, at \$1,300 each; 370, at \$1,200 each; 360, at \$1,100 each; 270, at \$1,000 each; 70, at \$900 each; 60, at \$800 each, and 60, at \$700 each; in all, \$2,275,000.

Mr. CRUMPACKER. Mr. Chairman, I move to strike out the last word for the purpose of obtaining some information with respect to this paragraph. I should like to know whether it contemplates a reduction or a change in the salaries of assistant postmasters.

Mr. OVERSTREET of Indiana. It does not contemplate any reduction of the salaries in any office. The several items of appropriation are ascertained by the record of the Department concerning offices that will during the next year, and possibly during the present year, rise into the next higher grade of compensation.

Mr. CRUMPACKER. Is the salary of a second-class postmaster fixed by law, or is it fixed by the discretion of the

Postmaster-General?

Mr. OVERSTREET of Indiana. Are you talking about postmasters or assistant postmasters?

Mr. CRUMPACKER. Assistant postmasters.

Mr. OVERSTREET of Indiana. The law is that the salary of

an assistant postmaster may not exceed 50 per cent of the salary of the postmaster in the particular office.

Mr. CRUMPACKER. That is what I had in mind, and I re-

membered having seen somewhere a criticism or a suggestion of a change on the basis of a reduction of the pay of assistant

postmasters some 10 or 15 per cent, and I wondered—
Mr. OVERSTREET of Indiana. There has been nothing of
that kind contemplated by this bill.
Mr. CRUMPACKER. That is all I wanted to know.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will

The Clerk read as follows:

That hereafter clerks in offices of the first and second class shall be divided into seven grades, as follows: First grade, salary \$600; second grade, salary \$700; third grade, salary \$800; fourth grade, salary \$900; fifth grade, salary \$1,000; sixth grade, salary \$1,100; seventh grade, salary \$1,200. That clerks shall be promoted successively to the fourth grade in offices where the annual gross receipts shall be less than \$50,000; and to the fifth grade in offices where the annual gross receipts shall be at least \$50,000 and not in excess of \$200,000; and to the sixth grade in offices where the annual gross receipts shall be in

excess of \$200,000: Provided, That the salary of clerks in second-class offices, except in localities where unusual conditions exist, shall not exceed \$1,000.

Mr. GOEBEL. Mr. Chairman, I desire to offer an amendment.

Mr. MACON. Mr. Chairman, I desire to reserve a point of

order on the paragraph which has just been read.

The CHAIRMAN. The Chair will recognize the gentleman

from Arkansas to reserve a point of order.
Mr. OVERSTREET of Indiana. Mr. Chairman, I notice that the time is rapidly advancing. If the gentleman has a point of order I hope he will make it, and not reserve it till after we have consumed several hours in discussion. Do I understand that the gentleman is going to reserve a point of order against all of these?

Mr. MACON. I will make it. It is new legislation.
The CHAIRMAN. Does the gentleman from Arkansas make the point of order?

Mr. MACON. Yes; I make the point of order now instead of

Mr. OVERSTREET of Indiana. May I ask the gentleman from Arkansas if he is not willing to let the matter stand for determination by the committee? It is of course subject to a point of order.

Mr. MACON. That is the reason I made it.
Mr. OVERSTREET of Indiana. But does not the gentleman
feel that he can afford to debate the matter here? It is the

only way we can get this proposition before the House.

Mr. MACON. That is the reason I asked to reserve the point of order so it could be debated.

The gentleman ought not Mr. OVERSTREET of Indiana. to take advantage of so technical a situation.

Mr. MACON. That is the reason I wanted to reserve the point of order, because I wanted to give everyone an opportunity to be heard.

Mr. OVERSTREET of Indiana. Is the gentleman's mind open to conviction, or is it already closed against this proposition?

Mr. MACON. It is open to conviction always, sir.
Mr. OVERSTREET of Indiana. What is the gentleman's
doubt about the propriety of this legislation?

Mr. MACON. My doubt about it is this: I think it highly improper to attempt, by legislation of this character, to raise salaries in all of the appropriation bills that are presented to the House for consideration.

Mr. OVERSTREET of Indiana. Then you are opposed to the

increasing of the salaries?

Mr. MACON.

Mr. OVERSTREET of Indiana. Opposed to all increases of the salaries?

Mr. MACON. Unless they are worthy of increase.
Mr. OVERSTREET of Indiana. Can you point out where
there is any instance in this bill where the increase proposed is not a worthy increase?

Mr. MACON. The burden of showing that is upon you and not on me, sir.

Mr. OVERSTREET of Indiana. Then I will answer and say that they are all worthy.

Mr. MACON. In your judgment?

Mr. OVERSTREET of Indiana. Yes.
Mr. MACON. But not in mine, perhaps. When you convince me of the worthiness of the increases, I will quit making points of order; but until you do that, I will not. And I shall discharge my duty as my conscience dictates and as I believe to be right. Under no circumstances shall I be controlled by his judgment exercised in the manner in which he is now trying to exercise it.

Mr. OVERSTREET of Indiana. Mr. Chairman, I concede the point of order. Let the gentleman from Arkansas take the re-

sponsibility of making it.

Mr. MACON. I will do that with pleasure.

Mr. GOLDFOGLE. Will the gentleman from Arkansas yield for a question?

Mr. MACON.

Mr. GOLDFOGLE. The gentleman from Arkansas has heretofore been very kind and considerate and generous. [Laughter.] Now, the great majority of the Members on this side of the House favor the increase of salaries of the clerks as well as the increase of the salaries of the carriers; and, assume for a single moment that there are a few unworthy clerks in the service-something I do not at all believe-will not the gentleman recognize the fact that, generally, the clerks in the service are really worthy of this increase of salary? Now, in the spirit of justice and fairness, may we not ask the gentleman from Arkansas to withdraw his point of order?

Mr. MACON. Mr. Chairman, the worthiness or unworthiness of the clerks that I am discussing is not the question. But I want to say, sir, that here in the report presented by this committee it is shown that they are proposing to increase salaries to the amount of nearly \$9,000,000 in this particular bill. It seems to me the disposition on the part of the appropriation committees is to flirt millions of dollars around about like an agent would a brand of tobacco that he was advertising by throwing sample plugs to the crowd that had assembled to hear him advertise his wares. When it comes to handling the people's money by the millions in that way, I, as one of their Representatives, am going to raise my voice against it.

Mr. GOLDFOGLE. Does not the gentleman think that the clerks, in view of their efficient service and also the increased cost of living, are worthy of the increase provided for in this

Mr. MACON. I want to say to the gentleman from New York that there are thousands of young men in this country who are making bread for these clerks to live upon who do not receive half the pay that the clerks are now receiving.

Mr. OVERSTREET of Indiana. A parliamentary inquiry,

Mr. Chairman.

The CHAIRMAN. The gentleman will state it.
Mr. OVERSTREET of Indiana. Is a point of order now pending?

The CHAIRMAN. The point of order is pending. Mr. OVERSTREET of Indiana. I ask for a ruling.

Mr. FITZGERALD. Mr. Chairman, may I ask the gentleman from Arkansas a question? Mr. MACON. Certainly.

Mr. FITZGERALD. I desire to ask the gentleman if he proposes to make a point of order against the provision for the increase of pay of the rural carriers?

Mr. MACON. I will say to the gentleman from New York that I will attend to that matter when we reach it.

Mr. FITZGERALD. And I will say to the gentleman from Arkansas that I shall attend to that provision and make the point of order if he makes the point of order here, and the gentleman will be responsible for the two propositions.

Mr. GOLDFOGLE. I appeal to the gentleman from Arkansas

to withdraw his point of order.

Mr. MACON. I want to say to the gentleman from New York-

The CHAIRMAN. The gentleman from Arkansas will suspend. The Chair is ready to rule on the point of order. The Chair sustains the point of order.

Mr. LITTLEFIELD. Mr. Chairman, I move to strike out the

last word

The CHAIRMAN. The paragraph has gone out.

Mr. MACON. I move to strike out the last word, Mr. Chair-

The CHAIRMAN. The Clerk will read the next paragraph, and then the Chair will recognize the gentleman after that paragraph is read.

Mr. LITTLEFIELD. Does the Chair hold that a motion to strike out the last word of the paragraph at the bottom of page

4 is not in order?

The whole paragraph has gone out. The CHAIRMAN.

Mr. LITTLEFIELD. Not the paragraph at the bottom of

Mr. GOLDFOGLE. A parliamentary inquiry, Mr. Chairman. The CHAIRMAN. The gentleman will state it.
Mr. GOLDFOGLE. Did I not understand that the gentle-

man from Arkansas reserved the point of order?

The CHAIRMAN. The point of order was made and the Chair was called upon for a ruling by the chairman of the Post-Office Committee.

Mr. GOEBEL. Mr. Chairman, can I offer my amendment as

a substitute for that item?

Mr. OVERSTREET of Indiana. I make the point of order, Mr. Chairman, that you can not offer a substitute for a vacancy. [Laughter.]

The CHAIRMAN. The gentleman from Ohio is recognized to offer his amendment as a new paragraph.

The Clerk read as follows:

Insert as a new provision the following:
"Provided further, That in addition to the foregoing allowance there shall be allowed and paid to each employee in the respective grades a sum which together with the allowance herein provided would equal 20 per cent upon the salary now fixed by law."

Mr. FINLEY. Mr. Chairman, I reserve the point of order. Mr. OVERSTREET of Indiana. Mr. Chairman, I make the

point of order. The CHAIRMAN. The gentleman from Indiana makes the point of order and the Chair sustains it.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. Sterling having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and a joint resolution of the following titles:

On February 16:

H. R. 20060. An act granting an increase of pension to Anna E. Hughes

H. R. 20168. An act for the relief of F. Kraut, of Leon Springs, Tex.; and

H. R. 20169. An act for the relief of Margaret Neutze, of Leon Springs, Tex.

On February 18:

H. R. 8365. An act for the relief of C. A. Berry;

H. R. 19930. An act referring the claim of S. W. Peel for legal services rendered the Choctaw Nation of Indians to the Court of Claims for adjudication;

H. R. 24473. An act to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation, in North Dakota;

H. J. Res. 224. Joint resolution directing the Secretary of Commerce and Labor to investigate and report to Congress concerning existing patents granted to officers and employees of the Government in certain cases; and

H. R. 15242. An act to confirm titles to certain lands in the

State of Louisiana.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

The Clerk read as follows:

That hereafter carriers in the city delivery service shall be divided into six grades, as follows: First grade, salary \$600; second grade, salary \$700; third grade, salary \$800; fourth grade, salary \$900; fifth grade, salary \$1,000; sixth grade, salary \$1,100. That carriers shall be promoted successively to the fourth grade in offices where the annual gross receipts shall be less than \$50,000; and to the fifth grade in offices where the annual gross receipts shall be in excess of \$200,000; and to the sixth grade in offices where the annual gross receipts shall be in excess of \$200,000: Provided, That the compensation of a letter carrier shall not exceed \$900 in offices where the annual gross receipts are less than \$50,000; and shall not exceed \$1,000 in offices where the annual gross receipts are less than \$50,000; and shall not exceed \$1,000 in offices where the annual gross receipts are in excess of \$50,000 and not in excess of \$200,000; and shall not exceed \$1,100 in offices where the annual gross receipts are in excess of \$500,000 and not in excess of \$500,000; and shall not exceed \$1,100 in offices where the annual gross receipts are the excess of \$200,000: Provided further, That letter carriers employed in cities recognized by the Post-Office Department as now having a population in excess of \$500,000; where the gross receipts are of said offices at the time of the sas sage of this act are less than \$200,000, shall be entitled to all the privileges and subject to all the requirements of this act applicable to post-Offices whose gross receipts are in excess of \$200,000.

Mr. MACON. Mr. Chairman, I reserve the point of order on

Mr. MACON. Mr. Chairman, I reserve the point of order on

The CHAIRMAN. The gentleman from Arkansas reserves the point of order on the item.

Mr. OVERSTREET of Indiana. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it. Mr. OVERSTREET of Indiana. How long can a man hold in reservation a point of order?

Mr. MANN. Mr. Chairman, I insist upon a ruling. The gentleman should either make the point of order or not.

The CHAIRMAN. The Chair is trying to answer a parlia-

mentary inquiry. When a point of order is reserved the merits of the proposition may be discussed until some member of the committee calls for a ruling, and then the Chair will rule. The gentleman from Illinois now calls for a ruling, insists upon the point of order, and the Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

That hereafter all promotions of both clerks and carriers shall be made at the beginning of the quarter following the expiration of a year's service in the next lower grade. No promotion shall be made except upon evidence satisfactory to the Post-Office Department of the efficiency and faithfulness of the employee during the preceding year. The Post-Office Department may reduce a clerk or carrier from a higher to a lower grade whenever his efficiency falls below a fair standard or whenever necessary for purposes of discipline. When a clerk or carrier has been reduced in salary he may be restored to his former grade or advanced to an intermediate grade at the beginning of any quarter following the reduction, on evidence that his record has been satisfactory during the intervening period. When a clerk or carrier falls of promotion because of unsatisfactory service he may be promoted at the beginning of the second quarter thereafter, or of any subsequent quarter, on evidence that his record has been satisfactory during the intervening period. Clerks and carriers of the highest grade in their respective offices shall be eligible for promotion to the higher positions in said post-offices.

Mr. MACON. Mr. Chairman, I move to strike out the last

Mr. MACON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Arkansas moves to strike out the last word.

Mr. MACON. Mr. Chairman, because of the exercise of what I conceive to bé a legitimate duty gentlemen of the committee have seen fit to act in a manner that I consider to be unbecoming in them. In fact, sir, threats have been made against the increase of the salaries of the rural carriers because I made a point of order against certain paragraphs a few moments ago. I refer to the threat of the gentleman from New York [Mr. Fitzernald], that if I persisted in the point of order that I was then making against that paragraph that he proposed to make a point against the paragraph increasing the salaries of the rural carriers

Sir, he can do that if he likes. That is his privilege. If he is honest in his desire to have them remain at what they are, then, sir, he has a perfect right to exercise that privilege upon this floor, and I will never be heard to question his authority or privilege to do so; but, sir, if he thinks they ought to be raised, and he is simply going to reduce them because of my acts, let him do it, and let the responsibility rest upon him, as it must, because, sir, I am not the keeper of any man's vote or voice upon the floor, and I am not standing sponsor for the salaries of any of the officials of this Government. Therefore, sir, it will be no punishment to me. Let him bear the sin of his own acts. I am prepared to stand for my acts, and I expect to do what I honestly believe to be right, regardless of the

opinion or acts of the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, I want to be heard in opposition to the amendment of the gentleman from Arkansas. I suppose that the gentleman from Arkansas in-[Laughter.] tended to justify himself, and I am surprised to find that he is trying to exonerate me. Those who know me, Mr. Chairman, know I do not need any assistance in that way for my actions in this House. The situation with regard to this bill is very clear, and I desire it to go into the RECORD for the benefit of the constituents of the gentleman from Arkansas. This bill carries provisions which contemplate increase of salaries of a great number of employees of the Postal Department, including clerks in certain offices, city carriers, and rural carriers. Those provisions in this bill are technically in violation of the rules of the House. The practically unanimous desire of Members of the House at this late day in the session to have an opportunity to pass upon the question as to whether the pay of rural carriers and of city carriers and of certain clerks shall be increased has resulted in the committee coming here and practically asking unanimous consent that the House be given an opportunity to pass upon all of those questions.

The gentleman from Arkansas [Mr. Macon], fortunately for those of us who will not permit an injustice to be done, is compelled to make his points of order against the provisions for the increase of the clerks in the city offices and against the increases for the city carriers before the provisions for the increases for the rural carriers are reached. I desired to ascertain the gentle-man's opinion as to the propriety of increasing the salaries of the rural carriers, because if he favors an increase, and desires that the House pass upon that increase in this bill, he should be equally willing to permit the House to pass upon the other pro-posed increases. If he persists in his determination to prevent the House passing upon the proposed increases for the city carriers and clerks he alone will be responsible for the House being prevented from passing upon the proposed increase of compensa-I know it would embarrass the gentleman from Arkansas

[Mr. Macon] to make a point of order against the provision to increase the salaries of the rural carriers. I am and always have been his good friend, and in consideration of his kindness and of the exercise by him of his prerogative in preventing the House passing upon the increases of the salaries of the city clerks and the city carriers, for his benefit I shall interpose the point of order against the increase for the rural carriers. And I want this House, and I want his constituents particularly, to know that he is the person who is responsible for my action. I do not intend to permit a gentleman like the gentleman from Arkansas to come and to reap for his district the benefits of violation of the rules and prevent equal benefits being accorded to the gentlemen from districts differently situated.

The gentleman from Arkansas [Mr. Macon] can take his Either he will permit the House to pass upon all of these proposed increases, or he will have no opportunity to have it pass upon those in which he and his district are particularly interested.

Mr. JAMES. Will the gentleman permit a question?
Mr. MACON. Mr. Chairman, I move to strike out the last

two words. Mr. JAMES rose.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from New York [Mr. Fitz-GERALD] asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. JAMES].
Mr. JAMES. I would like to inquire of the gentleman if he believes the salary given in this bill to rural carriers is an adequate salary

Mr. FITZGERALD. I believe the salary proposed to be given to the rural carriers is reasonable compensation for the ervice, and I favor it.

Mr. JAMES. And that they should have it?

Mr. FITZGERALD. They should have it.
Mr. JAMES. Would the gentleman deny to the rural carriers of the United States just compensation when they are not to blame for the action of the gentleman from Arkansas?

Mr. FITZGERALD. No; I would not do that. But I will assume the responsibility for bringing to the notice of the gentleman's constituents the fact that by his action it is impossible to have those in whom his people are interested treated properly

in this House. [Applause.]
Mr. MACON. Mr. Chairman, I move to strike out the last

two words.

Mr. MANN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. Did the gentleman from Illinois rise to a parliamentary inquiry?

The gentleman from Illinois is entitled to rec-Mr. MANN. ognition prior to the gentleman from Arkansas, I believe. gentleman from Arkansas just spoke on his motion.

The CHAIRMAN. The gentleman from Arkansas, it seems to the Chair, was on his feet first and should be recognized to reply.

Mr. MANN. Mr. Chairman, I have no desire to shut out the gentleman from Arkansas.

The CHAIRMAN. The gentleman from Arkansas moves to

strike out the last two words.

Mr. MACON. Mr. Chairman, the gentleman from New York has expressed his friendship for me. [Laughter.] He has exhibited a great deal of consideration and friendship for me since I have been a Member of this body. He has put himself out of the way time after time to render me great service. He has gone to great lengths in his effort to show that he was my friend in season and out of season, by day and by night; but, sir, I have failed to see or feel the effects of any of his friendly efforts in my behalf.

Mr. FITZGERALD. Well, I do not regret my generosity.

[Laughter.]

Mr. MACON. I suppose not, but I want to say to the gentleman that if his efforts against me in my district have no more effect upon the honorable constituency that I represent than his efforts in my behalf have had for me since I have been here, there will nothing come of his attempt to hurt me at home by making a bad record for me up here. [Laughter.]

Mr. MANN. Mr. Chairman—
The CHAIRMAN. The gentleman from Illinois is recognized and unless gentlemen have points of order or parliamenary inquiries they will not be recognized until the gentleman from IIlinois has concluded.

Mr. MANN. Mr. Chairman, I do not think the gentleman from Arkansas is subject to criticism for making the point of order. It was a right which he had under the rules of the House, rules made for the protection of any Member of the House. Nor do I quite agree with my friend from New York, who, in the heat of the moment, states that he will make the point of order upon the provision in the bill with reference to rural carriers.

Mr. Chairman, it is undoubtedly true that the city clerks and carriers ought to have their salaries increased, and they appeal to this Congress for justice in their behalf. It is also undoubtedly true that the rural carriers are entitled to have their salaries increased, and I have no doubt that while the gentleman from Arkansas, within the limits of his province, has made the point of order under the rules, there is also an other provision of the rules under which this House, in my judgment, will be enabled to consider both propositions, at the right time and in the right manner. [Applause.]
In my short experience in this House I never have seen the

time when one man, under the rules and against the opinions of the rest of the House, could sustain his side by merely making a point of order. I have heard criticism of the rules of this House and the management of this House at different times, but in ten years' experience in this House I have learned that when a majority of the House had reached a conclusion

upon a particular proposition it found a way to put it into the law; and notwithstanding the exercise of his rights by my dis-tinguished friend from Arkansas, in my judgment, the House will find a way on these propositions. [Applause.] Mr. OVERSTREET of Indiana. I move that all debate on

the pending proposition be now closed.

The CHAIRMAN. On the paragraph?
Mr. OVERSTREET of Indiana. On the pending paragraph and all amendments thereto.

The CHAIRMAN. If there be no objection, the pro forma amendments will be withdrawn. The gentleman—

Mr. HUGHES. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman

Mr. HUGHES. A parliamentary inquiry.

The CHAIRMAN. Will the gentleman from West Virginia kindly allow the Chair to state the question? Then the Chair will respond to a parliamentary inquiry. If there be no objection, the pro forma amendment will be considered as withdrawn. The gentleman from Indiana moves that all debate on this paragraph and any amendments thereto be now closed. For what purpose does the gentleman from West Virginia rise?

Mr. HUGHES. I want to make a parliamentary inquiry,

and to send this amendment to the Clerk's desk and see if it

will be in order to offer it at this time.

Mr. OVERSTREET of Indiana. I make the point of order that that is out of order.

The CHAIRMAN. 'The gentleman asks a hypothetical question.

Mr. OVERSTREET of Indiana, I understand there is no

motion pending except the pro forma amendment to strike out.
The CHAIRMAN. And that has been withdrawn; but the Chair understands the effect of the gentleman's motion, if adopted, will be to permit the offering of amendments, but to prevent all debate thereon. The motion is that all debate on this paragraph and any amendment thereto be now closed.

The motion was agreed to.
The CHAIRMAN. The Chair will recognize gentlemen to offer amendments.

Mr. HUGHES. Mr. Chairman, I desire to offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On pages 5 and 6, wherever the word "fifty" appears, strike out "fifty" and insert "forty."

Mr. OVERSTREET of Indiana. I make the point of order

that those items have gone out.

The CHAIRMAN. The point of order is sustained. amendment applies to paragraphs of the bill which have been stricken out or passed.

Mr. OVERSTREET of Indiana. I ask the Clerk to read.

The Clerk read as follows:

That hereafter any clerk shall be eligible for transfer to the service of a carrier, and any carrier shall be eligible for transfer to the service of a clerk, such transfer to be made to any grade not higher than the corresponding grade, and the time which such clerk or carrier shall have served in the grade from which such transfer was made shall be counted in connection with the service to which such transfer may be made in computing the time of service necessary to entitle such employees to promotion: Provided, That no clerk or carrier shall be promoted more than one grade within any one year's period of service.

Mr. MACON. Mr. Chairman, I make the point of order

against that provision.

The CHAIRMAN. The gentleman from Arkansas makes a point of order against the provision, and the Chair sustains the

point of order against the provision, and the Chair sustains the point of order. The Clerk will read.

Mr. OVERSTREET of Indiana. A parliamentary inquiry:
Was the point of order made against the proviso only?

Mr. MACON. No; against the paragraph.

The CHAIDMAN Against the paragraph beginning with

The CHAIRMAN. Against the paragraph, beginning with line 18.

Mr. OVERSTREET of Indiana. I ask the Clerk to read.

Mr. CROMER. I offer an independent amendment.
Mr. OVERSTREET of Indiana. The reading of the bill is at line 4 on page 8, as I understand.
The CHAIRMAN. Yes.

Mr. OVERSTREET of Indiana. I ask for order, in order that we may hear the reading of the bill.

The CHAIRMAN. The committee will please be in order.

Will gentlemen standing in the middle aisle please be seated?

Mr. CROMER. Mr. Chairman-The CHAIRMAN. For what purpose does the gentleman

Mr. CROMER. I have an amendment to offer at this point.

The CHAIRMAN. A new paragraph?
Mr. CROMER. Yes; I will have to offer it as a new paragraph.

The CHAIRMAN. The gentleman from Indiana [Mr. CROMER] offers an amendment, which the Clerk will report. The Clerk read as follows:

Insert as an independent paragraph the following:
"That all clerks and letter carriers at first and second class postoffices shall be granted leave of absence, with pay, not to exceed thirty
days in each year, exclusive of intervening Sundays and holidays,
under such regulations as the Department shall prescribe."

Mr. OVERSTREET of Indiana. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

That hereafter auxiliary employees may be employed to be paid for actual service at the rate of 30 cents an hour: Provided, That such employees shall be required to work not less than two hours daily: And provided further, That such employees shall be eligible for appointment as clerks and carriers of the first grade.

Mr. MADDEN. Mr. Chairman, I make a point of order

against that paragraph.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

That hereafter substitutes may be employed to be paid at the rate of 30 cents an hour when serving for absent clerks and carriers: Provided, That such substitutes shall be eligible for appointment as auxiliary employees and as clerks and carriers of the first grade.

Mr. MADDEN. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. The Chair sustains the point of order. The Clerk read as follows:

Auditors, two, at not exceeding \$3,000 each.

Mr. PARSONS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 21, page 8, strike out the word "two" and insert "private secretary three."

Mr. OVERSTREET of Indiana. Mr. Chairman, I make a point of order against that that it is new legislation.
Mr. PARSONS. Will the gentleman reserve it?

Mr. OVERSTREET of Indiana. No; I think we ought to be progressing

The CHAIRMAN. The Chair sustains the point of order.

Mr. LITTLEFIELD. Mr. Chairman, I move to strike out the last word, principally for the purpose of making an inquiry which I would have made if, very much to my regret, paragraphs on pages 5 and 6 had not gone out on points of order. Also for the further purpose of answering an inquiry of the chairman of the committee in relation to the testimony of Mr. Pinchot, which the gentleman will see, when I come to read his testimony, is confined to the clerical force in Washington.

I read from his testimony:

The CHAIRMAN. What conclusion have you reached with reference to the question as to whether or not any portion of the men engaged in the Government service receive more or less than the same men would receive in rendering substantially the same service for private parties?

Mr. PINCHOT. The employees in the lower clerical positions are overpaid, as compared with those in the outside business world.

The CHAIRMAN. Would you be able to fix approximately a limit within which the salaries should be called lower—say, from \$1,400

within which the salaries should be carried lower—say, from \$1,400 down?

Mr. Pinchot. From \$1,400 down. Would not that be a proper division, Mr. Price?

Mr. Price. Yes; \$1,400 down.

The Chairman. Taking the salaries from \$1,400 down, your opinion, then, would be that the average salary paid to Government employees is larger than that paid to men of the same ability rendering substantially the same service to private parties?

Mr. Pinchot. Yes.

The Chairman. And about how much?

Mr. Pinchot. From a fifth to a third, approximately.

The Chairman. That would be 20 to 25 per cent?

Mr. Pinchot. Twenty to 30 per cent would approximate it.

The Chairman. That conclusion, as I understand it, is a result of a careful study of this question?

Mr. Pinchot. Yes; but let me add there is a reason why that should be so.

be so. The Chairman. I will come to that a little later.

Then a little further on-

Then a little further on—

The Chairman. Do you mean from \$1,400 down?

Mr. Pinchot. From \$1,400 down. There ought to be an increase above that, but I am speaking now of the grades from \$1,400 down, taking what roughly may be called the clerical end of the Government's work. The Government pays more for that kind of service than is paid on the outside, in my judgment; but there is very excellent reason why that should be so. In the first place, the Government requires a higher grade of employee than the average business organization, and is not satisfied unless that grade is reached. In the second place, the apportionment by States under the Civil Service Commission means that a very much larger proportion of people in Washington are living away from home, and therefore under extra expense, than is the case in commercial life.

And be further states:

And he further states:

The CHAIRMAN. That takes it up to \$1,400. Whether it has reached the limit is, of course, open for discussion.

Mr. PINCHOT. Exactly. I want to add that the Government is not yet paying sufficiently in excess of the salaries paid outside to make the lives of the clerks here as reasonably comfortable as they ought to be.

A slight increase is required. That increase the Keep Commission has worked out and recommended; and in ten bureaus we find that the increase recommended amounts to between 6 and 10 per cent beyond the present salaries paid.

The CHAIRMAN. That is, in the list below \$1,400?
Mr. PINCHOT. No.
The CHAIRMAN. You mean that includes the whole list?
Mr. PINCHOT. That includes the lists up to the end of the clerical grade, as we call it—\$2,100.
The CHAIRMAN. An increase of from 6 to 10 per cent?
Mr. PINCHOT. From 6 to 10 per cent in the salaries now paid.

Now, my inquiry of the chairman is this, if the Chair will excuse me: This statement here relates to an increase of 6 to 10 per cent upon the salaries paid here in Washington, as the result of a careful investigation made. Now, what I wanted to inquire was whether the increases recommended here—I have not intimated any objection to any of them-were made upon the basis of a careful investigation as to the services rendered and their fair market value or are they purely arbitrary in their character? Of course, the paragaph has gone out, but I understand from information from the gentleman from Illinois that we may later have that same question before us in another parliamentary status, and I would like to have the gentleman state in relation to that what the fact is.

Mr. OVERSTREET of Indiana. Mr. Chairman, I prefer not to enter upon a discussion of that item at this late hour. I ask that the Clerk read.

The Clerk read as follows:

Superintendents of delivery and superintendents of mails, twenty-three, at not exceeding \$2,700 each.

Mr. MACON. Mr. Chairman, I move to strike out the last

Mr. MURPHY. Mr. Chairman, I make the point of order against that paragraph.

The CHAIRMAN. Was the gentleman from Missouri on his feet endeavoring to secure recognition?

Mr. MURPHY. I was.

The CHAIRMAN. The Chair will recognize the gentleman om Missouri. to make the point of order. Will the gentleman from Missouri, to make the point of order.

state his point of order?

Mr. MURPHY. That changes existing law. There are seventeen superintendents of delivery and superintendents of mails,

and this increases them to twenty-three.

Mr. OVERSTREET of Indiana. Mr. Chairman, the existing law authorizes the employment of superintendents, and indeed in all of the various titled provisions following in the next ten pages or more there is no change of existing law as to the designation. There is no way, Mr. Chairman, to appropriate for the postal service at all except as it grows, and as offices ripen into larger offices, requiring a larger number of employees, provisions by way of appropriations are made for such growths. There is absolutely no change of designated places. The existing law authorizes seventeen of these places as a whole. authorize twenty-three in order to take care of the growth of these offices where the business has developed beyond the machinery that is now provided in accordance with the law.

Mr. MURPHY. Mr. Chairman—
The CHAIRMAN. Does the Chair understand the gentleman

to say the existing law fixes the number at seventeen?

Mr. OVERSTREET of Indiana. The current appropriation law fixes seventeen of such employees. There is no other way to provide for an additional number, and let me say, Mr. Chairman, in order that there may be no misunderstanding, that the only way to provide for additional employee

The CHAIRMAN. May I ask the gentleman from Indiana if there is anything outside of the appropriation bill that

authorizes the appropriation for superintendents?

Mr. OVERSTREET of Indiana. Nothing. The CHAIRMAN. Then the Chair sustains the point of

Mr. MANN. Mr. Chairman, before the Chair sustains the point of order, will the Chair hear a little further on the point of order?

The CHAIRMAN. The Chair will hear the gentleman on

the point of order.

Mr. STAFFORD. Mr. Chairman, will the gentleman from Illinois permit me? I believe the chairman of the committee made a misstatement under a misapprehension of the purport of the question put by the Chair in saying that there was no other law than that carried in the appropriation bill. As I understand it, there is substantive law providing for these offices, but not providing for the number thereof.

Mr. OVERSTREET of Indiana. Oh, I made that statement.

simply referred to the total number.

Mr. STAFFORD. I understood the Chairman to address to the gentleman from Indiana the question whether there was any | in the bill.

provision of law outside the appropriation bill for these respective officers

The CHAIRMAN. That was the question the Chair asked. Mr. STAFFORD. Mr. Chairman, in view of the statement of the chairman of the committee, I wish to inform the Chair that there is such a law providing for these respective officials, but not limited as to the number.

The CHAIRMAN. Then it is important we should know what the law is.

Mr. STAFFORD. That can easily be presented, Mr. Chairman.

Mr. OVERSTREET of Indiana. Perhaps the gentleman from Missouri can state what law it is in violation of. He has made the point of order.

Mr. MURPHY. I do not care to discuss that point, but I do want to say this, that the gentleman offered an amendment to increase auditors a little while ago and the chairman of the committee made a point of order against it.

The CHAIRMAN. The Chair will state to the gentleman from Missouri, if there is any general authority of law for the employment of these people, the Chair will overrule the point of order. If there is not, the Chair will sustain it: but the Chair would like to know of the gentleman from Missouri or some one what the law is.

Mr. OVERSTREET of Indiana. Mr. Chairman, I have not the law at hand, but I am satisfied there is a general law rela-

tive to the maintenance of the postal service.

Mr. MANN. I go a little further than the gentleman from Indiana goes in this; there is authority of law for the maintenance of the Post-Office Department. It is sufficiently evident to every person that the Post-Office Department is a growing department.

That it is something that must be taken care of; that it is impossible to have the same number of clerks to-day and have the same number last year and have the same number ten years from now, or next year, with the number of clerks in different grades, and this case goes to the whole question of clerks of from \$100 up, and the whole question of clerks must be considered in connection with the work of the Post-Office Department, and that it is a part of the maintenance of the Post-Office Department. Now, it is not possible, it is not practicable, and it is not proper that every year the Post-Office Department or the Post-Office Committee should be required to bring into the House a bill fixing the number of clerks for the ensuing fiscal year before the appropriation bill comes in.

The CHAIRMAN. The Chair thinks except for clerks in the

classified service in the Department it is necessary.

Mr. MANN. These, of course, are clerks.
The CHAIRMAN. These are superintendents not employed The CHAIRMAN. here, but employed in the post-offices throughout the country.

Mr. MANN. I understand that these are the clerks employed in the post-offices throughout the country. The same thing would go to the pay of all things that are not provided for by law fixing the amount of pay. Now, the post-office appropriation bill is a varying amount every year. It must vary with It is a service that is in existence and in progress. the service.

The CHAIRMAN. But in the absence of law the Chair would have to sustain the point of order.

Mr. MANN. But the law provides for the maintenance of the post-office service.

The CHAIRMAN. It applies to the clerks in the classified service here.

Mr. MANN. Oh, the law, I beg the pardon of the Chair, in reference to the post-offices applies to the post-offices throughout the country, and applies to the necessary people to run the post-office service throughout the country. This bill, of course, has nothing to do

The CHAIRMAN. Will the gentleman from Illinois call the Chair's attention to that law?

Mr. MANN. I think we can if the Chair will give us time.

can not lay my finger on it now.

law is; therefore we can take a little time. I suggest that it go over until to-morrow.

The CHAIDMAN

The CHAIRMAN. The gentleman from Indiana [Mr. CRUM-PACKER asks unanimous consent that this matter may be passed without prejudice.

Mr. MURPHY. May I say a word? The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection. Mr. MANN. The same matter applies to nearly all the items

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, foremen of crews, private secretaries, superintendent of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 369, at not exceeding \$1,400 each.

Mr. PARSONS. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from New York [Mr. PARsons] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 12, line 8, insert, after the words "chief stamp clerks," the word "clerks,"

Mr. OVERSTREET of Indiana. Mr. Chairman, I suggest that the gentleman make that to read "distributing and regis-

Mr. STAFFORD rose.

The CHAIRMAN. For what purpose does the gentleman from Wisconsin [Mr. Stafford] rise?

Mr. STAFFORD. To make the point of order against the amendment offered by the gentleman from New York [Mr. Parsons1

The CHAIRMAN. Does the gentleman reserve his point of order?

Mr. STAFFORD. I reserve it.

Mr. OVERSTREET of Indiana. I will suggest to the gentleman from New York [Mr. Parsons] that instead of saying "clerks" he designate them as "registering and distributing clerks.'

Mr. PARSONS. I will say to the gentleman that I telegraphed to New York to find out the proper designation of the men who are now paid under the designation of "clerks," which was the designation in last year's appropriation bill. I understand that some of them are distributing clerks and some of them may be doing other work which does not come within the definition of "distributer."

Mr. OVERSTREET of Indiana. The gentleman, I presume, knows that the word "clerk" is in this item of current law. Having made a general recommendation for the classification, it was the clear intent to limit "clerks" to no higher grade than \$1,200, and let the employment above the \$1,200 grade be designated "employees," and it is on that account that the word "clerk" was omitted. And appreciating the situation in the New York office, where there are now employed some employees under the technical designation of "clerks," but who are really registering and distributing clerks, I suggest that he make his amendment read, instead of "clerks," "registry and distributing clerks.'

Mr. PARSONS. Mr. Chairman, I regret to say that may not meet the situation in New York. The postmaster informs me that some of them are known as distributers, registry, moneyorder, inquiry, and other clerks, and I have telegraphed to New York to find out what he means by "other clerks," so that, if there is no objection, the exact designation may be inserted, and I would be willing, if unanimous consent is granted, that this be passed now and be taken up to-morrow.

Mr. OVERSTREET of Indiana. I am entirely willing that unanimous consent may be given that the gentleman may offer an amendment to that paragraph and allow the remainder of the paragraph to be adopted. I will interpose no objection to an amendment being offered to-morrow.

Mr. PARSONS. That will be satisfactory.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may have the right to recur to this

paragraph and offer an amendment.

Mr. STAFFORD. I understand that the reservation of the

point of order will apply.

The CHAIRMAN. The gentleman can make his point of order after the amendment is offered. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

The Clerk read as follows:

Assistant cashiers, superintendents of delivery, assistant superintendents of money order, assistant superintendents of mails, assistant superintendents of registry, assistant superintendents of stations, book-keepers, cashiers, chief mailing clerks, chief stamp clerks, finance clerks, foremen of crews, private secretaries, superintendents of carliers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 606, at not exceeding \$1,300 each.

Mr. PARSONS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 12, line 19, insert, after the words "chief stamp clerk," the word "clerks."

Mr. OVERSTREET of Indiana. Mr. Chairman, I make the same request that the same condition shall apply to this paragraph as does to the preceding.

Mr. STAFFORD. And I reserve the point of order on that

Mr. PARSONS. And I ask unanimous consent to return to that paragraph.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may have the right to recur to that paragraph and offer an amendment. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, chief stamp clerks, clerks, finance clerks, foremen of crews, printers, private secretaries, superintendents of carriers, superintendents of second-class matter, superintendents of stations, and machinist, 2,003, at not exceeding \$1,200 each.

Mr. OVERSTREET of Indiana. Mr. Chairman, I offer the

following amendment:

The Clerk read as follows:

Page 13, line 8, strike out "two thousand and three" and insert two thousand four hundred and ninety-eight."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Assistant superintendents of stations, clerks, printers, private secretaries, superintendents of carriers, superintendents of second-class matter, and superintendents of stations, 3,603, at not exceeding \$1,100 each.

Mr. OVERSTREET of Indiana. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 13, line 13, strike out "three thousand six hundred and three" and insert "three thousand one hundred and eight."

The amendment was agreed to.

The Clerk read as follows:

Carpenters, clerks, clerks in charge of stations, and pressmen, 4,091, at not exceeding \$800 each.

Mr. OVERSTREET of Indiana. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 14, line 1, strike out "four thousand and ninety-one" and in-rt "seven thousand six hundred and eight."

The question was taken, and the amendment was agreed to. Mr. SULLIVAN. Mr. Chairman, I would like to inquire what these increases are about?

Mr. OVERSTREET of Indiana. Mr. Chairman, these three increases were to make corrections in the total of the number of employees necessary for each of the several classes now employed in the service. It is the number of employees recommended by the Department for additional service during the next fiscal year. It was all prepared by the Department, and the committee accepted the statement of the Department. The Department made a mistake and later our attention was called to They made no changes in the items of appropriation of

money. Mr. OLCOTT. Mr. Chairman, I desire to offer the following amendment:

The Clerk read as follows:

Strike out "and" on page 13, line 24, and insert on page 14, line 1, after the word "pressmen," the words "and laborers."

Mr. OVERSTREET of Indiana. Mr. Chairman, I reserve the point of order upon that amendment. I do not just understand the force of it.

Mr. OLCOTT. Why, the position of affairs in New York is this: There are a number of laborers that are employed, according to your report. I think you seek an increase of the salary of some of them, and under the wording of that particular paragraph I do not think it would be possible unless we include the word "laborers." I think it is entirely in accord with the amendment of the gentleman from Indiana, increasing the number sought to be affected by this

ing the number sought to be affected by this.

Mr. OVERSTREET of Indiana. May I ask the gentleman from New York, would not the adoption of this amendment increase the salaries of the laborers in the New York office from \$720 to \$800?

Mr. OLCOTT. Undoubtedly it would to some of them.

Mr. OVERSTREET of Indiana. And therefore it would be a change of law. Now, while it may be possible that a number there were entitled to that increase, yet we have made such a general promotion all along the line that while it will operate at various other offices in the promotion of some of these laborers, I think it ought not to be incorporated in the bill in the

form the gentleman has offered it. Let me explain, and the gentleman will see the point. We have sought to make promotions of clerks by fixing the number of the individual employees in the From the \$400 grade up to the \$1,200 grade we several grades. fixed, in these items which have just been passed, the specific number of employees now employed in those various grades, and to the numbers have added a sufficient additional number to care for the promotions which have been recommended, as well as the employment of the additional force recommended by the Department.

In other words, the committee has reported to the House all of the employees estimated by the Department for the additional service on account of the growth of the postal service, and in addition to the appropriations to cover all those additional employees we have arranged these specific items of appropriation just passed upon so as to permit of the promotions which have been recommended, and that has taken care of those laborers, so far as the recommendations of the Depart-

ment and of the committee go.

Mr. OLCOTT. Then I would like to ask the gentleman from Indiana whether he means by that that these people will be promoted to the higher grade mentioned in here as pressmen?

Will the laborer be promoted to be a pressman?

Mr. OVERSTREET of Indiana. These laborers would be eligible to promotion to a different designation undoubtedly, but we do not employ any laborers in the grade of \$800, so your amendment if adopted would be in effect adding laborers to that class which heretofore has been restricted to carpenters, clerks, clerks in charge of stations, and pressmen; but it would not deny promotion to a laborer from the \$700 grade into the \$800 grade by a change of his designation and a change of his employment.

Mr. OLCOTT. I certainly am not a stickler as to what the man is to be called. I merely want to provide for an opportu-

nity for increased compensation.

Mr. OVERSTREET of Indiana. I think ample provision has been made, and inasmuch as these computations have all been made by the computers of the Department, based upon the recommendations for all the promotions which we carry in the bill, I would rather not disturb the scheme by adding a new designation to one of these particular items.

Mr. PARSONS. Will the gentleman yield for a question? Mr. OVERSTREET of Indiana. Yes.

Mr. PARSONS. Did not the First Assistant Postmaster-General in his report recommend that the highest salary for laborer be \$900?

Mr. OVERSTREET of Indiana. I do not now recall.

Mr. PARSONS. My recollection is that that was his recommendation.

Mr. OLCOTT. I am only fearful that if I do not press my amendment there will be some people that the New York post-office desires to advance who will be left out.

Mr. OVERSTREET of Indiana. I will not interpose a point of order, but I hope the committee will vote down the amendment.

The CHAIRMAN. The question is on the amendment.

Mr. MANN. May I ask the gentleman from New York if he knows what pay laborers get who do the janitor work and work of that sort in the Government buildings in New York?

Mr. OLCOTT. I can not answer that. Mr. MANN. They are under the Treasury Department and they only get \$600 a year. The same laborers, doing the same work under the Post-Office Department, get \$700 a year. The gentleman wants to make their pay \$800 a year. I hope the gentleman will join with me in attempting to get some pressure to bear on the other distinguished gentleman from New York and get the \$600 people raised to \$700 before we raise the \$700 people to \$800.

The CHAIRMAN. The question is on the amendment.

The amendment of Mr. OLCOTT was rejected.

The Clerk read as follows:

Carpenters, clerks, clerks in charge of stations, janitors, laborers, messengers, porters, pressmen, and watchmen, 3,997, at not exceeding \$700 each.

The Clerk read as follows:

Page 14 strike out lines 3, 4, 5, and 6 and insert in lieu thereof carpenters, janitors, laborers, messengers, porters, pressmen, and watchmen, 480, at not to exceed \$700 each."

Mr. PARSONS. May I ask the chairman of the committee

why that change is made.

Mr. OVERSTREET of Indiana. That is on the recommendation of the First Assistant Postmaster-General, which came in after the bill had been reported. It is in order to make the authorization conform with the practice of the Department in this regard.

Mr. PARSONS. The effect of the amendment is, as I understand it, a reduction from 3,997 to 400?

Mr. OVERSTREET of Indiana. Yes; the number that have

been promoted and the others that will come up from below.

Mr. SULLIVAN. Mr. Chairman, I move to strike out the last word. I wish to ask the gentleman, the chairman of the committee, to explain. On its face this is a reduction of 2,600 men from the force.

Mr. OVERSTREET of Indiana. They are added above. The question was taken, and the amendment was agreed to. The Clerk read as follows:

Carpenters, clerks, clerks in charge of stations, janitors, laborers, messengers, porters, pressmen, and watchmen, \$4,600, at not exceeding \$600 each: Provided, That 600 of the additional clerks of this grade shall be immediately available.

Mr. OVERSTREET of Indiana. Mr. Chairman, I move to amend by inserting in line 11, after the word "grade," the following: "and the sum of \$120,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 11, after the word "grade," insert "and the sum of \$120,000."

Mr. OVERSTREET of Indiana. Mr. Chairman, this provision authorizes the 600 clerks of the \$600 grade to be immediately available for employment during the current fiscal year. The amount of money to carry the compensation of those clerks was inadvertently omitted. With this amendment these 600 clerks, with a total pay of \$120,000, will be available immediately on the passage of this bill for employment during the remainder of the current fiscal year.

The question was taken; and the amendment was agreed to.

Mr. KENNEDY of Nebraska. Mr. Chairman, I move to strike out the last word. I would like to get some information from the chairman of the committee. I ask the chairman whether or not there is any increase in the salaries of the janitors, porters, watchmen, and laborers in the two paragraphs just perfected and in the two following paragraphs?

Mr. OVERSTREET of Indiana. Every employee below \$1,100

is provided with an increase, provided he has served at least

one year and enjoys a record for efficiency.

Mr. KENNEDY of Nebraska. I will say to the gentleman from Indiana that I have been comparing these paragraphs with the paragraphs in the bill of last year and I find no increase.

Mr. OVERSTREET of Indiana. If the gentleman will realize that when we make promotions it requires some little skill at computation to provide the vacancies at the top into which the lower employees may be advanced, and if in connection with that process of computation he realizes that provision is never made for all promotions to take effect upon the first day of the fiscal year, he will see that the two together operate to provide for the general promotions during the year. And I will say to the gentleman, under the measures now adopted by the House, with the exception of one item which is pending on a point of order, provision is made for the pay for the next fiscal year of every employee now in the service at that specific grade of pay, plus employment and compensation of all the new employees recommended by the Department and necessary on account of the increased service. And in addition to both of these all of the promotions of clerks below \$1,200 which have been recommended by the committee and in these several items, let me say, have now been adopted.

We have provided for the promotion of these clerks under the scheme of promotion that has gone out on a point of order, and for the next fiscal year at least these advancements are now provided for.

Mr. KENNEDY of Nebraska. Now, for instance-

Mr. OVERSTREET of Indiana. And permit me to say that these computations upon which I have based this positive statement were made by the computers at the Department, and they assure the committee that these several provisions which I have named are undoubtedly set out in the bill.

Mr. KENNEDY of Nebraska. I wish to say to the gentleman

from Indiana that I have no disposition to oppose an increase of these salaries. I wanted to be satisfied that there is a movement to increase the salaries of the laboring men, the janitors and that class of employees, and I hope they will not be overlooked.

Mr. MANN. If the gentleman will pardon me, I have made a computation of this whole bill of the increase. The gentleman will see an increase in the \$2,000 grade means an increase all the

way down the line, because the promotions go consecutively up.

Mr. KENNEDY of Nebraska. Now, let me ask the gentleman
from Illinois. Take, for instance, a laborer who has a place in this paragraph we are coming to shortly at \$400. Now, I as-

sume that the only increase he can get is by being promoted Am I right? into the \$500 class.

That is right. Mr. MANN.

Mr. KENNEDY of Nebraska. Now, these four paragraphs on page 14 relate chiefly to laborers of the same class as the

Mr. MANN. The gentleman is mistaken about that. Mr. KENNEDY of Nebraska. Well, they relate chiefly to

Mr. MANN. I think they do not relate chiefly to laborers. Permit me to call the gentleman's attention to this. What he is referring to is under items of \$400, \$500, \$600, and \$700 grades, and a majority of the \$700 positions are clerks. A majority of the \$600 positions are clerks. Now, an increase of \$800 places allows promotion from the \$700 to the \$800 place. That permits a promotion from the \$600 to the \$700 grade. permits promotion from the \$500 to the \$600, and from the \$400 to the \$500, and if you add a thousand to the \$800 grade, that would mean a promotion of a thousand in each grade. Now, as a matter of fact, in this bill-and I propose to insert a state-

ment in the Record for that purpose—
The CHAIRMAN. The time of the gentleman has expired.
Mr. KENNEDY of Nebraska. I move to strike out the last

Mr. MANN. Now, as a matter of fact, in this bill before you get down to the \$600 grade there is provision practically for an increase of every person in the \$600 grade to the seven hundred. There is an increase of 50 per cent in the \$1,200 grade. There is an increase of several thousand when you get below the thousand-dollar grade, so that practically every clerk and every person in the Post-Office Department holding a position of less than \$700 is subject to promotion, as I figure it out.

Mr. KENNEDY of Nebraska. Let me ask the gentleman from Illinois, right there, what is the highest wage paid to a labor-

ing man engaged in either of those classes at this time?

Mr. MANN. The highest wage that is permitted to what is called a "laborer," who is not a skilled artisan, is \$700 under

the law regardless of the appropriation bill.

Mr. KENNEDY of Nebraska. I wish to ask further, as a matter of fact, in actual practice and experience do these laborers get beyond that? Are they advanced in actual practice into another line of work, for instance, as clerks?

Mr. MANN. When it comes to that, I am informed that they

Mr. KENNEDY of Nebraska. So, then, the highest wage paid to a laboring man of any class would be \$700.

Mr. MANN. As laborer; yes.

Mr. KENNEDY of Nebraska. And then it is scaled down to

Mr. MANN. Of course most of the laborers to whom the gentleman referred are laborers who probably do janitor work or such a class of work, and I think when they get to \$700 under

the bill there is no provision for their increase.

Mr. KENNEDY of Nebraska. And they naturally would not pass from the class of laborers, to which they have belonged, to the class of clerks?

Mr. MANN. My observation has been that they seldom pass from laborers to clerks.

Mr. Chairman, I have made some computations and tables showing a comparison between the pending bill and existing and prior appropriations as to the number of clerks, and also as to the possibility of promotions, etc., which I shall insert in the Record for the benefit of the House.

I have made the computations on the pending bill based on the

items in the bill as introduced, but I have called the attention of the distinguished chairman of the Post-Office Committee to an apparent difference between the statements in his report and some of the items in the bill, and especially in regard to the number of clerks carried in the bill at a salary of \$1,200, and I understand that these differences in the bill are to be corrected, which will add materially to the number of promotions in one or two of the classes and make the number in some cases different from the figures in my table. In the main, however, the table is correct as the bill will probably finally pass the

I shall also insert in the RECORD a letter from the Postmaster-General, giving some information in regard to the clerks and carriers at the Chicago post-office, in answer to a resolution which I recently introduced in the House, and which seems to me to show, by the number of post-office employees who have declined appointment or who after being appointed have resigned, the urgent necessity of making such increase in postal salaries as will obtain for and retain in the service of the Government at least a sufficient number of permanent employees to properly transact the postal business.

Table showing comparison of clerks provided for in current law and pending bill.

Salary grades.	Current law.	Pending bill.
\$3,200. \$3,000. \$2,700. \$2,600. \$2,500. \$2,500. \$2,200. \$2,200. \$2,100. \$2,100. \$3,100. \$1,500. \$1,700. \$1,600. \$1,700. \$1,100.	8 2 177 211 6 266 266 229 166 777 60 118 118 105 122 309 445 1,720 2,735 3,500 900 325	2 2 1: 3 2 2 2 2 8 6 6 11: 10: 12: 3 36: 600 2 0: 000 3 5: 600 3 5: 5.77 4 0: 09: 99: 99: 4,600

Table showing possible promotions in clerical force carried by pending

The second	out compared with current appropriation law.	
From \$3,000	to \$3,200	Non
From \$2,700	to \$3,000	
From \$2,600	to \$2,700	
From \$2,500	to \$2,600	
From \$2,400	to \$2,500	
From \$2,200	to \$2,400	1
From \$2,100	to \$2,200	
From \$2,000	to \$2,100	1
From \$1.800	to \$2,000	2
From \$1,700	to \$1.800	2
From \$1.600		2
From \$1.500	to \$1,600	2
From \$1,400	to \$1,500	2
	to \$1,400	2
From \$1,200	to \$1,300	18
From \$1.100	to \$1,200	36
	to \$1.100	2, 24
	\$1,000	3.46
From \$800 to		
From \$700 to		
		3, 86

Table showing number of post-office clerks in each grade from \$400 to \$1,400, according to the provisions of the annual post-office appropriation acts for the past six years.

C-1		Number of clerks in grades in each year.				
Salary grade,	1901-2.	1902-3.	1903-4.	1904-5.	1905-6.	1906-7.
\$400. \$500. \$500. \$500. \$700. \$800. \$900. \$1,000. \$1,100. \$1,100. \$1,200. \$1,300. \$1,400. Number of clerks between \$400 and \$1,400. Number of clerks below \$400. Number of clerks over \$1,400. Number of clerks over \$1,400. Total number of clerks in all grades from \$400 up. Total appropriations for clerk hire. Increase in amount of appropriation over preceding year. Percentage of increase in yearly appropriations.	100 1,600 2,800 1,000 3,900 1,900 1,500 700 225 200 14,725 1,500 526 1,500 13,051,648 \$1,325,734	100 2, 120 3, 200 1, 000 3, 900 2, 100 1, 900 2, 100 1, 400 300 17, 370 17, 370 617 815, 715, 024 \$2, 663, 375	200 800 4, 200 2, 300 4, 000 2, 500 2, 500 1, 500 1, 400 400 19, 950 1, 600 626 22, 176 \$18, 124, 730 \$2, 409, 706	500 800 4, 611 3, 308 3, 596 2, 700 2, 625 1, 612 1, 637 445 389 22, 203 3, 100 607 5, 410 \$19, 995, 700 \$1, 870, 969	500 800 4, 243 4, 155 4, 235 2, 785 2, 784 1, 670 1, 735 445 23, 681 2, 600 607 26, 988 \$21, 000, 000 \$1, 005, 300	322 900 4,00 4,56 5,01 8,49 2,73 1,72 1,82 44 25,37 2,90 60' 28,98, \$22,600,07 \$1,600,00

Out of a total of 25,379 clerks receiving salaries up to and including \$1,400 per annum, 18,290 receive \$900 per annum and less.

In the last three years there have been no increases in the \$1,300

and \$1,400 grades.

The \$1,200 grade has only been increased by 183 clerks in three years.

The \$1,100 grade has only been increased by 108 clerks in three

The \$1,000 grade has only been increased by 110 clerks in three

The \$1,000 grade has only been increased by 110 deltas in the years.

It is estimated that under operation of existing conditions a clerk is compelled to serve from eight to nine years before reaching the grade of \$900 per annum.

Statistics of the Post-Office Department show that 12 per cent of the post-office clerks receiving \$1,000 per annum and less resigned from the service during the last fiscal year ending July 1, 1906.

According to the number of resignations of post-office clerks for the month of October last, the percentage for the present fiscal year will be 21 per cent.

month of October last, the percentage for the present fiscal year will be 21 per cent.
Statistics of the Post-Office Department show that the post-office clerks employed in first and second class post-offices worked a daily average of eight hours and forty-three minutes.
The post-office appropriation bill of last year provided for the possible promotion of 50 per cent of the \$600 clerks, which meant that only 2,121 of this lowest grade could be promoted.
Forty per cent of the \$700 grade were promoted, which meant only 1,662 out of a total of 4,155 clerks.
Twenty per cent of the \$800 grade were promoted, which meant only 847 clerks out of a total of 4,235 in that grade.
Five per cent of the \$900 grade were promoted, which meant only 139 clerks out of 2,785.
Five per cent of the \$1,000 grade, which meant only 137 clerks out of 2.744.
Five per cent of the \$1,100 grade, which meant only 85 clerks out of

Five per cent of the \$1,100 grade, which meant only 85 clerks out of 1,670.
No promotions above this were provided for.

Table showing annual post-office appropriations for post-office clerks.

Year.	Amount.	Increase over former year.	Per cent of in- crease.
1895–96.	\$10, 100, 000	\$400,000	4.12
1896-97		300,000	2.97
1897–98	10,600,000	200,000	1.92
1898-99		508, 100	4.79
1899–1900	11,518,862	410,762	3,70
1900–1901	11,725,914	207, 051	1.80
1901–2	13,051,648	1, 325, 734	11.31
1902–3	15, 715, 024	2,663,375	20.41
1903–4	18, 124, 730	2,409,708	15, 26
1904–5	19, 995, 700	1,870,969	10.32
1905-6	21,000,000	1,005,300	5, 32
1906-7	22,600,000	1,600,000	7.79

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 14, 1907.

Sir: In response to the resolution adopted by the House of Representatives under date of January 9, 1907, "to report at the earliest practicable moment the number of clerks and carriers in the Chicago post-office who resigned, the number who were dismissed, the number who were appointed, both regularly and temporarily, the number who declined appointment after being on the eligible list, the number substitute clerks, and the total amount paid to substitute clerks, by months, all for the fiscal year ended June 30, 1906," I have the honor to report as follows: report as follows:

	Clerks.	Carriers.
Resigned Dismissed Died Appointed Doclined appointment Substitute clerks.	520 100 17 1,553 112 2,808	68 9 18 312 29

# Amount paid substitute clerks, by months,

Month.	Number of clerks.	Amount paid.
July	200 211 195	\$3, 953, 21 6, 438, 96 6, 596, 82 5, 556, 78 7, 731, 88 7, 983, 78
January 1906. February March April May June	220 276 300	6, 966, 25 6, 342, 21 8, 301, 77 9, 531, 95 7, 793, 93 6, 731, 30
Total		83, 928. 84

Respectfully.

GEO. B. CORTELYOU, Postmaster-General.

Mr. KENNEDY of Nebraska. I wish to say, Mr. Chairman, that I hope the committee and the House will not overlook the

laborers. These men who come along at the end of the line are apt to be overlooked. And I want, while I am on my feet, to say one thing more. I regret, of course, as most of us do, that the provisions for the increase of salaries for the clerks and carriers have gone out, and my judgment is that the rules which permit putting paragraphs of that character out on a point of order are wrong and ought to be changed. It should be for the committee having the bill in charge and for the Committee of the Whole House to say what the employees of the Government shall be paid.

To sit here and say we can not increase the salaries of the employees of the Government, one year over another, is to state an absurdity in the practice and proceedings of this House. The only objection I have to the stricken paragraphs lies in the fact that, in my judgment, the carriers have been done an injustice in that for certain years their salaries have been decreased instead of increased. I hope when the rule comes in, if it does, that we will be able not only to give to the clerks and the carriers an increase over present salaries, but that we will be able to prevent a decrease for any employee of the Government in any of the classes designated.

The CHAIRMAN. Without objection, the pro forma amend-

ment is withdrawn.

Mr. MANN. Mr. Chairman-

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. MANN. Mr. Chairman, I made some remarks this afternoon, and I wish to insert in connection therewith some statements in the RECORD.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent to extend his remarks in the RECORD. There was no objection.

Mr. CLARK of Missouri. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. How long are we going to run here?

Mr. OVERSTREET of Indiana. I will be glad to state that I wanted to close with the second line on page 15. We are now. at line 12 on page 14. That will close this particular subject,

Mr. SHERLEY rose.

The CHAIRMAN. For what purpose does the gentleman rise? Mr. SHERLEY. To ask the chairman of the committee a certain question.

The CHAIRMAN. The gentleman from Kentucky moves to strike out the last word.

Mr. SHERLEY. As I understand, the increase of salary is made by promoting men from one grade to a higher grade. Does that carry with it a change of duties, or are these men simply performing their old duties under a new classification?

Mr. OVERSTREET of Indiana. I understand in a very great many, almost all, the cases it involves a change of duty and change of responsibility. It is all service of a similar character. Of course, when you promote a clerk in the office who is drawing \$600 per year to the \$700 grade, that is not necessarily a change of actual work.

But the additional \$100 is given because he is worth that much more after a year's service, and renders that much more service to the Government. But, after you get up to thousanddollar clerks, they are doing a more intricate work. At twelve hundred dollars you will find distributing clerks who are obliged to have a high degree of intelligence in the distribution of the mail, necessitating a knowledge of schedules of trains and times of their departure, connections, and all of that; so that there is a great difference in the character of the work of the \$1,200 clerk and the \$600 clerk, and I assume there is some gradual advance in the duty as well as pay.

Mr. SHERLEY. One more question: If you increase the compensation simply by changing the employment from a lower grade to a higher grade, how have you provided for the increase of the men at the top grade?

Mr. OVERSTREET of Indiana. By adding a certain number

arbitrarily to that top grade and advancing from the next lower into that number.

Mr. SHERLEY. What do you do with those who have no other grade to be elevated to?

Mr. OVERSTREET of Indiana. By grades we mean the grades of compensation.

Mr. SHERLEY. I understand that. Now, highest grade of compensation, how are the salaries of such men increased? Is that done by direct increase in salary or have you created a new grade?

Mr. OVERSTREET of Indiana. Take, for example, the thir-

Take, for example, the thirteen-hundred dollar grade of employees. They are all designated "employees." They are not clerks. Now, we provide in the current law for 445 employees at the grade of \$1,300. This bill carries 606. So that the difference between 606 and 445 will give the correct number to be advanced from \$1,200 to

Mr. SHERLEY. Now, what do you do with the \$1,300 men? Do they get into a higher class? And when they get to the

higher, what do you do then with them?

Mr. OVERSTREET of Indiana. They get into the higher grade of \$1,400. We make no change in the \$1,400 grade. In the current law there are 369; this bill carries 369. Therefore you can not promote from \$1,300 into the \$1,400 except when there are vacancies there.

Mr. MANN. You carried them in the old law, but there are

increases.

Mr. OVERSTREET of Indiana. You provide certain increase above \$1,300 which would make leeway through the \$1,300

into these higher grades.

Mr. SHERLEY. But what do you do with the higher grades? Mr. OVERSTREET of Indiana. That takes a process of computation. Here is a table, which I hold in my hand, beginning with the highest pay in the employ of the service, \$3,200. There are eight of them.

Mr. SULLIVAN. What are the duties of that grade?

Mr. MANN. Superintendent of delivery and superintendent

of mails.

Mr. OVERSTREET of Indiana. That is the item which is temporarily passed by. The superintendent of delivery and the superintendent of mails, \$3,200. No, that is the \$2,700 class. The \$3,200 is the superintendent of delivery, and I will be glad, Mr. Chairman, if the gentleman from Kentucky will attend to my suggestion, if he really wants to know.

Mr. SHERLEY. I beg the gentleman's pardon. I was attending, but another gentleman gave me in one sentence the whole thing I wanted to get at.

Mr. OVERSTREET of Indiana. Is the gentleman satisfied?

And that is that the highest grades were Mr. SHERLEY. not increased at all.

Mr. OVERSTREET of Indiana. Oh, no.

Mr. SHERLEY. If the gentleman had stated that, that would have ended the discussion.

Mr. OVERSTREET of Indiana. I stated that the tables showed it.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

Clerks in charge of stations, janitors, laborers, messengers, porters, and watchmen, fifty, at not exceeding \$400 each.

Mr. MANN. I move to strike out the last word. Last year I was not here when the post-office bill was passed, but the year before that I asked the distinguished gentleman in charge of the bill in reference to substations. A reduction was made, a decided reduction was made, in the committee, I think, of the three and four hundred dollar substations, last year. Now, I do not know exactly what is the gentleman's intention. large cities it is absolutely necessary to have these substations, or, as the gentleman calls them here, part of them stations and part of them contract stations.

The Post-Office Department made a rule in reference to the pay of these stations, and after making the rule they have consistently declined to maintain the rule when it came to the performance of their part of it in the payment of the salary; and last year, in some cases, instead of making the increases where they had promised increases, they made a reduction, although the business had vastly increased. It is impossible in some parts of the city of Chicago, in the territory which I represent, to obtain this service, which if performed in the rural district would have a postmaster who would draw a salary of \$2,000 a year; and it seems to me, in the interests of the Post-Office Department, that it is advisable to permit the sale of stamps where it is convenient to the people. We passed a bill here the other day to do away with the special-delivery stamps because the distinguished gentleman from Missouri received a letter from a man who stated that he could not buy a special-delivery stamp offhand.

Now, if it is so advisable to add to the opportunity to use special-delivery letters, is it not equally advisable to add to the opportunity to use ordinary stamps? There are many places in Chicago where it is not convenient to the people to buy a postage stamp without going a long distance, and when they send in petitions and applications for the establishment of those little \$100, \$200, and \$300 contract stations they are told that the appropriation was not sufficient. I have a dozen cases of that sort in my district now, where the population would warrant a considerable salary if it were out of the city. I can not see what the intention is this year. But I know that last year

the number was insufficient and that the year before last it was insufficient. I do not know what the increase is this year, but it ought to be the policy of the Post-Office Department to provide for these stamp agencies.

They continue to refuse to establish the stations because they are required to sell money orders and registered letters and all that sort of thing. The people ought to have an opportunity to purchase stamps with the least possible inconvenience, when every 2-cent stamp sold is worth to the Government a profit of more than 1 cent, and they ought to give the people an opportunity to buy them.

The CHAIRMAN. The pro forma amendment will be with-

drawn.

Mr. MANN. I hoped I would have gotten some information. Mr. OVERSTREET of Indiana. The gentleman did not ask

Mr. STAFFORD. Mr. Chairman, I should be glad to give the

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. STAFFORD. To furnish the information called for by the gentleman from Illinois, and for that purpose I move to strike out the last two words. In justification of the committee for its action last year I wish to say that the committee desired to include in separate items the clerks in charge of contract stations and asked the Post-Office Department to furnish an estimate of the number of clerks in charge of those contract stations employed in the grades above and below \$300, and acting upon the statement from the Post-Office Department the committee granted the estimate for those respective offices.

It subsequently appeared, after the passage of the bill, and it is no fault of the committee whatever, because it has not been intentionally niggardly in providing for these positions, which the committee believes, with the gentleman from Chicago, have performed a most useful service to the people at a minimum charge, that the Department furnished us an erroneous

statement, and that it was made through mistake.

Mr. HARDWICK. I would like to ask the gentleman this question: Have you given them this year all the amount called for in the estimates?

Mr. STAFFORD. We have given them all the Department

has asked for.

Mr. HARDWICK. Are you satisfied that the Department asks for enough?

Mr. STAFFORD. It is now getting late, and I think if the gentleman will wait until I complete my answer he may find that I will cover his query.

Mr. HARDWICK. Mr. STAFFORD. Then the gentleman Geclines to yield?

Until I finish this gatement. In the item for clerks in charge of stations above the grade of \$300, \$211,200 is the annual rate of expenditure of those now employed. The committee in the appropriation for that service recommends \$235,000, or an increase of nearly \$25,000. Below the grade of \$300 there are men in the service employed at total salaries of \$457,000, and we make provision for \$515,000, or a total increase of \$125,000, which is all that the Department estimates. will yield to the gentleman.

Mr. HARDWICK. If the gentleman thinks this service is so beneficent and that it is being administered in a niggardly manner, why does not the committee give more than the Department

asks for?

Mr. STAFFORD. As I have tried to explain to the gentleman, the fact which he refers to of last year's appropriation was due to an erroneous estimate of the Post-Office Department. We made liberal appropriations then, as we supposed, relying upon that information; but it afterwards appeared that the Department had made a mistake. This year we make the full appropriation requested by the Department.

Mr. HARDWICK. The gentlemen think, then, that the pres-

ent appropriation is amply sufficient as carried in this bill?

Mr. STAFFORD. Amply sufficient, and we have given the full estimate of the Department.

Mr. SULLIVAN. Do you think the estimate is correct?

Mr. STAFFORD. As nearly as we can determine. Mr. HARDWICK. I move to strike out the last word.

I agree thoroughly with what my friend from Illinois has said on this subject. This substation service is one of the most beneficent branches of the service, and I want to say that I have had an immense amount of trouble in the largest city in my district, and one of the largest in Georgia, on this very question. The First Assistant Postmaster-General claims that the allowance made by this committee and by this House for the last fiscal year was absolutely insufficient to carry on this

I know that a very large substation in the city of Augusta,

Ga., one of the largest substations in the South, that does a very large business, was very well run with an allowance of about \$600 per annum, I think. It was moved two or three doors from the place of its original location, and because it was moved the First Assistant Postmaster-General reduced the compensation under the contract from about \$600 to \$100, and when a showing was made to him that the revenues from that substation and the amount of business handled by it were actually increasing instead of decreasing after the removal he said he was still helpless, because he did not have the money and could not get it. He has now assured me that if the Post-Office Committee will give him the amount that he asks for in his esti-mates he will be able to give the people in my district and in that city the service to which they are entitled.

I am glad to get the information from the gentleman that the

committee have recommended this appropriation, because I know that in the larger cities, particularly, it is one of the most important and useful branches of the Post-Office Service.

Mr. MANN. I move to strike out the word "thirty-five" in

The CHAIRMAN. The gentleman may speak in opposition to the pending amendment.

Mr. MANN. The pending amendment is a pro forma one, and I propose to speak on a real amendment.

The CHAIRMAN. The Clerk has not yet read that para-

The Clerk read as follows:

Clerks in charge of contract stations, at a rate of compensation above \$300 each, and not to exceed \$1,000 each, \$235,000.

Mr. MANN. Now, Mr. Chairman, I move to strike out the word "thirty-five," in line 20, and to insert the word "fifty" in place thereof, so that the appropriation for clerks in charge of contract stations will be \$250,000 instead of \$235,000. I am not disposed, Mr. Chairman, to criticise the committee

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Illinois.

The Clerk read as follows:

Strike out "thirty-five" in line 20 and insert "fifty."

Mr. MANN. Mr. Chairman, I am not disposed to criticise the committee for its action even if they opposed this amendment. The truth is whether what the committee has reported is what the Post-Office Department has recommended does not matter. If the Post-Office Department has so recommended, they have recommended an error. We depend on the substations in the large cities. There is no other way they can do the post-office business in the large cities. Gentlemen will remember that where there is a substation at a cost of one, three, or four hundred dollars a year doing a business of \$10,000 a year perhaps, if it were in the country it would cost the Government 40 per cent of the receipts, whereas in this case it is not over 4 per cent.

Now, the Post-Office Department made a rule with reference to these promotions based on the amount of business that was transacted, and when on the 1st of July last a number of these stations reported, as of course they report all the time, the amount of business, and that was figured out by the Auditor to determine the amount of business, when it was known that the amount of business had actually increased, instead of being promoted from \$400 to \$500 they were demoted from \$400 to \$300

a year.

I do not care whether the Post-Office Department recommended it or not. Ever since I have been in the House I have been fighting the opposition of the First Assistant Postmaster-General and endeavoring to instruct them in reference to this matter. There isn't anybody there who knows anything about these stations; they do not come in contact with them; they are under the control of the postmasters and auditors, and I haven't seen anybody, from Mr. Waters down in his office, who had any conception of the work or the necessity of these substations in the large cities.

Mr. FINLEY. I would like to ask the gentleman what progress he has made in instructing the First Assistant Postmaster-General's office?

Mr. MANN. I have made considerable progress. The number of stations has been increased.

Mr. HARDWICK. Does not the gentleman think that there

is room for improvement?

Mr. MANN. It is for the benefit of the Government to do this. If we could deal with the First Assistant Postmaster-General's office alone we could get a great deal better satisfaction than we do now; but the other offices insist that these men shall sell money orders, and you can not get a drug store to sell money orders, register letters, and sell stamps, and keep one person hired for that purpose at a cost of \$800 a year and do it for \$300 a year.

The CHAIRMAN. The time of the gentleman has expired. Mr. OVERSTREET of Indiana. I want to say that we have increased the appropriations between \$50,000 and \$100,000 for this very service, and I hope the amendment will be disagreed

Mr. MANN. If the gentleman's statement was absolutely correct, I would say nothing, but what they have increased in this item is \$10,000 over that of last year.

Mr. OVERSTREET of Indiana. Mr. Chairman, I have the

Mr. MANN. I understood the gentleman had yielded the

Mr. OVERSTREET of Indiana. No; I have not. Mr. MANN. The Chairman was about to put the question

when I took the floor.

The CHAIRMAN. The time of the gentleman from Illinois had expired and the gentleman from Indiana had yielded the floor, as the Chair understood.

Mr. OVERSTREET of Indiana. Mr. Chairman, in the two paragraphs, this one and the one immediately following, provision is made over existing authorizations of \$50,000 for this character of work. All of the appropriations for the current year have not been used in either one of these items. The purpose of the provision is to provide for the innumerable small stations throughout the various cities, at a fair compensation. There may be an instance where some individual may think he ought to have more money, but there is always a drug store or some other store perfectly willing to have the station located in its room. There is no trouble about it. We have had no difficulty in the past in the administration of it, and the gentleman from Illinois is the only Member I have known to interpose a criticism.

Mr. HARDWICK. I want to add my criticism to that of the

gentleman.

Mr. OVERSTREET of Indiana. Then there are two?
Mr. HARDWICK. I know this from my experience.
Mr. MANN. I presume there has been no trouble in the

gentleman's city, but if he would come to my city he would see the trouble.

Mr. FINLEY. I would ask the chairman if the Department has found any trouble in providing for the taking charge of these stations:

Mr. OVERSTREET of Indiana. I do not understand so.

Mr. FINLEY. My understanding is they have not.
Mr. MANN. The trouble is in getting the stations and—
Mr. SULLIVAN. Mr. Chairman, I move to strike out the last word. I wish to say, for the information of the gentleman from Indiana, that in the Back Bay section of the city of Boston, which is an important section, there has been for a long time a demand for extra stations of this character, and the postmaster of Boston has been unable to grant these demands because of a lack of the necessary funds. There is another instance to which wish to call the gentleman's attention.

Mr. OVERSTREET of Indiana. I only know what the De-

partment recommends.

The CHAIRMAN. The question is on the amendment. The question was taken; and the Chair announced that the

noes appeared to have it.

Mr. MANN. Division.

The committee divided; and there were—ayes 19, noes 22,

So the amendment was rejected.

The Clerk read as follows:

Clerks in charge of contract stations, at a rate of compensation not to exceed \$300 each, \$515,000.

Mr. GOEBEL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

On page 14, line 24, after the word "dollars," insert the following: "Provided, That in addition to the foregoing allowance and compensation of clerks and employees at first and second class post-offices there be allowed and paid to each a sum which, together with the allowance herein made, would equal 20 per cent upon the salary now fixed by law."

Mr. OVERSTREET of Indiana. Mr. Chairman, I reserve the point of order on that, and I would suggest to the gentleman from Ohio if he will withdraw his amendment and let me close up the first few lines on the next page then he can offer his amendment, and I will reserve the point of order and let it stand until to-morrow morning and be considered as pending.

Mr. GOEBEL. Very well.

The CHAIRMAN. The gentleman withdraws his amendment

temporarily.

The Clerk read as follows:

In all, \$26,090,200.

Mr. OVERSTREET of Indiana. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, line 1, strike out \$26,000,200 and insert \$26,390,200.

The question was taken; and the amendment was agreed to. Mr. GOEBEL. Now, Mr. Chairman, I offer my amendment. The CHAIRMAN. The gentleman from Ohio renews his

Mr. OVERSTREET of Indiana, And I reserve the point of

The CHAIRMAN. And the gentleman from Indiana reserves the point of order upon it.

Mr. OVERSTREET of Indiana. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Currier, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25483, the post-office appropriation bill, and had directed him to report that it had come to no resolution thereon.

## SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY, by direction of the Committee on Appropriations, reported the bill (H. R. 25745) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, which was read the first and second times, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. CLARK of Missouri. Mr. Speaker, I reserve all points of

order upon the bill,
The SPEAKER. The gentleman from Missouri reserves all points of order upon the bill.

ALLOTMENT AND DISTRIBUTION OF INDIAN TRIBAL FUNDS.

Mr. SHERMAN. Mr. Speaker, I call from the Speaker's table the bill H. R. 5290 and ask unanimous consent to disagree to the Senate amendments and ask for a conference

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the following bill, disagree with the Senate amendments thereto, and ask a conference. The Clerk will report the title.

The Clerk read as follows:

A bill (II. R. 5290) entitled "An act providing for the allotment and distribution of Indian tribal funds.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER announced the following conferees.

The Clerk read as follows:

Mr. LACEY, Mr. BURKE of South Dakota, and Mr. ZENOR.

### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 7283. An act granting an increase of pension to William T.

Cooper-to the Committee on Invalid Pensions.

S. 7993. An act granting an increase of pension to George E. Purdy—to the Committee on Invalid Pensions.

S. 8314. An act granting an increase of pension to James P. Worrell—to the Committee on Invalid Pensions.

S. 8508. An act granting an increase of pension to Miranda W. Howard—to the Committee on Invalid Pensions.

S. Res. 92. Joint resolution to authorize the Secretary of War to permit José March Duplat to receive instruction at the Military Academy at West Point-to the Committee on Military Affairs.

S. 1217. An act for the relief of the estate of Henry Ware,

deceased—to the Committee on War Claims.

S. 8400. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904—to the Committee on Interstate and For-

S. 8511. An act granting a pension to George L. Dancy-to

the Committee on Pensions.

S. 7903. An act granting an increase of pension to Catherine De Rosset Meares—to the Committee on Pensions.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1726. An act making provisions for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as "The

Lines," for school purposes, to the board of public instruction of St. John County, Fla.

S. 4403. An act to regulate the immigration of aliens into the

United States.

S. 7793. An act to fix the time of holding the circuit and district courts of the United States in and for the northern district of Iowa.

S. 7879. An act granting to the Los Angeles Interurban Railway Company a right of way for railroad purposes through the United States military reservation at San Pedro, Cal;

S. 6364. An act to incorporate the National Child Labor Com-

S. 8283. An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other

S. 8362. An act to authorize the city council of Salt Lake City, Utah, to construct and maintain a boulevard through the mili-tary reservation of Fort Douglas, Utah;

S. 8274. An act to amend an act to authorize the construction of two bridges across the Cumberland River at or near Nashville. Tenn. : and

S. 7372. An act to authorize the acceptance by the Secretary of the Navy, as a gift, of a sailboat for use of the midshipmen at the Naval Academy.

### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 21579. An act granting an increase of pension to Sarah

R. Harrington;

H. R. 17875. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of W. W.

H.R. 23384. An act to amend an act entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,' regulating proceedings for condemnation of land for streets:

H. R. 18924. An act for the relief of George M. Esterly;
H. R. 24821. An act to authorize the Georgia Southwestern and Gulf Railroad Company to construct a bridge across the Chattahoochee River between the States of Alabama and

H. R. 24989. An act to provide for the commutation for townsite purposes of homestead entries in certain portions of Okla-

H. R. 14361. An act granting an honorable discharge to David

Harrington; II. R. 25366. An act to authorize the New Orleans and Great Northern Railroad Company to construct a bridge across Pearl River, in the State of Mississippi; and

H. R. 25046. An act to authorize the construction of a bridge

across the Mississippi River at Louisiana, Mo.

### SAC AND FOX INDIANS.

The SPEAKER laid before the House the following message from the President of the United States; which was ordered to be printed, and referred to the Committee on Indian Affairs:

To the Senate and House of Representatives:

At the last session I found myself unable to sign House bill No. 10133, in reference to certain disputed rights between the Iowa and Oklahoma bands of the Sac and Fox Indians. After careful investigation of the subject, and on the advice of the Commissioner of Indian Affairs, I recommend that a measure be passed by the Congress turning over the whole controversy just as it stands to the Court of Claims, with full power to determine the legal and equitable rights involved and to render judgment. render judgment.

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 19, 1907.

LEAVE OF ABSENCE.

Mr. Brumm, by unanimous consent, was granted leave of absence until Friday, February 22, on account of important busi-

### ADJOURNMENT.

Mr. OVERSTREET of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 6 o'clock and 26 minutes p. m.) the House adjourned until Wednesday, February 20, 1907, at 11 o'clock a. m.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of Commerce and Labor, transmitting, in response to the inquiry of the House, a statement as to the introduction of foreign laborers by the State of South Carolina and an opinion of the Solicitor of the Department-to the Committee on Immigration and Naturalization, and ordered

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the president of the Board of Commissioners of the District of Columbia submitting an estimate of appropriation for the fire department of the District of Columbia-to the Committee on Appropriations, and ordered to be printed.

A statement from the superintendent of the Washington, Alexandria and Mount Vernon Railway, transmitting the report of the company for the year ending December 31, 1906—to the Committee on the District of Columbia, and ordered to be

### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LOUD, from the Committee on Naval Affairs, to which was referred the joint resolution of the House (H. J. Res. 239) to authorize the appointment of a board to investigate the administration of the navy-yards, reported the same without amendment, accompanied by a report (No. 8019); which said joint resolution and report were referred to the Committee of

the Whole House on the state of the Union.

Mr. MOORE of Texas, from the Committee on Immigration and Naturalization, to which was referred the bill of the Senate (S. 8327) to provide for the establishment of an immigration station at Galveston, in the State of Texas, and the erection in said city, on a site to be selected for said station, of a public building, reported the same with amendment, accompanied by a report (No. 8026); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTLETT, from the Committee on Interstate and For-eign Commerce, to which was referred the bill S. 8182, reported in lieu thereof a bill (H. R. 25742) to authorize the Twin City Power Company to construct two dams across the Savannah River above the city of Augusta, Ga.; which said bill and report (No. 8025) were referred to the House Calendar.

Mr. ELLERBE, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 25719) to provide for the establishment of an immigration station at Charleston, in the State of South Carolina, and the erection in said city, on a site to be selected for said station, of a public building, reported the same with amendment, accompanied by a report (No. 8028); which said bill and report were refered to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 8377) to amend an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906, reported the same without amendment, accompanied by a report (No. 8016); which said bill and report were referred to the

House Calendar.

· Mr. RYAN, from the Committee on Interstate and Foreign Commerce, to which was referred the resolution of the House (H. Res. 831) requesting information from the Secretary of Commerce and Labor relative to whether any railroad company owns any of the steamship lines engaged in the coastwise trade, reported the same with amendment, accompanied by a report (No. 8017); which said resolution and report were referred to the House Calendar.

Mr. LOUD, from the Committee on Naval Affairs, to which was referred the joint resolution of the House (H. J. Res. 238) authorizing the Secretary of the Navy to investigate cost of manufacture in the navy-yards as compared with cost of pur-chase elsewhere, reported the same without amendment, accompanied by a report (No. 8018); which said joint resolution and

report were referred to the House Calendar.

Mr. TOWNSEND, from the Committee on Interstate and Foreign Commerce, to which was referred the joint resolution of the House (H. J. Res. 246) authorizing the President to extend an invitation to the Twelfth International Congress of Hygiene and Demography to hold its thirteenth congress in the city of Washington, reported the same without amendment, accompanied by a report (No. 8020); which said joint resolution and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Inter-

state and Foreign Commerce, to which was referred the bill

of the House (H. R. 25541) to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn., approved February 26, 1904, reported the same with amend-ment, accompanied by a report (No. 8021); which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 25574) to authorize the location of the light and fog-signal station heretofore provided for at the south end of the proposed extension of the breakwater, harbor of refuge, Milwaukee, Wis, reported the same without amendment, accompanied by a report (No. 8022); which said bill and report were referred to the

House Calendar.

Mr. BURKE of South Dakota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 25672) to amend an act entitled "An act to authorize the Ox Bow Company of South Dakota to construct a dam across the Missouri River," reported the same with amendment, accompanied by a report (No. 8023); which said bill and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 25691) to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company, reported the same with amendment, accompanied by a report (No. 8024); which said bill and report

were referred to the House Calendar.

Mr. BARTLETT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 25742) to authorize the Twin City Power Company to construct two dams across the Savannah River above the city of Augusta, Ga., reported the same with amendment, accompanied by a report (No. 8025); which said bill and report were referred to the House Calendar.

### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 990) granting an increase of pension to Relf Bledsoe, reported the same without amendment, accompanied by a report (No. 7650); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1896) granting a pension to Smith Bledsoe, reported the same without amendment, accompanied by a report (No. 7651); which said bill and report were referred to

the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1980) granting an increase of pension to Mary O. Foster, reported the same without amendment, accompanied by a report (No. 7652); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2109) granting an increase of pension to Elisha T. Arnold, reported the same without amendment, accompanied by a report (No. 7653); which said bill and report were

referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3432) granting an increase of pension to Samuel Ellis, reported the same without amendment, accompanied by a report (No. 7654); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4028) granting an increase of pension to Ann H. Barnes, reported the same without amendment, accompanied by a report (No. 7655); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4762) granting a pension to Mary A. Brady, reported the same without amendment, accompanied by a report (No. 7656); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6177) granting an increase of pension to Louisa Anne Morton, reported the same without amendment, accompanied by a report (No. 7657); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6726) granting an increase of pension to

Mary A. Jackson, reported the same without amendment, accompanied by a report (No. 7658); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (8. 7244) granting an increase of pension to Bessie Sharp Pettit, reported the same without amendment, accompanied by a report (No. 7659); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7696) granting an increase of pension to Zadok K. Judd, reported the same without amendment, accompanied by a report (No. 7660); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7722) granting an increase of pension to Henderson Stanley, reported the same without amendment, accompanied by a report (No. 7661); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7803) granting an increase of pension to William H. Long, reported the same without amendment, accompanied by a report (No. 7662); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7912) granting an increase of pension to Eleanor P. Bigler, reported the same without amendment, accompanied by a report (No. 7663); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 8144) granting an increase of pension to Elizabeth A. Bonner, reported the same without amendment, accompanied by a report (No. 7664); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 8147) granting an increase of pension to Ann E. Macy, reported the same without amendment, accompanied by a report (No. 7665); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 8197) granting an increase of pension to Arabella J. Farrell, reported the same without amendment, accompanied by a report (No. 7666); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. S212) granting a pension to Azelia Mittag, reported the same without amendment, accompanied by a report (No. 7667); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 8214) granting a pension to Jeremiah Bowman, reported the same without amendment, accompanied by a report (No. 7668); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. S225) granting an increase of pension to Elizabeth P. Hargrave, reported the same without amendment, accompanied by a report (No. 7669); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 8237) granting an increase of pension to Lydia Irvine, reported the same without amendment, accompanied by a report (No. 7670); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 8263) granting an increase of pension to Martha L. Bohannan, reported the same without amendment, accompanied by a report (No. 7671); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. S456) granting an increase of pension to Margaret Baber, reported the same without amendment, accompanied by a report (No. 7672); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 8485) granting an increase of pension to Ann Hudson, reported the same without amendment, accompanied by a report (No. 7673); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7) granting an increase of pension to Edwin B. Lufkin, reported the same without amendment, accompanied by a report (No. 7674); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 12) granting an increase of pension to

Nancy Littlefield, reported the same without amendment, accompanied by a report (No. 7675); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 161) granting an increase of pension to Ruth E. Rogers, reported the same without amendment, accompanied by a report (No. 7676); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 177) granting an increase of pension to Alvah D. Wilson, reported the same without amendment, accompanied by a report (No. 7677); which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 435) granting an increase of pension to Luther H. Canfield, reported the same without amendment, accompanied by a report (No. 7678); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 463) granting an increase of pension to Justin C. Kennedy, reported the same without amendment, accompanied by a report (No. 7679); which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 496) granting an increase of pension to Lewis Young, reported the same without amendment, accompanied by a report (No. 7680); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 570) granting an increase of pension to John W. Crane, reported the same without amendment, accompanied by a report (No. 7681); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (8. 588) granting an increase of pension to Priscilla L. Hamill, reported the same without amendment, accompanied by a report (No. 7682); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 883) granting an increase of pension to Thomas A. Willson, reported the same without amendment, accompanied by a report (No. 7683); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 913) granting an increase of pension to Charles E. Foster, reported the same without amendment, accompanied by a report (No. 7684); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1136) granting an increase of pension to Warren W. Whipple, reported the same without amendment, accompanied by a report (No. 7685); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1261) granting an increase of pension to Edwin P. Richardson, reported the same without amendment, accompanied by a report (No. 7686); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1299) granting an increase of pension to Ludwig Schultz, reported the same without amendment, accompanied by a report (No. 7687); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1350) granting an increase of pension to Michael Cullen, reported the same without amendment, accompanied by a report (No. 7688); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1515) granting an increase of pension to Elizabeth Strong, reported the same without amendment, accompanied by a report (No. 7689); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1520) granting an increase of pension to Laura M. Freeman, reported the same without amendment, accompanied by a report (No. 7690); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1526) granting an increase of pension to Theodore W. Gates, reported the same without amendment, accompanied by a report (No. 7691); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1622) granting a pension to Jane Agnew, reported the same without amendment, accompanied by a report (No. 7602); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1935) granting an increase of pension to Charles Church, reported the same without amendment, accompanied by a report (No. 7693); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2011) granting an increase of pension to Lucinda L. McCorkle, reported the same with amendment, accompanied by a report (No. 7694); which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2083) granting an increase of pension to Asa K. Harbert, reported the same without amendment, accompanied by a report (No. 7695); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2181) granting an increase of pension to Mary G. Potter, reported the same without amendment, accompanied by a report (No. 7696); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2285) granting an increase of pension to William W. Herrick, reported the same without amendment, accompanied by a report (No. 7697); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2315) granting an increase of pension to William T. Graffan, alias William Rivers, reported the same without amendment, accompanied by a report (No. 7698); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to whom was referred the bill of the Senaate (S. 2336) granting an increase of pension to Annie E. Smith, reported the same without amendment, accompanied by a report (No. 7699); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2387) granting an increase of pension to Harvey Smith, reported the same without amendment, accompanied by a report (No. 7700); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (8. 2394) granting an increase of pension to John A. J. Taylor, reported the same without amendment, accompanied by a report (No. 7701); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2502) granting an increase of pension to Stephen M. Fitzwater, reported the same without amendment, accompanied by a report (No. 7702); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2729) granting an increase of pension to Robert J. Henry, reported the same without amendment, accompanied by a report (No. 7703); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2743) granting an increase of pension to Daniel B. Morehead, reported the same without amendment, accompanied by a report (No. 7704); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2748) granting an increase of pension to Joel R. Smith, reported the same without amendment, accompanied by a report (No. 7705); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2792) granting an increase of pension to John W. Ogan, reported the same without amendment, accompanied by a report (No. 7706); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2954) granting an increase of pension to Hannah Welch, reported the same without amendment, accompanied by a report (No. 7707); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2971) granting an increase of pension to Henry O. Bennum, reported the same

without amendment, accompanied by a report (No. 7708); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3197) granting an increase of pension to Hiram Focht, reported the same without amendment, accompanied by a report (No. 7709); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pen-

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3266) granting an increase of pension to William P. McKeever, reported the same without amendment, accompanied by a report (No. 7710); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (8, 3267) granting an increase of pension to George C. Veile, reported the same without amendment, accompanied by a report (No. 7711); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3268) granting an increase of pension to Jacob A. Ward, reported the same without amendment, accompanied by a report (No. 7712); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3275) granting an increase of pension to Thomas J. Harrison, reported the same without amendment, accompanied by a report (No. 7713); which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pen-

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3434) granting an increase of pension to Charles M. Canfield, reported the same without amendment, accompanied by a report (No. 7714); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3435) granting an increase of pension to Rowland Saunders, reported the same without amendment, accompanied by a report (No. 7715); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3446) granting an increase of pension to Anna M. Woodbury, reported the same without amendment, accompanied by a report (No. 7716); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3495) granting a pension to Joseph H. Boucher, reported the same without amendment, accompanied by a report (No. 7717); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3527) granting an increase of pension to Samuel S. Watson, reported the same without amendment, accompanied by a report (No. 7718); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3552) granting an increase of pension to Joseph P. Wilcox, reported the same without amendment, accompanied by a report (No. 7719); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3563) granting an increase of pension to Orin D. Sisco, reported the same without amendment, accompanied by a report (No. 7720); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3652) granting an increase of pension to Sallie Noble, reported the same without amendment, accompanied by a report (No. 7721); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3672) granting an increase of pension to Daniel R. Emery, reported the same without amendment, accompanied by a report (No. 7722); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3852) granting an increase of pension to Levi W. Curtis, reported the same without amendment, accompanied by a report (No. 7723); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3929) granting an increase of pension to Ellen L. Stoughton, reported the same without amendment, accompanied by a report (No. 7724); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to

which was referred the bill of the Senate (S. 3997) granting an increase of pension to Jacob Berry, reported the same without amendment, accompanied by a report (No. 7725); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3998) granting an increase of pension to Thomas Warner, reported the same without amendment, accompanied by a report (No. 7726); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4208) granting an increase of pension to Charles V. Nash, reported the same without amendment, accompanied by a report (No. 7727); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4461) granting an increase of pension to Thomas S. Elsberry, reported the same without amendment, accompanied by a report (No. 7728); which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pen-

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4501) granting an increase of pension to Horatio S. Brewer, reported the same without amendment, accompanied by a report (No. 7729); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4531) granting an increase of pension to Levi M. Stephenson, reported the same without amendment, accompanied by a report (No. 7730); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4559) granting an increase of pension to John A. Wagner, reported the same without amendment, accompanied by a report (No. 7731); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Sénate (S. 4562) granting an increase of pension to Henry Stegman, reported the same without amendment, accompanied by a report (No. 7732); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4580) granting an increase of pension to William Hale, reported the same without amendment, accompanied by a report (No. 7733); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4629) granting an increase of pension to Mary Jane Miller, reported the same without amendment, accompanied by a report (No. 7734); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4693) granting an increase of pension to Irvin M. Hill, reported the same without amendment, accompanied by a report (No. 7735); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4865) granting an increase of pension to James W. Muncy, reported the same without amendment, accompanied by a report (No. 7736); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4873) granting an increase of pension to D. Laning Ross, reported the same without amendment, accompanied by a report (No. 7737); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4875) granting an increase of pension to Nathan S. Wood, reported the same without amendment, accompanied by a report (No. 7738); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4890) granting an increase of pension to Lorin N. Hawkins, reported the same without amendment, accompanied by a report (No. 7739); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4936) granting an increase of pension to Jacob Grell, reported the same without amendment, accompanied by a report (No. 7740); which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4958)

granting an increase of pension to William W. Duffield, reported the same without amendment, accompanied by a report (No. 7741); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (8. 5125) granting an increase of pension to Nancy A. E. Hoffman, reported the same without amendment, accompanied by a report (No. 7742); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5144) granting an increase of pension to Morgan H. Weeks, reported the same without amendment, accompanied by a report (No. 7743); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5171) granting an increase of pension to Jennie H. Marshall, reported the same without amendment, accompanied by a report (No. 7744); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5191) granting an increase of pension to Robert H. White, reported the same without amendment, accompanied by a report (No. 7745); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (8, 5261) granting an increase of pension to Stephen A. Barker, reported the same without amendment, accompanied by a report (No. 7746); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5361) granting an increase of pension to John H. Peters, reported the same without amendment, accompanied by a report (No. 7747); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5380) granting an increase of pension to Richard Jones, reported the same without amendment, accompanied by a report (No. 7748); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5383) granting an increase of pension to Greenberry B. Patterson, reported the same without amendment, accompanied by a report (No. 7749); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5400) granting an increase of pension to John A. Chase, reported the same without amendment, accompanied by a report (No. 7750); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5420) granting an increase of pension to Thomas W. Gilpatrick, reported the same without amendment, accompanied by a report (No. 7751); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5423) granting an increase of pension to William M. Tinsley, reported the same without amendment, accompanied by a report (No. 7752); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5456) granting an increase of pension to Marcellus Cash, reported the same without amendment, accompanied by a report (No. 7753); which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5457) granting an increase of pension to Albert Teets, reported the same without amendment, accompanied by a report (No. 7754); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5558) granting an increase of pension to George Payne, reported the same without amendment, accompanied by a report (No. 7755); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5578) granting an increase of pension to Sheffield L. Sherman, jr., reported the same without amendment, accompanied by a report (No. 7756); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5621) granting an increase of pension to Frederick Buehrle, reported the same without amendment, accompanied by a report (No. 7757); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5623) granting an increase of pension to Nicholas M. Hawkins, reported the same without amendment, accompanied by a report (No. 7758); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5681) granting an increase of pension to William Grant, reported the same without amendment, accompanied by a report (No. 7759; which said bill

and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5692) granting an increase of pension to Margaret E. Craigo, reported the same without amendment, accompanied by a report (No. 7760); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5718) granting an increase of pension to William D. Hoff, reported the same without amendment, accompanied by a report (No. 7761); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5724) granting an increase of pension to George C. Saul, reported the same without amendment, accompanied by a report (No. 7762) which said bill and report were referred to the Private Cal-

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5730) granting an increase of pension to William O. Spelman, reported the same without amendment, accompanied by a report (No. 7763); which said bill and report were referred to the Private Calen-

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5752) granting an increase of pension to Ruth M. Hoag, reported the same without amendment, accompanied by a report (No. 7764); which said bill and report were referred to the Private Calen-

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5756) granting an increase of pension to Charles A. Bell, reported the same without amendment, accompanied by a report (No. 7765); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5782) granting an increase of pension to Octave L. F. E. Fariola, reported the same without amendment, accompanied by a report (No. 7766); which said bill and

report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5813) granting an increase of pension to Marshall T. Kennan, reported the same with amendment, accompanied by a report (No. 7767); which said bill and report were referred to the Private Calen-

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5884) granting an increase of pension to Cyrus Palmer, reported the same without amendment, accompanied by a report (No. 7768); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the Senate (S. 5940) granting an increase of pension to Henry Bittleston, reported the same without amendment, accompanied by a report (No. 7769); which said bill and report

were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5970) granting an increase of pension to Julia A. Horton, reported the same without amendment, accompanied by a report (No. 7770); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5981) granting an increase of pension to John H. La Vaque, reported the same without amendment, accompanied by a report (No. 7771); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5992) granting an increase of pension to Franklin Craig, reported the same without amendment, accompanied by a report (No. 7772); which said bill and report were referred to the Private Calendar

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6044) granting an increase of pension to John H. Arnold, reported the same without amendment, accompanied by a report (No. 7773); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6076) granting an increase of pension to John McKnight, reported the same without amendment, accompanied by a report (No. 7774); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pen-

sions, to which was referred the bill of the Senate (S. 6078) granting an increase of pension to Elijah B. Hudson, reported the same without amendment, accompanied by a report (No. 7775); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6093) granting a pension to Hester A. Coller, reported the same without amendment, accompanied by a report (No. 7776); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6103) granting an increase of pension to William P. Visgar, reported the same without amendment, accompanied by a report (No. 7777); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6127) granting an increase of pension to John R. Callender, reported the same without amendment, accompanied by a report (No. 7778); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6140) granting an increase of pension to Julia A. Birge, reported the same without amendment, accompanied by a report (No. 7779); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6245) granting an increase of pension to Susan Mahany, reported the same without amendment, accompanied by a report (No. 7780); we said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6281) granting an increase of pension to Joseph C. Bowker, reported the same without amendment, accompanied by a report (No. 7781); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6319) granting an increase of pension to Angus Fraser, reported the same without amendment, accompanied by a report (No. 7782); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6380) granting an increase of pension to Josiah B. Kinsman, reported the same without amendment, accompanied by a report (No. 7783); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6467) granting an increase of pension to John M. Smith, reported the same without amendment, accompanied by a report (No. 7784); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6475) granting an increase of pension to Harvey Key, reported the same without amendment, accompanied by a report (No. 7785); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6518) granting an increase of pension to William H. Stiles, reported the same without amendment, accompanied by a report (No. 7786); which said bill and report were referred to the Private Calendar

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6531) granting an increase of pension to Francis A. Dory, reported the same without amendment, accompanied by a report (No. 7787); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6567) granting an increase of pension to George C. Gibson, reported the same with-

out amendment, accompanied by a report (No. 7788); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6570) granting an increase of pension to George W. Cole, reported the same without amendment, accompanied by a report (No. 7789); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6606) granting an increase of pension to Alexander Sholl, reported the same without amendment, accompanied by a report (No. 7790); which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6609) granting an increase of pension to John Shank, reported the same without amendment, accompanied by a report (No. 7791); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6610) granting an increase of pension to Isaac Johnson, reported the same without amendment, accompanied by a report (No. 7792); which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6612) granting an increase of pension to George H. McClung, reported the same without amendment, accompanied by a report (No. 7793); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6616) granting an increase of pension to Jacob P. Crooker, reported the same without amendment, accompanied by a report (No. 7794); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6634) granting an increase of pension to John P. Murray, reported the same without amendment, accompanied by a report (No. 7795); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6635) granting an increase of pension to John A. Morris, reported the same without amendment, accompanied by a report (No. 7796); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6652) granting an increase of pension to Hiram H. Lockwood, reported the same without amendment, accompanied by a report (No. 7797); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6663) granting an increase of pension to Thomas M. Chase, reported the same without amendment, accompanied by a report (No. 7798); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6665) granting an increase of pension to Samuel B. T. Goodrich, reported the same without amendment, accompanied by a report (No. 7799); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6669) granting an increase of pension to Timothy B. Lewis, reported the same without amendment, accompanied by a report (No. 7800); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6672) granting an increase of pension to Hannah Peavey, reported the same without amendment, accompanied by a report (No. 7801); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6702) granting an increase of pension to Charles E. Du Bois, reported the same without amendment, accompanied by a report (No. 7802); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6711) granting an increase of pension to Harvey B. F. Keller, reported the same without amendment, accompanied by a report (No. 7803); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6713) granting an increase of pension to James L. Short, reported the same without amendment, accompanied by a report (No. 7804); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6724) granting a pension to Mary W. Granniss, reported the same without amendment, accompanied by a report (No. 7805); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6731) granting an increase of pension to Elizabeth H. Rice, reported the same without amendment, accompanied by a report (No. 7806); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6734) granting an increase of pension to John C. Snell, reported the same without amendment, accompanied by a report (No. 7807); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6774) granting an increase of pension to James B. Hackett, reported the same without amendment, accompanied by a report (No. 7808); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6768) granting an increase of pension to John E. Hayes, reported the same without amendment, accompanied by a report (No. 7809); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6818) granting an increase of pension to John E. Anthony, reported the same without amendment, accompanied by a report (No. 7810); which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6838) granting an increase of pension to Samuel Shepherd, reported the same without amendment, accompanied by a report (No. 7811); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6899) granting an increase of pension to George H. Nye, reported the same without amendment, accompanied by a report (No. 7812); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6909) granting an increase of pension to William H. Adams, reported the same without amendment, accompanied by a report (No. 7813); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6910) granting an increase of pension to George F. Chamberlin, reported the same without amendment, accompanied by a report (No. 7814); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6911) granting an increase of pension to George A. Boyle, reported the same without amendment, accompanied by a report (No. 7815); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6912) granting an increase of pension to James G. Harvey, reported the same without amendment, accompanied by a report (No. 7816); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6913) granting an increase of pension to Samuel C. Murdough, reported the same without amendment, accompanied by a report (No. 7817); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6952) granting an increase of pension to Martin A. Rubert, reported the same without amendment, accompanied by a report (No. 7818); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6954) granting an increase of pension to Henry Matter, reported the same without amendment, accompanied by a report (No. 7819); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6955) granting an increase of pension to Abram W. Vandel, reported the same without amendment, accompanied by a report (No. 7820); which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6956) granting an increase of pension to Eli Ford, alias Jacob Butler, reported the same without amendment, accompanied by a report (No. 7821); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to

which was referred the bill of the Senate (S. 6962) granting an increase of pension to Franklin Rust, reported the same without amendment, accompanied by a report (No. 7822); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6970) granting an increase of pension to Alonzo W. Fuller, reported the same without amendment, accompanied by a report (No. 7823); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6996) granting an increase of pension to John Snyder, reported the same without amendment, accompanied by a report (No. 7824); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7004) granting an increase of pension to Edward G. Burnet, reported the same without amendment, accompanied by a report (No. 7825); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7021) granting an increase of pension to Hugh K. McJunkin, reported the same without amendment, accompanied by a report (No. 7826); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7038) granting an increase of pension to William Curran, reported the same without amendment, accompanied by a report (No. 7827); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7039) granting an increase of pension to Robert Hamilton, reported the same without amendment, accompanied by a report (No. 7828); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7044) granting an increase of pension to Sylvester O. Pevear, reported the same without amendment, accompanied by a report (No. 7829); which said bill and report were referred to the Private Calendar.

Mr. CHANEÝ, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7054) granting an increase of pension to Chârles H. Clapp, reported the same without amendment, accompanied by a report (No. 7830); which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7058) granting an increase of pension to Gilbert Ballie, reported the same without amendment, accompanied by a report (No. 7831); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7061) granting an increase of pension to Hugh McNaughton, reported the same without amendment, accompanied by a report (No. 7832); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7063) granting an increase of pension to William T. Hastings, reported the same without amendment, accompanied by a report (No. 7833); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7064) granting a pension to Edward T. Blodgett, reported the same without amendment, accompanied by a report (No. 7834); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7068) granting an increase of pension to Richard B. Hall, reported the same without amendment, accompanied by a report (No. 7835); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7078) granting a pension to Daniel Schaffner, reported the same without amendment, accompanied by a report (No. 7836); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7098) granting an increase of pension to Henrietta Teague, reported the same without amendment, accompanied by a report (No. 7837); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7129) granting a pension to Susan J. Chandler, reported the same

without amendment, accompanied by a report (No. 7838); which said bill and report were referred to the Private Calendar.

said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7136) granting an increase of pension to Cornelia W. Clay, reported the same without amendment, accompanied by a report (No. 7839); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7138) granting an increase of pension to George H. Allen, reported the same without amendment, accompanied by a report (No. 7840); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7150) granting an increase of pension to John Bell, reported the same without amendment, accompanied by a report (No. 7841); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7154) granting an increase of pension to Samuel A. Miller, reported the same without amendment, accompanied by a report (No. 7842); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7168) granting an increase of pension to Edward B. Shepherd, reported the same without amendment, accompanied by a report (No. 7843); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7171) granting an increase of pension to Margaret Holden, reported the same without amendment, accompanied by a report (No. 7844); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7194) granting an increase of pension to Lawrence Over, reported the same without amendment, accompanied by a report (No. 7845); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7196) granting an increase of pension to William H. Hubbard, reported the same without amendment, accompanied by a report (No. 7846); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7218) granting an increase of pension to Samuel D. Thompson, reported the same without amendment, accompanied by a report (No. 7847); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7222) granting an increase of pension to Sylvester Byrne, reported the same without amendment, accompanied by a report (No. 7848); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions,

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (8. 7223) granting an increase of pension to Joseph W. Little, reported the same without amendment, accompanied by a report (No. 7849); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7231) granting an increase of pension to Oscar F. Richards, reported the same without amendment, accompanied by a report (No. 7850); which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7237) granting an increase of pension to Daniel McConnell, reported the same without amendment, accompanied by a report (No. 7851); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7268) granting an increase of pension to Dewayne W. Suydam, reported the same without amendment, accompanied by a report (No. 7852); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7272) granting an increase of pension to George W. Cook, reported the same without amendment, accompanied by a report (No. 7853); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7305) granting an increase of pension to Robert K. Leech, reported the same without amendment, accompanied by a report (No. 7854); which said bill and report were referred to the Privato Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7329) granting an increase of pension to Nathaniel Lewis Turner, reported the same without amendment, accompanied by a report (No. 7855); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7334) granting an increase of pension to Joshua T. Jellison, reported the same without amendment, accompanied by a report (No. 7856); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7341) granting an increase of pension to Menzo S. Bishop, reported the same without amendment, accompanied by a report (No. 7857); which said bill and report were referred to the Private Calendar.

Mr. CHAPMÂN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7341) granting an increase of pension to Clara P. Coleman, reported the same without amendment, accompanied by a report (No. 7858); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7355) granting an increase of pension to William McHenry Plotner, reported the same without amendment, accompanied by a report (No. 7859); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7357) granting an increase of pension to Levi S. Bailey, reported the same without amendment, accompanied by a report (No. 7860); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7373) granting an increase of pension to Jeremiah Thomas, reported the same without amendment, accompanied by a report (No. 7861); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7379) granting an increase of pension to Mary E. Dougherty, reported the same without amendment, accompanied by a report (No. 7862); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7380) granting an increase of pension to Andrew J. Harris, reported the same without amendment, accompanied by a report (No. 7863); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7394) granting an increase of pension to Henrietta C. Cooley, reported the same without amendment, accompanied by a report (No. 7864); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7420) granting a pension to Eleanor N. Sherman, reported the same without amendment, accompanied by a report (No. 7865); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7427) granting an increase of pension to George L. Danforth, reported the same without amendment, accompanied by a report (No. 7866); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7429) granting a pension to Caroline A. Gilmore, reported the same without amendment, accompanied by a report (No. 7867); which said bill and report were referred to the Private Calendar.

Mr. BRÂDLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7430) granting a pension to Mary F. Johnson, reported the same without amendment, accompanied by a report (No. 7868); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (8. 7452) granting an increase of pension to Thomas Harrop, reported the same without amendment, accompanied by a report (No. 7869); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensious, to which was referred the bill of the Senate (S. 7470) granting an increase of pension to William F. Burnett, reported the same without amendment, accompanied by a report (No. 7870); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7473) granting an increase of pension to John M. Gilliland, reported

the same without amendment, accompanied by a report (No. 7871); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7476) granting an increase of pension to Oliver S. Boggs, reported the same without amendment, accompanied by a report (No. 7872); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7477) granting an increase of pension to Patrick Cooney, reported the same without amendment, accompanied by a report (No. 7873); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7478) granting an increase of pension to William H. Brown, reported the same without amendment, accompanied by a report (No. 7874); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7479) granting an increase of pension to George L. Corey, reported the same without amendment, accompanied by a report (No. 7875); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7480) granting an increase of pension to John Bowen, reported the same without amendment, accompanied by a report (No. 7876); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7481) granting an increase of pension to Alanson W. Edwards, reported the same without amendment, accompanied by a report (No. 7877); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7482) granting an increase of pension to Wilford Herrick, reported the same without amendment, accompanied by a report (No. 7878); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7483) granting an increase of pension to Marinda D. Beery, reported the same without amendment, accompanied by a report (No. 7879); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7485) granting an increase of pension to Lester M. P. Griswold, reported the same without amendment, accompanied by a report (No. 7880); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7491) granting an increase of pension to Anna V. Blaney, reported the same without amendment, accompanied by a report (No. 7881); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7493) granting an increase of pension to George Arthur Tappan, reported the same without amendment, accompanied by a report (No. 7882); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7503) granting an increase of pension to George W. Baker, reported the same without amendment, accompanied by a report (No. 7883); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7504) granting an increase of pension to David Decker, reported the same without amendment, accompanied by a report (No. 7884); which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7509) granting an increase of pension to William T. Bennett, reported the same without amendment, accompanied by a report (No. 7885); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7531) granting an increase of pension to William F. Letts, reported the same without amendment, accompanied by a report (No. 7886); which said bill and report were referred to the Private Calendar.

companied by a report (No. 7886); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7532) granting an increase of pension to Joseph Klichli, reported the same without amendment, accompanied by a report (No. 7887); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7533) granting an increase of pension to Orvil Dodge, reported the same without amendment, accompanied by a report (No. 7888); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7553) granting an increase of pension to Adolphus P. Clark, reported the same without amendment, accompanied by a report (No. 7889); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7555) granting an increase of pension to James T. Piggott, reported the same without amendment, accompanied by a report (No. 7890); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7561) granting an increase of pension to Charles A. Woodward, reported the same without amendment, accompanied by a report (No. 7891); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7567) granting an increase of pension to William Booth, reported the same without amendment, accompanied by a report (No. 7892); which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7570) granting an increase of pension to George W. Hapgood, reported the same without amendment, accompanied by a report (No. 7893); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7572) granting an increase of pension to Warren M. Fales, reported the same without amendment, accompanied by a report (No. 7894); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7574) granting an increase of pension to Emily J. Larkham, reported the same without amendment, accompanied by a report (No. 7895); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7598) granting an increase of pension to Jesse C. Newell, reported the same without amendment, accompanied by a report (No. 7896); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7604) granting an increase of pension to John M. Morgan, reported the same without amendment, accompanied by a report (No. 7897); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7605) granting an increase of pension to Judiah B. Smithson, reported the same without amendment, accompanied by a report (No. 7898); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7606) granting an increase of pension to Samuel Reeves, reported the same without amendment, accompanied by a report (No. 7899); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7609) granting an increase of pension to Thomas Strong, reported the same without amendment, accompanied by a report (No. 7900); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7610) granting an increase of pension to Frederick Kurz, reported the same without amendment, accompanied by a report (No. 7901); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7616) granting an increase of pension to Ezekiel C. Ford, reported the same without amendment, accompanied by a report (No. 7902); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (8, 7622) granting an increase of pension to George K. Taylor, reported the same without amendment, accompanied by a report (No. 7903); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to

which was referred the bill of the Senate (S. 7628) granting an increase of pension to John P. Wildman, reported the same without amendment, accompanied by a report (No. 7904); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7632) granting an increase of pension to Elias W. Garrett, reported the same without amendment, accompanied by a report (No. 7905); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7634) granting an increase of pension to Charles Shattuck, reported the same without amendment, accompanied by a report (No. 7906); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7636) granting an increase of pension to Samuel M. Breckenridge, reported the same without amendment, accompanied by a report (No. 7907); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7642) granting an increase of pension to Oliver H. P. Rhoads, reported the same without amendment, accompanied by a report (No. 7908); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7655) granting an increase of pension to Francis G. Brown, reported the same without amendment, accompanied by a report (No. 7909); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7657) granting an increase of pension to

He also, from the same committee, to which was referred the bill of the Senate (S. 7657) granting an increase of pension to Harman Grass, reported the same without amendment, accompanied by a report (No. 7910); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7666) granting an increase of pension to True Sanborn, jr., reported the same without amendment, accompanied by a report (No. 7911); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7667) granting a pension to Henry Lunn, reported the same without amendment, accompanied by a report (No. 7912); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7668) granting an increase of pension to Henry H. Buzzell, reported the same without amendment, accompanied by a report (No. 7913); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7670) granting a pension to Sarah E. Lungren, reported the same without amendment, accompanied by a report (No. 7914); which said bill and report were referred to the Private Calendar.

ment, accompanied by a report (No. 7914); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7671) granting an increase of pension to Charles H. Alden, reported the same without amendment, accompanied by a report (No. 7915); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7678) granting an increase of pension to Joseph Kennedy, reported the same without amendment, accompanied by a report (No. 7916); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7679) granting an increase of pension to George M. Shaffer, reported the same without amendment, accompanied by a report (No. 7917); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7683) granting an increase of pension to William Wakefield, reported the same without amendment, accompanied by a report (No. 7918); which said bill and report were referred to the Private Calendar

He also, from the same committee, to which was referred the bill of the Senate (S. 7685) granting an increase of pension to Albion W. Tebbetts, reported the same without amendment, accompanied by a report (No. 7919); which said bill and report were referred to the Private Calendar. Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7698) granting a pension to Fannie S. Grant, reported the same without amendment, accompanied by a report (No. 7920); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7708) granting an increase of pension to Sue A. Brockway, reported the same without amendment, accompanied by a report (No. 7921); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7745) granting an increase of pension to Frederick Wood, reported the same without amendment, accompanied by a report (No. 7922); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7763) granting an increase of pension to Jacob S. Hawkins, reported the same without amendment, accompanied by a report (No. 7923); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7764) granting an increase of pension to Davis Gilborne, reported the same without amendment, accompanied by a report (No. 7924); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7768) granting an increase of pension to Alonzo P. Mann, reported the same without amendment, accompanied by a report (No. 7925); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7772) granting a pension to Ellen Dougherty, reported the same without amendment, accompanied by a report (No. 7926); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7782) granting an increase of pension to Henry F. Reuter, reported the same without amendment, accompanied by a report (No. 7927); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7785) granting an increase of pension to Carlo J. Emerson, reported the same without amendment, accompanied by a report (No. 7928); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7786) granting an increase of pension to Chauncey M. Snow, reported the same without amendment, accompanied by a report (No. 7929); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7818) granting an increase of pension to Edward Bird, reported the same without amendment, accompanied by a report (No. 7930); which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7820) granting an increase of pension to Benjamin B. Cravens, reported the same without amendment, accompanied by a report (No. 7931); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7822) granting an increase of pension to William N. Bronson, reported the same without amendment, accompanied by a report (No. 7932); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7825) granting an increase of pension to Garret P. Rockwell, reported the same without amendment, accompanied by a report (No. 7933); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7830) granting an increase of pension to Wilbur A. Stiles, reported the same without amendment, accompanied by a report (No. 7934); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7831) granting an increase of pension to William H. Grandaw, reported the same without amendment, accompanied by a report (No. 7935); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7838) granting an said bill and report were referred to the Private Calendar.

increase of pension to Ole Gunderson, reported the same without amendment, accompanied by a report (No. 7936); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (8. 7840) granting an increase of pension to Lewis A. Towne, reported the same with amendment, accompanied by a report (No. 7937); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7841) granting an increase of pension to Frank De Noyer, reported the same without amendment, accompanied by a report (No. 7938); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7842) granting an increase of pension to Evarts C. Stevens, reported the same without amendment, accompanied by a report (No. 7939); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7843) granting an increase of pension to Isaac Oakman, reported the same without amendment, accompanied by a report (No. 7940); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7862) granting an increase of pension to Elias Laughner, reported the same without amendment, accompanied by a report (No. 7941); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7870) granting an increase of pension to Albert Bennington, reported the same without amendment, accompanied by a report (No. 7942); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (8. 7871) granting a pension to Catharine Hayes, reported the same without amendment, accompanied by a report (No. 7943); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7872) granting an increase of pension to Gilbert H. Keck, reported the same without amendment, accompanied by a report (No. 7944); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7877) granting an increase of pension to Thomas D. Marsh, reported the same without amendment, accompanied by a report (No. 7945); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7878) granting an increase of pension to Richard J. Gibbs, reported the same without amendment, accompanied by a report (No. 7946); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7880) granting an increase of pension to Sarah E. Stockton, reported the same without amendment, accompanied by a report (No. 7947); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7890) granting an increase of pension to Henry Zacher, alias Charles Stein, reported the same without amendment, accompanied by a report (No. 7948); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7895) granting an increase of pension to William Wallace, reported the same without amendment, accompanied by a report (No. 7949); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7907) granting an increase of pension to Wilkison B. Ross, reported the same without amendment, accompanied by a report (No. 7950); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7915) granting an increase of pension to Mary M. Howell, reported the same without amendment, accompanied by a report (No. 7951); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7918) granting an increase of pension to Royal T. Melvin, reported the same without amendment, accompanied by a report (No. 7952); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7923) granting an increase of pension to William H. Brady, reported the same without amendment, accompanied by a report (No. 7953); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7930) granting an increase of pension to Joseph Hare, jr., reported the same without amendment, accompanied by a report (No. 7954); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7936) granting an increase of pension to Liberty W. Foskett, reported the same without amendment, accompanied by a report (No. 7955); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7938) granting an increase of pension to John W. Messick, reported the same without amendment, accompanied by a report (No. 7956); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7947) granting an increase of pension to Charles G. Sweet, reported the same without amendment, accompanied by a report (No. 7957); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7948) granting an increase of pension to Jane Tate, reported the same without amendment, accompanied by a report (No. 7958); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7968) granting an increase of pension to James Slater, reported the same without amendment, accompanied by a report (No. 7959); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7983) granting an increase of pension to Samuel Dubois, reported the same without amendment, accompanied by a report (No. 7960); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7995) granting an increase of pension to Ashley White, reported the same without amendment, accompanied by a report (No. 7961); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7996) granting an increase of pension to Robert B. Lucas, reported the same without amendment, accompanied by a report (No. 7962); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8005) granting an increase of pension to Garrett F. Cowan, reported the same without amendment, accompanied by a report (No. 7963); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8006) granting an increase of pension to Epaminondas P. Thurston, reported the same without amendment, accompanied by a report (No. 7964); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8015) granting an increase of pension to Samuel B. Hunter, reported the same without amendment, accompanied by a report (No. 7965); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8017) granting an increase of pension to Watson L. Corner, reported the same without amendment, accompanied by a report (No. 7066); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8021) granting an increase of pension to John F. Martine, reported the same without amendment, accompanied by a report (No. 7967); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8023) granting an increase of pension to Harry N. Medbury, reported the same without amendment, accompanied by a report (No. 7968); which said bill and report were referred to the Private Calendar. Mr. SMITH of Michigan, from the Committee on Invalid

Pensions, to which was referred the bill of the Senate (S. 8024) granting a pension to Susan J. Rogers, reported the same without amendment, accompanied by a report (No. 7969); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8034) granting an increase of pension to Jacob M. F. Roberts, reported the same without amendment, accompanied by a report (No. 7970); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8038) granting an increase of pension to John F. Ackley, reported the same without amendment, accompanied by a report (No. 7971); which said bill and report were referred to the Private Calendar.

Mr CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8049) granting an increase of pension to Daniel C. Swartz, reported the same without amendment, accompanied by a report (No. 7972); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8056) granting an increase of pension to William H. Fountain, reported the same without amendment, accompanied by a report (No. 7973); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8064) granting an increase of pension to Carloss Trowbridge, reported the same without amendment, accompanied by a report (No. 7974); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8079) granting an increase of pension to Joseph Ickstadt, reported the same without amendment, accompanied by a report (No. 7975); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 8081) granting an increase of pension to William H. Cochran, reported the same without amendment, accompanied by a report (No. 7976); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 8084) granting an increase of pension to John Hazen, reported the same without amendment, accompanied by a report (No. 7977); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 8089) granting an increase of pension to Mary E. Jacobs, reported the same without amendment, accompanied by a report (No. 7978); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 8090) granting an increase of pension to Inger A. Steensrud, reported the same without amendment, accompanied by a report (No. 7979); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8101) granting an increase of pension to Jacob B. Getter, reported the same without amendment, accompanied by a report (No. 7980); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8104) granting an increase of pension to Henry Shelley, reported the same without amendment, accompanied by a report (No. 7981); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 8105) granting an increase of pension to Anna Arnold, reported the same without amendment, accompanied by a report (No. 7982); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8107) granting an increase of pension to Leonidas Obenshain, reported the same without amendment, accompanied by a report (No. 7983); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8120) granting an increase of pension to Benjamin T. Woods, reported the same without amendment, accompanied by a report (No. 7984); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8125) granting an

increase of pension to Mary O. Cherry, reported the same without amendment, accompanied by a report (No. 7985); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8153) granting an increase of pension to Henry B. Johnson, reported the same without amendment, accompanied by a report (No. 7986); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8195) granting an increase of pension to Asa E. Swasey, reported the same without amendment, accompanied by a report (No. 7987); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8196) granting an increase of pension to Michael J. Geary, reported the same without amendment, accompanied by a report (No. 7988); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. S201) granting an increase of pension to Clara A. Keeting, reported the same without amendment, accompanied by a report (No. 7989); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8207) granting an increase of pension to Peter Wedeman, reported the same without amendment, accompanied by a report (No. 7990); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. S215) granting an increase of pension to James W. Lendsay, reported the same without amendment, accompanied by a report (No. 7991); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8235) granting a pension to James H. Huntington, reported the same without amendment, accompanied by a report (No. 7992); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (8, 8258) granting a pension to Mary B. Yerington, reported the same without amendment, accompanied by a report (No. 7993); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8259) granting an increase of pension to Henry B. Love, reported the same without amendment, accompanied by a report (No. 7994); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8278) granting an increase of pension to Calvin Herring, reported the same without amendment, accompanied by a report (No. 7995); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8279) granting a pension to Edward Dunscomb, reported the same without amendment, accompanied by a report (No. 7996); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8302) granting a pension to Ella B. Morrow, reported the same without amendment, accompanied by a report (No. 7997); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to

which was referred the bill of the Senate (S. 8317) granting an increase of pension to Annie C. Stephens, reported the same without amendment, accompanied by a report (No. 7998); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 8340) granting an increase of pension to Maria L. Philbrick, reported the same without amendment, accompanied by a report (No. 7999); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8345) granting an increase of pension to Frank Holderby, alias Frank Giles, reported the same without amendment, accompanied by a report (No. 8000); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8347) granting an increase of pension to Ervin F. Mann, reported the same without amendment, accompanied by a report (No. 8001); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to

which was referred the bill of the Senate (S. 8348) granting an increase of pension to Cornelius E. Bliss, reported the same without amendment, accompanied by a report (No. 8002); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 8349) granting a pension to Mary Ellen Van Amringe, reported the same without amendment, accompanied by a report (No. 8003); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8378) granting an increase of pension to Eli B. Woodard, reported the same without amendment, accompanied by a report (No. 8004); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 8379) granting an increase of pension to Bertha Maria Johnson, reported the same without amendment, accompanied by a report (No. 8005); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 8390) granting an increase of pension to Joseph H. Kinsman, reported the same without amendment, accompanied by a report (No. 8006); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8397) granting an increase of pension to Martin Peacock, reported the same without amendment, accompanied by a report (No. 8007); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8404) granting an increase of pension to Nelson W. Jameson, reported the same without amendment, accompanied by a report (No. 8008); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8407) granting an increase of pension to Reuben C. Webb, reported the same without amendment, accompanied by a report (No. 8009); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 8422) granting an increase of pension to Overton E. Harris, reported the same without amendment, accompanied by a report (No. 8010); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8443) granting a pension to Fanny M. Grant, reported the same without amendment, accompanied by a report (No. 8011); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8469) granting an increase of pension to Thomas L. Hewitt, reported the same without amendment, accompanied by a report (No. 8012); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25601) to repeal the act approved January 22, 1903, granting a pension to Minerva Robinson, reported the same without amendment, accompanied by a report (No. 8013); which said bill and report were referred to the Private Calendar.

Mr. LOVERING, from the Committee on Interstate and For-eign Commerce, to which was referred the bill of the Senate (S. 6729) authorizing the President to appoint Webb C. Maglathlin a second assistant engineer in the Revenue-Cutter Service, reported the same without amendment, accompanied by a report (No. 8015); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 4008) granting an increase of pension to Charles B. Saunders, reported the same without amendment, accompanied by a report (No. 8027); which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7283) granting an increase of pension to William T. Cooper, reported the same without amendment, accompanied by a report (No. 8029); which said bill and report were referred to the Private Calendar

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7993) granting an increase of pension to George E. Purdy, reported the same without amendment, accompanied by a report (No. 8030); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8314) granting an increase of pension to James P. Worrell, reported the same without amendment, accompanied by a report (No. 8031); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to

which was referred the bill of the Senate (S. 8508) granting an increase of pension to Miranda W. Howard, reported the same without amendment, accompanied by a report (No. 8032); which said bill and report were referred to the Private Calendar.

### ADVERSE REPORT.

Under clause 2 of Rule XIII, adverse report was delivered to the Clerk, and laid on the table, as follows:

Mr. CAPRON, from the Committee on Foreign Affairs, to which was referred the resolution of the House (H. Res. 832) relating to the estates of William N. Pethick, Henry H. Cunningham, and Joseph Azarian, reported the same adversely, accompanied by a report (No. 8014); which said resolution and report were laid on the table.

### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as

By Mr. CHARLES B. LANDIS: A bill (H. R. 25736) to amend an act providing for the public printing and binding and the distribution of public documents-to the Committee on Printing.

By Mr. SHERMAN: A bill (H. R. 25737) for the relief of certain white persons who intermarried with Cherokee citizens-to the Committee on Indian Affairs.

By Mr. JAMES: A bill (H. R. 25738) to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River-to the Committee on Interstate and

Also, a bill (H. R. 25739) to authorize the Cairo and Tennessee River Railroad Company to construct bridges across Cumberland River-to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: A bill (H. R. 25740) concerning the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ANDREWS: A bill (H. R. 25741) to amend section 3 of an act entitled "An act to provide for the allotment of land in severalty," etc., approved February 8, 1901—to the Committee on Indian Affairs.

By Mr. BARTLETT, from the Committee on Interstate and Foreign Commerce: A bill (H. R. 25742) to authorize the Twin City Power Company to construct two dams across the Savannah River above the city of Augusta, Ga .- to the House Cal-

By Mr. ACHESON: A bill (H. R. 25743) to authorize Washington and Fayette counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River to the Committee on Interstate and Foreign Commerce.

By Mr. PARSONS: A bill (H. R. 25744) to amend an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897-to the Committee on Ways and Means.

By Mr. TAWNEY, from the Committee on Appropriations: A bill (H. R. 25745) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30,

1908, and for other purposes—to the Union Calendar.

By Mr. CAMPBELL of Kansas. A joint resolution (H. J. Res. 247) extending the provisions of the act of June 27, 1890, to include the officers and privates of Capt. David Beaty's company of independent scouts, and the widows and minor childrenof all such persons; also extending the provisions of the act of 1907 to the officers and privates of said company—to the Committee on Invalid Pensions.

By Mr. JONES of Virginia: A resolution (H. Res. 858) to pay J. G. Hiden, clerk of the late Representative John F. Rixey, the amount due him for clerk hire—to the Committee on Ac-

By Mr. BABCOCK: A resolution (H. Res. 859) to pay to the clerk of Committee on the District of Columbia an increase of salary-to the Committee on Accounts.

By Mr. STERLING: A resolution (H. Res. 860) providing for consideration of Senate bill 5133-to the Committee on Rules.

By Mr. HULL: A resolution (H. Res. 861) to pay the clerk of Committee on Military Affairs an increase of salary-to the Committee on Accounts.

By Mr. LORIMER: A resolution (H. Res. 862) to pay C. A. Hamilton \$250 for services rendered to the Committee on Agriculture as asistant clerk-to the Committee on Accounts.

By Mr. BARTLETT: A resolution (H. Res. 863) providing for consideration of Senate bill 5133-to the Committee on

By Mr. BENNET of New York: A resolution (H. Res. 864) providing for the consideration of an amendment to the postoffice appropriation bill—to the Committee on Rules.

By Mr. BATES (by request): A resolution (H. Res. 865) that the portraits of all former ex-Speakers of the House of Representatives be placed in the House lobby-to the Committee on the Library.

By Mr. MANN: A resolution (H. Res. 866) providing for the consideration of an amendment to the post-office appropriation bill-to the Committee on Rules.

By Mr. OVERSTREET of Indiana: A resolution (H. Res. 867) providing for the consideration of an amendment to the post-office appropriation bill—to the Committee on Rules.

Also, a resolution (H. Res. 868) providing for the consideration of an amendment to the post-office appropriation bill-to the Committee on Rules.

By Mr. GRONNA: Memorial of the legislature of North Da-kota, relating to amendment of the denatured-alcohol bill now pending in Congress-to the Committee on Ways and Means.

Also, memorial of the legislature of North Dakota, relative to improvements of the upper Missouri River and the Yellowstone River for navigation purposes-to the Committee on Rivers and Harbors.

Also, memorial of the legislature of North Dakota, relating to repeal of the tariff on lumber and coal between the United States and the Provinces of Canada—to the Committee on Ways and Means.

By the SPEAKER: Memorial of the Commonwealth of Massachusetts, praying for liberal appropriations for the extermination of the gypsy moth and brown-tail moth-to the Committee on Agriculture.

Also, memorial of the constitutional convention of Oklahoma, praying for additional appropriations to defray the expenses of establishing statehood—to the Committee on Appropriations.

By Mr. MARTIN: Memorial of the legislature of South Da-kota, recommending the amendment of the internal-revenue laws of the United States—to the Committee on the Judiciary.

Also, memorial of the legislature of South Dakota, asking

Congress to remove the tariff from saw logs and lumber-to the Committee on Ways and Means.

By Mr. WEEKS: Memorial of the legislature of the Com-

monwealth of Massachusetts, relative to the gypsy and browntail moths-to the Committee on Agriculture.

## PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following

titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 25746) granting an increase of pension to Henry Chase—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 25747) granting pension to Mary E. Farthing-to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 25748) granting a pension to

Daniel Carter—to the Committee on Invalid Pensions.
Also, a bill (H. R. 25749) granting a pension to John Bittle—to the Committee on Invalid Pensions.
By Mr. LITTLEFIELD: A bill (H. R. 25750) granting an

increase of pension to James Sidlinger—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 25751) for the relief of the estates of Luther Ruff and Warren Ruff, deceased—to the Committee on War Claims.

By Mr. LITTLEFIELD: A bill (H. R. 25752) granting an increase of pension to Philip E. Abbott—to the Committee on Invalid Pensions.

# CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of the following resolution; which was thereupon referred, as follows:

A bill (H. Res. 852) requesting the Secretary of the Treasury to transmit to the House of Representatives of the Sixtieth Congress certain information concerning rates of interest charged to certain national banks—Committee on Military Affairs discharged, and referred to the Committee on Banking and Currency.

### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the governor of Colorado, against legislation to interfere with the right of citizens to acquire public lands under the homestead act—to the Committee on the Public Lands.

Also, petition of Bradywine Lodge of the Brotherhood of Railway Trainmen, for bill (S. 5133) for the safety of employees, travelers, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of various organizations of citizens in the States and the District of Columbia, against the Littlefield bill—to the Committee on the Judiciary.

By Mr. ACHESON: Paper to accompany bill for relief of Clark Kelley—to the Committee on Invalid Pensions.

Also, petition of the Pennsylvania Association, for an appropriation of \$75,000 for the Alaska-Yukon-Pacific Exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of the Wholesale Liquor Dealers' Association of Pennsylvania, for bill H. R. 4490—to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce and Board of Trade of Porto Rico, for an appropriation to deepen San Juan Harbor—to the Committee on Rivers and Harbors.

Also, petition of the California State Federation of Labor, against the position of the President relative to the Japanese of San Francisco—to the Committee on Foreign Affairs.

Also, petition of the Washington (Pa.) Central Trades Assembly, for support of the Interparliamentary Union on subjects to be discussed at the second Hague conference—to the Committee on Foreign Affairs.

Also, petition of the California State Federation of Labor, for bill H. R. 9754 (salary increase of post-office clerks and an eight-hour day)—to the Committee on the Post-Office and Post-Roads.

By Mr. BARCHFELD: Petition of citizens of Allegheny County, Pa., against bill S. 5221, to regulate the practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia.

• By Mr. BRADLEY: Petition of Typographical Union No. 305, of Newburgh, N. Y., for bill H. R. 19853 (the copyright bill)—to the Committee on Patents.

By Mr. BURKE of Pennsylvania: Petition of the California State Federation of Labor, for increase of salaries of post-office clerks (H. R. 9754)—to the Committee on the Post-Office and Post-Roads.

Also, petition of the California State Federation of Labor, against the position of the President relative to the Japanese in San Francisco—to the Committee on Foreign Affairs.

\*By Mr. CROMER: Petition of Muncie (Ind.) Typographical Union, No. 332, for bills S. 6330 and H. R. 19853 (the copyright bills)—to the Committee on Patents.

 By Mr. DAWSON: Petition of Typographical Union No. 334, of Clinton, Iowa, for the copyright bill—to the Committee on Patents.

By Mr. DOVENER: Paper to accompany bill for relief of Larnie Deane and James Deane—to the Committee on Claims.

By Mr. ESCH: Petition of the California State Federation of Labor, against the position of the President relative to the Japanese of San Francisco—to the Committee on Foreign Affairs.

Also, petition of the California State Federation of Labor, for bill H. R. 9754 (increase of salaries of post-office clerks)—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Eighth Ward Aid Association, of La Crosse, Wis. (322 citizens), against the Littlefield bill—to the Committee on the Judiciary.

By Mr. FITZGERALD: Petition of the Maritime Association of the Port of New York, for bill H. R. 23714, for a monument to De Long in Woodlawn Cemetery, New York—to the Committee on the Library.

Also, petition of the War Veterans and Sons' Association of

Also, petition of the War Veterans and Sons' Association of Brooklyn, N. Y., against abolition of pension agencies—to the Committee on Appropriations

Committee on Appropriations.

By Mr. FULKERSON: Petition of St. Joseph (Mo.) Typographical Union, No. 40, for bills S. 6330 and H. R. 19853 (the copyright bills)—to the Committee on Patents.

By Mr. FULLER: Petition of the Illinois Corn Growers' Association, for an amendment to the free-alcohol law to permit of small distilleries—to the Committee on Ways and Means.

Also, petition of the California State Federation of Labor, for bill H. R. 9754 (increase of salaries of postal clerks)—to the Committee on the Post-Office and Post-Roads.

Also, petition of F. F. Frazee, of Seneca, Ill., for legislation

authorizing tests of safety devices to prevent accidents on railways—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Petition of the California State Federation of Labor, against the position of the President relative to the status of the Japanese in San Francisco—to the Committee on Foreign Affairs.

Also, petition of the California State Federation of Labor, for bill H. R. 9154, for increase of post-office clerks' salaries—to the Committee on the Post-Office and Post-Roads. Also, petition of the Chamber of Commerce of Porto Rico, for

Also, petition of the Chamber of Commerce of Porto Rico, for an appropriation to dredge the harbor of San Juan—to the Committee on Rivers and Harbors.

Also, petition of Felix G. Lutz, of Allegheny City, Pa., for increased pay for post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Crutchfield & Woolfolk, of Pittsburg, Pa., and the National League of Commission Merchants, for a treaty deal with Germany to secure continuance and growth of the German demand for American fruits—to the Committee on Ways and Means.

Also, petition of N. F. Hill, master of the Pennsylvania State Grange, for an amendment to the free-alcohol law—to the Committee on Ways and Means.

Also, petition of the Pennsylvania Association, for an appropriation of \$75,000 for the Alaska-Yukon-Pacific Exposition—to the Select Committee on Industrial Arts and Expositions.

Also, petition of the First Synod of the West of the United Presbyterian Church of North America, for a Sabbath law for the District of Columbia that shall suppress all unnecessary work and secular sports and pastimes—to the Committee on the District of Columbia.

By Mr. HASKINS: Petition of the Congregational, Methodist, Baptist, and Universalist churches of Vermont, for the Littlefield bill—to the Committee on the Judiciary.

By Mr. HAYES: Petition of the California State Federation of Labor, against the position of the President relative to the Japanese in San Francisco—to the Committee on Foreign Affairs.

Also, petition of the California State Federation of Labor, for bill H. R. 9754 (increase of salary of post-office clerks)—to the Committee on the Post-Office and Post-Roads.

By Mr. HEFLIN: Paper to accompany bill for relief of Mrs. M. E. Lewis—to the Committee on Pensions.

By Mr. HINSHAW: Petition of R. R. Schick, of Seward, Nebr., for the Madden bill (H. R. 23558 and S. 7887) for reciprocal demurrages—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Union Veterans' Union of Omaha, for bill H. R. 24544, placing officers of the civil war on the retired list—to the Committee on Military Affairs.

By Mr. HUBBARD: Concurrent resolution of the house and senate of the State of Iowa, for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Petition of the Associated Charities of San Francisco, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Japanese and Korean Exclusion League of San Francisco, for exclusion of Japanese laborers by enactment of an exclusion law—to the Committee on Foreign Affairs.

By Mr. LAFEAN: Petition of the York (Pa.) Ministerial Association, against repeal of the anticanteen law—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Daniel Carter—to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania; Petition of the Wool Sorters' Union of Philadelphia, Pa., for revision of the tariff on certain kinds of wool—to the Committee on Ways and Means.

· Also, petition of C. H. Graves and Schreibers & Sons, of Philadelphia, against discrimination on American photographs and for a minimum amount in case of infringement in the copyright law—to the Committee on Patents.

By Mr. NEEDHAM: Petition of the California State Federation of Labor, for increase of salaries of post-office clerks (H. R. 9754) and an eight-hour day—to the Committee on the Post-Office and Post-Roads.

Also, petition of the California State Federation of Labor, against the position of the President relative to the Japanese in San Francisco—to the Committee on Foreign Affairs.

By Mr. POLLARD: Petition of citizens of Havelock, Nebr., for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. RUPPERT: Petition of the War Veterans' and Sons' Association, against abolition of pension agencies—to the Committee on Appropriations.

Also, petition of the Chamber of Commerce of New York City,

for the Olcott post-office building bill-to the Committee on Public Buildings and Grounds.

Also, petition of the Wool Growers and Sheep Breeders of the United States, against forest reserves on land not already timbered-to the Committee on Agriculture.

Also, petition of the educational board of the International

Association of Machinists, for a foundry at the Naval Gun Factory, Washington, D. C.—to the Committee on Naval Affairs.

Also, petition of the board of directors of the Merchanits' Association of New York, for bill H. R. 24762, for a post-office in New York City on the site of the Pennsylvania Railway terminal—to the Committee on Public Buildings and Grounds.

Also, petition of the Grand Army of the Republic Association of Philadelphia, against abolition of pension agencies-to the Committee on Appropriations.

Also, petition of the National German-American Alliance, against bill H. R. 13655 (the Littlefield bill)—to the Committee on the Judiciary

By Mr. SULZER: Petition of the National Business League, for conservation of the public lands—to the Committee on the Public Lands.

Also, petition of the National Business League, for improvement in the consular service-to the Committee on Foreign Af-

Also, petition of the California State Federation of Labor, against the position of the President relative to Japanese in San Francisco—to the Committee on Foreign Affairs,

Also, petition of the Committee on Foreign Affairs,
Also, petition of the California State Federation of Labor,
for bill H. R. 9754 (increase of salaries of post-office clerks)—
to the Committee on the Post-Office and Post-Roads,
By Mr. THOMAS of North Carolina: Paper to accompany
bill for relief of W. A. Long and W. H. Woreslender—to the
Committee on War Claims.

WEISSE: Petition of the Cairo Commercial Club By Mr. and the Cairo Board of Trade, for an appropriation of \$50,000,-000 annually for improvement of the waterways of the country-to the Committee on Rivers and Harbors.

### SENATE.

# Wednesday, February 20, 1907.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. McCumer, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SPECIAL EMPLOYEES OF INTERSTATE COMMERCE COMMISSION.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, stating, in response to a resolution of the 14th instant, that its response heretofore made to the resolution of February 8, 1907, gives the names and compensation of all persons who have been specially or temporarily employed by the Commission at any time between June 30, 1906, and February 1, 1907; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

### CAR SHORTAGE.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting a transcript of the testimony recently taken by the Commission at Minneapolis and Chicago, respecting the shortage of cars for the movement of freight; which, with the accompanying papers, was referred to the Committee on Interstate Commerce, and ordered to be printed.

# FOREST RESERVES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting an additional list of the names of persons who conveyed or relinquished to the United States lands within forest reserves prior to the act of March 3, 1905, and who failed to select other lands in lieu thereof, etc.; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

### SAN FRANCISCO EARTHQUAKE EXPENDITURES.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting, pursuant to law, a detailed statement of the expenditures made by the Post-Office Department out of the additional appropriation for the public service on account of earthquake and the attendant conflagration on the Pacific coast up to December 31, 1907; which, with the accompanying papers, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

### MESSAGE FROM THE HOUSE,

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5290) providing for the allotment and distribution of Indian tribal funds, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. Burke of South Dakota, and Mr. Zenor managers at the conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the

concurrence of the Senate:

H. R. 22599. An act to grant certain lands to the city of

Boulder, Colo.; H. R. 24134. An act providing for the granting and patenting to the State of Colorado desert lands formerly in the Southern Ute Indian Reservation in Colorado:

H. R. 25039. An act to enable the city of Phoenix, in Maricopa County, Ariz., to use the proceeds of certain municipal bonds for the purchase of the plant of the Phoenix Water Company and to

extend and improve said plant; H. R. 25570. An act to amend an act approved May 8, 1906, entitled "An act to amend section 6 of the act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the

Territories over the Indians, and for other purposes; "
H. R. 25627. An act to authorize the county of Armstrong, in the State of Pennsylvania, to construct a bridge across the Allegheny River in Armstrong County, Pa.; and

H. J. Res. 223. Joint resolution relating to the holders of medals of honor.

### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President;

S. 7372. An act to authorize the acceptance by the Secretary of the Navy, as a gift, of a sail boat for use of the midshipmen

at the Naval Academy;

S. 8274. An act to amend an act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn.; S. 8362. An act to authorize the city council of Salt Lake City,

Utah, to construct and maintain a boulevard through the military reservation of Fort Douglas, Utah;

H. R. 14361. An act granting an honorable discharge to David

Harrington:

H. R. 17875. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of W. W. Peirce :

H. R. 18924. An act for the relief of George M. Esterly;

H. R. 21579. An act granting an increase of pension to Sarah R. Harrington;

H. R. 23384. An act to amend an act entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,' regulating proceedings for condemnation of land for streets;

H. R. 24821. An act to authorize the Georgia Southwestern and Gulf Railroad Company to construct a bridge across the Chattahoochee River between the States of Alabama and

H. R. 24989. An act to provide for the commutation for townsite purposes of homestead entries in certain portions of Oklahoma:

H. R. 25046. An act to authorize the construction of a bridge across the Mississippi River at Louisiana, Mo.; and H. R. 25366. An act to authorize the New Orleans and Great

Northern Railroad Company to construct a bridge across Pearl River, in the State of Mississippi.

# PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a resolution adopted by the Presbyterian Inter-Synodical Foreign Missionary Conven-tion; which was read, and ordered to lie on the table, as follows:

OMAHA, NEBR., February 19, 1907.

VICE-PRESIDENT FAIRBANKS,

Washington, D. C.

[Resolution introduced by Rev. G. W. Cromer, D. D., of Osceola, Nebr.]

To the President of the United States Senate:

The President of the United States Senate:

The Presbyterian Inter-Synodical Foreign Missionary Convention, Omaha, Nebr., February 19, 1907, representing fifteen synods of fifteen States, with 100 elected delegates from each synod, also 100 from the church at large, unanimously adopted the following resolution, with the request that it be read in the Senate of the United States before vote on case of REED SMOOT is taken:
Fully understanding the present teachings and practices of the Mormon organization, which in nowise differs from their past teachings and

practices, we most earnestly request the Senate of the United States to exclude Reed Smoot, an apostle of the Mormon organization, from the Senate of the United States. We make this appeal in the interest of morality, the American home, and American citizenship. Furthermore, we expect all Senators to stand for a high standard of morals and against the polygamist régime of the Mormon hierarchy, which Smoot is in the Senate to represent, and to stand for his exclusion by their votes when his case is disposed of.

Rev. Org. LANDRUGH. President.

Rev. ORA LANDRITH, President.

The VICE-PRESIDENT presented a petition of the legislature of the State of Colorado in favor of the postponement of the consideration of all measures which would interfere with citizens of that State in acquiring title to public lands under the homestead laws; which was referred to the Committee on Public Lands.

He also presented memorials of sundry citizens of Pennsylvania, Wisconsin, Nebraska, Minnesota, Ohio, West Virginia, New Jersey, Iowa, Connecticut, Texas, Washington (D. C.), Massachusetts, Maryland, Indiana, New York, Alabama, Illi-nois, and Delaware, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. DILLINGHAM presented petitions of sundry citizens of Chelsea, Canaan, Hartford, and Rockingham, all in the State of Vermont, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were

Mr. KEAN presented the petitions of O. C. Beck, of Harrison, N. J., and the petition of George A. Horne, of Hackensack, N. J., praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the

Committee on Finance.

He also presented petitions of the Open Hand Club, of Jersey City; the Woman's Club of Vineland; the Wednesday Morning Club, of Cranford; the Woman's Club of Glen Ridge, and the Woman's Club of Orange, all in the State of New Jersey, praying for an investigation of the charges made and filed against Hon. Reed Smoot, a Senator from the State of Utah; which were ordered to lie on the table.

He also presented a memorial of Zabriskie Post, No. 38, Department of New Jersey, Grand Army of the Republic, of Jersey City, N. J., remonstrating against the enactment of legisla-tion abolishing the pension agencies throughout the country;

which was ordered to lie on the table.

He also presented petitions of sundry citizens of Trenton, Sayreville, South River, Elizabeth, Bridgeport, Succasunna, Atlantic City, Vineland, Bloomfield, and Chatham, all in the State of New Jersey, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

He also presented a petition of the Wednesday Morning Club, of Cranford, N. J., praying for the enactment of legislation to regulate the employment of child labor; which was ordered to

lie on the table.

He also presented petitions of sundry citizens of Elizabeth and Riverton, of the College Woman's Club of Essex County, and of the congregation of the Bethany Lutheran Church, of West Hoboken, all in the State of New Jersey, praying for an investigation of the charges made and filed against Hon. Reed Smoot, a Senator from the State of Utah; which were ordered to lie on the table.

Mr. BURNHAM presented a petition of sundry citizens of Seabrook, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Concord and Dover, and of the New Hampshire State Grange, Patrons of Husbandry, of Peterboro, all in the State of New Hampshire, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance

Mr. DEPEW presented petitions of sundry citizens of Mount Vernon, Hulburton, Middleport, Newfane, and Manlius, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. STONE presented a petition of the Nineteenth Annual Convention of the Southwestern Lumbermen's Association of Kansas City, Mo., praying for the enactment of legislation for relief from car shortage, and also for the enactment of a national reciprocal demurrage law; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Gasconade County, Mo., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a memorial of Typographical Union No. 8, American Federation of Labor, of St. Louis, Mo., relative to the arrest and imprisonment of Charles Moyer, William Heywood, and George Pettibone, of the Western Federation of Miners; which was referred to the Committee on the Judiciary.

He also presented memorials of the Business Men's League of St. Louis, of sundry citizens of Atlanta, of the Commercial Club of Montgomery City, of the Commercial Club of Carthage, and of the Manufacturers and Merchants' Association of Kansas City, all in the State of Missouri, remonstrating against any reduction being made in the appropriations for carrying the United States mails; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DU PONT. I present a concurrent resolution of the legislature of Delaware relative to the right of Hon. Reed Smoot to a seat in the Senate. I ask that the concurrent resolution be read and lie on the table.

There being no objection, the concurrent resolution was read, and ordered to lie on the table, as follows:

HOUSE CONCURRENT RESOLUTION.

Resolved by the house of representatives of the State of Delaware in general assembly met the senate concurring therein), That the general assembly requests our United States Senators to use every honorable means to prevent the seating of the Hon. Reed Smoot as a United States Senator from the State of Utah.

RICHARD HODGOON,

Speaker of the House of Representatives.

ISAAC T. PARKER,

President of the Senate.

Mr. DU PONT presented a petition of sundry citizens of Cheswold, Del., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. HANSBROUGH presented a petition of sundry citizens of Bay Center, N. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. LONG presented sundry petitions of citizens of Newton, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a concurrent resolution of the legislature

of the State of Kansas, in favor of the enactment of legislation to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon; which was referred to the Committee on Interstate Commerce.

He also presented a concurrent resolution of the legislature of the State of Kansas, in favor of the enactment of legislation to extend the pension laws of the United States to the Kansas State Militia who rendered service from April 13, 1861, to April 9, 1865; which was referred to the Committee on Pensions.

Mr. FRYE presented a petition of sundry citizens of Varratton, Me., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. BURKETT presented a petition of the Baker Brothers Engraving Company, of Omaha, Nebr., praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Republican City, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which

was referred to the Committee on the Judiciary.

He also presented a petition of the Union Veterans' Union, of Omaha, Nebr., praying for the enactment of legislation to place all surviving officers of the Volunteer Army of the civil war on the retired list; which was referred to the Committee on Mili-

Mr. KNOX presented petitions of Charles E. Potts, of Stafford; W. J. Wray, of Philadelphia; W. R. Wooters, of Philadelphia; Frank H. Zinn, of Newport; Charles T. Gravatt, of Philadelphia, all in the State of Pennsylvania, and of Edgar T. Gaddis, John W. Morris, and J. B. Cralle & Co., of Washington, D. C., praying for the enactment of legislation providing that pension attorneys be allowed to accept a reasonable fee for services rendered under the act of February 6, 1907; which were

referred to the Committee on Pensions.

He also presented memorials of William H. Child Post, No. 226. Grand Army of the Republic, of Marietta; George A. Mc-Call Post, No. 31, Grand Army of the Republic, of West Chester; Phelps Post, No. 124, Grand Army of the Republic, of East Smithfield; Samuel W. Lascomb Post, No. 351, Grand Army of the Republic, of Steelton; William H. Byers Post, No. 612, Grand Army of the Republic, of Beaver Springs; George H. Hess Post, No. 571, Grand Army of the Republic, of Safe Harbor; Admiral Du Pont Post, No. 24, Grand Army of the Republic, of Philadelphia; E. T. Conner Post, No. 177, Grand Army of the Republic, of Summit Hill; Perkins Post, No. 202, Grand Army of the Republic, of Athens; D. B. Birney Post, No. 63, Grand Army of the Republic, of Philadelphia; Post No. 77, Grand Army of the Republic, of Philadelphia, all in the State of Pennsylvania, remonstrating against the enactment of legislation abolishing pension agencies throughout the country; which were ordered to lie on the table.

He also presented petitions of W. F. Hill, of Chambersburg; Ralph E. Myers, of State College; John Marshall, of Philadelphia; John H. Graham, of Philadelphia; John B. Stetson delphia; John H. Graham, of Philadelphia; John B. Stetson Company, of Philadelphia; Globe Varnish Manufacturing Company, of Pittsburg; Lehigh Valley Testing Laboratory, of Allentown; Charles B. Dudley, of Altoona; American Chair Manufacturing Company, of Hallstead; Quaker City Metallic Bedstead Company, of Philadelphia; George C. Davis, of Philadelphia; Robert Rawsthorne Engraving Company, of Pittsburg; H. S. Eckles & Co., of Philadelphia; The Yeager Furniture Company, of Allentown; James O. Handy, of Pittsburg; Doubleday-Hill Electric Company, of Pittsburg; The Westinghouse Machine Company, of East Pittsburg; Smith, Kline & French Company, of Philadelphia; The Chaplin-Fulton Manufacturing Company, and H. Kleber & Bro., of Pittsburg, all in the State of Pennsylvania, praying for the adoption of certain amendments to the present denatured-alcohol bill; which were referred to the Committee on Finance.

He also presented memorials of the Novelty Candy Company, ne also presented memorials of the Novelty Candy Company, of Pittsburg; Croft & Allen Company, of Philadelphia; Stephen F. Whitman & Son, of Philadelphia; The D. Bacon Company, of Harrisburg; W. H. Luden, of Reading; Quaker City Checolate and Confectionery Company, of Philadelphia; J. K. McKee Company, of Pittsburg; George Miller & Son Company, of Philadelphia, all in the State of Pennsylvania, remonstrating against the enactment of legislation conferring upon the Secretary of Agriculture the right to fix certain food standards; which were referred to the Committee on Manufactures

He also presented petitions of sundry citizens of Pittsburg; sundry citizens of Athens; the Woman's Foreign Missionary Society of Christ Methodist Episcopal Church, of Pittsburg; Covenant United Brethren Church, of Lancaster; of sundry citizens of Gans, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented memorials of George W. Spies, of Dauphin; G. D. Swingle, of Ariel; Mary Osgood, of Ariel, all in the State of Pennsylvania, remonstrating against the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

referred to the Committee on the District of Columbia.

He also presented petitions of S. E. Hambleton, of West Grove; Charles A. McCluskey, of West Middlesex, both in the State of Pennsylvania, and P. J. Mahon and G. R. Hische, of Chicago, Ill., praying for the passage of the so-called "Crumpacker bill" relating to postal fraud orders; which were referred to the Committee on the Judiciary.

Mr. OVERMAN presented sundry petitions of citizens of North Carolina, praying for the adoption of certain amendments to the present departured alcohol law; which were re-

ments to the present denatured alcohol law; which were referred to the Committee on Finance.

Mr. SPOONER presented petitions of sundry citizens of Milwaukee, Racine, and Eau Claire, all in the State of Wisconsin, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee

on Finance Mr. WARNER presented petitions of sundry citizens of Kansas City and St. Louis, Mo., praying for the adoption of certain amendments to the present denatured alcohol law; which were referred to the Committee on Finance.

He also presented the memorial of J. Lew Comer, of Clare more, Ind. T., remonstrating against the adoption of any amendment to the act of April 26, 1906, relative to the enrollment of Indian children born since September 1, 1902, and providing for their receiving their proportionate part of the lands of the Cherokee Nation; which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of Bowling Green, Mo., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of St. Louis, Mo., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which

was referred to the Committee on the Judiciary.

Mr. BULKELEY presented petitions of sundry citizens of
New Milford, Danbury, Bridgeport, Norwalk, and Torrington, all
in the State of Connecticut, praying for the adoption of certain

amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Torrington, Conn., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. WARREN presented a memorial of the ninth legislature of the State of Wyoming, in favor of the enactment of legislation to permit the State of Wyoming to relinquish to the United States certain lands heretofore selected and to select other lands in lieu thereof; which was referred to the Committee on Public Lands.

Mr. PILES. I present a memorial of the legislature of the State of Washington, which I ask may be printed in the Record, and referred to the Committee on Commerce.

The memorial was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

## House memorial No. 1.

To the Congress of the United States:

House memorial No. 1.

To the Congress of the United States:

The legislature of the State of Washington herewith presents this memorial in respect to the improvement of the Columbia and Snake rivers and calls the attention of Congress to the following facts in support of the petition to be made:

1. Extent, resources, productions, and population of territory that will be opened by steamboat navigation to Kettle Falls, on the Columbia, and Lewiston, on the Snake.

Inspection of the map will show that a region of approximately a hundred thousand square miles is commercially tributary to the upper Columbia River and its branches. According to reports of the Agricultural Department, this region contains the most productive grain fields in the United States, while it is a matter of common knowledge that the horticultural, pastoral, forestry, and mineral resources of the section under consideration are surpassed by none and equaled by few in the United States.

It is estimated that one-tenth of the wheat of the United States is produced in this region. Conservative estimates of the amount of wheat and mill stuffs transported from the inland empire to the seaboard for some years past indicate about 40,000,000 bushels annually. A single county (Yakima) has exported in one year an amount of fruit and vegetables estimated at 3,000 carloads.

The capacity of the country to maintain population is sufficiently indicated by the rapid increase of a few years past. The Federal census of 1890 shows a population in eastern Washington of 120,450, while the population in 1905 is estimated by the State bureau of immigration at 339,079, a gain of nearly 300 per cent. Increase in eastern Oregon and Idaho is not far from the same. It would be safe to estimate the present population of eastern Oregon, eastern Washington, and northern Idaho at 600,000. The estimated valuation of the State of Washington at the present time is over \$1,000,000,000, of which over a third is in the eastern part. The valuation of the inland empire may be sta

competition.

A few figures will show the tremendous handleap under which this region labors in respect to freight rates. A comparison of all-rail rates with all-water rates up to January 1, 1907:

	Miles.	Classes.									
		1.	2.	3.	4.	5.	A.	В.	C.	D.	E.
St. Louis to St. Paul by water St. Louis to Oklahoma City by rail Portland to Walla Walla by rail.	543	1.30	0. 521 1. 09 . 99	. 97	.84	. 67	. 65	. 53	.40	.37	.29
For short hauls up to Jar	uar	y 1,	190	7:				-		,	

Classes. 1. 2. 3. 4. 5. A. B. C. D. St. Louis to Hannibal by water. St. Louis to Centralia by rail... Walla Walla to Glenwood, 122 .70 .60 .49 .42 .35 .35 .28 .21 .18 Wash., by rail .....

The above figures show that the rates from Portland to Walla Walla were about four times as much as those by water on the Mississippi, and about twice as much as those by rail in the Mississippi Valley. Much of the same difference prevails between points in the inland empire not having water competition and those on the lower Columbia or Puget Sound.

For instance, we may compare rates from Portland to The Dalles, under water competition, with those from Portland to Umatilla, where there was no steamboat competition, as follows:

Rates per ton in carload lots.

	Miles.	Salt.	Sugar.	Canned goods.	Grain,
Portland to The Dalles	88	\$1.50	\$2.00	\$2,00	\$1.50
	187	7.50	10.20	10,20	3.00

The local rates given in both the above tables were somewhat reduced by changes going into effect on January 1, 1907, as a result of the competition of the Portage Railway at Cellio, and the steamboats running in connection with it, although the service was inadequate on account of rapids above Cellio.

3. Benefits accruing by reason of what has already been done toward opening the country to water competition:

The chief work thus far done is the Federal canal at the Cascades, between Portland and The Dalles. This canal opened but a relatively small region to seaboard connection—not a twentieth part of what will be opened by the Cellio Canal and the other improvements on the upper river. Nevertheless, it has had so marked an effect upon rates within the sphere of its operation as to constitute an overwhelming argument in favor of continued river improvement.

The following table exhibits the rates per ton in carload lots from Portland to The Dalles (88 miles) before and after the establishment of water competition through the Cascade Canal:

	Before.	After.
Salt Sugar Canned goods Nails Grain	\$5, 20 6, 20 6, 20 6, 20 6, 20 2, 70	\$1.50 2.00 2.00 2.00 2.00 1.50

In this connection and remembering that the country contiguous to the Cascade Canal is but a small fraction of the inland empire, the fol-lowing statement of traffic at the canal from January 1, 1905, to Oc-tober 31, 1905, is of value:

Number of lockages 1, 500 Tons of freight carried 30, 528 Passengers carried 111, 113

warrants the conclusion that the inland empire would save from four million to six million dollars every year by the complete improvements of an open river.

There might be a saving of \$2,000,000 a year on wheat and its products alone. Congressman Joseph E. Ransdell, in an address before the Chamber of Commerce at Spokane on September 4, 1906, estimated that the region tributary to Spokane would save \$6,000,000 yearly by the open rivers. Such saving would be effected not alone by steamboat traffic, but by the necessity imposed upon railroads to lower their own rates to meet water competition. The open river will be the great arbiter of rates. We ask you to note in this connection the important fact that electric railways, independent of the steam roads, are in process of construction or projected in and around Spokane, Walla Walla, Yakima, Pendleton, and Lewiston, which will reach river points and by cooperation with steamers will give independent connection with the seaboard. The steamboat and the trolley are complementary parts of one vast movement. But not alone is the pecuniary benefit of the open river of moment to our section. Even more important is the commercial independence to be secured. The inland empire is at present subject to the dictation of the great transportation lines. With free rivers we shall secure the greatest need of an American community—commercial freedom.

5. What the States concerned are doing.

We ask you to note this fact: The State of Oregon has already appropriated \$190,000 for the construction and maintenance of the Portage Railway, and \$100,000 for the right of way for the Cellio Canal. About \$40,000 has been given by individuals in Oregon and Washington for the same ends. The State of Washington stands ready to cooperate with the Government in any way possible to aid in accomplishing the great task.

We ask the Congress to rest assured that the people of this State are alive to the vast benefits of the proposed work. We believe that while

primarily of benefit to the Pacific Northwest, yet in view of the prospective commerce of the Pacific Ocean and the untold magnitude of the interests resulting therefrom, the opening of the Columbia River will be of immeasurable advantage to our entire nation.

6. The method of construction.

We wish to express in conclusion the sentiment that a single appropriation large enough to meet the estimated cost of the work would accomplish the needs far better than small appropriations, given from time to time, and measurably wasted through lack of continuity of plan. This work has already been favorably reported by Government engineers and by Secretary of the Treasury. Congress has already committed itself to the undertaking. Would it not be the best policy to accept the work and estimates of the competent engineers, place at the disposal of the department in charge a sufficient sum to complete it at once, and thus remove the matter from the domain of political action, and regard it a settled matter to be pressed to the speedlest possible conclusion? Is there any possible reason for spending time in considering it at each session of Congress and dragging it on from year to year, when the other policy might insure its completion within two or three years?

Moreover, the experience of the Government seems to prove conclusively that the contract system insures far more rapid and satisfactory results than any other. That method is employed on the Panama Canal. We earnestly hope that Congress will apply the same method to the improvement so fraught with advantage to the Pacific Northwest. It is safe to say that within three years at the most the saving on freights in the inland empire will more than counterbalance all the expense of making our great rivers navigable at all seasons throughout the major portion of their extent, and that means an amount of navigable water second only to the Mississippi among the river systems of the United States.

Your attention is furthermore called to the confessed inability of the railw

contradiction.

In view of the facts presented above, your memorialists, the members of the legislature of Washington, do hereby petition the Congress of the United States to consider favorably the appropriation of a sufficient sum to complete without interruption and at earliest date, by contract, the work of rendering the Columbia River to Kettle Falls and Snake River to Lewiston navigable for steamboats at all seasons of the year.

Passed by the house of representatives January 28, 1907.

J. A. FALCONER,

Speaker of the House.

Passed by the senate January 30, 1907.

Passed by the senate January 30, 1907.

CHARLES E. COON, President of the Senate.

Filed in the office of the secretary of state February 13, 1907, at

Sam. H. Nichols; Secretary of State, By Ben. R. Fish, Assistant Secretary.

Mr. LODGE presented a petition of sundry citizens of South Framingham, Mass., praying for the passage of the so-called "Crumpacker bill," relating to postal fraud orders; which was referred to the Committee on the Judiciary.

He also presented a memorial of 27 citizens of Newburyport, Mass., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Boston, Worcester, and Haverhill, all in the State of Massachusetts, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

## ORDER OF BUSINESS.

Mr. LODGE. I desire to give notice that on the conclusion of the vote, under the unanimous-consent agreement, that is to be taken at 4 o'clock, I shall ask the Senate to go into executive session.

Mr. HALE. I do not want the notice of the Senator to be considered as in any way cutting out the pending appropriation bill, that has already taken three days. We ought to finish it before going to anything else. However, I am willing to leave that entirely to the condition of things when the special order is disposed of.

Mr. LODGE. Of course I do not desire to delay the appropriation bill, but it is necessary that we should have an executive session for a few moments. I do not think it will delay the bill materially

The VICE-PRESIDENT. Reports of committees are in

### REPORTS OF COMMITTEES.

Mr. LODGE. I am directed by the Committee on Foreign Relations, to whom was referred the letter from the Acting Secretary of State, relative to a joint resolution authorizing the President to extend an invitation to the International Congress of Hygiene and Demography to hold its thirteenth session at Washington, to report a joint resolution.

The joint resolution (S. R. 93) authorizing the President to extend an invitation to the Twelfth International Congress of Hygiene and Demography to hold its thirteenth congress in the

city of Washington was read twice by its title.

Mr. LODGE. I ask for the present consideration of the joint

Mr. HALE. To-day has been set apart for the consideration of the special order. However, the Senator from Michigan is himself here

Very well; I will let the joint resolution go to Mr LODGE the Calendar

The VICE-PRESIDENT. The joint resolution will go to the Calendar.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 22338) to bridge Bayou Bartholomew, in Louisiana, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 25611) to authorize the Burnwell Coal and Coke Company to construct a bridge across the Tug Fork of Big Sandy River, reported it without amendment.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 569) granting a pension to Edith A. Hawley, to report it adversely, and I submit a report thereon.

hereon. I ask that the bill be placed on the Calendar.
The VICE-PRESIDENT. The bill will be placed on the Calendar

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (S. 8526) permitting the erection of a dam across Coosa River, Alabama, at the place selected for Lock No. 12 on said river, to report it without amendment, and I submit a report thereon. I ask unanimous consent for the present consideration of the bill.

Mr. BURROWS. I ask the Senator to let the bill go to the Calendar, in view of the order for to-day.

Mr. NELSON. Very well.
The VICE-PRESIDENT. The bill will be placed on the Cal-

Mr. CARTER, from the Committee on Public Lands, to whom was referred the bill (H. R. 24655) to authorize the legislature of Oklahoma to dispose of a certain section of school land, reported it without amendment.

Mr. HANSBROUGH, from the Committee on Finance, to whom was referred the bill (H. R. 10305) to provide for the re-

payment of certain customs dues, reported it with amendments.

Mr. FULTON, from the Committee on Public Lands, to whom was referred the bill (H. R. 17415) to authorize the assignees of coal-land locations to make entry under the coal-land laws applicable to Alaska, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 19589) granting a pension to Aaron Davis, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and

submitted reports thereon:
A bill (H. R. 21910) granting a pension to Emil S. Weisse;
A bill (H. R. 24220) granting an increase of pension to Wil-

liam P. Robbe; A bill (H. R. 22763) granting an increase of pension to Charles H. Slocum;

A bill (H. R. 22785) granting an increase of pension to Mor-

A bill (H. R. 22788) granting an increase of pension to Isaac

A bill (H. R. 22798) granting an increase of pension to George W. Robinson;

A bill (H. R. 22801) granting an increase of pension to Robert McMillen

A bill (H. R. 22823) granting an increase of pension to John Tipton :

A bill (H. R. 22859) granting an increase of pension to Sam-

A bill (H. R. 22863) granting an increase of pension to Oscar A. Fuller

A bill (H. R. 22894) granting an increase of pension to

Louisa Berry; A bill (H. R. 22947) granting an increase of pension to Benjamin F. Sibert;

A bill (H. R. 22949) granting an increase of pension to

George W. Wells; A bill (H. R. 22950) granting an increase of pension to Heze-

bill (H. R. 22964) granting an increase of pension to

Eudocia Arnett; A bill (H. R. 22986) granting an increase of pension to George W. Beeny;

A bill (H. R. 22987) granting an increase of pension to John D. Lane:

A bill (H. R. 22988) granting an increase of pension to Ben-

jamin F. Horton;
A bill (H. R. 23414) granting an increase of pension to Joseph Riddle;

A bill (H. R. 23426) granting an increase of pension to John S. Bergen

A bill (H. R. 23440) granting a pension to Carrie May Allen; A bill (H. R. 23443) granting an increase of pension to Louisa R. Matthews;

A bill (H. R. 23467) granting an increase of pension to Michael Flanagan

A bill (H. R. 23609) granting an increase of pension to Samuel P. Wallis

A bill (H. R. 23626) granting an increase of pension to Richard C. Taylor

ard C. Taylor;
A bill (H. R. 23627) granting an increase of pension to William B. Walton;

A bill (H. R. 23628) granting an increase of pension to Clara E. Daniels: and

A bill (H. R. 23660) granting an increase of pension to Harriet U. Burgess

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 23150) granting an increase of pension to Samuel H W Riter

A bill (H. R. 23673) granting an increase of pension to John ; T. Grayson

A bill (H. R. 23675) granting an increase of pension to Watson F. Bisbee

A bill (H. R. 23677) granting an increase of pension to John D. Dryden ;

A bill (H. R. 23682) granting an increase of pension to Joseph R. Bartlett;

A bill (H. R. 23685) granting an increase of pension to Robert

A bill (H. R. 23698) granting an increase of pension to Wil-

liam H. Wyman;
A bill (H. R. 23709) granting an increase of pension to James M. Dick

A bill (H. R. 23729) granting an increase of pension to John Vandegrift

A bill (H. R. 23732) granting an increase of pension to Rosanna Kaogan;

A bill (H. R. 23733) granting an increase of pension to Gifford M. Bridge;

A bill (H. R. 23744) granting an increase of pension to John O. Cravens A bill (H. R. 23748) granting an increase of pension to Emily

J. Vanbeber A bill (H. R. 23751) granting an increase of pension to Charles

D. Moody A bill (H. R. 23763) granting an increase of pension to James

Riley A bill (H. R. 23791) granting an increase of pension to Calvin

B. Fowlkes A bill (H. R. 23797) granting an increase of pension to James D. Tomson

A bill (H. R. 23802) granting an increase of pension to Thomas J. Brown

A bill (H. R. 23806) granting an increase of pension to William F. Barker;

A bill (H. R. 23834) granting an increase of pension to Samuel Langmaid; and

A bill (H. R. 23849) granting an increase of pension to Charles A. Mathew

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (H. R. 23031) granting an increase of pension to John

H. Terry

A bill (H. R. 23034) granting an increase of pension to Thomas A. Snoddy

A bill (H. R. 23148) granting an increase of pension to Robert

A bill (H. R. 23175) granting an increase of pension to Henry

A bill (H. R. 23280) granting an increase of pension to Bartholomew Burke

A bill (H. R. 23282) granting an increase of pension to John W. Tumey A bill (H. R. 23311) granting an increase of pension to Jere-

A bill (H. R. 23312) granting an increase of pension to William Lewis;

A bill (H. R. 23313) granting an increase of pension to Benjamin D. Reed;

A bill (H. R. 23323) granting an increase of pension to Robert Foote:

A bill (H. R. 23332) granting an increase of pension to Uriah

A bill (H. R. 23360) granting an increase of pension to Robert Hastie;

A bill (H. R. 23407) granting an increase of pension to Hurd L. Miller

A bill (H. R. 23411) granting an increase of pension to George

H. Martin; and A bill (H. R. 22170) granting an increase of pension to Beniamin James

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 22328) granting an increase of pension to Susan Baker

A bill (H. R. 17814) granting an increase of pension to Simon E. Chamberlin :

A bill (H. R. 22696) granting a pension to Charles F. Ellingwood:

A bill (H. R. 22329) granting an increase of pension to Mar-

garet L. James;
A bill (H. R. 22330) granting an increase of pension to Mary C. Jones

A bill (H. R. 22392) granting an increase of pension to Eugene W. Rolfe;

A bill (H. R. 22395) granting a pension to Edward Miller; A bill (H. R. 22426) granting an increase of pension to Louisa

E. Robertson A bill (H. R. 22441) granting an increase of pension to Jacob

Mose A bill (H. R. 22468) granting an increase of pension to Wil-

liam Kelso: A bill (H. R. 22503) granting an increase of pension to Wil-

liam A. Clarke;

A bill (H. R. 22529) granting an increase of pension to William Truett:

A bill (H. R. 22540) granting an increase of pension to Richard Turnbull

A bill (H. R. 22547) granting an increase of pension to John Hickcox.

A bill (H. R. 22548) granting an increase of pension to Frank-

A bill (H. R. 22562) granting an increase of pension to George J. Abbey

A bill (H. R. 22592) granting an increase of pension to Andrew J. Frayer :

A bill (H. R. 22613) granting an increase of pension to Isaac G. McKibban :

A bill (H. R. 22617) granting an increase of pension to Margaret O'Reilly :

A bill (H. R. 22629) granting an increase of pension to Josiah N. Pratt

A bill (H. R. 22630) granting an increase of pension to George

Wiley; A bill (H. R. 22650) granting an increase of pension to A bill (H. R. 22701) granting an increase of pension to James

R. Fairbrother;

A bill (H. R. 22703) granting an increase of pension to Benjamin F. Richards;

A bill (H. R. 22707) granting an increase of pension to Sebastian Gerhardt; and

A bill (H. R. 22727) granting an increase of pension to John

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 21788) granting an increase of pension to Satina A. Waymer

A bill (H. R. 21818) granting an increase of pension to Wil-

A bill (H. R. 21827) granting an increase of pension to Francis

A bill (H. R. 21899) granting an increase of pension to Catha-

A bill (H. R. 21911) granting an increase of pension to George

A bill (H. R. 21914) granting an increase of pension to Ferdinand Pahl;

A bill (H. R. 21974) granting an increase of pension to John

A bill (H. R. 21983) granting an increase of pension to James E. Pusey

A bill (H. R. 19239) granting a pension to Salome Jane Marland:

A bill (H. R. 22041) granting a pension to John P. Walker; A bill (H. R. 22055) granting an increase of pension to Maria Lorch

A bill (H. R. 22063) granting an increase of pension to Horace F. Packard:

A bill (H. R. 22086) granting a pension to Amelia Schmidtke; A bill (H. R. 22093) granting an increase of pension to Lars Isaacson:

A bill (H. R. 22165) granting an increase of pension to John Hand:

A bill (H. R. 22175) granting an increase of pension to Charles Prendeville

A bill (H. R. 22169) granting an increase of pension to Cynthia M. Bryson;

A bill (H. R. 22199) granting an increase of pension to William Templin

A bill (H. R. 22216) granting an increase of pension to Griffin A. Coffin :

A bill (H. R. 22251) granting an increase of pension to Samuel Manly:

A bill (H. R. 22260) granting an increase of pension to James E. Bissell

A bill (H. R. 22294) granting an increase of pension to Perry

A bill (H. R. 22302) granting an increase of pension to Burrell H. Gillam;

A bill (H. R. 22326) granting an increase of pension to Mary

Levina Williams; and A bill (H. R. 22327) granting an increase of pension to Isabel Manney

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (S. 7889) for the relief of certain settlers on the public lands, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. BRANDEGEE, from the Committee on Indian Affairs, to whom was referred the bill (S. 6754) granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon, reported it without amendment, and submitted a report thereon.

## BILLS INTRODUCED.

Mr. PERKINS introduced a bill (S. 8532) to provide for an additional district judge for the northern district of California; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DOLLIVER introduced a bill (S. 8533) to authorize the Court of Claims to hear, determine, and adjudicate the claims of the Sac and Fox Indians of the Mississippi in Iowa, against the Sac and Fox Indians of the Mississippi in Oklahoma, and the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WARREN introduced a bill (S. 8534) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CURTIS introduced a bill (S. 8535) for the relief of certain white persons who intermarried with Cherokee citizens: which was read twice by its title, and referred to the Committee on Indian Affairs.

### WITHDRAWAL OF PAPERS-THOMAS H. LESLIE.

On motion of Mr. MILLARD, it was

Ordered, That the papers accompanying Senate bill 6721, of this session of Congress, for the relief of Thomas H. Leslie, be withdrawn from the files of the Senate, there having been no adverse report thereon. thereon.

### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

H. R. 22599. An act to grant certain lands to the city of Boulder, Colo.; and

H. R. 24134. An act providing for the granting and patenting to the State of Colorado desert lands formerly in the Southern Ute Indian Reservation in Colorado.

H. R. 25039. An act to enable the city of Phoenix, in Maricopa County, Ariz., to use the proceeds of certain municipal bonds for the purchase of the plant of the Phoenix Water Company and to extend and improve said plant, was read twice by its title, and referred to the Committee on Territories.

H. R. 25570. An act to amend an act approved May 8, 1906. entitled "An act to amend section 6 of the act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," was read twice by its title, and referred to the Committee on Indian Affairs.

H. R. 25627. An act to authorize the county of Armstrong, in the State of Pennsylvania, to construct a bridge across the Allegheny River, in Armstrong County, Pa., was read twice by its title, and referred to the Committee on Commerce.

H. J. Res. 223. Joint resolution relating to the holders of medals of honor was read twice by its title, and referred to the

Committee on Military Affairs.

## INDIAN LANDS IN WISCONSIN.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2787) to amend the act of Congress approved February 11, 1901, entitled "An act providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin."

The amendment was, in line 9, after "reservation," to insert "whether born before or after the passage of said act."

Mr. SPOONER. Let the amendment lie on the table for the

The VICE-PRESIDENT. It will lie on the table.

## SENATOR FROM UTAH.

The VICE-PRESIDENT. The morning business is closed; and the Chair, in accordance with the unanimous-consent agreement of January 30, lays before the Senate the resolution, which will be read.

The Secretary. Senate resolution 142, reported by Mr. Burrows, from the Committee on Privileges and Elections, as fol-

Resolved, That REED SMOOT is not entitled to a seat as a Senator of the United States from the State of Utah.

Mr. DUBOIS obtained the floor.

Mr. HOPKINS. Mr. President, before any debate is had today on the resolution I should like to have some arrangement made with the senior Senator from Michigan with reference to the division of time.

What understanding would the Senator Mr. BURROWS. like to have?

Mr. HOPKINS. I should like to have the time equally divided between the friends and the opponents of the resolution.

Mr. BURROWS. I should hardly think that would be

proper. I had thought that I might have the privilege of closing the debate, and I should like to have an hour and a half. I should judge from what I know of those who expect to speak that there will be ample time for all, leaving that time for my-

Mr. HOPKINS. How many speakers will there be on the side of the resolution?

Mr. BURROWS. I do not know.

Mr. HOPKINS. As to the arrangement about closing the debate, I have no objection to that, but there are several Senators who want to speak, and unless we have an arrangement in ad-

vance they might be crowded out of their time.

Mr. BURROWS. Any arrangement will be satisfactory to

Mr. HOPKINS. I suggest, then-

Mr. President-Mr. BACON.

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Georgia?

Mr. HOPKINS. Certainly.

Mr. BACON. I simply wish to make a suggestion. There ought to be such an arrangement of time as would give almost anyone who might wish to say a few words an opportunity so to do. I think the suggestion of the Senator from Michigan that he should be allowed ample time to conclude the case is entirely a reasonable and proper one. I suppose that will be generally conceded. I do not know how it may be with all Senators, but I suppose the large majority of them would simply desire a very short time in order that their position may not be misunder-For myself I will not desire over ten or fifteen minutes, and I think the time ought to be so divided that those who desire to briefly express the reasons for their votes may have the opportunity so to do.

We have had several weeks of time in which Senators who had extended remarks to make possibly had an opportunity so to do. How many there may be who to day desire to make extended remarks I do not know, and I am only interested to this extent, that there may be such limitation of time, at least as to a part of the time, that those of us who may desire to say a very few words may have the use of it.

Mr. SPOONER. It is generally understood that upon a sub-

ject such as the one here involved, or any matter of large importance, the members of the committee having it in charge shall have the first opportunity-and that is very proper and in the interest of the Senate-to make an exposition of their The debate thus far has been confined, I think, solely, except as to the speech of the Senator from Utah [Mr. Smoot] to the members of the committee. I think the chairman of the committee ought to close the debate, and he ought to have ample time; but there are a number of Senators-and I am included in that number-who desire to briefly explain the vote which they intend to cast on this matter, and it ought to be arranged in some way, as suggested by the Senator from Illinois, so as to afford that opportunity. It is a matter of very grave concern; it is a matter which has created very great and almost universal interest in the country, and a matter as to which, I think, a very great deal of prejudice has been engendered in one way and another. I wish briefly to explain my position upon it, and I think other Senators wish to do the same, and they ought to have an opportunity.

Mr. BURROWS. Will the Senator from Wisconsin yield to

me for a moment?

Mr. SPOONER.

Certainly.

I think there will be no difficulty whatever Mr. BURROWS. about it. The Senator from Idaho [Mr. Dubois] advises me that he will not take more than thirty minutes, and the Senator from Illinois [Mr. Hopkins] does not care to speak. The Senator from Indiana [Mr. Beveringe] says he will not occupy over thirty minutes, or three-quarters of an hour at the most. The Senator from Idaho [Mr. Dubois] will desire to occupy half an hour or more perhaps

Mr. DUBOIS. Not more.

Mr. BURROWS. And the Senator from North Dakota [Mr. HANSEROUGH] thirty minutes.

Mr. HANSBROUGH. Fifteen minutes.

Mr. HOPKINS. I will state to the Senator from Michigan that the junior Senator from Iowa [Mr. Dolliver] desires to have twenty or thirty minutes.

Mr. BURROWS. Yes. It seems to me that all who desire to talk can be accommodated and leave me an hour and a half for

such close of the debate as I may desire to make.

Mr. HOPKINS. I think the more equitable way would be a

division of the time.

Mr. BACON. I wish to suggest to the Senator from Michigan that if many Senators are to occupy half an hour there will certainly not be much opportunity for those who desire ten or fifteen minutes. A number of Senators may wish to say briefly a few words while other Senators may have made preparation for addresses. The Senator from Indiana I understand desires to speak, and the Senator from Idaho.

Mr. DUBOIS. Very briefly.
Mr. BURROWS. May I make a suggestion?
The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. BACON. I do.

Mr. BURROWS. We are losing valuable time. The Senator from Idaho has been recognized, and suppose we hear him now, and in the meantime we will see what arrangement can be made.

Mr. HOPKINS. I think the more equitable way of adjusting this matter would be right now, before we embark on the debate at all, to divide the time equally. The Senator from Michigan and those who favor the resolution can divide the two hours and a quarter that they have in such a manner as they may see fit, and those who are opposed to the resolution can divide the time amongst the Senators who desire to express themselves against the resolution. I think if we make an agreement that the time shall be divided in that way we can among ourselves apportion the time without any trouble.

Mr. CLAPP. Mr. President, the statement of the Senator

from Michigan would leave only twenty-five minutes for all the Senate outside of those whom he has enumerated as intending to speak, and the time that he has stated would be approximately consumed by them. I do not think that is a fair proposition.

Mr. BURROWS. I renew my suggestion that the Senator from Idaho be permitted to proceed, and in the meantime we will make some arrangement.

Mr. HOPKINS. I ask unanimous consent that the time between the present and 4 o'clock, when we are to vote on the resolution and the amendments, be equally divided between the opponents and the friends of the resolution, and that the Senator from Michigan control the time in favor of the resolution on his side.

Mr. DUBOIS. Mr. President, I object. I will very gladly

yield my time to the Senator from Illinois or any other one who desires to speak on that side of the question.

Mr. HOPKINS. I will say to the Senator that he does not confer any favor upon me at all.

The VICE-PRESIDENT. Objection is made to the request

of the Senator from Illinois.

Mr. HOPKINS. I do not want any of the time that is allowed to the other side, and I do not make the suggestion to get any time to speak. I have spoken already on this subject, and I am content to stand upon the record that I have made; but there are members of the Senate who have not been heard upon this side.

Mr. HALE. I call for the regular order.

The VICE-PRESIDENT. The regular order is demanded by the Senator from Maine. The Chair has recognized the Senator from Idaho.

Mr. MONEY. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. DUBOIS. Certainly.

Mr. MONEY. By the favor of the Senator, though I rose to address the Chair before in my own right, I object to the proposition made on the other side. I do not know whether it has been accepted or not. I do not know whether anyone can accept it; but I object to any proposition that permits any Senator to farm out any time whatever. Let him speak in his own time as much as he pleases to speak, and then let him take his seat. I object to any such proposition. It is a system that obtains in the House, where they have no parliamentary law.

The VICE-PRESIDENT. The Senator from Idaho will pro-

Mr. DUBOIS. Mr. President, I have listened with much amazement to the speeches of the Senators who have advocated that the Senator from Utah should retain his seat. The Senator from Illinois [Mr. Horkins], the Senator from Vermont [Mr. Dillingham], and the Senator from Pennsylvania [Mr. Knox], spoke as technical lawyers. They treated this case as though the Senator from Utah was on trial for horse stealing. They resorted to all the methods, I should think, known to those who are trying a lawsuit on technical grounds. Apparently they mistook the charges which were preferred against the Senator from Utah. They insisted on trying him for being a polygamist, a charge not made against him.

Our contention is that the Mormon Church as an organization is so un-American, so lawbreaking, and law defying that he, on account of his position in it, is not fit to represent, he does not possess the qualification to represent, the people of the United States in this Chamber. These lawyer Senators misstated facts. They may not have known that they did, because it is plain that they are not familiar with the testimony or, if familiar, purposely ignored facts which bore directly on the subject. I will point out some of these facts and their mis-

statements.

The Senator from Illinois [Mr. Hopkins] pictured the Mormon organization as better than any other church in the coun-No one could have listened to his speech, no one can read his speech, without coming to the conclusion that that organization, in his opinion, is superior to the other Christian organizations of the country, and he became sponsor—

Mr. HOPKINS. Mr. President—

Mr. DUBOIS. I will not yield. Neither the Senator from

Illinois nor any of the Senators on that side would yield to me. will not allow my time-

Mr. HOPKINS. I say the Senator should not misrepresent

It is an absolute misrepresentation.

The VICE-PRESIDENT. The Senator from Idaho declines to yield.

Mr. HOPKINS. He absolutely misrepresents me.

Mr. DUBOIS. I do not misrepresent the Senator. I repeat that no one who heard the Senator from Illinois or who will read his speech can come to any other conclusion than that he holds this organization as better than the other Christian organizations of the land, and he became sponsor for the head of this organization. I call attention to this, which the Senator from Illinois said in his speech. On page 30, the Senator from Michigan [Mr. Burrows] asked him:

Is there any reason why they should continue to cohabit with them [their plural wives] and increase the number of the offspring?

The Senator from Illinois answered:

Mr. HOPKINS. I will say to the Senator that on that proposition I will give him the answer of the head of the Mormon Church, which is found in the evidence.

Mr. HOPKINS. Now, read the next sentence. Mr. DUBOIS. I am reading the next sentence.

This is what you said next:

It is not necessary for me to make an answer to that proposition.

That very question was put to the head of the Mormon Church, who has had a number of children born since the manifesto, and I submit that answer, not only to the Senator, but to Senators in this body and to the public generally.

I am quoting literally, and now I will quote the answer of the president of the church, which the Senator from Illinois has made his answer. You will find this on pages 334, 335, and 336 of volume 1 of the testimony. The Senator from Michigan asked him precisely the same question he asked the Senator from Illinois. The chairman of the committee said to Mr. Smith, the president of the Mormon Church:

The Chairman. Why is it necessary, in order to support your children, educate, and clothe them, that you should continue to have children by a multiplicity of wives?

Mr. SMITH. Because my wives are like everybody else's wife.

The Chairman. I am not speaking of them.

Mr. SMITH. I understand.

The Chairman. I am speaking of the children now in existence born to you.

The CHAIRMAN. I am speaking of the children now in existence born to you.

Mr. SMITH. Yes.

The CHAIRMAN. Why is it necessary to continue to have issue by five wives in order to support and educate the children already in existence? Why is it necessary?

Mr. SMITH. It is only to the peace and harmony and good will of myself and my wives; that is all.

The CHAIRMAN. Then you could educate your children and clothe them and feed them without having new issue?

Mr. SMITH. Well, yes; I possibly could, but that is just exactly the kernel in the nut.

The CHAIRMAN. Yes.

Mr. SMITH. I have chosen not to do that, Mr. Chairman.

The CHAIRMAN. You have chosen not to do it?

Mr. SMITH. That is it. I am responsible before the law for my action.

action.

The Chairman. And in not doing it, you are violating the law?

Mr. Smith. The law of my State?

The Chairman. Yes.

Mr. Smith. Yes, sir.

Senator Overman. Is there not a revelation published in the Book of Covenants here that you shall abide by the law of the State?

Mr. Smith. It includes both unlawful cohabitation and polygamy.

Senator Overman. Is there not a revelation that you shall abide by the laws of the State and of the land?

Mr. Smith. Yes, sir.

Senator Overman. If that is a revelation, are you not violating the laws of God?

Mr. Smith. I have admitted that, Mr. Senator, a great many times here.

That is the answer of the Senator from Illinois as given by

the head of the church. I trust he is contented with it.

There was a colloquy which took place during the speech of the Senator from Illinois. I want to show the misstatements, the misrepresentations, the subterfuges which have been resorted to by these special pleaders for their client. I call attention to this colloquy in the speech of the Senator from Illinois, on pages 32 and 33:

Mr. Dubois. I will ask the Senator from Illinois, if he will allow me, if the Mormon Church has undertaken to punish any of these polygamists for entering into this adulterous relation?

The Senator from Illinois answered at length, and finally, addressing me, said:

Has he gone and presented these charges to the grand jury in the State of Utah or in Salt Lake City?

Mr. DUBOIS. I myself have not.

Mr. HOPKINS. That is all I want to know.

Mr. DUBOIS. But the people of Utah have gone, and the courts of Utah have paid no attention to the presentation, and it is useless.

Then the Senator from Indiana [Mr. Beveringe] took part, and the following colloquy occurred:

Then the Senator from Indiana [Mr. Beveride] took part, and the following colloquy occurred:

Mr. Beveride. In answer to the Senator's question, whether the Senator from Illinois could cite an instance where there had been any punishment by another Mormon of Mormons for having entered into polygamous relations, I have not read the testimony recently, but the Senator has, and I call his attention to a case, as I remember it, when I was present when the testimony was being taken. I believe it was a bishop of a stake by the name of Harmer, who had taken another wife, and the attention of the Senator from Utah, not then a Senator, was called to it. The bishop himself went to Provo, the home of the Senator from Utah, not then a Senator, and told him about this thing, about which there was a great deal of rumor. The upshot of the whole matter, as I remember the testimony—and the Senator from Illinois will know about what it was—was that on his way home from Provo this bishop of the stake, who had entered into relationships with more than one woman, was arrested by the sheriff, was by the church authorities deposed from the bishopric, and was prosecuted and finally sent to the penitentiary. I do not know whether that is correct or not, but that is as I remember it.

Mr. DULLINGHAM. He himself testified to it.

Mr. BEVERIDGE. The Senator from Vermont suggests that it was the bishop himself who testified to that fact.

Mr. DUBOIS. If the Senator from Illinois will pardon me, I will show the difference. Bishop Harmer was not married to the second woman. He was living with her in a purely adulterous relation. Therefore the Mormon Church made an example of him. Had she been married to him as a second wife, they would not have interfered, because they never have done so.

Mr. Beveridge. Then, the Senator's suggestion is—

Mr. HOPKINS. I have shown, Mr. President, that there can not be in the Mormon Church to-day the taking of a plural wife. That is an impossibility under the law of the church, and the relation is an adulter

swer is that the reason why they deposed him from his religious office and the reason why they sent him to the penitentiary for a criminal offense is that he did not marry the woman.

Mr. DUBOIS. Exactly; precisely.

Mr. SUTHERLAND. Mr. President—

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Utah?

Mr. HOPKINS. Certainly.

Then came the junior Senator from Utah [Mr. SUTHERLAND], who should know; and I desire to say, in passing, that the only speech approaching fairness was made by the junior Senator from Utah. He would not have dared utter what these Senators have on this floor. He knew the facts and they did not, and he would not have made the utterly unwarranted statements which they have. I pay that tribute to him in passing. But in this case he misled, as I will show.

The Senator from Utah [Mr. SUTHERLAND] said:

Mr. SUTHERLAND. If the Senator from Illinois will permit me, I will state that I am pretty familiar with the Harmer case referred to, although I do not now recall precisely what the evidence showed about it. Mr. Harmer was a bishop in the county in which my colleague lives. It was very clearly shown when he was arrested that he had gone to Mexico and had married his plural wife there.

In addition to what the other Senators said, that is what the

Senator from Utah said.

My contention was this, and it is this now: That no Mormon has ever prosecuted any other Mormon for living in the polygamous relation. No Mormon dared do it. In this case they prosecuted this Mormon because me was living in an adulterous relation with a woman not his wife. I defy them to point to a single instance where any member of the church has prosecuted any other member of the church for living in this polygamous relation. I will call attention to the testimony in this case. Notwithstanding all the Senators said that the testimony showed that Harmer was married to this woman, here is the testimony of Lorin Harmer himself:

estimony of Lorin Harmer himself:

Mr. Tayler. How many wives have you?
Mr. Harmer. Two.
Mr. Tayler. What are their names?
Mr. Harmer. Ellen and Ida.
Mr. Harmer. Ellen and Ida?
Mr. Harmer. How old is Ida?
Mr. Harmer. How old is Ellen?
Mr. Harmer. How old is Ellen?
Mr. Harmer. How name before she was married?
Mr. Harmer. Her name was Ellen Tew.
Mr. Tayler. Do you know Ellen Anderson?
Mr. Harmer. Yes, sir.
Mr. Tayler. Are you married to her?
Mr. Harmer. No, sir.
Mr. Tayler. No, sir.
Mr. Tayler. No, sir; not as a wife.
Mr. Harmer. No, sir; not as a wife.
Mr. Tayler. How many?
Mr. Harmer. How many?
Mr. Harmer. How many?
Mr. Harmer. How many since you were in the penitentiary?
Mr. Harmer. One.
Mr. Tayler. One
Mr. Tayler. Yes, sir.
Mr. Tayler. One
Mr. Harmer. Yes, sir.
Mr. Tayler. Yes, sir.
Mr. Tayler. You were sent to the penitentiary for having children y her?
Mr. Harmer. Yes, sir. Mr. TAYLER. You were sent to the pentientiary for havin by her?
Mr. HARMER. Yes, sir.
Mr. TAYLER. Where does she live now?
Mr. HARMER. She lives in Springville.
Mr. TAYLER. You do not live with her as a wife?
Mr. HARMER. No, sir.
Mr. TAYLER. When did you have the last child by her?
Mr. HARMER. I do not know as I could tell you exactly.
Mr. TAYLER. About when?
Mr. HARMER. Oh, perhaps a year or a year and a half ago.

That is in volume 1, pages 501 and 502, of the testimony. They undertook to prove that REED SMOOT had this Mormon arrested and sent to the penitentiary for living in the polygamous relation. It is the only case that they attempted to prove, and the witness himself says he was not married to her. He had two wives besides. They made no move against him for living with these two wives, which he had taken as a member of the church and according to the doctrines of the church. This is absolutely not only the best showing but the only showing they made or could make that Apostle Senator Reed the church of the church. Smoot has attempted to punish anyone for polygamous living,

or of objecting to anyone for living in the polygamous relation.

The junior Senator from Utah [Mr. Sutherland] eulogized in extravagant language his colleague. The junior Senator from Utah, I have been told by a great many of the most splendid men in Utah, and his friends and party associates, opposed strenuously the election of Reed Smoot to the Senate on the ground that he was an apostle of the church. That is current history there. The junior Senator says that the church has dictated in politics; that it has controlled all political matters there; that the president of the church and the church elected his predecessor, Senator Kearns, but that it stopped when it reached Reed Smoot and himself. Since they reached these gentlemen there has been no dictation in politics, although, according to the junior Senator, they elected his immediate predecessor. That is in his speech. He draws a Utopian

picture of political conditions in Utah. I wish it were true. He says political conditions have been growing better and better all the time. Why is it, if that is true, that they have been compelled to organize out there an American party, composed of all the Gentiles of Salt Lake City, 80 per cent of whom are Republicans? These Gentile Republicans have abandoned all hopes of political preferment, either Federal or State. They have abandoned their party, which is the dominant party in the State and nation. They suffer in their business on account of this fight they are making there for American and Republican principles.

You can not pass it by or explain it away by saying that Tom Kearns is at the head of this party, and that he is all there is to it. This party carried Salt Lake City in the last two elections. As Salt Lake City grows the party will grow, and it is extending all over the State. These Americans are the very first citizens. They would be a most welcome addition to any community in the United States. No people anywhere are superior to them in all that goes to make grand characters.

The conditions have arisen and this American party has arisen since the church selected Apostle Smoor as a Senator from Utah. That was the occasion for the beginning of this party. The time had come when the Gentiles must assert themselves and unitedly oppose the absolute domination of this hierarchy in political affairs.

There is a great deal of testimony in regard to the political domination of the church. The Senator from Utah had to receive the consent of the president of the church before he could become a candidate for Senator. He himself so testified, and so did the president of the church. Yet these technical lawyers undertake to explain that by calling this consent a "leave of absence." There is no such word in the order issued by the church compelling every Mormon official, from a bishop up, to receive the consent of the president of the church before he can become a candidate for an office. The technical lawyer Senators have invented the phrase "they must receive a leave of absence." Brigham H. Roberts, an official of the church immediately under the apostles, who was refused a sent in the other branch of Congress, testified a little in regard to this political domination of the hierarchy. Senator Overman interrogated him as a witness:

Senator Overman. Suppose there is a conflict, is your church the first duty, or the state?

That seemed like a simple question.

Mr. Roberts. That is hypothetical. I can not tell what I would do. Senator Bailey. It would depend somewhat on your frame of mind. One time you did defy the church, as I understand it, out there? Mr. Roberts. I did, to some extent. Senator Bailey. But they beat you that time? \* \* \* I mean you were defeated at the polls \* \* \* when you did not submit to the discipline of the church.

Mr. Roberts. Yes, sir.
Senator Bailey. Then the next time, when you did submit, you were chosen.

Mr. Roberts. Yes, sir. (I: 725-728.)

The CHAIRMAN. Mr. Roberts, I want to ask you a question right in the line of those Senator Balley has propounded to you. If you were invited by your fellow-citizens and your party to accept the nomination for an office, would you feel at liberty to accede to that request until you had first consulted with the church?

Mr. Roberts. Not unless I resigned my position in the church.

The CHAIRMAN. Would you feel at liberty to accept without first consulting the church?

Mr. Roberts. No, sir; I think not. (I: 734.)

The Senator from Illinois [Mr. Hopkins] asked a number of times, and so did the Senator from Indiana [Mr. Beveridge]. I think, although I am not sure about that, and the Senator from Vermont [Mr. DILLINGHAM] why we did not prosecute these men under the law. Here are a few choice extracts bearing on that. Mr. Tayler asked the president of the church:

What inquiry did you make to find out whether Abraham H. Cannon, one of the twelve apostles of the church, had made a plural marriage? Mr. SMITH. I made no inquiry at all. Mr. TAYLER. Did you set on foot any inquiry? Mr. SMITH. No, sir; not myself.

Mr. TAYLER. Did you have any interest in finding out whether there had been.

Mr. SMITH. Not the least. (I :476-477.)

The chairman of the committee said to President Smith:

The CHAIRMAN. \* \* \* In any instance where you have learned that these high officials, or anyone else, have been guilty of plural marriage, or of performing a ceremony of that kind, since 1890, have you made inquiry into it? \* \* \* Mr. SMITH. No, sir; because it has not been my business. (1: 478.)

Senator Hoar said to Mr. Jenson, one of the high officials of

the church and the custodian of the records: If any Mormon, having heard Mr. Smith's testimony here, were to go back to Utah and swear that he heard him say that here and insist on his being prosecuted, he would do an act which would be odious to all good Mormons, would he not? That is the feeling, is it not?

Mr. JENSON. I think so. Yes, I think so. (I: 536.) Here is Francis M. Lyman's testimony. Senator Hoar said

You have said more than once that in living in polygamous relations with your wives, which you do and intend to do, you knew that you were disobeying this revelation. \* \* \* And that in disobeying this revelation you were disobeying the law of God?

Mr. LYMAN. Yes, sir.

Senator Hoar. Very well. So that you say that you, an apostle of your church, expecting to succeed, if you survive Mr. Smith, to the office in which you will be the person to be the medium of Divine revelations, are living and are known to your people to live in disobedience of the law of the land and of the law of God?

Mr. LYMAN. Yes, sir. (1: 8430.)

The Senator from Vermont [Mr. Dillingham]said in his speech that one Charles Mostyn Owen as a witness said that

speech that one Charles Mostyn Owen, as a witness, said that Taylor was reputed to have taken new wives since the manifesto, but that there was no evidence to support it. for granted that the Senator from Vermont forgot the testimony of Mr. Abbott, a Mormon, who lives in the same town with Apostle Taylor, who testified that Taylor had five wives and that two of these wives were sisters-Rhoda and Roxie Welling—one 22 and the other 24 years of age, which would have made one of them 8 years old and the other 10 when the manifesto was issued in 1890. Mr. Abbott was sheriff of Davis County, in which he and Apostle Taylor lived.

The Senator from Vermont [Mr. Dillingham] said that Tanner, Cowley, Taylor, and Grant are fugitives from justice. They were fugitives from a subpæna of the Senate because two of them had taken plural wives since the manifesto. They evaded a subpoena of the Senate. They fled and kept in hiding to avoid testifying before the Senate committee, as did many more valuable Mormon witnesses. They are no longer fugitives When you seat Apostle Smoot, as you will, they will appear on the streets of Salt Lake City, because they are in Utah now. Tanner walks the streets these days and Cowley and Taylor will to-morrow. They were not evading the law, because they are not afraid of the law in Utah, so far as these crimes are concerned.

If the junior Senator from Utah [Mr. Sutherland], with his splendid legal ability, should go back and, following up his denunciation of Apostles Cowley and Taylor, should undertake to prosecute them for entering into polygamy since the manifesto and to send them to the penitentiary, he would never be elected a Senator of the United States again from the State of Utah, nor could anyone in or out of the church attempt it and survive politically. No member of the church ever attempted it or ever will. They have not brought a single line of proof to show that the members of the church anywhere oppose it.

Everyone understands, of course, that the courts and all the offices in Utah are dominated by the Mormon Church. No one can be elected to any office if it is opposed to him. It is impossible to have any enforcement of the law with the church

I find that I will have to hurry along. I must not trespass upon the time of other Senators. I should like the Senate to know, however, some of the misstatements which these learned lawyers have made, and understand, partially at least, the technical defense which they have entered into. They have deceived not only the Senate, but the public, because they have not spoken from the testimony. I will have to pass over a great deal that I should like to speak of, but I will refer to the speech of Senator Knox. On page 12 of his speech the Senator from Pennsylvania said:

I find upon an examination of the Articles of Faith of the Mormon Church and its book of doctrines and covenants that the Mormon doctrine relating to human governments and the duties of citizenship is set out in great detail.

And then he proceeds to read from the doctrines and covenants. I interjected and asked him if they were the same now as they always were. That interjection is not in the copy of his speech which I have, but the Senator will recall it. He finally said that they were. He quotes what they say about obeying the laws of the land in their doctrines and covenants and says that those doctrines and covenants are now the same as they were then.

I wonder why the Senator did not put in also from these same doctrines and covenants the law relating to polygamy. It is

there, just the same as the other, and is as follows:

If any man espouse a virgin, and desire to espouse another, and the first give her consent, and if he espouse the second and they are virgins and have vowed to no other man, then is he justified; he can not commit adultery, for they are given unto him, for he can not commit adultery with that that belongeth unto him and to no one else.

And if he have ten virgins given unto him by this law he can not commit adultery, for they belong to him, and they are given unto him; therefore is he justified.

You will not find the manifesto promulgated by Wilford Woodruff in 1890 in the doctrines and covenants. It has not been incorporated nor made a part of any church document which is exhibited by Mormons as authority.

Under the same doctrines and covenants of the Mormon Church they committed the Mountain Meadow massacre. Under the same doctrines and covenants under which they now living they defied this Government and compelled the United States to send an army to Utah to bring them in accord with the laws of the land. They are the same doctrines and covenants now as they always were, and they are being lived up to according to the direction of the head of the Mormon Church the same now as they always were.

On page 28 of the speech of the Senator from Pennsylvania-

I quote him literally-he said:

Polygamous marriages have ended in Utah.

Neither of the Senators from Utah said that. No other Senator would say that who has read the testimony and wanted to interpret it correctly or who knew the facts. Senator from Utah in his speech did not say that, or anything that sounded like it. I think the Senator from Pennsylvania would have done well to have rehearsed with the junior Senator from Utah before making such statements as those

We proved here in the committee that five out of the twelve apostles have gone into new polygamy since the manifesto. The Senator from Pennsylvania says that polygamous marriages have ended; that there have been none. The junior Senator from Utah in his speech, pages 41 and 42, "In this list of new polygamists there are five apostlesdale, Abraham H. Cannon, Merrill, Taylor, and Cowley." dismisses Teasdale and Merrill by saying that he did not think the proof was quite sufficient. I will let that go. But in reference to Abraham H. Cannon he said: "Abraham H. Cannon was an apostle and married a plural wife in 1896."

The testimony shows to the satisfaction of every Gentile in Utah and Idaho that Joseph F. Smith, the president of the Mormon church, performed that marriage ceremony in 1896 between an apostle of the church and a fourth wife, he then being the

president of the church.

In regard to Cowley and Taylor, who are also apostles, the junior Senator from Utah said:

I have absolutely no doubt in my own mind that both those apostles have taken plural wives since the manifesto, and I think there are no words in the English language that are sufficiently severe with which to condemn their conduct.

They resigned as apostles one week before the vote was taken on the Smoot case in the committee. The church had not proceeded against them; the junior Senator from Utah will not proceed against them; no one will proceed against them. You can not convict them in Utah because the whole power to prosecute is lodged in the Mormon Church.

In the case of Mable Kennedy, who was married to a man named Johnson in 1897, the Senator from Vermont [Mr. DIL-LINGHAM], if I recall his testimony correctly, said this marriage was performed by some minor officer of the church who probably did not know that Johnson had another wife. The testimony shows that the other wife and a child of the other wife went with Mable Kennedy and Johnson to this town where they were married, and the testimony further shows that Brigham Young, as apostle of the Mormon Church, performed the marriage ceremony. All of this testimony will be found in volume 1, page 390.

I regret that I will have to pass on quickly. The Senator from Pennsylvania also said, on pages 29 and 30—and in this he takes a fling at the Christian ministers and the Christian women of the country, and, with biting sarcasm, refers to their phrase "the sanctity of the home." The Senator from Penn-

I do not see how the sanctity of the American home is at stake in this issue. If the Mormon Church teaches polygamy and encourages its practice, surely the fact that Senator Smoot is a monogamist and has from his youth up set his face and lifted up his voice against polygamy is conclusive evidence that he is fighting by precept and example for the sanctity of the American home against his church and under circumstances requiring the greatest moral courage.

The Senator from Vermont [Mr. DILLINGHAM] and the Sena-The Senator from Vermont [MI. Dilated and the tor from Illinois [Mr. Hopkins] repeat that from his youth the tor from Utah has been opposed to polygamy. That will Senator from Utah has been opposed to polygamy. That will be wonderful news to the people of Utah, both Mormon and Gentile—from his youth up!

Senator Smoor is the son of a polygamist. His father had four wives, and he was raised in this polygamous atmosphere with polygamous half brothers and sisters. When he reached the age of manhood he married a polygamous child, his wife being the daughter of the fourth wife of her father. I do not say this in disparagement to them: It is a badge of distinction for them in Utah. It does not interfere with their social standing in the slightest degree. I would not say it if it hurt the feelings of the Senator from Utah, but it does not. Few in Utah will blame him for that; many, most, will honor him for it. That was his youth. He is an apostle of the Mormon

No one can be preferred in that church unless he obeys the council and unless he gives implicit obedience to his leaders. Most of those leaders have been polygamists. Every president of that church has been a polygamist, and Reed Smoot was so obedient and so devoted to the church teachings and so faithful to counsel and precept of the leaders that finally he was made

an apostle of the church.

As trustee of Provo Academy, a Mormon institution of learning for young men and women, he allowed Bishop Cluff, jr., to remain the president of that academy after he knew, as he himself testified, that Bishop Cluff, jr., had gone into new polygamy since the manifesto. The testimony of Cluff is in the record; the testimony of George Reynolds, whose daughter he married, is there. When Cluff resigned George H. Brimhall was appointed president of the academy. He was a polygamist; and Reed Smoot was a trustee of that academy and knew that Brimhall was a polygamist when he was appointed. Smoot testified to this himself. He sat among the apostles when Penrose was made an apostle, knowing him to be a polygamist.

That is in the testimony. And I defy any of these Senators to point to any single utterance in public or any single act of REED SMOOT by which he attempted in the slightest degree to suppress polygamy or to put his seal of condemnation on polygamous living. It exists only in the imagination of these gentlemen. There is no record of it anywhere. All his life, all his acts, all his teachings are to the contrary. Occasionally a suppliant Jack-Mormon, to curry favor with the church, will say things, as these Senator lawyers who are defending the mostle de which no orthodox Mormon would say

apostle do, which no orthodox Mormon would say.

Mr. President, I am admonished that I must not take up much more time. I desire to put this in the RECORD, so that Senators can read it after they have voted at any rate. It will be a monument there. It will be something for you to look back at. In my judgment, there are not ten Senators in this body who would vote to retain REED SMOOT in his seat if they had carefully read the testimony. I know that strong influences are at work to retain him in his seat.

For the first time the Mormon question has been made a political one. The President of the United States is an open friend of the Senator from Utah. You all know country knows it. The President wants him seated. You Republicans join with the President in wanting the Mormon vote. You have got it. They are with you; you have every one of them, my friends on the Republican side of the Chamber. But it has cost you the moral support of the Christian women and men of the United States. I hardly think you can afford to pay the price for this temporary political advantage.

In my State of Idaho to-day, in the legislature, the Gentiles have united against the aggression of the Mormon bishops in

the legislature.

As illustrative of their methods which have been brought so clearly to the attention of the Gentile members of the legislature, I will read an extract from a pro-Mormon paper in Idaho, the Lewiston Tribune, as follows:

### MORMONS ALL VOTE TOGETHER.

Upon bills of minor importance the Democrats and insurgents have split up, each man voting his individual views. One or two times the Democrats have divided squarely, also the Republicans, but not the Mormons. On no measure, however slight in its importance, have they divided. On every roll call they have voted as a unit. No matter what the motion, measure, or subject under examination, it is shown all the Mormons vote in the same column. No individuality is shown at any time. The vote always and everlastingly is the same. The record of the house will show this to be a fact. All other creeds, religious and political, change from time to time, but not so with the Mormons. United and solid as one man, the vote of the Mormon Church is always unvarying, always alike; as the first Mormon on the list votes, you can wager all your possessions in safety that others will vote the same way. It would be no surprise to see the insurgents recognized as the regulars before the end of the session, and the stalwarts being placed in the position of refusing to follow the party in carrying out its platform pledges.

The insurgents are Republicans who have joined with the

The insurgents are Republicans who have joined with the Democrats against the Mormons and their Republican allies.

There are thirty-nine Republican members of the legislature (lower branch), thirteen of whom are Mormon bishops, leaving twenty-six Gentile Republicans and twelve Democratic members. Nineteen of the Gentile Republicans have joined with the twelve Democrats in opposition to the Mormons and their allies. These Gentile members, who compose the majority in the house now, have passed the Idaho "test oath," which the Mormons and their allies bitterly opposed, the Mormons claiming that its passage would disfranchise them. The "test oath" simply embodies the pledges which are made in the manifesto, and if the Mormons are sincere and are living up to the manifesto every one of them can take the "test oath."

The last campaign in Idaho was waged on the Mormon issue

alone, the Republicans claiming that there was nothing in it. that the Mormons did not dominate in political affairs, and that there was no polygamy, etc. Notwithstanding the fact that Idaho is very strongly Republican, as much so as Vermont or Pennsylvania, they elected their governor and the legislature the last time solely on account of the solidity of the Mormon vote; and I will say that it does not take much of a prophet to foretell that the Gentile Republicans in the legislature who have joined with the Democrats there, and those of their party who agree with them throughout the State, will be sufficiently powerful in the next Republican convention to control that party in Idaho and force it to make a plain and unmistakable stand against the domination of this organization in politics. The Republican party is almost invincible there, and these Republicans will control it; or if they do not, they will beat the

Republican party in Idaho.
It has been stated a number of times that the women of the country did not know what they were doing in sending these petitions there. There is not a petition signed by any one of them claiming that Reed Smoot is a polygamist. The women of this country have had their missionaries in Utah and Idaho and Wyoming for years and years. The ministers of the other denominations are there, hundreds of them, and there is not one of all these missionaries or ministers who does not say the same thing. If the defense could have gotten any Christian minister or Christian missionary to come here and testify that the conditions are not as they were disclosed in the testimony, and as charged by those protesting against Reed Smoot, it would have won their case for them; but they could not find one. Every one of these Christian men and women plead that you do not allow this apostle of polygamy to retain his seat.

The whole Christian testimony corroborates what has been shown in the Senate committee testimony, and the Christian moral feeling represented by the ministers and women of this country is entitled at least to respectful consideration

should not be dismissed with a sneer.

Mr. BEVERIDGE. Mr. President, one thing is dearer than life—the approval of one's own conscience. A second thing is nearly as precious—the good opinion of one's fellow-men. Riches, power, and birth are worse than worthless without reputation.

No wrong is blacker than the ruin of reputation of man or woman whose life has been stainless. No public policy can justify the damnation of a man by his countrymen upon error. And, where liberty reigns, truth will vindicate the wronged one

This is the fact, even though millions, misinformed, clamor against a man. Only the other day, as history goes, the world beheld a nation that has led most of the charges for freedom in modern times demanding, almost with a single voice, the worse than death of one falsely accused. Out of France's forty millions one man cried out for justice. But, for the hour, the misguided millions worked their will, and Dreyfus's epaulets of honor were torn from his shoulders, his sword was broken, and, amid roars of hatred, he was marched to disgrace.

But justice was not permanently defeated. Justice is never permanently defeated anywhere. Justice finally won for Dreyfus in France; and only yesterday, as history runs, that wronged officer of the French Republic was restored amid the huzzas of

the nation which, unwittingly, had wronged him. THE CHARGES AGAINST THE ACCUSED.

Is not this something like the situation in America to-day? Dreyfus was charged with treason; and this man is charged with treason-and worse. He is charged with treason before this high court-for, in cases like this, the Senate is a court,

nothing but a court, the highest court this world has ever known.

And he is charged with infamy, as well as treason, before the American people; before the bar of public opinion he has been

tried on the charge of the vilest of offenses.

And because the American people have been made to believe this infamy, they have petitioned this court for judgment This fact is important, for who can say against the guiltless. what has been the influence on the members of this court of that clamor which has assailed us, a clamor as erroneous as that which sent the loyal French Jew to Devils Island?

THE "RIGHT OF PETITION."

Mr. President, I believe in the right of petition. It is higher than a constitutional right—it is institutional. It reigns wherever reigns our race. In the broad and generic and not in the narrow and partisan sense, I am a democrat to the bone. With all my soul I believe that "the voice of the people is the voice of God"—the final and informed voice of the people, not their first gusts of passion; the instructed wisdom of the common mind, not its error-inflamed demands. And in matters of legislation, unless it involves violation of conscience, I shall always obey the last

word of the people, based on their knowledge of all the facts, but never their first word if based on their knowledge of none of the facts.

But the right of petition is not to the courts. What would the most violent friend of a litigant think of a judge that would listen to his appeal or the appeals of thousands? He would despise him for deciding his way. And why? Because the court hears the evidence and has taken oath to decide on that evidence and the law, and on nothing else. Justice is pictured as blindblind to prejudice, blind to passion, blind to ignorance, blind to interest. Justice sees only the evidence and the law. That is the only distinction between the judgments of courts of liberty on the one hand and the edicts of tyrants or the decrees of mobs on the other hand. And, in a case like this, this Senate is a court—the highest court beneath that eternal Tribunal which sits not only on the deeds, but on the consciences and most secret thoughts of men.

#### SENATOR HOAR'S OPINION.

And yet this case has been tried before the country on one issue-that of infamy; and before this court on another-that of treason. On our oaths, as judges of this supremest of earthly tribunals, we must try the second. On our responsibilities as public men let us examine the first. And on this I can not but recall the letter written by that noble American, a member of this committee, shortly before his death, to a minister who had been his life-long friend and had written this splendid states-man to condemn this man. In answer to that letter, Senator Hoar, of blessed memory, wrote:

You have been my friend; but if I were on the bench I would send you to jail. And yet I am sitting as a judge of a higher court than Massachusetts ever knew.

Yet the demand for blood has been made on us—court though we are, sworn judges though we be.

Mr. President, what is this wrong done the Senator from Utah, which has poured this shower of petitions upon this court and brought this flood of letters to nearly every member of it-not every member, because out of Indiana's nearly 3,000, 000 people but few have written me on this subject, although my correspondence with my constituents is enormous. I am prouder of that evidence of faith and trust in me of Indiana's people than I am of the place in this body which they have given me. I am proud that they know that not all the letters that could be written in a hundred years nor all the petitions that could be gathered by any propaganda, even as active a propaganda as the one that is seeking to destroy this man and intimidate this court, would swerve me if I knew the writers of those letters and the signers of those petitions to be misinformed.

## THE COUNTRY MISINFORMED.

And, Mr. President, the country has been misinformed. The average man and woman has been told for three long years that Reed Smoot is a criminal guilty of a disgusting and filthy crime-a crime abhorrent to our race and destructive of our civilization. The country has been told that this man is a That is the charge on which he has been tried polygamist. before the bar of American public opinion; that the charge upon which he has been convicted by the millions; and that the charge that has injured him as deeply as Dreyfus was injured. For that charge is utterly false. The evidence shows, and it is finally admitted, that this accused Senator is not a polygamist—

the word is too foul to utter except on compulsion—never was that base thing, and that his home life is ideal in purity.

Not only is this true, but the evidence shows that, from the first, Reed Smoot has been the leader of the younger, wiser, and more modern element of his church that oppose this insult to

marriage.

Yet the American people believe this Senator a practicer of this horrible shame. How that impression has been circulated it is not necessary, as it would not be pleasant, to describe. But the belief that he is such a monster is general among the masses and held by most of the reading public.

### NEWSPAPER REPORTS.

Here is evidence of this-these six great volumes, with thousands and thousands of clippings from thousands of papers all over the Republic, telling in editorial and news columns that the accused is such a criminal. But for the brevity of time, I would read at random some of these, so that no Senator could have any excuse for not understanding the source of all these petitions.

I shall not do that—time does not permit; but I will take enough time, at least, to have read a very recent one, which I send to the desk. It was handed to me two or three days ago by a fellow-Senator from a middle Northwestern State, and as

you will see was written after the speech of the Senator from Michigan [Mr. Burrows]. I should like that Senator to hear it. The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Senator Burrows on Tuesday last delivered a remarkable speech in the United States Senate, denying the right of the Mormon Senator from Utah to a seat in that body. He charged that Senator Shoor is cohabiting with five so-called "wives" in open defiance of law and has forty-five children, three of whom were born the present year.

Mr. BEVERIDGE. That is no more absurd to us who know the facts than thousands and tens of thousands of clippings like it from all over the Republic, from Canada to Mexico and from the Atlantic to the Pacific. False statements like that have been going to the people for three years. Does that throw any

light upon these petitions?

The Senator from Idaho [Mr. Dubois] said that this word "polygamy" was not mentioned in one of these petitions. But we all know how such petitions are secured. They go to a good woman and say: "Will you sign this petition—it's against Smoot?" And she, believing what everybody believes, signs it. We have proof of this in the formal remonstrance, on which this whole "investigation" has taken place—taken place at the cost of tens of thousands of dollars of the people's money. The man who got it up was compelled to admit on the stand, under oath, that some of the signers of that remonstrance never read it or had it read to them; and this, although it is the formal complaint on which a man's honor has been tried and a State's representative in this body has been put in jeopardy of his place. So much for the words-the form-of these petitions.

Since last session I have personally spoken to not less than 300 men and women all over the country on this subject. Every one of them thought the Utah Senator a polygamist, and was therefore against him. And nearly all of them when told the truth frankly changed their attitude.

### COMMENT OF AN AMERICAN WOMAN.

Only the other day a noble American woman, an officer of one of our splendid American schools for girls, spoke to me of the curse of the murder of children in mills and mines, and then mentioned the case of Senator Smoor. She was bitterly against him, because she believed him a polygamist; but when she learned the truth—when she learned that his life was stainless, and that in his pure and perfect home one woman reigned, its loved and cherished queen, this grand woman paled and said:

"Then a great wrong has been done to him and a greater wrong to her."

In my own city a man whose brilliant books have given him increasing fame throughout the English-speaking world, whose character is as exalted as his heart is fearless, and whose ideals are as high as his talents are distinguished wrote an article in an Indianapolis paper, calling this accused Senator "the much-married Smoot." That was three years ago, his information being the same that has misled the Nation.

But even now and here in Washington the same belief is common. Passing before the building of a great Washington newspaper I saw on the bulletin announcing notable events this statement about Senator Knox's remarkable speech:

Senator Knox opposes expulsion of Polygamist Smoot.

I asked the editor of that paper for that part of the bulletin; he gave it to me as a matter of justice, and here it is for every Senator to see [exhibiting]. The painter of the bulletin was not to blame; he only voiced the universal error.

That, then, is the issue on which Reed Smoot has been tried outside of this Chamber. That is the source of the public clamor with which this court has been stormed. That is the wrong that has been done this man, his wife, and his children. And that is the wrong that must be righted by this court and by the American people; for the ruin of human reputation is the saddest of all ruin, save that of the soul itself. Justice to one wronged man is more important than all our other labors.

### EVIDENCE OF ACCUSED SENATOR'S BLAMELESS LIFE.

And the evidence gives no excuse for this. All witnesses testified to this Senator's blameless life—but this did not go out to the country. On the contrary, every discreditable thing that others had done for the past fifty years was sent broadcast and this man's name subtly connected with it. Although the committee, as a judicial body, was trying the honor of a man, no rules of evidence were observed, and rumor, hearsay, speculation, were unleashed and ran as blind and raging as mad dogs. Had the rules of evidence been observed the investigation would not have lasted a fortnight and the testimony would not have filled a pamphlet.

Doctor Buckley, the distinguished religious editor and eminent Methodist divine, testified that his diligent and painstaking personal inquiry among Gentiles and Mormons, Democrats and Republicans alike, in Utah brought forth nothing but praise cf Senator Smoot. Doctor Buckley on oath said:

Every person I saw—and the number was as many as I could see at the principal hotel, at a church to which I went, where there were more than a thousand people, with scores of whom I spoke afterwards—wherever I asked the question, "What kind of a man is Mr. Smoot?" whether he was a polygamist or anybody believed he was a polygamist, I am compelled to say that I did not find, either in California, where I had been for months at a convention, or while in Utah, a single person who said one word against Mr. Smoot. Nor did I find one person who believed that he had ever been married to anyone but his wife, or had otherwise lived with any woman who was not his wife. That is the fact in the case. Republicans and Democrats, Mormons and Gentiles, all talked in that way.

Yet the country did not hear this; its ears were stunned and eyes seared by that one baleful word "polygamy."

TESTIMONY OF MARY COULTER, "GENTILE," PRESIDENT OF UTAH'S STATE FEDERATION OF WOMAN'S CLUBS.

The most impressive of the army of witnesses who, during the three years' investigation, were, at enormous expense to the American people—and over \$26,000 of the people's money has been spent on this attempt to ruin this man-marched to Washington was without doubt Mrs. Mary G. Coulter, of Ogden, Utah. Her dignity of bearing, her manifest and remarkable ability, her distinguished culture, instantly commanded respect, confidence, and esteem. Mrs. Coulter had been an Illinois girl; was an alumnus of the Northwestern College and of the University of Michigan. She went to Utah as the wife of Doctor Coulter, a non-Mormon.

Mrs. Coulter is a Gentile. She is president of Utah's State Federation of Woman's Clubs—for in every town and city in Utah as elsewhere women have their literary clubs; she was president of the Weber County Woman's Republican Club-for in Utah more than elsewhere women take part in politics; and she was a member of the legislature of Utah, and chairman of the judiciary committee of the house—for in Utah, unlike most of the remainder of the Republic, women vote, hold office, and participate in all civil government, municipal and State.

Mrs. Coulter, a Gentile member of Utah's legislature, a woman

member of Utah's legislature, voted to make this accused man one of Utah's representatives in the National Senate. She testified that as president of the State Federation of Wo-man's Clubs she had traveled all over the State and knew conditions thoroughly; of the universal esteem of the people, Gentile and Mormon alike, for this accused man; of her own personal investigation of his life and character, and of the purity of both.

Yet the clear voice of this splendid and typical American woman was not heard amid the loathsome stories that filled the whole Republic.

THE ACCUSED SENATOR HAS BEEN LEADER AGAINST POLYGAMY FOR FOUR-TEEN YEARS.

Scores of witnesses testified, like Doctor Buckley, the great Methodist editor, and Mrs. Coulter, the accomplished American woman. Yet all the while the country heard only the foul word "polygamy." Men testified that Senator Smoot was active against that infamy, not recently only, but for years. In 1892 Judge Judd, of Tennessee, a Gentile appointed by President Cleveland as Territorial judge of Utah, before the Committee on Territories of the Senate, testified that the younger Mormons were active against polygamy, and that their leader was Reed

This, Mr. President, was fourteen years ago. Certainly Mr. Smoot fourteen years ago had not corrupted a United States judge into telling before a Senate committee a falsehood. After describing at length-my time does not permit me to quote-the movement of the younger Mormons to end this curse, he said:

Others said to me-Listen, Senators-

notably REED SMOOT, son of the president of a stake and the Republican candidate for mayor and himself a product of polygamous marriage: "Judge, we can not stand this thing, and we will not stand this thing. It has got to be settled."

From Judge Judd, magistrate of the United States court for Utah, testifying in 1892, to Mary Coulter, member of Utah's legislature and president of Utah's State Federation of Woman's Clubs, testifying in 1806—and both "Gentiles," both non-Mormons—the evidence is unbroken.

WHAT THE ACCUSED'S NEIGHBORS, WHO ARE "GENTILES," SAY ABOUT HIM.

Now, when Mr. Smoot was a candidate for the Senate this matter was suggested in his own State, and it was said, by

those who have pursued him here, that he was the tool of the church. I think that the man's own neighbors, who do not belong to the Senator's church, are the best witnesses of that. So without the knowledge of Senator Smoot, who was then a candidate for the office he now fills, the "Gentiles" of Provo, the city where he lived, got up and signed the following petition, and it was signed by every Gentile in Provo except four. I want to read it:

We, the undersigned citizens of the United States and residents of Provo City, Utah, the home of Hon. Reed Smoot, respectfully submit the following:

We are not members of the Mormon Church, but in fairness to Mr. Smoot we state:

First. The reports circulated in the press of some parts of the United States.

SMOOT we state:

First. The reports circulated in the press of some parts of the United States to the effect that he is a polygamist are ridiculous in the extreme to us, and must be to the minds of all fair-minded people who know bim, and said reports are plainly intended by those prompting them, willfully or in ignorance of his life, to misrepresent the gentle-

them, willfully or in ignorance of his life, to misrepresent the gentleman.

Second. Reports are also current that Mr. Smoot, who is a candidate for United States Senator, is the creature and candidate of the Mormon Church for the position and that he will be the Senator of said church if elected. We do not believe such statements can be honestly made by men acquainted with Mr. Smoot, but we do believe they were made by people determined to prejudice his candidacy, regardless of the methods to be employed. We know the gentleman to be fearless, honest, independent, and of sterling worth, and not the mean character out of which tools, such as his calumniators say he would be, are formed. We believe Mr. Smoot to be a man of that high integrity that he would decline any political office if he could not accept it with that freedom, independence, and manhood that should be borne by every true American citizen in political place. We are confident that Mr. Smoot would immediately refuse to accept any office if the duties of his church required him to surrender his independence in the exercise of his functions in the slightest degree.

Third. Our opinions and belief with respect to Mr. Smoot stated above have been formed by an intimate acquaintance and coming in contact with him almost daily through an extended period of the past. He is progressive and active. His business life bears strong marks of power to execute his undertakings. He is known as chaste and pure in all his relations, both private and public, is the husband of one wife, and his home is one of the ideal homes of the Republic.

Fourth. He represents "young Utah," with all of its commendable progress, and was one of the erilest advocates of the division of the citizens of this State on national party lines.

That is signed by every non-Mormon resident of his home, ex-The first who signs is one of the most eminent cept four men. lawyers in Utah. And now listen—the second signature on this petition is that of a Christian minister, James Stoddard, of Provo City, rector of Emanuel Episcopal Church.

OPINION OF ANOTHER EPISCOPAL MINISTER

Yesterday Senator Smoot received, and was kind enough this morning when I came in the Senate to hand me, the following letter which I think it is worth while reading

CLIFTON SPRINGS, N. Y., February 18, 1907.

Hon. REED SMOOT. Senate, Washington, D. C.

My Dear Senator. About an hour ago I was waited upon by a committee that urged me to send a telegram to the "reform bureau" at Washington, asking for your expulsion from the Senate. This I declined to do for the reason I consider you an honorable, upright, loyal citizen and entitled to your seat in that honorable body.

I have lived in your city, have been in your home, and know your family, and I am frank to say that you impressed me favorably and one worthy of the confidence of the people of Utah. May I remind you that you were one that helped me in my work?

He was an Episcopal minister, remember. And he goes on-

You have my sympathy and good will, and I hope you may be permitted to keep your seat.

With kind regards for yourself and all the members of your household, believe me, I remain,

Most cordially,

Rev. L. B. JOHNSTON,

Rev. L. B. Johnston, Rector St. John's Church. P. S .- If a telegram in your behalf will help from me, wire.

Yet, Mr. President, notwithstanding all of this, even now and here, this man is held up as a supporter of the crime which all his friends say he has been fighting for sixteen years. other day, in his brilliant, his exhaustive, his able speech, which had required and no doubt received months of preparation, the Senator from Michigan [Mr. Burrows] read what purported to be an extract from an address of Senator Smoot delivered in Salt Lake City in 1905, since he has been a member of the Senate. This was done—and I will read the extract in a moment—to show that he is still an upholder of crime and sanctions all the practices of his church in the past.

INCORRECT QUOTATION FROM ACCUSED'S SPEECH.

Before I go into this I wish to say that I acquit the Senator from Michigan for what I am about to refer to. He is incapa-ble of doing any human being an injustice knowingly. He has labored through his mighty task, he has performed his enormous duties with industry, fidelity, courage, and uniform cour-tesy to his associates. Of course, I know perfectly well that this clipping was prepared for him, as our material is sometimes prepared for all of us, by those who would help us or who are interested in the cause.

So before I say a word about the clipping I entirely exonerate the Senator from Michigan from any blame, if any blame there be, and that is for the Senate to judge. I do not think that I would refer to it even now if it had not had such an effect as to make the Senator from Arkansas [Mr. Berry] deliver most of his speech upon it.

This is quoted from a report in the This is the quotation. Deseret Evening News, of Salt Lake, of the remarks of Senator Smoot at Salt Lake City, in 1905, before a great Mormon con-

gregation:

I believe that the Latter-Day Saints, who have the spirit of God in them, never had more confidence in a man or a set of men than they have in the presidency of the church to-day.

I am, indeed, thankful for my standing in the Church of Jesus Christ of Latter-Day Saints (Mormon). When' I study the history of the church I find that it is at all times the same. I am not ashamed of the power and position of the Mormon Church. I say to Joseph F. Smith to-day, this people will never turn against thee on the testimony of a traitor.

Very well!

Now, Mr. President, that appears as one solid quotation. Here is the address itself in the Deseret Evening News from which identical paper the Senator from Michigan said it was As a matter of fact the sentences, five of them, of this quotation are taken from segregated portions of the address from six hundred to fifteen hundred words apart. The first one is from there [indicating]; the second one is from there [indicating]; the third one is from here [indicating]
Mr. FORAKER. How far apart?

Mr. BEVERIDGE. I am trying to show. Each sentence is separated from any other by from six hundred to fifteen hundred words. The first one is there [indicating]; the second one is there [indicating]; the third one is here [indicating], three columns away; the fourth one here [indicating], five columns away, and the fifth there [indicating], at the end of the third column on that page. They were disconnected and taken utterly out of their context and rearranged.

But, Mr. President, this was not the worst. Two of them were actually changed. The sentence as read by the Senator from

Michigan is as follows:

When I study the history of the church I find that it is at all times

Appears, in reality, as printed in the paper from which the Senator said it was taken, as follows:

When I study the history of the people I find that it is about the same as it has always been, with but a few exceptions.

Where the Senator quotes Mr. Smoot in another place as saying that he is not ashamed of the power and position of the Mormon Church, the true quotation is:

I am not ashamed of the gospel of the Lord Jesus Christ, for it is the power of God unto salvation.

Doesn't that sound familiar? It should, for that sentence is

a quotation from Paul.

Even that is not the worst. The whole address is not about polygamy or any other violation of the law. The entire address concerns the distribution of church funds, which the authorities had been charged with spending corruptly. Men in the church and out of it had sought to create a schism in the church, to split it asunder, and they had done so by charging that the church funds were being corruptly used, so as to de-

stroy the people's confidence in the church officers.

That is the subject of the whole address, and the purpose of Senator Smoot in addressing the congregation there was merely to restore the confidence of the great congregation in the chief authorities of the church. Yet notwithstanding all of this, it was actually used on this floor to blacken this man, and so effectively used that the Senator from Arkansas based most of his speech upon it. It is only fair to the Senator from Arkan-sas to say that he quoted the extract entire, exactly as given in the speech of the Senator from Michigan. The Senator from Arkansas did not know, any more than the Senator from Mich-The Senator from igan knew, that it had been extracted from widely separated portions of Senator Smoor's speech, rearranged, and sentences actually changed.

But here, Mr. President, is the closing sentence of Senator Smoot's address-and this sentence was not read:

We will continue to be good citizens of this Nation. We will uphold and pray for it. We will be true men and true women to our church, to our country, and to our God.

Why was not that sentence read?

THE CHARGE OF TREASON,

What now of the charge of treason which is made before this court? It is said that the Senator which Utah has sent here as her representative-sent by the members of Utah's legislature, who were both Gentiles and Mormons, both women and menshould be expelled because he has taken an oath inconsistent with his oath as Senator; because he owes a higher allegiance to his church than to his country.

This charge on which he is being tried before this court is second only in its gravity to the charge of polygamy upon which he has been tried before the people. If either charge were true he ought to be expelled. We have seen that the charge upon which he has been tried before the people is worse than false. Now I shall show that the charge upon which he is being tried before this court is also worse than false.

All Mormons take the same religious obligations-the same oath, if oath there be. Six witnesses who had taken the oath swore that it contained the obligation of vengeance upon the Nation, though none of them agreed as to the exact language. Of these six witnesses all but one were impeached, and that one did not use the word Nation at all.

In addition to impeachment, three were shown to be drunk-ards; one insane, having the hallucination that he had personal relations with the devil, and one admitted on the stand that she had perjured herself. The testimony of these witnesses would not be received in any court of justice; and if received, any judge would direct any jury to disregard their evidence.

Against this, witness after witness of perfect reputation, who had taken the endowment ceremonies, testified that no such oath was administered; and no attempt was made to impair or impeach their testimony. Finally, Senator Smoot himself, under oath, testified that he had never taken or heard of such an oath, but that on the contrary he and his people were taught love of country and devotion to the Republic.

THESE "TRAITORS" DIED ON THE BATTLEFIELD FOR THE FLAG.

But this is not all. I was in the Philippines during the in-I was with General Lawton in the Morong camsurrection. paign. I took part in the advance on Taytay. The day before that advance I met many officers and men. Among them was a major of artillery named Richard W. Young, in command of the Utah battery. After General Lawton had introduced me, I asked him as we walked away, "Is that man from Utah, and if so, is he a Mormon?" General Lawton answered, "He is from Utah and is a Mormon and the best volunteer artillery officer in the Philippines."

In surprise I asked General Lawton, "And these Utah bat-teries—are any of these men Mormons?" And General Lawton answered, "Yes; a great many of them; and they are splendid

soldiers.'

Then I asked whether any Mormons had been killed or wounded in action, and General Lawton said: "Men of these batteries have been both killed and wounded; but of course I do not know whether those killed and wounded were Mormons or not. But all of them are brave men and splendid soldiers."

But many of the Mormon members of these volunteer Utah batteries were killed and wounded. I will now read to the Senate the official statement of the War Department giving the service of these Utah batteries, showing the men killed or dying from wounds, among them many Mormons-no Mormons died of disease—and telling the service they performed and the engagements in which they participated in the war with Spain:

WAR DEPARTMENT, THE MILITARY SECRETARY'S OFFICE, Washington, February 18, 1907.

Hon. Albert J. Beveridge, United States Senator, The Portland, Washington, D. C.

Hon. Albert J. Beveridge,

United States Senator, The Portland, Washington, D. C.

Sir: Referring to your telephonic request of to-day for a statement showing the military record of Harry A. Young and Richard W. Young, Itah Artillery, the names of those who were killed, who died of disease, and who were wounded as of that organization, and the engagements in which the batteries participated in the Morong Peninsula, I have the honor to inform you as follows:

It is shown by the official records that Harry A. Young was encoded May 5, 1898, at Fort Douglas, Utah; that he was mustered into service May 9, 1898, as quartermaster-sergeant with Battery A, Battalion, Utah Artillery Volunteers, and that he was killed in action February 6, 1899, near Manila. Philippine Islands. His service is recorded as honest and faithful, and he was specially mentioned by the commanding officer of the battery for meritorious service in action on the night of July 31, 1898, as one of the seven members of the battery who were selected from a large number of volunteers, and who went forward as a relief party from Camp Dewey, Philippine Islands, to the trenches through the heaviest part of the firing.

This soldier was detailed October 1, 1898, on special duty with the board of health at Manila, Philippine Islands, and on January 16, 1899, Maj. Gen. E. S. Otis, commanding the Eighth Army Corps, cabled from Manila, Philippine Islands, to the War Department a request that the governor of Utah be authorized to appoint Quartermaster-Sergeant Young an assistant surgeon. The governor of Utah was informed on the same day of the request and of his authority to make the appointment, and he informed the Department January 19, 1899, that the appointment had been made. On January 20, 1899, telegraphic instruc-

tions were issued from this Department directing the soldier to report to about of colleons, at such place as the president of the board might of calleons, at such place as the president of the board might of assistant surgeon. No record has been found of his examination under those instructions, his death having doubtless precluded further active of assistant surgeon. No record has been found of his examination under those instructions, his death having doubtless precluded further active of the surgeon of the

About half of the members of these batteries were "Gentiles," and about half were "Mormons." And the killed and wounded were about equally divided. Harry Young, the officer killed in action, of whose gallantry the War Department speaks, was a

Mormon. The Filipino bullets found no "treason" in these Utah hearts. How better can men prove their loyalty than by their lives?

Yet every one of these men had gone through the same church ceremonies that Senator Smoot has gone through. It was an inspiring circumstance. It filled me with emotion and uplifted me with a pride to find that here, thousands of miles from home, Americans of every religious creed and every political party-Protestant and Catholic, Jew and Mormon, atheist and Christian, Democrat and Republican-were giving their blood and their lives for the honor of the flag. It was glorious to know that when the flag of our country is fired upon, no matter where or by whom, men of all churches and of all parties leave home and loved ones and journey around the world, if need be, to suffer and die in its defense.

### THE AMERICAN PEOPLE A UNITED PEOPLE.

I witnessed only one other incident in the Philippines that showed how thoroughly this Republic is one and how profoundly loyal all its citizens are, and that was in the swamps The Tennessee regiment there had as its officers Col. Gracey Childers, son of a Confederate soldier, Lieutenant-Colonel Bayliss, son of a Confederate soldier, and Major Cheatham, son of General Cheatham, of the Confederate army. These sons of men who had fought as men have seldom fought for a principle of Government had accepted as completely as their fathers the settlement of that great issue and were as proud of their uniforms and as devoted to the Nation as were the men whom Washington led through sacrifice to victory.

No, Mr. President, it is not true that any section of this country is disloyal. It is not true that hundreds of thousands of American citizens are banded together to destroy the Repub-lic. The men I saw on the firing line prove that it is false. The men killed in battle beneath the colors prove that it is The graves of American soldiers all over the Republicin Utah as well as in Michigan—prove that it is false. We are one people, thank God, equally devoted to free institutions, of which none is more precious than that of religious liberty.

### RELIGIOUS LIBERTY.

Religious liberty! Religious intolerance has stained crimson more of this earth than any other cause. Religious tolerance is one of the corner stones of this Republic. Attempts have been made to shatter it, but it remains firm and unimpaired. Older Senators remember the Know Nothing movement of the fifties; all of us remember the A. P. A. movement of a few years ago, when charges were made against a splendid church, in exact words a reproduction of one of the charges about the political domination and purpose of this Senator's church which are now made here.

I have on my desk the books that recite formal complaints upon which it was sought to inflame the people, and you could lay them side by side with this particular charge made here now and not tell the difference. I have here the history of my own church, the Methodist Church, which recites the charges made against the Methodists in England, when, because of such charges, John and Charles Wesley were stoned, and but for God's providence would have been killed. I have here the story of the persecutions of the Quakers, and also the terrible, but true tale of the burning of the witches in New England.

## PRINCIPLES THAT MAKE THE FLAG SACRED.

But against all of these the spirit of liberty at last prevailed. And this in the final analysis is the ultimate issue before us. For polygamy I have a hatred made stronger by disgust. For enemies of our Government I have a hatred intensified by the period and circumstances of my birth. But we have seen that this accused man is not a practicer of this revolting crime, but its enemy. We have seen that he is not a traitor, but a loyal man. And so the only question that remains is that of the tolerance of his religion. And though his religion is to me incomprehensible, grotesque, and absurd, I hate intolerance of it and all religions as much as I hate treason, with which he is falsely charged before this court, or the other unspeakable shame with which he is falsely charged before the people.

Obedience to law, tolerance of opinion, loyalty to country—these are the principles which make the flag a sacred thing and this Republic immortal. These are the principles that make all Americans brothers and constitute this Nation God's highest method of human enlightenment and living liberty. By these principles let us live and vote and die, so that "this Government of the people, for the people, and by the people may not perish from the earth." [Applause in the galleries.]

Before the conclusion of Mr. Beveridge's speech,

Mr. BURROWS rose

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Michigan?

Mr. BEVERIDGE, I do.

Mr. BURROWS. Of course I have no objection to the Senator speaking at any length, but it is understood by the Senafrom Illinois and myself that the time shall be equally

Mr. BEVERIDGE. I will close in a very few moments.

Mr. FORAKER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Ohio?

Mr. BEVERIDGE. Certainly.

Mr. FORAKER. I have been necessarily absent from the Senate, as Senators are aware, and for that reason I do not know anything about the arrangement that is now referred to. The duties that I have been attending to have been postponed for the day, among other reasons that I might come here and, if there was opportunity, participate to some extent at least in this debate. I should be glad if the Senator would advise me what he has in mind. I have not a great deal to say, but I want to say something, if it is convenient.

Mr. BURROWS. The suggestion was made by the Senator from Illinois [Mr. Hopkins], as we had four hours and a half, that that time should be divided. That was objected to by the Senator from Mississippi [Mr. Money]. Subsequently, in a personal conversation with him, he withdrew his objection, and

the agreement will be entirely satisfactory to me.

Mr. BEVERIDGE. I would have been through by this time, because I am shortening this address, and I am shortening it a great deal on account of my desire to give the Senator from Michigan all the time possible at the close.

After the conclusion of Mr. Beveringe's speech,

Mr. CARMACK. Mr. President, I shall offer as a substitute for the pending resolution the following:

Resolved, That REED SMOOT, a Senator from Utah, be expelled from the Senate of the United States.

I can not vote for the resolution in its present form. For the substitute which I have offered, or if that shall fail, for the amendment offered by the Senator from Illinois, I can vote in all good conscience.

I say that, Mr. President, without intending in any way to impeach the personal life and character of the Senator from Utah, which so far as I know have been clean and right, and without attempting to impeach his conduct and character as a member of this body, which I believe to have been upright and honorable, I shall vote for his expulsion because I believe that as an apostle of the Mormon Church he owes duties and obligations which are inconsistent with his duties and obligations as a Sen

But, Mr. President, while my inclinations have all along been to vote for the resolution in its present form, the Senator from Pennsylvania [Mr. Knox] in his clear and perfect argument has demonstrated conclusively to my mind that the purpose of this resolution is simply to accomplish the fact of expulsion, while attempting to evade the constitutional requirement of a two-

thirds majority.

The Constitution provides that each House shall be the judge of the election, returns, and qualifications of its members. There is no question that the Senator from Utah was elected in the manner prescribed by the Constitution; there is no question that the constitution is the provided by the Constitution. tion as to the validity of the returns of the election; and he has all the qualifications required in the Constitution.

If there are other qualifications for a United States Senator, unknown to the Constitution and the law, they are unknown to If there be such qualifications, what are they? Are they undefined? Is it possible that the makers of the Constitution intended that there should be no way by which a State could know in advance of the election what were the necessary qualifications for a Senator? Is it possible that it was intended that there should be no standard of eligibility except the varying moods and passions of the Senate, which might prescribe one qualification at one time and another qualification at another, and different qualifications for different States and different

In the same section of the Constitution it is provided that each House, with the concurrence of two-thirds, may expel a member. That power is absolute and may be exercised for any cause. The power is guarded by the provision that it shall require a two-thirds vote. Why were the makers of the Constitution so careful to provide that no member should be expelled from this body except by a two-thirds vote, if they had

provided already, in the very same section of the Constitution, that by a mere change in the verbiage of the resolution, the very same result could be accomplished by a mere majority of the Senate for any cause whatever?

Mr. President, if the power contended for by the supporters of this resolution exists, if a bare majority of the Senate for any cause whatever may cast a man out of this body who has all the constitutional qualifications, who was fairly and honestly elected, then the provision that it shall require two-thirds to expel a member is not worth the paper upon which it was written.

Why were the framers of the Constitution so careful to provide that no State should be deprived of its equal representation in the Senate and to fix that right so firmly in the Constitution that it could not be taken away by amendment, that it could not be taken away by two-thirds of both Houses and three-fourths of the States, if a bare majority of this body may at any time and for any cause deny a State its representation in

Mr. President, I have a great deal of sympathy with the gallant and heroic fight which my friend from Idaho [Mr. Durois] has been making against the corrupt and wicked power of the Mormon Church; but I can not agree with my friend when he speaks of these objections as technical. Mr. President, they go to the very substance of the Constitution and to the very substance of the rights of the States. I am not willing to vote for any precedent which will allow a bare majority of the Senate to cast out the representative of a sovereign State, and I believe that no Senator, especially no Senator from the South, ought to be willing to establish that precedent.

Mr. OVERMAN. I should like to ask the Senator from Tennessee if he knows of such a precedent in the election cases in the Senate, where a member was expelled by less than a two-

thirds majority.

Mr. CARMACK. I do not think it was ever attempted.

Mr. OVERMAN. There are three cases, I will say to the Senator from Tennessee. One is the Gallatin case, where a Senator was excluded because he was not nine years a citizen of the United States. Another was excluded where he was lacking in one of the other qualifications required by the Constitution, and therefore not elected; and one other Senator was excluded because he was elected by only a plurality. They were excluded by a majority vote. But in all other cases, so far as I can find, where the right to sit here was in question and has been determined in the Senate, there was not a case but that required a two-thirds vote of the Senate.

Mr. CARMACK. Mr. President, there was a Senator from my own State expelled from the Senate because he was charged with being in sympathy with the rebellion; but even for such a cause as that, and in such a time of passion as that, it was admitted that it would take a two-thirds vote to expel him, and it has never been attempted to be done in any other way.

Mr. HANSBROUGH. Mr. President, I shall east my vote in favor of the resolution now pending. Were I to do otherwise I should feel that I had condoned every offense ever committed against good morals and the written laws of the country by the Mormon Church. Not the least among the long list of these offenses was the sending to this high legislative tribunal of one of the active apostles of the Mormon organi-

These words, Mr. President, are not uttered in hostility to or out of any lack of respect for REED SMOOT. They are spoken to give expression to the views I hold in regard to Mormonism, based upon the public record it has made for itself. In sending its apostle here the Mormon managers, always aggressive in advancing the political interests of their leaders, furnished us with another sample of brazen effrontery in further defying the public sentiment of the country relative to the obnoxious institution for which they are responsible. Having intrenched itself in political power in many States and Territories, Mormonism comes here seeking a clean bill of health in the form of an indorsement of all its flagrant misdeeds. The defeat of this resolution would be tantamount to putting the seal of official approval upon a conspiracy conceived, as I believe, in treasonable antagonism to our republican institutions.

Mr. President, there is not a city or village or hamlet in any section of the Union, where Mormonism is not in control of local affairs, that does not welcome to its circle of institutions of moral advancement the coming of a new church society or organization representative of any or all of the existing creeds of religious faith, save that of the Mormon Church. A proposal to establish a society of this creed in my own State, where Mormonism has not yet reared its head, would evoke a storm of protest. So it would, I confidently believe, in any other section of the country where the institution is not in political control.

The Senator from Indiana asked that he be not interrupted. It had been my intention to ask that Senator if he would be willing to welcome to Indianapolis, the Senator's home, the establishment there of a Mormon tabernacle, with all its accessories and trimmings, including the twelve apostles and the president and councilors of the Mormon Church. I am sure he would gladly welcome the coming of a Presbyterian college, a Catholic university, or any other institution of moral advancement, but I doubt very much if he would as gladly welcome the removal of the Mormon machinery from Salt Lake City to the proud and virtuous capital of his own State.

It is a striking fact that no one, save Senator Smoot himself, has arisen here to defend Mormonism, but only to excuse it. One Senator has said, in effect, that the Mormonism of to-day is not what it was a few years ago. The arguments on the other side have been devoted wholly to a defense of Senator Smoot, who, as we personally know him here, needs no defense. The Clifton Springs letter, read by the Senator from Indiana, speaks highly of Senator Smoot, who had on one occasion shown the writer a favor, but not a word for Mormonism.

It will be time enough, Mr. President, for this law-giving body to embrace in its membership the apostolic representatives of Mormonism when that organization, duly renovated and reformed, no longer a menace to civilization, is worthy of admission in full fellowship with other organizations, against whose history, tenets, and practices the moral sentiment of the land is not in revolt.

After the most serious consideration of the question upon which I am in duty bound to cast a vote, I have been unable to reach any other conclusion than that in this very peculiar and exceptional case my action must be controlled by a law more profoundly fundamental than the literal texts which have furnished the eloquent arguments of Senators with whom I am obliged to disagree.

I have been surprised that Senators who have spoken against this resolution have done so as if this were an ordinary case in court; as if they were defending a criminal at the bar. The opponents of Senator Smoor do not charge him with being a criminal. They put the case upon a higher plane than that, They charge that he is here as the special representative of an institution that has not hesitated to commit a crime whenever its spiritual or its temporal interests demanded it. There is a great moral principle involved here. What are termed the "legal aspects" of the case are of secondary importance. The Mormon Church is on trial for high crimes and misdemeanors before a court whose jurisdiction in an extraordinary case like this ex-

tends beyond the mere application of written law.

In dealing with the dangerous doctrine of an institution established upon the principle that it is superior to the governmental system under which we live we can afford to rise above conventional constitutional construction. The higher law should be invoked, the unwritten law embraced in the inherent duty of every citizen of the Republic to defend the written instrument from the assaults of those who would destroy it.

With the history of the Mormon Church before us it is dis-

creditable to the universally accepted creeds of religious faith to say that Mormonism found its inspiration in religious convictions; that its sponsors were moved wholly by a desire to serve God, and thus to contribute to the salvation of mankind. It is impossible for me to associate Mormonism with other sectarian organizations. It has no place in such a classification. I am in full accord with the constitutional provision that everyone should worship God in his or her own way, but I have no sympathy with an organization whose oath-bound members array themselves in "the livery of heaven" in order that they may gain control of temporal affairs, social, political, and commercial. In this respect the Mormon Church is notoriously unique. Its scheme of salvation is based wholly upon its success in dominating the political fortunes of the community in which it Without this advantage it would be a conducts its operations. Once in political control it moves rapidly forward until it acquires complete business and social supremacy. all times the saving of souls is but an incidental part of its strange enterprise. And yet at no time and in no way, not even through its perfected system of colonization, has it been enabled to hide itself from the penetrating public gaze. The law-abiding people of the land have not been deceived. From Nauto the endowment house at Salt Lake City, from the place of plural marriages there to the tithe-paying colony, from the colony to the ballot box, and the ballot box to the United States Senate an indulgent public has looked steadily on in prayerful hopefulness that the time would surely come when the strange

and devious course of Mormonism, ever defiant of popular opinion, stimulated with the lust of possession and power, would receive a check. That time has come, and no more fitting place could be chosen than in this Chamber of impartial judgment for the rendering of the long-delayed verdict.

Mr. FORAKER. I do not know, Mr. President, what arrangement has been made as to the division of time. Therefore I do not know whether I am to be limited or not; but I infer from what has been said that all who speak hereafter will be expected to speak very briefly.

Mr. BURROWS. If the Senator will allow me—
The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Michigan?

Mr. FORAKER. I do. Mr. BURROWS. It has been agreed between the Senator from Illinois [Mr. Hopkins] and myself that the time shall be divided equally, each side to have two hours and fifteen minutes. There has been consumed on the side of those who are opposed to the resolution one hour and ten minutes, leaving an hour and five minutes remaining.

Mr. FORAKER. An hour and five minutes remaining.

Mr. BURROWS.

Mr. FORAKER. I do not know how many others are to speak, but I will be just as brief as I can be. I shall be brief, Mr. President, because it suits me to be brief. I have been so exceedingly busy with other matters that I have not had an opportunity to make any preparation whatever for the dis-cussion of this resolution. It suits me to be brief in another respect. I am aware that other Senators have elaborately discussed this whole case, and that at this time it is not necessary that I should take it up for discussion in that elaborate way in which I would feel it my duty to discuss it if it had not been for the previous discussion. All I want to say I can say, therefore, in a few minutes.

I want to say something chiefly because this whole case as it has been presented on the other side, as I have understood the spirit of the speeches that have been made and the speeches themselves, was well illustrated by the remark made by the Senator from North Dakota [Mr. Hansbrough], who has just taken his seat, when he said that in this case the Mormon Church was on trial. I know, Mr. President, that by a good many, both in the Senate and outside of the Senate, that idea seems to have prevailed, but it has not with me. I have understood from the beginning that not the Mormon Church, not Joseph F. Smith, not anybody but only Reed Smoot, was on trial, and that we had in the trial of REED SMOOT to bear in mind not what the Senator from North Dakota said he thought it our duty to be governed by, namely, a higher law, but the Constitution of the United States.

We sit here, as the Senator from Indiana [Mr. Beveridge] very eloquently said a while ago, as a higher court, every man charged with an official duty which he must perform. is at all times governed by his oath of office, which requires him to support and uphold the Constitution of the United States. There is nothing in his oath of office about a higher law

Mr. HANSBROUGH. Mr. President—
The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. FORAKER. Certainly.

Mr. HANSBROUGH. I call the attention of the Senator to the fact that, from my standpoint, there is a great moral obligation involved in this case—much greater than the mere question of the seat of REED SMOOT in this body.

Mr. FORAKER. Mr. President, the Senator stated that when he was making his speech a few minutes ago. There is a great moral question involved, and I would think I was violating all the morals of this case if I were to vote in this mat-

ter contrary to the requirements of my oath of office.

This higher law we all appreciate. The Senator from North Dakota is not the only man who thinks of the higher law; we all think of it; but the trouble about following the higher law is that every man writes the higher law to suit himself. What we are here to follow and to be governed [Laughter.] by and to observe-and we violate our oaths of office if we do not do it-is the Constitution of the United States in its requirements.

Now, coming to this case, I do not know that I fully understood the amendment offered a moment ago by the Senator from Tennessee [Mr. Carmack] to the resolution of the Senator from Michigan.

Mr. SPOONER. It provided for expulsion.
Mr. FORAKER. Yes; as I understand, he proposes so to

amend the resolution of the Senator from Michigan that we shall vote to expel instead of simply that the seat shall be vacated. I shall vote for that amendment, and then I shall vote against expulsion. I shall vote against expulsion, because, Mr. President, according to my knowledge of this case and the opinion I have of the testimony and of the rules governing us, no case whatever has been made that will justify us either in declaring vacant the seat or expelling the Senator from Utah.

The Senator from California just called my attention to the fact that the Senator from Illinois [Mr. Hopkins] has offered an amendment. I was not aware of that. I have been absent from the Senate on other duty. I will vote for the one or the other. [Laughter.] I will vote for the one that provides that our vote shall be a vote of expulsion. Then I will vote against

Mr. President, on what ground are we to expel Reed Smoot? He does not lack any of the constitutional qualifications. He is 30 years of age, and more. He has lived in this country more than nine years and in the State of Utah more than a year. He possesses, in other words, all the constitutional qualifications to be a Senator of the United States. He was regularly and duly elected by the legislature of Utah, and there has not been a criticism as to the character of that legislature. has been no charge of bribery or corruption or graft or anything else to discredit him or to discredit the transaction resulting in his election. He was not only elected by a majority of that legislature voting for him, but that majority was composed of Mormons and non-Mormons alike. The line of church division was not drawn. There was nothing whatever, therefore, in the manner of his election that is criticised here.

Neither, Mr. President, as the Senator from Indiana has forcibly pointed out, is there anything in his private character for which he is to be here criticised. The truth of the matter is, Mr. President, that Reed Smoot, by the sworn testimony given in this case, has proven a better character than any other Senator here has a right to claim. [Manifestations of ap-

plause in the galleries.

The VICE-PRESIDENT. The Chair will admonish the occupants of the galleries that applause is not allowed under the

rules of the Senate.

Mr. FORAKER. He is so good a man that I sometimes almost doubt him. He seems to have no vices whatever. He does not drink or chew or smoke or swear, and he is not a polygamist; but, on the contrary, Mr. President, from early youth, as the testimony read by the Senator from Indiana a few moments ago shows, he was distinguished in the Mormon Church for his opposition to plural marriages. In early youth, although the son of a plural wife, he raised his voice against the continuance of polygamous marriages in the Mormon Church, and from that day until this has stood the opponent of that idea. It is not on that ground, then, that we can expel him, and, of course, we can not expel him for a mere belief.

Mr. President, limited as I am, I must pass over much I would be glad to say if I had time enough to dwell upon this case; but there are two propositions on which the opposition to him is specially urged. One is that he has taken an endowment oath, the obligations of which involve disloyalty to the United States Government. I took the pains to pay particular attention to the testimony on that point when it was given. have taken pains to analyze it since. That charge was made by some of the protestants, but it was abandoned by them before the case had very far proceeded. Later in the progress of the case, when every other ground seemed to have failed on which there could be a conclusion reached adverse to Reed Smoot,

that charge was revived.

Only seven witnesses all told have testified against him on that point. I want to point out to Senators who those witnesses are. The first one testified that an oath—and he undertook to describe what it was, improper in its character-had be taken to pass through the endowment house. witness was shown by indisputable and uncontradicted testimony to be a man of bad reputation for truth and veracity and to be under the hallucination referred to by the Senator from Indiana. He was shown to be unreliable, as is shown by the testimony; in other words, witnesses did not hesitate to say that they regarded him as a crazy man whose statements could not be followed.

He was followed by two other witnesses who were also, by testimony that was uncontradicted, shown to be utterly unreliable. Then we had another witness, a Mrs. Elliott, who committed perjury on the stand, and admitted, on her cross-examination, that she had committed perjury in the testimony that she gave before the committee.

Then they called some other witnesses, all of whom, except one, contradicted the very proposition they were called to sup-

port—that is, by their testimony they showed that no such obligation as that relied upon to be established had ever been taken or had ever been administered. The last witness on that subject was a Professor Wolf. He testified at length, and it developed on his cross-examination that he had been connected with the church and with one of its educational institutions; that he had become addicted to drinking; that he had lost his place; had been dismissed from the service; had left the church, and had turned against it, and that he was of such character that his testimony was not reliable.

So that, not disregarding any higher law, but following strictly and conscientiously the requirements of our oath of office, seeking to do justice to this man and to this Government, upon the testimony offered we reached the conclusion that there was no evidence to warrant our finding that any such oath had ever been administered. We did not do that alone because the testimony in support of that claim was unsatisfactory, but also because of the testimony of witnesses, unimpeached and unimpeachable—among others, the testimony of REED SMOOT himself—that no such oath ever was administered.

The only other ground is that in the State of Utah polygamous cohabitation continues, and the relation of Reed Smoot to his church, in his apostolic position, makes him responsible

Mr. President, if we are to try the Mormon Church, as the Senator from North Dakota said, there is a great deal of testimony here that is hard on the Mormon Church. There is a great deal of testimony here that is very hard on different members of the Mormon Church; but when we take the testimony and come to see what it is and to analyze it and determine what force and effect it should have as to the question of polygamous cohabitation, we come to a most peculiar con-

dition of things.

The testimony shows that in 1890 a manifesto was issued by the church by which all plural marriages were thereafter prohibited. The testimony further shows that since 1890 there have probably not been as many plural marriages among the Mormons since then as there have been bigamous marriages among the same number of protestants—not as many in all probability, for the number is exceedingly few. In 1890 there were about 2,400 polygamous familes living in Utah. Now there are less than 500. The law prohibits polygamous cohabitation, but it is a very singular state of law we have in that

respect.

The law prohibiting polygamous marriages legitimatizes the children of those marriages. So it was that under the law the father who had plural wives and children by those plural wives had his children legitimatized, and under the law they having been legitimatized, it was not only his privilege but his duty to live with them and to care for them; but if he was to live with his children and to care for them, what was he to do and what was to be his relation as to his wife, the most innocent of all concerned? It made a particularly hard case, and it was a hard case to deal with not only in Utah, but throughout the world wherever Christian people have been called upon to deal with polygamous cohabitation and polygamous marriages.

What did they do in Utah? They undertook to prosecute. But with what result? I will read just an extract or two from

the testimony

Judge William McCarthy, of the supreme court of Utah, a non-Mormon and an uncompromising opponent of polygamy, who has held many important offices of trust, among others that of assistant United States attorney for Utah, and who, as such, was charged with the duty of prosecuting these offenses, testi-

I prosecuted them (offenses of polygamous cohabitation) before the United States commissioners up until 1893, when the United States attorney refused to allow my accounts for services for that kind of work, and then I quit and confined my investigations before the grand

In explanation of his action he testified:

That he found the press was against the prosecutions; that the public prosecutor, whose attention he invited to the matter, refused to proceed. From this and other facts which came to his knowledge, Judge McCarthy reached the conclusion that the public sentiment was against interfering with men in their polygamous relations who had married before the manifesto.

I will quote from another witness. I want to quote just enough to show what the whole testimony was in this respect. Mr. E. B. Critchlow, a non-Mormon attorney at law of Salt Lake City, one of the principal managers of this proceeding against Mr. Smoot, who gave the case his personal attention, attending most of the meetings of committee, testified before the committee:

.That after the manifesto of 1890 there was no inclination on the part of the prosecuting officer to "push these matters as to present co-

habitation," "thinking it was a matter that would immediately die out;" that it was well known that Apostle John Henry Smith was living in unlawful cohabitation; that non-Mormons generally made no objection to it; that they were disposed "to let things go," and that that was the general feeling from the time of the manifesto in 1890 "down to very recent times—pretty nearly up to date, or practically up to date."

I might read from numerous other witnesses, all to the same effect, to show that these peculiar situations and conditions were recognized by the whole people, and that when they undertook to prosecute there was no sentiment to support such prosecutions, and that by common consent matters were allowed to drift, upon the theory that it was only a question of time, and very long time, until all who were living in polygamous cohabitation would die off and that kind of cohabitation would of necessity cease. What they were industrious about was to prohibit further plural marriages.

But the situation in Utah is not peculiar in that respect. have here an extract from the Presbyterian and Reformed Review, volume 7, for 1896, from which I will read. The article from which I take this extract is entitled "The baptism of polygamists in non-Christian lands." I read this to show that wherever the church has gone and wherever it has encountered polygamy it has had the same character of trouble that it has had in Utah, and it has felt itself compelled to deal with it pre-

cisely as the people have been dealing with it in Utah. This

At the regular meeting of the synod of India, held in Ludhiana, November, 1894, among the most important questions which came before the synod was this: Whether in the case of a Mohammedan or Hindoo with more than one wife, applying for baptism, he should in all cases, as a condition of baptism, be required to put away all his wives but one. After a very thorough discussion, lasting between two or three sessions of the synod, it was resolved, by a vote of 36 to 10, to request the general assembly, "in view of the exceedingly difficult complications which often occur in the cases of polygamists who desire to be received into the church, to leave the ultimate decision of all such cases in India to the synod of India." The memorialists add: "It is the almost unanimous opinion of the members of the synod that, under some circumstances, converts who have more than one wife, together with their entire families, should be baptized."

Reing limited as to time. I will ask permission to have printed

Being limited as to time, I will ask permission to have printed in the Record the rest of the article, without stopping to read it. The VICE-PRESIDENT. Without objection, permission is

granted.

The remainder of the article is as follows:

The remainder of the article is as follows:

Not only is it thus the fact that more than four-fifths of the members of the synod of India believe that it may sometimes be our duty, under the conditions of society in India, to baptize a polygamist without requiring him first to put away all his wives but one, but when the missionary ladies present during the sessions of synod, desirous of ascertaining the state of opinion among themselves on this subject, took a vote thereupon, of these thirty-six ladies, many of them intimately familiar with the interior of zenana life for years, all feeling no less hatred of polygamous marriage than their sisters in America, all but three signified their agreement with the majority of synod, of which minority of three two had been only a few days in India and were therefore without any experience touching the practical questions involved. Nor is this large majority of our missionaries singular in their belief on this subject.

When some years ago the question was debated in the Punjab missionary conference, in which a large number of the missionaries and eminent Christian laymen of all denominations took part, ten out of twelve of the speakers expressed the same opinion as that held by more than four-fifths of the synod of India to-day. So the Rev. Dr. James J. Lucas, of Saharanpur, says that the brethren who maintained the lawfulness of not requiring a polygamist to put away any of his wives as a prerequisite to baptism "are not even in a minority in the missionary body in India."

A few years ago the Madura Mission voted in fayor of baptizing such, provided they had contracted their marriages in ignorance and there was no equitable way of securing a separation. Their action was disapproved by the American board, but it none the less illustrates again what is the judgment of a large part of those who, living in India, are in most intimate relation to the living facts, and who are thus far better qualified to form a right decision than can be the wisest men at home.

Again, as bearing on the polygamist's duty, it should be noted that in the great majority of cases among the Hindoos the second marriage is contracted because of the first wife having no children. So that when the general assembly requires the polygamist convert to put away all wives but the first, it requires him not only to signalize his conversion by violating a contract held valid alike by his Christian rulers and a large part of his Christian brethren, but to do this in such a way as shall inflict the greatest amount possible of cruel injustice and suffering, by turning out of his house that wife who is the mother of his children (who will naturally in most cases have to go with her) and denying to her conjugal rights of protection and cohabitation which he had pledged her.

her.

The wrong involved is aggravated under the conditions of life in India, in that it will commonly be practically impossible for the wife turned off, whichever she be, to escape the suspicion of being an unchaste woman, and she will inevitably be placed in a position where, with good name beclouded and no lawful protector, she will be under the strongest temptation to live an immoral life. No doubt polygamy is wrong; but then, is not breach of faith and such injustice and cruelty to an innocent woman and her children also wrong? If there is a law against polygamy, is there not a law also against these things even more explicit and indubitable? In the case supposed both can not be kept. Which shall the man be instructed to break?

The general assembly of 1875 appears to have imagined that the injustice was done away by enjoining a man to "make suitable provi-

sion for her support that is put away, and for her children, if she have any." But this utterly fails to meet the case. For the breach of faith required remains, since the marriage contract, both according to Scripture and the law of all Christian lands, as well as of India, binds the husband not only to support, but equally to protection and cohabitation. But by the deliverance of 1875 all missionaries in non-Christian lands are directed by the general assembly to instruct the convert that, in order to baptism, he must keep the compact as regards the first particular, but break it as regards the others.

Moreover, the moral end sought will, even so, not be gained. The wife put away may live in a separate house and at a distance—but then polygamists sometimes keep different wives in different homes—and it will not be easy to persuade a Hindoo or Mohammedan community, especially if the man still continue to give her money as required by the assembly's law, that cohabitation really ceases.

Mr. FORAKER. That was the condition which obtained in

Mr. FORAKER. That was the condition which obtained in Utah. Not only the Mormons, but non-Mormons as well, as this testimony shows, agreed to accept the situation as it existed and to abide by it, and let time do the work of solving that difficulty.

Now, Reed Smoot, therefore, in acquiescing in it, in not standing up to proclaim against it, was doing only what every non-Mormon in that Territory and afterwards in that State, since it has been a State, was doing. So it is I say he is not responsible for polygamy in the first instance. He is not responsible for the church as it was organized and as it was conducted in its early years. He is not responsible for any of the misdeeds that are charged against it, but responsible only for himself and that which he has done relating to the church, as it has been in his day, and relating to good morals as we all understand and appreciate them. And having done no more than simply acquiesce in a condition which he could not control and for which he was not responsible, he has committed no offense for which he should be expelled from the Senate of the United States.

Mr. BACON obtained the floor.

Mr. DANIEL. Mr. President—
The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Virginia?

Mr. BACON. Certainly.
Mr. DANIEL. Mr. President, the chairman of the committee which has reported the resolution now before the Senate desires to speak an hour and a half, and comity and fairness should undoubtedly accord it to him. But thirty-five minutes now remain before the arrival of the hour when he would expect to take the floor. There are several of us who would like to have a few minutes just to express in brief our reasons. Unless an arrangement is now made by which that can be accomplished, of course the opportunity will not be accorded. I suggest therefore that by unanimous consent further speeches may be limited to five minutes.

The VICE-PRESIDENT. The Senator from Virginia asks unanimous consent that speeches during the further consideration of the resolution before the Senate

Mr. DANIEL. Until half past 2 o'clock. The VICE-PRESIDENT. Until half past 2 o'clock be limited

to five minutes. Is there objection?

Mr. BACON. I shall probably not exceed ten minutes, but I can not consent until I have had that opportunity.

The Vice-PRESIDENT. The Senator from Georgia will proceed.

Mr. BACON. Mr. President, I do not propose to discuss this question. I design simply to give the reasons for my vote in order that I may not be misunderstood.

For the first time during my service in the Senate I am called upon by my vote to pass on the question whether one holding a seat as a Senator here shall be excluded from this body. a matter of so great gravity it is due to myself that I shall

state the ground upon which my vote will be placed.

I conceive that there can be no question devolving upon me a more definite and serious responsibility to decide this question for myself, with an eye single to the right and in accordance with the Constitution and the law, as in my honest judgment I may find them to require. It is not permissible that I shall be controlled in casting my vote by any personal or political consideration. Much less am I warranted in being influenced by the views and wishes of others. Such may be permissible in settling some questions; but in passing upon the question of the right of a member of this body to retain his seat, a Senator can only be guided and controlled by his own judgment and his conscience under his oath of office.

There is the obligation, in the first place, to respect and protect a Senator in the right and possession of his seat when legitimately entitled to it. That is a sacred right of which he should not be deprived if he has been legally elected, possesses the qualifications prescribed by the Constitution, and has not by any act of his, either before or since his election, made himself, in the opinion of Senators under their oaths, unfit to re-

main here as a Senator of the United States.

There is also the paramount duty to guard the Senate against the danger of instability in the tenure of office of its members.

Mr. President, I regard the Senate as the most valuable and the most important branch of the constitutional framework of our Government. It is the only branch of the Government which is clothed with legislative, executive, and judicial functions. It has been continuous in its organization and continuous in its membership from the foundation of the Government. Presidents come and go. The organization and official membership of the House of Representatives expire at the end of each period of two years. But since 1789 the organization of the Senate has been without interruption, and during all that time there has been a continuous membership, at each period, of more than a majority of Senators. It is the only branch of the Government in which it has been solemnly covenanted that in no manner, not even by constitutional amendment, shall there be change in the representation of each State in the Senate.

The tenure of office in such a body should be stable and not easily disturbed. It is a fundamental right of a State to be represented here by the men of its choice, having the qualifications

prescribed in the Constitution.

In my opinion, after the most careful consideration of the question, that fundamental right is only subject to the right of the Senate, for any cause deemed by it sufficient, to expel a Senator by a two-thirds vote. In other words, in my opinion, after a Senator, with proper credentials from his State, has been duly sworn in and has taken his seat, if it be conceded that he has been legally elected, that he has attained the age of 30 years, that he has been nine years a citizen of the United States, and was when elected an inhabitant of the State for which he was chosen, he can only be expelled, or in any manner excluded from the Senate for any cause, by a two-thirds vote of the Senate, whether that cause arose before or after his admission to the Senate

Election, age, citizenship, and residence, as prescribed by the Constitution, are essential to the title of a Senator to his seat. If either of these is lacking the incumbent may be excluded from the Senate by a majority vote of the Senators. As to any other objection to a Senator the Constitution makes no specification, but delegates all power regarding the ascertainment and determination of the same to the Senate. And as this is a tremendous and unlimited power the safeguard is thrown around each Senator by requiring that he can only be expelled by a two-thirds vote. Unless a Senator has title under the Constitution in the possession of the essentials prescribed by the Constitution, he is not entitled to enter and may be excluded by a majority. If he enters with such title, only by a two-thirds vote can he be excluded from the Senate.

In my opinion any other construction of the law, if accepted by the Senate as a rule of conduct, would be extremely danger-

ous to the security of the tenure of office in this body.

I do not undertake now to argue the proposition. I only state it as a conclusion upon which I shall base my vote, so far as concerns the rule of practice by which the Senate shall be guided in this case.

Several reasons are assigned why Senator Smoot should be excluded from the Senate. To prevent misunderstanding, I desire to state the ground on which I base the vote which I shall

give in this case.

The fact that he is a Mormon and believes in the tenets and dogmas of the Mormon Church will not, in my opinion, justify his exclusion from the Senate. It would be an extremely dangerous precedent to exclude a Senator because of his religious or political belief, however erroneous we may believe that belief to be.

Mr. President, there are other alleged grounds upon which it is claimed that he should be excluded from the Senate. In some of these there are issues and conflicting contentions as to the facts, and differences in the construction proper to be placed upon acts alleged to have been done. These I pass by because of such conflicting contentions and of such uncertainty of facts and of construction. There is, however, one fact upon which there is no issue, because the fact is avowed by Senator Smoot himself.

He is not a polygamist. That is conceded, and is to his credit. He is, however, an apostle, one of the governing body of the church, empowered to give spiritual and temporal law and precept to its followers. It is conceded that he is and has been for years, both before and since his election to the Senate, in intimate official relationship and official cooperation and necessary official approval with other members of the governing officials of the church who have been, during all the time and still are, while such officials, in the open, notorious, defiant, and even boastful violation of law in living in undisguised, undisputed polygamous cohabitation. More than this, by his own avowal, while such official, as an apostle, he has voted to place in the

highest office of the church Joseph F. Smith, who was at the time of his election, as he was before and has ever since continued to be, in the open, notorious, and defiant violation of law in living in undisguised, undisputed polygamous cohabitation; and in thus indorsing and continuing to the present time to support him as their head and chief, Senator Smoot has, during all these years, in the most pronounced and indisputable manner, held forth this violator and profaner of the law as one worthy to be by the people commended and approved as their fit teacher and exemplar.

Again, Mr. President, I do not undertake to argue the correctness of my conclusion. I only state it in order that it may be

known on what ground my vote will be based.

Mr. President, after the most careful consideration, having regard to the gravity of the interests involved, I have reached the conclusion that Senator Smoot, in the language of the protestants, ought not to be permitted—

testants, ought not to be permitted—
to sit as a member of the United States Senate for reasons affecting
the honor and dignity of the United States and their Senators in Coagress, and upon the grounds and for the reason that he is one of a selfperpetuating body of fifteen men who, constituting the ruling authorities of the Church of Jesus Christ of Latter-Day Saints, or Mormon
Church, claim, and by their followers are accorded the right to claim,
supreme authority, divinely sanctioned, to shape the belief and control
the conduct of those under them in all matters whatsoever, civil and
religious, temporal and spiritual, and who, thus uniting in themselves
authority in church and state, do so exercise the same as to inculcate
and encourage a belief in polygamy and polygamous cohabitation; who
countenance and connive at violations of the laws of the State prohibiting the same, regardless of pledges made for the purpose of obtaining
statehood and of covenants made with the people of the United States,
and who, by all means in their power, protect and honor those who in
themselves violate the laws of the land and are guilty of practices destructive of the family and the home.

Mr. DOLLIVER. Mr. President, as a member of the Com-

Mr. DOLLIVER. Mr. President, as a member of the Committee on Privileges and Elections who acquiesced with the majority of the committee in the presentation of the report filed by the chairman in the last session, I feel the pressure of my duty to say a few words somewhat in the nature of a personal statement.

When the vote was taken in the committee I was in an unusual situation. I had just been appointed, without seeking the honor, as a member of the committee to fill a vacancy in its membership, and the first session which I had the opportunity to attend was the session which considered this report. In acquiescing in it I felt it to be my duty to reserve specifically the right to make a more careful examination of the voluminous record that had been presented in the case and the testimony upon which the report was based.

This privilege was freely accorded by my colleagues. I have had an opportunity in the year intervening to make a very careful study of the mass of testimony which had been submitted, and I feel bound to say to the Senate that I can not, without violating my sense of public duty, support the proposition to expel Senator Smoor from the seat which he holds under the

commission which the State of Utah has given him.

I have, I think, about as deep prejudices against the Utah branch of the Mormon Church as anyone else. I do not like its history nor the record which it has made in the past, though I am aware that our judgments are fallible and imperfect. I need not add that I hate with a perfect malice the barbarism of polygamy. I regard the family as the unit not only of the State, but of society itself, and if I felt that in casting the vote which I am about to cast I was giving aid or comfort to that repulsive offense against our civilization I would under no circumstances cast such a vote.

I entered upon the examination of the question with a general impression that Senator Smoor was guilty of that crime. I find from the evidence that the crime is not only one of which he is

innocent, but of which nobody seriously accuses him.

I think I have every reverence which men ought to have for the opinions and for the wishes of the Christian women of the United States, and the only burden that has been placed upon me in the vote which I am about to cast arises from the fact that I am not able to respond, as so many of them in my own State and in other States have desired, to the petitions for Senator Smoot's expulsion. I honor them for the deep interest they have taken in this subject. I fully recognize their right, which I have heard disputed here, to petition the Senate upon that subject. They are the guardians of the American home, and for that reason they are the safeguards of the social order. But I do not believe that any one of them in my own State or elsewhere would desire me to cast a vote here which I could not justify as right in the forum of my own conscience.

I recognize the force of the accusation made against Senator Smoot that he is mixed up with the crime of polygamy in Utah, and if he had not stood on the floor of the Senate and under the solemn obligations of his oath and his duty here cleared himself of sympathy with that conspiracy against the

state, I would have forborne to utter a word here in his behalf. But no man occupying his position could have borne such testimony unless he was telling the exact truth about himself and

about his people.

I have found out also since this debate opened that he does not appear as a witness on this question for the first time, but that for nearly twenty years among the young Mormons of Utah he has used his influence—that mighty influence arising from the purity of his example—in behalf of a better standard in the social life of the people among whom his lot has been cast. I know that the younger people of Utah are out of sympathy with the whole scheme of theology that has added to their re-

ligion the degradation of their family life.

Only two years ago I had the opportunity, traveling as one of the companions of the honored President of the Senate, to spend several days in the mountains of Utah. I took the testimony of many people—on the streets, in the hotels, and everywhere else. The unanimous expression of the younger people in Utah is that the crime of polygamy is in the way of ultimate and speedy extinction in that State and in that church. I never felt more respect for a public man than when I heard the President of the Senate, then a candidate for the office which he now holds, speaking in the old Brigham Young Theater, in Salt Lake City, to thousands of people, defend the ideal Christian home, and pay a tribute to that ideal fireside where one mother sits crowned with the love of the household; and the applause which swept over that great audience, composed mostly of young people connected with the Mormon Church, convinced me that we have less to fear from polygamy in the future development of that community than most of us have been prone to believe.

The whole frame of human nature is against it. The aspira-tions of the hearts of men, and, most of all, the intuitions of womanhood, the most gracious influence this world knows anything about, are at war with it. Economic forces, universal in their operation, tend to destroy it. If it has flourished in Utah in the past, not even the fanaticism of a misguided religious leadership has been able to make it acceptable to the people. A thousand forces tend to disintegrate it, and we may be certain that we are not living in a world in which a barbarism like that can make itself permanent even under the auspices of

a church.

If the anxieties of those who have made the protest against Senator Smoor are well founded; if the church to which the great body of the people of Utah belong is in reality a criminal conspiracy to violate the law and to bring reproach upon the nation, the situation is not helped materially by the action which it is proposed to take here. It does not need an act of injustice even to one man and to his wife and children to emphasize our convictions upon the subject of polygamy. Such a treatment of the case may tend to irritate a condition which, if the opponents of Senator Smoot are correct, requires surgical treatment upon a more effective scale. At any rate, we may be assured that our institutions are not without resources to control the injury to the whole nation which would be involved either in a secret or open breach of the covenant which the people of Utah have entered into with the Government of the United States

The institution of the family is threatened from more than direction, and when these dangers are clearly perceived by the American people there will not be a dissenting voice among them to the amendment of our Constitution in such a way as to give uniformity and efficiency to the statutory regula-

tion of marriage and divorce.

The Mormon Church, stronger no doubt in Utah than any single ecclesiastical institution ought to be, is a feeble and struggling affair everywhere else. In the State of Iowa the immediate descendants of Joseph Smith, the prophet, are at the head of a church institution based upon the Mormon revelation, which has been for half a century an influence for good throughout the entire community in which it has built its houses of worship. Its creed differs from the theology of Utah Mormonism only in its attitude toward the crime of polygamy and in the absence of all secret rituals. Its people are industrious, law-abiding, God-fearing men and women.

So that there is nothing in the articles of the Mormon faith, aside from the evil practices which grew up in Utah when it was an almost inaccessible desert, to alarm the people of the United States. It is a strange faith, incredible to us; but if its leaders, following the counsel of such men as REED SMOOT, are wise enough to set it free from the odium which has grown out of polygamy there would be few people in the United States willing to deny to it that freedom of worship which is one of the chief inheritances of the English-speaking race. It has taken many centuries of sacrifice and blood to win for mankind the right of every man to profess whatever religious faith he de-

sires or to go his way without God or without hope in the

world, if he prefers.

I acquit the opponents of Senator Smoot of any purpose to violate the traditions of religious liberty; but I could not be one of those who are willing to bring upon him and his little family the humiliation and contempt which would necessarily follow his expulsion from the Senate of the United States without taking the risk which I dare not assume, of laying upon a fellow-man a part, at least, of these burdens which, in other lands and in other ages, have been found too grievous to be borne.

I may be in the wrong; I can not be certain about it; but I prefer that my error should fie on the side of justice and fair dealing. Even if Mr. Smoot should continue to sit here for the few remaining months of his Senatorial term the American people lose none of the weapons with which they contend against

the evils of which they complain in Utah.

But if we brand this man, against whom no word has been spoken here inconsistent with the respect with which he is held by all, and send him out from this Chamber as a male-factor, what have we done? We have, for the purpose of punishing the Mormon hierarchy for the countenance it has given to the crime of polygamy, driven out in disgrace from the office to which he has been constitutionally elected a man who, notwithstanding he was born in polygamy, notwithstanding his mouth has been closed by the sense of the honor which is due to the memory of his father and his mother, has made his way to a position of leadership in the church in which he was nurtured without turning aside from the path of virtue or by precept or example defiling the purity of his own home. This appears to me to be a strange programme; I can not consent to it.

Years ago I expressed in the House of Representatives, speaking on the question of the admission of Utah into the Union, my confidence in that far-off community, which had even then, by the thrift and industry of its inhabitants, wrought one of the fine miracles of our industrial progress as a nation. Notwithstanding all that has been said and all that has been printed, I still see for that people a future full of hope; a future in which the scandal and infamy of this offense against civilization will no longer handicap its progress or bring its people into dis-

Mr. BURROWS. Mr. President, after the credentials of Senator Smoor had been presented to the Senate, together with a protest against his being permitted to take the oath of office, the credentials, together with the protest, were referred to the Committee on Privileges and Elections, with instructions to investigate the right and title of REED SMOOT to a seat in the Senate as a Senator from the State of Utah.

The committee executed that mandate and reported to the Senate its conclusion, as follows:

Resolved, That REED SMOOT is not entitled to a seat as a Senator of the United States from the State of Utah.

This resolution is directly responsive to the order of the Senate, in whose possession it now is, together with all the testimony taken in the case, the report of the committee, and the views of the minority thereon, and the whole matter is now exclusively in the hands of the Senate for its final and deliberate The responsibility of the committee is now ended and that of the Senate begins.

Some question has been raised, in the course of the debate, as to the extent of the power of the Senate in cases of this character under Article I, section 5, of the Constitution of the

United States, which provides

That each House shall be the judge of the elections, returns, and qualifications of its members.

First, it is claimed that under this provision empowering the Senate to judge of the "qualifications" of its members, that the qualifications referred to are fixed by section 3 of Article I of the Constitution, which provides that-

No person shall be a Senator who shall not have attained to the age of 30 years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State from which he shall be chosen.

And, secondly, the contention is made that if the Senator should be found disqualified for any cause his connection with this body, having been admitted to membership, can only be severed by expulsion under another provision of the Constitution, which declares (Art. I, sec. 5):

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Under the first head it is insisted that the Senate, in judging of the qualifications of a Senator, is restricted in its inquiry to the question of age, citizenship, and residence, and beyond that the inquiry can not go, and no other qualifications can be required or imposed. The junior Senator from Illinois, in his very able speech, stated the contention upon this point with great clearness:

The power that is given to the Senate under the Constitution is not to create Senators, but to judge of their qualifications. The States create the Senators. The qualifications to be judged are those I have already stated, prescribed in the Constitution itself. If the Senate find those qualifications exist for the applicant for a seat in this body from any given State, then under all precedents such Senator is entitled to take the oath of office and take his place among the members of this great legislative body.

If such contention can be maintained, that ends the controversy, for no one questions but that the senior Senator from Utah has, in the language of the Constitution, "attained to the age of 30 years, been nine years a citizen of the United States, and is an inhabitant of the State from which he is chosen."

If the possession of these attributes constitutes the "be all and end all" of the qualifications of a Senator, then is the Senate helpless indeed. If this contention be sound, then Joseph F. Smith, the head of this organization to which the Senator belongs, possessing, as he does, the constitutional qualifications of age, citizenship, and residence, would be entitled to admission to this body if elected by the legislature of Utah, and his five wives and forty-three children could witness from the galleries of the Senate his triumphal entry, unquestioned and unopposed, into the membership of this august assembly.

It is impossible for me to give assent to such a doctrine, and I have been unable to find it sustained either in reason or upon authority, and the contention is resisted both upon principle and precedent, and can, in my judgment, find no warrant in either.

I submit that the provision of section 3, Article I, was not inserted with the view or for the purpose of determining or fixing the qualifications of Senators, but it was ingrafted into the Federal Constitution expressly as a limitation upon the power of the States in making selection of Senators, restricting the choice to a certain class of citizens. It excluded a certain class as being ineligible to the office of Senator. The object of it was to eradicate an evil which had grown up during the years of the Continental Congress and the Congress of the Confederation. It was for the purpose of insuring a National Congress for the new Government which should be composed of a body of men of mature judgment, residents of the State or district, and thoroughly American.

Noah Webster, speaking of this provision of the Federal Constitution, said:

A man must be 30 years of age before he can be admitted into the Senate, which was likewise a requisite in the Roman Government. The places of Senators are wisely left open to all persons of suitable age and merit, and who have been citizens of the United States for nine years, a term in which foreigners may acquire the feelings and acquaint themselves with the interests of the native Americans.

A brief reference to the facts of history will suffice to show the exigency which called this constitutional provision into existence.

Under the Continental Congress and the Congress of the Confederation there were no qualifications for membership as to age, residence, or citizenship, except such as the various colonies or States saw fit to impose, and which were as varied as the number of colonies or States, and of the 348 different individuals from the thirteen colonies who held seats in the Continental Congress and the Congress of the Confederation from 1774 to 1788, the ages of the delegates varied from 16 to 76 years. Charles Pinckney, of North Carolina, a member of the Continental Congress, was but 19 years of age when elected to that body, and James Sykes, of Delaware, also of the Continental Congress, was only 16 years old when elected to Congress, and twenty-five members of that body were under 30 years of

With these instances before them, it was deemed expedient to place some restrictions in the Federal Constitution upon the power of the States in their choice of Senators and Representatives to the Federal Congress. This was but conforming to the practice under the Confederation. For instance, delegates were required to be appointed annually by the legislatures of the several States and were subject to recall, and no State could send less than two nor more than seven members, and then the following restriction was imposed:

No person shall be capable of being a delegate for more than three years in a term of six years.

It will be noted that there is a striking similarity between the wording of this prohibition upon the States in the Articles of Confederation and the wording of the prohibition in the Federal Constitution on the same subject.

No person shall be capable of being a Delegate, etc.— Declares the Articles of Confederation. No person shall be [capable of being] a Senator, etc. Says the Constitution. I insist that the manifest object of this provision was to correct those defects which had become apparent under the Government of the Confederation. It had become manifest that it was necessary to limit the States in their choice of members to the Federal Congress to persons of mature age, citizens of the United States, and to those who were residents of the district or State from which they were chosen. It was quite natural that the inhabitants of the colonies and of the Confederacy should fall into the practice of the English Government, where minors, aliens, and persons not residents of the political division for which they were elected were admitted to seats in the Commons, and I believe the practice obtains to-day for members of Parliament to stand for a constituency within whose district they do not reside.

The framers of the Constitution therefore sought by this provision to correct that practice by imposing upon the States a prohibition against the election of a certain class of citizens, to wit, those who were under 30 years of age and not citizens of the United States, and nonresident of the district or State for which they were elected.

An examination of this provision, coupled with the debate which occurred at the time of its adoption, shows conclusively, to my mind, that its object was not to prescribe the qualifications of Senators at all, but to restrict the States in their choice of Representatives to the National Congress. The committee of detail, in submitting the first draft of the Constitution upon this point reported this provision:

Every Member of the House of Representatives shall be of the age of 25 years at least, shall have been a citizen of the United States for at least three years before his election, and shall be at the time of his election a resident of the State in which he shall be chosen.

In the course of the discussion of this provision, Mr. Dickinson, of Delaware, who had been a Delegate in the Colonial and Continental Congresses, a lawyer of repute and a graduate of the London Temple, opposed the provision in its entirety for the reason that it would be construed to be exclusive, saying:

I am against any recital of qualifications in the Constitution. It is impossible to make a complete one, and a partial one would, by implication, tie up the hands of the legislatures from supplying omissions.

Mr. James Wilson, also a member of the Convention, a lawyer of high standing, and a Delegate from Pennsylvania to the Contimental Congress, and to the Constitutional Convention, and a member of the committee of detail, opposed this proposition in the following language:

Besides, a partial enumeration of cases will disable the legislature from disqualifying odious and dangerous characters.

When, later on in the course of the discussion, it was proposed to add a property qualification, Mr. Wilson said that, in his opinion, it would be best, on the whole, to let the section go out entirely. This particular power would constructively exclude every other power of regulating qualifications. As the result of the discussion and following the suggestion of Mr. Wilson this provision was stricken out altogether, and the present language substituted therefor, thus changing it from an afirmative declaration of qualifications to a negative form; so that, instead of declaring in the case of a Representative that "each member of the House of Representatives shall be of the age of 25 years," etc., and "every member of the Senate shall be of the age of 30 years," etc., it was changed to read: "No person shall be a Representative who shall not have attained the age of 25 years," etc., and the provision in relation to the Senate modified, as follows: "No person shall be a Senator who shall not have attained to the age of 30 years," etc.

The manifest purpose and intended effect of these provisions was to take a certain class of people from the whole body and make that class eligible, leaving to Congress the right to judge of the qualifications of the Senator or Representative when elected from this eligible list.

To my mind it is perfectly manifest that the reason for this change was to avoid the contention which is being made to-day, that this provision affirmatively fixes the qualifications for Members of Congress and that no other qualification can be imposed or inquired into.

The opinion of Thomas Jefferson ought to be valuable upon this point, who, in a letter to Mr. Cabell in 1814, speaking of this provision, said:

Had the Constitution been silent, nobody can doubt but that the right to prescribe all the qualifications and disqualifications of those they would send to represent them would have belonged to the State, so also the Constitution might have prescribed the whole and excluded all others. It seems to have preferred the middle way. It has exercised the power in part by declaring some disqualifications, to wit, those of not being 25 years of age, of not having been a citizen seven years, and of not being an inhalitant of the State at the time of election. But it did not declare itself that the Member shall not be a lunatic, a pauper, a convict of treason, of murder, of felony, or other infamous crimes, or nonresident of the district, (Jefferson's Works, vol. 6, p. 309.)

In Pomeroy's Constitutional Law, third edition, page 138, is

The power given to the Senate and to the House of Representatives, each to pass upon the validity of the elections of its own members and upon their personal qualifications seems to be unbounded. \* \* Indeed, there is absolutely no limitation upon its exercise except the responsibility of the representatives to their constituents. Under it the House has applied the test of personal loyalty to those claiming to be duly elected Representatives, deeming this one of the qualifications of which it might judge.

In the Maryland contested election John Randolph, of Virginia, said:

ginia, said:

Mark the distinction between the first and second paragraphs. The first is affirmative and positive: "They shall have the qualifications necessary to the electors of the most numerous branch of the State legislature." The second merely negative: "No person shall be a Representative who shall not have attained the age of 25 years," etc. No man could be a Member without these requisites. If the Constitution had meant (as was contended) to have settled the qualifications of Members, its words would have naturally ran thus: "Every person who has attained the age of 25 years, and been seven years a citizen of the United States, and who shall, when elected, be an inhabitant of the State from which he shall be chosen, shall be eligible to a seat in the House of Representatives." But, so far from fixing the qualifications of Members of that House, the Constitution merely enumerates a few disqualifications within which the States were left to act. It said to the States: "You have been in the habit of electing young men barely of age. You shall send us none but such as are five and twenty. Some of you have elected persons just naturalized. You shall not elect any to this House who have not been seven years citizens of the United States. Sometimes merely solourners and transient persons have been clothed with legislative authority. You shall elect none whom your laws do not consider as inhabitants." Thus guarding against the great laxity in the State legislatures by general and negative provisions, leaving them, however, within the limits of those requirements, to act for themselves, to consult the genius, habits, and, if you will, the prejudices of their people.

In the case of Philip F. Thomas, who, in 1867, claimed a seat

In the case of Philip F. Thomas, who, in 1867, claimed a seat in the Senate as Senator from the State of Maryland—to which case further reference will hereafter be made-Mr. Edmunds, recognized as one of the ablest lawyers in the Senate at that time, said:

Now, to return, the question first is: What are our rights under the Constitution over this man without regard to the statute and without regard to any overruling necessity? The Constitution declares, and that is all that it says upon the subject that is pertinent here:

"No person shall be a Senator who shall not have attained the age of 20 years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen."

"No person shall be a Senator who shall not have attained the age of 30 years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen."

Senators will observe that there are negative statements; they are exclusive, every one of them. It is not declaring who shall be admitted into the Senate of the United States. It is declaring who shall not be eligible to election to this body; that is all. It is the same as to the House of Representatives and as to other officers—always in the negative, always exclusive, instead of in the affirmative and inclusive. And upon what principle was this Constitution founded? Will lawyers here deny that we have a right to look to the course of constitutional and parliamentary jurisprudence in that country from which we derive our origin and most of our laws to illustrate our own Constitution and to enlighten us in this investigation? By no means. And what was that? The House of Commons in Parliament, using the very language that in another section of the Constitution is used here, were the exclusive judges of the elections, returns, and qualifications of their own members. What was their constitutional power under that rule? It was that they were the sole and exclusive judges, not only of the citizenship and of the property qualification of persons who should be elected, but of everything that entered into the personnel of the man who presented himself at the doors of the House of Commons with a certificate of election for admission. And what were those rules? One was that an idiot could not be a representative in the Commons; another was that an insane man could not be; and a variety of other disqualifications, of which the Commons themselves alone were the sole and exclusive judges.

We declared in our Constitution that a certain class of persons should never, under any circumstances, whatever their other qualifications of its members, and there we stopped the rule of disqualification, leavin

repeat, therefore, that this provision of the Constitution was evidently intended to be nothing more than a statement of a few of the many disqualifications which would or might render

one unfit to hold the office of a Senator and to make ineligible all persons laboring under the disabilities named, and leaving the question of qualifications in other respects to be determined by the Senate according to the facts in each particular case, under the right conferred by the Constitution to judge of the qualifications of its own members. To contend otherwise would be to assert that the fathers who framed our Constitution deliberately intended that an idiot, a lunatic, an enemy of the Government, or a notorious criminal must be allowed a place in the Senate if of proper age, residence, and citizenship. I submit that no such interpretation of that clause of the Constitution is justifiable or reasonable, and that the provision in question must be interpreted as being a limitation, to a certain extent, upon the powers of the State in choosing members to the Senate, This contention, I insist, is sustained not only in reason, but upon authority.

From a large number of cases which have been considered and decided by the Senate and in the House of Representatives I shall refer to a few only.

In the year 1842 John M. Niles was elected to the Senate from the State of Connecticut for the term beginning March 4, 1843. When his credentials were presented, the Senate adopted a resolution by which a select committee, consisting of five members, was chosen, and in the language of the resolution were

Instructed to inquire into the election, returns, and qualifications of the said John M. Niles and into his capacity at this time to take the oath prescribed by the Constitution of the United States.

There was no question that Mr. Niles was 30 years of age, was a citizen of the United States, and had resided in the State from which he was chosen for the full length of time required by the Constitution. The objection to him was that he was not of sound mind. The committee found that he was mentally competent, and he was thereupon permitted to take his seat as a member of the Senate. Had it been determined that he was insane, then according to the construction of the Constitution, for which some contend, the Senate would have had no alternative but to admit Mr. Niles to his seat and then inflict upon him the humiliation and disgrace of an expulsion from the Senate for no fault of his, but because he was the victim of a terrible misfortune.

In the year 1867 Philip F. Thomas was elected a Senator by the legislature of the State of Maryland for the term beginning on the 4th day of March, 1867. His credentials were presented to the Senate on the 18th day of March of that year, and were referred to the Committee on the Judiciary. The case was duly considered in committee and by the Senate, and the resolution adopted by the Senate was as follows:

That Philip F. Thomas, having voluntarily given aid, countenance, and encouragement to persons engaged in armed hostility to the United States, is not entitled to take the oath of office as a Senator of the United States from the State of Maryland, or to hold a seat in this body as such Senator, and that the President pro tempore of the Senate inform the governor of the State of Maryland of the action of the Senate in the promises. Senate in the premises.

This resolution was based on the fact that Mr. Thomas had resigned his place in the Cabinet of President Buchanan because of his opposition to the determination of the Administration to reenforce the garrison in Charleston Harbor, and also that when the son of said Thomas entered the military service of the Confederacy Mr. Thomas had given to his son \$100 in money, "not to aid him to go to the rebellion, but in case he were imprisoned or in suffering he might have a sum of money by him?" (See 1992) him." (Senate Election Cases, 3d ed., p. 333.)
There was no possible question as to the possession by Mr. by him.

Thomas of the constitutional qualifications of age, citizenship, and inhabitancy; but he was denied a seat in the Senate by the vote of a majority of the Members thereof, because, in the opinion of the Senate, his antecedents, associations, and acts had been such as to render him unfit to be a member of that body and to assist in making laws for the nation to which he was believed to be unfriendly.

In the case of Brigham H. Roberts, decided by the House of Representatives in 1900, there was no contention in regard to the constitutional qualifications of Mr. Roberts; but he was not permitted to take his seat in the House because of the fact that he was a polygamist. As the report of the Committee on Privileges and Elections in this case demonstrates, the case of Mr. Smoot does not differ materially from that of Mr. Roberts and calls, I submit, for the same judgment.

The construction for which I contend finds abundant support in the language of the text-books. In addition to the view before cited from Pomeroy's Constitutional Law, the following may well be noted. Troope on Public Offices, section 73, says:

The general rule is that the legislature has full power to prescribe qualifications for holding office in addition to those prescribed by the Constitution, if any, provided that they are reasonable and not opposed to the constitutional provision or to the spirit of the Constitution.

And Cushing, in Law and Practice of Legislative Assemblies, page 195, section 477, says:

To the qualifications of this kind may be added those which may result from the commission of such crime which would render the member ineligible.

In Paschal's Annotated Constitution, pages 84 and 85, occurs the following:

the following:

The "qualifications" in its narrower sense would doubtless relate to the age, citizenship, and inhabitancy of the applicant as defined in the second clause of section 2, Article I, and the third clause of section three of the same. But as the term "person," if taken alone in both, might include a female, a lunatic, or an idiot, a convicted felon, a person of notoriously bad character, or actually at war with the United States, as during the rebellion, or one coming from a State all of whose inhabitants are at war with the United States, the term "qualifications" has in practice received a more enlarged signification. Thus, in the case of Mr. Niles in 1846 (sic) a committee was raised in the Senate to Inquire into his mental capacity: the rebellion has caused a test oath which might reach persons in all the States, and does embrace majorities in some of them; a concurrent resolution was passed in 1866 in regard to the States lately in rebellion, which, it was urged, limited this independent power of each House: the fourteenth amendment of the Constitution looks to a new disqualification, and all the reconstruction acts, it has been argued, intrench upon this right. At the time of this writing one committee is investigating the subject of the disqualifications of certain Members from Kentucky and another the question as to whether Maryland has a "republican form of government" within the meaning of the Constitution.

Mr. President, it is contended in behalf of Senator Smoot

Mr. President, it is contended in behalf of Senator Smoot that even if it were to be conceded that the Senate has the right to inquire into the qualifications of Senator Smoot regards his past history, his associations, his acts, and his fitness to be a Senator from the State of Utah, still Mr. Smoot, having taken the oath of office as a Senator, can not be excluded from the Senate or in any way removed from this body except by expulsion, requiring a two-thirds vote. It is proposed, as I understand, to amend this resolution so as to require a two-thirds vote by inserting, after the word "Re-solved," the words "two-thirds of the Senate concurring," and thereby erect an additional barrier behind which the Senator from Utah may more securely take refuge.

It is admitted that if the status of Senator Smoot at the time he presented himself for admission in this body was such as would have justified his exclusion, then the same status or condition continuing until this time would justify his removal by a majority vote. However, I have no desire to discuss that question at length, because to my mind it is not material and therefore of minor importance.

The established rule in the Senate has been that whenever one has presented himself claiming the right to a seat in that with credentials which upon their face were fair and regular in form but whose right to a seat was challenged for any reason, the almost uniform practice has been to admit him to a seat and inquire into his qualifications afterwards. Such was the course pursued in the case of Albert Gallatin, of Pennsylvania, in 1793; of Asher Robbins, of Rhode Island, in 1833; of James Shields, of Illinois, in 1849; of James Harlan, of Iowa, in 1853, and in a great number of other cases which might be cited.

In the case of Asher Robbins, Mr. Clay said:

It is not only the right of Rhode Island, but of every State to have two voices on every question which could arise, and the first act of the Senate by which the States could be secured in this right was the verification of those who composed that body. It was the right and the important duty of the Senate to say who were to be the Senators and who were the individuals to be associated in the performance of the important duties which devolved upon them. It was now time to decide (not conclusively, he admitted) who were the two members from the State of Rhode Island to be admitted to their seats. The question would then come up as to the ultimate right of either of the contesting members. \* \*

In the case of James Shields, Mr. Douglas said:

It appears from the credentials now on your table that James Shields was elected a Senator of the United States by the legislature of Illinois for six years from the 4th instant. His credentials are in due form and entitle him to a seat in this body. He stands in precisely the same position in which other Senators stood, who were yesterday admitted to seats, and if there is any objection on the ground of ineligibility, it must arise after he has been sworn and after he has taken his seat.

The same view was expressed by Mr. Turney, Mr. Badger, Mr. Butler, and Mr. Webster.

Mr. Gallatin, Mr. Shields, and Mr. Harlan were each found

to be disqualified for membership in the Senate and were excluded therefrom.

And, in the very case now under consideration, after the credentials of Mr. Smoot and the protest against his admission to this body had been received, and the Senate had been fully informed concerning the same, when Mr. Smoot was about to take the oath of office as a Senator, Mr. Hoar said:

Mr. President, I ask unanimous consent, before the names of the duly elected Senators are called, to make a statement in behalf of the chairman of the Committee on Privileges and Elections, which is important to the public to understand. It will take but a moment. The chairman of the Committee on Privileges and Elections, the Senator from Michigan [Mr. Burrows], is obliged to be absent. He

desired me to state in his behalf that he understands the orderly and constitutional method of procedure in regard to administering the oath to newly elected Senators to be that when any gentleman brings with him or presents a credential consisting of the certificate of his due election from the executive of his State he is entitled to be sworn in, and that all questions relating to his qualifications should be postponed and acted upon by the Senate afterwards.

If there were any other procedure the result would be that a third of the Senate might be kept out of their seats for an indefinite time on the presenting of objection without responsibility and never established before the Senate by any judicial inquiry. The result of that might be that a change in the political power of this Government which the people desire to accomplish would be indefinitely postponed.

And in the report of the Committee on Privileges and Elec-

And in the report of the Committee on Privileges and Elections, in the case of David T. Corbin, reported in 1877, Mr. Cameron of Wisconsin making the report, it was declared

Swearing in a Senator on his credentials has always been regarded as admitting him to his seat on the prima facie case made by those credentials. There is no instance in the history of the Senate where a member has been sworn in and allowed to take his seat as Senator that such admission has been held to preclude investigation into the merits of his title. On the other hand, the precedents are exactly the reverse. The cases of James Shields, of Illinois; James Harlan, of Iowa; Bright and Fitch, of Indiana, and of Mallory, of Florida, \* \* \* are examples of this rule.

And the effect of these decisions of the Senate which have been cited, and of the arguments quoted in their support, can not be evaded by the claim that in some of these cases the Senator was excluded after being sworn because of such disqualifications as are mentioned in the Constitution. When it is once conceded that the Senate may inquire into other disqualifications than those enumerated in the Constitution, then the same rule must, in reason, apply to cases where the disqualification claimed is not one of those enumerated in the Constitution as well as to those cases in which the claimed disqualification is mentioned in that instrument. There could be no reason for any different application of the rule in these two classes of cases. If the Senate may inquire whether one is disqualified for membership in that body because of want of character and fitness to occupy the high and responsible position of a Senator, then the same rule would obtain that would be applicable if it were asserted that he lacked the qualification of age, residence, or citizenship. The question all the time is whether one is disqualified at the very time he presents himself for admission into the Senate under his credentials. If he is disqualified because of the fact that he is a criminal, or in any other respect unfit for admission into the Senate, it is the same, so far as the application of the rule is concerned, as if he were disqualified for want of age, want of residence, or want of citizenship. So there is no ground whatever for the contention that in the one case the occupant of a seat in the Senate may be excluded therefrom by a majority vote, while in the other the only way of getting rid of him must be by expulsion. If one who is admitted to the Senate was, at the time of his admission, unfit to hold the office by reason of a mental or moral defect, it would be precisely the same, so far as his right to a seat in the Senate is concerned, as if he were unfit to occupy a seat in the Senate by reason of want of age.

Mr. President, I regret to have gone over this legal argument so hurriedly, but I am admonished of the limited time at my

Mr. President, whether the case is to be decided by a majority or a two-thirds vote is of little moment.

The greater question is whether the Utah hierarchy, of which Senator Smoot is a member, with its confessed law-breaking and law-defying character, shall be permitted to place its representative in this high council chamber of the nation. The issue, so far as it relates to Mr. Smoot, is of momentary concern, but the opinion of the Senate upon this greater question is

far-reaching and all-commanding.

I shall spend no time with the contention that Mr. Smoot is not a polygamist. I said in my opening argument that it was conceded he was not. How my friend from Iowa [Mr. Dolli-VER] could have obtained the impression that it was so charged, and how anybody in the country could have entertained such an opinion I can not understand. I have examined the numerous petitions which have been sent to the Senate, and I desire to say that the charges made in the petitions are not that Mr. Smoor is a polygamist, but that he is a member of a hierarchy that dominates and controls the State of Utah, believes in and practices polygamy and polygamous cohabitation, and is, in fact, a criminal organization. That is the charge. Nobody understands it better than the Senate, and nobody understands it better than the four million women in this country who ask that Mr. SMOOT may be excluded from the Senate.

I shall spend no time, therefore, in discussing the question whether Mr. Smoot is a polygamist. Not only is there no such charge in the main protest, but at the very outset of the investigation it was stated that no proof would be offered in support of such contention. From the beginning to the end of the investigation not one solitary word was submitted to the committee on that point, and all this talk about Mr. Smoor's being unjustly charged with being a polygamist must be for effect, for everybody knows that there was no effort to prove such allegation.

As to the oath of disloyalty, I will not go over that again. Mr. Smith, the head of the organization, testified that there was an obligation taken, and that it has never been changed. The obligation was proved to have been-

You covenant and promise that you will pray and never cease to pray Almighty God to avenge the blood of the prophets upon this nation, and that you will teach the same to your children and your children's children to the third and fourth generations.

And every witness in support of Mr. Smoot, from Joseph Smith to Mr. Smoot himself, bluntly and absolutely refused to disclose what the obligation was. Where else in this broad land is there a Christian organization that has an oath-bound order secret—whose obligations it dare not and will not disclose?

Mr. President, I have no purpose to enter into a reargument or a re-presentation of the reasons which controlled the majority of the committee in reporting to the Senate the resolution that Mr. Smoot is not entitled to a seat in this body. My views upon that question were fully expressed in the opening of the debate and I have nothing to add thereto, nor have I anything I may be permitted to say, however, that whatever strictures have been passed upon the sufficiency of the proof in support of the various allegations in the protest, there are

support of the various anegations in the protest, there are some things about which there is not, and can not be, the slightest controversy, and which are not disputed.

As to the general character of the governing body of this organization, the criminal practices of its leading members, their open defiance of the law, their flagrant disregard of the manifesto of 1890, their continued belief in the rightfulness of polygamy as a divine institution, their open, persistent practice of polygamous cohabitation, their avowed declaration of their determination to persist in the practice so long as they live, that such organization is pronounced by the courts of this country to be a criminal organization, and that Senator Smoot is a member of such organization is placed beyond the pale of controversy. No one can, no one will presume to deny this.

In confirmation of this statement I will read briefly from the testimony. Let us see whether these facts are not established. Out of their own mouths we will judge them. Joseph Smith, the head of the organization, testified as follows:

Mr. Tayler. You have stated, as I recall it, that you were one of those who signed the plea for amnesty in 1891.

Mr. Smith. That is correct.

Mr. Tayler. With you were all of the leading officers of the church—that is to say, the first presidency and the twelve apostles—who were in the country available to sign that plea. Is that correct? \* \* \* Mr. Smith. Yes, sir; I believe so. I think their names are there.

Mr. Tayler. That plea for amnesty, besides pledging the abandonment of the practice of taking plural wives, also pledged the signers of that petition and all others over whom they could exercise any control to an obedience of all the laws respecting the marriage relation? Mr. SMITH. Yes, sir.

Mr. Tayler. You say that there is a State law forbidding unlawful cohabitation?
Mr. Smith. That is my understanding.
Mr. Tayler. And ever since that law was passed you have been violating it?
Mr. Smith. I think likely I have been practicing the same thing even before the law was passed. \* \* \*
Mr. Tayler. You have not in any way changed your relations to these wives since the manifesto or the passage of this law of the State of Utah? \* \* You have caused them to bear you new children—all of them?
Mr. Smith. That is correct, sir.

of them?

Mr. SMITH. That is correct, sir.

The CHAIRMAN. Then you have five wives? Mr. SMITH. I have. I have had eleven children born since

1890.

Mr. Tayler. Were those children by all your wives—that is, did all of your wives bear children?

Mr. Smith. All of my wives bore children. \* \* \* I have had born to me eleven children since 1890, each of my wives being the mother of from one to two of those children.

I should like to repeat in connection with this question that it is a well-known fact throughout all Utah, and I have never sought to disguise that fact in the least or to disclaim it, that I have five wives in Utah.

My friends all know that. Captillar and the state of the s

My friends all know that—Gentiles and Jews and Mormons. They all knew that I had five wives.

Francis M. Lyman, an apostle next in line to President Smith for promotion, was asked this question to Senator Hoar:

Senator Hoar. \* \* You have said more than once that in living in polygamous relations with your wives, which you do and intend to do, you knew that you were disobeying this revelation. \* \* \* And that in disobeying this revelation you were disobeying the law of God?

Mr. Lyman. Yes, sir.

Senator Hoar. Very well. So that you say that you, an apostle of your church, expecting to succeed, if you survive Mr. Smith, to the office in which you will be the person to be the medium of Divine revela-

tions, are living and are known to your people to live in disobedience of the law of the land and of the law of God?

Mr. LYMAN. Yes, sir.

Abraham H. Cannon, one of the apostles, in June, 1896, went to the Pacific coast with Joseph F. Smith, the president of the church, and a Miss Hamlin. She was unmarried when they left, but when they came back she and Cannon were living together as man and wife, and Mr. Cannon confessed that he married this woman and stated to his wife before leaving that he was going to California to marry Miss Hamlin.

Mr. TAYLER. What inquiry did you make to find out whether Abraham H. Cannon, one of the twelve apostles of the church, had made a plural

H. Cannon, one of the twelve apostles of the church, had made a plural marriage?

Mr. SMITH. I made no inquiry at all.

Mr. TAYLER. Did you set on foot any inquiry?

Mr. SMITH. No. sir; not myself.

Mr. TAYLER. Did you have any interest in finding out whether there had been?

Mr. SMITH. Not the least.

The Chairman. \* \* \* In any instance where you have learned that these high officials or anyone else have been guilty of plural marriage or of perfoming a ceremony of that kind since 1890, have you made inquiry into it? \* \* \* Mr. Smith. No, sir; because it has not been my business.

TESTIMONY OF CHARLES E. MERRILL.

Mr. Merrill. I was first married in the spring of 1887. \* \* \* \* She died in the fall of 1889. \* \* \* I was married to my legal wife in 1891. \* \* \* Her name was Chloe Hendricks. \* \* \* \* she married to my legal wife in 1891. \* \* \* Her name was Chloe Hendricks. \* \* \* \* Mr. Tayler. Have you had children by her?

Mr. Merrill. Yes, sir, \* \* \* five.

Mr. Tayler. Have you another wife?

Mr. Merrill. Yes, sir.

Mr. Tayler. When were you married to her?

Mr. Merrill. In the fall of 1888. \* \* In Logan. \* \* \* Mr. Tayler. How many children have you had by her?

Mr. Merrill. How many children have you had by her?

Mr. Merrill. Four. \* \* \* The oldest one is coming 9 years old and the youngest one is something like 2½ years old. \* \* Mr. Tayler. Who married you in 1891?

Mr. Merrill. My father.

Mr. Tayler. When were you married?

Mr. Merrill. I could not give you the exact date, but it was in March. \* \* Mr. Tayler. Was your father then an apostle?

Mr. Merrill. I could not give you the March. \* \* \* Mr. Tayler. Was your father then an apostle?
Mr. Merrill. Yes, sir. \* \* \* \* Mr. Tayler. Were you living with Annie Stoddard at the time you married what you call your legal wife?
Mr. Merrill. Yes, sir. \* \* \* \* The Chairman. How many wives have you living now?
Mr. Merrill. Two.
The Chairman. You are cohabiting with both of them?
Mr. Merrill. Yes, sir.
(Chomas H. Merrill testified:

Thomas H. Merrill testined:

Mr. Tayler. Are you a son of Apostle Merrill?

Mr. Thomas H. Merrill. Yes, sir.

Mr. Tayler. What official position do you hold?

Mr. Thomas H. Merrill. Bishop of the Richmond ward.

Mr. Tayler. How many wives have you?

Mr. Thomas H. Merrill. I have two.

Mr. Tayler. How many children have you by them?

Mr. Thomas H. Merrill. I have six living children by the first and four living children by the second.

My youngest child by my first wife will be 14 months old the 15th of this month. The youngest child of my second wife was 3 years old the 25th day of last January.

TESTIMONY OF ALMA MERRILL.

Mr. Tayler. You are a son of Apostle Merrill?
Mr. Alma Merrill. Yes, sir.
Mr. Tayler. What official position do you hold in the church?
Mr. Alma Merrill. I am a member of the presidency of Benson ake.

TESTIMONY OF ANDREW JENSON.

Senator Hoar. \* \* \* If any Mormon, having heard Mr. Smith's testimony here, were to go back to Utah and swear that he heard him say that here and insist on his being prosecuted, he would do an act which would be odious to all good Mormons, would he not? That is the feeling, is it not?

Mr. Jenson. I think so. Yes; I think so.

TESTIMONY OF BRIGHAM II. ROBERTS.

Mr. Tayler. You have been married how many times?
Mr. Roberts. I have been married three times. \* \* I was married to my first wife in 1877, to my second wife in 1886, and to my third wife in 1890. \* \* \*
Mr. Tayler. You have had children born of this first plural wife, Celia Dibble, since you were elected to Congress in 1898?
Mr. Roberts, Yes, sir. \* \* \* The last children were born some two years ago.
Mr. Tayler. Where were you married to your third wife?
Mr. Roberts, In Salt Lake City.
Mr. Tayler. By whom?
Mr. Roberts. By Daniel H. Wells. \* \* \* I do not know that I can say just where.

It was in a house on First street, in Salt Lake City. \* \* \* It was in the month of April. \* \* \* There were no witnesses. \* \* \* Daniel H. Wells at that time was sustained as counselor to the apostles. He had been a counselor to President Brigham Young, and was continued in that capacity—that is, as counselor to the twelve apostles, who were during an interim the presiding authorities of the church. \* \* \*

Mr. TAYLER, You say that you have no recollection of anybody being present at the ceremony? \* \* \* Was either of your other wives present?

Mr. ROBERTS. Neither of them. \* \* \*
Senator OVERMAN. Did your first wife or your second wife consent to your marrying the third wife?

Mr. ROBERTS. No, sir. \* \*

Yet it is one of the rules of this organization that when one

Yet it is one of the rules of this organization that when one takes a plural wife the consent of the other wives must first be obtained.

The Chairman, Did they know of it at the time?
Mr. Roberts, Not at that time.
Mr. Tayler. When did they learn of it? \* \* \*
Mr. Roberts. Two or three years afterwards, I think.
The Chairman. You understand at that time that the marriage was

Mr. ROBERTS. Two or three years afterwards, I think.

The CHAIRMAN. You understand at that time that the marriage was illegal?

Mr. ROBERTS. I did. \* \* \* \*
Senator Dubois. Did Mr. Wells represent the authorities?

Mr. ROBERTS. I think likely he did.
Senator Dubois. Then you took your plural wife with the knowledge and consent of the authorities, did you not?

Mr. ROBERTS. I did not know of any of them having any knowledge of it except Mr. Wells. \* \* \*

Mr. ROBERTS. I did not know of any of them having any knowledge of it except Mr. Wells. \* \*

Mr. ROBERTS. You have no record, and there is no record, so far as you know, of the marriage?

Mr. ROBERTS. None that I know of.

The CHAIRMAN. At the time of your last marriage, did the party who performed the ceremony know that you had wives living?

Mr. ROBERTS. Yes, sir. \* \* He had previously married me to my second wife.

The CHAIRMAN. Did he know you had a wife before that? \* \*

Mr. ROBERTS. Yes, sir.

The CHAIRMAN. So that at the time the last ceremony was performed by him as a leading member of the church he knew you had two living wives?

Mr. ROBERTS. He did. \* \*

Senator PETTUS. Did he authorities of the church, when they learned of this marriage, take any action against the official?

Mr. ROBERTS. No, sir.

Senator PETTUS. Did he continue his relation as counselor?

Mr. ROBERTS. He did; to the time of his death. \* \*

The CHAIRMAN. Did any of the apostles take any action about it

\* \* or reprimand you for it?

Mr. ROBERTS. No, sir. \* \* In explanation of that conduct I wish to say that \* \* I believed that doctrine and believed it to be a commandment of God. I knew that the law of God was in conflict with the statutes enacted by Congress. I regarded it as binding upon my conscience to obey God rather than man, and hence I accepted that doctrine and practiced it; that is all. \*

The CHAIRMAN. And you are clearly living in defiance of the law of the law?

Mr. ROBERTS. Yes, sir.

The CHAIRMAN. Then you are disregarding both the law of God and the law of man?

Mr. SUTHERLAND. Mr. President—
The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Utah?

Mr. BURROWS. Certainly.

Mr. SUTHERLAND. I wish to ask the Senator whether

these instances occurred prior to the manifesto or afterwards?

Mr. BURROWS. Some were prior to the manifesto and some afterwards. From three to five of the apostles have taken plural wives since the manifesto.

#### TESTIMONY OF ANGUS M. CANNON.

Mr. TAYLER. Mr. Cannon, when were you first married?
Mr. CANNON. On the 18th day of July, 1858.
Mr. TAYLER. To whom were you next married?
Mr. CANNON. To Sarah Maria Mousley.
Mr. CANNON. To Sarah Maria Mousley.
Mr. TAYLER. By the same hour do you mean by the same ceremony?
Mr. CANNON. Yes, sir; at the same time.
I was next married to Mrs. Clara C. Mason.
We I think it was in September, 1875.
We I was next married to Maria Bennion.
We On the 11th of March.
1886.
We I was married to Johanna C. Danielson in the fall of 1886.
Mr. TAYLER. Are all your wives living?
Mr. CANNON. They are.
We I have families by five of them.

Mr. TAYLER. How many children have been born to you since the manifesto?

Mr. CANNON. Three.

It will be remembered that the manifesto not only prohibited the taking of plural wives, but prohibited cohabitation with those taken before the manifesto, and when that proclamation was issued by Mr. Woodruff, the president of the church, he having plural wives, instantly abandoned the practice, providing for his plural wives, but living only with his lawful wife. Mr. Smith says he can not do that with his five wives. He must live with all of them, because that is the very nut of the controversy.

Mr. TAYLER. How many children have been born to you since the

manifesto?
Mr. Cannon. Three. \* \*

The Chairman. Since that time you have cohabitated with these wives?

Mr. Cannon. It has been my practice, if I can not live the law as the Lord gives it to me, I come as near to it as my mortal frailty will enable me to do. \* \*

The Chairman. Then, in cohabiting with these wives since the manifesto, you have violated the law of God, have you not?

Mr. Cannon. I presume I did. \* \*

The Chairman. Then you, as a patriarch, are violating both the law of your church and the law of the land?

Mr. Cannon. Yes: I am only mortal.

The Chairman. Do you not recognize these wives as wives?

Mr. Cannon. I do.

The Chairman. Publicly?

Mr. Cannon. I am doing so now.

The Chairman. \* \* \* Do you intend to continue polygamous cohabitation?

Mr. Cannon. I will have to improve if I do not.

habitation?

Mr. Cannon. I will have to improve if I do not.
The Chairman. Then, in other words, you intend to continue to violate the law of the land and law of God. as you understand it?

Mr. Cannon. I intend to try and be true to the mothers of my children until death deprives me of the opportunity.

TESTIMONY OF GEORGE REYNOLDS.

Mr. TAYLER. How many wives have you?
Mr. REYNOLDS. I have two. My legal wife is dead. My other two
are plural wives and are living at the present time.
The CHAIRMAN. You have children by these two wives you are living

Mr. REYNOLDS. I have children by my two plural wives. sir. \* \* \*
The last one born of the woman my third wife was born probably sixteen or eighteen months ago. \* \* The youngest by the other wife is five or six years old now. \* \* \* I have had thirty-two children by the three wives.

Senator McComas. Did they or you, in your high place, ever make any endeavor to check the practice of polygamy and to impress upon people their obligations to obey the law of the land?

Mr. REYNOLDS. I don't know what the others did, but I never have. Senator McComas. And, so far as you know, your associates never did either?

did either?

Mr. Reynolds. As far as my knowledge is concerned I have no recollection of having heard them.

Senator McComas. Have you heard or do you know of any concerted effort on the part of those higher in authority than yourself, the first presidency and the apostles, to have people obey the law of the land and not continue to encourage plural marriages and not practice polygamy?

Mr. Reynolds. No, sir; I know of no concerted effort.

TESTIMONY OF JOHN HENRY HAMLIN,

Mr. Tayler. What relation are you to Lillian Hamiin?
Mr. Hamlin. Brother.
Mr. Tayler. She is younger than you? \* \* \* How much

younger

Younger?

Mr. Hamlin, Possibly ten years.

Mr. Tanler.

M

Mr. TAYLER.

"A man speaking now of the time immediately prior to the time when she was married.

"A mr. Hamlin. That she was married to a Mr. Cannon.

Mr. Hamlin. That she was married to a Mr. Cannon.

Mr. Tayler. What was his first name?

Mr. Hamlin. Abram.

Mr. Tayler. An apostle of the church?

Mr. Hamlin. I believe so. I understand so.

Mr. Tayler. And where did you understand she was married?

Mr. Hamlin. On the Pacific coast.

Mr. Tayler. Ry whom?

Mr. Hamlin. Well. our understanding was that President Joseph F.

Smith married her.

Mr. Tayler. Has she a child?

Mr. Tayler. Has she a child?

Mr. Hamlin. Yes; she has a child.

Mr. Tayler.

Mr. Tayler.

Mr. Tayler.

Mr. Tayler.

Mr. Tayler.

Mr. Tayler.

Mr. On the Pacific coast.

Mr. Tayler.

Mr. Hamlin. No. sir.

The Chairman.

Mr. Tayler.

Mr. Hamlin. No. sir.

The Chairman. Do you know whether this child inherits any of the property?

Mr. Hamlin. It does.

The Chairman. Of the Cannon estate?

Mr. Hamlin. It does.

The Chairman. There never has been one understanding or impression, or talk in the family respecting it, except that your sister Lillian married Abram Cannon a few weeks before he died, and that Joseph F.

Smith married them. There has never been any variation from that subject. has there?

Mr. Hamlin. No, sir.

TESTIMONY CF GEORGE H. BRIMHALL.

TESTIMONY OF GEORGE H. BRIMHALL.

Mr. TAYLER. What official position do you hold in the university

Mr. TAYLER, What contain positions of it. \* \* \* I became president last January. \* \* \* Mr. Tayler. Are you a polygamist?

Mr. BRIMHALL. I have two wives. \* \* I was married to my first wife in 1874 and to my second wife in 1885, as I remember it now. \* \* \*

Mr. TAYLER. How many children have been born to you since 1890? Mr. BRIMHALL. Four, I think. Mr. TAYLER. How many by the plural wife since 1890? Mr. BRIMHALL. I think it is the four.

TESTIMONY OF JOSIAH HICKMAN.

Mr. TAYLER. How many wives have you?
Mr. HICKMAN. I have one living.
Mr. TAYLER. You married first in 1884 or 1885, did you?
And again in 1890?
Mr. HICKMAN. Yes, sir.
Mr. TAYLER. And the first wife died when?

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Mr. Hickman. Ten years ago the 2d of last November.
Mr. Tayler. And the wife you married in 1890, who was at the time you were married your plural wife—that is correct, is it?
Mr. Hickman. If I understand your question rightly, it is.
Mr. Tayler. She is your present wife?
Mr. Hickman. Yes, sir. * * *
Mr. Tayler. What children have you by her?
Mr. Hickman. Five children. * * *
Mr. Tayler. And for ten years you lived with two wives? * *
From 1890 to 1900?
Mr. Hickman. Yes, sir. * * *
Mr. Tayler. * * As you understand it, you are not lawfully wedded to your wife?
Mr. Hickman. No, sir. * *
Mr. Tayler. You and she made the journey to Mexico for the sole purpose of being married?
Mr. Hickman. Yes, sir.
Mr. Tayler. Did you go together?
Mr. Hickman. Yes, sir.
Mr. Tayler. What was the official position of the man who married you?
Mr. Hickman. I can not say
   Mr. Tather, you?

Mr. Hickman. I can not say.

Mr. Tather. What were you married in? What kind of a place?

Mr. Hickman. It was in no place—that is, just a small company. I do not remember who the company were, except this man. We were out walking through the country—over the country—and we were married.
       ried.

Mr. Tayler. Who were the witnesses?

Mr. Hickman. I do not know the witnesses. They were all strangers
    to me.

Mr. Tayler. Was no certificate given to you of the fact of your marriage?

Mr. Hickman. No, sir.

Mr. Tayler. You have, therefore, no record, and no record, so far as you know, exists of the fact of your marriage with this young woman?
as you know, exists of the fact of your marriage with this young woman?

Mr. Hickman. That is all. * * *

The Chairman. I did not understand clearly where you said this ceremony was performed.

Mr. Hickman. I forget the name of the little village or place. We just went down and back. * * *

The Chairman. Whereabouts?

Mr. Hickman. As I stated, just out in the country. * * *

The Chairman. In the highway?

Mr. Hickman. Yes, sir.

The Chairman. How many were present in the highway when the ceremony took place?

Mr. Hickman. Perhaps half a dozen. * *

The Chairman. Did you go to this place where the ceremony was performed on foot or carriage?

Mr. Hickman. On foot.

The Chairman. How far was it from the town?

Mr. Hickman. Oh, perhaps about a mile. I don't remember now.

* **

Mr. Hickman. Oh, perhaps about a mile. I don't remember now.

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       Mr. TAYLER. * * * Why did you go to Mexico to be married Mr. HICKMAN. For the simple reason that the brethren stated they were not marrying any more in the United States.
                                                                                                                TESTIMONY OF MRS. WILHELMINA C. ELLIS.
Mr. Tayler. Are you a daughter of Angus Cannon?
Mrs. Ellis. Yes, sir.
Mr. Tayler. Very early in your life you were married to your cousin, Abraham Cannon, were you not? * * And since his death you have married Mr. Ellis?
Mrs. Ellis. Yes, sir. * * * Mr. Tayler. When did he marry Lillian Hamlin?
Mrs. Ellis. Yes, sir. * * * After June 12 and before July 2. * * 1896. * * * After June 12 and before July 2. * * 1896. * * * Mr. Tayler. Did he, before he married Lillian Hamlin, talk to you about it? * * * Did he tell you that he was going to marry her? Mrs. Ellis. Yes, sir. * * * Mr. Tayler. Did you say anything to him in reply to his statement that he was going to marry her?
Mrs. Ellis. Yes, sir. † 1 told him I did not think he could marry her.
* * He said he could marry her out of the State—out of the United States. * * * Mr. Tayler. * * What did Mr. Cannon say to you shortly before his death about his having married Miss Hamlin?
Mrs. Ellis. He told me he had married her, and asked my forgiveness. * * *
   Ness.
Senator Dubois. Have you ever heard it rumored that anybody else than Joseph F. Smith married them?
Mrs. Ellis. I thought he had married them until he was here last year, or at the last term of Congress.
Mr. TAYLER. Until he testified here in the committee?
Mrs. Ellis. Yes, sir.
                                                                                                                             TESTIMONY OF MRS. MARGARET GEDDES.
      Mr. Tayler. When were you married?
Mrs. Geddes. I came here the 1st day of June, 1884, and was married the December following—the 4th day, 1884.
Mr. Tayler. Whom did you marry then?
Mrs. Geddes. William S. Geddes. * *
Mr. Tayler. Were you a plural wife?
Mrs. Geddes. Yes, sir. * * *
Mr. Tayler. Did you have children?
Mrs. Geddes. Yes, sir. * * * Four children. * *
Mr. Tayler. Do you know about what year you came back from Orezon?
    Oregon?
    Oregon?

Mrs. Geddes, It was the year my husband died, sir. That is thirteen years ago last August, and I came back thirteen years ago last June, I think. * * * My husband died in August, and my little baby was born the following January. * * * Mr. TAYLER. How many children have you now, Mrs. Geddes?

Mrs. Geddes? Mrs. Geddes: Four living children. * * * My oldest boy is dead, but the four living ones are aged, the one 17, the one 15, one 13, and one 5%.

Mr. TAYLER. Who is your second husband?

Mrs. Geddes. I have no second husband.

Mr. TAYLER. Who is the father of the youngest child?
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Mrs. Geddes. I decline to answer that question. Mr. Tayler. Is his name Echols (Eccles)? Mrs. Geddes. No, sir. * * * Mrs. Tayler. Where was the child born? Mrs. Geddes. Salt Lake City.
                                                                                   TESTIMONY OF JOHN NICHOLSON.
Mr. Tayler. Mr. Nicholson, are you a polygamist?
Mr. Nicholson. Yes, sir.
Mr. Tayler. How many wives have you?
Mr. Nicholson. I have two.
Mr. Tayler. Have you had children born to you since 1890? * *
By both wives?
Mr. Nicholson. Wait a moment. I have so many that I can not tell.
The Charman, I do not want to annoy you, but can you readily recall the number of children was have had?
 The Chairman. I do not want to annoy you, but can you readily recall the number of children you have had?

Mr. Nicholson. Fifteen.

The Chairman. How many of them by the plural wife, if you can
            Mr. Nicholson. Five; and ten by the other.
                                                                                   TESTIMONY OF JOSIAH HICKMAN.
Senator Dubois. Is it permissible for a Mormon, or was it permissible when you were married the second time, for a Mormon to enter into plural marriage without getting the consent of some one in authority in the church?

Mr. Hickman. No. sir. You mean in my second marriage?
Senator Dubois. Yes; or any second marriage.

Mr. Hickman. I do not think it could be done without authority. Senator Dubois. * * Who gave you your authority to enter into this marriage?

Mr. Hickman. Francis M. Lyman.
Senator Dubois. Was he an apostle at the time?

Mr. Hickman. Yes, sir.
                                                                                        TESTIMONY OF WILLIAM BUDGE.
         Mr. Tayler. What official position do you hold?
Mr. Budge. I am president of the Bear Lake stake.
Mr. Tayler. How many wives have you?
Mr. Budge. Three.
Mr. Budge. Three.
Mr. Tayler. How many children?
Mr. Budge. Twenty-five.
Mr. Tayler. How old is your youngest child?
Mr. Tayler. How old is your youngest child?
Mr. Tayler. How old is your youngest child?
Mr. Tayler. The mother of that child is your wife who was married of you in 1868? [Third wife.]
Mr. Budge. Yes, sir.
Mr. Tayler. How many children have you had by her since 1890?
Mr. Budge. Three children.
Mr. Tayler. Where are your other wives?
Mr. Budge. Living also at Paris.
Mr. Tayler. You do not live with one of them to the exclusion of the thers?
Mr. Budge. No, sir.
                                                                             TESTIMONY OF JOHN HENRY SMITH.
            Mr. TAYLER. When did you become an apostle?
Mr. SMITH. In 1880, I think, if my memory serves me.
Mr. TAYLER. How many wives have you?
Mr. SMITH. Two.
Mr. TAYLER. And you have had children born since the manifesto by your plural wife?
Mr. SMITH. Yes, sir.
Mr. TAYLER. How many?
Mr. SMITH. I couldn't say; but there are several of them.
The CHAIRMAN. Could you, by reflection, tell the committee about how many of the seven were born since 1890?
Mr. SMITH. I should think there were four of them.
Mr. TAYLER. Were you one of the signers of the application for amnesty?
Mr. SMITH. You sir.
Mr. Tayler. Were you one of the signers of the application for annesty?

Mr. Smith. Yes, sir. * * *

Mr. Tayler. Do you remember the interpretation put upon it by Wilford Woodruff and the other leaders of the church? * * * And the testimony of Joseph F. Smith respecting the meaning of the manifesto? * * Its appliction as well to polygamous cohabitation as to entering into new polygamous relation? * * * You subscribe to their view of it, do you?

Mr. Smith. Yes, sir. * *

Mr. Tayler. You propose to continue the practice that you then started, upon the theory that there is a higher obligation upon you than the obligation to obey the law?

Mr. Smith. Yes; I must suffer the consequences, if my countrymen see fit to punish me. * * *

Mr. Tayler. That relation that you contracted, and others like you, prior to the manifesto; to your several wives, was a relation which you contracted with the approval of God?

Mr. Smith. That is it.

Mr. Tayler. And that no law of the land can dissolve that?

Mr. Smith. No, sir.

Mr. Smith. No, sir.

I will rend a brief extract from the testimony of Mr. Smoot.
            I will read a brief extract from the testimony of Mr. Smoot
  showing his connection with this organization and his attitude
  toward it:
  The CHAIRMAN. In your church economy is there any method by which the president can be deposed?

Senator SMOOT. Yes; there is.

The CHAIRMAN. What?
   Senator SMOOT. If he commits any unchristian-like act or in any way, shape, or form does anything that would unfit him for that place, he can be tried just the same as any member of the church.
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The CHAIRMAN. And if found guilty?
Senator SMOOT. And if found guilty he can be removed from the church.
The CHAIRMAN. And from his presidency?
Senator SMOOT. And from his presidency.
The CHAIRMAN. You heard the testimony here, I believe, of Joseph F.
Smith?
Senator SMOOT. I did

The CHAIRMAN. You heard the testimony here, I believe, of Joseph F. Smith?

Senator SMOOT. I did.

The CHAIRMAN. In which he testified that he was living in defiance of the law of the land?

Senator SMOOT. I did.

The CHAIRMAN. Did you also hear him state that he was living contrary to the divine law?

Senator SMOOT. I heard him testify, and make his qualifications.

The CHAIRMAN. That he is living in defiance of the divine command. Has the church proceeded against him for the violation of these laws? Senator SMOOT. They have not.

The CHAIRMAN. No steps have been taken to try him for the offense of polygamous cohabitation?

Senator SMOOT. No, sir.

The CHAIRMAN. I understood you to say this morning that it is the province of the apostles to counsel and advise the president?

Senator SMOOT. When asked by him.

The CHAIRMAN. Only when requested?

Senator SMOOT. Yes.

The CHAIRMAN. You are not, then, at liberty to advise him unless requested?

The CHAIRMAN. You are not, then, at liberty to advise him unless requested?

Senator SMOOT. I do not think he would object to it at all if I did. The CHAIRMAN. Are you at liberty to advise him unless requested? Senator SMOOT. I do not think President Smith would object if I did. I do not know that I have any special right to do it, but I do not think he would object to it.

The CHAIRMAN. I think my question was very plain. You have the right to advise him, even if he does not request it?

Senator SMOOT. That is a question which it is hard to answer yes or no, and I do not want to—

The CHAIRMAN. After you heard President Smith testify here that he was living in violation of the laws of the State and of the law of God did you see him in the committee room and elsewhere?

Senator SMOOT. I did.

The CHAIRMAN. How long was he here?

Senator SMOOT. Here in Washington, do you mean?

The CHAIRMAN. Yes. I am not particular about it—two or three days?

Senator SMOOT. West of three days.

The CHAIRMAN. You saw him frequently?

Senator SMOOT. Not frequently. I saw him, though.

The CHAIRMAN. Did you make any protest to him about his manner of living?

Senator SMOOT. I did not.

The CHAIRMAN. You have visited Utah since?

Senator SMOOT. I have.

The CHAIRMAN. Have you protested against his living in polygamous cohabitation?

Senator SMOOT. I have not.

The CHAIRMAN. Have you in any way sought to bring him to trial for those offenses?

Senator SMOOT. I have not.

The CHAIRMAN. Have you in embed to?

Senator SMOOT. I have not.

The CHAIRMAN. How you remember how many children he said had been born to him since 1890?

Senator SMOOT. I have not.

The CHAIRMAN. Do you intend to?

Senator SMOOT. I think he said eleven.

The CHAIRMAN. And by all of his five wives?

Senator SMOOT. That I am not positive of.

The CHAIRMAN. Now, with the full knowledge of these facts, testified to by him, you sustained him in October last?

Senator SMOOT. That i am not positive of.

The CHAIRMAN. Have you indeated to him directly or indirectly that

Church?

Senator Smoot. I have not.

The CHAIRMAN. And you intend to retain your relationship and your apostolic position and sustain the president in his crimes?

Mr. Worthington. I object to that—that he intends to sustain the president in his crimes.

The CHAIRMAN. I will modify the question. I will ask the witness whether he intended to sustain Mr. Smith in the commission of this

The CHAIRMAN. I will modify the question. I will ask the witness whether he intended to sustain Mr. Smith in the commission of this

Senator SMOOT. I do not sustain any man in the commission of crime.
The CHAIRMAN, You sustained him in living in polygamous cohabitation?

The CHAIRMAN, fou sustained him in living in polygamous consultation?

Senator Smoot. I have not said that.

The CHAIRMAN. Did you not sustain him in October last?

Senator Smoot. I sustained him as president of the church.

The CHAIRMAN. And you have made no protest to him personally?

Senator Smoot. It is not my place as an officer of the law nor within my place as a citizen of Provo. That is where I live. It is not my place to make any complaint to the officers of the law against President Joseph F. Smith.

The CHAIRMAN. Against the head of the church?

Senator Smoot. Against Joseph F. Smith, or John Henry Smith; I do not care whether he is the head of the church or a man living there.

The CHAIRMAN. Then you think that your relation as an apostle does not impose upon you any duty to make complaint against the head of the church for any offense?

Senator Smoot. I do not think it would be my duty.

The CHAIRMAN. I think you said before the October conference there

The CHAIRMAN. I think you said before the October conference there was a meeting of the officials of the church. Did I understand you correctly—that the president and apostles had a meeting and that there was some discussion about some matters?

Mr. WORTHINGTON. Prior to the 1904 conference, you mean?
The CHAIRMAN. Yes; some preliminary meeting of the officials.

Senator SMOOT. Why, we had meetings right along, Mr. Chairman. I can not call to mind what you have reference to.

The CHAIRMAN. I had reference to your testimony in chief in which you said there was a meeting of the president and the apostles a few

The CHAIRMAN. I had reference to your testimony in chief in which you said there was a meeting of the president and the apostles a few days before the conference.

Senator SMOOT. At the time Mr. Penrose was nominated? The CHAIRMAN. Possibly.

Senator SMOOT. Yes; I remember it.

The CHAIRMAN. What I want to inquire about is whether at that time you made known to Mr. Smith and those present your surprise to learn that the president was living in polygamous cohabitation? Senator SMOOT. I did not.

The CHAIRMAN. You did not say anything to him about it? Was anything said about it by anyone?

Senator SMOOT. Not that I remember.

The CHAIRMAN. Mr. Penrose was proposed, as I understood you to say, at that meeting—

Senator SMOOT. By the president of the church.

The CHAIRMAN. To fill the vacancy in the apostolate? Senator SMOOT. He was a polygamist at that time? Senator SMOOT. He was a polygamist. He had been married before the manifesto.

The CHAIRMAN. Yes; I understand.

Then Mr. SMOOT volunteered this statement:

Then Mr. Smoot volunteered this statement:

But, of course, as I said, you know, Senator, at that time I did not know it.

Mr. Smoot had sat in the committee room and heard Smith testify that Penrose was a polygamist, but in order that the president of the church might have no misunderstanding of his attitude or suppose that he did not approve of what the president himself was doing, he volunteered this statement:

But it would not have made any difference to me, as I said before.

The Chairman. That is as I understand; but at the time you did not know he was a polygamist?

Senator Smoot. I knew he had been a polygamist, and I knew that one of his wives died. I never knew anything about his family, and I thought he had had two wives and, one dying, he only had the one; but it proved that he had, before the manifesto, three wives instead of two.

I thought he had had two wives and, one dying, he only had the one; but it proved that he had, before the manifesto, three wives instead of two.

The Chairman. Do you know what his general reputation was at that time in that regard?

Senator Smoot. I never heard it mentioned.
The Chairman. It never came to your knowledge what his reputation was in that particular?

Senator Smoot. I never heard it mentioned, Mr. Chairman.
The Chairman. I understood you to say you would have voted for him had you known him to be a polygamist.

Senator Smoot. Under the circumstances, that he was married before the manifesto.

The Chairman. Then the fact, if it were true, that he was living in polygamous cohabitation would have made no difference with your vote? Senator Smoot. Well, I knew nothing as to that, of course.
The Chairman. Suppose it to be true that he was, and you had known he was, living in polygamous cohabitation since the manifesto; you would have still supported him?

Senator Smoot. In a church position.
The Chairman. I beg your pardon.
Senator Smoot. In a church position.
The Chairman. Well, this was a church position.
Senator Smoot. This was a church position.
The Chairman. So that would not have deterred you from voting for him?
Senator Smoot. I hardly think so.

him?

The Chairman. So that would not have deterred you from voting for him?

Senator Smoot. I hardly think so.
Mr. Tayler. Senator, while you were an apostle, Joseph F. Smith was made president?
Senator Smoot. He was.
Mr. Tayler. You voted for him?
Senator Smoot. I did.
Senator Overman. Did you vote to sustain him at the October conference, after he had given his testimony here?
Senator Smoot. I did.
Mr. Tayler. And you have voted to sustain him ever since then?
Senator Smoot. Whenever I have been there, on the ground that I stated yesterday.
Mr. Tayler. That there was no reason, according to your view, why a man should not be elevated to a church office, who was married to plural wives, and continued in that habit or relation?
Senator Smoot. I forget whether I said continued in their relation, but I suppose it would be the same.
Mr. Tayler. The same thing?
Senator Smoot. Yes.

Senator Smoot. Yes.

Mr. Tayler. When was it that your attention was first called to the claim or charge or rumor that President Benjamin Cluff, of Brigham Young University, had married another and a plural wife since the manifesto?

Senator Smoot. In 1902, I think.

Mr. Tayler. You were then a trustee of the institution?

Senator Smoot. I was.

Mr. Tayler. And you were a member of what committee?

Senator Smoot. I was a member of the executive committee.

Mr. Tayler. And you were also at that time an apostle?

Senator Smoot. Yes; I was.

Mr. Tayler. What steps did you take to find out if that was true?

Senator Smoot. Mr. Knight told me that he was going to inquire about it, and that he did inquire of Mr. Cluff about it, and I do not know that I took any particular steps, Mr. Tayler, other than what was related here yesterday at the meeting.

Mr. Tayler. You said that Mr. Cluff gave a reply to Mr. Knight that you interpreted as being evasive?

Senator Smoot. I so considered it.

Mr. Tayler. Did you learn who was the reputed new wife?

Senator Smoot. I beard from Mr. Knight that it was the daughter of George Reynolds.

\* \* \* Did Knight make a report to you as to what he found to be the facts?

Senator Smoot. He told me, Mr. Chairman, that he had spoken to Mr. Cluff about it, and that Mr. Cluff gave what he considered an evasive answer, and that he thought there must be some truth in it.

The CHAIRMAN. Did you follow it up after that to ascertain?
Senator Smoot. I reported here that that was the beginning, I think, of the removal of Mr. Cluff, or the change of Mr. Cluff as president of the faculty of Brigham Young University.

The CHAIRMAN. Did you make further inquiry?
Senator Smoot. I said no. I did not.
Mr. TAYLEE. He remained president for a year or two after that?
Senator Smoot. A year, I think; a little over.
Mr. TAYLEE. Then he was succeeded by Brimhall.
Senator Smoot. George H. Brimhall.
Mr. TAYLEE. He also was a polygamist, living with his plural wife? Senator Smoot. Yes. He had two wives, as I stated yesterday.
Mr. TAYLEE. He has now, has he not?
Senator Smoot. Yes. \* \* \* \* Mr. TAYLEE. But if you had been there, I understood you to say, you would have voted for him?
Senator Smoot. I think I would. \* \* \*
Mr. TAYLEE. But if you had been there, I understood you to say, you would have voted for him?
Senator Smoot. I think I would. \* \* \*
Mr. TAYLEE. And the rule which you laid down as controlling your conduct in such a case, for instance, as Apostle Penrose's election, would apply to the case of a man who was to be elected president of a church university?
Senator Smoot. I think the same rule might apply. Of course the conditions may be different.
Mr. TAYLEE. I mean, other things being the same, that is to say, you would not vote for George Brimhall for a civil political position, but you would vote for him for president of the Brigham Young University?
Senator Smoot. If it was a Federal office. I would not vote for Mr. Brimhall. \* \* But if it were a local office there that he was running for, perhaps I would. \* \* \*
Mr. TAYLEE. Then, you state that you would be more likely to apply the rule of noninterference on account of a man's polygamous living in a case where he was to be chosen for a State office or an office in the State than if it was a Federal position that was to be filled?
Senator Smoot. I think I could say that with truth, Mr. Tayler.
Mr. Taylee. Now, why? \* The law which George

to do with it?

Senator Smoot. I do not think that George Brimhall is holding out a wife there in a flaunting manner. I do not think very many people know that he has more than one.

Mr. Tayler. Is he not violating the law?
Senator Smoot. Technically, yes.

Mr. Tayler. Technically? Is he having children by his plural wife?
Senator Smoot. Yes; he is. \* \* \*
The Chairman. You say it is a technical violation of the law?
Senator Smoot. I think, Mr. Chairman, I could even say it is a violation of the spirit of the law.

The Chairman. Is it not only a violation of the spirit of the law, but of the letter of the law?
Senator Smoot. And the letter of the law.

Citations from the testimony might be confinued almost indefi-

Citations from the testimony might be continued almost indefinitely showing the continued belief in polygamy and the wide-

spread practice of polygamous cohabitation throughout Utah and in contiguous States and Territories.

But it is said polygamy is dying out. Who says this and by what evidence is such declaration supported? The President of the United States, who never moves by indirection or strikes an aimless blow, is evidently not in accord with the opinion that polygamy is dying out. Let me read from his message delivered to this body less than ninety days ago. He said:

to this body less than ninety days ago. He said:

I am well aware of how difficult it is to pass a constitutional amendment. Nevertheless, in my judgment, the whole question of marriage and divorce should be relegated to the authority of the National Congress. At present the wide differences in the laws of the different States on this subject result in scandals and abuses; and surely there is nothing so vitally essential to the welfare of the nation, nothing around which the nation should so bend itself to throw every safeguard, as the home life of the average citizen. The change would be good from every standpoint.

In particular it would be good because it would confer on the Congress the power at once to deal radically and efficiently with polygamy, and this should be done whether or not marriage and divorce are dealt with. It is neither safe nor proper to leave the question of polygamy to be dealt with by the several States. Power to deal with it should be conferred on the National Government.

When home ties are loosened; when men and women cease to regard a worthy family life, with all its duties fully performed, and all its responsibilities lived up to, as the life best worth living then evil days for the Commonwealth are at hand.

It is not true that polygamy has ceased, either in Utah or

It is not true that polygamy has ceased, either in Utah or elsewhere in the adjacent States and Territories. Nor is its teaching abandoned.

We have had read to us from the Book of Doctrines and Covenants a portion of the articles of faith of this cult, but a very important part of the creed was omitted. I supply it:

61. And again, as pertaining to the law of the priesthood: If any man espouse a virgin and desires to espouse another and the first give her consent, and if he espouse the second, and they are virgins and have vowed to no other man, then he is justified—he can not commit adultery, for they are given unto him; for he can not commit adultery with that that belongeth to him and to no one else.

62. And if he have ten virgins given unto him by this law he can not commit adultery, for they belong to him and they are given unto him; therefore is he justified.

It is said that this article of faith is suspended, but it is, nevertheless, retained in the Book of Doctrines and Covenants, and published throughout the world, while the manifesto suspending it has never found its way into this compilation. The poison is retained, but the antidote is withheld. Suspended, but not repudiated, for every witness before the committee, from Joseph Smith to the humblest follower of this seer and prophet, including Mr. Smoot himself, declare continued belief in the principle of polygamy as much to-day as they ever did, and it is a remarkable fact that in the Senator's speech of yesterday he did not repudiate that article of faith. It is only suspended for the time being.

But whatever may be said regarding polygamy, polygamous cohabitation is rampant in Utah, and in many of the adjoining States and Territories, and it is this which constitutes the head and front of the offending.

The Attorney-General reported December 29, 1905:

The Attorney-General reported December 29, 1905:

The Department was advised by telegram, on December 27, 1905, that the prosecutions in Arizona have resulted in sixteen convictions and three acquittals under the Edmunds Act. Twelve convictions out of the sixteen were for unlawful cohabitation.

The district attorney advised the Department, on December 26, 1905, by telegram, that during the year 1905 fifteen persons have been convicted under the Edmunds Act and twelve cases dismissed.

It will therefore be observed that the investigation conducted by the Department in the Territories of Arizona and New Mexico, since the matter was first called to the attention of the Department by you, has resulted in thirty-one convictions in these two Territories, in the majority of the cases upon the charge of unlawful cohabitation.

Very respectfully,

William H. Moony.

WILLIAM H. MOODY, Attorney-General.

But why should not polygamous cohabitation continue and steadily increase under the continued and notorious practice and potent example of the head of the organization, who biasphemously proclaims himself "seer, prophet, saint, revelator, and mouthpiece of God?"

I hold in my hand an indictment against this lecherous head of the church whom the Senator from Utah but recently eulogized. Let me read it. It is a certified copy, attested October 3, 1906:

STATE OF UTAH, County of Salt Lake, ss:

State of Utah, County of Salt Lake, ss:

In the city court of Salt Lake City, before J. J. Whitaker, judge. The State of Utah, complainant, v. Joseph F. Smith, defendant.

On this 1st day of October, A. D. 1906, before J. J. Whitaker, judge of the city court within and for Salt Lake City, Salt Lake County, State of Utah, personally appeared Axel Steele, who, on being duly sworn by me, on his oath did say that Joseph F. Smith, on the 2d day of December, 1903, and at divers times thereafter and continuously thereafter down to and including the 1st day of October, 1906, at Salt Lake City. Salt Lake County, State of Utah, did commit the crime of unlawful cohabitation as follows, to wit: That the said Joseph Smith, being then and there a male person, did then and there unlawfully and wilifully live and cohabit with more than one woman, to wit, Julina L. Smith, Sarah E. Smith, Edna L. Smith, Alice K. Smith, and Mart T. Smith, in the habit and repute of marriage, contrary to the provisions of the statute of the State aforesaid, in such cases made and provided, and against the peace and dignity of the State of Utah.

AXEL STEELE.

Subscribed and sworn to before me the day and year first above written.

J. J. WHITAKER, Judge.

This "prophet and seer" but ninety days ago was arraigned in a criminal court and convicted for unlawful cohabitation. I need not read the information, the judgment of the court will suffice:

In the third judicial district court in and for Salt Lake County, State of Utah. State of Utah v. Joseph F. Smith. Information charging unlawful cohabitation.

unlawful cohabitation.

F. C. Loofbourow, district attorney, the defendant, and his attorney, F. S. Richards, being now present and ready, the defendant is duly arraigned at the bar in open court and, especially waiving time therefor, now enters his plea of guilty to the crime of unlawful cohabitation as charged in the information on file herein; and said defendant, especially waiving time for the passing of sentence and being now before me, Morris L. Ritchie, judge, and ready, the judgment and sentence of this court is that you, Joseph F. Smith, pay a fine of \$300, or in default thereof be confined in the county jail one day for each dollar thereof remaining unpaid.

And it is further ordered that you, C. Frank Emery, sheriff of Salt Lake County, State of Utah, be, and you are hereby, commanded to take the said Joseph F. Smith and confine him in the said county jail in accordance with the above sentence and commitment.

Dated Thursday, November 23, 1906.

This "seer and prophet," this exemplar of an alleged religious faith, is brought into a criminal court, and pleads guilty to

faith, is brought into a criminal court, and pleads guilty to unlawful cohabitation with five women, and the court imposes upon him a fine of \$300, and he returns to his wallowing.

But we are assured that polygamous cohabitation, if permitted to run its course, will ultimately die out. Time and time again the nation has been lulled into repose and fancied security

by this specious cry.

But when may the country expect its demise? The comforting assurance is given us that when this crime has run its course, and the last victim of this lustful oligarchy shall have found safety and repose within the portals of the grave, then we may expect to see the end of this abomination. In the mean-time the crime must be permitted to continue, and with silent and insidious step pursue its course of pollution of the American home. Mr. President, it ought to stop now-this day and

hour—and the National Government, in view of what the President has said, at no distant day will, I trust, lay its hand upon this unholy thing and compel its devotees to obey the law and stop filling the land with their illegitimate offspring.

But we are told that this is a war against a religious faith and that if Mr. Smoot is expelled then the presiding authorities of every church of whatever faith, Jew or Gentile, Catholic or Protestant, may be denied a seat in this national council cham-ber. I deny it. It is not a war on a church, but it is a protest against the admission into the Senate of the representative of an organization confessedly criminal. Churches of this country, Jew or Gentile, Protestant and Catholic, alike guard and protect the purity of the home as the altar of their faith, I protest against this effort to drag the Christian churches of the land down to the low level of this abomination.

[Applause in the galleries.]
The VICE-PRESIDENT. The Chair must admonish the occupants of the galleries that applause is not allowed under the rules of the Senate.

Mr. BURROWS: But it is said that Senator Smoot from his youth up has set his face and lifted up his voice against

polygamy.

The testimony in the case will be searched in vain for one act of Mr. Smoot or one word from him in opposition to the practice of polygamy or polygamous cohabitation on the part of his associates, who, with him, give the law to the church. He testified in the investigation that after knowing that the head of the church was living in defiance of the laws of God and the State he did not even advise a different course of conduct, although confessedly a part of his duty as an apostle to act as an adviser of the erring official.

And while it has been the practice as well as the duty of Mr. Smoot to preach to the people, he has never on any single occasion uttered one word against polygamy or polygamous cohabita-

tion. His own testimony on that point is as follows:

The CHAIRMAN. I understand you, Senator, to state that you do not

The Chairman. I understand you, Senator, to state that you do not teach polygamy?
Senator Smoot. I do not.
The Chairman, Or advise it? You teach and preach sometimes?
Senator Smoot. I do.
The Chairman Do you preach against polygamy?
Senator Smoot. I never have in a public gathering of people.
The Chairman, Why do you not?
Senator Smoot. Well, Mr. Chairman, I do not know why I should.
The Chairman, You do not know why you should?
Senator Smoot. Or why I should not. It is not a tenet now of the faith and—that is, what I mean to say is, it has been suspended, and I think it would not be proper for me to bring it up, because it is not preached for or against.
The Chairman, So, while it is literally true that you do not teach or preach polygamy, you have not taught or preached against it?

preached for or against.

The CHAIRMAN SO, while it is literally true that you do not teach or preach polygamy, you have not taught or preached against it?

Senator SMOOT. No. I have not.

The CHAIRMAN Senator, in your teaching and preaching, have you at any time denounced polygamous cohabitation?

Senator SMOOT. I have not.

The CHAIRMAN And do I understand you to say you do not repudiate that practice and preach against it publicly?

Senator SMOOT. I have not.

On the other hand, there are numerous acts of Mr. Smoot as an apostle encouraging polygamy as well as polygamous cohabi-While the contracting of plural marriages by his associates in the apostolate and others since the manifesto has been a matter of so common notoriety that Mr. Smoot could not have been ignorant of the truth, he, by his silence, shielded those who were guilty of this crime until the facts had been revealed by this investigation. As one of the trustees of the Brigham Young Academy it was his duty to at least inquire concerning the truth of assertions that Benjamin Cluff, jr., had taken a plural wife since the manifesto, but he made no effort in that As trustee of the same institution he made no obdirection. jection to the election of George H. Brimhall, a polygamist, as president of the academy after the retirement of Benjamin Cluff, jr. Nor did he object to the appointment of Joseph F. Tanner as superintendent of the Mormon Sunday schools of the world when Tanner was obliged to step down and out of his official position in the agricultural college because of the fact that he was a polygamist and had taken a plural wife since the manifesto and it was feared that on this account the support given by the United States Government to the college would be withdrawn. He assisted in the election of Joseph F. Smith to the presidency of the church, at the time a well-known polygamist, and has since then twice every year voted to sustain him, He assisted in the selection of Heber J. Grant, a notorious polygamist, as president of a most important mission. He voted for the election of Charles W. Penrose, a polygamist, as an apostle, although there were any number of high officials in the church who were in every way worthy of consideration, but who were not polygamists and had clean hands and clean con-

Other instances might be cited in which Mr. Smoot has

favored polygamy, but I challenge Senators to find one word in his testimony to the effect that he ever preached against polygamous cohabitation or has raised his voice or has set his face

The conclusion of the whole matter is that in not a single case has Mr. Smoot done one act or spoken one word in opposition to polygamy or polygamous cohabitation; but nearly every personal or official act of his, as brought to light by the testimony, has been in encouragement of polygamy and polygamous cohabitation. And all this apart from and in addition to the fact of his joining and associating with his fellow-members of the hierarchy, whose support and encouragement of polygamy and polygamous cohabitation is open and notorious. It is Mr. connection with this organization which makes him responsible for its acts.

will insert here, with the permission of the Senate, the opinion of the courts of this country that this organization or organizations of this character are criminal organizations. refer to the case of Davis v. Beeson, decided by the Supreme Court in 1889. The revised statutes of the State of Idaho provided that-

No person who is a member of any order, organization, or association which teaches, advises, counsels, or encourages its members, devotees, or any other person to commit the crime of bigamy, polygamy, or any other crime defined by law, either as a rite or ceremony of such order, organization, association, or otherwise, is permitted to vote at any election, or to hold any position or office of honor, trust, or profit within this Territory.

The Supreme Court upheld this provision as constitutional. It will be observed that this act disfranchises persons, not for the commission of the crime of polygamy, but upon the ground that they belong to an organization which "teaches, counsels, and encourages others to commit the crime of polygamy.

In the case of Wooley v. Watkins, Second Idaho Reports, the court say:

Orders, organizations, and associations, by whatever name they may be called, which teach, advise, counsel, or encourage the practice or commission of acts forbidden by law are criminal organizations. To become and continue to be members of such organizations or associations are such overt acts of recognition and participation as make them particeps criminis and as guilty in contemplation of criminal law as though they actually engaged in furthering their unlawful objects and purposes.

It is established beyond all controversy that a majority of the ruling authorities of the Utah Mormon Church are living in open polygamy, and thereby encouraging its practice, and many of them have taken plural wives since the manifesto, and that the Senator, as a member of such organization, is cognizant of these crimes and indifferent to their perpetration.

What more is needed? Is the Senate to say it will not exclude Mr. Smoot because he has not himself taken a plural wife? Will it decide that he can countenance and encourage the commission of crimes, consort with and sustain criminals, and as an apostle, escape all responsibility therefor? When the president of this organization testified, as he did, that he had five wives and that he would continue to cohabit with them until his death, I have always been amazed that the Senator did not rise in his place and denounce him as an impostor and a violator of the law, and then and there sever his connection with such an unholy alliance.

Mr. President, in face of this testimony it may be a little difficult for the public to understand why it is that we close the gates of Castle Garden with one hand against incoming polygamists and with the other open wide the doors of the Senate to the admission of an apostle who stands for an organization which believes in polygamy and upholds polygamous cohabitation.

Some criticism has been passed upon the women of this country because they have ventured to exercise the right of petition guaranteed to every American citizen, of whatever sex, in which they have implored the Senate to realize the danger of admitting to its membership an apostle of this oligarchy, and to guard, by every constitutional means against its encroachment.

It is not true that they have petitioned that Mr. Smoor shall be expelled because he is a polygamist. They have petitioned that he be expelled or rejected because he is the representative of an organization which continues, in defiance of all law, human and divine, to plot against the welfare of society and the sanctity of the home.

I know the members of this Senate too well to be persuaded that such appeals will swerve any Senator from his just conception of duty, but such petitions may be serviceable in directing attention to the importance of the higher issue and graver question and restrain us from being influenced by any personal or political consideration. That the women of the whole country should feel a keen interest in this matter is but natural, for they stand at the portals of every home, its guardian and defender, and we will do well to remember in our places of pride and power that

There is yet an auguster thing, Veiled though it be, than Parliament or King.

If Senator Smoot, under all these circumstances, with his confessed connection with this criminal organization, is per-

mitted to retain his membership in this body, then when he attends the next conference of his associates he can not only raise his hand and voice to sustain Joseph F. Smith and his confrères in crime, but he can convey to them the comforting assurance that the Senate of the United States has, by recorded vote, approved and sustained the promoters and defenders of this un-American, un-Christian, and unholy order. Let us hope

that no such humiliation will come to the Republic.

Mr. NEWLANDS. Mr. President, I wish, in a few words, to give my position in this matter. I have arrived at a conclusion with some difficulty. I would be glad if my conscience and my judgment would permit me to vote for the retention of Mr. Smoot as a member of this body. I have a high regard for Mr. Smoot personally and, besides, personal interest would prompt me to vote for his retention. The Mormon Church is a strong political factor in a portion of Nevada, and the man who antagonizes that church takes his political life in his hands. But my conscience and judgment will not permit me so to vote. I do not believe that under the Constitution Mr. Smoot can be excluded upon the facts in this case by a majority vote. I believe that a two-thirds vote is required, and I shall so act.

Mr. President, one of the central ideas of our Government is the separation of church and state. That is true of our National Government. That is true of our State governments. The union between church and state is accomplished when the state regulates and controls the church in spiritual matters. The union of church and state is as thoroughly accomplished when the church regulates and controls the state in temporal

matters.

The charge which is made against the Mormon Church, leaving entirely out of consideration the question of its sanction of polygamy and polygamous practices, is that from its very organization under Brigham Young up to the present time it has sought to control and does control the State of Utah in temporal matters. That church is not merely a religious organiza-It has in view not only the maintenance of spiritual belief, but the control of its members in temporal matters-in matters of business, of industry, of commerce, of social life, and of political action. It acts as a unit in these matters, and its priests control its policies. It fills out completely the definition of hierarchy—a form of government administered by the priesthood, a sacred body of rulers. Unlike any other church in the country, it has a oneness and completeness of organization in matters temporal as well as spiritual, created by the genius of Brigham Young. Mr. Smoot is one of the high priests of this hierarchy, and the question is whether it is consistent with our institutions that this body of sacred rulers so potent in Utah shall be represented in the Senate by one of its members.

I shall vote for the exclusion of Mr. Smoot, not because of any personal unfitness for the position which he holds, but because he is a high priest in a religious organization which believes in the union of church and state and which seeks to control the

action of the state in temporal matters.

But not content with dominion in Utah, this church is reaching out for the control of other States adjoining. To-day it holds the balance of power in the State of Idaho. that it holds the balance of power in the State of Wyoming.

Mr. WARREN. Mr. President-The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Wyoming?

Mr. WARREN. I can not permit a statement of that kind to go without expressing my dissent from it.

Mr. NEWLANDS. My time is short, and I decline to yield. The VICE-PRESIDENT. The Senator from Nevada declines to vield.

Mr. WARREN. I dissent from that statement and assert that the Mormon Church does not hold the balance of power in Wyoming, and there is no evidence that it seeks it.

Mr. NEWLANDS. The Mormon Church may soon hold the balance of power in the State of Nevada.

Mr. SUTHERLAND. Mr. President-

The VICE-PRESIDENT. Does the Senator from Nevada

yield to the Senator from Utah?

Mr. NEWLANDS. I decline to yield, as I have only a moment in which to conclude. The Mormon Church may hold the balance of power in the State of Colorado. Its organization is complete and effective in the Territories of Arizona and New It is increasing in Mexico, which may become sovereign States. numbers and strength daily, not only by the birth of those born

in the faith, but by the accession of numerous converts secured by a propaganda unceasing in its vigilance and energy. church has elected one of its high priests, one of the sacred body controlling its policies, not only in matters spiritual, but in matters social, industrial, commercial, political, and governmental, a Senator of the United States, and later on there may he others.

The VICE-PRESIDENT rapped with his gavel.

Mr. HOPKINS. Mr. President— Mr. NEWLANDS. I ask unanimous consent that I may go on for two minutes.

Mr. GALLINGER. I object.

Mr. KEAN. I call for the regular order.

VICE-PRESIDENT. Under the unanimous-consent agreement the hour for debate has closed.

Mr. HOPKINS. I offer the following amendment to the resolution now pending before the Senate, and on the vote upon the adoption or rejection of the amendment I ask for the year and

The VICE-PRESIDENT. The Senator from Illinois proposes an amendment, which will be read by the Secretary.

The Secretary. After the word "Resolved," in line 1, insert

"(two-thirds of the Senators present concurring the words therein);" so that the resolution will read:

Resolved (two-thirds of the Senators present concurring therein). That REED SMOOT is not entitled to a seat as a Senator of the United States from the State of Utah.

The VICE-PRESIDENT. The Senator from Illinois demands the yeas and nays on the question, Will the Senate agree to the amendment?

Mr. CARMACK. Mr. President, I rise to a question of order. The VICE-PRESIDENT. The Senator from Tennessee will state his question of order.

Mr. CARMACK. Would it be in order for me to offer the amendment I have proposed as a substitute for the original reso-Intion?

The VICE-PRESIDENT. Not until after amendments have been considered to perfect the original resolution. The first business in order is to perfect the resolution reported by the Senator from Michigan. The Senator from Illinois demands the yeas and nays upon his amendment to the resolution.

The yeas and nays were ordered.

Mr. CARMACK. I ask that the amendment be again read. The Secretary again read Mr. Hopkins's amendment.

The VICE-PRESIDENT. The Secretary will call the roll on agreement to the amendment of the Senator from Illinois.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). On this general question, as well as all questions, I have a pair with the senior Senator from Alabama [Mr. Morgan]. I am instructed by him to state that if he were present he would vote against the amendment suggested by the Senator from Illinois, and also in favor of the resolution. Being paired with him, I withhold my

Mr. CARTER (when his name was called). On this question, as on all phases of the question, I am paired with the junior Senator from Colorado [Mr. Patterson]. If he were present he would vote "nay" and I would vote "yea" on the pending question.

Mr. DEPEW (when his name was called). I have a general pair, covering all questions, with the Senator from Louisiana [Mr. McEnery]. I transfer that pair to my colleague [Mr. Platt] and vote "yea."

Mr. ELKINS (when his name was called). I have a general pair with the junior Senator from Texas [Mr. Balley]. If he were present, I should vote "yea."

Mr. McCUMBER (when his name was called). I am paired

with the junior Senator from Louisiana [Mr. Foster]. Senator before leaving discussed with me this question and the phases that might arise, and it was his agreement that I should wote my own convictions upon this matter. I vote "yea."

Mr. TALIAFERRO (when Mr. Mallory's name was called).

My colleague [Mr. MALLORY] is unavoidably detained from the Senate. He has a general pair with the senior Senator from Vermont [Mr. Proctor]. If my colleague were present, he would vote to expel REED SMOOT, but he would not vote to remove him from the Senate by a majority vote. He requests me to make this statement.

Mr. DANIEL (when Mr. Martin's name was called). I desire to state that my colleague [Mr. MARTIN] is paired with the Senator from Illinois [Mr. Cullom].

Mr. PROCTOR (when his name was called). I have a general pair with the senior Senator from Florida [Mr. MALLORY]. However, under the statement made by his colleague, that if he were present he would vote "yea" upon this question, I will vote. I vote "yea." I will announce now, in advance, that on the main question I will recognize my pair and withhold my vote. Mr. TALIAFERRO (when his name was called). I have a

general pair with the junior Senator from West Virginia [Mr. Scort]. If he were present, I would vote "nay."

Mr. RAYNER (when Mr. Whyte's name was called). My colleague [Mr. Whyte] is unavoidably detained. He is paired with the Senator from Colorado [Mr. Teller]. If my colleague were present and not paired, he would vote against the present amendment and in favor of the original resolution unseating the Senator from Utah.

Mr. BLACKBURN. I desire to state that the senior Senator from Colorado [Mr. Teller] is detained from the Chamber by

serious sickness.

Mr. KEAN. I desire to announce that my colleague [Mr. DRYDEN] is paired with the Senator from Louisiana [Mr. FOSTER ].

The result was announced—yeas 49, navs 22, as follows:

The Tesuit	was announced	EAS-49.	as follows.
Aldrich Allee Ankeny Bacon Beveridge Blackburn Brandegee Bulkeley Burkett Burnham Carmack Clapp Clark, Mont	Clark, Wyo. Crane Daniel Depew Dick Dillingham Dolliver Filnt Foraker Frye Fulton Gallinger Gamble	Heyburn Hopkins Kean Knox Lodge McCreary McCumber Millard Mulkey Nelson Newlands Nixon Overman	Penrose Perkins Piles Proctor Spooner Stoner Sutherland Tillman Warner Warren
Same Manager	N.	AYS-22.	
Berry Burrows Clarke, Ark Clay Culberson Curtis	Dubois Du Pont Frazier Hale Hansbrough Hemenway	Kittredge La Follette Latimer Long McLaurin Money	Pettus Rayner Simmons Smith
	NOT Y	OTING-19.	
Allison Bailey Carter Cullom Dryden	Elkins Foster McEnery Mallory Martin	Morgan Patterson Platt Scott Smoot	Taliaferro Teller Wetmore Whyte

So Mr. Hopkins's amendment was agreed to. Mr. CARMACK. Mr. President, I offer the substitute which send to the desk.

The VICE-PRESIDENT. The Senator from Tennessee proposes an amendment in the nature of a substitute, which will be read by the Secretary.

The Secretary read as follows:

Resolved, That REED SMOOT, a Senator from Utah, be expelled from the Senate of the United States.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Tennessee [Mr. Car-

Mr. DUBOIS. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded

to call the roll.

Mr. ALLISON (when his name was called). On this question I am paired with the senior Senator from Alabama [Mr. Moroan]. If he were present, he would vote "yea," and I should vote "nay."

Mr. HOPKINS (when Mr. Cullom's name was called). My colleague [Mr. Cullom] is unavoidably detained from the Senate to-day. He is paired with the junior Senator from Virginia [Mr. Martin]. If he were present, he would vote "nay" on this question.

Mr. DEPEW (when his name was called). I transfer my pair with the Senator from Louisiana [Mr. McEnery], as before, and vote. I vote "nay."

Mr. ELKINS (when his name was called). I am paired with

the Senator from Texas [Mr. Balley].

Mr. PETTUS (when Mr. Morgan's name was called). The Senator from Alabama [Mr. Morgan] is confined to his home, being unwell. He is paired with the Senator from Iowa [Mr. Allison]. If my colleague were present, he would vote "yea."
Mr. TALIAFERRO (when his name was called). I again

announce my pair with the junior Senator from West Virginia [Mr. Scort]. If he were present, I should vote "yea."

Mr. SPOONER (when Mr. Teller's name was called). have been requested to announce that if the Senator from Colorado [Mr. Teller] were present, he would vote "nay."

The roll call having been concluded, the result was announced—yeas 27, nays 43, as follows:

YEAS-27.			
Bacon	Carmack	Clay	Frazier
Berry	Clapp	Culberson	Hale
Burrows	Clarke, Ark.	Dubois	Hansbrough

Hemenway Kittredge La Follette Latimer	McCreary McLaurin Money Newlands	Overman Pettus Rayner Simmons	Smith Stone Tillman
	N	AYS-43.	
Aldrich Allee Ankeny Beveridge Blackburn Brandegee Bulkeley Burkett Burnham Clark, Mont. Clark, Wyo.	Crane Curtis Daniel Depew Dick Dillingham Dolliver Du Pont Flint Foraker Frye	Fulton Gallinger Gamble Heyburn Hopkins Kean Knox Lodge Long McCumber Millard	Mulkey Nelson Nixon Penrose Perkins Piles Spooner Sutherland Warner Warren
	NOT	VOTING-20.	
Allison Bailey Carter Cullom Dryden	Elkins Foster McEnery Mallory Martin	Morgan Patterson Platt Proctor Scott	Smoot Taliaferro Teller Wetmore Whyte

So Mr. Carmack's amendment was rejected.

The VICE-PRESIDENT. The question recurs on the resolu-tion of the Senator from Michigan [Mr. Burrows] as amended the amendment submitted by the Senator from Illinois [Mr. HOPKINS]

Mr. BURROWS. Let the resolution as amended be stated,

Mr. President.

The VICE-PRESIDENT. The Secretary will read the resolution, as requested.

The Secretary read as follows:

Resolved (two-thirds of the Senators present concurring therein), That REED SMOOT is not entitled to a seat as a Senator of the United States from the State of Utah.

The VICE-PRESIDENT. The question is on the adoption of the resolution.

On that I call for the yeas and nays. Mr. BACON.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I repeat that upon this question I am paired with the senior Senator from Alabama [Mr. Morgan]. If he were present, he would vote "yea" and I should vote "nay."

Mr. CARTER (when his name was called). I again an-

nounce my pair with the Senator from Colorado [Mr. Patterson]. If the Senator from Colorado were present, he would vote "yea" and I should vote "nay."

Mr. HOPKINS (when Mr. Cullom's name was called). My colleague [Mr. CULLOM] is unavoidably detained from the Senate to-day. He is paired with the Senator from Virginia [Mr. Martin]. If present, on this resolution as amended my colleague would vote "nay."

Mr. DEPEW (when his name was called). I am paired with the Senator from Louisiana [Mr. McEnery]. I transfer that pair to my colleague [Mr. Platt] and vote. I vote "nay."

Mr. ELKINS (when his name was called). I again announce my pair with the Senator from Texas [Mr. Balley].

Mr. DEPEW (when Mr. Platt's name was called). My colleague [Mr. Platt] is unavoidably detained from the Senate. If he were present, he would vote "nay."

Mr. PROCTOR (when his name was called). I again announce my pair with the senior Senator from Florida [Mr. Mal-LORY]. If he were present, I should vote "nay."

Mr. TALIAFERRO (when his name was called). I again announce my pair with the junior Senator from West Virginia [Mr. Scott]. If he were present, I should vote "yea."

Mr. SPOONER (when Mr. Teller's name was called). I have been requested to state that if the Senator from Colorado

[Mr. Teller] were present, he would vote "nay."

The roll call having been concluded, the result was announced-yeas 28, nays 42, as follows:

я		X	EAS-28.	
	Bacon Berry Burrows Carmack Clapp Clarke, Ark. Clay	Culberson Dubois Du Pont Frazier Hale Hansbrough Hemenway	Kittredge La Follette Latimer McCreary McLaurin Money Newlands	Overman Pettus Rayner Simmons Smith Stone Tillman
	TRANSFER L	. N.	AYS-42.	
THE PROPERTY OF THE PARTY OF TH	Aldrich Allee Ankeny Beveridge Blackburn Brandegee Bulkeley Burkett Burnham Clark, Mont. Clark, Wyo.	Crane Curtis Daniel Depew Dick Dillingham Dolliver Fiint Foraker Frye Fulton	Gallinger Gamble Heyburn Hopkins Kean Knox Lodge Long McCumber Millard Mulkey	Nelson Nixon Penrose Perkins Piles Spooner Sutherland Warner Warren

NOT VOTING-20.

Allison Bailey Carter Cullom Dryden Morgan Patterson Platt Proctor Elkins Foster McEnery Mallory Martin Taliaferro Teller Wetmore Scott Whyte

So the resolution was rejected, two-thirds of the Senators present not voting therefor.

#### RECESS.

Mr. HALE. Mr. President, I ask unanimous consent that at 6 o'clock the Senate take a recess until quarter after 8.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that at 6 o'clock the Senate take a recess until quarter after 8. Is there objection?

Mr. BACON. I should like the Senator in order that we

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. I do.-Mr. BACON. I should like to inquire of the Senator from Maine, in order that we may know what is intended, if there is any special order which the Senator proposes shall be taken up at the evening session?

Mr. HALE. We are going on with appropriation bills.
Mr. BACON. With the agricultural appropriation bill?
Mr. HALE. Yes.
Mr. BACON. I simply want to know if the Senator from Maine is willing that the evening session shall be limited to that?

Mr. HALE. No; because we may get through with that and take up another appropriation bill.

Mr. BACON. I only wanted to know what is proposed by

the order

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered.

#### PENSION APPROPRIATION BILL.

Mr. McCUMBER. I am directed by the Committee on Pensions to report an amendment in the nature of a substitute for the bill (H. R. 24640) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes, which I reported with amendments on the 14th instant. I ask The VICE-PRESIDENT. It is so ordered.

# EXECUTIVE SESSION.

Mr. BACON. Mr. President

Mr. LODGE. I move that the Senate proceed to the consideration of executive business

Mr. BACON. Before the Senator's motion is put, I wish to make an inquiry

The VICE-PRESIDENT. The Senator from Massachusetts moves that the Senate proceed to the consideration of executive busines

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened.

# CURRENCY LEGISLATION.

Mr. ALDRICH. I ask the Senate, by unanimous consent, to take up the bill (H. R. 13566) to amend sections 6 and 12 of the currency act approved March 14, 1900.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island for unanimous consent for

the present consideration of the bill indicated by him?

Mr. CULBERSON. I might as well object to the present consideration of the bill now as later.

Mr. ALDRICH. I move, then, that the Senate proceed to the consideration of the bill.

Mr. CULBERSON. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Texas suggests the absence of a quorum. The Secretary will call the roll. the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators

answered to their names.

Clark, Mont. Clark, Wyo. Clay . Crane Culberson Daniel Gallinger Gamble Hale Hemenway Heyburn Aldrich Allison Nelson Newlands Overman Ankeny Bacon Berry Beveridge Blackburn Brandegee Penrose Pettus Piles Kean Kean Kittredge La Follette Lodge Long McCreary McCumber McLaurin Millard Daniel Depew Dick Dillingham Flint Foraker Frazier Rayner Simmons Smith Smoot Spooner Warner Warren Bulkeley Burnham Carmack Carter Fulton Clapp Millard

The VICE-PRESIDENT. Fifty-five Senators have answered to their names. A quorum is present. The question is on agreeing to the motion of the Senator from Rhode Island to proceed to the consideration of a bill, the title of which will be stated.

The Secretary. A bill (H. R. 13566) to amend sections 6

and 12 of the currency act approved March 14, 1900.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with amendments.

Mr. NELSON. Mr. President—
Mr. ALDRICH. I suggest to the Senator from Minnesota that there are several committee amendments, to which I think there will be no objection, and I ask that they be taken up and disposed of before section 3 is reached.

Mr. NELSON. Before section 3 is reached?

Mr. ALDRICH. Yes.

The first amendment of the Committee on Finance was, on page 1, line 13, to strike out "five" and insert "ten" so as to make the section read:

That section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, be, and the same is hereby, amended to read as

proved March 14, 1900, be, and the same is hereby, amended to read as follows:

"Sec. 6. That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer or any assistant treasurer of the United States in sums of not less than \$20, and to issue gold certificates therefor in denominations of not less than \$10, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued, and when held by any national banking association may be counted as a part of its lawful reserve: Provided, That whenever and so long as the gold coin and bullion held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below \$100,000,000 the authority to issue certificates as herein provided shall be suspended: And provided further, That whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed \$60,000,000 the Secretary of the Treasury may, in his discretion, suspend the issue of the certificates herein provided for: And provided further, That of the amount of such outstanding certificates one-fourth at least shall be in denomination of \$50 or less: And provided further, That the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of \$10,000, payable to order. And section 5193 of the Revised Statutes of the United States is hereby repealed."

The amendment was agreed to.

The next amendment was to strike out section 2 and to insert

The next amendment was to strike out section 2 and to insert in lieu thereof the following:

in lieu thereof the following:

Sec. 2. That whenever and so long as the outstanding silver certificates of the denominations of \$1, \$2, and \$5, issued under the provisions of section 7 of an act entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900, shall be, in the opinion of the Secretary of the Treasury, insufficient to meet the public demand therefor, he is hereby authorized to issue United States notes of the denominations of \$1, \$2, and \$5, and upon the issue of United States notes of such denominations an equal amount of United States notes of higher denominations shall be retired and canceled: Provided, however, That the aggregate amount of United States notes at any time outstanding shall remain as at present fixed by law: And provided further. That nothing in this act shall be construed as affecting the right of any national bank to issue one-third in amount of its circulating notes of the denomination of \$5, as now provided by law.

Mr. BERRY. I should like to have the Senator from Rhode Island tell the Senate something about what this bill means. As it has been read hurriedly, it is impossible to understand it. I should like to know, also, if it is the unanimous report of the Committee on Finance.

Committee on Finance.

Mr. ALDRICH. It is. This section provides for the issue of one, two, and five dollar United States notes whenever the supply of silver certificates of those denominations is insufficient to meet the public demand. The act of 1900, known as the "gold-standard act," prohibited the issue of all notes of the denomination of ones and twos, except silver certificates. The supply of silver certificates of ones and twos is not equal to the demand, and there is a large and insistent public demand for notes of these denominations, which can not be supplied at the present time by the issue of silver certificates.

This bill proposes that whenever and so long as the supply of these denominations of silver certificates is insufficient the Secretary of the Treasury may issue ones, twos, and fives of United States notes, and United States notes of larger denominations to an equal amount are to be retired. The total amount of United States notes outstanding is to remain as now fixed by law

Mr. BERRY. I should like to ask the Senator a question. Is the effect of it to reduce the amount of silver or silver certificates now in circulation?

Mr. ALDRICH. Not to the extent of one dollar.

Mr. BERRY. The Treasury has been in the habit, has it not, of purchasing silver for minor coins? Does it stop that?

Mr. ALDRICH. For subsidiary coins, no. This does not affect that question at all. It simply provides for a supply of one and two dollar notes to answer the public demands.

Does it increase the amount of the currency? Mr. BERRY. Mr. ALDRICH. It does not increase or diminish the amount of currency. It merely changes the denominations of notes to meet a public demand.

Mr. NEWLANDS. May I ask the Senator from Rhode Island a question?

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Nevada?

Mr. ALDRICH. I do.

Mr. NEWLANDS. What is the purpose of making this mange? As I understand, the law provides that United States notes shall be issued in denominations of not less than \$5. Is that the case?

Mr. ALDRICH. Ten dollars.

Mr. NEWLANDS. Not less than \$10. And the purpose of the bill is to permit United States notes to be issued in denomi-

nations of \$5 and less?

Mr. ALDRICH. The present law permits the issue of ones and twos in silver certificates only; the purpose of this provision being to keep out as large an amount of silver certificates in the small notes as possible. It is impossible for the Secretary at the present time to meet the demands for ones and twos by the further issue of silver certificates. The total amount of silver certificates now outstanding is \$476,000,000, of which \$450,000,000 is in denominations of ones, twos, and fives. parties holding the larger certificates do not present them to the Treasury for redemption or exchange and, therefore, there is no source from which the Secretary of the Treasury can provide a further issue of ones and twos.

Mr. NEWLANDS. May I ask the Senator who are the minority members of the Committee on Finance?

Mr. ALDRICH. The minority members are the Senator from Colorado [Mr. Teller], the Senator from Virginia [Mr. Daniel], the Senator from Texas [Mr. Bailey], the Senator from Missis sippi [Mr. Money], and the Senator from Florida [Mr. Talia-

Mr. NEWLANDS. Do I understand that the Senator from Virginia and the Senator from Florida agree to this measure?

Mr. ALDRICH. The Senator from Virginia and the Senator from Florida were present when the bill was considered and consented to its provisions.

Mr. CLAY. Let me ask the Senator what changes were made in regard to making national banking associations depositories?

Mr. ALDRICH. That is provided for in the third section, which has not yet been reached. The only change made in that section from existing law is to provide that customs receipts may be deposited in banks the same as internal-revenue receipts are, the only change being to strike out the words "except customs receipts," which are contained in the present law. That section is not at present under consideration.

Mr. CLAY. That is on page 6.

Mr. ALDRICH. Yes; it is the third section.
Mr. NELSON. I desire to say to the Senator from Georgia that I have an amendment in the nature of a substitute for the third section of the bill, which I shall offer, for the purpose of requiring the banks to pay some interest on the deposits.

Mr. CLAY. I think the Senator is correct, for it strikes me that in most of the States—in a great many States, I know—on

State deposits interest is paid.

Mr. DANIEL. Mr. President, the Senator from Rhode Island has explained that this is simply a provision which does not change in any respect the now existing law on the subject of silver currency. Neither does it affect in the provision just being discussed the greenback currency, except to allow it to

be broken into smaller notes.

Mr. HALE. That is it exactly.

Mr. DANIEL. There has been great demand all over this country for more currency of the smaller denominations. There were four ways in which it was suggested it might be accomplished. One was by allowing the gold certificates to be broken up into smaller particles. But gold was getting on well and flowing into the country under the present arrangement, and in breaking it up into such smaller particles it might be brought in conflict with the arrangements made to sustain the value of silver and greenbacks and national-bank currency, and it was thought best to let it stand as it is.

Another suggestion considered was with respect to breaking up national-bank notes and requiring the national banks to issue them in smaller denominations. This was objected to by the banks as entailing upon them an additional expense. Having their currency now predicated upon bonds which bear a very small interest, and the present establishment being a

success in point of currency, it was deemed best not to disturb the existing status on that subject further than to provide as is done in this section-

That nothing in this act shall be construed as affecting the right of any national bank to issue one-third in amount of its circulating notes of the denomination of \$5, as now provided by law.

In the next place, it was considered whether it would not be . better to provide that the Secretary of the Treasury be required to purchase more silver bullion, and to issue that in small notes. As might be supposed, Mr. President, that might bring up a discussion of the silver question again, and it was thought best—at least by a majority of the committee it was the prevailing sense—that the existing status of the law on silver should not be disturbed.

I do not suppose that there are many people in this country who have studied the subject of finance who believe that some increase of the silver currency as represented by certificates, and by certificates in small denominations, would at all disturb the parity of all our coins, which is a subject of primary consideration; but there are a great many persons who are sensitive, and, as it seems, supersensitive, about the word "silver." I am not one of them, and even those who are sensitive, when they exercise their own ratiocination, soon have their qualms allayed.

They remind me very much of a person of whom I heard on one occasion who was asked the question, "Do you believe in ghosts?" He was a little superstitious and answered. "Oh, no; I do not believe in ghosts, but I am afraid of them." [Laughter.] So while nobody of the rigid and extreme gold school of finance is afraid there is going to be any silver revolution or any pressure of any alarming scheme respecting silver in this country, they are a little afraid of it, or they are afraid that somebody else is afraid of it, and their fears that somebody else may be afraid of it seem to prevail in their views on that topic.

Now, passing by these three branches of our currency, there was the greenback currency. That rests upon nothing but its receivability for taxes, its receivability for debt, and the promise of the United States. Intrinsically it has no more value than the paper match with which one lights his cigar. It is in the air, by itself, if you separate from it the faculties which law has imparted to it and the promise of the United States.

It seemed best to me, in the situation in which we are placed, to give this authority for that greenback currency to be broken up into smaller parcels. It can not possibly weaken it, though it needs no strengthening, and it is the most convenient method of handling that topic in my humble judgment. Therefore, on this question I concurred with the committee, and I can see no substantial or tenable ground of opposition.

I will state, however, I would have preferred that we might have extended the use of silver, of which this country is so great a producer, and about which I have never felt the alarm

which has so pervaded the minds of other gentlemen.

Like the Senator from Massachusetts [Mr. Lodge] on yesterday, who claimed the right to be heard for a few moments because he had not spoken on that day, I wish here to state a fact respecting the controversy on the subject of silver which to all persons is not known. I have never believed for a moment that this country ought ever to tolerate currencies of a different character which were not maintained by the Government of the United States at par with each other. It would be an infinite misfortune to the masses of the people to have a currency made of one substance which was of a certain value and another currency made of another substance which was of a different value. In the Democratic national convention of 1896, in which I had the honor to be an advocate of the free coinage of silver, it was concurred in by the gentlemen who were framing the declaration of the party on that subject that the United States ought to guarantee, and would guarantee through Democratic agencies if it had the opportunity to exercise them, the absolute parity of all its coins at all times and anywhere.

It was believed that but for the discrimination which this Government made against silver, and with the powerful impetus it would give to its increased valuation by such laws as we had when the two currencies were established, it would soon restore itself; but if it did not, and in view of the possibility that it might not, the leading men of the Democratic party, with every expectation and confidence, give, I might say, assurance that they would be sustained, were in favor of that proposition, and the platform was framed to contain that idea, which was so unhappily expressed that although not grammatically capable of but one construction it soon fell in the hands of the interpreters and was interpreted away.

Now, Mr. President, I wish to say while I am on my feet a few words about section 9 of this act. I approve the residue of the bill, but I deem it to be appropriate to call attention to one clause of section 9, as to which I notified the committee that I would maintain my freedom to make any suggestion on the subject that might seem appropriate. It is provided in the bill that not more than \$9,000,000 of national bank currency shall be withdrawn within a month. On page 7, in section 9, this idea is expressed in these words:

Provided, That not more than \$9,000,000 of lawful money shall be deposited during any calendar month for this purpose: And provided further, That the provisions of this section shall not apply to bonds called for redemption by the Secretary of the Treasury, nor to withdrawal of circulating notes in consequence thereof.

That refers to the sum of money that may be deposited for redemption and retirement. Under the law as it now exists but \$3,000,000 of such money can be retired. It is claimed that at the time that law was passed \$3,000,000 per month bore the same relation to the aggregate of our currency that \$9,000,000 bears now, and for that reason it was asked and urged that we might safely allow as much as \$9,000,000 per month to be withdrawn.

Another reason assigned was that in the summer time, between the seasons when the greatest business of the country is conducted, there is a time when money accumulates in banks; and if there is not some retirement of it it would create an influx of money into the banks of the great cities, that it would tend to stimulate speculation, and that when in the autumn crops had to be moved a stringency would be brought about by the reason of the speculative tendencies created in the summer.

the reason of the speculative tendencies created in the summer.

As a suggestion to be considered at the same time there is this reflection in my own mind: The banks themselves are not altogether disinclined to a little speculation if a favorable opportunity arises to suggest it. In the summer, when money is accumulating in them, they may find it more profitable to redeem their bonds and sell them again, and attempt to do that.

I do not claim to be an expert financier; I do not claim to be familiar with the courses of trade in the great cities, or with the accidents and incidents and tendencies of stock and other markets, but I do know this fundamental principle which has been impressed upon our minds in nearly all the courses of our financial development, and especially amidst its perturbations, that whenever you withdraw considerable amounts of currency from the mass of the circulation of a country you tend instantly to diminish prices.

I know, furthermore, that whenever there is a tendency to the diminution of prices there is a tendency of alarm and a tendency in the mind of the prudent financier to reef his sails. The bulls and the bears of the stock exchange play upon the feelings of the people, who can not be as familiar with what is going on behind the scenes as they are, and if we authorize them to control in any large degree the contraction of the currency of the country, and if they may combine together to do that and to advertise that, and to play upon that, they have a certain very great power with reference to the prices of commodities in the land.

A very valuable addendum has been put to this section by the committee, one that leaves it less open to criticism than possibly it might otherwise be. It is required that this withdrawal shall be subject to the approval of two persons. The first is the Secretary of the Treasury and the second is the Comptroller of the Currency. So the tendency to contraction and the ability of the bank to contract is checked and guarded by both the Secretary of the Treasury and the Comptroller of the Currency.

I wish that there were here other members of the Finance Committee, who represent the same general view that I do. I wish also that I had better information concerning such a topic as is brought to reflection by a provision of this sort. I have only attempted to state the case as it is, rather hoping that we would not enlarge the sum of money that might be contracted in a market.

Mr. BERRY. Mr. President, I understood either from the Senator from Virginia or the Senator from Rhode Island that there is also a provision in the bill which provides for the deposit of money received from customs duties, while the present law only authorizes the deposit of internal-revenue taxes. Is that correct?

Mr. DANIEL. That is correct. Mr. BERRY. Why is that?

Mr. DANIEL. The chairman of the committee will explain it.
Mr. BERRY. I wish to state, before the chairman answers,
that if I remember correctly this same proposition came before
the Senate some five or six years ago, brought here by the
Senator from Rhode Island. It had other features in it in
regard to certain municipal and railroad and other kinds of
bonds, I think.

Mr. DANIEL. The Senator is not referring to the pending bill as containing such a provision?

Mr. BERRY. No; the bill of five or six years ago, which had the same provision in it in regard to customs duties. Objection was made to it and it died. It was never passed, and I think the killing of it was very generally approved by the country, so far as I could get information on the subject. That was the case at least in my section. I should like to know something about the object and purpose of that bill.

Mr. ALDRICH. I think the Senator from Arkansas was entitled to the credit of having killed it, because the bill was considered near the close of the session. I have no doubt that his action at that time had his approval, but I never discovered that anywhere else in the country the Senator's action was approved.

Mr. BERRY. I will say to the Senator that my action had the universal approval of the people down in the southern part of the country. I happen know, for the matter has been under recent discussion in some localities. The Senator is very much mistaken if he thinks it did not have the approval of anybody else, because I distinctly remember when I talked to Democratic members of the Finance Committee, one of whom was the Senator from Virginia, they came in and aided me very materially.

Mr. ALDRICH. The objection which was then made to the provision reported by the committee was that the committee undertook to change the law as to the character of the securities that were deposited and that it provided for the payment of interest upon the deposits. The bill as now reported by the committee simply provides that customs receipts may, in the option of the Secretary of the Treasury, be deposited in national depositories, the same as internal-revenue receipts are now deposited.

That principle has received the approval of committees of both Houses. It is the subject of several bills that have been presented in both Houses at this session, and, so far as I know, there is no objection to it on the part of thoughtful men in any section of the United States. I think it is a provision that has practically universal approval.

I can see no reason—and I think the Senator from Arkansas on consideration will not be able to discover a reason—why receipts from customs should be locked up in the Treasury of the United States, reducing the amount of the outstanding currency and congesting business in every section of the country with resulting ills.

This law was enacted in 1864, when it was necessary that customs recipts should be paid in gold and kept by the Government to maintain the credit of the Government and to pay the interest upon Government bonds then outstanding, and the interest on which, by their terms, was payable in gold. Conditions have entirely changed, and I know of no reason of any kind why the Secretary of the Treasury should be compelled to take the money which is paid into the United States Treasury and lock it up and prevent its legitimate use in the channels of trade.

If any banker should undertake to do this persistently, the Senator from Arkansas would insist that this locking up should be considered a misdemeanor or punished as a crime. The people who believe with him generally as to the amount of currency that should be in circulation have proclaimed their unalterable opposition to any action which contracts the amount of the currency in the country or restricts its circulation.

If the Senator from Arkansas had his way, I assume he would take the whole \$150,000,000 in the Treasury, plus another \$150,000,000 which is now in the national banks, and keep it all locked up in the United States Treasury forever. For what purpose? For the security of the Government funds? No. What earthly purpose can then be subserved by a practice which is contrary to that of every country in the world and which can serve no useful purpose here?

Mr. BERRY. Mr. President, if the Senator from Arkansas had his way, he would reduce the amount of taxes so that this great surplus would not be collected year by year to be deposited either in the Treasury or in national banks. The Senator from Rhode Island says there is no good reason for keeping these funds in the Treasury or subtreasury. Can he tell me any good reason why the money belonging to this Government should be handed over to the national banks for them to loan it out at interest and put the interest into their own pockets? That is what he calls "circulating the money of the people"—that these banks shall take this money free of charge. In the other bill which the Senator reported he proposed to require interest to be paid on Government deposits. I believe there is no such proposition in this bill that is now proposed.

Mr. NELSON. Mr. President, I will say to the Senator that

I intend to offer such an amendment.

Mr. BERRY. I will see about the amendment when we get to it. The Senator from Rhode Island says that he is in favor of this bill because it will tend to expand the currency. Mr. ALDRICH. I beg the Senator's pardon-

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Rhode Island?

Mr. BERRY. Certainly.

Mr. ALDRICH. I beg the Senator's pardon; I made no such statement

I surely understood the Senator to say that if it were deposited in the banks it would tend to contract the currency, to which he and all others are opposed.

ALDRICH. No: I said to lock it up in the Treasury would have the inevitable effect of contracting the currency, and I object to that.

That is what I thought the Senator said.

Mr. ALDRICH. No; the Senator made a statement which was the converse of that, that I was in favor of expanding the currency

Mr. BERRY. I said the Senator was very much opposed to contracting the currency, as I understood; or, you can put it the other way, and say that by loaning money out it would expand the currency that much. I presume that is the Senator's idea by putting it in the banks.

Mr. ALDRICH. It would not expand the currency, but it

would return promptly the money to the channels of trade which is taken for taxes and for other purposes from the peo-

ple of the United States.

Mr. BERRY. Then, you propose to give it to certain favored individuals to loan out to people free of charge in order that they may thereby make a profit on it. I repeat, Mr. President, I can not understand how it can be advocated that it is the duty of this Government to take money in its Treasury and give it to the banks free of charge, and let them loan it to citizens, and, of course, take the profits in the shape of the inter-

est which is paid upon it.

So far as I am concerned, Mr. President, I am opposed to repealing any law which now prohibits the deposit of this money in the national banks. Under the present law, as I understand, all taxes received from internal revenue can be Customs duties can not. Our friend from Rhode Island claims that there is a wonderful degree of prosperity all over the country under the present system. I can not see any reason, Mr. President, why he should insist on changing it in this regard. I am opposed to the bill. I was opposed to it years ago, and am opposed to it still.

Mr. NELSON. Mr. President, I desire to ask the chairman of the committee who reported this bill what is the purpose of the second proviso, on page 2? As I understand, under existing law the fund for the redemption of greenbacks is \$150,-

000,000. The first proviso reads:

Provided, That whenever and so long as the gold coin and bullion held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below \$100,000,000 the authority to issue certificates as herein provided shall be suspended.

Is it the object to reduce that redemption fund from \$150,-000,000 to \$100,000,000?

Section 6 of the existing law-the gold-Mr. ALDRICH. standard act of 1900—is reenacted by this provision precisely word for word, except at the end of the thirteenth line, on the first page, the word "twenty" is changed. The word "twenty" in the present law was changed in the House to "five" and amended by the Senate committee to "ten."

Mr. NELSON. What line is that? I have not got the last

print.

Mr. ALDRICH. Line 13 of the first page. In every other respect this section reenacts in precise language the existing The proviso to which the Senator refers is in the existing law, in the act of 1900, precisely as it is here.

Mr. NELSON. But are all the following provisos?
Mr. ALDRICH. All the provisos—every one in that section is exactly the same as the provision of the existing law.

Mr. NELSON. The only change, then, is in line 13?

Mr. ALDRICH. The denomination of the notes, which now are \$20, was changed by the House to "five" and by the Senate committee to "ten."

Mr. OVERMAN. Mr. President, I should like to ask the Senator from Rhode Island, for information, a question. The last paragraph of section 3 provides:

And every association so designated as receiver or depository of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue, or for loans or stocks.

I do not understand what the words "for loans or stocks'

Mr. ALDRICH. Mr. President, the proposed section 3 is identical with section 5153 of the Revised Statutes, with the

omission of the words "except customs receipts." The provision to which the Senator calls the attention of the Senate is the precise language of section 5153 of the Revised Statutes. Those words he refers to are now in the existing law and were put there, I think, some time during the late war.

Mr. OVERMAN. I wanted to know what was meant by "loans or stocks." I did not know that the Government loaned money on stocks. If there is no use for the language here, why

not strike it out?

Mr. ALDRICH. They were paid into the Treasury for Government loans by the parties who secured the loans, and the word "stocks" as used here is equivalent to bonds. This word "stocks" is in all the earlier legislation and is used instead of bonds. It has been used in our financial legislation for more than a century. It means in this connection what it has meant in all the prior laws-simply bonds.

Mr. BACON. Mr. President, I just want to say a word with reference to sections 1 and 2 of this bill. I am not familiar with the matters contained in sections 3 and 4, about which Senators have been discussing; but as to sections 1 and 2, which contain provisions relating to the issuance of notes of small denominations, it is a matter of extreme importance and of very great interest to the people of the section from which There is a very great dearth of notes of small denominations there, and the business transactions of the country are very greatly embarrassed by the fact.

was very much more familiar with the details of this matter last spring than I now am, from the fact that I had communications sent to me by numerous bankers in the South, my State, and also by the Southern Bankers' Association, which met in Atlanta some time last spring, and which passed resolutions asking for this particular legislation. I conferred at the time with the Senator from Rhode Island [Mr. Aldrich] on the subject and showed him the papers which had been sent to me.

Heretofore the demand for money in smaller denominations has largely been met by the shipment of silver dollars throughout the South, by the Government shipping it and paying the express charges, which enabled the bankers to get that class of money without expense to them. But that arrangement has been changed, so that the Government no longer pays the express charges upon the silver, and so imposes a burden upon the banks which they are unwilling to bear. It was in consequence of that that they urged such a change in the law as would permit the issuance of smaller denominations of bills. the express charges upon silver being so great.

In consequence of the embarrassment and of what the officers of banks had written to me on the subject, I went to see the Secretary of the Treasury to see what possible relief could be given by the Treasury Department in exchanging smaller notes or notes of smaller denominations for notes of larger denomina-I was told by the Secretary that under the law and regulations it was impossible for the Department to send these smaller denominations of notes, except where banks had ac-cumulated ragged or unpassable money, if I may use such a term, and returned it to the Treasury Department, and they

were authorized to send smaller denominations in exchange.

The national banks have, it is true, the liberty under the law of issuing small notes, of which they have not taken full advantage, but the reason they have not taken such advantage is that if they should do so the other money of five and ten dollar denominations, which they need, will be less in supply than their demand requires. Therefore, before they could do that it was necessary, or deemed necessary at least by them, that the Government should reduce the denomination of gold certificates, as is done in this bill, providing for the issuance of \$10 notes, which they have not now the privilege of doing, and in that way supply bills of that denomination to an extent which would enable the national banks to go further and issue smaller denominations of equal amount in the aggregate. provision, which authorizes the issuance of smaller denominations of greenbacks, as I understand, is in furtherance of that cbject; and I think I am fully justified in saying that so far as the banks of the South are concerned it is of the utmost importance that the two provisions of this bill contained in sections 1 and 2 should be enacted into law. I am not sufficiently familiar w th the general subject to pass upon the question as to the matters contained in sections 3 and 4; but as to sections 1 and 2 I think it is of the utmost importance to every section of the coun ry that they be enacted into law.

Mr. DANIEL. Mr. President, I do not know that attent on has been called to the fact that when the exception of customs receipts was made with respect to the deposits in banks taley were payable in gold, and the original idea requiring that they should be paid in gold came about in the time when this country

was issuing paper money and desired to have gold for its redemption and for extraordinary and emergent purposes, which

do not repeat themselves in our time.

Section 5153 of the Revised Statutes, which is embodied in section 3 of this bill, simply omits the terms respecting the customs dues that were formerly embodied. To preserve them now apart, as heretofore, and as a particular or sacred fund for a certain purpose, would be an anachronism, and would perpetuate a provision in our statutes when the reason of it had

So I would say to my friend from Arkansas [Mr. Berry] that there is no reason for retaining them, unless it be the purpose to prevent the deposit of any currency in the banks. Like him, I would very much prefer to see our taxes reduced, but I do not see a very instant prospect of doing so.

Mr. HALE. It is rather the other way.

Mr. DANIEL. Yes. Having a condition to deal with, I like to deal with it in the spirit of that dispensation which remembers the shorn lamb and tempers the wind to it so far as it may. If we are going to take these large sums of money, taken from the public purse, all the outlets by which that purse could percolate them back into the social system are for the benefit of

the whole people.

It is true that the banks are an intermediate agency; it is also true that if we did not have these intermediate agencies we would probably have no intermediate agencies. Some regard them as necessary evils. There is nothing in this world that I yet have been enabled to discover, unless it were the Democratic platform during a period of the session of a convention while it was in an enthusiastic mood, that had nothing but good in it. Most things have some good and some evil in them. There are evils in banks, probably due to the fact that they are run by people who have a good deal of human nature in them. Is it good policy to do anything to congest any portion of our currency anywhere? I think not; and this provision is against the tendency of the congestion of a portion of the currency.

The VICE-PRESIDENT. The question is on agreeing to the

pending amendment.

The amendment was agreed to.

The next amendment of the Committee on Finance was to insert as a new section the following:

sert as a new section the following:

SEC. 3. That section 5153 of the Revised Statutes be amended to read as follows:

"SEC. 5153. All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government: and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government, as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. And every association so designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue, or for loans or stocks."

Mr. NELSON. I offer an amendment as a substitute for the entire section. After the substitute is read I propose to explain

it for a few moments.

The VICE-PRESIDENT. The Senator from Minnesota presents an amendment in the nature of a substitute, which will be stated.

The Secretary. It is proposed to strike out all of the committee amendment and to insert in lieu thereof the following:

mittee amendment and to insert in lieu thereof the following:

Sec. 5153. The Secretary of the Treasury is hereby authorized to designate national banking associations as depositories of public money and when so designated the same shall, upon giving the security hereinafter prescribed, be qualified depositories of such money under such rules and regulations as the Secretary may prescribe; and such designated banking associations may be employed as the financial agents of the Government, and they shall perform such reasonable duties as depositories of public moneys and financial agents of the Government as may be required of them by the Secretary or by law, and all public money deposited with them shall at all times be subject to the draft and withdrawal of the Secretary of the Treasury. The Secretary of the Treasury shall require such designated association, before depositing any public money with it, to furnish and give reasonable and ample security for such money by the deposit in the Treasury of the United States of United States bonds, or in the discretion of the Secretary the bonds of any State or municipality of the Union, or such bonds as are accepted by the savings banks of the States of Massachusetts or New York, commercially at par, for the safe-keeping and prompt payment of the public money deposited with it and for the faithful performance of its duty as financial agent of the Government; and no public money shall be deposited as aforesaid in excess of the par value of the bonds given as security therefor. Every banking association, designated and qualified as receiver or depository of public money as aforesaid, shall at all times take and receive at par all national currency bills issued by any national banking association which have been paid to the Government for any purpose whatsoever. The Secretary of the Treasury shall not allow the public money in the Treasury permanently to accumulate over and above a safe and reasonable working balance required for the current demands upon the Government;

practicable, be deposited by the Secretary of the Treasury in the national banking associations designated and qualified as receivers and depositories of public money as aforesaid; and the Secretary of the Treasury shall designate depositories and make deposits of public money in such manner throughout the several States of the Union that all parts of the country may have the benefit of such deposits, and not confine such deposits to a limited number of banks in the larger cities. All national banking associations, designated as depositories of public money, as aforesaid, and receiving such money on deposit, shall pay to the Government of the United States such interest upon the deposit as the Secretary of the Treasury may prescribe, not less, however, in any case, than at the rate of 2 per cent per annum upon the average daily balance of such deposit, and the Government of the United States shall have a first and preferred lien on the assets of the national banking association in which the public money of the Government is deposited for the amount of such deposits.

Mr. NELSON. Mr. President, the amendment to section

Mr. NELSON. Mr. President, the amendment to section 5153 of the Revised Statutes, as reported by the Committee on Finance, relating to the making of national banks Government depositaries, contains only one change from existing law. Under the law as it exists up to this date customs receipts can not be deposited directly in national banks. This is the only change. Under the law as it stands to-day the Secretary of the Treasury may make deposits of Government money with the national banking associations, and the language of the law is:

The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise.

I understand—and if I am in error in this respect I desire to be corrected-that prior to the present Secretary of the Treasury it was not the custom under this law to receive any thing but Government bonds for these deposits. Am I correct?

Mr. ALDRICH. The Senator is correct. Mr. NELSON. But the present Secretary of the Treasury has amplified the law and construed it so that he receives various kinds of securities. From a letter which I have here from one of the leading banks of St. Paul it appears that he is receiving railroad bonds and other securities.

Mr. ALDRICH. My impression is the Secretary has never

received railroad bonds as a basis for security.

Mr. NELSON. I think this letter indicates it.

ALDRICH. I think the writer of the letter must be Mr. NELSON. I am going to have this letter read later.

The amendment I have offered does not change the existing law except in two or three particulars. First, it expressly authorizes the Secretary of the Treasury to receive such securities, in addition to United States bonds, as he has been in the

habit of receiving. In other words, my amendment, as it is offered, allows him, in his discretion, outsite of United States bonds, to take the bonds of any State or municipality that are commercially at par and any bonds that are accepted by the savings banks of Massachusetts and New York, and that, I understand, is the criterion on which the Secretary has acted.

In the next place, I provide that the Secretary shall endeavor to keep as much as possible of the Government money out on deposit among the banks, and only retain in the Treasury enough money for a reasonable and ample working balance. In other words, not to allow the money to accumulate in the Treasury by the hundreds of millions, but simply to retain sufficient for an ample working balance, the remainder to be de-

posited in the banks.

The next and the most important provision is that requiring the banks to pay interest on these deposits. During the last winter, as a matter of curiosity, I looked at the daily statements furnished us as to where the Government money is. I have here the statement of the 19th of February, showing that out of a total surplus in the Treasury of \$247,000,000, \$151,000,000 was on deposit in national banks, and during most of the win-ter, so far as my memory serves me—and I have been glancing at these statements from day to day—on an average there was from \$125,000,000 to \$150,000,000 of Government money in the hands of these national banks.

These banks make a great profit out of this money. I have noticed, and so have other Senators, I suppose, that every once in a while they get a financial flurry in New York. They get up a scheme of stock speculation and all at once money gets scarce. It is not because there has been a sudden accumulation in the Treasury. That does not seem to control the matter. But when they get into one of their financial stock-speculation schemes and get up a financial flurry they rush over here to Washington and appeal to the Secretary of the Treasury, "For God's sake, help us out." Then he piles the money into those banks, and they loan it out on stock collateral to those speculators at interest all the way up to 2, 3, and 5 per cent a month, thus making big revenue.

I have heard one objection urged against the proposition to pay interest, and I propose to discuss it. It is that when you make the banks pay interest you change the character of the depositary; that, as it is, they are simply the fiscal agents of the Government; they are the depositaries. They stand there representing the United States. If that proposition is true, if they are the naked depositaries of that fund, what right have they to loan this money out to those stockjobbers and to charge interest? If that position is true, then the decision of the supreme court of Wisconsin some years ago would hold good.

Many years before, they had a law in the State of Wisconsin,

as they now have, requiring deposits of the revenues of the State to be made in banks designated by a board, charging the banks interest. Several State treasurers were in the habit of depositing those moneys in various banks and getting interest, part of the interest being pocketed and part of it being distributed among the political parties. Afterwards suits were brought to recover that money, and State treasurers who in that manner had loaned out the public money without authority of law were, under the decision of the supreme court, compelled to disgorge the interest.

The VICE-PRESIDENT. The hour of 6 o'clock having arrived-

Mr. NELSON. I am sorry I can not conclude. The VICE-PRESIDENT. The Senate will take a recess until 8 o'clock and 15 minutes p. m.

RECESS

Thereupon the Senate took a recess until 8 o'clock and 15 minutes p. m.

## EVENING SESSION.

The Senate reassembled at 8 o'clock and 15 minutes p. m.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 8182) authorizing the Twin City Power Company to build two dams across the Savannah River above the city of Augusta, in the State of Georgia, with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

H. R. 24118. An act granting to the Central Colorado Power Company a right of way over certain public lands, for irrigation and electric power plants, in the State of Colorado:

H. R. 25184. An act to relieve the Tanana Mines Railroad in

Alaska from taxation; H. J. Res. 204. Joint resolution disapproving certain laws enacted by the legislative assembly of the Territory of New

Mexico: and H. J. Res. 246. Joint resolution authorizing the President to extend an invitation to the Twelfth International Congress of

Hygiene and Demography, to hold its thirteenth congress in the city of Washington.

The message further announced that the House had passed a concurrent resolution authorizing the Clerk of the House and Secretary of the Senate to permit Jacob Ruppert, jr., as one of the House managers of the conference, to affix his name to the conference report on the bill (S. 4403) to regulate the immigration of aliens into the United States, in which it requested the concurrence of the Senate.

# ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 21684) to amend section 2 of an act entitled "An act regulating the retent on contracts with the District of Columbia," approved March 31, 1906, and it was thereupon signed by the Vice-President.

# HOUSE BILLS REFERRED.

H. R. 24118. An act granting to the Central Colorado Power Company a right of way over certain public lands for irrigation and electric power plants, in the State of Colorado, was read twice by its title, and referred to the Committee on Public Lands.

The following bill and joint resolution were severally read twice by their titles, and referred to the Committee on Territories:

H. R. 25184. An act to relieve the Tanana Mines Railroad in Alaska from taxation; and

H. J. Res. 204. Joint resolution disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico.

### NAVAL APPROPRIATION BILL.

Mr. HALE. I ask that the unfinished business be informally laid aside, and that the Senate take up the naval appropriation

The VICE-PRESIDENT. If there be no objection, the unfinished business will be laid aside for that purpose.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 24925) making appropriation for the naval service for the fiscal year ending June 30, 1908, and for other purposes, which had been reported from the Committee on Naval Affairs with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, and that it be read for action on the committee amendments.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with; that the bill be read for amendment, and that the committee amendments be first considered. Without objection, it is so ordered.

The Secretary proceeded to read the bill. The first amendment of the Committee on Naval Affairs was, under the sub-head "Bureau of Navigation," on page 9, after line 9, to insert:

Naval training station, Port Royal, S. C.: Maintenance of naval training station, Port Royal, S. C., namely: Manual labor and material; general care, repairs, and improvements of grounds, buildings, and wharves: wagons, carts, implements, and tools, and repairs to same; gymnastic implements; models and other articles needed in instruction of apprentice seamen; stationery, books, periodicals, and other contingent expenses; necessary repairs to the buildings now erected to fit them for berthing, messing, and drilling purposes, and for galleys, latrines, and washhouses; for purposes of administration in connection with the training of apprentice, seamen; in all, naval training station, Port Royal, S. C., \$50,000.

The amendment was agreed to.

The next amendment was, on page 10, line 5, after the word "dollars," to insert "two copyists, at \$900 each per year;" so as to make the clause read:

Naval War College, Rhode Island: For maintenance of the Naval War College on Coasters Harbor Island, and care of grounds for same, \$12.300; one draftsman, at \$1.200 per year; services of a lecturer on international law, \$1,000; services of civilian lecturers rendered at the War College, \$600; two copyists, at \$900 each per year; purchase of books of reference, \$400; one librarian, \$1,400 per year.

The amendment was agreed to.

The next amendment was, on page 10, line 9, to increase the total appropriation for the maintenance of the Naval War College, Rhode Island, from \$16,900 to \$18,700.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Ordnance," on page 14, line 5, to increase the appropriation toward the accumulation of a reserve supply of ammunition from \$2,000,000 to \$4,000,000.

The amendment was agreed to.

The reading was continued to line 2 on page 16, the last paragraph read being the following:

Navy-yard, Boston, Mass.: For one writer, at \$1,000.

Mr. HALE. I move to strike out "For one writer, at \$1,000," and insert "For one clerk, at \$1,200."

The amendment was agreed to.

The reading of the bill was continued to line 16 on page 17.
The VICE-PRESIDENT. The Chair would call the attention of the Senator from Maine to the total in line 14, page 17. It should be increased by the addition of \$200.

Mr. HALE. Let the total be increased by \$200.

The VICE-PRESIDENT. The amendment will be stated. The Secretary. On page 17, line 13, after "thousand," insert two hundred;" so as to make the total read "\$47,206.75."

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Equipment," on page 19, line 15, to increase the appropriation for the purchase of coal and transportation from \$3,750,000 to \$4,000,000.

Mr. HALE. On page 19, at the end of line 16, I move to insert, after the word "million," "two hundred and fifty thousand."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The Secretary. After the word "million" insert "two hundred and fifty thousand dollars;" so as to read "\$4,250,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CULBERSON. On page 14 I notice that the appropriation is doubled, from \$2,000,000 to \$4,000,000, for ammunition, and just at this moment \$250,000 have been added to the committee amendment, which increases the appropriation made by the House for coal and transportation \$500,000. That makes the increase for ammunition and coal and transportation two million and a half. I dare say that there are abundant reasons for this increase.

Mr. HALE. Which item is the Senator calling attention to? Mr. CULBERSON. I am calling attention to two items. Mr. HALE. I see. What is the first one?

Mr. CULBERSON. For reserve ammunition, on page 14. The appropriation is doubled there, and for coal and transportation it is increased \$500,000, making an increase of two and a half million dollars in those two items. I am sure that there is some good reason for it, but it does not appear.

Mr. HALE. Let us take one at a time. As to the appropriation, on page 14, for the reserve supply of ammunition, the Department estimated an addition of six million and some odd thousand dollars. It was found that the reserve of ammunition is very small. The committee, on full investigation, instead of giving \$6,000,000 and more, made it \$4,000,000.

Of course there should be some reserve supply of ammunition. It is all very carefully stored. Senators will realize that in time of complete peace the Navy is using a great deal of this appropriation in its summer cruises and its target exercises, and is all the time using up this appropriation. The committee thought a fair arrangement and compromise between what the Department asked and what the House put in the bill was

It is one of the things that Senators have got to realize-that we can not have this great Navy and make appropriations for big ships and build up a great establishment without involving very great expenditures incidentally. One of the things is ammunition. I can only say to the Senator, that looking at the matter as the committee tried to do, in a rather conservative way, instead of giving six million and odd thousand dollars we gave \$4,000,000.

Mr. CULBERSON. I did not know but that this extraordinary increase had something to do with the assembling of the fleet now and then for great reviews by the President, and that it probably also had something to do with the Jamestown Exposition, about which the Senator from Maine, a week or so ago, presented certain remonstrances of bishops.

Mr. HALE. I do not think that the Jamestown Exposition has very much to do with this increase. It has something to do with it undoubtedly. That exposition has entirely departed from its original purpose and intent. Undoubtedly there is to be a great military pageant, and not much else will be of any account in that celebration. I do not think, however, that much of this appropriation will be expended there.

The reading of the bill was continued. The next amendment was, under the subhead "Public works, Bureau of Yards and Docks," on page 30, line 24, after the word "dollars," to strike out "coaling plant, \$15,000;" on page 31, line 5, after the word "dollars," to insert "pattern shop for steam engineering, to complete, \$61,200; track for 40-ton crane, extension, \$10,000, the limit of cost to be \$46,800;" and in line 10, before the word "dollars," to strike out "one hundred and eighty-eight thousand seven hundred" and insert "two hundred and forty-four thousand nine hundred;" so as to make the clause read:

thousand nine hundred; "so as to make the clause read:

Navy-yard, Portsmouth, N. H.: Railroad and rolling stock, \$2,000;
sewer system, extension, \$2,000; quay walls, to extend, \$20,000;
grading, to continue, \$15,000; central power plant, to complete, \$60,000; blasting in front of quay wall (to cost \$110,000), \$50,000;
naval prison laundry, \$3,000; naval prison cooking and baking plant, \$3,200; naval prison, furniture and fittings, \$8,500; naval prison,
administration building, to complete, \$10,000; pattern shop for steam
engineering, to complete, \$61,200; track for 40-ton crane, extension,
\$10,000, the limit of cost to be \$46,800; in all, \$244,900.

The amendment was agreed to

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 32, line 12, after the word "dollars," to insert "railroad equipment, additional, \$5,000; railroad system, extensions, \$10,000; sewers and drains, \$10,000; cement storehouse, \$11,000;" and in line 18, before the word "dollars," to strike out "two hundred and twenty-seven thousand eight hundred" and insert "two hundred and sixtythree thousand eight hundred;" so as to make the clause

Navy-yard, New York, N. Y.: Electric plant, extensions, \$25,000; underground conduits, extension, \$15,000; heating system, extensions, \$20,000; electric motors for pump well valves, \$7,000; electric elevators, \$10,000; central power plant, to complete, \$140,000; for sidewalk on Flushing avenue and Navy street in front of the navy-yard, \$10,800; railroad equipment, additional, \$5,000; railroad system, extensions, \$10,000; sewers and drains, \$10,000; cement storehouse, \$11,000; in all, navy-yard, New York, N. Y., \$263,800.

The amendment was agreed to.

The reading was continued to line 5 on page 34.

Mr. HALE. On page 34, line 4, in the items for the navy-yard at Norfolk, Va., after the word "dollars," I move to insert:

Central power plant, \$130,000.

The amendment was agreed to.

NELSON. I call the attention of the chairman of the committee to the necessity of having another amendment in line 5 after the amendment just adopted.

Mr. HALE. That is a matter of the total.

Mr. NELSON. Yes; to add \$130,000.
Mr. HALE. That is right. It should be \$365,000.
The VICE-PRESIDENT. The amendment will be stated.
The Secretary. On page 34, line 5, strike out "\$235,000" and insert "\$365,000."

The amendment was agreed to.

The reading was resumed. The next amendment was, on page 34, line 8, after the word "dollars," to insert "sidewalks along outside station wall, \$2,500;" and in line 13, before the word "dollars," to strike out "forty-two thousand" and insert "forty-four thousand five hundred;" so as to make the clause read .

Naval station, Key West, Fla.: Dredging and filling in, \$25,000; grading and paving, \$5,000; sidewalks along outside station wall, \$2,500; water system, extensions, \$2,000; removing steel tanks from Dry Tortugas, \$10,000; in all, navy-yard, Key West, Fla., \$44,500.

The amendment was agreed to.

The next amendment was, on page 35, line 4, after the word "dollars," to insert "central light and power plant at Mare Island Navy-Yard, Cal., \$100,000; removal of office building No. 103 from its present location to the hill in the rear of building No. 65, \$1,000;" and in line 11, before the word "dollars," to strike out "one hundred and forty-seven thousand five hundred" and insert "two hundred and forty-eight thousand five hundred;" so as to make the clause read:

five hundred;" so as to make the clause read:

Navy-yard, Mare Island, Cal.: Railroad system, extension, \$5,000; electric-plant system, extension, \$10,000; sewer system, extensions, \$3,000: heating system, extension, \$5,000; telephone system, extensions, \$1,000: electric capstans for dry dock No. 1, \$10,000; extension of building No. 119, block and cooper shop, \$15,000; improvements to buildings Nos. 69 and 71, \$20,000; improvements to coal cylinders, \$7,500; workshop for electrical class, \$3,000; channel moorings, Mare Island Strait, \$9,000; enlarging and moving dispensary building, \$6,000; improvements to naval prison, \$50,000; central light and power plant at Mare Island Navy-Yard, Cal., \$100,000; removal of office building No. 103 from its present location to the hill in the rear of building No. 55, \$1,000; in all, navy-yard, Mare Island, \$248,500.

The amendment was agreed to.

The next amendment was, on page 35, line 25, after the word "dollars," to insert "and to enable the Secretary of the Navy to repair and reconstruct, where necessary, the buildings, wharves, and other public works recently damaged by hurricane at the navy-yard, Pensacola, \$200,000;" and on page 36, line 4, before the word "forty-two," to insert "two hundred and;" so as to make the clause read:

Navy-yard, Pensacola, Fla.: Machinery for central power plant, \$35,000; conduit system, \$2,500; improvements to storehouse, building No. 25, \$5,000; and to enable the Secretary of the Navy to repair and reconstruct, where necessary, the buildings, wharves, and other public works recently damaged by hurricane at the navy-yard, Pensacola, \$200,000; in all, navy-yard, Pensacola, \$242,500.

The amendment was agreed to.

The next amendment was, on page 37, line 24, to increase the total appropriation for public works, navy-yards, and stations from \$2,599,240 to \$2,994,940.

The amendment was agreed to. The reading was continued to line 22 on page 43.

Mr. PILES. I desire to call the attention of the Senator

Mr. FILES. I desire to can the attention of the Senator from Maine to an amendment, by striking out the word "repair," in line 20, and inserting the word "construction."

Mr. HALE. That is right, Mr. President,
The VICE-PRESIDENT. The amendment will be stated.
The Secretary. In line 20, strike out the word "repair" and insert the word "construction;" so as to read:

Naval hospital, Puget Sound, Washington: For the construction of naval hospital buildings, \$75,000 (total cost not to exceed \$150,000).

The amendment was agreed to.

The next amendment was, under the subhead "Public works under Bureau of Medicine and Surgery," on page 43, after line 22. to insert:

Naval hospital, Washington, D. C.: For the erection of an addition, symmetrical with the northeast pavilion, solarium, and connecting corridor, to the naval hospital, Washington, D. C., \$60,000.

The amendment was agreed to.

The next amendment was, on page 44, line 9, to increase the total appropriation for public works under Bureau of Medicine and Surgery from \$125,000 to \$185,000.

The amendment was agreed to.

The next amendment was, on page 54, line 23, to reduce the total appropriation for the civil establishment, Bureau of Supplies and Accounts, from \$105,167.34 to \$103,978.34.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Construction and Repair," on page 56, line 3, after the word "exceed," to strike out "twenty" and insert "ten;" so as to make the further proviso read:

Provided further, That no part of this sum shall be applied to the repair of any other ship when the estimated cost of such repairs, to

be appraised by a competent board of naval officers, shall exceed 10 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

The amendment was agreed to.

The next amendment was, on page 56, line 9, after the word "home," to insert the following further proviso:

And provided further, That the Secretary of the Navy shall hereafter report to Congress, at the commencement of each regular session, the number of vessels and their names upon which any repairs or changes are proposed which in any case shall amount to more than \$100,000, the extent of such proposed repairs or changes, and the amounts estimated to be needed for the same in each vessel; and expenditures for such repairs or changes so limited shall be made only after appropriations in detail are provided for by Congress.

The amendment was agreed to,

The next amendment was, on page 57, line 22, after the word "plant," to strike out "naval station" and insert "navy-yard:" so as to make the clause read:

Construction plant, navy-yard, Charleston, S. C.: Repairs to, improvement of, plant at naval station, Charleston, S. C., \$20,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Steam Engineering," on page 63, line 10, before the word "Charleston," to strike out "naval station" and insert "navyyard;" so as to make the clause read:

Navy-yard, Charleston, S. C.: One clerk to department, \$1,200.

The amendment was agreed to.

The next amendment was, under the subhead "Naval Academy," on page 65, line 17, after the word "each," to insert "one bandmaster, at \$1,200; twenty-one first-class musicians, at \$420 each; seven second-class musicians, at \$360 each;" so as to

Three seamen in the department of seamanship, at \$397.50; twenty attendants at recitation rooms, library, store, chapel, armory, gymnasium, and offices, at \$300 each; one bandmaster, at \$1,200; twenty-one first-class musicians, at \$420 each; seven second-class musicians, at \$360 each.

The amendment was agreed to.

The next amendment was, on page 66, line 18, to increase the total appropriation for pay of professors, and others, Naval Academy, from \$120,868.26 to \$133,408.26.

The amendment was agreed to.

The next amendment was, on page 69, line 9, to increase the total appropriation for the maintenance of the Naval Academy, from \$428,188.36 to \$440,728.36.

The amendment was agreed to.

The next amendment was, under the subhead "Marine Corps," on page 69, line 18, before the word "brigadier-generals," to strike out "six" and insert "seven;" and in line 19, before the word "colonels," to strike out "three" and insert "two;" so as to make the clause read:

For pay of officers prescribed by law, on the retired list: For one major-general, seven brigadier-generals, two colonels, seven lieutenant-colonels, five majors, six captains, seven first lieutenants, and four second lieutenants, and for officers who may be placed thereon during the year, including such increased pay as is now or may hereafter be provided for retired officers regularly assigned to active duty, \$115,000.

The amendment was agreed to.

The next amendment was, on page 71, line 17, before the word "assistant," to strike out "the" and insert "each;" so as to make the clause read:

In the office of each assistant paymaster: One clerk, at \$1,400.

The amendment was agreed to.

The next amendment was, on page 72, line 14, to increase the total appropriation for pay of civil force from \$28,911.28 to \$30,311.28.

The amendment was agreed to.

The next amendment was, on page 72, line 23, to increase the total appropriation for pay of the Marine Corps from \$2,864,298.46 to \$2,843,998.46.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, on page 73, line 12, before the word

"dollars," to strike out "six hundred and thirteen thousand five
hundred and three" and insert "five hundred and forty-eight
thousand five hundred and three; "so as to read:

Provisions, Marine Corps: For noncommissioned officers, musicians, and privates serving ashore, for subsistence of enlisted men when traveling on duty, or cash in lieu thereof, for commutation of rations to enlisted men regularly detailed as clerks and messengers, for payment of board and lodging of recruiting parties, transportation of provisions, and the employment of necessary labor connected therewith, and for ice for preservation of rations, \$548,503; and no law shall be construed to entitle marines on shore duty to any rations, or commutation thereof, other than such as now are or may hereafter be allowed to enlisted men in the Army.

The amendment was agreed to.

The next amendment was, on page 73, line 24, before the word "dollars," to strike out "six hundred and fifty-five thousand"

and insert "six hundred thousand nine hundred and twenty;" so as to make the clause read:

Clothing, Marine Corps: For noncommissioned officers, musicians, and privates authorized by law, \$600,920.

The amendment was agreed to.

The next amendment was, on page 75, line 1, to increase the appropriation for the purchase of military stores, Marine Corps, from \$225,000 to \$225,782:

The amendment was agreed to.
The next amendment was, on page 75, line 6, to increase the appropriation for transportation and recruiting, Marine Corps, from \$180,000 to \$186,000.

The amendment was agreed to.

The next amendment was, on page 75, line 23, to increase the appropriation for repairs of barracks, Marine Corps, from \$70,000 to \$78,836.

The amendment was agreed to.

The next amendment was, on page 76, line 14, to increase the appropriation for hire of quarters, Marine Corps, from \$40,000 to \$51.548.

The amendment was agreed to.

The next amendment was, on page 77, line 25, to increase the appropriation for contingent expenses, Marine Corps, from \$266,000 to \$280,800.

The amendment was agreed to.

The next amendment was, on page 78, line 3, to reduce the total appropriation under quartermaster, Marine Corps, from \$2,142,923 to \$2,070,089.

The amendment was agreed to.

The next amendment was, on page 78, line 7, to reduce the total appropriation for the maintenance of the Marine Corps from \$5,007,221.46 to \$4,914,087.46.

The amendment was agreed to.

The next amendment was, under the subhead "Increase of the Navy," on page 80, line 17, before the word "submarine," to insert "subsurface or;" and in line 25, after the word "expended," to insert "no part of this appropriation to be expended for any boat that does not in such test prove to be equal in all respects to the best boat now owned by the United States or under contract therefor, and no penalties under this limitation shall be imposed by reason of any delay in the delivery of said boat due to the submission or participation in the comparative trials aforesaid;" so as to make the clause read:

That the provision in the naval appropriation act approved June 29, 1906, authorizing the Secretary of the Navy to contract for subsurface or submarine boats after certain tests to be completed by March 29, 1907, is hereby amended, in accordance with the recommendation of the Secretary of the Navy, so as to extend the test period until May 29, 1907; and the limit of cost provided for in the authorization aforesaid is hereby increased to \$3,000,000, and the sum of \$1,000,000, which includes the half million dollars heretofore appropriated, is hereby appropriated, and to remain available until expended, no part of this appropriation to be expended for any boat that does not in such test prove to be equal in all respects to the best boat now owned by the United States or under contract therefor, and no penalties under this limitation shall be imposed by reason of any delay in the delivery of said boat due to the submission or participation in the comparative trials aforesaid.

The amendment was agreed to.

Mr. HALE. On page 81, line 1, after the word "equal," I move to strike out the words "in all respects."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 81, line 12, to increase the appropriation for armor and armament from \$9,000,000 to \$12,000,000.

The amendment was agreed to.

The next amendment was, on page 81, line 17, to increase the total appropriation for the increase of the Navy from \$22,713,-915 to \$25,713,915.

The reading of the bill was concluded.

Mr. STONE. Mr. President, I desire to ask the Senator from Maine one or two questions. Can the Senator tell me how much the bill appropriates for enlarging the powder plant at Indian Head? I have not been able to find that clause in running through the bill.

Mr. HALE. The Senator refers to the establishment at Indian Head?

Mr. STONE. I understood that there was an appropriation to enlarge the plant and to increase its capacity. I understood also that there was an additional appropriation for the new plant provided for by the \$165,000 which was appropriated at the

last session on the naval bill.

Mr. HALE. The only appropriation here in the bill, M
President, for the proving grounds at Indian Head is \$34,130.

Mr. STONE. Thirty-four thousand one hundred and thirty dollars?

Mr. HALE.

Mr. STONE. Can the Senator from Maine tell me how much, if anything, is added to the \$165,000 appropriated last year?
Mr. HALE. Just this amount of \$34,130.
Mr. STONE. That is for Indian Head?

Mr. HALE. Yes.

Mr. STONE. But last year the Senator will remember there was \$165,000 appropriated for a new powder plant. Has that amount been increased by this bill?

Mr. HALE. No; the only provision for the proving grounds at Indian Head is the item of \$34,130.

Mr. STONE. Is that the entire increase for powder manufac-

turing

Mr. HALE. That is the appropriation for proving grounds.
Mr. STONE. Mr. President, I had intended to say something upon the subject of powder manufacturing, but the occasion is hardly opportune for it. I am not going to detain the Senate with a useless discussion. I do want to say just a word or two, however.

I asked for information from the clerk of the Committee on Naval Affairs this afternoon as to the amount of powder purchased and consumed by the Navy and by the Army annually. I made like inquiries of the departmental officials. The information I have is that during the last year 2,025,000 pounds were purchased for the Navy and 1,034,624 pounds were manufac-tured at Indian Head and Newport for the Navy. The same year the War Department consumed 1,334,495 pounds of cannon powder, and, in addition, contracted for 342,500 pounds of smallarms powder. This makes a total of about 1,700,000 pounds for the Army, or about 5,000,000 pounds, all told, for the military

Mr. President, it is in proof in the hearings had before the Committee on Naval Affairs that the Government can manufacture this powder for from one-half to one-third less than it costs to buy it. There is an enormous expenditure, amounting to many millions of dollars, for this munition. It is costing the Government about 75 cents a pound. It can be made for little, if any, more than half that amount.

I had intended to say something upon the general subject, but I shall not do it now. However, Mr. President, I ask leave to insert in the Record without reading, for the information of the Senate and use hereafter, some letters that have been sent to me by powder manufacturers in Kansas City, Mo., Peoria, Ill., and York, Pa.; and so I leave the matter for the present.

The VICE-PRESIDENT. Without objection, permission is granted to insert the letters referred to.

The letters referred to are as follows:

EXCELSIOR POWDER MANUFACTURING COMPANY, 616-618 GUMBEL BUILDING, Kansas City, Mo., January 12, 1907.

Hon. WM. J. Stone, United States Senator, State of Missouri, Washington, D. C.

United States Senator, State of Missouri, Washington, D. C.

DEAR SIR: No doubt your attention has been called to the operations of the "Du Pont powder trust" with the United States Government and their methods of strangling the competition of independent manufacturers of black powder and dynamite throughout the country, all of which is absolutely true.

The writer has been employed by the black-powder interests of this country for the past twenty-six years, during which time he served the Laflin & Rand Powder Company, Hazard Powder Company, and Phoenix Powder Manufacturing Company, all of which have been swallowed up by this "octopus."

In the fall of 1903 myself and others severed our relations with the "Dupont powder interest" and organized the Excelsion Powder Manufacturing Company, an independent company, for the purpose of manufacturing black powder and other explosives, etc. We came to Kansas City, and after looking over the shipping facilities, etc., reached the conclusion that this was the most logical point in the West to locate our mills.

City, and after looking over the shipping facilities, etc., reached the conclusion that this was the most logical point in the West to locate our mills.

We finally found a desirable location at Holmes Park, Jackson County, Mo., just south of this city, or as close as we could locate a plant of this kind to a large growing city.

We have there to-day one of the largest and most modern equipped mills in the West, representing an investment of several hundred thousand dollars. We have been in operation one and one-half years and find that we made no mistake as to location or the amount of business done from this city.

The construction work was scarcely well under way on this plant when the agent of the Du Pont Company at this city notified the trade of a new schedule of prices on powder and dynamite.

To give you an illustration of their methods will say that prior to commencing the erection of our plant the price on blasting powder in carload lots at Kansas City was \$1.45 per keg, and on less than carload lots, \$1.60. As soon as the construction of our plant was well under way, they reduced the price to \$1.20 per keg on carload lots and \$1.35 on less than carload lots at Kansas City, then when we finished construction and got our plant in operation a further reduction was made, a price of from 90 cents to \$1 per keg on carload lots and \$1.10 to \$1.25 per keg on less than carload lots being named to the trade, and these reductions were being made on a constant advancing market on goods which enter into the manufacture of powder, all of which was done for the purpose of ruining us right from the start, they being desirous of keeping us from getting a foothold. Even in the face of this unfair competition we succeeded in securing some of the largest toal and coke companies and others whom we know favored us out of sympathy for the honest fight

we were making against the "powder trust" in this field where it had dominated so long.

About the time that we were negotiating for this business the Du Pont's present representative at Pittsburg, Kans., made the statement down there that it was foolish and preposterous for our company to come in and expect to get any of the trade in that field which they had enjoyed for the past eighteen years.

He said they had two mills in that field, one at Columbus and the other at Pittsburg, Kans., from which they could afford to sell blasting powder below cost in order to keep out competition, because they made a sufficient profit on their Government smokeless powder end of the business to permit them to do this for years, and then when we and other independent companies quit that the buyers would have to come back to them.

This will give you a fair idea of what we have to contend with in business out here, which, no doubt, applies elsewhere.

Suffice it to say that a number of your constituents in Kansas City, Mr. Bernard Corrigan, Mr. William Kenefick, Mr. Samuel N. Lee, and a number of others in St. Louis, are interested in the welfare of this company, therefore we will thank you in advance, as well as your colleagues in the honorable body of which you are a member, to give the question of appropriating a sufficient sum for the erection of three Government smokeless powder plants, as has been suggested to the Senate and Congress of the United States, your most heartly support. We will thank you to keep us posted from time to time as this matter progresses.

Yours, respectfully.

progresses. Yours, respectfully,

EXCELSION POWDER MFG. Co., By T. P. GORMAN, President.

BUCKEYE POWDER COMPANY, Peorla, Ill., February 5, 1907.

Senator WM. J. STONE, Washington, D. C.

Senator WM. J. Stone,

Washington, D. C.

Dear Sir: \* \* \* The business methods of this Du Pont trust are more despicable than anyone that has received public censure; it maintains a system of spies at the mills of all competitors, several of whom have been more than suspicioned of injuring property and of causing explosions with loss of life and property; it hires the railroad agents to furnish it lists of the shipments from independent mills and with a system of mischief makers precedes arrival of these shipments with threats that if such purchases are not stopped this "trust" will refuse to sell such buyers other lines of goods not handled by independent manufacturers; it hires employees at independent mills to betray their principals; it pays hundreds of coal miners in Illinois, Iowa, and Indiana large sums of money on condition that they will refuse to use powder made at independent mills and compel the coal operators to buy "trust" brands, so that scores of operators who are stockholders in independent powder companies can not use their powder in their own mines by reason of these grafting and unlawful practices of the Du Pont trust.

This Du Pont monopoly maintains a department for the dissemination of false and malicious reports, injuring the credit and quality of the goods of competitors, and uses constantly the most disreputable and unlawful means to restrain and destroy the business of others and create a more exclusive monopoly for itself.

It sells mining powder in the territory reached by competitors at less than cost and uses the enormous profits derived from its Government graft to supply the funds to enable it to destroy its competitors. It is only a question of time when there can be no competition if these conditions prevail.

BUCKEYE POWDER COMPANY, Peoria, Ill., February 11, 1907.

Senator WM. J. STONE, United States Senate, Washington, D. C.

DEAR SIR: Your favor 9th instant, per Mr. Hollister, secretary, is received.

The domestic prices made by the powder trust on black powder are as follows:

Rifle powder, kegs, 25 pounds\_\_\_\_\_\_\_Rifle powder, half kegs\_\_\_\_\_\_\_Rifle powder, quarter kegs\_\_\_\_\_\_ \$4.50 2.50 1.50

Rifle powder, half kegs 1.50
Rifle powder, quarter kegs 1.50
Rifle powder, quarter kegs 1.50
For export they allow a discount of 10 per cent from the above prices and 1 per cent brokerage at New York.

Blasting powder, the domestic and export prices from New York is the same, \$1.25 per keg; no discount.

New York City, as well as all other export markets, is noncompetitive—that is, the independent companies can not afford to maintain agencies in those cities because of the expense of handling powder in the harbors. The independent companies do not manufacture rifle powder, as the "trust" has a complete monopoly of this grade.

The ammunition trust, composed of Winchester Cartridge Company, Peters Cartridge Company, Western Cartridge Company, and Austin Cartridge Company, refused to load any powder excepting the brands made by the powder trust, and as nearly all the rifle and sporting powders used in the country are loaded into shells by these ammunition companies, independent manufacturers are shut out of the trade. This is under an agreement between the ammunition trust and the powder trust.

There is so little of the blasting powder exported that it does not pay the independent manufacturers to compete in export markets. The trust therefore sells blasting powder in noncompetitive markets at \$1.25 per keg, and in competitive fields, where independent mills are located—say, in Missouri, Kansas, Illinois, Indiana, West Virginia, and Pennsylvania—the trust cuts the price of blasting powder to 90 cents per keg to destroy competitors. It relies on its profits of two and one-half millions on Government smokeless, secured to it by patents and its exclusive monopoly, to furnish the funds that enable it to sell blasting powder in competitive fields against independent manufacturers at a loss.

The protective tariff on rifle powder is 4 cents per pound, or \$1 per keg of 25 pounds. The same on blasting powder. With a protective tariff of \$1 per keg on blasting powder that, the trust sells in Illinois and Missouri at 90 c

and sold it in competition with the powder trust at 90 cents? He would not only donate the powder, but would have to give away 30 cents per keg in cash for the privilege of doing so.

There is, however, better protection for the powder trust than the tariff. An international agreement entered into between the powder trust of this country and the powder and dynamite trusts of Europe divides the markets of the world and excludes all foreign powder and dynamite from the United States. Under this agreement foreign companies forfeit a fine of \$1.50 per keg for all powder of their brand sold in this country, and the Americans pay the same fine on any of their powder sold abroad. The trade of the United States, Central America, and the Isthmus is ceded to the Du Pont monopoly; the trade of South America is pooled; Canada is reserved for the Hamilton Powder Company, of Canada, which can not sell or deliver in the United States. The prices are fixed for the entire world by the "international combination." It is for this reason that the explosives used on the Panama Canal are all furnished by the Du Pont monopoly at its own prices.

The graft of this great monopoly on the United States Government is worth at least \$5,000,000 per year on its dynamite, smokeless powder, and other articles supplied the Government.

If an investigation of this powder trust were ordered by the Senate and independent manufacturers were used as witnesses, it would surprise the country to know the extent and richness of the powder graft. Very little of it has been covered in our complaints to Congress, because we have only touched upon the smokeless ordnance powder for the Army and Navy.

You can form little conception of the extent to which the Du Pont trust bleeds the National Government.

Truly, yours,

R. S. WADDELL.

ROCKDALE POWDER COMPANY, GENERAL OFFICE, York, Pa., February 12, 1907.

Hon. WILLIAM STONE, Washington, D. C.

Washington, D. C.

My Dear Sir: Your attention has no doubt been directed to a matter relating to the manufacture of ordnance smokeless powder that should receive the support of every United States Senator during the present session of Congress.

I presume the matter to which I refer, namely, to have the Government of the United States own and control its own ordnance smokeless-powder plants, has been placed before you in an intelligible manner, as Mr. R. S. Waddell, Peoria, Ill., I believe, forwarded printed matter to every Senator and Representative in Washington.

I will therefore not take up your time now, but will be as brief as possible.

Twill therefore not take up your time now, but will be as brief as possible.

The Du Pont monopoly not only controls the ordnance smokeless-powder situation, but are violators of the Sherman Act, and should be dissolved.

dissolved.

This case has been in the hands of the Attorney-General for a sufficient length of time to enable him to take some decisive action, and I hope that you will, on behalf of the American people whom you represent (which includes the "independent" powder and dynamite manufacturers of this country), prevent this monopoly from exacting from the taxpayers the exorbitant sums of money which they do, on account of securing the ordnance smokeless-powder contracts from the Government, as well as to prevent the annihilation of the "independents," using, as they do, these profits to forever exterminate every mother's on of us.

On every article of an explosive received.

using, as they do, these profits to forever exterminate every mother's son of us.

On every article of an explosive nature where there is any competition they have almost made it prohibitive for the "independents" to remain in business: but where they are not molested their profits range from 100 to 125 per cent, and are able to pay dividends on watered stock to the extent of at least \$45,000,000.

Mr. V. N. Roadstrum, of the Department of Justice, who has been appointed a special on this particular case, will, upon request, give you some information regarding the methods of this gigantic octopus and of their "dare-devil" way of organization that will convince you that what I have dictated in this letter is about as near the unvarnished truth as you can get it.

I also desire to refer you to Hon. D. F. Laffan, who represents this district—and a mighty good Representative he is, too—as regards myself and what I represent.

As a citizen of the United States and an "independent" powder and dynamic manufacturer I respectfully ask you to give the matters herein referred to your earnest consideration and at the proper time your support, thus relieving this country from the jeopardizing position which they would be placed in at any time if war were declared, as well as to prevent men who have tried, with all honor and sincerity, to build up a business for the support of themselves and their families from being ruined "without a struggle," using the profits from Government contracts, as this monopoly does, to carry out its plans.

Yours, very truly,

W. I. Koller, Secretary.

W. I. KOLLER, Secretary. ROCKDALE POWDER CO.

BUCKEYE POWDER COMPANY, Peoria, Ill., February 4, 1907.

Peoria, Ill., February 4, 1907.

Senator William J. Stone,
United States Senate, Washington, D. C.

Dear Sir: Herewith I hand you copy of letter I have to-day written Hon. Walter I. Smith, chairman of the subcommittee of Appropriations Committee of the House, which fully explains itself.

The vice-president of the Du Pont trust tried to evade the force of my charges. There was just enough truth in his statements to evade a general denial from us. He avoided a specific denial of our charges.

Truly, yours,

R. S. Waddell.

R. S. WADDELL.

FEBRUARY 4, 1907.

Hon. Walter I. Smith,
Appropriations Committee,
House of Representatives, Washington, D. C.

Dear Sir: I note by the press that Mr. J. A. Haskell, vice-president of the Du Pont Company, at a hearing before your committee stated that Du Pont Company does not manufacture under the Bernadou-Converse patents; that he stated:
"The Du Pont, Laflin & Rand and California companies made smokeless for the Government under formulas not covered by these patents, to which manufacture no objection was made." That—
"When the International Smokeless Powder Company was purchased by the Du Pont Company, in 1903—4, these patents became the property

of the Du Ponts and that all the companies in the 'trust' have continued to furnish powder to the Government, but the patents were not used in the manufacture."

He further said that—
"As the patents were matters of public record, the formula could not be kept secret."

As to all this I wish to make reply.

It is true the three companies made powder for the Government under the Munroe patent, which the Government owned. This was because the International did not have sufficient capacity to supply the Government more than 6,000 pounds Gaily. The powder the Du Pont and other companies made was not as good as that produced by International. If it had been so, it was wholly unnecessary for the Du Pont trust to purchase the International and take over these patents at a valuation of more than \$9,000,000, because the International did not manufacture any kind of powder except ordnance smokeless.

ternational did not manufacture any kind of powder except ordnance smokeless.

A young man has been with me nearly a year. His brother is the foreman of the Du Pont Smokeless Works ever since it was built in 1893. The man who is with me has worked in the experimental laboratory and understands the chemistry of the smokeless powder. He assisted in building the Du Pont plant and worked in every department up to last May. I have samples of all the powders made at the Du Pont, Laflin & Rand, and International works. We know accurately about all the powder they have made. I also have the specifications of the Navy Department for the smokeless ordnance powder, which you can easily obtain by calling on the Ordnance Bureau of the Navy Department. These specifications determine the kind of powder made at International, Du Pont, Laflin & Rand, and California. They refute the statements of Mr. Haskel.

The Navy Department always gave the preference to the International Company, because the Munroe patents covered a nitro-benzine colloid which is not as good as the alcohol-ether colloid.

It is true that the Du Pont trust, which owned the California and Laflin & Rand, has such a graft with the Navy Department—and the latter had the power to turn down the International if it desired—that the Du Pont companies did manufacture this alcohol-ether colloid, covered by the Bernadou-Converse patents, without any right to do so, and the International was compelled to submit or be squeezed out. That was one of the means for forcing the sale of International to the "trust."

Mr. Haskel did not deny that since the purchase of International the

"trust."

Mr. Haskel did not deny that since the purchase of International to the "trust."

Mr. Haskel did not deny that since the purchase of International the Du Pont trust has an absolute and exclusive monopoly, besides a very strong graft with the Navy Department, which precludes all possible competition by other private manufacturers. This confirms all that I have stated.

Regarding the publication of patents:

They do not disclose the details of manufacture; and if they did, it would be of no value to other manufacturers, at home or abroad, in supplying this Government. The terms of the patents are very general. They govern in France, Germany, and Italy, as well as the United States. Mr. Haskel did not reply to the point I made that this identical powder used in United States Navy guns was taken to France, Germany, and Italy, fired in foreign guns, where the pressures, velocities, and all details were taken by the chronograph, and by which foreign admiralties were able to make comparison by actual test of American powder in their guns as against their own powder.

Nor did Mr. Haskel deny that the Du Ponts were now building a plant for the manufacture of this American powder, covered by patents which should be the property of the United States Government, for the Brazilian nation.

This not only gives away the formula, but furnishes the goods, developed at the expense of the American people, to a foreign government to enrich this Du Pont monopoly.

Truly, yours,

R. S. WADDELL.

Truly, your R. S. WADDELL.

Mr. CARMACK. Mr. President, I offer the amendment which send to the desk.

The VICE-PRESIDENT. The amendment will be stated. The Secretary. On page 33, after the word "Washington," in line 5, it is proposed to insert:

For addition to brass, iron, and steel foundry, \$100,000.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Tennessee.

Mr. HALE. I make a point of order that the amendment proposes an additional appropriation which is not estimated for.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. CARMACK. What is the point of order, Mr. President? The VICE-PRESIDENT. That the amendment proposed an appropriation which is not estimated for.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE. I ask unanimous consent that the unfinished business may be further temporarily laid aside, and that the Senate proceed to the consideration of the river and harbor appropriation bill

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the unfinished business be further temporarily laid aside, and that the Senate proceed to the consideration of the river and harbor appropriation bill. Is there

objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 24991) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; which had been reported from the Committee on Commerce with amendments.

Mr. FRYE. I ask that the first formal reading of the bill may be dispensed with, that the bill may be read for amendment, and that the amendments of the committee may first receive consideration.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so

The first amendment of the Committee on Commerce was, on page 2, after line 3, to insert:

Improving Sasanoa River, Maine: Completing improvement in accordance with project submitted in the report of the Board of Engineers to the Senate Committee on Commerce, dated February 7, 1907, \$44,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 2, after line 23, to insert: Constructing breakwater from Mount Desert to Porcupine Island, Bar Harbor, Me.: Continuing improvement, \$30,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 2, to insert:

Improving harbor at Sullivan Falls, Me.: Continuing improvement, \$10,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 21, to insert:

Improving harbor at Newburyport, Mass.: Continuing improvement,

The amendment was agreed to.

The next amendment was, on page 4, after line 12, to insert:

Improving harbor at Hingham, Mass., by redredging the channel, \$10,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 4, to insert:

Improving Connecticut River between Hartford, Conn., and Holyoke, Mass.: For surveys, preparation of plans and preliminary work in connection with securing easements and releases as recommended by the Board of Engineers in report submitted in House Document No. 323, Fifty-ninth Congress, second session, \$5,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for improving Point Judith harbor of refuge, Rhode Island, on page 7, line 8, before the word "thousand," to strike out "fifty-six" and insert "one hundred and forty-five;" and in line 14, after the word "same," to insert "and also what further improvements, if any, should be made therein;" so as to make the proviso read :

Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the said easterly or shore arm of said breakwater, to be paid for from time to time as appropriations may be made by law, not to exceed in the aggregate \$145,000, exclusive of the amounts herein and heretofore appropriated, and the Secretary of War may cause an examination to be made with a view to determining whether a breakwater on the westerly side of said harbor of refuge is necessary to prevent sand movements, or for the protection of the sheltered area within the same, and also what further improvements, if any, should be made therein. same, a

Mr. FRYE. There is a mistake in that amendment, in lines and 8. The amount should be \$170,000 instead of \$145,000. I move that amendment to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 7, line 19, after the word "dredging," to insert "or otherwise;" so as to make the clause

Improving the entrance to Point Judith Pond, Rhode Island: Continuing improvement and for maintenance, \$8,000, which amount shall be expended for dredging or otherwise.

The amendment was agreed to.

The next amendment was, at the top of page 8, to insert:

Improving Sakonnet Harbor, Rhode Island: Completing improvement by removal of rock No. 1, in accordance with the report submitted in House Document No. 99, Fifty-sixth Congress, second session, \$10,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 14, to insert:

Improving Providence River and harbor, by deepening the area from the main ship channel to the harbor line, between Wilkesbarre Pier and Kettle Point, to a depth of 25 feet, mean low water, in accordance with the greater project reported in House of Representatives Document No. 108, first session Fifty-sixth Congress, \$117,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 22, to strike

Improving Bay Ridge and Red Hook channels in the harbor of New York: The Secretary of War is authorized, in his discretion, to prosecute the improvement in said channels, with a view to obtaining, first, a depth of 35 feet, and subsequently increasing said depth to the full depth allowed in the adopted project, as the available depth in the entrance channel to said harbor shall require.

The amendment was agreed to.

The next amendment was, on page 15, after line 23, to insert: Improving Hudson River, New York, by extending the 12-foot project from below the Troy dam through this dam and to the barge canal

entrance at Waterford in accordance with the report submitted in House Document No. 539, Fifty-ninth Congress, second session, \$200,000: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$924,100, exclusive of the sums herein or heretofore authorized.

The amendment was agreed to.

The next amendment was, on page 16, line 22, after the words "Schodack Creek," to insert "and \$50,000, or as much thereof as may be necessary, may be expended in extending the 12-foot channel eastward to the bulkhead line and the modified bulkhead line in the city of Troy, as proposed by Col. J. W. Barlow in 1901;" so as to make the clause read:

Improving Hudson River, New York: Continuing improvement and for maintenance, \$250,000, of which \$5,000 may be expended in removing the bar and deepening the channel at the mouth of Schodack Creek, and \$50,000, or as much thereof as may be necessary, may be expended in extending the 12-foot channel eastward to the bulkhead line and the modified bulkhead line in the city of Troy, as proposed by Col. J. W. Barlow in 1901.

The amendment was agreed to.

The next amendment was, on page 19, after line 6, to insert:

Improving channel north of Shooters Island, between New York and New Jersey, being an extension of an existing project for the improvement of Arthur Kill or Staten Island Sound from Kill van Kull to Raritan Bay in accordance with the report and recommendation submitted in House Document No. 337, Fifty-ninth Congress, second session, \$100,000: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the project, to be paid for as appropriations may, from time to time, be made by law, not to exceed in the aggregate \$180,115, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 21, after line 20, to insert:

Improving Maurice River, New Jersey, in accordance with the report submitted in House Document No. 664, Fifty-ninth Congress, first session, \$161,200.

The amendment was agreed to.

The next amendment was agreed to:
The next amendment was, on page 26, line 18, after the word
"branches," to insert "and the western branch channel;" and
in line 23, before the word "thousand," to strike out "two hundred and eighty-two" and insert "three hundred and fifty-two;" so as to read:

Improving Norfolk Harbor, Virginia, and its approaches, from deep water in Hampton Roads to the junction of the eastern and southern branches, and the western branch channel, in accordance with House Documents Nos. 373 and 381, Fifty-ninth Congress, first session, including the removal of shoals at the mouth of the eastern branch, \$352,000: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute such project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$850,000, exclusive of the amounts herein appropriated.

The amendment was agreed to.

The next amendment was, on page 28, line 5, to increase the appropriation for continuing the improvement and the maintenance of James River, Virginia, from \$175,000 to \$200,000.

The amendment was agreed to.

The next amendment was, on page 28, line 17, before the word "session," to strike out "second" and insert "first;" so as to make the clause read:

Improving Blackwater River, Virginia: Completing improvement in accordance with the report submitted in House Document No. 177, Fifty-ninth Congress, first session, and for maintenance, \$8,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 18, to insert:

Improving Big Sandy River and Levisa and Tug forks, West Virginia and Kentucky: Continuing improvement by the construction of Dam No. 1, Levisa Fork, and Dam No. 1, Tug Fork, \$100,000: Provided, That the Secretary of War may enter into contract or contracts for such materials and work as may be necessary for the completion of said dams, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$135,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 29, after line 4, to insert:

Improving Big Sandy River, West Virginia and Kentucky, by the construction of a steel service bridge at Lock No. 1, \$7,000.

The amendment was agreed to.

The next amendment was, on page 29, after line 23, to insert:

Improving and constructing inland waterway from Pamlico Sund to Beaufort Inlet, North Carolina, 12 feet in depth, in accordance with the report submitted in House Document No. 84, Fifty-ninth Congress, second session, \$704,875.

The amendment was agreed to.

The next amendment was, on page 32, after line 8, to insert:

Improving Cape Fear River above Wilmington, N. C.: Continuing improvement, \$200,000, to be expended in the construction of locks and dams in accordance with the project adopted by act of June 13, 1902.

The amendment was agreed to.

The next amendment was, on page 32, line 22, before the word extend," to strike out "in his discretion, may" and insert

"shall;" and in the same line, after the word "to," to insert "Morrisons Landing in;" so as to make the clause read:

Improving inland waterway between Charleston Harbor and opposite McClellanville, S. C.: Completing improvement, \$75,290; and the Secretary of War shall extend the said waterway or a branch thereof to Morrisons Landing in McClellanville.

The amendment was agreed to.

The next amendment was, at the top of page 33, to insert:

Improving Sampit River, South Carolina, from Georgetown to the head of navigation, in accordance with plan submitted in House Document No. 387, Fifty-sixth Congress, first session, \$33,500.

The amendment was agreed to.

The next amendment was, on page 35, line 14, to increase the appropriation for continuing the improvement and maintenance of the Savannah River below Augusta, Ga., from \$20,000 to \$30,000.

The amendment was agreed to.

The next amendment was, on page 35, line 16, to increase the appropriation for continuing the improvement and maintenance of the Savannah River above Augusta, Ga., from \$3,000 to

The amendment was agreed to.

The next amendment was, on page 35, line 20, to increase the appropriation for continuing the improvement and maintenance of the Altamaha, Oconee, and Ocmulgee rivers, Georgia, from \$60,000 to \$90,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 24, to insert: Constructing Club and Plantation creeks canal, Georgia, in accordance with House Document No. 159, Fifty-eighth Congress, second session, \$40,700.

The amendment was agreed to.

The next amendment was, on page 36, after line 8, to insert:

Improving the Oconee River, Georgia, between the city of Milledge-ville and the Central of Georgia Railway bridge at Oconee station, Washington County, Ga., \$5,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 10, to insert:

Improving St. Johns River, Florida, opposite the city of Jacksonville: Completing improvement by obtaining a depth of 24 feet of water at mean low tide between the channel as it now is and the pierhead lines as established by the Government in front of said city and extending from the Florida East Coast Railway bridge to Hogans Creek, in accordance with the report submitted in House Document No. 663, Fifty-ninth Congress, first session, \$371,500.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, on page 40, line 8, before the word "improvement," to strike out "Continuing" and insert "Completing;" and in line 9, before the word "dollars," to strike out "three thousand" and insert "twelve thousand two hundred and twenty-one;" so as to make the clause read:

Improving Kissimmee River, Florida: Completing improvement and for maintenance, \$12,221.

The amendment was agreed to.

The next amendment was in the item of appropriation for improving harbor at Mobile, Ala., on page 42, line 18, after the word "appropriated," to strike out the following proviso:

And provided further. That so much as may be necessary may be expended in the construction of a dredge for said harbor.

The amendment was agreed to.

The next amendment was, on page 44, after line 9, to insert: Improving and maintaining the harbors on the coast of Mississippi: For the construction of a seagoing hydraulic dredge for use in said harbors, \$200,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 13, to insert: Pearl River, between Edinburg and the Mobile, Jackson and Kansas City Railroad bridge, \$12,000.

The amendment was agreed to.

The next amendment was, on page 47, after line 6, to insert:

Improving inland waterway channel and excavating a canal from the Mermentau River, Louislana, to the Sabine River, in accordance with report submitted January 10, 1907, in House Document No. 640, Fifty-nint Congress, second session, \$189,000: Provided, That the Secretary of War may enter into a contract or contracts for such material and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed \$200,000, exclusive of the amount herein appropriated.

The amendment was agreed to.

The next amendment was at the top of page 50, to strike out:

The next amendment was at the top of page 50, to strike out: Improving Ouachita and Black rivers, Louisiana and Arkansas: Continuing improvement by the construction of lock and dam No. 2, near Catahoula Shoals, Louisiana, in accordance with the plan in House Document No. 448, Fifty-seventh Congress, first session, and for maintenance, \$140,780: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the construction of said lock and dam, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$200,000, exclusive of the amounts herein and heretofore appropriated: Provided further, That the location of said lock and dam may, in the discretion of the Secretary of War, be changed. changed.

And insert:

And insert:

Improving Ouachita and Black rivers, Louisiana and Arkansas: Continuing improvement by the construction of lock and dam No. 2, near Catahoula Shoals, Louisiana, and lock and dam No. 8, near Franklin Shoals, Arkansas, in accordance with the plan in House Document No. 448, Fifty-seventh Congress, first session, and for maintenance, \$200,780: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the construction of said locks and dams, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$360,823, exclusive of the amounts herein and heretofore appropriated: Provided further. That the location of said locks and dams may, in the discretion of the Secretary of War, be changed.

The amendment was agreed to.

The next amendment was, in the item of appropriation for improving Galveston Harbor, Texas, on page 52, line 16, after the word "methods," to insert the following further proviso:

Provided further, That none of the money hereby authorized to be expended shall be used for the purchase or building of a dredge.

The amendment was agreed to.

The next amendment was, on page 52, line 21, before the word "thousand," to strike out "one hundred and fifty" and insert "two hundred;" so as to read:

Improving Galveston channel, Texas: Continuing improvement, \$200,-

Mr. FRYE. I offer an amendment to the amendment. In line 21, after the word "improvement," I move to insert "as far west as Fifty-sixth street.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 54, after line 2, to insert:

Improving Port Bolivar, Texas, by obtaining a channel 150 feet wide and 25 feet deep, with an increased width in front of the wharf, as recommended by Capt. Edgar Jadwin, as set out in House Document No. 719, Fifty-ninth Congress, first session, completing improvement, \$50,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 20, to strike

Improving Trinity River, Texas: For maintenance, \$35,000; for construction of locks and dams, as hereinafter mentioned, \$40,000: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to construct Lock and Dam No. 4, in section 1, in accordance with the report submitted in House Document No. 409, Fifty-sixth Congress, first session, and also a lock and dam in accordance with said report at Hurricane Shoals, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate the sum of \$300,000, exclusive of the amounts herein and heretofore appropriated or authorized.

And insort:

Improving Trinity River, Texas: For maintenance, \$35,000; for construction of locks and dams, as hereinafter mentioned, \$60,000: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to construct Lock and Dam No. 4, in section 1; also Lock and Dam No. 7, in accordance with the report submitted in House Document No. 409, Fifty-sixth Congress, first session, and also a lock and dam in accordance with said report at Hurricane Shoals, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate the sum of \$445,000, exclusive of the amounts herein and heretofore appropriated or authorized.

The amendment was agreed to.

The next amendment was, on page 61, after line 17, to insert:

That the provision of the act approved March 6, 1905, "to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama," be so amended and enlarged as to include the channels and flow of said river as far westward as the line of the rallroad bridge, now owned by the Southern Railway Company, across the Tennessee River at Florence, Ala., at the foot of Muscle Shoals.

Mr. FRYE. In line 19 of the amendment the word "five" should be stricken out and the word "six" inserted, so as read 1906.

The amendment to the amendment was agreed to.

The amendment was agreed to

The next amendment was, at the top of page 65, to insert:

Improving Ohio River, Ohio and West Virginia: For building Lock and Dam No. 7 in the Ohio River, Pennsylvania, in accordance with the report of Maj. William H. Bixby, as printed in House Document No. 122, Fifty-fifth Congress, third session, \$294,800: Provided, That the Secretary of War may enter into a contract or contracts for such material and labor as may be necessary for the completion of said lock and dam, to be paid for as provisions may from time to time be made by law, to an amount not exceeding \$800,000 in excess of the amount herein or heretofore appropriated or heretofore authorized:

And provided further, That the said lock and dam will be constructed with a view to a navigable depth of 9 feet.

The amendment was agreed to.

The next amendment was, on page 67, after line 3, to strike

Improving Lock and Dam No. 26 in the Ohio River, in the States of Ohio and West Virginia, \$100,000, and the provisions of the river and harbor act approved March 3, 1905, appropriating \$135,000 in the aggregate for Locks and Dams Nos. 19 and 26 are hereby repealed, and the said amount is made available for the construction of said Lock and Dam No. 26: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary

to complete said lock and dam, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$8965,000, in addition to the amounts herein appropriated or made available: Provided, That said lock and dam shall be constructed with a view to a navigable depth of 9 feet.

And insert:

Improving Locks and Dams Nos. 19 and 26 in the Ohio River, in the States of Ohio and West Virginia, \$100,000: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the work on said locks and dams, to be pald for as appropriations may from time to time be made by law, not to exceed in the aggregate \$965,000, in addition to the amounts herein appropriated or made available: Provided, That said locks and dams shall be constructed with a view to a navigable depth of 9 feet.

The amendment was agreed to.

The next amendment was, on page 69, after line 2, to insert:

Repairing the damage to the great Miami embankment of Ohlo River east of Lawrenceburg, Ind., caused by the recent flood of the Ohlo River and tributaries, \$20,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 21, on

Mr. FRYE. I offer an amendment to be inserted after line 21 on page 74.

The Secretary. On page 74, after line 21, it is proposed to insert the following:

And it is further provided that the work of improvement shall proceed without delay by reason of conflicting or other claims of title or interests and without prejudice to any pending litigation in reference

And it is further provided that the work of improvement shall proceed without delay by reason of conflicting or other claims of title or interests and without prejudice to any pending litigation in reference thereto.

The United States shall take, and as needed use, for this project, or any project heretofore adopted by Congress for improving St. Marys River at the Falls, and for any other works in aid of commerce and the maintenance of water levels, the lands and waters north of the present St. Marys ship canal throughout its length, out to the international boundary line; and the Secretar of War shall cause to be made as When the map and survey are completed, the Attorney-General shall proceed to ascertain the owners or claimants of the premises embraced therein and shall cause to be published for the space of thirty days, in one or more daily newspapers in the city of Sault Ste. Marie, that the same has been taken for the uses mentioned in this act, and notifying all claimants to any portion of said premises to file, within its period of publication, in the Department of Justice, a description of the tract or parcel claimed and a statement of its value as estimated by the claimant. On application of the Attorney-General the presiding indige of the United States circuit our of appeals for the softer time of the control of a proper such as a proprisers, whose duty it shall be, upon receiving from the Attorney-General a description of any tract or parcel the ownership of which is claimed separately, to fairly and justly value the same and report such valuation to the Attorney-General, who thereupon shall, upon being satisfied as to the title of the same, cause to be offered to the owner or owners the amount fixed by the appraisers as the value thereof; and if the offer be accepted, then, upon the execution of a deed to the United States in form satisfactory to the Attorney-General, the Secretary of War shall pay the amount to such owner or owners from the appropriation made the provisions of this act.

The appr

The amendment was agreed to.

The next amendment was, on page 78, after line 6, to strike

Improving harbor at Duluth, Minn., and Superior, Wis.: Continuing improvement and for maintenance, including additional dredging near the draw span of the Northern Pacific Raliroad bridge, \$525,000, of which amount \$300,000 shall be expended upon the Superior entry, the plan of which the Secretary of War may modify and enlarge in accordance with the report submitted in House Document No. 82, Fifty-ninth Congress, second session, and the Secretary of War may appoint a board to make a reexamination and survey of the Duluth Harbor and

entrance thereto with a view to ascertaining the best method for improving the same, either by the extension of the existing piers, the widening of the channel, the construction of one or more breakwaters, and the enlargement of the inner basin in the interests of commerce, and in order to afford a safer entrance to said harbor in times of storm, and better protection to shipping and property within said harbor; also with a view to ascertaining the advisability of constructing a new entrance to the Duluth Harbor basin of a width suitable for the needs of commerce, not exceeding 1,000 feet, and the protection of the same by either an outer or inner breakwater, or both, such new entrance to be located southward from the present Duluth entrance and so as to cause the least practicable interference with the waters of the St. Louis River, together with the probable effect of such entrance upon the property within said harbor.

And insert:

And insert:

Improving harbor at Duluth, Minn., and Superior, Wis.: Continuing improvement and for maintenance, including additional dredging in the Duluth Harbor basin and near the draw span of the Northern Pacific Railroad bridge \$925,000, of which amount \$300,000 shall be expended upon the Superior Entry, the plan of which the Secretary of War may modify and enlarge in accordance with the report submitted in House Document No. 82, Flity-ninth Congress, second session, and of which amount \$400,000 shall be expended upon the construction of a break-water at the outer entrance to the ship canal at Duluth Harbor, Minn., of the type described as "C" and "B" in the report submitted in House Document No. 82, Flity-ninth Congress, second session, and indicated on map No. 1 accompanying the same.

The amendment was agreed to.

The next amendment was, on page 80, line 15, to increase the appropriation for continuing the improvement and maintenance of the Chicago River, Illinois, from \$200,000 to \$400,000.

The amendment was agreed to.

The next amendment was, on page 80, line 23, after the word "law," to insert "not to exceed;" so as to make the clause read:

Improving Calumet River, Illinois and Indiana: Completing improvement and for maintenance, \$191,500: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$170,000, exclusive of the amounts herein or heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 81, after line 11, to insert: Improving Illinois River, Illinois, from Copperas Creek to La Salle, by dredging and other improvement \$50,000.

The amendment was agreed to.

The next amendment was, under the subhead "Fox River, Illinois," on page 84, after line 22, to strike out:

Illinois," on page 84, after line 22, to strike out:

Improving the Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River: Continuing Improvement, \$250,000: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$750,000, exclusive of the amounts herein and heretofore appropriated: Provided further, That the authorized sum last named shall be used in prosecuting the improvement for not less than three years, beginning July 1, 1908, the work thus done each year to cost approximately \$250,000: And provided further, That the sums herein appropriated and authorized shall be expended in the operation and maintenance of the dredging plant already constructed and authorized for the improvement, and in temporary expedients of channel regulation connected with such operation, and in the maintenance and repair of the permanent works already constructed, except that such portion of the authorized annual expenditure as shall not be necessary for the accomplishment of the above-named purposes may be expended in the construction of permanent works of channel regulation.

And insert:

And insert:

And insert:

Improving the Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River: Continuing improvement, \$650,000: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$1,850,000, exclusive of the amounts herein and heretofore appropriated: Provided further, That the authorized sum last named shall be used in prosecuting the improvement for not less than three years beginning July 1, 1908, the work thus done each year to cost approximately \$650,000: And provided further. That the sums herein appropriated and authorized shall be expended in the operation and maintenance of the dredging plant already constructed and authorized for the improvement in permanent channel regulation and in the maintenance and repair of the permanent works already constructed and in the further improvement of the river in accordance with the plans of the Engineering Corps of the War Department of 1881.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 86, line 25, after the word report," to insert "to Congress;" so as to read:

The Secretary of War may appoint a board of five members, to be composed of three members of the Mississippi River Commission, one of whom shall be the president of such commission, and two engineer officers of the United States Army, to examine the Mississippi River below St. Louis and report to Congress.

The amendment was agreed to.

The next amendment was, on page 87, line 23, after the word examination," to strike out the period and insert a semicolon, and to insert:

And said board shall also, at the earliest date practicable, report upon the following:

First. What depth of channel is it practicable to produce between St. Louis and Cairo at low water by means of regulation works?

Second. What depth will obtain in such regulated channel at the average stage of water for the year?

Third. For what average number of days annually will 14 feet of water obtain in such regulated channel?

Fourth. What increase of depth will be obtained over the natural flow of water in such regulated channel by an added volume of 10,000 cubic feet per second; also 14,000 cubic feet per second?

Fifth. And the board shall consider further the practicability of producing at all seasons of the year a depth of 14 feet in such regulated channel by the aid of locks and dams similar to those projected and in use on the Ohio River improvement.

So as to read:

In its report the board shall cover the probable cost of such improvement, \* \* \* and said board shall also at the earliest date practicable report upon the following, etc.

The amendment was agreed to.

The next amendment was, on page 89, line 5, after the word "dollars," to strike out "and the Secretary of War is authorized, in his discretion, to prosecute this work in accordance with the report submitted in House Document No. 341, Fiftyninth Congress, second session, by methods looking toward an increase in depth" and insert "and the Secretary of Wac is authorized and directed to prosecute this work in accordance with the report submitted in House Document No. 341, Fiftyninth Congress, second session, for the purpose of securing and maintaining a depth of channel of 6 feet at low-water mark;" so as to make the further proviso read:

Provided further, That the authorized sum last named shall be used in prosecuting the improvement for not less than three years beginning July 1, 1908, the work thus done each year to cost approximately \$500,000; and the Secretary of War is authorized and directed to prosecute this work in accordance with the report submitted in House Document No. 341, Fifty-ninth Congress, second session, for the purpose of securing and maintaining a depth of channel of 6 feet at low-water mark.

The amendment was agreed to.

The next amendment was, on page 89, after line 23, to strike out "Improving reservoirs at headwaters of the Mississippi River, in the State of Minnesota: Continuing improvements, \$145,000" and insert "For reconstruction of Sandy Lake reservoir dam, Minnesota, without a lock for steamboats, \$75,000."

The amendment was agreed to.

The next amendment was, on page 90, after line 4, to insert: For the construction of low reservoir dam at Gull Lake, Minnesota (project No. 1), and ditches between Gull Lake and Round Lake, and between Round Lake and Long Lake, Minnesota, \$70,000.

The amendment was agreed to.

The next amendment was, on page 90, line 9, after the word "four," to strike out "further construction or rehabilitation of reservoirs" and to insert "the construction of said Gull Lake dam and reservoir;" so as to make the proviso read:

Provided, That the land required for the construction of said Gull Lake dam and reservoir, together with any flowage rights which may be necessary, shall be ceded to the United States without charge.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 90, line 25, before the word "hundred," to strike out "three" and insert "four;" on page 91, line 3, before the word "thousand," to insert "and fifty;" in line 4, before the word "thousand," to strike out "fifty" and insert "one hundred;" in line 5, after the words "Fort Benton," to insert "one-half of which last amount shall be expended north of the forty-sixth parallel;" so as to read:

Improving Missouri River from the mouth to Fort Benton: For maintenance, \$400,000, of which amount \$150,000 may be expended between the mouth and Kansas City, \$150,000 between Kansas City and Sloux City, and \$100,000 between Sioux City and Fort Benton, one-half of which last amount shall be expended north of the forty-sixth parallel.

The amendment was agreed to.

The next amendment was, on page 91, line 12, after the word "navigation," to insert the following further proviso:

Provided further, That the Secretary of War shall, as soon as practicable, cause a survey to be made to determine the necessity of continuing the improvement of the Missouri River at St. Joseph, Mo., to prevent a diversion of the waters of said river through Lake Contrary and other contiguous lakes, and to determine the effect of such diversion, with an estimate of the cost of the improvement,

The amendment was agreed to.

The next amendment was, on page 91, after line 19, to insert:

For building dams and constructing reservoirs at Lake Kampeska, Lake Poinsett, and on the Sloux River, in South Dakota, to control the flow of sald stream and impound the flood waters to secure permanent stage of water in the Missouri River, \$52,500.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, on page 96, line 7, before the word

"for," to strike out "dredge" and insert "dredges;" in line 8,
after the word "of," to strike out "a dredge" and insert "two
dredges;" and in line 11, before the word "hundred," to strike
out "one" and insert "two;" so as to make the clause read;

Construction of dredges for Oregon and Washington: For the construction of two dredges, to be used in the harbors and coast waters of Oregon and Washington and to be operated and maintained out of funds available for such harbors and coast waters, \$200,000.

The amendment was agreed to.

The next amendment was, on page 98, line 19, after the word "wide," to insert "at the bottom;" in line 20, after the words "Puget Sound," to insert "at the mouth of Salmon Bay;" and in line 24, after the words "Secretary of War," to insert "and the plans and order of work to be subject to his approval before beginning;" so as to make the clause read:

And the provisions of the act approved June 11, 1906, authorizing James A. Moore, or his assigns, to construct a canal, with suitable timber lock, are hereby so modified as to permit the said James A. Moore, or his assigns, subject to the conditions and stipulations of the act, to excavate a channel 75 feet wide at the bottom and 25 feet deep at mean low water from deep water in Puget Sound at the mouth of Salmon Bay to deep water in Lake Washington, in lieu of constructing the canal and timber lock specified in the said act, the location of the said channel and work of excavation to be subject to the direction of the Secretary of War, and the plans and order of work to be subject to his approval before beginning and when completed and accepted by the Secretary of War, the channel to be and remain a free public waterway of the United States.

The amendment was agreed to.

The next amendment was, on page 99, line 11, to increase the appropriation for improving the Cowlitz and Lewis rivers, including the North Fork of the Lewis River, State of Washington, from \$5,000 to \$15,000.

The amendment was agreed to.

The next amendment was, in section 2, page 105, line 14, before the word "thousand," to insert "and fifty;" so as to read:

Sec. 2. For preliminary examinations and surveys (other than those mentioned in section 1), contingencies, and for incidental repairs for which there is no special appropriation for rivers and harbors, \$350,000.

The amendment was agreed to.

The next amendment was, under the subhead "Alabama," on page 107, after line 2, to insert:

Sipsey River, from its mouth to Fayette.

The amendment was agreed to.

The next amendment was, on page 107, after line 8, to insert:

ARKANSAS.

Saline River, from the mouth of same north to Turtle Bar, on said river, with a view of dredging and other work.

The amendment was agreed to.

The next amendment was, under the subhead "California," on page 107, line 21, after the word "San Joaquin," to insert "River: " so as to make the clause read:

San Joaquin River and its tributary, Stockton channel, from San Francisco Bay to Stockton.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, on page 108, line 3, after the word

"Harbor," to strike out "with a view to improving the entrance
thereto" and insert "and the entrance thereto, with a view to
improving the same;" so as to make the clause read:

San Diego Harbor and the entrance thereto, with a view to improv-

The amendment was agreed to.

The next amendment was, under the subhead "Connecticut," on page 108, line 12, after the word "Harbor," to strike out "the rocks in Morris Cove;" and in line 13, after the word "needed," to insert "and the rocks in Morris Cove;" so as to make the clause read:

New Haven Harbor, with a view to determining whether a greater depth is needed, and the rocks in Morris Cove.

The amendment was agreed to.
The next amendment was, on page 108, after line 16, to insert:

A further examination and survey for a harbor of refuge at Duck Island, and in connection therewith for a breakwater at Kelseys Point, Connecticut.

The amendment was agreed to.

The next amendment was, on page 108, after line 23, to insert:

Connecticut River, Connecticut, from the mouth of same to the railroad bridge crossing said river between the town of old Saybrook and the town of Lyme, with a view to dredging, cleaning out, and widening the channel and improving the anchorage ground.

The amendment was agreed to.

The next amendment was, under the subhead "Delaware," on page 109, after line 4, to insert:

Little River, from the mouth of the same to the town of Little Creek. The amendment was agreed to.

Th next amendment was, under the subhead "Florida," on page 109, after line 11, to insert:

St. Johns River, Florida, between Jacksonville and the ocean, with a ew to obtaining a depth of 30 feet at mean high water.

The amendment was agreed to.

The next amendment was, on page 109, after line 15, to insert:

St. Petersburg Harbor.

The amendment was agreed to.

The next amendment was, on page 109, after line 17, to in-

Wakulia River, from the town of St. Marks to the Gulf.

The amendment was agreed to.

The next amendment was, on page 110, after line 3, to insert:

St. Johns River, from Sanford to Lake Harney.

The amendment was agreed to.

The next amendment was, on page 110, after line 8, to insert: Charlotte Harbor, from entrance at Boca Grande to Punta Gorda.

The amendment was agreed to.

The next amendment was, under the subhead "Georgia," on page 110, after line 14, to insert:

Savannah Harbor, with a view to a channel depth of 35 feet to the

The amendment was agreed to.

The next amendment was, on page 110, after line 20, to in-

INDIANA.

Harbor at Gary, with a view to determining whether a breakwater is necessary.

The amendment was agreed to.

The next amendment was, on page 110, after line 23, to in-

Indiana Harbor, with a view to determining whether improvement of the harbor is advisable.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, under the subhead "Massachusetts," on page 113, line 7, before the word "feet," where it occurs the second time, to strike out "fifteen" and insert "twenty;" and in line 9, before the word "feet," where it occurs the second time, to strike out "fifteen" and insert "twenty," so as to make the clause read:

Lynn Harbor, with a view to obtaining a turning basin 500 feet square and 20 feet deep, straightening the present channel, and making a channel 800 feet wide and 20 feet deep from deep water to wharves at head of harbor.

The amendment was agreed to.

The next amendment was, on page 113, after line 10, to insert:

Great Point, Nantucket, with a view to the establishment of a harbor of refuge.

The amendment was agreed to.

Mr. FRYE. On page 113, line 19, where it reads "to the falls above Haverhill," I move to strike out "falls above" and insert "railroad bridge at."

The VICE-PRESIDENT. The Senator from Maine proposes

an amendment, which will be stated.

The Secretary. On page 113, line 19, before the word "Haverhill," strike out the words "falls above" and insert "railroad bridge at;" so as to read:

Merrimac River, with a view to providing by locks and dams a channel 14 feet deep from the mouth of the river to the railroad bridge at Haverhill.

The amendment was agreed to.

Mr. FRYE. In line 13, page 114, I move to strike out the words "westerly pier" and insert "piers."

The VICE-PRESIDENT. The Senator from Maine proposes

an amendment, which will be stated.

The Secretary. On page 114, line 13, it is proposed to strike out the words "westerly pier" and insert the word "piers;" so as to read:

Grand Marais Harbor, with a view to rebuilding the piers at the entrance and enlarging basin.

The amendment was agreed to.

The next amendment was, under the subhead "Minnesota," on page-114, after line 13, to insert:

Boise de Sioux River, Lake Traverse, and Big Stone Lake, and the portages between the said lakes and said river, with a view of connecting the navigable waters of the Red River of the North with the Minnesota River, for the purposes of improving the navigation of said rivers and preventing floods and overflows on the Red River of the North.

The amendment was agreed to.

The next amendment was, under the subhead "New Jersey," on page 116, after line 4, to insert:

Passaic River, from the Montclair and Greenwood Lake bridge to the present head of navigation at the city of Passaic.

The amendment was agreed to.

The next amendment was, on page 116, after line 13, to insert: Arthur Kill, westerly side of Buckwheat Island, with a view to deep-ening the channel.

The amendment was agreed to.

The next amendment was, under the subhead "New York," on page 117, after line 9, to insert:

Dunkirk Harbor.

The amendment was agreed to.

The next amendment was, on page 117, line 15, before the word "Bay" where it occurs the second time, to strike out

"Penconic" and insert "Peconic;" so as to make the clause

Jamaica Bay, with a view to obtaining a channel 100 feet wide and 6 feet deep to and through Great South Bay to Peconic Bay, including channels to Parsonage and Sumpawams rivers and Freeport and Massapequa creeks.

The amendment was agreed to.

The next amendment was, on page 118, after line 3, to insert: Fort Pond Bay, Long Island, with a view to creating a harbor of

The amendment was agreed to.

The next amendment was, under the subhead "North Carolina," on page 119, after line 7, to insert:

Beaufort Harbor, with a view to a channel depth of 30 feet across the bar.

The amendment was agreed to.

The next amendment was, under the subhead "Pennsylvania," on page 120, after line 7, to insert:

Delaware River, with a view to deepening the channel from Allegheny avenue, Philadelphia, to deep water in Delaware Bay, to 35 feet.

The amendment was agreed to. The next amendment was, under the subhead "Rhode Island," on page 120, after line 14, to insert:

Harbor of refuge, Block Island, with a view to securing a greater navigable depth and a larger anchorage area.

The amendment was agreed to.

The next amendment was, on page 120, after line 18, to in-

Point Judith Pond from the entrance to Billingtons Cove, with a view to making the channel of uniform depth and width to meet the demands of commerce.

The amendment was agreed to.

The next amendment was, under the subhead "Texas," on page 121, after line 19, to insert:

A channel from Aransas Harbor to Corpus Christi, with the view of determining the cost of securing a depth of 20 feet to Corpus Christi.

The amendment was agreed to.

The next amendment was, on page 121, after line 22, to in-

A channel from Aransas Harbor to Rockport, with the view of determining the cost of securing a depth of 20 feet to Rockport.

The amendment was agreed to.

The next amendment was, on page 122, after line 13, to in-

Galveston Harbor, with a view to obtaining a uniform depth of 35

The amendment was agreed to.

The next amendment was, under the subhead "Virginia," on page 123, after line 3, to insert:

Potomac River, at Alexandria, with a view to the removal of a bar recently formed.

The amendment was agreed to.

The next amendment was, under the subhead "Washington," on page 124, after line 2, to insert:

For a ship canal connecting the waters of Puget Sound with Grays

The amendment was agreed to.

The next amendment was, under the subhead "West Virginia," on page 124, after line 6, to insert:

Deckers Creek, West Virginia, with a view to securing for a distance of 2,000 feet up from its mouth a channel and harbor with the same depth of water as in the Monongahela River where said Deckers Creek emptles into said river.

The amendment was agreed to.

The next amendment was, on page 124, after line 11, to

Cheat River, for a distance of 25 miles up from its mouth.

The amendment was agreed to.

The next amendment was, on page 127, after line 10, to insert as a new section the following:

as a new section the following:

Sec. 6. That the Secretary of War may approve a change of plans or of location in or over any navigable water of any pier, wharf, bridge, causeway, or other structure which has heretofore been or may hereafter be approved by the Secretary of War under any act of Congress, upon application to him by the parties authorized to erect such structure, their successors or assigns, provided that such change shall be within the original authorization for such structure, and shall not be deemed by the Secretary of War to be detrimental to navigation or to the public interest after public hearings held thereon, and the structure whose changed plans or location is so approved shall be a lawful structure. structure.

The amendment was agreed to.

The next amendment was, on page 127, line 23, to change the number of the section from 6 to 7.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HANSBROUGH. On page 119, after line 12, I move to insert the subhead "North Dakota" and the following:

Red River of the North: With a view to straightening and deepeng the channel and overcoming the effect of sliding or encroaching

Mr. FRYE. I have no objection to the amendment.

The amendment was agreed to.

Mr. TILLMAN. I should like to offer a slight amendment. On page 33, after line 9, I move to insert:

Improving Lynchs River and Clarks Creek, South Carolina, by the removal of rocks and snags, \$2,000.

The amendment was agreed to.

Mr. PETTUS. I move that the Senate disagree to that part of the bill, on page 42, in lines 19, 20, and 21, by which the committee of the Senate struck out of the bill the following

And provided further, That so much as may be necessary may be expended in the construction of a dredge for said harbor.

And to restore said words.

The VICE-PRESIDENT. The Senator from Alabama moves to reconsider the vote by which the amendment he has indicated

I prefer that those lines shall not be stricken There is no need of a dredge in Mobile Harber. never was a better contract made in the history of the country than was made there for that dredging. We put in a dredge for the coast at Galveston and along there, which can be used anywhere else by the Secretary of War. The Engineer in Chief told me that the least needed dredge of all proposed in the country was the one at Mobile Harbor.

Mr. PETTUS. Mr. President, there is a private dredge in that neighborhood, but the authorities have recommended this I am of the opinion that the work in Mobile Harbor has been extravagantly paid for. This appropriation is well recommended by the Department, whatever a private individual or officer may say outside of the papers. For a long while there have been constant complaints of the manner in which the work has been done there. It has been done by one contractor for some years, and it seems to be so arranged that nobody else can get to do the work. If they had a dredge there, it would be a large saving to the Government, as I am informed.

Mr. FRYE. If good reasons are given by the House conferees for retaining this proviso, I will see that it is retained. doubt, though, if good reasons can be given for a dredge at Mobile Harbor. I hope the vote will not be reconsidered.

The VICE-PRESIDENT. The question is on the motion to

reconsider the vote by which the amendment was agreed to.

The motion to reconsider was not agreed to.

Mr. McLAURIN. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated. The Secretary. On page 44, after line 5, insert as a separate paragraph the following:

Improving Tombigbee River from Demopolis, Ala., to Columbus Miss., by the construction of locks and dams and otherwise, \$200,000 Provided. That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute said improvement, to be paid for as appropriations may from time to time be made, not to exceed in the aggregate \$1,500,000. essary to prosecute may from time to

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

Mr. FRYE. No; I can not agree to that amendment. survey was made seventeen years ago and the project proposed, which would cost about \$800,000. Nothing was done toward the project. Ten years ago another survey was had and the project proposed at a cost of \$2,000,000. Nothing was done. roject proposed at a cost of \$2,000,000. Nothing was done. Two years ago a survey was made, and the project was proposed at a cost of \$2,500,000; and the local engineer, the district engineer, and the Board of Review all decided against it.

Mr. McLAURIN. Mr. President, I do not understand the force of the argument that because a recommendation was made seventeen years ago and another one ten years ago, and

that those projects were abandoned and nothing done, it should defeat the proposition now to make this improvement in the

I understand that the report does not recommend this improvement, but when the report is understood by the Senate I think the Senate will agree with me that the recommendation is not consistent with the report.

I do not understand that an engineer who makes a report of the facts has any right to control the legislation of Congress in determining whether a feasible project, if he has determined it to be feasible and reported it to be feasible, shall be adopted.

I suppose that I can better put before the Senate this report by reading it, and it is short, than by making an effort to ex-

plain it to the Senate. I can do it more briefly. It is a brief one and will explain itself.

In March, 1905, there was provision made for surveying and examining this work to determine whether or not it was feasible, and this is the report that was made by the district engi-

PRELIMINARY EXAMINATION OF TOMBIGBEE RIVER FROM DEMOPOLIS, ALA., TO COLUMBUS, MISS.

ENGINEER OFFICE, UNITED STATES ARMY, Mobile, Ala., December 9, 1905.

I ask the attention of the Senate to this report, to see whether my statement that the recommendation of the engineer is inconsistent with the reported facts is correct or not. His recommendation is that there is not commerce there sufficient to make it worthy of improvement. As this report will show, there is commerce there of something like \$140,000,000, or \$150,000,000, or \$160,000,000, if the river is so improved that it can be made navigable the year around.

\$160,000,000, if the river is so improved that it can be made navigable the year around.

General: In compliance with directions contained in Department letter dated March 23, 1905, I have the honor to submit the following report upon a preliminary examination of the "Tombigbee River, from Demopolis, Ala., to Columbus, Miss., with a view to securing a continuous channel 4 feet deep."

Previous examinations and surveys.—The first survey of this section of river was made in 1871, and report thereon is published in the Annual Report of the Chief of Engineers for the same year, page 573, The project provided for removing obstructions and building wing dams, and was adopted in 1872. It was modified in 1879 so as to provide for a low-water channel of navigable width and 3 feet deep by removing obstructions, building wing dams, and closing island chutes. This project was not completed.

Preliminary report upon a survey of Warrior River below Tuscalosa, the Tombigbee River from its mouth up to Vienna, and from Vienna up to Walkers Bridge is published in the Annual Report of the Chief of Engineers for 1888, Fart 2, page 1227. Report of a survey and estimate for 6-foot navigation on Warrior River, Alabama, from Tuscalosa to Demopolis; Tombigbee River from its mouth to Vienna, and Tombigbee River between Vienna and Cotton Gin is published in the Annual Report of the Chief of Engineers for 1890, Part 2, page 1719. The improvement was recommended and the project was adopted by the river and harbor act of September 19, 1890, and provided for securing the proposed 6-foot channel by snagging, tree cutting, bank revetment, bar improvement, and the building of dams with pneumatic gates at an estimated cost of \$779,400 for this section. In 1897 the estimate was changed so as to provide \$2,000,000 for the construction of ten locks and dams between Demopolis, Ala., and Columbus, Miss. A blueprint of the map made from the survey upon which the 6-foot project was based, showing the Tombigbee River from Columbus to the Warrior River,

That is, the present examination, the one upon which he is reporting now

This examination was commenced on October 30, 1905, at Columbus, Miss., working downstream. Soundings were taken about every 75 or 100 feet, and the minimum depths on the shoals recorded. They are given below, reduced approximately to mean low water.

The soundings are given here, which I shall ask to have put

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

Locality.	Depth in feet.	Bottom.
Bar below G. & A. Pacific Railroad bridge	2.5	Gravel.
		Gravel on rock.
Butlers bar	2.0	Gravel.
Bar No. 2	1.5	Do.
Bar No. 3	2.0	Do.
Bar Nos. 4 and 5	2.5	Do.
Bar No. 6		Do.
Bar No. 7		Do.
Bar No. 8		Do.
Bar No. 9		Do.
Bar No. 10.		Do.
Bar No. 11	1.6	Do.
Bar No. 12.	4.0	Do.
Bar No. 13		Do.
Bar No. 14.	3.0	Do.
Bar Nos. 15 and 16	2.0	
		Do.
Bar No. 17		Do.
Bar No. 18		Do.
Bar No. 19		Do.
Bar No. 20	2.5	Do.
Bar No. 21	2.6	Do.
Bar No. 22	2.3 2.5	Do.
Bar No. 23		Do.
Bar No. 24	3.0	Do.
Bar No. 25	2.3	Do.
Bar No. 26		Do.
Bar No. 27	1.4	Do.
Bar No. 28	1.3	Do.
Bar No. 29	2.3	Do.
Bar below Jim Creek	2.5	Do.
Bar below Ellis Creek	2.9	Do.
Bar below Pumpkin Creek and Coal Fire shoals	3.0	Do.
ickensville	2.9	Do.
Bar at Pickensville, lower landing	1.9	Do.
Bar below Nancys Ferry	1.3	Do.
Shylock shoals	1.9	Do.
Bar below Big Creek	3.0	Do.

Locality.	Depth in feet.	Bottom.
Bar above Ringolds Bluff	2.0	Gravel on rock
Turnip Seed shoals. Beaver Creek Owl Creek Wallaces Creek	2.3	Do.
Beaver Creek	2.6	Do.
Owl Creek	3.0	Do.
Vallaces Creek	1.3	Do.
edar Creek		Do.
airfield	3.0	Do.
lelow Newport Jubbub Creek Ballards Lake Bend	1.3	Do. Do.
tallards Lako Rond	1.5	Do.
Iancock shoals	2.5	Do.
Inscle shoals	2,5	Do.
fuscle shoalsVindham bar	1.5	Do.
		Rock.
'ienna bar	. 2.0	Gravel on rock
'ienna Island	. 2.0	Do.
ipsey Island	. 2.3	Do.
dar south of Sipsey	1.9	Do.
leasant Ridge bar	2.9	Do.
una tanding 'ienna bar . 'ienna Island ipsey Island bar south of Sipsey 'leasant Ridge bar bove Williams ittle Jelend	3.0	Rock.
arnontors hor	2.9	Gravel. Do.
ittle Island arpenters bar bove Warsaw	2.9	Do.
Varsaw bar	2.9	Do.
		Do.
linia Bidii bar lentons Landing elow Old Taylors Landing racketts bar lend shoals pper Chicken Cock bar and Lower Chicken Cock ba	2.5	Do.
elow Old Taylors Landing	2.3	Do.
racketts bar	1.9	Do.
lend shoals	. 1.3	Do.
pper Chicken Cock bar and Lower Chicken Cock bar	2.0	Do.
nambers	2.5	Do.
IOHS	. 2.0	Do.
swalt	2.3	Do.
oxubee	. 3.0	Do.
ainesville	2.0	Do.
herry Bluff	3.0	Do.
oigans Island	2.5	Do.
miths	1.3	Do. Do.
ube Creek	2.0	Do.
loward roft Landing rush bar bove Clay's wood yard	3.0	Do.
rush har	2.3	Do.
boye Clay's wood vard	3.5	Do.
lays bar		Do.
lays bar rends bar	2.5	Do.
oms bar	2.5	Do.
ubbs Creek	2.5	Do.
ack Toms Landing	. 3.5	Do.
ays Ferry	2.3	Do.
oms bar ubbs Creek ack Toms Landing ays Ferry ales Island	1.5	Do.
pps bar ock shoals ar above Jones Bluff	3.0	Do.
or above Jones Pluff	2.3	Do. Do.
ones Creek	3.5	Do.
illmane Island	9.5	Do.
hilitos Camp	2.0	Do.
hilitos Camp. elfast Chute.	1.9	Do.
artins Ferry	2.3	Do.
hillips shoal	2:5	Do.
oustons Island	3.5	Do.
old Spring bar	2.3	Do.
luffport	. 1.9	Do.
pring Bluff	2.0	Do.
enast Chute. artins Ferry hillips shoal. ooustons Island old Spring bar luffport pring Bluff uscle shoal	2.0	Do.
urdens bar hompsons Island attlesnake and Blacksnake	2.9	Do.
nompsons Island	2.0	Do.
introtriok	2.0	Do. Do.
irkpatrick	1.9	Do.
irdínes	1.5	Do.
oles. launted Point	2.0	Do.
rrington	3.0	Do.
reenes bar	9.0	Do.
lee Tree Island	3.0	Do.
he Rocks Iancocks bar	2.7	Gravel on roc
	0.0	Comment
Iancocks bar'utts bar	3.0	Gravel. Do.

Mr. McLAURIN. After giving the soundings, the report continues:

A few borings made indicate that the bed of the river over almost the whole distance covered by the examination is composed of blue rock or rotten limestone. In nearly all places the surface was found to be of sand and gravel. Probably, however, the limestone or blue rock is underneath throughout. The nature of this rock is such that when exposed to the air it hardens, but when submerged it is soft, so that in places it is easy to excavate. At nearly all points along the river there are high steep bluffs, the concave bank being lime rock and the convex bank flat and soft. Tenmile shoals (so called from their length) is about the only place where there is no bluff. Here the river meanders between low alluvial banks of light sandy soil and unstable material, which yields readily to the eroding action of the river. The banks of this soil are from 8 to 12 feet above low water, and in most places are overgrown with willows and underbrush. In the limited time available it was not possible to obtain any reliable data as to current observations, but it is apparent that the discharge of the Tombigbee River is much greater than that of the Black Warrior River and that there will be an abundance of water for canalization.

Now, mark, large sums of money have been expended in the

Now, mark, large sums of money have been expended in the improvement of Warrior River from Demopolis up to Tuscaloosa, when this report shows that larger volumes of water are discharged by the Tombigbee River than are discharged by the Warrior River.

Previous improvement.—Work on this section of Tombigbee River has heretofore been confined to the removal of logs, snags, and other

obstructions from the channel and overhanging trees from the banks, building and repairing jetties, and excavating rock, gravel, sand, and clay. Work of this nature is needed every year to remove obstructions brought into the stream during freshets, as these freshets reach a height of between 40 and 60 feet above low water. The work done has resulted in affording a channel navigable for the light-draft boats plying this section, on a 2-foot rise above mean low water, for a period of four or five months per annum.

Geographical location.—Columbus, the upper limit of the improvement, is the county seat of Lowndes County, Miss., and is located in the eastern part of the State, near the Alabama line. It is a town of about 11,000 inhabitants, is surrounded by a rich, fertile, and productive country, and is one of the most enterprising towns in this section of the State. From Columbus the river takes a southeasterly trend to Demopolis, in the western part of Alabama, a distance of 156 miles, and in this distance it has a fall of about 108 feet. The country through which the stream passes is very productive, and for farming purposes will compare favorably with any other in the States of Alabama and Mississippi. Plantations line both banks of almost this entire section, though there are reaches where either one or the other bank, and in some instances both banks, are heavily timbered. The width of the river is tolerably uniform, and on an average it is from 300 to 400 feet wide at low water, increasing in width considerably during a freshet.

Resources and commerce.—The principal farm products of the country are cotton and corn, the yield being from one-half to one bale of cotton—

I ask attention especially to this:

Cotton is the chief crop, about one-fifteenth of the total yield of the United States being grown here.

Mr. FRYE. The Senator does not believe that?

Mr. FRIE. The Senator does not believe that?

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Maine?

Mr. McLAURIN. Yes, sir; with pleasure. I do not believe that one-fifteenth of the cotton crop of the United States is grown there.

Nor 1 per cent, does the Senator believe?

Mr. McLAURIN. Yes, sir; I will say more than 1 per cent. As I said to the committee when I was before it, I do not believe that one-fifteenth of the cotton crop of the United States is grown there, but, say, one-thirtieth or one-half as much as has been said by this report is grown there, it would be worth \$20,000,000. Say that one-sixtieth of it is grown there and then it would be worth \$10,000,000. I think it may be safely said that one-fiftieth of the cotton crop of the United States is grown there, and it would be worth from \$12,000,000 to \$15,000,000.

Now, this is the report of the engineer. I am reading that part of it to show that the report of the engineer is inconsistent with the recommendation he makes. The cotton crop of the United States may be well and reasonably estimated at \$600,000,000 a year. That is a very conservative value to put upon the cotton crop of the United States. So one-fifteenth of it would be worth \$40,000,000. Then he says just after that:

The cotton-seed oil, oil cake, meal, and hulls will about equal the value of the cotton lint itself.

If that were so, then the cotton lint and the products of cotton seed raised in that section of the country would be worth \$80,000,-000; and it would be safe to say that the other freight that would be transported over that section of the river if it were improved would be equal to the value of the cotton and the cotton seed. So if this estimate were correct, according to the report of this engineer, the cotton lint, cotton-seed product, and the other trade that should be transported over this section of the river would amount to about \$160,000,000 a year.

As I said very frankly to the committee I say now to the Senate, in response to the suggestion from the chairman of the committee, I do not believe, in fact, I know, that one-fifteenth of the cotton produced in the United States is not produced there. do not want to misrepresent this matter to the Senate. That is the report of the engineer who made the recommendation that the commerce of that section is not worthy of the improvement, and I am repeating this to show the inconsistency between his report and his recommendation.

Much of the country along the river and adjacent thereto is heavily timbered with pine, oak, cypress, sweet gum, and sycamore. The making of staves is at present in active operation, and with additional transportation facilities this would most likely become a staple industry.

Before I leave that subject, lest I may be misunderstood, I want to say that I have no criticism to make of the engineer. I am satisfied he reported what he thought to be true. made an estimate of this commerce, of the cotton produced in that section of the country and the value of it, the value of the cotton-seed products, just as he understood it, and I have no complaint to make of the district engineer who made this report, nor have I any complaint to make of his report.

The lime-rock producing area is considerable, but it will probably never be made an article of extensive trade without cheap river transportation. Another rock found in the formation of the river bank, called "Tombigbee rock," yields a Portland cement which has stood the analytical test. With the river open the year round there is no reason to doubt that cement factories would multiply in this region.

No commercial statistics could be obtained at the time of examina-

tion, though efforts were made in that direction. Statistics for the calendar year ending December 31, 1904, showed that cotton, cotton seed, logs, breadstuffs, fertilizers, farm supplies, provisions, and general merchandise to the amount of 20,000 tons and the value of \$600,000 were handled during that year.

Improvement considerations.—The only tributaries of any importance between Columbus and the junction of the Tombigbee and Warrior rivers, just above Demopolis, are the Sipsey and Noxubee rivers, both of them small streams. A study of the section under consideration makes it clearly evident that the only method of making much improvement is by canalization. This will require the construction of ten locks and dams, at an estimated cost of \$2,500,000. The banks being generally a rock bluff on one side and fairly stable on the other, they are unusually favorable for this class of structure. At or near each lock site there would be an abundance of stone, gravel, and sand for the masonry and for riprap work.

I especially call the attention of the Senate to this statement.

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The banks being generally a rock bluff on one side and fairly stable a the other, they are usually favorable for this class of structure. tor near each lock site there would be an abundance of stone, gravel, ad sand for the masonry and for riprap work.

\*Conclusions.\*\*—No further survey is considered necessary, the records this office being sufficient for the purpose of preparing a preliminary stimute of cost.

estimate of cost.

Now, I want to summarize. Here is a report which shows that in that section of the country, not what I think about it, but what the engineer thinks about it and says about it when he is making his report to General Mackenzie. Here is a report which shows that the commerce from Columbus to Demopolis on that section of the river, if the river were improved sufficiently to admit of transportation the year around, would amount to \$160,000,000 at a low estimate, a conservative estimate; and yet with that statement of that amount of commerce, he concludes with this statement—it will be observed by the Senate that he does not make a recommendation that it shall not be done, but he negatively says:

I do not recommend the upper Tombigbee River as being worthy of further improvement by the General Government by the building of locks and dams, because, apparently, the amount of business would not justify expending the amount of money.

Respectfully submitted.

W. E. CRAIGHILL, Major, Corps of Engineers.

Brig. Gen. A. Mackenzie. Chief of Engineers, U. S. A. (Through the Division Engineer.)

Now, this report being true, the facts that are put before Congress being true—that there is in that section of the river commerce to the value of \$160,000,000—can it be said that it is not worthy of improvement because it has not the commerce to support it? For this reason I say that the report of facts and the recommendation, or rather the failure of recommendation, of the engineer are inconsistent.

I desire without reading it to put in the RECORD a statement by citizens of Columbus. I ask unanimous consent that it may be inserted in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

A STATEMENT BY CITIZENS OF COLUMBUS.

The report of the United States engineer makes cost of necessary locks and dams to be \$2,500,000. Interest on this at 2 per cent would be \$50,000, and add the same for annual care and working the locks, the total yearly charge would be \$100,000.

The estimate of I. H. Sykes, secretary of the Columbus Progressive Union, of tonnage for the season of 1904-5 is 140,000 tons. If one half of this is cotton and cotton products to, say, 70,000 tons, we have the equivalent of 280,000 bales of cotton. The saving in freight on cotton by river against rail is \$1 to \$1.25 a bale, so that on this item there is a saving of \$280,000. The other 70,000 tons is miscellaneous freight, all carrying a higher rate than cotton; but allowing the same rate the saving there is \$280,000, or a total saving on the whole 140,000 tons of \$560,000—more than 20 per cent of the cost of the improvements.

ments. Columbus alone handles an average of 45,000 bales of cotton, on which there would be a saving of \$45,000; and on its other freights there would be more than an equal amount, to, say altogether, \$90,000 a year. This estimate is made on a six months' uncertain river.

Indeed, the tonnage carried on the river any year only represents that which the people have been unable to hand to the railroads. The river is seldom navigable before the middle of December. The rains that make it so make the roads unnavigable. The crops are ready and begin to move in September, so that the river farmer hauls his crop to market before December while the roads are good. That taken by boat is the surplus that could not be hauled, and varies violently according to the seasons.

surplits that could not be hauled, and varies violently according to the seasons.

The figures of I. H. Sykes of 1904—5 are disputed by Mr. Kennerly, an "inspector" of the United States engineer's office at Mobile, but Major Jervey, his superior officer, concedes that the tonnage may have been 52,000 tons. At a saving of \$4 a ton on this extremely low tonnage, the saving was \$208,000, an excess of \$108,000 over interest and maintenance, sufficient to warrant the investment.

This tonnage was derived in five months' operation, uncertain river, and a lot of boats running from the middle of December to the middle of May.

Neither Major Jervey nor Mr. Sykes takes any account of the lumber and stave business done by gasoline boats, barges, and rafting, a business that constitutes a very large part of the export trade of Mobile. Were the river navigable the whole year it would reduce freights at an equivalent of \$1 a bale on cotton, and in the same ratio or all commerce in the Tombigbee Valley, whose annual total is valued at \$80,000,000. How? If the farmer living on or in wagon reach of

the river can ship his cotton to Mobile at \$1 a bale, it would all go to the river, as 50 cents a bale will move cotton 20 miles. The railroads would at once meet the competition and reduce their rates accordingly, so that the farmer on the other side of the railroad for, say, 20 to 30 miles, would get the benefit of the river competition. The same results would accrue on the east. Thus the commerce of the whole Tombigbee Valley, worth \$80,000,000, is affected by this improvement.

One railroad that partakes of this commerce made for the year ending June 30, 1905, after paying all expenses, including rentals and interest on its bonds, net, over 16 per cent on its capital stock. Its earnings up to January 31, 1906, indicated, net, for the year ending June 30, 1906, over 26 per cent. These figures are taken from a banker's statement, handling the securities of the railroad company. So that a reduction in rates brought about by river competition would not bankrupt the railroads tapping the Tombigbee River. Indeed, the freight rates are practically the same now when the cotton crop is 13,000,000 bales as they were when the crop was 5,000,000 bales.

Laws have been made to protect everything North, East and West;

Laws have been made to protect everything North, East and West; vast sums appropriated to dig out their harbors and canalize their rivers, while so little has been done for this section. We are an agricultural people and pay tribute under all their legislation. We have always felt the heavy hand of the Government. Are we never to feel its benign, helping influence? We have seen millions lavished in distant seas on a people of no kith or kin to America. The faith of our Government pledged to guarantee the bonds for railroad construction in the Philippine Islands, so remote, so unimportant, in the world's civilization that the average school boy can not locate them on the map. The cotton of the South helped more to put up and hold up the gold standard for the country; no affirmations of political platforms or statutes of Congress brought the gold to our shores. It was the exporting of three-fifths of our cotton that brought in the last six years over eighteen hundred million dollars in gold. We are consumers of the products of American mills and American labor and pay in European gold.

gold.

The Government has listed the Tombigbee as its own, a navigable stream. We can not bridge it without an act of Congress. The Government will not improve it, nor will it give a lease to an aggregation of local capital to improve it, nor may we harness its thousands of wasting horsepower to help the struggling people on its banks. If this be a sample of "government ownership," a thousand times better were it for the people that all public utilities be within private or corporate control.

it for the people that all public utilities be within private or corporate control.

For twenty-five years have our people appealed to Congress to improve this river; have traveled its long reaches to get together in conventions; have spent time, money, and energy in this behalf, and now, when the Government's own engineer has given in the most conservative language an estimate of the resources of the country it would serve, showing that it produces one-fifteenth of the cotton crop of the United States, affording commerce of the value of \$80,000,000, with enormous possibilities, we are again remitted to the waiting list. We have been smitten in Mobile, the house of our friends, riven by the hand of an engineer's clerk, charged with "furnishing information which was not correct," because, forsoorh, we are "interested parties." Being thus tipped off in sweeping generalities by his clerk, Major Jervey falls into the error of creating the impression that the steamer Vienna was wrecked about a year ago from the date on which he was writing and therefore not in the trade, as noted by Mr. Sykes, and that the Mary and City of Camden were wrecked in September, 1906, whereas, in fact. the Vienna was not wrecked until the middle of February, 1906, and Sykes's report, which he is trying to discredit, is for the season commencing December, 1904, and ending June, 1905. These dates seem to have been overlooked by the whole bunch of Mobile knockers. Sykes makes report of the tonnage for the season commencing in December, 1904, and ending about June 1, 1905. The engineers come along and try to discredit it because some of the boats carrying the tonnage were wrecked the year following. One is tempted to say there are "interested parties" opposed to the improvement, who have been so careless of dates as to state facts which, in the language of Inspector Kennerly, "is not correct." It is due Major Jervey to say he was a new and making a report on data furnished him by others.

SOME MOBILE STATISTICS AS TO COTTON.

Year.	Mobile re- ceipts.	Total crop, United States.	Probable Mobile receipts.
1857-58 1858-59 1904-5	Bales. 522, 364 704, 406 330, 000	Bales. 3, 257, 339 4, 018, 914 13, 565, 000	Over one-sixth, Do. About one-twenty- fourth,
1905-6	250,000	11, 315, 000	About one-twenty- second.

During the period 1857, 1858, and 1859 practically all of Mobile's cotton arrived by river and went out by sea.

The engineer says "that one-fifteenth of the cotton crop now is raised in the Tombigbee Valley." With a river every day of the three hundred and sixty-five the rate on cotton within 250 miles of Mobile, north and northeast, which embraces the Tombigbee River, would be \$1.25 per bale less than now. So that it would save the people approximately \$1,000,000, and the "port receipts" of Mobile, instead of being, as now, from 250,000 bales to 350,000 bales, would be nearer 1,000,000 bales. Mobile is the natural port of this section of the country, and with the river the railroads would find it hard to make a rate to any other port in competition with Mobile, on account of the distance and service performed, and therefore could not divert the cotton from this port. Then Mobile would come into "her own."

Taking the figures of one of her commercial bodies, the exports of Mobile in 1894, when her harbor had a depth of 17 feet, was only \$3.476,000, but in 1906, with a depth of 22 feet, the value was \$26,575,000, practically all of which was cotton, its products, and lumber, coming out of the Tombigbee and Alabama River valleys. Three-fifths of the South's cotton is exported. Why should not that of the Tombigbee Valley go again via Mobile, as it did prior to 1860? Rates to Mobile on cotton by river have most always been \$1 per bale. The result has been that when the boats were put out of the running the cotton has been diverted from Mobile and gone to other ports. In this way the Tom-

bigbee River has been made to run upstream, while the railroads carried commerce from Mobile until the value of her exports was reduced in 1894 to \$3,476,000, the equivalent of about 70,000 bales of cotton. If the river had been kept in the running by improvements so that lines of steamboats could have been established to run the year round, Mobile would to-day be handling the commerce not only of the Tombigbee Valley, but largely that of the Alabama Valley, and her exports might be one hundred millions, and she in grateful sympathy with the struggling thousands back of her in the interior.

The increase in population and enormous increase in products have overtaken and overcropped all the railroads of the United States, and congestion prevails everywhere. The cotton crop a few years back was only 5.000,000 bales, whereas to-day it is 13,000,000. In a greater ratio has the country otherwise multiplied its products. The railroads can not do the business, and the sentiment is universal that Congress should improve the waterways of our country rather than check the prosperity which is dependent upon transportation.

What Captain Craighill, United States engineer, wrote of the Tombigbee Valley in 1903 was true then; its development is more important to-day. Here is his letter:

Engineer Office, United States Army,

ENGINEER OFFICE, UNITED STATES ARMY, Mobile, Ala., October 29, 1903.

Mr. JOHN P. MAYO, Columbus, Miss.

Mr. John P. Mayo, Columbus, Miss.

Dear Sir: I have just received your letter of the 27th. I am sorry you did not arrange to make the trip down the river with us. We had fine weather and were pleasantly entertained along the route.

I found the river larger than I expected, and its physical conditions appear very favorable for improvement by locks and dams. The valley of the river is immensely fertile and productive, and is urgently in need of better transportation facilities. It would seem that the saving in freight rates on the average annual amount of cotton that would be influenced by river transportation would pay a reasonable interest on the investment required for the improvement, although this feature of the case is one that requires, for a definite determination, more time than I have been able to give to it.

Yours, truly.

W. E. Craighille,

But all this quibble over figures and surplusage of statistics aside. The question is not whether the tonnage of the river is satisfactory now in its present half year—uncertain navigation—but whether the people of the Tombigbee Valley are to have an outlet, not so much for its cotton at reduced rates, but for its undeveloped resources of lime, lumber, and cement, which it now holds locked up in exhaustible quantities—commodities which the world needs—but which can not be marketed for lack of cheap and certain transportation.

C. A. Johnson.

rtation.
C. A. Johnson,
E. R. Sherman,
John P. Mayo,
P. W. Maer,
I. H. Sykes,
Walter Weaver,
Committee.

Mr. McLAURIN. Mr. President, I think that this amendment ought to go on the bill. I dislike to run counter to the report of the committee. I dislike to run counter to the recommendations of the engineer, if the recommendation of the engineer is to prevail with Congress. I do not, with all due respect to the engineers, believe that they have anything to do with making recommendations. They can only state, and it is only their duty to state to Congress the cost of the work to be done, the feasibility of the work, the condition of the work, and then leave it to Congress, untrammeled by any recommendations or suggestions from the engineers, to determine whether Congress shall make the improvement or not.

I apologize to the Senate for taking up so much time.
The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

The amendment was rejected.

Mr. McLAURIN. Mr. President, I have another amendment that I am going to offer.

The VICE-PRESIDENT. The Senator from Mississippi proposes an additional amendment, which will be read.

The Secretary. On page 44, line 5, insert the following:

Improving Tombigbee River, from Demopolis, Ala., to Columbus, Miss., by the construction of locks and dams and otherwise, \$200,000: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute said improvement, to be paid for as appropriations may from time to time be made, not to exceed in the aggregate \$500,000.

Mr. FRYE. I thought that amendment was just voted down.

Mr. McLAURIN. It is a different amendment.
The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

The amendment was rejected.

Mr. McLAURIN. I offer another amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. On page 44, after line 5, it is proposed to insert the following:

Improving Tombigbee River, from Demopolis, Ala., to Columbus, Miss., by the construction of locks and dams and otherwise, \$200,000: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute said improvement, to be paid for as appropriations may from time to time be made, not to exceed in the aggregate \$300,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

The amendment was rejected.

Mr. McLAURIN. Mr. President, I offer another amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated. The Secretary. On page 44, after line 5, it is proposed to

Improving Tombigbee River, from Demopolis, Ala., to Columbus, Miss., by the construction of locks and dams and otherwise, \$290,000: Proxided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute said improvement, to be paid for as appropriations may from time to time be made, not to exceed in the aggregate \$250,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

The amendment was rejected.

Mr. McLAURIN. Mr. President, I have but one more amendment. I give the Senate one more opportunity. This is the last amendment I will offer to this bill, and I hope the Senate will allow the amendment to be adopted, because it only asks

for \$200,000, a very modest sum.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. On page 44, after line 5, it is proposed to

Improving Tombigbee River, from Demopolis, Ala., to Columbus, Miss., by the construction of locks and dams and otherwise, \$200,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

The amendment was rejected.

Mr. PILES. Mr. President, I have an amendment which I desire to propose and about which I have spoken to the chairman of the committee. On page 124, under the heading "Surveys," after line 4, I move to amend the bill by inserting:

Columbia River, from Bridgeport to Kettle Falls.

Mr. FRYE. That provides only for a survey, does it?

Mr. PILES. For a survey.

The VICE-PRESIDENT. The amendment will be stated. The Secretary. On page 124, after line 4, it is proposed to insert:

Columbia River, from Bridgeport to Kettle Falls.

Mr. FRYE. I have no objection to the amendment.

The amendment was agreed to.

Mr. SPOONER. Mr. President, for the Senator from Arkansas [Mr. Berry] I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The Senator from Wisconsin offers an amendment on behalf of the Senator from Arkansas [Mr. Berry]. The amendment will be stated.

The Secretary. On page 59, line 10, after the word "dollars," it is proposed to insert:

Of which amount \$7,500, or so much thereof as may be necessary, may, if required in the interest of commerce and navigation, be used to prevent a cut-off in said river between Choctaw Railway bridge and the town of Devall Bluff, Ark.

Mr. FRYE. That does not increase the appropriation at all, and I have no objection to it.

The amendment was agreed to.

Mr. SPOONER. I offer the amendment which I send to the

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. On page 66, after line 13, it is proposed to insert:

Improving harbor at Algoma (Ahnapee), Wis., by the construction of an outer harbor with a depth of 18 feet of water, \$40,000: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete such project, to be paid for as appropriations may from time to time be made by law, not to exceed, in the aggregate, \$100,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

TWELFTH INTERNATIONAL CONGRESS OF HYGIENE AND DEMOGRAPHY.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. J. Res. 246) authorizing the President to extend an invitation to the Twelfth International Congress of Hygiene and Demography to hold its thirteenth congress in the city of Washington, which was read twice by its title.

Mr. LODGE. A resolution identical with that was reported this morning from the Committee on Foreign Relations. is no objection to it that I know of on the part of anyone. ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Sanate without

amendment, ordered to a third reading, read the third time, and

Mr. LODGE. I move that the joint resolution (S. R. 93) authorizing the President to extend an invitation to the Twelfth International Congress of Hygiene and Demography to hold its thirteenth congress in the city of Washington, reported by me this morning from the Committee on Foreign Relations and now on the Calendar, be indefinitely postponed.

The motion was agreed to.

### REGULATION OF IMMIGRATION.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read, and, on motion of Mr. Lodge, was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House and the Secretary of the Senate are hereby authorized and directed to permit JACOB RUPPERT, Jr., as one of the House managers, to affix his name to the report of the members of the conference on the disagreeing votes of the two Houses on the bill S. 4403, "An act to regulate the immigration of aliens into the United States," approved March 3, 1903.

#### MENOMINEE INDIAN TRADERS.

Mr. LA FOLLETTE, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 19500) for the relief of Indian Traders Marion Westcott, F. F. Green, and J. A. Leige, assignee of Joseph F. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin, reported it with an amendment, and submitted a report thereon.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 21, 1907, at 11 o'clock a. m.

### NOMINATIONS.

Executive nominations received by the Senate February 20, 1907. ASSISTANT TREASURER.

Hamilton Fish, of New York, to be assistant treasurer of the United States at New York, N. Y. (Reappointment.)

#### REGISTERS OF LAND OFFICES.

Albert Kircher, of Miles City, Mont., to be register of the land office at Miles City, Mont., vice Samuel Gordon, term ex-

Ernest D. R. Thompson, of Utah, to be register of the land office at Salt Lake City, Utah, by transfer from receiver of public moneys there, vice Frank D. Hobbs, deceased.

# RECEIVER OF PUBLIC MONEYS.

M. M. Kaighn, of Salt Lake City, Utah, to be receiver of public moneys at Salt Lake City, vice Ernest D. R. Thompson, to be transferred to register of the land office.

### PROMOTIONS IN THE ARMY.

### Quartermaster's Department.

Lieut. Col. James W. Pope, deputy quartermaster-general, to be assistant quartermaster-general with the rank of colonel from February 16, 1907, vice Pond, retired from active service.

Maj. John B. Bellinger, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel from Feb-

ruary 16, 1907, vice Pope, promoted.

Capt. Thomas Swobe, quartermaster, to be quartermaster with the rank of major from February 16, 1907, vice Bellinger, promoted.

# CONFIRMATIONS.

Executive nominations confirmed by the Senate February 20, 1907.

### DISTRICT JUDGE.

Engene D. Saunders, of Louisiana, to be United States district judge for the eastern district of Louisiana.

## POSTMASTERS.

## CALIFORNIA.

Charles H. Fernald to be postmaster at Santa Paula, in the county of Ventura and State of California.

### CONNECTICUT.

Charles H. Dimmick to be postmaster at Williaantic, in the county of Windham and State of Connecticut.

Nathaniel P. Noyes to be postmaster at Stonington, in the

county of New London and State of Connecticut.

Courtland C. Potter to be postmaster at Mystic, in the county of New London and State of Connecticut.

### IDAHO.

Arthur P. Hamley to be postmaster at Kendrick, in the county of Latah and State of Idaho.

Thalia L. Owen to be postmaster at Genesee, in the county of Latah and State of Idaho.

#### ILLINOIS.

Edward S. Baker to be postmaster at Robinson, in the county of Crawford and State of Illinois.

John T. Clyne to be postmaster at Joliet, in the county of Will and State of Illinois.

Edward D. Cook to be postmaster at Piper City, in the county of Ford and State of Illinois.

Thomas G. Laws to be postmaster at Coffeen, in the county of Montgomery and State of Illinois.

James Porter to be postmaster at Martinsville, in the county of Clark and State of Illinois.

#### INDIANA.

David A. Shaw to be postmaster at Mishawaka, in the county of St. Joseph and State of Indiana. Clinton T. Sherwood to be postmaster at Linton, in the county

of Greene and State of Indiana.

#### IOWA.

Earl M. Cass to be postmaster at Sumner, in the county of Bremer and State of Iowa.

George W. Cook to be postmaster at Guthrie Center, in the county of Guthrie and State of Iowa.

Ernest D. Powell to be postmaster at Exira, in the county of Audubon and State of Iowa.

### KANSAS.

George A. Benkelman to be postmaster at St. Francis, in the county of Cheyenne and State of Kansas.

James M. Morgan to be postmaster at Osborne, in the county of Osborne and State of Kansas.

Charles Smith to be postmaster at Washington, in the county of Washington and State of Kansas.

C. G. Webb to be postmaster at Stafford, in the county of Stafford and State of Kansas.

Fred W. Willard to be postmaster at Leavenworth, in the county of Leavenworth and State of Kansas.

#### MAINE.

Jarvis C. Billings to be postmaster at Bethel, in the county of Oxford and State of Maine.

Varney A. Putnam to be postmaster at Danforth, in the county of Washington and State of Maine.

### MASSACHUSETTS.

Frank E. Briggs to be postmaster at Turners Falls, in the county of Franklin and State of Massachusetts.

Alexander Grant to be postmaster at Chicopee, in the county of Hampden and State of Massachusetts.

James W. Hunt to be postmaster at Worcester, in the county Worcester and State of Massachusetts.

Adolphus R. Martin to be postmaster at Chicopee Falls, in the county of Hampden and State of Massachusetts.

James F. Shea to be postmaster at Indian Orchard, in the county of Hampden and State of Massachusetts.

# MISSOURI.

William T. Elliott to be postmaster at Houston, in the county of Texas and State of Missouri.

# NEBRASKA.

Stephen E. Cobb to be postmaster at Emerson, in the county of Dixon and State of Nebraska.

Timothy C. Cronin to be postmaster at Spalding, in the county of Greeley and State of Nebraska. Clarence E. Stine to be postmaster at Superior, in the county

of Nuckolls and State of Nebraska.

Wesley Tressler to be postmaster at Ogallala, in the county of Keith and State of Nebraska.

### NEW JERSEY.

Truman T. Pierson to be postmaster at Metuchen, in the county of Middlesex and State of New Jersey.

### NEW YORK.

John H. Eadle to be postmaster at New Brighton, in the county of Richmond and State of New York.

L. F. Goodnought to be postmaster at Cornwall-on-the-Hudson, in the county of Orange and State of New York.

## NORTH DAKOTA.

William J. Hoskins to be postmaster at Rolla, in the county of Rolette and State of North Dakota.

# OREGON.

William B. Curtis to be postmaster at Marshfield, in the county of Coos and State of Oregon.

### PENNSYLVANIA.

John F. Austin to be postmaster at Corry, in the county of Erie and State of Pennsylvania.

Anna B. Beatty to be postmaster at Cochranton, in the county of Crawford and State of Pennsylvania.

George W. Honsaker to be postmaster at Masontown, in the county of Fayette and State of Pennsylvania.

Warren B. Masters to be postmaster at Jersey Shore, in the county of Lycoming and State of Pennsylvania.

William E. Root to be postmaster at Cambridge Springs, in the county of Crawford and State of Pennsylvania.

Wilson to be postmaster at Columbia, in the county of Lancaster and State of Pennsylvania.

#### UTAH.

William W. Wilson to be postmaster at Sandy, in the county of Salt Lake and State of Utah.

# CUSTOM REVENUES OF THE DOMINICAN REPUBLIC.

The injunction of secrecy was removed February 20, 1907, from a convention between the United States and the Dominican Republic providing for the assistance of the United States in the collection and application of the customs revenues of the Dominican Republic, signed at Santo Domingo City on the 8th day of February, 1907.

### HOUSE OF REPRESENTATIVES.

Wednesday, February 20, 1907.

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of yesterday's proceedings was read and approved.

CONGRESS OF HYGIENE AND DEMOGRAPHY.

Mr. DENBY. Mr. Speaker, I ask unanimous consent for the present consideration of the House joint resolution No. 246, authorizing the President to extend an invitation to the Twelfth International Congress of Hygiene and Demography to hold its thirteenth congress in the city of Washington.

The SPEAKER. The gentleman from Michigan offers a joint

resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and requested to extend an invitation to the Twelfth International Congress of Hygiene and Demography, to be held at Berlin in 1906, to hold its thirteenth congress in the city of Washington, D. C., A. D. 1909.

The SPEAKER. The Chair will call the attention of the gentleman from Michigan [Mr. Denby] to the print of the bill which says, "to be held at Berlin in 1906." Should it not read which says, "to be held at Berlin i "1907," inasmuch as 1906 is past?

Mr. DENBY, Mr. Speaker, that congress was held at Berlin, and a tentative invitation was then extended, which now awaits the affirmative order of this Government for final action.

The SPEAKER. The Chair will suggest to the gentleman that he amend by striking out the words "to be" in line 6.

Mr. DENBY. I ask that the bill be amended by striking out the words "to be" in line 6.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. Denby, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

#### COLLISION OFF BLOCK ISLAND, RHODE ISLAND.

Mr. GRANGER. Mr. Speaker, I move that the Committee on Merchant Marine and Fisheries be discharged from further consideration of the House resolution No. 841, and that the resolution come up for immediate consideration.

The SPEAKER. The gentleman from Rhode Island [Mr. Granger] asks that the Committee on Merchant Marine and Fisheries be discharged from further consideration of the following resolution, and that the same be considered at this time. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Secretary of the Department of Commerce and Labor be, and he is, requested to report to this House, as soon as the investigation now ordered into the causes of the recent collision off Block Island, Rhode Island, resulting in the sinking of the steamship Larchmont and great loss of life is completed, the evidence taken in such investigation and the findings thereon and what action, if any, has been taken by such Department, or any board therein, or any bureau thereof, to provide measures to prevent, as far as possible, the occurrence of such disasters in the future.

The SPEAKER. Is there objection?

Mr. MANN. Let me ask the gentleman if we will be able to get this report of the hearings in before Congress adjourns?

Mr. GRANGER. The investigation has been proceeding for

the last seven or eight days, and I should think that there is every reason to suppose it would be completed before the 4th day of March.

Mr. MANN. It might be desirable to publish the result of the investigation soon after Congress adjourns, if not before, and before the meeting of the next Congress

Mr. GRANGER. I will be very glad to have that done. Will the gentleman suggest an amendment to the resolution?

Mr. GROSVENOR. Mr. Speaker, I desire to say that this resolution came to the Committee on Merchant Marine and Fisheries after what we supposed to be the final meeting of the committee, and it was so plain a duty of the House that it seemed

to me it was not necessary to call a meeting of the committee. I believe the committee would have been unanimously in favor of the resolution.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. Granger, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed, without amendment, bills of the following titles:

H. R. 9877. An act for the relief of James P. Barney

H. R. 19312. An act to authorize the Mingo-Martin Coal Land Company to construct a bridge across Tug Fork of Big Sandy River at or near mouth of Wolf Creek;

H. R. 23218. An act to authorize the Kentucky and West Virginia Bridge Company to construct a bridge across the Tug Fork of Big Sandy River at or near Williamson, in Mingo County, W. Va., to a point on the east side of said river in Pike County,

H. R. 7741. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Pay Clerk Walter Delafield Bollard, United States Navy;

H. R. 9289. An act for the relief of the Mitsui Bussan Kaisha; H. R. 3577. An act for the relief of Barclay H. Warburton;

H. R. 5195. An act for the relief of the Milburn Wagon Company, of Toledo, Ohio;

H. R. 8078. An act for the relief of Miss Bernice Farrell;

H. R. 4271. An act for the relief of Patrick J. Madden; H. R. 12009. An act for the relief of the heirs at law of M. A. Phelps and the heirs at law of John W. Renner;

H. R. 19493. An act to reimburse Oscar Fulgham, ex-sheriff of Madison County, Ala., for judgment and costs rendered against him when acting in the service of the United States

H. R. 7746. An act for the relief of Columbia Hospital and Dr. A. E. Boozer ;

H. R. 11676. An act for the relief of persons who sustained property damage caused by fire at the Rock Island Arsenal;

H. R. 1078. An act for the relief of Hamilton D. South, second lieutenant, United States Marine Corps;

H. R. 18865. An act for the relief of John and David West; H. R. 14381. An act authorizing and directing the Secretary of the Treasury to pay to the Holtzer-Cabot Electric Company the amount due said company from the Post-Office Department;

H. R. 5666. An act for the relief of L. L. Arrington and L. S. Arrington:

H. R. 4233. An act to reimburse the Harpswell Steamboat Company, of Portland, Me., for expenses incurred and for repairing damages sustained by its steamer Sebascodegan in collision with the U.S. S. Woodbury

H. R. 7960. An act for the relief of John C. Ray, assignee of John Gafford, of Arkansas;

H. R. 5622. An act for the relief of M. D. Wright and Robert Neill:

H. R. 12686. An act for the relief of Edwin T. Hayward, executor of Columbus F. Hayward and administrator of Charlotte G. Hayward

H. R. 129. An act for the opening of a connecting parkway along Piney Branch, between Sixteenth street and Rock Creek Park, District of Columbia;

H. R. 21684. An act to amend section 2 of an act entitled "An act regulating the retent on contracts with the District of Columapproved March 31, 1906;

H.R. 23201. An act to amend the act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901;

H. R. 22350. An act to authorize the recorder of deeds of the District of Columbia to recopy old records in his office, and for other purposes;

H. R. 18020. An act for the relief of the Snare & Triest

H. R. 25482. An act to amend section 878 of the Code of Law for the District of Columbia

H. R. 24875. An act authorizing the extension of Forty-fifth street NW. :

H. R. 24284. An act for the opening of Warren and Fortysixth streets NW., in the District of Columbia;

H. R. 13367. An act to amend section 13 of an act of March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of Cal-

H. R. 9976. An act to provide for the appointment of an additional district judge in and for the southern district of the State of Ohio;

H. R. 24887. An act providing for a United States judge for the northern judicial district of Alabama;

H. R. 25234. An act permitting the building of a dam across

Rock River at Lyndon, Ill.; H. R. 18854. An act providing for sittings of the United States

circuit and district courts of the southern district of Ohio at the city of Dayton, in said district;

H. R. 526. An act granting an increase of pension to Robert Cole

H. R. 560. An act granting an increase of pension to Wilson M. Holmes

H. R. 561. An act granting an increase of pension to Giles

H. R. 654. An act granting an increase of pension to Amos J.

H. R. 1171. An act granting an increase of pension to Alfred

H. R. 1223. An act granting an increase of pension to Andrew

H. R. 1232. An act granting an increase of pension to John V. Buskirk

H. R. 1242. An act granting an increase of pension to Luke Revnolds:

H. R. 1377. An act granting an increase of pension to Thomas

H. R. 1474. An act granting an increase of pension to Thomas

H. R. 1574. An act granting an increase of pension to Franklin

H. R. 1665. An act granting an increase of pension to Freder-

ick E. Hayward; H. R. 1728. An act granting an increase of pension to George C. Vance:

H. R. 1767. An act granting an increase of pension to James

H. Marcum H. R. 1838. An act granting an increase of pension to Asa J.

H. R. 1851. An act granting an increase of pension to Ralph

D. Parsons H. R. 1890. An act granting an increase of pension to Adam

H. R. 2064. An act granting an increase of pension to Daniel Sullivan ;

H. R. 2270. An act granting an increase of pension to John Lehn:

H. R. 2324. An act granting a pension to Christina Vetter;

H. R. 2821. An act granting an increase of pension to Turner J. Preble;

H. R. 2905. An act granting an increase of pension to Burr H. R. 3239. An act granting an increase of pension to George

W. Stewart; H. R. 3785. An act granting an increase of pension to Fred-

erick W. Wagner:

H. R. 4150. An act granting an increase of pension to John C.

H. R. 8775. An act granting an increase of pension to Carrie H. R. 4553. An act granting an increase of pension to William

R. Wilkins

H. R. 4757. An act granting an increase of pension to Edward

H. R. 5029. An act granting an increase of pension to Beverly W. Sullivan

H. R. 5050. An act granting an increase of pension to Ephraim

H. R. 5162. An act granting an increase of pension to James

H. R. 5202. An act granting an increase of pension to Jennie R. Hunt;

H. R. 5388. An act granting an increase of pension to Silas Garrison;

H. R. 5497. An act granting a pension to Cora Allie Booth; H. R. 5627. An act granting an increase of pension to John C. L. Hargis:

H. R. 5634. An act granting an increase of pension to John Redding ;

H. R. 5774. An act granting a pension to Cornelia Mitchell; H. R. 5800. An act granting an increase of pension to Joseph G. Maddocks;

H. R. 5926. An act granting a pension to Sarah C. Pitman; H. R. 6206. An act granting an increase of pension to Stephen J. Henning

H. R. 6237. An act granting an increase of pension to David Bethurum ;

H. R. 6353. An act granting an increase of pension to John Shobert: H. R. 6767. An act granting an increase of pension to Hobart

P. Sweet H. R. 7242. An act granting an increase of pension to Marcus

Davis

H. R. 7255. An act granting a pension to Christopher Horn; H. R. 7374. An act granting an increase of pension to Elijah C. Adelotte :

H. R. 7554. An act granting an increase of pension to Andrew

H. R. 7565. An act granting an increase of pension to Orville Dickinson;

H. R. 7578. An act granting an increase of pension to Levi Hoskins

H. R. 7634. An act granting an increase of pension to Martha G. Matlack :

H. R. 8408. An act granting an increase of pension to Richard Prost;

H. R. 8503. An act granting an increase of pension to David C. May

H. R. 8682. An act granting an increase of pension to James P. Bledsoe: H. R. 8770. An act granting an increase of pension to Charles

H. R. 8785. An act granting an increase of pension to John

Finch; H. R. 9256. An act granting an increase of pension to Martha

E. Sanford : H. R. 9445. An act granting a pension to Ida E. G. Pierce;

H. R. 9448. An act granting an increase of pension to Thomas B. Hockley

H. R. 9664. An act granting an increase of pension to Edwin H. R. 9785. An act granting an increase of pension to Wil-

liam A. Lyon;
H. R. 9850. An act granting an increase of pension to Benja-

min F. Williams;

H. R. 10023. An act granting a pension to Martha J. Lewis; H. R. 10164. An act granting a pension to Emma L. Beatty

H. R. 10212. An act granting an increase of pension to Charles M. Arnold;

H. R. 10241. An act granting an increase of pension to Joseph M. Parish

H. R. 10301. An act granting an increase of pension to George N. Beymer H. R. 10430. An act granting an increase of pension to Samuel

Ledgerwood; H. R. 10431. An act granting an increase of pension to Charles

W. Kenisston; H. R. 10739. An act granting an increase of pension to N. Delmont McReynolds

H. R. 10889. An act granting an increase of pension to William H. Garrison

H. R. 10935. An act granting an increase of pension to Annie

H. R. 11198. An act granting an increase of pension to Emanuel Sandusky;

H. R. 11285. An act granting an increase of pension to William Kirkpatrick :

H. R. 11621. An act granting an increase of pension to Hollis Smith:

H. R. 11845. An act granting an increase of pension to William J. Clark

H. R. 11848. An act granting an increase of pension to George E. York

H. R. 11995. An act granting an increase of pension to Wesley Layton; H. R. 12240. An act granting an increase of pension to Albert

J. Ackerley;

H. R. 12344. An act granting an increase of pension to Andrew J. Sproul;

H. R. 12346. An act granting an increase of pension to Abraham D. Stouffer:

H. R. 12349. An act granting an increase of pension to Edgar M. Barber;

H. R. 12353. An act granting an increase of pension to Jacob

H. R. 12563. An act granting an increase of pension to Andrew L. Hook ;

H. R. 12580. An act granting an increase of pension to Charles E. Youtt:

H. R. 12631. An act granting an increase of pension to James E. Leslie

H. R. 12969. An act granting an increase of pension to Alexander Buck

H. R. 13012. An act granting an increase of pension to Charles

H. R. 13133. An act granting an increase of pension to Gilbert W. Clark:

H. R. 13163. An act granting a pension to Rittie Blackwell; H. R. 13334. An act granting an increase of pension to Erastus A. Doe

H. R. 13810. An act granting an increase of pension to Abraham J. Simmons;

H. R. 13816. An act granting an increase of pension to Thomas McPeek

H. R. 13963. An act granting an increase of pension to William H. Turner:

H. R. 14104. An act granting an increase of pension to Milton Brown

H. R. 14228. An act granting an increase of pension to Abram Nussbaum

H. R. 14244. An act granting an increase of pension to Edwin R. Phillips :

H. R. 14779. An act granting an increase of pension to Willard

H. R. 15241. An act granting an increase of pension to Samuel

De Haven H. R. 15452. An act granting an increase of pension to Solo-

mon Stanfield: H. R. 15492. An act granting a pension to William L. Tyler; H. R. 15543. An act granting an increase of pension to George

W. Maynard H. R. 15688. An act granting an increase of pension to Esther

C. Kelly H. R. 15879. An act granting an increase of pension to Jacob Salat;

H. R. 16192. An act granting an increase of pension to Charles Reed

H. R. 16221. An act granting an increase of pension to Job Clark:

H. R. 16261. An act granting an increase of pension to John P. Bare

H. R. 16343. An act granting an increase of pension to Francis D. Matheny

H. R. 16439. An act granting an increase of pension to Patrick

H. R. 16607. An act granting an increase of pension to Mary Denny;

H. R. 16608. An act granting an increase of pension to Catharine McNamee;

H. R. 16687. An act granting an increase of pension to Jefferson G. Turner

H. R. 16718. An act granting an increase of pension to James Miltimore:

H. R. 16819. An act granting a pension to John V. Sumner H. R. 16834. An act granting an increase of pension to Allan

H. R. 16839. An act granting an increase of pension to Benja-

min F. Johnson; H. R. 16905. An act granting a pension to Anna E. Marble; H. R. 16925. An act granting a pension to Johanne Lange;

H. R. 16939. An act granting an increase of pension to Pat-

terson Reese

H. R. 17002. An act granting an increase of pension to Levi H. R. 17091. An act granting an increase of pension to George

Myers

H. R. 24887. An act providing for a United States judge for the northern judicial district of Alabama;

H. R. 11273. An act to incorporate the National German-American Alliance;

H. R. 25234. An act permitting the building of a dam across Rock River at Lyndon, Ill.;

H. R. 20003. An act granting an increase of pension to William Yahn

H. R. 20004. An act granting an increase of pension to Isaiah Perkins

H. R. 20057. An act granting an increase of pension to Cynthia Marsh;

H. R. 20062. An act granting an increase of pension to Philip Lape;

H. R. 20082. An act granting an increase of pension to William Van Alst;

H. R. 20148. An act granting a pension to Flora Fenzl; H. R. 20155. An act granting an increase of pension to Frank L. Weiss, alias Louis Weiss;

H. R. 9838. An act granting an increase of pension to Joseph Fergerson:

H. R. 20170. An act granting an increase of pension to Mathias Mannes

H. R. 20183. An act granting an increase of pension to Cath-

erine Way; H. R. 20217. An act granting an increase of pension to Ferdinand Kunkel:

H. R. 20270. An act granting an increase of pension to Michael Dunn:

H. R. 20299. An act granting an increase of pension to Lizzie E. Enright;

H. R. 20352. An act granting a pension to Martha Stevens; H. R. 20414. An act granting an increase of pension to Albert Launt:

H. R. 21244. An act granting an increase of pension to Levi E. Eldred :

H. R. 21262. An act granting an increase of pension to Margaret Adams

H. R. 21267. An act granting an increase of pension to Jerome B. Clark

H. R. 21284. An act granting an increase of pension to William Earnest:

H. R. 21306. An act granting an increase of pension to James Pool :

H. R. 21336. An act granting an increase of pension to Hermann Hoffmeister:

H. R. 21337. An act granting an increase of pension to Henry J. Barrows;

H. R. 20588. An act granting an increase of pension to Nicholas S. Cantine:

H. R. 20590. An act granting an increase of pension to Hannah O. Reynolds:

H. R. 20622. An act granting an increase of pension to Samuel Shoener:

H. R. 23235. An act granting an increase of pension to James L. Barney:

H. R. 24358. An act granting an increase of pension to John R. Cauley H. R. 21342. An act granting an increase of pension to Charles

A. Parker; H. R. 21348. An act granting an increase of pension to Wil-

liam Seymour Alden; H. R. 21352. An act granting a pension to Hester A. Parrish;

H. R. 21430. An act granting an increase of pension to Alonzo Foster; H. R. 21525. An act granting an increase of pension to John

Short; H. R. 21559. An act granting an increase of pension to Wil-

liam Ivers H. R. 21562. An act granting an increase of pension to Valentine Goebel:

H. R. 21608. An act granting an increase of pension to Louis Green

H. R. 21659. An act granting an increase of pension to Rose Sevin:

H. R. 21711. An act granting an increase of pension to Thor Nelson:

H. R. 21734. An act granting an increase of pension to Stephen B. H. Shanks; H. R. 21746. An act granting an increase of pension to Wil-

liam N. Carlisle;
H.R. 21784. An act granting an increase of pension to Wil-

liam Hall;

S. 4367. An act for the relief of Mrs. C. N. Graves; H. R. 17245. An act granting an increase of pension to Joseph Bateman:

H. R. 17307. An act granting an increase of pension to John

H. R. 17394. An act granting an increase of pension to Albert W. Boggs;

H. R. 17655. An act granting an increase of pension to Fritz Dittmann:

H. R. 18040. An act granting an increase of pension to Thomas Akin:

H. R. 18110. An act granting an increase of pension to Asail Brown:

H. R. 18396. An act granting an increase of pension to John

H. R. 18515. An act granting an increase of pension to Martin Johnson

H. R. 18518. An act granting an increase of pension to Wil-

liam W. Wertman; H. R. 18519. An act granting a pension to Benjamin W. McCrav

H. R. 18556. An act granting an increase of pension to William H. De Bruler;

H. R. 18571. An act granting an increase of pension to Ann

H. R. 18604. An act granting an increase of pension to Thomas

M. Luman; H. R. 18653. An act granting an increase of pension to Richard Limbird;

H. R. 18814. An act granting an increase of pension to Francis G. Knapp;

H. R. 18831. An act granting an increase of pension to James R. Wilson:

H. R. 18874. An act granting a pension to Nannie T. Johnson; H. R. 18993. An act granting an increase of pension to James

H. R. 19065. An act granting an increase of pension to William R. Rodenberger

H. R. 19069. An act granting an increase of pension to Cornelius A. Willis:

H. R. 19079. An act granting a pension to Phoebe Templeton; H. R. 19106. An act granting an increase of pension to Marga-

ret Epperson: H. R. 19125. An act granting an increase of pension to Mary

W. Humphreys H. R. 19291. An act granting an increase of pension to Charles

H. R. 19421. An act granting an increase of pension to Ella A.

Hodges H. R. 19580. An act granting an increase of pension to Jane

Williamson H. R. 19594. An act granting an increase of pension to Hosea Hudson:

H. R. 19599. An act granting an increase of pension to Wil-

liam J. Large; H. R. 19658. An act granting an increase of pension to Ary S.

H. R. 19739. An act granting an increase of pension to Henry

D. Miner; H. R. 19794. An act granting an increase of pension to Henry

C. Jewett; H. R. 19937. An act granting an increase of pension to Mildred L. Allee;

H. R. 20840. An act granting an increase of pension to Thomas M. Lord:

H. R. 20886. An act granting an increase of pension to William W. Bell;

H. R. 20890. An act granting an increase of pension to Lafayette Doughty;

H. R. 20952. An act granting an increase of pension to John

H. R. 20954. An act granting an increase of pension to Henry McDevitt:

H. R. 20956. An act granting an increase of pension to James Kenney

H. R. 20959. An act granting an increase of pension to William G. Dickey;

H. R. 20961. An act granting an increase of pension to George

H. R. 20963. An act granting an increase of pension to Rianzo M. Norton

H. R. 20972. An act granting an increase of pension to George W. Rothrock :

H. R. 20999. An act granting an increase of pension to John H. Simmons:

H. R. 21038. An act granting a pension to Lucy A. Gaylord; H. R. 21040. An act granting an increase of pension to Ella C.

H. R. 21052. An act granting an increase of pension to Ed-

mund A. Locker:

H. R. 21055. An act granting an increase of pension to Archihald Bates:

H. R. 21073. An act granting an increase of pension to Michael Harman:

H. R. 21085. An act granting an increase of pension to Anthony Patterson;

H. R. 21130. An act granting a pension to Margaret McNally; H. R. 21131. An act granting an increase of pension to Cornelius Shea:

H. R. 21141. An act granting an increase of pension to George E. Castor, alias George E. Custer;

H. R. 9298. An act for the relief of the heirs at law of David C. Haynes, deceased; and

H. R. 23324. An act authorizing the sale of certain lands to the city of Buffalo, Wyo.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2951. An act for the relief of John Scott;

S. 6906. An act to provide for the incorporation of banks within the District of Columbia;
S. 7922. An act to reimburse Anna B. Moore, postmaster at

Rhyolite, Nev., for money expended for clerical assistance;

S. 825. An act to authorize street railway companies in the District of Columbia to convey small freight, express matter, etc.

S. 7526. An act to authorize the Commissioners of the District of Columbia to close and abandon roadways in said District outside of the city of Washington, and for other purposes

S. 5888. An act authorizing the President to appoint James Carroll a surgeon, on the retired list with the rank of major, in the United States Army;

S. 8075. An act to provide for the construction and equipment of a revenue cutter, with headquarters at New Orleans, La.;

S. 8170. An act amending an act to create a customs district of the Territory of Arizona, approved April 29, 1890;

S. 7496. An act relating to commutations of homestead entries and to confirm such entries when commutation proofs were received by local land offices prematurely; S. 8301. An act for the reimbursement of certain sums of

money to certain enlisted men of the Philippine Scouts;

S. 8208. An act authorizing the extension of Park place NW.; S. 6993. An act to create the Barnaby road, from its intersection with the Livingston road to the District line, a public highway in the District of Columbia;

S. 8299. An act to confer certain civic rights on the Metlakahtla Indians of Alaska;

S. 8446. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company;

S. 8427. An act to annul certain titles to land acquired by judicial proceedings in the courts of the United States in Texas, and for other purposes;

S. 7726. An act to correct the naval record of Charles C. Lee; S. 8119. An act to readjust the boundaries of the naval reser vations in Porto Rico, established in pursuance of the act of July 1, 1902:

S. 3342. An act for the relief of the Protestant Orphan Asylum at Natchez, in the State of Mississippi;

S. 8430. An act for the relief of the Richmond Locomotive Works, successor of the Richmond Locomotive and Machine Works:

S. 6447. An act to authorize the appointment of Acting Asst. Surg. George R. Plummer, United States Navy, as an assistant surgeon in the United States Navy; and

S. 4506. An act to provide for the better registration of births in the District of Columbia, and for other purposes.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 23860. An act granting an increase of pension to William G. Cummings;

H. R. 17011. An act granting an increase of pension to Mary E. Brown;

H. R. 21639. An act granting a pension to Nanny E. Hayes; H. R. 22334. An act to amend an act to regulate the sitting of the United States courts within the district of South Carolina;

H. R. 17956. An act granting an increase of pension to John

Shinolt; and H. R. 24987. An act to authorize the sale and disposition of a portion of the surplus or unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appro-

priation and provision to carry the same into effect.

H. R. 1371. An act to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and thereafter returned:

H. R. 20223. An act granting an increase of pension to William F. Clendening;

H. R. 20718. An act granting an increase of pension to Anne B. Whitcomb:

H. R. 21415. An act granting an increase of pension to Casper W. Tyler;

H. R. 21447. An act granting a pension to William W. Sparks; and

H. R. 23860. An act granting an increase of pension to William G. Cummings.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2769) to divide Nebraska into two judicial districts.

## SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated:

S. 6906. An act to provide for the incorporation of banks within the District of Columbia-to the Committee on the District of Columbia.

S. 6447. An act to authorize the appointment of Acting Asst. Surg. George R. Plummer, United States Navy, as an assistant surgeon in the United States Navy-to the Committee on Naval

S. 7922. An act to reimburse Anna B. Moore, postmaster at Rhyolite, Nev., for money expended for clerical assistance—to the Committee on Claims.

S. 825. An act to authorize street railway companies in the District of Columbia to convey small freight, express matter, etc.—to the Committee on the District of Columbia.

S. 5888. An act authorizing the President to appoint James Carroll a surgeon, with the rank of major, in the United States Army—to the Committee on Military Affairs.

S. 8075. An act to provide for the construction and equipment of a revenue cutter, with headquarters at New Orleans, La.-to the Committee on Interstate and Foreign Commerce.

S. 8170. An act amending an act to create a customs district of the Territory of Arizona, approved April 29, 1890-to the Committee on Ways and Means.

S. 8299. An act to confer certain civic rights on the Metlakahtla Indians of Alaska-to the Committee on Indian Affairs.

8,7496. An act relating to commutations of homestead entries and to confirm such entries when commutation proofs were received by local land officers prematurelymittee on the Public Lands.

S. 8301. An act for the reimbursement of certain sums of money to certain enlisted men of the Philippine Scouts-to the Committee on Claims.

S. 4506. An act to provide for the better registration of births in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

S. S446. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company-to the Committee on Interstate and Foreign Commerce.

S. 8208. An act authorizing the extension of Park place NW.—to the Committee on the District of Columbia.

S. 8430. An act for the relief of the Richmond Locomotive Works, successor of the Richmond Locomotive and Machine -to the Committee on Claims.

S. 8427. An act to annul certain titles to land acquired by judicial proceedings in the courts of the United States in Texas, and for other purposes-to the Committee on Private Land

S. 8119. An act to readjust the boundaries of the naval reservations in Porto Rico established in pursuance of the act of July 1, 1902-to the Committee on Naval Affairs.

S. 7726. An act to correct the naval record of Charles C.

Lee—to the Committee on Naval Affairs. S. 7526. An act to authorize the Commissioners of the District of Columbia to close and abandon roadways in said District outside of the city of Washington, and to transfer the title of the United States in said roadways to abutting owners, and for other purposes-to the Committee on the District of Columbia.

An act to create the Barnaby road, from its intersection with the Livingston road to the District line, a public highway in the District of Columbia-to the Committee on the District of Columbia.

S. 4367. An act for the relief of Mrs. C. N. Graves-to the Committee on War Claims.

S. 3342. An act for the relief of the Protestant Orphan Asylum at Natchez, in the State of Mississippi-to the Committee

S. 2951. An act for the relief of John Scott—to the Committee on War Claims.

## CULTIVATION OF POTATOES.

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent that there be printed as a House document an article by Dr. W. Behrend.

The SPEAKER. The gentleman from North Dakota asks unanimous consent that the following communication may be printed as a House document.

Mr. MANN. Reserving the right to object, I would like to know what the communication is.

The Clerk read as follows:

An article on the cultivation of the potato, and its significance from e standpoint of political economy, by Dr. W. Behrend.

Mr. MANN. Oh, I object.

Mr. MARSHALL. I hope the gentleman will withdraw his objection, at least until I can give an explanation.

Mr. MANN. I reserve the right to object.

Mr. MARSHALL. Mr. Speaker, the article contains very valuable information with reference to the potato in connection with the manufacture of alcohol, in which we are all deeply interested. It is a matter that probably will not cost more than five or ten dollars to print, and one gentleman from Illinois asked me for a number of copies of this article this morning.

Mr. MANN. Oh, a great many people are asking for documents which I can not supply. It can be printed by the Agricultural Department as a farmers' bulletin. If this process is commenced in the House, there will be no end to it. I think I must object, Mr. Speaker.

The SPEAKER. Objection is made.

## TANANA MINES RAILROAD IN ALASKA.

Mr. POWERS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 25184.

The bill was read, as follows:

The bill was read, as follows:

A bill (H. R. 25184) to relieve the Tanana Mines Railroad in Alaska from taxation.

Be it enacted, etc., That the Tanana Mines Railroad Company, or its successors, having a line of railroad under construction in the district of Alaska, shall be exempt from license tax and tax on its railway and railway property during the period of its construction and for five years thereafter: Provided, That the total period of exemption shall not exceed ten years from the time of the passage of this act: And provided further, That this exemption shall exist and operate only during the continuance of the construction of said road in good faith, and in the event of unnecessary delay in the construction and completion of said road the exemption from taxation herein provided shall cease, and said tax shall be collectible as to so much of said road as shall have been completed five years.

Sec. 2. That Congress reserves the right to alter, amend, or repeal this act.

The SPEAKER. Is there objection?
Mr. CLARK of Missouri. Reserving the right to object, I would like to know what this is, anyhow.

Mr. POWERS. This is simply to exempt this railroad from the special-license tax, which has been granted to at least two other roads. This is a small road, of what you call a "narrow gauge," of which 26.2 miles have been completed, and the tax of \$100 a mile would mean 8 per cent of the cost. It exempts them from the payment of this license tax for a certain time after the completion of the road. It is unanimously reported, as I understand, and simply in line, following the identical language, of what we have already granted to other roads.

Mr. LLOYD. What bill is that?

Mr. POWERS. It is the Tanana road, on which the gentleman from Arkansas [Mr. Reid] put this proviso.

Mr. LLOYD. That is the remission of the license tax? Mr. POWERS. Yes.

Mr. CLARK of Missouri. Does it remit all the taxes on the

Mr. POWERS. I do not know anything about any other taxes but the license. It is in the identical language of the other bills. It is a very small matter, but it amounts to much to those who are to build the roads there.

Mr. MANN. Is this the third bill of this kind at this session of Congress? We passed a House bill the other day for We passed a House bill the other day for something like this.

Mr. POWERS. It was a similar bill.

Mr. MANN. And a Senate bill was passed the other day for a similar purpose.

Mr. POWERS. Yes. Mr. MANN. Is this the third bill?

Mr. POWERS. These are three different roads, and we are treating them all alike.

Mr. FITZGERALD. Will this exem ation five years after it is completed? Will this exempt the railroad from tax-

Mr. POWERS. If they go on in good faith; but Congress reserves the right to amend, alter, and repeal this act. This is exactly the same language as was put in the exemption that was given to the Alaskan Central road. I have it here, if you desire to have it read, and it is copied verbatim.

Mr. FITZGERALD. From my recollection of the bill I do not recall that it contained a provision that the road should be

exempt from taxes five years after the completion.

Mr. POWERS. Let me read you the provision which Congress passed in reference to the Alaskan Central road. Section 5 of the bill reads:

Said company shall be exempt from license tax and tax on its rail-road and railroad property during the period of its construction and for five years thereafter.

Mr. MANN. Was that provision in the bill as it passed the House's

Mr. POWERS. That provision was in the bill as it passed the House

It was not put in by conference? Mr. MANN.

Mr. POWERS. No, sir, Mr. Speaker, if I understand this bill, the exemption for taxation is for five years after the completion of the road. I know that we put in this usual clause that Congress shall have the right to alter, amend, or repeal, which we all know to be nothing; but I shall object unless the gentleman from Maine shall introduce some language making a definite period of time for the exemption.

Mr. POWERS. There is a part of the bill which provides

Mr. WILLIAMS. You say that this exemption shall be until five years after the completion?

Mr. LLOYD. Wait half a minute.
Mr. POWERS. That provision is in it.
Mr. WILLIAMS. The gentleman from Missouri calls my attention to the fact that just what I wanted placed in the bill is in it; so that the gentleman was mistaken in saying five years after the completion, because it says: "Provided, That the total period of exemption shall not exceed ten years from the I have no objection. passage of this act."

Mr. LLOYD. Mr. Speaker, this is to aid the people of Alaska in an important matter. Our committee is beset from time to time with propositions to aid the railroads in Alaska, but thus far this Congress or our committee has not recommended any aid of any kind except to relieve them of the burden of the license tax. Under existing law a license tax of \$100 per mile is levied on each mile of road as soon as it is completed. investigation of the matter our committee believe that if men will go to Alaska and actually construct a railroad, they ought to be relieved from taxation while they are constructing it and for a short time thereafter. We believe further that it is not improper to allow them to extend that time for five years after the completion of the road without paying a license tax, provided the exemption is for a reasonably limited number of

Mr. FINLEY. Will the gentleman yield to me for a question? Mr. LLOYD. Certainly. Mr. FINLEY. Does this bill exempt railroad property in

towns in Alaska from taxation?

Mr. LLOYD. No, sir.

Mr. FINLEY. The gentleman is sure of that?
Mr. LLOYD. Yes; because that was specifically brought out in the hearings, and no demand was made for anything of the

Mr. FINLEY. Is there anything in the bill covering that point?

Mr. LLOYD. The bill only exempts them from paying the license tax

Mr. FINLEY. That is, so much per mile. There are towns in Alaska, and railroads, I suppose, will run through the towns. I wish to know if there is any provision which will relieve them

from paying a tax for municipal purposes.

Mr. LLOYD. There might be a part of a road in a town, but that is not a serious proposition in Alaska, because there are

no towns of any consequence in Alaska.

Mr. FINLEY. But the gentleman realizes that towns must

raise money for municipal purposes.

Mr. SULZER. Let me say to the gentleman from South Carolina that there is nothing in this bill that exempts the railroad company from any local taxation. This bill simply exempts it from a national license tax.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time,

was read the third time, and passed.

On motion of Mr. Powers, a motion to reconsider the last vote was faid on the table.

DAMS ACROSS THE SAVANNAH RIVER, GEORGIA.

Mr. HARDWICK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 8182) authorizing the Twin City Power Company to build two dams across the Savannah River above the city of Augusta, in the State of Georgia.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will read the substitute instead of the original bill.

The Clerk read the substitute, as follows:

The Clerk read the substitute, as follows:

Be it enacted, etc., That the Twin City Power Company, a corporation organized under the laws of the State of North Carolina, its successors and assigns, be and they are hereby, authorized to construct, maintain, and operate a dam across the Savannah River at or near where Dortons Creek, in the county of Edgefield, State of South Carolina, empties into the Savannah River, and also a dam across the said river at or near the southern end of Prices Island in said river and about 5 miles from the mouth of Dortons Creek, in the State of South Carolina, in accordance with the provisions of the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906: Provided, That one of said dams shall be completed within three years and the other within five years from the passage of this act.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment in the nature of a substitute was agreed to. The bill was ordered to be read a third time; was read the third time, and passed.

On motion of Mr. Hardwick, a motion to reconsider the last

vote was laid on the table.

CENTRAL COLORADO POWER COMPANY.

Mr. BONYNGE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24118) granting to the Central Colorado Power Company a right of way over certain public lands, for irrigation and electric power plants, in the State of Colorado.

The Clerk read the bill, as follows:

Be it cnacted, etc., That the Central Colorado Power Company, of Colorado, organized for the purpose of supplying water for the irrigation of lands and other beneficial uses, and for generating and distributing power for use by municipalities and the public generally, is hereby granted a right of way through the public lands of the United States in the State of Colorado, designated in the manner following, namely:

tion of lands and other beneficial uses, and for generating and distributing power for use by municipalities and the public generally, is hereby granted a right of way through the public lands of the United States in the State of Colorado, designated in the manner following, namely:

(a) For a canal or ditch for carrying a part of the waters of the Grand River in Grand County, Colo., frem a point on the left bank of said river, whence the northwest corner of section 23, township-1 north, range S1 west of the sixth principal meridian bears north 7° 58" west 492.3 feet; thence southwesterly through said section 23 and through sections 22, 27, 28, 32, and 33, in said township and range, and sections 5. 6, and 7 in township 1 south, range S1 west, to a reservoir for impounding said waters, situate in the south half of said section 7: and thence in a westerly direction to a power house-situate on said Grand River in the west half of said section 7: and for said reservoir and for power-house grounds, all as more particularly described in map and field notes of said canal approved by the Secretary of the Interior under the provisions of the act of February 15, 1901, on the 23d day of November, 1906.

(b) For a reservoir for storing the waters of the Williams Fork River, in Grand County, Colo., situate in sections 23, 25, 26, 27, 34, 35, and 36, in township 1 north, range 19 west, sixth principal mericularly described in map and field notes of said reservoir approved by the Secretary of the Interior under the provisions of act of February 15, 1901, on the 11th day of June, 1908.

SEC. 2. That the grounds covered by the rights of way hereing granted shall include 50 feet on each side of the center of said canals or ditches as constructed, and the grounds actually occupied and necessary buildings and structures to be used in connection with the construction, operation, maintenance, and use thereof, together with 50 feet on each side of the marginal limits of all such buildings, structures, and reservoirs, or such portion

The Clerk read the following committee amendments:

Strike out all of sections 5 and 6, on page 4, and insert the following Strike out all of sections o and o, on place in lieu thereof:

"Sec. 5. That if any section of said canal, ditch, or reservoir shall not be completed within five years after the location of said section, or if, after construction, there shall be an abandonment of and failure to use such rights for a period of more than two years, the rights herein

granted shall become forfeited as to any such uncompleted or unused section of said canal, ditch, or reservoir, without further action by the Interior Department.

"Sec. 6. That the rights of way herein granted shall become vested only upon the completion of the company's works within five years after the date of the passage of this act, but shall relate back to the date of the act upon filing with the Secretary of the Interior proof of construction within the time allowed.

"Sec. 7. That the company shall pay to the United States the ful value of all timber and wood cut, used, or destroyed within the right of way in constructing its works, and damages to cover the injuries to the public lands caused by the digging of the canal and ditch, the laying of the pipe lines, or constructing its power houses, and the flooding of the necessary areas for the reservoir; such values and the extent of such damages to be fixed by the Secretary of the Interior or some one designated by him."

Change "section 7" to "section 8."

The SPEAKER. Is there objection to the present considera-

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. Bonynge, a motion to reconsider the last vote was laid on the table.

DISAPPROVAL OF CERTAIN LAWS OF THE TERRITORY OF NEW MEXICO.

Mr. POWERS. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 204, disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico, which I send to the desk and ask to have read.

The Clerk read as follows:

Whereas on the 11th day of March, 1903, the legislative assembly of the Territory of New Mexico passed an act known as chapter 33 of the acts of the thirty-fifth legislative assembly of New Mexico entitled "An act establishing the law and procedure in certain cases," as follows: "LAWS OF NEW MEXICO, THIRTY-FIFTH LEGISLATIVE ASSEMBLY, 1903.
"CHAPTER 33.

"AN ACT ESTABLISHING THE LAW AND PROCEDURE IN CERTAIN CASES. "H. B. No. 155. Passed over veto March 11, 1903.

" CONTENTS.

"Sec. 1. Civil procedure in personal-injury cases. Person injured to file affidavit when. Case to be dismissed when. Proviso.

"Sec. 2. On petition district court may issue summons for person injured to appear in court and file complaint. Procedure when person summoned fails to answer.

"Sec. 3. Unlawful to begin action in any other State or Territory. Procedure in case such action has been begun.

"Sec. 4. When action begun in any other State or Territory district court may issue injunction.

"Sec. 5. Provisions of this chapter not to apply in case process can not be served in this Territory.

"Sec. 6. Claim for damages may be compromised.

"Whereas it has become customary for persons claiming damages for

"Whereas it has become customary for persons claiming damages for personal injuries received in this Territory to institute and maintain suits for the recovery thereof in other States and Territories, to the increased cost and annoyance and manifest injury and oppression of the business interests of this Territory and the derogation of the dignity of the courts thereof: Therefore

"Be it enacted by the legislative assembly of the Territory of Mexico:

business interests of this Territory and the derogation of the dignity of the courts thereof: Therefore

"Be it enacted by the legislative assembly of the Territory of Mexico:

"Section 1. Hereafter there shall be no civil liability under either the common law or any statute of this Territory on the part of any person or corporation for any personal injuries inflicted or death caused by such person or corporation in this Territory unless the person claiming damages therefor shall within ninety days after such injuries shall have been inflicted make and serve upon the person or corporation against whom the same is claimed, and at least thirty days before commencing suit to recover judgment therefor, an affidavit which shall be made before some officer within this Territory who is authorized to administer oaths, in which the affiant shall state his name and address, the name of the person receiving such injuries, if such person be other than the affiant, the character and extent of such injuries in so far as the same may be known to affiant, the way or manner in which such injuries were caused in so far as the affiant has any knowledge thereof, and the names and addresses of all witnesses to the happening of the facts or any part thereof causing such injuries as may at such time be known to affiant, and unless the person so claiming such damages shell also commence an action to recover the same within one year after such injuries occur, in the district court of this Territory in and for the county in which such injuries occur, or in and for the county of this Territory where the claimant or person against whom such claim is asserted resides, or in event such claim is asserted against a corporation in the county in this Territory where such corporation has its principal place of business; and said suit after having been commenced shall not be dismissed by plaintiff unless by written consent of the defendant filed in the case, or for good cause shown to the court; it being hereby expressly provided and understood t

form of a complaint against said petitioner, cummons shall issue out of said court and be served and returnable as other process, comanding and requiring the said party named in said petition to appear in said court and file such statement in the form of a complaint against said petitioner, if he has to make, and upon such complaint being filed by such party as required the defendant named therein may demur to or entitled to, or as may be meet and proper as in other cases of a similar character, and from thenceforward such further proceedings shall be had in such cause as in other cases, and the same shall be determined upon its merits and final judgment, subject, however, to appeal or writ said complaint or for the adverse party, and if the court finds the petitioner guilty of any of the wrongs, injuries, or trespasses complained of against him in said statement such damages shall be assessed against the said petitioner as the law and the facts may require, in the sain statement as a complaint.

"In event said party complained of in said petition, after being duly served with such summons, shall fail or refuse to appear or file his said statement as required herein, indement shall be rendered by such petition, including the question as to whether or not the petition and thereupon the court shall try and determine the Issues raised by such petition, including the question as to whether or not the petitioner is liable to said party on account of any of the matters or things stated in said petition in any sum of money whatsoever, and, if so, in what force, and the law; and such judgment as the court may render shall be final and conclusive upon the question of the liability or nonliability of said petitioner to said party, and of the amount of the liability of said petitioner to said party, and of the amount of the liability of the most said petition in any sum of money whatsoever, and, if so, in which any proceeding has been instituted in this Territory, as herein provided, that any such petitioner or plaintiff

Therefore, be it

Resolved, etc., That said law of the Territory of New Mexico, as aforesaid, be, and the same is hereby, disapproved and declared null and of no effect.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution.

The resolution was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. Powers, a motion to reconsider the last vote was laid on the table.

SIGNING OF CONFERENCE REPORT ON IMMIGRATION BILL.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the following House concurrent resolution, which I send to the desk and ask to have

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House and the Secretary of the Senate are hereby authorized and directed to permit Jacob Ruppert, ir., as one of the House managers, to affix his name to the report of the managers of conference on the disagreeing votes of the two Houses on the bill (S. 4403) regulating immigration.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the concurrent resolution.

The question was taken; and the resolution was agreed to.

LEAVE TO PRINT.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent to extend in the Record some remarks I made yesterday respecting some features of the postal service.

The SPEAKER. Is there objection? There is no objection, and it is so ordered.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET of Indiana. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25483—the post-office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill, with Mr. Currier in the chair.

The CHAIRMAN. When the committee rose yesterday there was pending an amendment offered by the gentleman from Ohio [Mr. Goebel], on which the point of order had been reserved by the gentleman from Indiana [Mr. Overstreet]. Without objection, the Clerk will again report the amendment. The Clerk read as follows:

On page 14, line 24, after the word "dollars," insert the following: "Provided, That in addition to the foregoing allowance and compensation of clerks and employees at first and second class post-offices there be allowed and paid to each a sum which, together with the allowance herein made, would equal 20 per cent upon the salary now fixed by law."

Mr. OVERSTREET of Indiana. Mr. Chairman, I reserved the point of order until the gentleman from Ohio could explain the proposed amendment.

The CHAIRMAN. The gentleman from Ohio is recognized to discuss the merits of the proposition.

Mr. GOEBEL. Mr. Chairman, the object of that amendment,

as well as the amendment I have offered heretofore, is to provide an increase of 20 per cent to all postal employees, excluding postmasters and assistant postmasters. I was very much impressed yesterday with the tabulated statement of the gentleman from Illinois [Mr. Lorimer], showing the inequality of the contemplated increase provided for in this bill. By the amendment that I have offered the pay will be equalized, and the employee from the humblest position up to the highest grade would receive the same rate of increase. In my judging postmasters and assistant postmasters. I was very much grade would receive the same rate of increase. In my judgment the Committee on the Post-Office and Post-Roads did not go far enough in the provisions that are offered here re-lating to the increase of pay. We all know that the cost of living has materially advanced, and that has affected every-We also know that there has been many resignations in the Post-Office Department by reason of this meager compensation and by reason of inducements that have been offered by others outside of the Government service, and I want to call the attention of this House to that portion of the report of the Postmaster-General, or rather of the Assistant Postmaster-General, in which he calls particular attention to that large increase of resignations in the Post-Office Department which has so materially affected that service. He says:

materially affected that service. He says:

From 12 per cent for the fiscal year the annual rate of resignations on the part of the clerks advanced to 19 per cent for the quarter ending September 30, and 21 per cent for the month of October. In the c.se of carriers the annual rate of resignations, which was 2.6 per cent for the fiscal year, rose to 3.5 per cent for the quarter, and to 4.1 per cent for the month of October.

It is evident from these statistics that the number of post-office employees resigning has increased with great rapidity during the past few months. The situation as regards the clerical service is particularly bad. The figures for October show that clerks were leaving the service at an annual rate exceeding 1 in every 5. Although clerks have been dropping out in much larger numbers than carriers, the latter employees are also resigning to a considerable extent. While it is impossible to determine exactly what proportion of the clerks and carriers who resigned since the beginning of the fiscal year have done so on the ground of inadequate pay, sufficient statistical information was received from the result of the recent inquiry to show that the resignations recently reported were very largely attributable to that cause.

Mr. Chairman, when we consider that higher wages are paid

Mr. Chairman, when we consider that higher wages are paid outside of the Government service, it can readily be seen that there is an inducement for these men to resign.

The CHAIRMAN. The time of the gentleman has expired.
Mr. OVERSTREET of Indiana. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. It is clearly subject to the point of order, and the point of order is sustained.

Mr. OVERSTREET of Indiana. Mr. Chairman, I ask unani-

mous consent to recur to page 3 for the privilege of offering an amendment.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to return to page 3 for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Add after line 23, page 3, the following:
"To complete the work of printing and binding the opinions of assistant attorneys-general for the Post-Office Department, \$10,000; and such printing and binding shall be done at the Government Printing Office."

The question was taken; and the amendment was agreed to. Mr. OVERSTREET of Indiana. Now, Mr. Chairman, I ask to recur to page 8, the last item on that page, to which a point of order is now pending.

The CHAIRMAN. That was passed without prejudice?
Mr. OVERSTREET of Indiana. My understanding is it was temporarily passed over yesterday to be taken up this morning for a decision on the point of order, and I wish to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the

point of order.

Mr. OVERSTREET of Indiana. At the bottom of page 8 the last paragraph appropriates for twenty-three superintendents of delivery and superintendents of mails at not exceeding \$2,700 each. The point of order was made to that as being contrary to existing law. I desire to call the attention of the Chair to the act of July 2, 1836, providing for the organization of the Post-Office Department and postal service. It is under this statute that appropriations have been made from year to year providing for the expenditures of that service, and under section 2 requirement is made "that the Postmaster-General shall submit to Congress at the next and each annual session specific estimates of the sums of money expected to be required for the service of the Department in the subsequent year, commencing on the 1st day of July" under specific subheads of expenditure, one of which subheads is "Clerks for offices," and another "Miscellaneous." The act of March 2, 1889, begins as follows:

Be it enacted, etc., That the following sums be, and are hereby, appropriated for the service of the Post-Office Department, in conformity with the act of July 2, 1836.

And provision is then made for superintendents of mails and superintendents of delivery at salaries not exceeding 45 per cent of the salaries of the respective postmasters in even grades of \$100 each, from \$1,300 to \$2,700, inclusive. No limitation is made as to the number, but authority is given under the organization act of 1836-

The CHAIRMAN. May the Chair interrupt to inquire if that act of 1889 is found in an appropriation bill or not?

Mr. OVERSTREET of Indiana. I think it is, but it is under the act of 1836, and specifically provides in the language of the act with reference to this classification.

The CHAIRMAN. Will the gentleman from Indiana send both of the volumes to the desk?

Mr. OVERSTREET of Indiana. I ask the attention of the Chair to these statutes, and submit that under them this authority for the appropriation of not to exceed 45 per cent of the

salary of the postmaster is according to law.

Mr. MURPHY. Mr. Chairman, using the words of a Senator from Texas, the argument of the chairman of the Committee on the Post-Office and Post-Roads could be patented for its novelty, but he could not obtain a patent on it because it is of no value. Now, Mr. Chairman, under the act of July 2, 1836, which he read, that the Postmaster-General shall submit to Congress the amount of money required for clerks of offices and miscellaneous, if under that act they can appropriate for superintendents of mails, for superintendents of delivery, officials in the Post-Office Department, it is perfectly clear that under that miscellaneous provision they could provide for seven, nine, or ten auditors instead of six. If under that miscellaneous provision to which he has referred they could appoint these officials in the Post-Office Department, might they not provide six, seven, or eight Assistant Postmasters-General as well? And, Mr. Chairman, this last provision which he read was on an appropriation bill. Does that make it in order now? They acted under that and appropriated the number of assistant mail superintendents of delivery and superintendents of mails. There is no objection to the number that they provided for, but the act of July 2, 1836, does not provide, in submitting to Congress the amount required for clerks in offices and for miscellaneous, that there shall be new officers placed upon the pay roll.

Mr. OVERSTREET of Indiana. If the gentleman from Missouri [Mr. MURPHY] will yield, I would like to inquire if the

word "twenty-three" was stricken out and "seventeen" inserted, if he would then be satisfied and withdraw the point of order?

Mr. MURPHY. I would.

Mr. OVERSTREET of Indiana. I am perfectly willing to settle the matter by striking out "twenty-three" and inserting

Mr. STAFFORD. Mr. Chairman, with the permission of the gentleman-

The CHAIRMAN. The gentleman from Missouri [Mr. Mur-Hy] has the floor. Does the gentleman yield? PHY! has the floor.

Mr. OVERSTREET of Indiana. I suggest that the Chair rule. I will withdraw my proposition and let the Chair decide the point of order. I only made it in the interest of time. I think the point of order is not well sustained by the statute

Mr. STAFFORD. Mr. Chairman, I wish the attention of the Chair just a moment in order to explain that the provision of 1889, though it was carried in an appropriation bill, is in form to make it permanent law. The Chair will find in the Postal Rules and Regulations a copy of the act, where it is provided

The Postmaster-General is hereby authorized to classify and fix the salaries of the clerks and employees attached to the first-class post-offices as hereinafter provided.

This classification in its terms makes it permanent law, and under that classification will be found the designations of superintendents of mails and superintendents of delivery. These positions are limited to 45 per cent of the salaries of the postmasters. Forty-five per cent of the salaries of the postmasters of the maximum grade of \$6,000 is \$2,700, which is the salary carried in the present appropriation bill. I contend that there can be no question whatsoever by virtue of this classification act that these positions are covered by permanent law, and this item in the bill is in order.

The CHAIRMAN. The act of 1889, which undoubtedly is existing law, although carried in an appropriation bill, provides that the Postmaster-General is authorized to classify and fix the salaries of various employees, but that does not give to the Postmaster-General the power to increase the numbers, as it seems to the Chair. Now, can the gentleman suggest to the Chair whether there is any provision in that statute of 1889, or any other statute, which gives the Postmaster-General power to increase the force?

Mr. STAFFORD. Why, Mr. Chairman, while there is no authority to increase the force, still it follows that this appropriation bill, by virtue of the original enactment of 1836—

The CHAIRMAN. The Chair might say to the gentleman that the act of 1836, in the opinion of the Chair, has no bearing whatever upon this matter. That simply permits estimates to be submitted, and the submission of estimates never authorizes an appropriation.

Mr. STAFFORD. Mr. Chairman, as this is a very important matter, that would affect every item in the appropriation bill where there are increases required by reason of the growth of the service, I ask unanimous consent that it go over for the

The CHAIRMAN. The gentleman from Wisconsin [Mr. Staf-FORD] asks unanimous consent that this matter may be passed without prejudice for the present. Is there objection? [After a pause.] The Chair hears none.

Mr. CROMER. Mr. Chairman, I have an amendment to offer after the word "dollars," in line 2, page 15.

The CHAIRMAN. The gentleman from Indiana [Mr. CROMER] offers an amendment, which the Clerk will report. The Clerk read as follows:

The Clerk read as follows:

That hereafter clerks and carriers in first and second class cities shall be divided into six grades, as follows: First grade, salary \$600; second grade, salary \$500; third grade, salary \$900; fourth grade, salary \$1,000; fifth grade, salary \$1,100; sixth grade, salary \$1,200.

Clerks and carriers in second-class offices shall be promoted successively to the second and third grades, and clerks and carriers in first-class offices to the second, third, and fourth grades at the beginning of the quarter following the expiration of a year's service in the next lower grade. No promotion shall be made except upon evidence satisfactory to the Post-Office Department of the efficiency and faithfulness of the employee during the preceding year. The Department may reduce a clerk or carrier from a higher to a lower grade whenever his efficiency falls below a fair standard or whenever necessary for the purpose of discipline. When a clerk or a carrier has been reduced in salary he may be restored to his former grade or advanced to an intermediate grade at the beginning of any quarter following the reduction, on evidence that his record has been satisfactory during the intervening period. When a clerk or carrier fails of promotion because of unsatisfactory service, he may be promoted at the beginning of the second quarter thereafter, or of any subsequent quarter, on evidence that his record has been satisfactory during the intervening period. No promotion shall be made in the clerk or carrier grades except at the beginning of a quarter. Clerks and carriers of the sixth grade shall be eligible for promotion to the higher positions in the post-office.

Auxiliary employees to be paid for actual service at the rate of 30

cents an hour: Provided, That such employees shall be required to work not less than two hours daily: And provided further, That such employees shall be eligible for appointment as clerks and carriers of the first grade.

Mr. MACON. Mr. Chairman, I make the point of order against that.

Mr. OVERSTREET of Indiana. Mr. Chairman, I ask for a ruling.
Mr. 'CROMER rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CROMER. To ask that the Clerk turn over the page and read the rest of the amendment.

The CHAIRMAN. Enough of the amendment has been read to show that it is clearly subject to a point of order. The Chair has the right whenever enough of an amendment has been read to show that it is subject to a point of order to entertain the point

Mr. CROMER. I wish the gentleman would reserve the point of order.

The CHAIRMAN. The gentleman from Indiana insists upon a ruling, and the Chair sustains the point of order.

The Clerk read as follows:

For compensation to substitutes for clerks at first and second class est-offices on vacation, \$100,000.

Mr. OVERSTREET of Indiana. Mr. Chairman, I move to amend, in line 10, page 15, by inserting after the word "clerks" the words " and employees."

The Clerk read as follows:

In line 10, page 15, after the word "clerks," insert "and employees." The question was taken; and the amendment was agreed to. The Clerk read as follows:

For rent, light, and fuel for first, second, and third class post-offices, \$3,150,000: Provided, That there shall not be allowed for the use of any third-class post-office for rent a sum in excess of \$400, nor more than \$80 for fuel and light in any one year: And provided further, That the Postmaster-General may, in the disbursement of this appropriation, apply a part thereof to the purpose of leasing premises for the use of post-offices of the first, second, and third classes, at a reasonable annual rental, to be paid quarterly, for a term not exceeding ten years.

Mr. CRUMPACKER. Mr. Chairman, I move to amend the paragraph by inserting after the word "hundred," in line 14, the words "and eighty."

The Clerk read as follows:

Page 16, line 14, after the word "hundred," insert the words "and eighty."

Mr. OVERSTREET of Indiana. Mr. Chairman, I make the point of order, or I will reserve it.

Mr. CRUMPACKER. I wish the gentleman would reserve the point of order.

Mr. OVERSTREET of Indiana. I reserve it.

Mr. CRUMPACKER. Mr. Chairman, the paragraph fixes the maximum rental for room for third-class post-offices at \$400 a The whole matter is in the discretion of the Postmastervear. General.

Mr. OVERSTREET of Indiana. If my colleague will permit an interruption, I am disposed to accept that amendment.

Mr. CRUMPACKER. Well, I will be glad to have it ac-

Mr. OVERSTREET of Indiana. I want to know, if the amendment is accepted, if the gentleman desires to continue his remarks?

Mr. CRUMPACKER. Not if it is accepted.
Mr. MACON. I make the point of order.
The CHAIRMAN. The Chair will hear the gentleman from Arkansas on the point of order.

Mr. MACON. It is new legislation; but I would like to have

the amendment read again.

The amendment was again reported.

The CHAIRMAN. It does not seem to the Chair that it is subject to the point of order; and the Chair overrules the point of order.

The question was taken; and the amendment was agreed to. The Clerk read as follows:

For pay of letter carriers at offices already established, city-delivery service, \$24,100,000.

Mr. OVERSTREET of Indiana. Mr. Chairman, I offer the following amendment.

The Clerk read as follows: .

Page 17, strike out lines 12, 13, and 14 and insert in lieu thereof the

following: "For pay of letter carriers at offices already established, including substitutes for carriers absent without pay, city-delivery service, \$24,100,000."

The question was taken; and the amendment was agreed to. The Clerk read as follows:

For pay of substitute, auxiliary, and temporary letter carriers at offices already established, \$1,200,000.

Mr. OVERSTREET of Indiana. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 17, strike out lines 15, 16, and 17 and insert in lieu thereof the following:

"For pay of substitutes for letter carriers absent with pay and to auxiliary and temporary letter carriers at offices already established, \$1,200,000."

The question was taken; and the amendment was agreed to. The Clerk read as follows:

For horse-hire allowance, and the rental of vehicles, \$750,000; and the sum of \$5,000 shall be immediately available.

Mr. MANN. I move to strike out the last word. Mr. MURPHY. I reserve the point of order.

Mr. MANN. May I ask the gentleman in charge of the bill a question in reference to this item? I noticed that this is for rental of vehicles. The custom, as I understand it, is for the Government to rent a number of collection wagons, etc., in the large cities and pay \$400, which includes the rental of the horse and a very cheap wagon. Has the gentleman considered, since his connection with the Post-Office Committee, the desirability of the Government itself owning these horses and wagons? It is true in my city, and it is true certainly in this city, frequently that the horses that deliver the House mail are almost skeletons. As I see them in Chicago, the carrier has to almost get out and push them along. There is a constant complaint of post-office officials that they have no control of the matter at all. An advertisement is made, a contract is let for the use and maintenance of this horse and wagon at what seems to be an extravagant price. The service is abominable. I do not know whether it is desirable for the Government to own the horses and wagons or not. I see here is a proposition including the renting of vehicles. We now make the contracts under which we obtain that service under this very item, and I hope that we may have information from the gentleman as to whether he has investigated in regard to the policy which ought to be pursued, because I have great faith in 'he judgment of the gentleman.

Mr. OVERSTREET of Indiana. Mr. Chairman, this appropriation for horse-hire allowance is to cover the expenses incident to mounted carriers and collectors of mail who are obliged to use horses and vehicles. It has been carried in the law for many years, and, as Members will recognize, is in the interest of the expedition of the collection and delivery of mail. For the last several months the Department has been experimenting with reference to the rent of automobiles in the collection of mail and also in the distribution, which results in great expedition of the service. Testimony was given before the Committee on the Post-Office and Post-Roads to the effect that while the charge for the individual automobile, including the driver, was considerable, yet the territory over which that vehicle could dispatch mail and from which it could collect it was so large that it covered two or three or four collection districts where the mail was collected and distributed by the carrier with the aid of a horse and vehicle. Those individual mounted carriers who were displaced from the collection and delivery by horse and vehicle were then utilized in other parts of the territory and were not put out of the service. It was found. however, that great economy resulted from that change of practice. For example, I think in the city of Baltimore the experiment was very satisfactory, not only on account of the topography of the city, of the hills up which the wagons were obliged to be hauled, resulting in retarding the delivery of the mails, but, taking into consideration the number of mounted carriers to one district covered by an automobile, it resulted in a very material reduction of total expense.

Mr. MANN. What does the gentleman mean by "mounted

Mr. OVERSTREET of Indiana. I mean those who use a horse and vehicle in the distribution of the mail in the scattered districts of the city.

Mr. MANN. I will say to the gentleman that they are not

Mr. OVERSTREET of Indiana. A mounted carrier is a car-

rier who is mounted on a horse.

I think if there is any district in the United States that demands such facilities it is the district which I represent, which is perhaps the largest city district in the country. We have not a mounted carrier in the district, alcountry. We have not a mounted carrier in the district, aithough it is a sparsely settled territory, but we have a number

of horses and wagons for collection purposes.

Mr. OVERSTREET of Indiana. This covers that,
Mr. MANN. I think that is all this item really covers,
Mr. OVERSTREET of Indiana. There are some four or five

hundred contracts where they contract with an individual for

the use of the horse and wagon, and in perhaps 2,000 other instances they make a specific allowance for the use of the horse.

Mr. MANN. That is what I was trying to get information

from the gentleman about. In our town they contract with a central contractor, who furnishes a horse and wagon from a livery stable at this place and a horse and wagon from a livery stable at that place for different sections of the city. The service is abominable.

Mr. OVERSTREET of Indiana. I wanted, if I could, to answer the inquiry of the gentleman relative to the advisability of the Government owning the wagons. That proposition has been recommended by the Postmaster-General. The statement has been made before the committee to the effect that if-

Mr. STAFFORD: Did not the recommendation refer only to the screen wagons rather than to the collection service?

Mr. OVERSTREET of Indiana. That was with reference to an experiment concerning the screen-wagon service—with reference to the ownership by the Government of a certain number of screen wagons and harness, and then to have an appropriation to cover the hiring of the horses. The committee did not approve of the ownership of any of these vehicles, believing that once the Government bought and owned the wagons and harness and rented the horses, and then hired a driver, that the next step would unquestionably be a new classification, of Government drivers for these wagons; and the committee felt that it could not at this time recommend the appropriation for the purchase of these wagons. There has been no consideration, however, by the committee and no recommendation of the Department for the purchase and ownership of the small vehicles which are now furnished by the carriers under this item for horse-hire allowance.

Mr. MANN. I ask the gentleman that next year at least he consider this proposition of allowing to a carrier in a city, who is required to drive a horse and vehicle, an allowance of some kind, so that the carrier may maintain his own horse and wagon and keep it in good order rather than pay to somebody \$400 and upward to furnish the same thing from a livery stable, in very poor condition.

Mr. OVERSTREET of Indiana. I will say to the gentleman that that is the very general practice now, of making an allowance out of this very item of appropriation.

Mr. MANN. There are a great many complaints in our country about it.

Mr. OVERSTREET of Indiana. The evidence before the committee is to the effect that there are 2,300 mounted carriers. The most of them have an allowance for horse hire, and the others are contract. So the contracts referred to are the limited number of instances and not the majority.

Mr. MANN. They have the authority?

Mr. OVERSTREET of Indiana. They have the authority to cover that.

Mr. FITZGERALD. Why is this deficiency appropriation item carried here?

Mr. OVERSTREET of Indiana. For the reason that the service in large cities has developed so much more rapidly than the original estimate last year that there is going to be a decided deficiency for the remainder of the fiscal year, and this is to provide against that contingency.

Mr. FITZGERALD. Why not let the Department go to the

proper place for deficiencies?

Mr. OVERSTREET of Indiana. In my judgment the Department has gone to the proper place in laying it before the Post-Office Committee.

Mr. FITZGERALD. Under the rules of the House it is not the proper place to apply for a deficiency appropriation.

Mr. OVERSTREET of Indiana. This is not a deficiency,

and therefore under the rules of the House the Appropriations Committee could not take this particular item and appropriate for it. But there will be a deficiency between the 4th of March and the 1st of July, and this merely makes \$5,000 available during the remainder of the fiscal year.

Mr. FITZGERALD. Many of the deficiencies carried in the general deficiency bill are for deficiencies after the 4th of March and before the 1st of July. Congress passed a statute prohibiting Departments from creating deficiencies. Some ingenious man in some Department found out that instead of having the apportionment made in accordance with the law he could come in and ask for a deficiency, and they have been going to different committees and having parts of appropriations made immediately available, and thus nullifying the effect of the act.

Mr. OVERSTREET of Indiana. I have no quarrel with the Appropriation Committee, and, indeed, I approve of the general provision of law against creating deficiencies. But the gentleman from New York will appreciate that with such a rapidly growing service as the postal service the most skillful expert

may fall short of accurate estimates for a year to come, and while last year the estimate for this particular item was supposed to be accurate, the service has grown so rapidly during the present fiscal year that it is quite apparent that if no provision is made for this additional \$5,000 some of the larger cities will find the service crippled for want of that appropriation.

Mr. FITZGERALD. Not at all. The Department can submit

this deficiency to the proper committee.

Mr. OVERSTREET of Indiana. There is no deficiency yet. The CHAIRMAN. Does the gentleman from Missouri insist on his point of order?

Mr. MURPHY. I want to ask a question of the chairman st. I want to ask the chairman of the committee if I understand him correctly that the horse hire and rent of vehicles is for collecting and distributing the mail?

Mr. OVERSTREET of Indiana. Yes.

Mr. MURPHY. Then why not say so in the bill? Mr. OVERSTREET of Indiana. I may say that all of these appropriations are for the collection and delivery of mail.

Mr. MURPHY. Yes; and we thought that in another bill that left this House, and it afterwards developed that the appropriation had been made and the money expended by the chief of a bureau in running around over the country attending political conventions and other things not pertaining to the business of the Department of the Government. Now, take this provision and the next provision, and they could take the money there appropriated and pay car fare or use it for other purposes than for what this appropriation is intended. I say it is out-side of the business, that the amendment as it stands is not for the business of the Post-Office Department, but could be used for other purposes.

Does the gentleman from Missouri insist The CHAIRMAN.

on his point of order?

Mr. MURPHY. Yes.
The CHAIRMAN. The Chair is ready to rule.
Mr. MANN. Mr. Chairman, I want to call the gentleman's. attention to the fact that the first part of the bill provides that the money is appropriated for the service of the Post-Office Department, and all the items in the bill are confined to the service of the Post-Office Department without further specification.

The CHAIRMAN. The Chair sustains the point of order on the ground that the last clause in the paragraph being subject to a point of order makes the whole proposition subject to a point of order.

Mr. OVERSTREET of Indiana. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have

The Clerk read as follows:

Page 17, add lines 21 and 22, as follows: "For horse hire allowance and the rental of vehicles, \$750,000."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken; and the amendment was agreed to. The Clerk read as follows:

OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL.

OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL.

For inland transportation by star routes, including temporary service to newly established offices, \$7,250,000: Provided, That no part of this appropriation shall be expended for continuance of any star-route service the patronage of which shall be served entirely by the extension of rural delivery service, nor shall any of said sum be expended for the establishment of new star-route service for a patronage which is already entirely served by rural delivery service: Provided, That out of this appropriation the Postmaster-General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable without advertising therefor.

Mr. CLAYTON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

The Clerk read as follows:

Amend by adding after "service," in line 4, page 19, the following:

"But in no case shall a fourth-class post-office be discontinued unless thirty days' previous notice shall have been given to the Representative or Delegate in Congress from the district embracing such post-office, who shall be heard, if he desires, in opposition to the discontinuance, and then no discontinuance of the office shall be made unless it shall clearly appear to be in the interest of the patrons of the office and the public service." public service

Mr. OVERSTREET of Indiana. Mr. Chairman, on that I

make the point of order.

Hr. CLAYTON. Mr. Chairman, I recognize the fact that the amendment is subject to a point of order. I have adopted the suggestion made by the chairman of the committee

Mr. OVERSTREET of Indiana. Mr. Chairman, I suggest to the gentleman that he let this go out on a point of order and offer the other amendment.

Mr. CLAYTON. Very well.
The CHAIRMAN. The Chair sustains the point of order.

Mr. CLAYTON. Mr. Chairman, I then offer the following amendment, which I send to the desk and ask to have read. The Clerk read as follows:

Amend by adding, after "service," in line 4, page 19, the following: "But in no case shall a fourth-class post-office be discontinued unless fifteen days' previous notice shall have been given to the Representative or Delegate in Congress from the district embracing such post-office, who may be heard, if he desires, in opposition to the discontinuance."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, on that I raise the point of order.

I reserve the point of order. CHAIRMAN. The gentleman from Illinois reserves the The CHAIRMAN.

point of order.

Mr. CLARK of Missouri. Mr. Chairman, I wish to say to the gentleman that I think he had better make that thirty days. Mr. CLAYTON. I did; but the chairman made the point of order against the thirty days, and this is the best I can get.
Mr. CLARK of Missouri. It ought to be done.

Mr. GARRETT. Does this provide that notice shall be given for discontinuance of a rural route?

Mr. CLAYTON. No; it just applies to fourth-class post-

Mr. GARRETT. Can not the gentleman make his amendment

apply to that?
Mr. CLAYTON. If I did, the chairman would make a point of order and it would go out, and I prefer that the gentleman offer his own amendment. I hope the gentleman from Illinois

will not insist on his point of order.

Mr. MANN. Mr. Chairman, of course I have no interest in

the matter, but here is a proposition. While I think the Post-Office Department ought to give notice, while I think it would be advisable if they had a regulation giving notice, it seems to me a very dangerous piece of legislation to provide that a Department of the Government can not do something in a district until it notifies the Member of Congress from that district. It is an entire departure from the whole theory of our Government.

Mr. CLAYTON. Will the gentleman permit me to say that the practice, according to my experience, was until recently to give the Member of Congress notice of the intention to abolish fourth-class post-office, and his advice was asked. Recently the Department has departed from that custom, and now the order of discontinuance is made before the Member of Congress or the patrons of the office, in many cases, know anything about it, and then the patrons come with their complaint and make a protest to the Member of Congress. He goes to the Department for a reestablishment of the post-office or a revocation of the order of discontinuance, and it is promptly refused. I do not think that it impairs the usefulness of the administration of the Post-Office Department to require them to go back to what they did heretofore as a matter of courtesy to the Members of Congress and let them give this notice to the Member of Congress

It does not take away any power or discretion from the De-It does not militate against any freedom in the exercise of full administrative powers, and I hope the gentleman will not insist upon his point of order. This invitation to the Representative would be really no new departure. He is now authorized by law to nominate cadets to the United States Military Academy and midshipmen to the United States Naval Academy, and is called on to indorse the applications of national banks before they can do business.

This amendment would not prevent the Post-Office Department from abolishing any post-office. It would merely afford an opportunity to the people most interested to be heard in a

matter that affects them to a very important extent.

Mr. CLARK of Missouri. Mr. Chairman, I would like to make a remark or two. The gentleman from Illinois is as well posted on nearly everything as any man in the House is. I acknowledge that, and he does a great deal of good here, but this is a thing he does not know anything at all about. [Laughter.] He has no rural post-offices in his district. As a matter of fact the Post-Office Department has treated me very well about it. The trouble is that the thing is practically done before we get notice. I have gone over there and induced them to revoke three or four orders abolishing post-offices, but they always hang them up until they can investigate. trouble is that the Post-Office Department officials do not know and in the very nature of things can not know the local conditions as well as Representatives know them. I will give you two samples. There is a little post-office in my district that has been there for a hundred years. It was a sort of historical place, and the patrons did not want it to be abolished on that There were thirty-four families who were not served account. in that neighborhood by the rural route, and the Department

issued an order that it should be abolished. The people there wrote me in great alarm, and I went over there and got that order hung up and finally revoked. Now, another case: Everybody knows the habits of Catholics. There is a little place where there is a post-office and a large Catholic church. The Catholics all go to church on Sunday a great deal more than we Protestants do; and they want, at that particular place, to get their mail on Sunday when they go to church because of both convenience and habit. It is in a hilly region where the rural routes do not serve the community very well. The first thing I knew the Department issued an order to abolish that post-office, discommoding everybody in the community who is a Catholic, and nearly everybody is a Catholic. Of course the Department did not know the local condition. I wrote the Department a letter, and I went over afterwards and succeeded in fixing that up. If I had been given notice of the order in the first place about that old historical post-office or the postoffice in that Catholic neighborhood, the Department would have gotten information so they would have never issued the order to abolish these offices about which these people took the trouble to write and telegraph me. I hope the gentleman will withdraw the point of order.

Mr. CLAYTON. Mr. Chairman, I desire to say just one ord. The gentleman from Missouri has stated, I think correctly, that the gentleman from Illinois, with all of his large experience here and in a great city, does not know the difficulties with which the country Congressman has to contend in this matter.

Mr. MANN. Mr. Chairman, I am perfectly willing to concede that to the gentleman without further argument if he will further concede the gentleman also does not know anything about the difficulties the city Congressmen have to contend with, but still legislate in regard to them.

Mr. CLAYTON. I readily admit you know more about city affairs and post-offices and postal business there than any country Congressman.

Mr. MANN. I do not pretend to know about the country business

Mr. CLAYTON. But we, who represent the great farming districts here and who are more interested in rural service and small post-offices, know more about that branch of the service than you do, with due deference to you.

Mr. MURPHY. Will the gentleman yield—
Mr. CLAYTON. Now, Mr. Chairman, I can call the attention of this House as to how the rule has worked in my district. Several very worthy gentlemen from the State of Massachusetts, from the district represented, I believe, by Mr. Greene here on this floor, went, several years ago, into the district I They went into what was then practically a longleaved yellow-pine forest and established a flourishing school. They have built up a fine little village there of several hundred population in that splendid country. The Post-Office Department extended the rural service through that country. The rural delivery service was made to take in this village. The Post-Office Department, without giving these people the opportunity to be heard previously, without giving the opportunity to be heard by the Representatives in Congress, abolished that fourth-class office. That was a hardship. They have no bank there. The pupils who attend in that school are for the most part poor boys and girls, worthy and ambitious, who receive their allowance for board and tuition almost altogether in the shape of post-office money orders.

When they had the post-office there, when they received the post-office money orders, the post-office took the place of a bank, and they cashed their post-office money orders in the village of Now they have got to go about 7 miles to the nearest money-order office in order to have their little money orders cashed. It would not entail any expense upon the Government to restore this post-office, and it would be a great public convenience, and that is what the Post-Office Department is for. Everybody recognizes the fact that that branch of the Government never was established to make money; and everybody knows that, barring the first twenty-five years in the history of our country, the Post-Office Department has never made any money. It has always run behind, and I glory in the fact that this country does not stop when it comes to consider the postoffice supply bill to ask the question as to whether it will pay to have the best postal service. We extend this service, a Government monopoly, and being a Government monopoly, in the interest of the people. We ought not to stop to count any reasonable cost. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. OVERSTREET of Indiana. Mr. Chairman, I want to say just a word on the merits of the pending amendment: We can not hope to retain all of the little fourth-class post-offices

and at the same time extend the rural delivery service. I appreciate, Mr. Chairman, the very urgent demand on the part of a very limited number of individuals throughout the country who think that the fourth-class post-offices should be continued even though the rural free-delivery service should be extended to cover the territory. But that can not follow if we are expected to have a proper administration of the rural delivery service. However, Mr. Chairman, I have no personal objection to a limited provision of law which will avoid a too sudden discontinuance of the fourth-class post-offices.

Mr. CRUMPACKER. Will the gentleman allow a sugges-

tion?

Mr. OVERSTREET of Indiana. Certainly.

Mr. CRUMPACKER. Speaking from the standpoint of a Representative of a country district, the amendment which is pending, it seems to me, would impose the sole responsibility upon the Congressman, and if a post-office should be discontinued and this amendment should be in operation, the patrons dissatisfied with the discontinuance of the office would blame the Congressman, whereas now the Representative may properly locate the responsibility upon the Post-Office Department and in a degree exonerate himself. I suggest this-that if a notice be given it ought to be given to the postmaster of the office that it is proposed to discontinue, and not to the Representative in Congress. The postmaster then could notify the patrons, and they could reach the Department through their Representative.

Mr. OVERSTREET of Indiana. I think that is a good sug-

Mr. CHARLES B. LANDIS. Is not that done now?
Mr. OVERSTREET of Indiana. That is done now.
Mr. CHARLES B. LANDIS. They certainly do not abolish these offices without notifying anybody of the proposed abolition?

Mr. CLARK of Missouri. It is done without notifying us. Mr. CLAYTON. I want to interrupt the gentleman from Indiana [Mr. OVERSTREET].

The CHAIRMAN. Does the gentleman yield?

Mr. CLAYTON. I want to say to the gentleman that the suggestion of his colleague from Indiana would not meet the case at all.

Mr. OVERSTREET of Indiana. I had not been permitted to complete my answer to him.

Mr. CLAYTON. And if the gentleman will permit me-

Mr. OVERSTREET of Indiana. If the gentleman will permit me to complete what I had started to say, I will state to my colleague from Indiana that it is a good suggestion to have the notice posted in the post-office. I understand that that is now done, substantially, by notifying the postmaster. He may not individually post the notice, but he ought to do it. But, in addi-tion to that, I have no personal objection to the Member of Congress or Delegate being notified at the same time and given an opportunity to be heard. But I would oppose any protracted delay in the investigation which would result in a continuation of the office after the establishment of the rural delivery service. Therefore I would not interpose an objection to a provision which would supplement the existing practice of notification to postmasters, with authority to have the Member of Congress notified as well.

Mr. CLAYTON. Then I understand the gentleman as not objecting to this amendment?

Mr. OVERSTREET of Indiana. I am not objecting to that. I do not think it is very essential, but I can see no special em-

barrassment to the service.

Mr. CLAYTON. If I may be allowed to say it, it is essential to this extent: Those who have gone through an experience similar to mine know that they do not learn of the opposition to the abolishment of a post-office, in nine cases out of ten, until it is abolished, and then complaint is made to the Member of Congress. As to the suggestion of the other gentleman from Indiana [Mr. CRUMPACKER], that a Congressman could be relieved of blame, I do not want to be relieved of blame in the way he suggests. I want legislation here that will give me notice that I can "do my best," and I believe it is in the language of Kipling, "leave the rest." I am satisfied that my people will justify me after I have done my best, and I think it is a poor excuse for us for the House of Representatives to leave the law as it is, supposing that we can dodge the responsibility and place it on the Post-Office Department.

Mr. GREENE. Mr. Chairman, I will say, for the information of some Members who have made inquiry, that I have met with the difficulty similar to that to which the gentleman from Alabama has referred, and the first knowledge that I have had of any such action being contemplated was being notified by the postmaster that the post-office inspector had recently been

to his office and had declared it was the intention of the Department to abolish the office, and the work had practically been completed without any notification to myself or to anyone in-terested in the office. None of the patrons were notified of the intention of the Department to consider the question, and they received no notification even that the office itself was to be abolished.

N. May I interrupt the gentleman? Will the gentleman yield to me? Mr. CLAYTON. Mr. PAYNE.

Mr. GREENE. I yield to the gentleman from New York.

I would like to ask the gentleman if he has any Mr. PAYNE. postmaster in his district whose office was abolished without being notified of the fact that it was to be abolished? Would he not immediately communicate that knowledge to both the Member of Congress and the patrons of the office?

Mr. GREENE. Yes; I have.
Mr. PAYNE. Well, I understand that may be practiced now, although since I have come to Congress no office has been abolished in my district without notice to the Representative. I understand that notification is sent to the postmaster that an order is made for the abolition of the post-office. postmaster who is wide awake to the condition there is no difficulty whatever. He will both notify the patrons of the office and the Representative in Congress. I do not like a statute that mixes up legislation with a Representative in Congress in these matters. Why, we will come to see that it is being required the Representative in Congress be notified, and requested to recommend somebody for a post-office in the different offices.

Mr. CLAYTON. I want to suggest to the gentleman that

already

Mr. GREENE. This is coming out of my time.
Mr. CLAYTON. I just want to say, in reply to the gentleman from New York, one thing, and that is that notice to and consent of a Member of Congress is already a prerequisite in the establishment of a rural free delivery route. This is no innovation. We all know that it is no use writing to the Post-Office Department asking for a free rural route to be established unless the application is indorsed by a Member of Congress.

Mr. MANN. By regulation. Mr. CLAYTON. By law, I think.

Mr. MANN. I do not understand that there is any such law. There is no law of that kind.

Mr. CLAYTON. - It is the practice of the Department to do it;

and I think it is a matter of law.

Mr. MANN. I will say to the gentleman that if he can show me that that is a matter of law, so far as I am concerned I will withdraw the point of order.

Mr. CLAYTON. It is a regulation at least, and it is uniformly done under this regulation of the Department. It is tantamount to a law, for the regulation is invariably followed.

The CHAIRMAN. The gentleman from Massachusetts is en-

Mr. GREENE. Mr. Chairman, I do not wish to tire the House with any of my experiences, but I will say this: I had one office in which I had a peculiar experience. It had been made to the company of the established for eighty-six years. There was business in connection with that office, and considerable business of importance to the patrons of the office. The postmaster connected with that The postmaster connected with that office was not consulted by the post-office inspector. He came there; he passed by the postmaster, passed by the patrons, and inadvertently, by communication made to some friend located there, my attention was called to the proposition. The postoffice inspector referred to the fact in his report that the postmaster and the rural free-delivery carriers had communicated with me to prevent the abolishment of the office, and for that reason he thought the office ought to be abolished. I have seen the inspector's report, and protested against the reference to myself, for I had never had any communication with the officials referred to.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE. I ask unanimous consent to proceed for five

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes. Is there objec-

[After a pause.] The Chair hears none.

Mr. GREENE. I made objection to the abolishment of the office and corresponded with the Department by letters. I had written four different letters endeavoring to obtain information, more than two weeks' time having passed since the first of those four letters was written, and finally I followed that correspondence with a telegram, and still I received absolutely no reply from the First Assistant Postmaster-General's office to any of the communications relative to the office. On the 5th day of January I offered a resolution of inquiry in this House in order

that I might obtain the information which I had tried to procure by correspondence and by telegram. I did not press the resolution, because after offering the same, and the Department having been informed that I had offered a resolution of inquiry. within two hours from the time the resolution had been offered the full information I had so anxiously and earnestly sought from the Department was furnished.

Now, I refer to this matter because I have found that difficulty referred to, and I have conferred with other Members of Congress who have informed me that they have met with the same difficulty. This was the occasion of the offering of this motion to cure the trouble, if possible.

Mr. CHARLES B. LANDIS. How will this amendment cure

that?

Mr. GREENE. The Members would have some notice of contemplated changes at any rate, of an official character; but my great objection to the present method is that the post-office inspector, who never has had any skill in taking care of postoffices, except in looking after thieves and robbers, who has but a limited knowledge as to how to establish a rural free-delivery route or how to establish or discontinue a fourth-class postoffice, does not give the consideration that any ordinary man would give, but proceeds by a ruthless method to prepare for the destruction of the office without conferring either with the patrons or the Member of Congress.

The amendment offered by the gentleman from Alabama was intended to remedy an existing evil from which many communi-

ties have suffered.

Mr. PAYNE. Mr. Chairman, I want to say to the gentleman from Alabama [Mr. Clayron] that if the gentleman from Illinois does not insist on the point of order to the amendment in its present form, I shall do so. If the gentleman will modify it so as to provide for notifying the postmaster, I will not raise the point of order, so far as I am concerned, to that,

Mr. CLAYTON. I suggested to the gentleman a while ago that that would not accomplish anything; that I apprehend-

Mr. PAYNE. Oh, well; I can not think that the gentleman has any postmaster in his district that would be so remiss as not to notify—

Mr. CLAYTON. I am not responsible for the gentleman's

thought or want of thought.

Mr. PAYNE. I can not believe that the Government has, in the gentleman's district, a postmaster who would be so remiss as not to notify the patrons and the Representative in Congress. I know I should hear from it in twenty-four hours if there was any post-office in my district where the postmaster was notified that the post-office was to be discontinued, and I can not think that there is a postmaster in the United States who would not immediately notify the Representative in Congress and notify the patrons. I do not believe in legislating to make us responsible in any degree, to take the initiative in these matters one way or the other. Let the people of the locality present their wants to us and then we will represent them in the Department. But I do not believe in making the Representative take the initiative in any of these matters.

Mr. GREENE. I should like to ask the gentleman a question.

Mr. MANN. Just a word.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] insist on his point of order.

Will the Chair yield to me for just a word?

Mr. MANN. Will the Chair yield to me for just a word? The CHAIRMAN. The gentleman from Illinois.

Mr. MANN. Mr. Chairman, so far as information in regard to rural free delivery is concerned, I would at all times be willing to receive information and learning from my distinguished friend from Alabama or my distinguished friend from Missouri. I pretend to no knowledge upon that subject. But this amendment goes far beyond the question of rural free delivery. hear in this House of the encroachments of the executive upon the legislative branch of the Government, but this is the first time within my recollection when it has been proposed seriously to make a Member of Congress a portion of the administrative branch of the Government. If Members of Congress are to become a part of the Post-Office Department, why not also make them a part of the Interior Department? Why should not a Member of Congress be notified when a forest reserve is to be Member of Congress be notified when a forest reserve is to be created? Why should not a Member of Congress be notified when any other service is to be performed by any of the other administrative branches of the Government?

Mr. SHERLEY. Would the gentleman have any objection to an amendment that required general notice before action taken, without regard to it being simply notice to the Congress-

Mr. MANN. I would not have any objection at all. That is an administrative part on which I will yield, so far as my I would not have any objection at all. That is knowledge is concerned, to the gentlemen who are acquainted with that. My objection to the amendment is that it directly brings the legislative branch of the Government into the executive branch of the Government.

Mr. FINLEY. I think the gentleman and myself agree as to the merits of the proposition. The complaint is that action is taken by the Department, ordering post-offices discontinued, before any sort of notice is given to the postmaster or anybody

else in the case complained of. Now, it is true that in some cases notice is given that unless the patrons of the office furnish the Department with the name of a proper person to act as postmaster when there is a resignation or a vacancy or when a removal is ordered for cause, that the office will be discontinued. Notice is given to the patrons of the post-office in that case.

But what we complain of here is that the post-office inspector will investigate either a rural route or inspect a post-office and in his report recommend that that office be abolished, and the office is abolished, and no notice whatever is given to the post-

master or to the Member of Congress or anybody else.

Mr. MANN. I will say, as far as the postmaster is concerned, I think notice ought to be given to somebody, but while, as a matter of courtesy and desirable administration, the administrative branch of the Government often consults the legislative branch, it ought not to be a matter of law, and, as far as I am concerned, never will be if I can prevent it.

Mr. FINLEY. Does not the gentleman and myself agree that notice should be given before the office is discontinued?

Mr. MANN. So far as that is concerned, I have neither knowledge or opinion, and I do not want to interfere with it.

Mr. FINLEY. Does not the gentleman think that it would be much easier for the patrons of the office, through their Representative or otherwise, to take some action before judgment is rendered than it would be after the office had been ordered to be discontinued?

I have stated my position, Mr. Chairman, Mr. MANN.

OVERSTREET of Indiana. A parliamentary inquiry, Mr. Chairman

The CHAIRMAN (Mr. OLMSTED). The gentleman from Indiana will state it.

Mr. OVERSTREET of Indiana. Has the point of order

been made against this amendment?

The CHAIRMAN. The Chair understood that it was reserved.

Mr. MANN. I will insist on the point of order, Mr. Chairman.

Mr. OVERSTREET of Indiana. I ask for a ruling,
Mr. CLAYTON. Mr. Chairman, I want to reply to some of
the remarks made by the gentleman from New York.

Mr. OVERSTREET of Indiana. I insist, Mr. Chairman, that the discussion on the point of order alone must prevail.

The CHAIRMAN. The amendment clearly involves a change

of existing law and therefore is out of order. The Chair will sustain the point of order.

The Clerk read as follows:

For the transmission of mall by pneumatic tubes or other similar devices, \$1.250,000; and the Postmaster-General is hereby authorized to enter into contracts not exceeding, in the aggregate, \$1,388,759, under the provisions of the law, for a period not exceeding ten years: Provided, That said service shall not be extended in any cities other than those in which the service is now under contract under authority of Congress, except the Borough of Brooklyn, of the city of New York, and the cities of Baltimore, Md.; Cincinnati, Ohio; Kansas City, Mo.; Pittsburg, Pa., and San Francisco, Cal.

Mr. SHERLEY. Mr. Chairman, I reserve a point of order on the proviso

Mr. OVERSTREET of Indiana. Mr. Chairman, I would like

to have the point of order presented.

Mr. SHERLEY. Before I urge the point of order I would like to have some explanation from the chairman of the Post-Office Committee in regard to this proviso limiting this appropriation to certain-named cities, both as to the law for it and the reason for it.

Mr. MANN. Mr. Chairman, I suppose the reservation of the point of order covers others besides what the gentleman stated. The CHAIRMAN. The gentleman from Kentucky has reserved the point of order on the proviso only.

Mr. MANN. Then I reserve a point of order on the balance

of the paragraph.

Mr. OVERSTREET of Indiana. Mr. Chairman, under the act of June 13, 1903, is the following provision of the law. The act I have just referred to is the general annual appropriation bill, and I submit to the Chair that as far as the provision I am offering is concerned, it is permanent law.

The provision for the transmission of mail by pneumatic serv-

ice and the general method of advertisement and inspection before the contracts are made are recited. Then follows this:

That the Postmaster-General shall not, prior to June 30, 1904, enter into contracts under the provisions of this act involving an annual expenditure in the aggregate in excess of \$800,000, and thereafter—

Now, that language undoubtedly fixes it as permanent lawand thereafter when such contracts shall be made as may from time to time be provided for in the annual appropriation act for the postal service, and all provisions of law contrary to this herein contained are repealed.

Under that act contracts were authorized and entered into for the establishment of pueumatic-tube service in the cities of Boston, Philadelphia, Chicago, St. Louis, and New York.

Last year provision was made to extend this service to five additional cities, naming them in the act. Prior to the action, however, of the Post-Office Committee, and under the operation of another section of the act of 1902, a commission, duly authorized by the Postmaster-General, had made a tour of inspection of various cities and made a report in favor of the extension of this service to the five cities which the Post-Office Committee in this bill last year recommended. The only change which was made in last year's appropriation act was the language that it shall not be extended in any States other than those in which the service is now under contract, under authority of Congress, except the five named in the law, and then the appropriation is made to cover those contracts.

Mr. SHERLEY. As I understand the gentleman, the original act did not limit the cities to which this pneumatic service could be extended?

Mr. OVERSTREET of Indiana. It did not.

Mr. SHERLEY. But it is undertaken now by proviso to limit and narrow an existing law to certain-named cities only?

Mr. OVERSTREET of Indiana. The act which I read provided that contracts for this service should not be entered into except as provided from time to time in the annual appropriation bill, and we made the provision last year for five additional cities.

Mr. SHERLEY. Yes; but the gentleman is not providing affirmatively for the service in certain cities, but is saying that service shall not be entered into for any cities except certain

Mr. OVERSTREET of Indiana. This was simply the negative way of stating the proposition. The situation does not bar any other cities which might be provided for in the act. do not provide for any except the ten.

The CHAIRMAN. Will the gentleman from Indiana kindly

send to the Chair the act which he read?

Mr. OVERSTREET of Indiana. I will say that following the act of last year the propositions were advertised, inviting proposals for the extension of this service. Proposals were offered and accepted for the installation of additional service in the cities of New York and Chicago, I think, and Philadelphia. No proposals were offered for any one of these five new cities and that authority still stands.

Mr. SHERLEY. Was any proposal sought for those cities? Mr. OVERSTREET of Indiana. The advertisement was

Mr. SHERLEY. And for those only?

Mr. SHERLEY. And for those only?
Mr. OVERSTREET of Indiana. And for those only.
Mr. SHERLEY. Has any investigation been made by the
Post-Office Department looking to the advisability of establishing this service in other cities of greater magnitude than those

named? Mr. OVERSTREET of Indiana. I understand so, and even in the report of last year they gave a very extensive recount of their investigations, and in connection with the recommendation for these cities gave reasons why they did not recommend cer-

tain other cities which had already been inspected.

Mr. MANN. May I ask the gentleman, on the merits of the proposition, what his judgment is in reference to the pneumatictube service? I may say to him that from my own observation of the pneumatic-tube service in Chicago I had about concluded that it was a pure fake.

Mr. OVERSTREET of Indiana. I will say to the gentleman that it is very highly approved by the officers of the Department. They had some difficulty in the installation of the servment. They had some dimently in the installation of the service in Chicago, which, I think, grew out of some embarrassments in putting in the tubing. The depth at which they were originally placed, it seemed, was not below the freezing line, and whether on account of the peculiarity of the soil or the failure of the contractor, they did not operate successfully at first. I understand that since then they have been successfully operated.

Mr. MANN. I may say to the gentleman that where this pneumatic-tube service extends to the postal stations in the city there is constant and bitter complaint from the employees in the stations. They say that it is of no value, that it is noisy and hot, and makes it disagreeable to do work, and does not ex-

pedite. Now, I myself do not know.

Mr. OVERSTREET of Indiana. I do not know what the difficulty may be in Chicago. I am not fully advised upon the details with reference to that city. I know that quite the contrary is true in the city of New York, where they are clamoring for even larger extension, and only a day or two ago one of the Members from the city of New York stated on the floor of the House that the service was very highly commended in that city.

Mr. ELLIS. I would like to ask if it is not likely that this is due to faulty construction in Chicago?

Mr. OVERSTREET of Indiana. I stated that I had under-

stood that it was the difficulty there, but I am not at all sure about that.

Mr. MANN. Oh, they are all constructed by the same company, in the same manner, on the same basis; they are all owned by one company and operated by one company.

Mr. ELLIS. That might be true and still—

Mr. MANN. And that company is at work all the time to extend the service.

Mr. ELLIS. Now, I would like to ask the chairman of the committee whether the elimination of this paragraph through the point of order or otherwise would jeopardize this authorization of last year?

Mr. OVERSTREET of Indiana. I think not, Mr. Chairman. My judgment is-and I wish to call this to the attention of the Chair-that while I make no admission that the point of order will probably lie against the paragraph, I think that there is no doubt that it does not lie as against existing contracts which were authorized under the act of 1902 where they are actually in operation and payment has been made for several years and ought to be provided for in this bill.

Mr. MANN. Well, do I understand the gentleman to say

that this item covers part of existing contracts?

Mr. OVERSTREET of Indiana. Why undoubtedly it covers every contract in New York, Chicago, Philadelphia, Boston, and St. Louis.

Of course a proper item of appropriation to provide for existing contracts would not be subject to a point of order, but here is a proposition to authorize directly-which will require legislation—the Postmaster-General to enter into new contracts, fixing the amount of the new contracts. I do not find anything in the bill which provides for the payment of anything

else. There is no item of appropriation in the paragraph—
Mr. OVERSTREET of Indiana. Now, Mr. Chairman, the
very first few lines of the paragraph cover an appropriation there, and I will say

Mr. MANN. That is true.

Mr. OVERSTREET of Indiana (continuing). That this language simply follows the language of the other provisions of law which began with the original authority and has continuously been carried in bills, added to only last year by addition of these five cities, and I insist that, so far as the items appropriating for the contracts which have been in service, there is no question about their being secure against the point of order, and I do not think the gentleman from Illinois desires to refuse payment for contracts for service in the city of Chicago, even though he might oppose the extension of the service to the city of Kansas City or Baltimore.

Mr. MANN. Oh, the gentleman need not make any reference of that sort. I do not care whether the service is in Chicago or out of Chicago; I think it is a fake in Chicago. If the Government is under contract with these people, they are obliged to pay the money in the end through some source. Now, the cition is whether this provision of the paragraph stating " Now, the questhe Postmaster-General is hereby authorized to enter into contracts" is subject to the point of order. It will be noted that he may enter into contracts for an amount in excess of the amount carried in the appropriation itself. The amount in the appropriation is \$1,250,000; the amount of contracts authorized is \$1,387,759. I do not know how they arrive at this peculiar sum, but that is the amount they authorized the Postmaster-General to enter into contract for. Now, the original act provided that appropriations might be made under contracts hereafter to be authorized, but the rules of the House provide how the House determines upon the authorization of contracts, and this, where it specifically provides that authority in an appropriation bill, is distinctly, it seems to me, legislation and is subject to the point of order.

Mr. OVERSTREET of Indiana. Mr. Chairman, I ask for a

ruling.

Mr. SHERLEY. Mr. Chairman, I desire to have the Chair

consider the point of order as to the proviso even in the event he shall overrule the point of order as to the whole paragraph.

The CHAIRMAN. Does the Chair understand the gentleman

from Indiana to concede the point of order as to-

Mr. OVERSTREET of Indiana, I can make no concession, Mr. Chairman. I specifically stated that.

The CHAIRMAN (Mr. OLMSTED temporarily in the chair).

The Chair finds that this paragraph contains this language:

And the Postmaster-General is hereby authorized to enter into contracts, etc., for a period not exceeding ten years—

Extending away beyond, of course, the time for which the appropriations in this bill are to be used. The authority for that is said to be found in permanent legislation contained in the provisions of an appropriation bill approved April, 1902, which, fixing June 30, 1904, as the date for certain purposes,

And thereafter only such contracts shall be made as may, from time to time, be provided for in the annual appropriation act for the postal service.

Now, the best that could be said for that would be that contracts might be appropriated for from year to year in successive appropriation bills. It is doubtful if it contemplated ten-year contracts. But no matter what its construction, the present occupant of the chair does not think that that provision, although a permanent provision in a former appropriation bill, can be held to change the rule of this House that in a general appropriation bill there can be made no change in existing law. The Constitution itself expressly provides that "each House may determine the rules of its proceedings." This present House has adopted a positive rule that there shall not be in order in any general appropriation bill or in any amendment thereto "any provision changing existing law." That rule is not controlled by any act of any preceding Congress. Had the act of 1902 itself authorized ten-year contracts to be made such provision might support a subsequent appropriation, but it was not competent for the act of 1902 to authorize or direct this House in 1907 to provide for contracts in an appropriation bill in a way to change existing law. This is clearly an authorization to the Postmaster-General which he does not now possess under existing law, to enter into contracts for a period of ten years. The Chair therefore sustains the point of order.

Mr. OVERSTREET of Indiana. As to the entire paragraph? The CHAIRMAN. To the entire paragraph. Part of it being subject to the point, and the point having been aimed at the

entire paragraph, it all falls,

Mr. OVERSTREET of Indiana. Mr. Chairman, I wish to be recognized to offer the following amendment:

After line 13, page 19, insert: "For the transmission of mail by pneumatic tubes or other similar devices, \$1,250,000."

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana.

Mr. MANN. Mr. Chairman, I am happy to say, so far as I am concerned personally, I would be perfectly willing to withdraw the point of order on the entire paragraph if the entire paragraph would go before the House. I am willing to withdraw the point of order on the paragraph, with the point of order of the gentleman from Kentucky [Mr. Sherley] remaining.

Mr. SHERLEY. I have not asked the gentleman to withdraw his point of order. I simply believed in making my point of order to the proviso that the limitation should not be made, changing the existing law and limiting this service to certain named cities.

The CHAIRMAN. The Chair does not understand, then, that any point of order is withdrawn, and the question is on the amendment offered by the gentleman from Indiana [Mr. Over-STREET .

The question was taken; and the amendment was agreed to. Mr. GOEBEL. Mr. Chairman, I move to strike out the para-

graph, and offer an amendment.

The CHAIRMAN. As the Chair understands the amendment of the gentleman from Ohio, it is to strike out the paragraph which has already gone out on the point of order.

Mr. GOEBEL. The paragraph that has just been adopted as

a substitute therefor.

The CHAIRMAN. The amendment has been agreed to. It is not in order to move to strike that out.

Mr. GOEBEL. Then I will offer it as an independent paragraph.

The CHAIRMAN. The gentleman from Ohio offers as an independent paragraph the amendment which the Clerk will

The Clerk read as follows:

For the transmission of mail by pneumatic tubes or other similar devices, \$1,250,000; and the Postmaster-General is hereby authorized to enter into contracts not exceeding, in the aggregate, \$2,003,000,

nnder the provisions of the law, for a period not exceeding ten years: Provided, That said service shall not be extended in any cities other than those in which the service is now authorized by law; And provided further, That the rate per mile for less than 3 miles of double lines of tubes shall not exceed \$25,000 per mile, and that the aggregate annual rate of expenditure for this service in the cities of Baltimore, Pittsburg, Kansas City, Cincinnati, and San Francisco, including necessary power and labor to operate the tubes and all other expenses of such service, shall not exceed 8 per cent of the gross postal revenue of the city in which said service is to be installed for the preceding fiscal year.

Mr. OVERSTREET of Indiana. Mr. Chairman, I make the

point of order against the amendment.

The CHAIRMAN. The gentleman from Indiana makes the point of order against the amendment offered by the gentleman from Ohio.

Mr. OVERSTREET of Indiana. Does the gentleman from Ohio [Mr. GOEBEL] want to be heard on it?

Mr. GOEBEL. No.

Mr. OVERSTREET of Indiana. Mr. Chairman, I make the point of order on that.

The CHAIRMAN. Does the gentleman desire to be heard

Mr. GOEBEL.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For regulation, screen, or other wagon service, \$1,275,000.

Mr. FULKERSON. Mr. Chairman, I move to strike out the last word, and, as a part of my remarks, I want to have a document read which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Missouri [Mr. Ful-KERSON] asks for the reading of a document, which will be read in the gentleman's time.

The Clerk read as follows:

Resolutions adopted by the Commercial Club of St. Joseph, Mo., February 12, 1907. PARCELS POST.

Whereas persistent agitation in favor of the establishing in this country of a carrying system for parcels, under the direction of the Post-Office Department, modeled somewhat upon foreign lines, is being

Post-Office Department, modeled somewhat upon foreign lines, is being urged in many directions; and
Whereas the St. Joseph Commercial Club recognizes that circumstances in this country in regard to social conditions, length of haul, density of population, lack of monopoly of carriage, improbability of the establishing of a zone system, etc., render an extensive development here of a parcels-carrying system, such as exists in several foreign countries, certain to entail a loss upon the Government of most serious proportions, amounting to many millions of dollars for equipment expenses and further involving an annual operating deficit of enormous proportions:

\*Resolved\*, That the St. Joseph Commercial Club is opposed to any legislation looking to the establishing of a parcels-carrying system in connection with the Post-Office Department of the country at this time.

\*\*BECLASSIFICATION OF SECOND-CLASS MAIL.\*\*

RECLASSIFICATION OF SECOND-CLASS MAIL.

Whereas under existing rates "second-class Mail.

Whereas under existing rates "second-class" mail matter furnishes more than two-thirds of the paid-for tonnage of the mails and less than 4 per cent of the revenue is produced by it:

Resolved, That the St. Joseph Commercial Club urges upon Congress the importance of an entire reclassification of the second-class matter, placing upon one basis of all printed matter, books, pamphlets, circulars, and periodicals alike, excepting only the daily newspapers of the country mailed to points within a reasonable distance of the place of publication. publication.

ONE-CENT LETTER POSTAGE.

Whereas first-class mail matter furnishes approximately 80 per cent of the revenue of the Post-Office Department, and produces more than \$100,000,000 of profit per year, while it supplies less than 14 per cent of the tonnage:

\*Resolved\*\*, That a reduction from 2 cents to 1 cent for the stamp required on the ordinary letter would be advantageous to the business interests and would be equitable to all.

\*F. W. Maxwell. Commissioner.

F. W. MAXWELL, Commissioner. St. Joseph, Mo., February 13, 1907.

Mr. FULKERSON. Mr. Chairman, those Members of the House who have heard the resolutions just read will observe that the first one is in opposition to the numerous bills introduced here known as "parcels-post bills," while the other resolution, the second one read, is in favor of a 1-cent postage

rate for first-class mail matter.

I am heartily in favor of the positions taken by our commercial club in both of these resolutions; in fact, I have for several months been talking in opposition to the parcels-post measures, and during that same period have been advocating

the reduction of postage to a 1-cent letter rate.

The Committee on the Post-Office and Post-Roads has recommended in the bill which we now have under discussion several new propositions, and while these propositions are doubtless subject to points of order, I hope, for the public good, that no Member here will take advantage of the opportunity thus offered to defeat this legislation. Among the recommendations coming from the committee none is more meritorious than are the items here introduced for increase of the compensation of clerks and carriers; and when I say "carriers" I have reference to carriers both in the rural and city service.

The recommendations of the committee should, in my judg-

ment, be adopted. We can only hope to secure the best of service when the clerk and carrier are receiving fair recom-pense for service rendered. On our rural routes carriers are required to furnish their own horses and wagons and go through all kinds of weather over roads and highways that frequently are all but impassable. Seventy dollars per month for this service, when we take into consideration his outlay in the way of expense for an outfit, is by no means a princely salary. Had the committee's recommendation been in favor of even a greater sum, say, \$75 per month, I would still be willing to support the The people are entitled to the best of service and will not, nor should they, be satisfied with anything less. What I have here said about the necessity for increase in pay of rural free-delivery carriers applies with equal force, though in a different way, to city carriers and to clerks in offices and on trains. The rate of wage established for all these classes of employees ten or more years ago is not proper, nor is it sufficient for to-day.

But I am getting away from the subject to which I had arisen

to speak, the subject of penny postage.

It has not been many years—we can all remember it—since Congress reduced the rate of postage from 3 to 2 cents on firstclass matter. It was predicted then, as it is now, that we were not ready for the reduction; that the revenues of the Government would not stand it, but the reduction was made, and we have heard no complaint from that day to this on account thereof. And should any Member propose at this date to restore the old 3-cent postage rate, his proposition and his effort would here meet with a frigid reception.

We do not expect and we do not want to make money out of this particular department of the service. In fact, no serious injury would result if we should have a deficiency, if that deficiency were caused solely by this proposed reduction. But this class of mail does not create the deficiency, and if reduced to the 1-cent rate will not then be exclusive cause of deficiencies. These deficiencies are caused by the cost, the great cost to the Government, of sending throughout this country certain items of the second and third classes of mail matter at a cost far below

the actual cost of transportation.

Why, let me ask, should the Government carry at a great loss to the people magazines gotten up almost exclusively for advertising purposes, patent-medicine folders, and pamphlets of all kinds, and that class of stuff that is now weighing down the mails to the great injury of the service and creating deficiencies in the postal revenues? Why not let each branch of the business, each class of mail matter, if you please, pay its own way? Would that not be a fair and equitable method? As I understand it, now the first-class matter not only pays its own way, but also furnishes a large portion of the means used to make up the deficiencies in the other classes of mail. There is no good reason why the Government should haul at an actual loss the monthly magazines, advertising pamphlets, catalogues, etc., published and sent forth to boom some private business or enterprise from which service the general public derive no benefits.

All such matter should be sent by express or freight, or not at all. At least the Government should not be compelled to transport it at a loss. Indeed, the country would feel no evil effects therefrom if a large part of this class of matter should never be sent out at all.

It is perfectly evident to all that it is now too late in this Congress to even hope for the passage of a bill reducing postage on letters to 1 cent, but I sincerely hope that the day is not far distant when this matter will be taken up-possibly during the next Congress-and favorably acted upon.

The passage of such a measure would be a small but a substantial benefit, extending to every man, woman, and child in

the United States.

I do not care to longer consume the time of the committee.

withdraw my pro forma amendment. [Applause.] Mr. WILEY of Alabama. Mr. Chairman, the Postal Joint Commission created by act of Congress approved June 26, 1906, have just completed a report. Seeking to find a remedy for the ills regarding second-class mail matter, this learned Commission, consisting of three Senators and three Members of the House of Representatives, have drafted a bill which would create a press censorship, putting it in the hands of Government employees to determine what information the reading public wants, and extending a paternalistic guardianship over the countingroom by limiting the amount of advertising, and specifying just how it shall be printed in the pages of daily newspapers.

This extraordinary measure might well be termed "a bill to reduce the standard of daily newspapers." The Joint Commission started work on the hypothesis that second-class mail matter is carried at a loss to the Government, and does not pay its

proportionate share in revenue.

In their report these Commissioners say:

The advocates of that reduction argue that the volume of business naturally resulting therefrom would offset the temporary loss in revenue. They insist also that the charge for the first-class matter is out of all proportion to the cost of its handling and transportation.

The same spirit that inspired the anticartoon agitation of Pennypacker fame, in Pennsylvania, and that more recently found expression in the gag-law project of the New York State senate, at Albany, animates this class of "reformers." To them the prospective revision of the postal laws from a revenue basis is secondary to the excuse they find in striking a blow at the newspapers.

The plea put forward as justification for the action of the Third Assistant Postmaster-General is that there is annually a deficit in the Postal Department. His apologists would have the people believe the shortage is attributable to the fact that the Government is carrying the periodicals and newspaper publications at the present small rate—a privilege which the publishers are daily abusing. Nor is this all. In this connection

If the present postal laws are to remain, there should be a universal enforcement of them to the limit of the administration. If you will give me five or six hundred men and turn me loose and not tie my hands, I will reduce the deficit, but I think it is better to have a statute to do it.

In his first annual message to Congress, George Washington, in referring to the public press, said:

But here I can not forbear to recommend a repeal of the tax on the transportation of public prints. There is no resource so firm for the Government of the United States as the affections of the people, guided by an enlightened policy; and to this primary good nothing can conduce more than a faithful representation of public proceedings diffused, without restraint, throughout the United States.

Mr. Chairman, there was one Department of the Government which the founders of this Republic never expected to be selfsustaining from a money standpoint, and that is the Post-Office Department. It is always desirable that the best possible mail facilities and conveniences, regardless of pecuniary outlay, shall reach all classes of the people. The newspaper is the greatest medium on earth for imparting knowledge to the sons and daughters of men—the most potent instrumentality for dispensing general intelligence. While avenues, like the rural free delivery routes, through which education goes to the masses, are being daily multiplied at tremendous cost to the United States, I regret to find that a narrow, carping, and tyrannical disposition is manifested in some quarters to curtail newspapers, magazines, and other periodicals in the use of mail facilities under the pretext of saving money in the matter of the transportation of second-class matter. For this alleged reason, radical reforms are urged in the postal service which, if they once assume the form of law, will compel a complete overturning of the newspaper busines

The measure proposed is nothing short of an officious and arbitrary attempt to regulate newspaper enterprises. changes therein suggested are, apparently, aimed to harass and burden the newspapers of the country; and if the bill should become a law, it will materially arrest newspaper progress and development, because the amazing theory upon which the Commission has proceeded in reaching a recommendation to have Congress, by legislation, put peculiarly drastic restrictions upon the transportation of second-class mail matter seems to be that newspaper improvement and expansion are reprehensible and should be curbed by statute; the inevitable result of which would be to lessen the field of the typesetters' work.

The main contention of the Postal Commission's report appears to be that the press of the United States is furnishing to their customers—the reading public—more matter than is necessary or proper, and the bill frankly proposes to restrain this

tendency of the newspapers to be liberal with their readers. The report declares:

The newspaper is rapidly being extended into the magazine field. The miscellaneous matter contained in the Sunday issue of a newspaper must of necessity lack the quality to make it socially and educationally valuable.

If a Congressional commission can regulate or forbid fiction or literary matter in a newspaper, the power stretches out also to criticism, pictures, cartoons, and the free expression of opin-

I have been taught to believe that a free, untrammeled press, newspaper and periodical, most widely circulated, constituted the best guaranty of the intelligence indispensable to a self-governing people; and to this end the advantages of cheap postal rates have heretofore been designedly accorded. I do not concur in the radical change of a policy so beneficent to that suggested by the postal commission's report and proposed logical time. It is clear that the postal change so recommended legislation. It is clear that the postal changes so recommended and urged, while limiting the liberties of the individual, will also destroy for many workingmen an opportunity to pursue their calling in the type cases of the composing room.

One of the provisions of the contemplated bill, which has attracted wide attention, will necessitate a revolution in publica-tion methods. It declares that no supplement of a newspaper which is admitted to second-class rates shall "be composed of or contain advertisements." Furthermore, it is decreed that no newspaper or periodical shall be admitted to the mails at second-class rates if advertisements constitute more than 50 per cent of the superficial area of any issue.

The following is an extract from another section of the pro-

An issue of a newspaper or other periodical may be composed of parts or sections, but all such parts or sections shall be made of the same size, form, and weight of paper, and, when taken together, shall form one complete and identified whole.

It requires only a casual glance at the above provisions of the bill to fully convince anyone of the radical nature of the remedy It would limit the amount of advertising. It would eliminate all legitimate advertising matter from supplements, and it would prevent the publication in the supplements of all fiction, of all matter of general and useful information regarding the affairs of the world, and would make it merely an over-

flow for the news of the main sheet.

The Mobile Register, one of the most influential dailies published in Alabama, in a leading editorial under the head of "Proposed postal reform," so clearly voices my objections to the legislation recommended by the Commission that I ask the Clerk to read the same, in order that I may incorporate it in the RECORD as a part of my remarks.

the Record as a part of my remarks.

Objection must be made to the clause that supplements shall not be printed on paper differing from that used in the main body of the publication. It often happens that supplements are illustrated with half-tone pictures and that a heavier body paper is required in order that such picture may be suitably printed. It would be a hardship upon legitimate publication to insist upon the use of uniform body of paper for the whole publication. Another objectionable feature of the report is that which says that all parts or sections of a newspaper shall be made of the same size, form, and weight of paper and shall, taken together, form one complete and identifiable whole. Here it appears that no latitude is allowed the publisher, who, himself, may not be able to tell in advance of the hour of publication just how many forms he will print or what relation the last forms printed shall have to the first forms. To bind him by the hard and fast rule that all sections shall be alike in size, form, and weight of paper will be to embarrass him very greatly. Also in regard to this further provision: "All provisions of law applicable to newspaper or periodical shall apply equally to each and every section thereof." See, for example, that part of the law that says that advertisements shall not constitute more than 50 per cent of the superficial area of any issue of the publication. If that provision is to apply to each section, the same as to the whole issue, then it would not be proper to devote more than 50 per cent of the space of any section to advertisements, even when other sections might contain less than that quantum of advertisements. Yet another burden would be imposed by the rule that supplements must contain matter germane to what is contained in the regular issue and supplied in order to complete the matter left incomplete in the main body of the publication. This seems to regard a supplement as merely a runover section, and not, as it really is, an added portion of the paper, devo

the supplement.

A most important provision is that which limits the advertisements to 50 per cent of the space. This is arbitrary and should not be made a part of the law. Publishers do not consider it good policy to devote more than 40 per cent of their space to advertisements, but there are occasions when they are forced by the demand of their customers to exceed that space. In the holidays it often happens. The rule ought to be that not more than 50 per cent average shall be devoted to advertisements. Especially would the rule proposed by the Commission work to the disadvantage of country weeklies, whose rates are small, and they must fill a good part of their space with advertisements or go out of business. They should be exempted altogether from this provision.

Thus we perceive that the Commission, in their self-inflated.

Thus we perceive that the Commission, in their self-inflated wisdom, have undertaken to tell the country exactly what sort of an enterprise or institution a newspaper should be, and in accord with these views they would have the Government adopt a policy of paternalism more pronounced than was ever dreamed of in the fervid brain of the rankest advocate of that doctrine the wide world over. It is true that the Commission advise that the arbitrary power of refusing the second-class rate to a publisher be denied the Postmaster-General and that an appeals commission be provided, so that if the rate is refused by the Postmaster-General the publisher's cause may be heard and adjudicated; also that no publication can be suspended, revoked, or annulled—that is to say, can be deprived of the second-class rating after having been given it unless first the proposed order is reviewed by the appeals commission and found

An elaborate plan is provided for this commission to be known as the "commission of postal appeals" under the provisions of the proposed bill. This commission is to have control, in a general way, of the classification of mail matter as well as the right of matter to be admitted to the second class. It is to consist of three members, to be appointed by the President, subject to the advice and consent of the Senate, and to hold office for six years.

This scheme is somewhat in harmony with the provisions of a bill introduced in the House at this session by the gentleman from Indiana [Mr. CRUMPACKER], entitled "An act to provide for a judicial review of orders excluding persons from the use of United States mail facilities." It gave me pleasure to vote for that measure when it passed the House. It was a move in the right direction. I am opposed to bureaucracy, and I heartindorse the denunciations which the author of that bill fulminated against the clandestine, ex parte, unilateral, star-chamber methods conducted by "secret emissaries of the law," by bureau hirelings. He said both forcefully and eloquently:

by bureau hirelings. He said both forcefully and eloquently:

I have no sympathy with or respect for the policy that affects the important rights of person, reputation, or property by means of confidential reports of secret emissaries of the law. Reports containing evidence respecting the rights of the citizen should always be made public. No consideration of delicacy or embarrassment should justify the Government in blasting the reputation and ruining the business of a citizen without giving him an opportunity to know exactly who has testified against him and to what he has testified. The reports of inspectors under any practice should be open to the person who may be affected by the fraud order. He should be allowed to know who have given information or testified against him, and citizens who are interviewed should understand that their names and statements would be open to inspection by the person against whom they testify or give information. This would have a most wholesome and salutary influence. Men would see that the statements that were written up by the post-office inspectors and credited to them were fair and just and absolutely true. There should be no inducement or opportunity for them to attempt to stab the business or reputation of rivals in the dark.

Even under the present law the investigation of fraud-order questions should be conducted in as open a manner as possible. Star-chamber procedure has no place in the administration of rights in this Government. It is contrary to the spirit of the age. The whole fraud-order practice in the Post-Office Department, however honest and pure the intentions and purposes of its administrators may be, is out of harmony with the principles of individual liberty, and it ought to be discontinued. There is no adequate excuse for it.

But in the case of exclusion of newspapers and periodicals from the mails, the publisher should be content with nothing less than a trial by jury, and not a trial by commission. "Cold, rigid justice," the "one weight and the one measure," every American citizen is entitled to receive.

It is well, ever and anon, to sound the danger signal.

Eternal vigilance is the price of liberty.

In all monarchies there is more or less restriction and control of individual and private business affairs at the instance of the Crown.

In the colonies representatives of King George carried on certain kinds and classes of profitable monopolies in which ordinary citizens were not allowed to compete, levying unequal tribute upon them, to such an unjust extent that the American

Revolution was precipitated. Congress, I submit, can not rightfully delegate the anthority belonging to it and with which it is charged by the Constitution for the transaction of governmental business to executive boards, departmental bureaus, or deputized commissions robed with in-quisitorial powers, while sitting in judgment upon the rights, interests, and lawful pursuits of private citizens, whether of

high or low degree.

Trial by jury, the enjoyment of the suffrage franchise, free speech, an untrammeled press, and freedom of everyday business transactions from Executive interference and censorship ness transactions from Executive interference and censorship constitute our boasted liberty in this "land of the brave and home of the free." Our forefathers fought to obtain these priceless blessings and privileges, which are now, I trust, securely guaranteed to us in the organic law. But we can not close our eyes to the distressing fact that there is a socialistic movement on foot in this Union of "our fathers and sires" which would clothe bureaucracy, and, for that matter, all the protean systems of executive control, with the very power we wrested from the King of England more than a century ago.

The framers of the Federal Constitution divided the adminis-

The framers of the Federal Constitution divided the administration of the Government, its legitimate powers, into three different departments, to wit, legislative, judicial, and executive, and in order that the Government, while performing all its duties and carrying out all its functions, might interfere as little as possible with the lawful pursuits of its people, it became vitally essential, and still remains vitally essential, that these several departments shall be kept separate and distinct.

Professor Burgess in his book on Political Economy as-

serts:

The sovereignty back of the Government in the United States vests the power in the courts to interpret the prescripts of the Constitution in behalf of individual rights and immunities and to defend the same against the arbitrary acts of the legislature or Executive.

It is manifestly the duty of Congress to see to it that every coordinate but separate Executive Department of the Government is so hedged about and fenced in by law as not to allow in anywise or manner the vested rights of American citizen-ship to be imperiled, impaired, or destroyed. Having this salutary object in view, I had the honor to introduce into this Chamber on the 25th day of January, 1907, the following bill:

following bill:

A bill to prevent the exclusion of a newspaper or periodical from the United States mails as second-class matter, after having been entered to such privilege, without due process of law.

Be it enacted, etc., That from and after the passage of this act it shall not be lawful for any official connected with the Post-Office Department to exclude any newspaper or periodical from the mails of the United States as second-class matter, after having been once admitted to such privilege, without due process of law first had and obtained in the United States court of the district where the publisher of such newspaper or periodical resides, such privilege having become thereby a vested right, of which such publisher shall not be deprived except for good and sufficient cause, judicially ascertained in the mode and manner provided by the law of the land.

Mr. Chairman in advocating the enactment of a law like the

Mr. Chairman, in advocating the enactment of a law like the one now under discussion, I am not "playing to the grand stand." I am not trying to display any pyrotechnics. I have no personal interest in the publication of any newspaper or periodical; but I am firmly convinced that having been once periodical; but I am firmly convinced that having been once entered as second-class matter they ought not to be excluded from the mails except for just cause, judicially ascertained, after legal notice to the publisher and under due process of law. Under existing statutes the publisher is entirely helpless against such arbitrary action. There may be inserted in his paper, without his knowledge or consent, some local or business notice-say, for instance, of a raffle or drawing-and this, coming to the knowledge of the postmaster or his agent, may cause the whole mail edition to be held up, which means its destruction, such action being tantamount to a punishment without trial and wholly unsuited to the offense, either charged or committed.

The Daphne (Ala.) Standard, discussing this subject, employs

this clear ringing language:

this clear ringing language:

The United States Constitution guarantees to every American citizen the right of trial by jury. It guarantees him against unlawful seizure, detention, or delay. It guarantees that he shall be brought face to face with his accusers, and that he shall, in fact, have given to him every opportunity allowed to any other citizen to defend himself and his business against encroachments or assaults. In short, he can not be convicted before he has been tried. In the case of the Postal Department and the publishers it is not so; since the Third Assistant Postmaster-General has arbitrarily and of his own volition denied to certain publishers the right to circulate through the United States mails their publications, and solely upon his construction of some of the postal laws and the rules and regulations of the Postal Department. Not only this, but he now declares it to be his opinion that a strict construction of the law would result in 60 to 70 per cent of all publications being denied the right of the mails.

Sir. I am not in favor of any law, rule, or regulation, by what-

Sir, I am not in favor of any law, rule, or regulation, by whatever name called, which may have a tendency or the effect, either directly or indirectly, to restrain the amplest freedom of

Thomas Jefferson said:

No experiment can be more interesting than that we are now trying, that man be governed by reason and truth. Our first plan will, therefore, be to leave open to him all avenues to truth, and the most effectual hitherto found is the freedom of the press.

James Madison said:

The freedom of the press, as one of the great bulwarks of liberty, shall be inviolable.

Alexander Hamilton said:

The road to tyranny will be opened by stifling the press.

A free, fearless, and honest press is the palladium of human liberty. Its beneficences can not be overestimated. It defends the weak, confronts the strong, vindicates the right, exposes every phase of wrongdoing, and lays corruption bare. It never tires in holding public officials to strictest accountability toward those who have elevated them to public station. It teaches the important lesson that "the common masses" are best governed when least governed; that public office is a public trust, and that those who occupy positions of honor or of com-manding influence are merely the servants and not the masters of the people; a very wholesome doctrine this and one which ought never to be forgotten.

The clean-toned newspaper, which is read at every hearth-stone and fireside throughout the broad limits of this country, alike in the splendid palaces of the rich and the lowly cottages of the poor, stands, therefore, in the front rank of loftiest character and exalted responsibility. Communities can not prosper without its useful agency and its beneficial endeavors. Communities can not In material progress and national exaltation it is the most potential factor, the most efficient of all earthly ministers.

It is always on the side of justice and right, of law and order, of freedom and humanity. It is the shining exponent of an advanced civilization—a radiant representative of liberty to all the downtrodden and oppressed nations on the globe. It curbs the tyrant's power and stays the despot's arm. Its ideals are lofty. It distinguishes the noble from the base, Its ideals are lofty. It distinguishes the noble from the base, kindles the bright fires of honor, lifts us victorious over toil and suffering, and causes inspiring feelings to swell in the hum-

Nobility were nothing without it. In its protecblest soul. tion liberty won by patriotic valor finds her own most impregnable tower of defense-her own most powerful rampart of safety.

Let us, then, go slowly in the abnegation of our own powers as representatives of the people in this august body. not surrender, without a manly and courageous struggle, the exclusive authority (to secure which the red blood of freemen flowed), now lodged in Congress, within its legitimate domain, for the enactment of that character of legislation peculiarly adequate and appropriate for the transaction of the general business affairs of the country.

Let us not yield this legislative function into the irresponsible hands of departmental clerks or chiefs of bureaus, and, above all else, let us not have the publisher tamely submit to a deprivation of his inalienable right of trial by jury. Let us, in brief, preserve inviolate, as far as we can, the rights, immunities, franchises, and privileges of the people and safeguard their liberties

The "Lost Peri," pleading for admittance within the sapphire gates of Paradise, exclaimed:

Oh, if there be on this earthly sphere A boon, an offering, Heaven holds dear, 'Tis the last libation Liberty draws From the heart that bleeds and breaks in her cause.

The Clerk read as follows:

For mail locks and keys, chains, tools, and machinery, and labor and material necessary for repairing same, and incidental expenses pertaining thereto, \$45,000.

Mr. OVERSTREET of Indiana. Mr. Chairman, I offer an amendment. Line 10, page 20, after the word "for," insert the words "manufacturing and."

The Clerk read as follows:

Line 10, page 20, after the word "for," add the words "manufacturing and."

Mr. MANN. Mr. Chairman, I reserve the point of order upon that.

Mr. OVERSTREET of Indiana. Of course I desire to explain the amendment. In the city of Washington we have a mail-lock and mail-bag repair shop. A provision is made upon the subject on this page of the bill for merging these two enterprises in one building, and also to provide for a warehouse for the supplies department. Inasmuch as we are gathering in that one building the manufacturing of the mail locks and mail bags, we ought to add manufacturing as well as repairing, for the reason that there is a limited amount of manufacturing of these mail bags conducted to-day in that establish-The general contract for mail-bag construction is provided for in another appropriation; but inasmuch as the force for the repairs for the mail bags must be retained, and they will have time upon certain occasions to manufacture as well as repair, we thought it advisable to include that in the provision.

Mr. MANN. May I ask the gentleman, does the Government now manufacture all its mail locks and keys, chains, tools, and

Mr. OVERSTREET of Indiana. It does in connection with the repairs. For example, in repairing these mail bags, the Government is required to keep on hand mail locks and keys, chains, tools, and machinery with which to make the repairs. Having, therefore, the material which enters into the repair of the bags, they can use the same force, when that force is not occupied in repair work, in the actual manufacture of the bags themselves; but that is only to a very limited degree.

Mr. MANN. What I wanted to ask the gentleman was

whether this involved any change of policy on the part of the

Mr. OVERSTREET of Indiana. Oh, none whatever.

Mr. MANN. I do not know whether or not I would be in

favor of it. However, I withdraw the point of order.

Mr. OVERSTREET of Indiana. The amount of appropriation is just as it has been for many years.

The CHAIRMAN. The point of order is withdrawn. The question is on agreeing to the amendment,

The question was taken; and the amendment was agreed to. The Clerk read as follows:

For rent of suitable buildings for the use of the Post-Office Department, including the mail-bag repair shop, lock repair shop, and the division of supplies, \$32,000: Provided, That the Postmaster-General is authorized in his discretion to enter into a contract for the rent of suitable buildings in the vicinity of the railroad tracks for the use of the Post-Office Department for the period of ten years.

Mr. MURPHY. I reserve the point of order on the proviso. I want to ask the chairman of the committee what it is intended

very glad to explain the item. In the bill providing for the legislative, executive, and judicial service there has been carried each year for several years an item appropriating, as I now remember it, twelve or fourteen thousand dollars for rent of buildings in the city of Washington in connection with the postal service. At the same time there has been carried in the postoffice appropriation bill an item of \$14,000 to cover rent for the mail-bag repair shop, to which I have just made allusion. there have been appropriations for the service of carting the materials and supplies of the Department from the various sup-ply depots in the city to the Department and to the stations for shipment out of the city. The Department found upon an investigation that a decided economy could be accomplished by gathering these different provisions into one item, and in connection with the growth of the supply division of the Government they thought it advisable to have a warehouse in which to house these supplies, rather than have them scattered throughout the city. Therefore they recommend, and the committee followed that recommendation, that we drop out of the legislative bill the \$14,000 item and drop out of this bill the additional item of \$14,000, and these other items for rent to which I have referred, and they have all been dropped out, and authorize one contract which will enable the Government to have a supply division properly housed and at the same time provide sufficient room for the mail-bag repair shop.

These several changes, Mr. Chairman, have resulted in securing much better facilities, where they can have much better accommodation for the employees of the mail-bag repair shop and much larger capacity for the supply department, and at the same time entail a less charge upon the Government than the várious individual items. That, of course, can only be done by getting a general arrangement for a long-time contract between the Department and the owners of the property. I want to state for the information of the committee that this particular authority will result in having the mail-bag repair shop and the supply warehouse adjacent to the railroad tracks, which will avoid the expense not only of drayage and cartage, but the danger entailed damage to the supplies themselves. Therefore, in just a word, this provision has resulted in the elimination of several individual items of appropriation and their segregation into one, which will result in less cost to the Government for much better

facilities. Now I yield to the gentleman from South Carolina.

Mr. FINLEY. Is it not true that the Government will obtain suitable buildings for the purpose, lighted and ventilated?

Mr. OVERSTREET of Indiana. Exactly so, for the benefit of the laborers in the mail-bag repair shop. The conditions of the laborers in the mail-bag repair shop. which have prevailed for some time in the mail-bag repair shop

are very unsatisfactory.

Mr. MURPHY. I withdraw the point of order.

The CHAIRMAN. The gentleman from Missouri withdraws the point of order.

Mr. HUGHES. Mr. Chairman, I wish to address a few remarks on the post-office appropriation bill, which the committee

is now considering.

The chairman, in his opening remarks on this bill, made a statement in reference to it, which was clear and well defined, as his statements always are. However, there are some amendments which I think ought to be made to this bill. In the first place, I think the annual gross receipts of first-class offices, on pages 5 and 6, should have "fifty thousand" stricken out and "forty thousand" inserted instead. This will allow offices whose annual gross receipts are not less than \$40,000 the advantage of one additional grade for clerks and also one additional grade for carriers. What I mean is that the clerks can be promoted successively to the fifth grade instead of the fourth This will allow clerks in first-class offices to be promoted to the fifth grade, at a salary of \$1,000, and carriers to be promoted to the fifth grade, whose salaries shall be \$1,000. would seem to me that this would be nothing more than what is fair, for the reason that the Post-Office Department have seen fit, in their wisdom, to change grades from second-class to firstclass offices when their annual receipts are \$40,000, and this is my reason for asking for this amendment. The chairman of the committee gave as a reason why this should not be done that there were some first-class offices whose receipts are \$40,000 in towns where the population does not exceed 1,500. I have made some investigation to find a town of this size in which the receipts are sufficient to entitle them to the grade of a firstclass office, and so far I have been unable to find it, although I have no right to doubt the statement of the chairman of the committee in regard to it.

The chairman of the committee further states that in making appropriation for each of the Departments, like the great Post-Office Department, that you can not always help from working a Mr. OVERSTREET of Indiana. Mr. Chairman, I shall be hardship on some, and that this bill must necessarily be framed

with a broad, fair, liberal view. It would seem to me that this is one of the very best reasons why my amendment should go into this bill. He gives as his reason why it should not go into the bill that there are some few cases, like this which I stated a moment ago, where he gives the same unusual construction with the Post-Office Department, from some particular factory, who use the mails extensively, and that, while the inhabitants of the town were not over 1,500, yet they would be entitled to a first class of the same unusual construction with first-class office. Now, if my amendment is adopted, I will agree with the gentleman, it might work a hardship in cases like these, but in a general way it would be fair and just.

In order that no advantage of this amendment might be taken in particular cases like the one he mentions, it might be well to state that a post-office whose annual gross receipts are \$40,000 and over should be entitled to fifth grade as clerks and fifth grade as carriers when the population of the town is not less than 10,000. This would obviate the objection which the chairman of the committee urges against the amendment.

The committee in this bill have made several increases in compensation for the employees, and deservedly so, and I am only sorry that in their wisdom they did not feel that they could make greater increases than they have made. Take for example the railway mail clerks: I feel that they are the most poorly paid employees of the Government to-day with perhaps one exception, and that exception is the rural free-delivery carrier. The work of the railway mail clerk is hard, difficult to perform, and requires close application. This is not only laborious physically but mentally as well, and in addition to this, his work is even more dangerous than that of the engineers who are in charge of the train, for in cases of wrecks he is rarely ever apprised of what is about to happen until it is too late, and it is for this reason, in my judgment, that more liberal compensation should be allowed for this class of work.

The committee has recommended an increase of \$120 for the rural free-delivery carriers. This, in my opinion, is one of the most deserved increases in this entire bill. This will make the maximum rate, if this bill is passed as recommended by the committee, of rural free-delivery routes of 24 miles, \$840. This rate is graded at a reduction of \$18 per mile per annum, if the routes are a less distance. In my emile per language is the per mile per annum, if the routes are a less distance. In my opinion this latter clause should not apply. Where routes are given for a shorter distance than 24 miles, it is usually through a densely populated district, and these conditions should entitle them to the same pay. I feel that no rural free-delivery carrier should receive less than \$840 where he has to furnish two horses and a wagon and do the work necessary to be done. It was suggested by some one that it required no more labor to deliver mail on a route that is thickly populated than one which is sparsely settled. This, I am sure, is an error or a lack of the proper conception of conditions existing under such or similar cases.

I give as an illustration the condition existing in my own city, which I think is a fair sample of the majority of cases. The city carriers do not supply the routes outside the corporate limits. This is a part of the duty of the rural free-delivery carrier. On a great many routes, from 2 to 3 miles outside of the towns, the houses are almost as thickly settled as they are in a great many towns. In the distance of a mile the mail carrier will be required to stop, take mail out, and put mail in boxes, say, fifty times, when on ordinary country roads it would not be necessary for him to stop for this purpose more than, say, a half dozen times; and it would seem to me that some allowance should be made for shorter routes where this condition exists. Take routes in the South which run through farming country, where a great majority of the population is such that they do not get much mail—in fact, receive scarcely any—it would only be necessary for the carrier to stop at, say, one out of ten of the houses; and thus, you see, it would hardly require more than one stop in a mile.

Now, speaking from a personal experience, we have a route running out from a substation at the Hunting post-office, W. Va., and just beyond the corporate limits of the town there is what is known as "Harveytown." The houses in this particular locality are as close together as they are in the town proper, and the carrier has to make, necessarily, fifty stops in the distance of a half mile. I think in cases of this kind there should be a provision allowing the Post-Office Department to allow extra compensation in these thickly popular lated localities. It was my understanding that this was done until the chairman of the committee made the statement a few days ago that this was not the case. Now, I think a paragraph should be inserted in this bill to cover just such cases as the one I have called the attention of the committee to.

The Clerk read as follows:

For inland transportation by railroad routes, \$44,660,000.

Mr. HEDGE. Mr. Chairman, I raise a point of order against this paragraph, except the first two lines.

The CHAIRMAN. The first two lines are all that have been

Mr. MURDOCK. I offer the following amendment to the lines which have been read.

Mr. MANN. I reserve a point of order on that paragraph. The CHAIRMAN. The gentleman reserves a point of order against what?

Mr. MANN. I understood that the gentleman was seeking to amend the paragraph commencing with line 9.

The CHAIRMAN. The gentleman offered an amendment to the paragraph included in lines 1 and 2 on page 21.

Mr. OVERSTREET of Indiana. My understanding is that those lines only—lines 1 and 2—had been read.

The CHAIRMAN. That is all.

Mr. MURDOCK. I offer the amendment to those two lines.

Mr. LLOYD. I ask unanimous consent to refer back to the paragraph covering the pneumatic-tube service, in order that we may consider that section.

Mr. MURDOCK. I object at this time, Mr. Chairman.
Mr. LLOYD. It will only take a minute. The gentleman from Kentucky who made the point of order a few minutes ago and the gentleman from Illinois-

Mr. MANN. I have made no promise about it.
Mr. MURDOCK. Mr. Chairman, a parliamentary inquiry.
The CHAIRMAN. The gentleman will state it.
Mr. MURDOCK. Will my amendment be pending when we

return to these two lines.

The CHAIRMAN. The amendment is not pending except by unanimous consent.

Mr. MURDOCK. Then I object. The CHAIRMAN. The gentlem The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding, after the word "dollars," in line 2, page 21: "Provided, That no part of this sum shall be expended in payment for transportation of the malls by railroad routes where the average weight of mails per day has been computed by the use of a divisor less than the whole number of days such mails have been weighed."

Mr. SNAPP. Mr. Chairman, I make a point of order against that amendment.

The CHAIRMAN. . Does the gentleman from Kansas desire to be heard on the point of order?

Mr. MANN. My understanding is that the point of order is

reserved on the paragraph itself. How does the gentleman offer an amendment?

Mr. OVERSTREET of Indiana. Mr. Chairman, a parliamentary inquiry. In order that gentlemen may have the right—
The CHAIRMAN. May the Chair answer the first parliamentary inquiry? The gentleman from Illinois reserved a point of The Chair understood the gentleman to say that he reserved it on the amendment offered by the gentleman from

Mr. MANN. No; on the paragraph.

The CHAIRMAN. The Chair has not yet finished his state-ent. If the point of order had been reserved on the paragraph, the Chair would not have recognized the gentleman from Kansas to offer an amendment.

Mr. MURDOCK. Mr. Chairman, have I the floor? The CHAIRMAN. The gentleman from Kansas has The gentleman from Kansas has the floor on the point of order.

Mr. MURDOCK. I think the amendment that I have offered is clearly in order. It touches the appropriation itself—the dollars appropriated. It is a limitation. It in no wise provides for a greater expenditure of money. It provides for a limitation—a lesser sum of money. It does not change existing law. Those are the three principal propositions which, I think, support the amendment and protect it from a point of order.

Mr. SNAPP. Mr. Chairman—
The CHAIRMAN. Does the gentleman from Kansas yield

Mr. MURDOCK. If the Chair has heard sufficiently from me on the proposition.

The CHAIRMAN. The Chair can hardly indicate that he has been convinced as yet. [Laughter.] Does the gentleman

desire to proceed?

Mr. MURDOCK. I will proceed, then, if I have not convinced the chairman. [Laughter.] I should like to know on what point the chairman is in doubt?

The CHAIRMAN. The Chair is in doubt as to whether this is not a change of existing law.

Mr. MURDOCK. I will seek to prove that it is not.
The CHAIRMAN. The Chair will hear the gentleman.
Mr. MURDOCK. Mr. Chairman, the original statute upon

which this provision found at the top of page 21, lines 1 and 2, is based is found in section 4002 of the Revised Statutes, and

The Postmaster-General is authorized and directed to readjust the compensation hereafter to be paid for the transportation of mails on railroad routes upon the condition that at the rates hereafter men-

tioned;
First. That the mails shall be conveyed with due frequency and speed; and that sufficient and suitable rooms, fixtures, and furniture in a car or apartment properly lighted and warmed shall be provided for route agents to accompany and distribute the mails.

Second. That the pay per mile per annum shall not exceed the following rate, namely: On routes carrying their whole length an average weight of mails per day of 200 pounds, \$50; 500 pounds, \$75; 1,000 pounds, \$100; 1,500 pounds, \$125, etc.

The rates are recited progressively, being progressively reduced rates. I submit that the pay is per annum, and that the pay is on a basis of the average weight of mail per day. Further along it is provided in section 4002 that—

The average weight is to be ascertained in every case by the actual weighing of the mails for such a number of successive working days, not less than thirty, at such times after June 30, 1873, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct.

Now, Mr. Chairman, from the very beginning, from the first passage of that law, there was doubt about the construction of the statute in the Department, and finally, in 1884, one Postmaster-General, having forbidden the practice and his successor desiring to reestablish the old practice which had prevailed for eleven years, submitted it to the office of the Attorney-General. Some one in the Attorney-General's office-it is not plain who, because the ruling appears in different publications signed by different men-gave a six-line opinion. He was not troubled with points of order at that time; but he gave the opinion which reestablished that practice. So that there is doubt in the Department, and has been, as to the construction of that word "working." I believe that this language is not subject to a point of order, because I believe that the legislative branch has a right to put upon the law any construction it sees fit.

Mr. Chairman, I would like to ask the gentle-Mr. PAYNE. man from Kansas a question.

Mr. MURDOCK. I will yield.

Mr. PAYNE. I would like to ask him if the Department has not construed it during the whole existence of the law in the

manner indicated by the Attorney-General's opinion?

Mr. MURDOCK. With the exception of the time that Mr.

Gresham was Postmaster-General and his order was in force.

Mr. PAYNE. That order called forth this opinion the gentleman refers to. Now, I want to ask, further, if the courts have not held in a number of cases that where a doubtful law had been construed by an Executive Department or by the legislative branch of the Government in one way and in one direction -the courts have not followed that confor a period of yearsstruction of the law?

Well, the gentleman from New York is a Mr. MURDOCK. lawyer and I am not. I want to say, however, to the gentleman and to the Chairman, in regard to this word "working," that working is not synonymous with week day either in the law or in the transportation of the mail. Ninety per cent of the mail weights go on routes of the United States that have Sunday service. Work is performed on Sunday. Sunday is a working day in the mail service, and to contend otherwise is to say that Members of Congress are willing to stand here and say that we are as helpless as babes so far as the violation of the Sabbath is concerned, but we are good and holy in keeping the Sundays out of the arithmetical computation for the payment

Mr. FINLEY. I would like to ask the gentleman from Kan-

Mr. MURDOCK. I yield to the gentleman.

Mr. FINLEY. I wish to ask the gentleman from Kansas if he does not contend that his amendment properly construed is a limitation on the appropriation independent of the question whether or not the law is as he contends for?

Mr. MURDOCK. I did not quite catch the gentleman's ques-

Mr. FINLEY. Does not the gentleman contend that his amendment is by way of limitation strictly on the appropriation without reference to the fact that the law is as he contends for?

Mr. MURDOCK. I certainly do. I contend that this is a

limitation on the appropriation.

Mr. FINLEY. That is my understanding.

Mr. MURDOCK. I contend that the working day is not a workday. Workday might be a week day. As long as there is work performed on Sunday and 90 per cent of the weight goes on the lines which have service on Sunday, then Sunday is a working

Mr. SMITH of Kentucky. I would like to ask the gentleman from Kansas, if this amendment is adopted, would it in any wise change the method of weighing or computing the amount of mail carried by railway?

Mr. MURDOCK. It would not change the manner of weigh-

ing at all.

Mr. Chairman, this may be the final word to-day, so far as I am concerned, on this subject, and I desire to say before conclusion that this thing has not been mentioned, the construction of this working day, for thirty-three years, either on the floor of Congress, so far as I can find, or in any of the reports of the Postmasters-General or in any of the hearings of the Committee on the Post-Office and Post-Roads or in any of the reports of the four commissions which have gone into this subject. man of this Committee of the Whole House, when he rules, will be the first man to pass upon its construction since 1884, and the identity of the individual who passed upon it then is not now known

Mr. SNAPP. Mr. Chairman, I would like to be heard for a moment upon the point of order. If the Chair will turn to page 21 of the bill he will readily see that this amendment is a substitute, one might say, for that clause of the bill beginning or line 16, page 21, and is introduced in order to effect the same purpose. In the general discussion over this bill it has been admitted here freely in the House by everyone familiar with the bill that it was subject to the point of order, and the gentleman is trying to effect by this amendment what has heretofore failed and been admitted to be subject to a point of order—the paragraph beginning with line 16. The facts about this are simply these: The manner and method of ascertaining the average daily weight and the compensation therefor is fixed by law. This clause has received the interpretation of the Attorney-General and of the Post-Office Department, and this method of ascertaining the compensation, under the opinion of the Attorney-General and the regulation of the Department, has been in force for a great many years. I desire to call the Chairman's attention to these decisions, found on page 352 of the Constitution, Manual, and Digest, where it has been held that:

The language of limitation prescribing the conditions under which the appropriation may be used may not be such as, when fairly con-strued, would change existing law.

There are numerous decisions to that effect. Again-Legislation may not be proposed under the form of a limitation.

This, in effect, is the changing of existing law under the form of a limitation, and nothing else, seeking in this way to over-turn the discretion and the judgment and the decisions of the Attorney-General and the Post-Office Department followed for

Mr. MACON. Mr. Chairman, I would like to be heard a moment on the point of order. The amendment offered by the gentleman from Kansas [Mr. Murdock], in my judgment, is nothing more or less than a limitation upon this particular appropriation, made for the purpose of inland transportation of mail by railroad routes. It has been held time after time that wherever an amendment only sought to limit the use of the appropriation that was then being considered, it was in order, and hence not subject to the point of order. I remember about a year ago, when an appropriation bill was before the House making appropriation for the pay of custom-house officers, there was an amendment then offered providing that no part of the funds therein appropriated should be paid to customs officials in excess of the receipts of the customs office that they represented. The Chairman, Mr. Sherman, who I think was in the chair at that time, held that the amendment was a limitation upon that particular appropriation, and overruled the point of order. When another appropriation bill was before the House the committee brought in a provision providing that the janitors of the various committee rooms should be subject to the authority of the Doorkeeper of the House after the adjournment of Congress, which went out of the bill on a point of order, it being new legislation. The amendment was immediately offered providing that no part of the funds then appropriated should be paid to any of the janitors of the various committee rooms unless they obeyed the directions of the Doorkeeper. The Chair held—I believe it was the gentleman from Pennsylvania [Mr. Olmsted]—that that amendment was a limitation upon the appropriation carried in that bill, and hence was not subject to the point of order, and therefore overruled the point of order that was made against it. I remember one other precedent in which there was an appropriation made for the payment to American-bottomed vessels for carrying coal to the Philippines, to which an amendment was offered limiting the appropriation to the effect that no part of the sum appropriated should be paid where the American bottoms charged in excess of the rate charged by foreign bottoms.

The amendment was held to be a limitation upon the appropriation, and the point of order made against it was overruled by another distinguished Chairman of this House.

Mr. FINLEY. Mr. Chairman, whether or not the law is as contended for by the gentleman from Kansas [Mr. Murdock] or whether the law is as it is to-day and for years has been construed by the Post-Office Department, I think is immaterial to the settlement of this question. If the amendment of the gen-tleman from Kansas is a limitation on the first two lines of the bill, page 21, "for inland transportation by railroad routes, \$44,660,000," then it makes no difference whether the law is one way or the other. I submit that, according to the decisions heretofore given in the House, this is, strictly speaking, a limitation, and if a limitation, then the amendment of the gentleman from Kansas is in order and no point of order can be sustained against it.

Mr. SMITH of Kentucky. I would like to ask the gentleman

one question?

Mr. FINLEY. Certainly.

Mr. SMITH of Kentucky. Stating a hypothetical case, and that is this: Suppose the next appropriation bill should appropriate \$44,000,000 for the carrying of mails by the railway companies without any additional language. Now, what law would govern the Department in the payment of that sum to the rail-

Mr. FINLEY. I think I can answer the gentleman. I will say this, that if the law is as contended by the gentleman from Illinois, and as to-day practiced in the Department, then the railroad companies would not be compelled to accept the compensation provided here and under the limitations of the amendment of the gentleman from Kansas, but they could go to the Court of Claims and recover there. I think that answers the gentleman, and it would be the same way if the appropriation was in the language stated by the gentleman from Kentucky.

Mr. SMITH of Kentucky. Mr. Chairman, I asked the question with a view of bringing out the opinion of the gentleman

from South Carolina upon the point as to whether this provision contained new legislation or was a change of law or not. My own idea of it is that it is no change of law, that if it is put on this bill it merely attaches to the appropriation carried in this bill, and that in the next appropriation bill if there was a simple appropriation of \$40,000,000 to the railroads for carrying the mails it would be paid out under the law as it has been paid out heretofore since 1873, I think it was, or about that date, when the rule was adopted. In other words, this provision put in this bill will not change existing law and a plain appropriation made hereafter will be governed by the same rule or law as heretofore.

Mr. FINLEY. That is admitting the practice at the present

time and past to be the correct law.

Mr. SMITH of Kentucky. Well, it will be the correct law if there is nothing done by Congress to change the practice of the

Department under the law.

Mr. CAMPBELL of Kansas. It is contended that this amendment is a change of existing law. What law does it change? What law now directs that mails shall be weighed for a particular number of days and then that there shall be a divisor

of a lesser number called working days.

The CHAIRMAN. The Chair understands that to be the existing law; understands that is conceded.

Mr. CAMPBELL of Kansas. And that working days in the law are to be construed as week days, is that the understand-

The CHAIRMAN. The Chair has no opinion to give now as

to that.

Mr. CAMPBELL of Kansas. If it is contended that working days are week days, I must take issue with gentlemen who support that proposition, for the reason that working days in the carrying of railway mails includes the Sabbath day-includes every day in the week. It includes Monday, it includes Sunday; every day of the week, therefore, is a working day. At the time this law was enacted working days may have meant six days in the week. It may have meant three days in the week. It may have meant one day in the week, so far as carrying mail is concerned. Mails were carried for one day in the week; they were carried triweekly, and they were carried every day in the week; but now, as has been stated here, mails are carried seven days in the week upon 90 per cent of the roads of the country carrying the mails. I contend, therefore, this is not a change of existing law, but a change of administrative methods that are practiced without authority of law. We would have authority in an appropriation bill, I think, to prescribe that wages should be paid weekly or every two weeks, where the practice had been to pay monthly, without direction or authority of law. This amendment directs that this money

shall be paid out when the mails have been weighed and computed in a particular manner, there being no positive law to the contrary. We are not, therefore, changing existing law, but providing a limitation upon the conditions under which the money here appropriated shall be paid out.

Mr. SMITH of Kentucky. I would like to ask the gentleman from Kansas a question, Mr. Chairman. Suppose that the law is, as it has been the practice of the Department, that they weigh for a hundred and five days and make the divisor ninety

Now, suppose that is the law and the next appropriation bill simply appropriates \$44,000 for the carrying of the mail by the railroad companies, without any additional provision as to how it shall be paid out or the method of computing the amount of mail carried by the railways, what rule will govern even with this provision put in this bill?

Mr. CAMPBELL of Kansas. This amendment provides that if it is to be weighed for one hundred and five days the divisor

shall be one hundred and five days.

Mr. SMITH of Kentucky. That is as to this appropriation. Does it reach any appropriation that may hereafter be made?

Mr. CAMPBELL of Kansas. Certainly not. That is simply a

limitation upon this appropriation.

Mr. SMITH of Kentucky. That is my view of it.
Mr. CAMPBELL of Kansas. I am fully convinced that the amendment is merely a limitation which in no way offends existing law, and directs a change of an administrative method which has been exercised without positive authority of law.

Mr. DAVIS of Minnesota. Mr. Chairman, I presume I can not add much of knowledge to the question under discussion. It seems to me that the point of order invoked against this amendment, which is simply one of limitation, should not prevail. I am informed that the present law, if such it is, has had no judicial construction—at least there has been no decision of a court. I am further informed that under the existing statute the Attorney-General has prescribed a rule of conduct. Now, by the pending amendment Congress seeks to determine the method of the disbursement of the present appropriation, and it does seem to me that the Congress has the right to consider any previous legislation that has not had a judicial determination and give it Congressional construction. If the main point involved is the meaning of the words "working days," contained in the present law, I apprehend that the Congress has the right to express its construction thereof in the manner contemplated by this amendment, which is in the nature of a limitation upon the disbursements of its funds. If there has been a judicial determination of this law, then I am free to confess the point of order would lie against this proposed amendment; but there having been none I can not see that a point of order will lie against the Congress attempting to construe one of its previous laws, and especially where the meaning of that law is in doubt, as seems to be the case here.

The CHAIRMAN. The existing law has received a construction by the officers charged with the duty of administering it, and that construction the Chair feels bound to follow. The proposed amendment changes existing law as construed by the proper officer, by changing the divisor. This is in the guise of a limitation; but it has been held over and over again here that a limitation is negative in its nature and may not include positive enactment establishing rules for executive officers. been held further that while limitation may provide that a part of an appropriation shall not be used except in a certain way, yet the restriction of executive discretion may not go to the extent of an imposition of new duties. And the limitation on the discretion exercised under the law by a bureau of the Government is a change of existing law. The decisions on the question of limitation, the attempt to draw a well-defined distinction between changes of existing law and a proper limitation, are among the most difficult questions that the Chair is ever

called upon to decide. In a decision rendered last year by the gentleman from New York [Mr. Sherman] on a matter very similar to this, he said:

Where a proposed limitation might be construed by the executive or administering officer as a modification of a statute and change of existing law, it could not be held a limitation.

The Chair's belief is that the rulings along that line are correct, and the Chair sustains the point of order.

Mr. MURDOCK. Mr. Chairman, I appeal from the decision

The CHAIRMAN. The gentleman from Kansas [Mr. Mur-DOCK | appeals from the decision of the Chair, and the question is, Shall the decision of the Chair stand as the judgment of the

The question was put.
The CHAIRMAN. The Chair is in doubt.

The committee divided; and there were—ayes 72, noes 14.

So the decision of the Chair was sustained.

Mr. MURDOCK. Mr. Chairman, I desire to offer an amendment

The CHAIRMAN. The gentleman from Kansas [Mr. Murpock | offers an amendment, which the Clerk will report.

The Clerk read as follows:

After dollars, in line 2, page 21:
"Provided, That no part of this sum shall be expended in payment for transportation of the mails by railroad routes where the average weight of mails per day has been computed by the use of a divisor less than the whole number of working days such mails have been weighed; and "Provided further, That the words 'working days' shall be construed to mean days upon which work in the transportation of the mails by railroad routes is performed."

Mr. HEDGE. Mr. Chairman, I make the point of order against that.

Mr. SNAPP. Mr. Chairman, a point of order.

The CHAIRMAN. The same point of order exactly lies on that as on the previous amendment. The Chair sustains the point of order.

Mr. KENNEDY of Nebraska. Mr. Chairman, I move to strike out the last word, and in my time I would like to have certain communications read.

The Clerk read as follows:

THE COMMERCIAL CLUB OF OMAHA, Omaha, February 13, 1907.

Hon. J. L. Kennedy, M. C., House of Representatives, Washington, D. C.

DEAR SIE: At a meeting of the executive committee, held the 12th instant, the following resolutions pertaining to the appropriation for carrying mail were unanimously adopted, and a copy has been wired Chairman Overstreet, of the Post-Office Committee of the House of

Chairman Overstreet, of the Post-Office Committee of the House of Representatives:

"Whereas a bill is now pending in the United States Congress by which it is proposed to radically decrease the allowance made by the Government for mail service performed by the railway companies; and

"Whereas the railway companies of the country are earnestly protesting that such reduction must result in the establishment of poorer facilities for the carrying out of the contract with transportation companies; and

panies; and

"Whereas Omaha's interests demand that there shall be no change made that will in any wise cripple the present efficiency of the mail service: Therefore, be it

"Resoluced by the executive committee of the Commercial Club of Omaha, That we earnestly request that railroads interested be given a hearing, to the end that they may be permitted to present their side of the case and their arguments, in which they claim that the present compensation is no greater than is demanded, owing to the increased cost in carrying the mails."

Yours, very truly,

J. M. Guild, Commissioner.

OMAHA, NEBR., February 15, 1907.

OMAHA, NEBR., February 15, 1907.

Hon. John L. Kennedy, M. C., Washington, D. C.:

We are informed that House Post-Office Committee has placed in appropriation bill reductions in railroad mail pay. It is claimed by representatives of railroads that these heavy reductions, if put into effect, will make the handling of mail business so unattractive to railroads that it might seriously impair the efficiency of the public mail service, or make the running of special fast mail trains unprofitable. We regret very much any action which would impair the present service, and we would respectfully ask that this action of the committee be reconsidered and opportunity given railways to show that there is nothing in the present pay which justifies sweeping reductions, and that the matter be made the subject of thorough investigation and further action be determined only upon complete hearing of the evidence.

L. DRAKE,

President, Merchants' National Bank of Omaha,
L. L. KOUNTZ,

Cashier, First National Bank of Omaha.
C. F. McGrew,

Vice-President, Omaha National Bank.

Vice-President, United States National Bank.

Mr. KENNEDY of Nebraska. Mr. Chairman, I want to say just a few words to the committee at this time in reference to my own views on this subject. I am in favor of any reasonable reduction to the Government in the cost of the transportation of the mails by the railroads, and I am opposed to any unreasonable reduction. I believe that the percentage reduction which is provided for in the following paragraph is reasonable and definite and ought to be sustained. I believe that the reduction provided for with reference to the postal cars is right and should stand. I believe that the provision requiring the railroad companies to carry the empty mail sacks free is unjust and should be rejected by the committee and the House. I believe that the confusion with reference to the weighing of the mails and the proper divisor is so great that no Member of this House knows what the effect of the proposed change would be; and I think the proper method is to ascertain what the effect of such a provision would be and then take it up for consideration and determination. To make any change in that matter at this time is to enter the domain of speculation. We do not know-and no Member of this House has been able to inform us—what would be the effect of the change of method. Now, I yield to the gentleman from South Carolina.

Mr. FINLEY. A statement is made in the resolution and the telegram read in the gentleman's time that the Post-Office Committee of the House refused a hearing to the railroads. Does the gentleman know that statement is untrue, and that, as a matter of fact, the Post-Office Committee set apart two days, giving the railroads an opportunity in which to be heard?

The CHAIRMAN. The time of the gentleman has expired.
Mr. FINLEY. I move to strike out the last two words.

The CHAIRMAN. The gentleman from South Carolina moves to strike out the last two words.

Mr. FINLEY. Now, does the gentleman know that the Post-Office Committee did give time to the railroads in which to be heard? And that when the time came the railroads stated

that they had no wish to be heard?

Mr. KENNEDY of Nebraska. I will say, in answer to the gentleman, that I was informed by the chairman of the Committee on the Post-Office and Post-Roads—and of course I accept his word for it-that the committee intimated that the railroads could have the 31st of January and the 1st of February to present their side of these questions. I was informed, however, that the intimation was not made until the 29th of January, and that the railroads claimed that they had not sufficient time to present their side of the controversy, and in that respect I think that the time was unreasonably short. I am not criticising the members of the committee for the shortness of the notice, because they had many matters to consider. But I say, in justice to the railroads and in the interest of an efficient public service, which we want out in our coun-try, that the railroads should have had more than two days in which to present the facts entering into this controversy.

Mr. FINLEY. I will say to the gentleman that the arrangement to give them the 31st of January and the 1st of February was made when the railroad attorneys—not every one in the United States, but a number of them—were in Washington City. They were on the ground; they were advised; and they knew all the time what was going on. Now, I say to the gentleman that it is not true that the railroad companies had no

opportunity to be heard.

Mr. KENNEDY of Nebraska. Mr. Chairman, in answer to that, allow me to say that I have no knowledge as to what representatives of the railroads were here, but I say to the chairman of the committee and to the House that there is a question here involved which is paramount to the question as to the rights of the railroads. The important proposition before this House is the question of an efficient mail service for the public-

Mr. FINLEY. Well, I will say to the gentleman— Mr. KENNEDY of Nebraska. I have no interest in protecting the railroads, but I have—

Mr. FINLEY. The gentleman is speaking in my time.

Mr. FINLEY. Mr. KENNEDY of Nebraska. But I have an interest in seeing that the country which I represent shall have sufficient

facilities and fast mail.

Mr. FINLEY. I say to the gentleman that he is entirely mistaken. The railroads expressed their satisfaction with the

Mr. KENNEDY of Nebraska. Mr. Chairman, I can not say what the railroad officials may have stated, but I say to the Chair and to the committee that it is not a question as to what will suit the railroads; it is a question of what will suit the country; it is a question as to what will give us an efficient mail service; as to whether we ought not to allow the law to stand substantially as it now is, continuing the fast-mail service until the whole matter can be fairly and fully investigated.

Mr. HEDGE. Mr. Chairman, I am very much surprised at the suggestions made by my friend from South Carolina [Mr. Finley]. This is the first time during my experience here that matters that went on in a committee were talked about before the House. The gentleman has stated just now that the railroad company notified the committee that they did not want

any hearings. Mr. FINLEY. Is that statement not true?

Mr. HEDGE. I will state to the gentleman, if I am compelled to-

Mr. FINLEY. I asked the gentleman that one question.

Mr. HEDGE. I do not think I am in order in pursuing this matter, but I will state that no authorized representatives of any railroad company, in my hearing, ever said they did not

Mr. FINLEY. Did anybody in the gentleman's hearing—anybody who was speaking for the railroads to the committee make that statement?

Mr. HEDGE. That is not a proper question, but I will ask the permission of this committee to answer it. I did say myself to the committee that if we could not have any more time than

this, if the railroad representatives could not have until the next Monday to bring their experts here, that we did not want any hearing for those two days, because I could not find any-body but two railroad attorneys in town.

Mr. FINLEY. Was the gentleman speaking for the railroads

in making that statement?

That is all I have to say. I said unless we Mr. HEDGE. could have until Monday we did not want any hearing.

Mr. OVERSTREET of Indiana. Mr. Chairman, I rise to a

point of order.

The CHAIRMAN. The gentleman will state it.

Mr. OVERSTREET of Indiana. My point of order is that the gentleman from South Carolina [Mr. Finley] has precipitated a controversy which has compelled the gentleman from Iowa [Mr. Hedge] to make some reply relative to what took place within the confidence of the committee. I regret that it has been precipitated. I did not interpose the point of order until the gentleman from Iowa [Mr. Hedge] had at least some opportunity to make a reply. Now I make the point of order.

The CHAIRMAN. The point of order is sustained. Gentle-

men, of course, are familiar with the rule-

Mr. FINLEY. Mr. Chairman—
The CHAIRMAN. Will the gentleman permit the Chair to conclude? Gentlemen should not refer to proceedings in the committee.

Mr. OVERSTREET of Indiana. Mr. Chairman, I believe a

point of order is now pending.

The CHAIRMAN. No point of order is pending. There is a pro forma amendment pending, which, without objection, will be withdrawn.

Mr. OVERSTREET of Indiana. I move that all debate on

this paragraph be closed.

Mr. FINLEY. Mr. Chairman, the gentleman from Indiana made reference to me. I do not think the matter should close

The CHAIRMAN. The Chair does not think any reference has been made that did not apply to both gentlemen; that both inadvertently

Mr. FINLEY. I am satisfied that the Chair did not catch

the statement of the gentleman from Indiana.

The CHAIRMAN. The Chair did not understand the gentleman from Indiana to say anything further than that two gentlemen had inadvertently violated one of the rules of the House.

Mr. FINLEY. The gentleman from Indiana did not say

that we had violated any rule of the House in discussing committee matters. If the gentleman did make that statement, I should like to have him repeat it, and I wish to answer it

The CHAIRMAN. That was as the Chair understood it, the

Chair will say to the gentleman from South Carolina.

Mr. FINLEY. Then I wish to answer that statement. That

is a personal matter.

Mr. OVERSTREET of Indiana. My statement unquestionably was with reference to matters of a confidential character, in the precincts of the committee.

Mr. FINLEY. I wish to say this

The CHAIRMAN. The gentleman by unanimous consent may make a statement.

Mr. FINLEY. I ask unanimous consent. Mr. OVERSTREET of Indiana. For how long? Mr. FINLEY. I do not think it is fair for the gentleman from Indiana to make a charge against me and then prevent my being heard.

Mr. OVERSTREET of Indiana. I have merely stated that I did not think the gentleman from South Carolina should, by an inquiry, have precipitated a controversy relative to matters which were undoubtedly of a confidential nature, within the proceedings of the committee.

Mr. FINLEY. If the Chair pleases, if I have consent— The CHAIRMAN. The gentleman from South Carolina is

recognized to make a personal explanation.

Mr. FINLEY. I have made no statement in this body re-

ferring to the actions of the Post-Office Committee and the members of the committee in the committee room. But when a proposition is up before the Post-Office Committee in which the railroads are interested, giving time to the railroads for a hearing such as was taken and as I have stated, it is not a violation of any rule to state that fact here or anywhere else. As to what the committee did in executive session, I have divulged no fact bearing upon that. I know the rules of the House and I obey the rules of the House; but when the gentleman from Nebraska in the House attacks the Post-Office Committee, and charges that that committee acted unjustly toward the railroads in refusing them a hearing, and named the chairman of the committee; and when I simply came forward and

stated the fact-refuted that charge by stating that time was given to the railroads and the statement was made to the Post-Office Committee by a party speaking to the committee that the railroads wished no hearings-I violated no rule, and I repudiate and spurn any such charge.

The CHAIRMAN. The pro forma amendment will be with-

drawn, and the Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1907, for the transportation of mails on railroad routes carrying their whole length an average weight of mails per day of upward of 5,000 pounds by making the following reductions from the present rates per mile per annum for the transportation of mails on such routes: On routes carrying their whole length an average weight of mails per day of more than 5,000 pounds and less than 48,000 pounds, 5 per cent; 48,000 pounds and less than 80,000 pounds, 10 per cent; and \$19 additional for every additional 2,000 pounds. Provided, That hereafter the average weight per day be ascertained, in every case, by the actual weighing of the mails for such a number of successive days, not less than one hundred and five, at such times and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct: Provided further, That hereafter, at the time of the weighing of the mails at the periods required by law, empty mail bags shall not be weighed nor taken as any part of the total weight of the mails in estimating the pay for transportation of said mails.

Mr. HEDGE. Mr. Chairman, I raise the point of order

Mr. HEDGE. Mr. Chairman, I raise the point of order against the entire paragraph.

Mr. OVERSTREET of Indiana. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

That hereafter the Postmaster-General shall require all railroads carrying the mails to maintain their regular train schedules as to time of arrival and departure of said mails, and it shall be his duty to impose and collect reasonable fines for delay when such delay is not caused by unavoidable accidents or conditions.

Mr. MURPHY. Mr. Chairman, I raise the point of order to the paragraph.

The CHAIRMAN. The Chair will inquire whether this is a

change of existing law.

Mr. MURPHY. It is a change of existing law and is legislation on an appropriation bill.

The CHAIRMAN. The question as to whether it is legislation on an appropriation bill is not always the test, because it

very often happens that legislation is reenacted.

Mr. MANN. This inserts the word "hereafter," which makes

it permanent law.

The CHAIRMAN. The Chair sustains the point of order.
Mr. OVERSTREET of Indiana. Now, Mr. Chairman, I offer
the same paragraph as an amendment, with the word "here-

after" omitted.

The Clerk read as follows:

Insert as a new paragraph the following:
"That the Postmaster-General shall require all railroads carrying the mails to maintain their regular train schedules as to time of arrival and departure of said mails, and it shall be his duty to impose and collect reasonable fines for delay when such delay is not caused by unavoidable accidents or conditions."

Mr. MURPHY. Mr. Chairman, I reserve a point of order against that amendment.

Mr. OVERSTREET of Indiana. I would like to have the point of order decided.

The CHAIRMAN. The Chair can not decide the point of order in the absence of any information in regard to whether it changes existing law or not.

Mr. OVERSTREET of Indiana. I submit that the burden is on the gentleman making the point of order to point out wherein

the chair thinks the gentleman from Indiana is correct. The Chair will hear the gentleman from Missouri, and the Chair would like the gentleman from Missouri, souri to point out whether this is a change of existing law.

Mr. MURPHY. It is general legislation on an appropriation bill.

The CHAIRMAN. The Chair has once stated that that was not the test, because it often happens that existing law is reenacted in an appropriation bill, and the Chair can not tell whether this is a reenactment of existing law or not.

Mr. MURPHY. It is not a reenactment of existing law as I look at it.

The CHAIRMAN. Has the gentleman any information which he can give the Chair?

Mr. MANN. Mr. Chairman, it is not a difficult matter to get at; this is a copy of the language in the current law.

The CHAIRMAN. The troublesome question for the Chair

is whether it is existing law or is current law.

rent law is the law that goes beyond the period of the appropriation act. This is a mere repetition of the law. I am not seeking to influence the Chair, but simply seeking to give the

Chair information on the subject.

Mr. GAINES of Tennessee. Mr. Chairman, I submit that when a committee brings in a bill here, the Members of the House being sworn to obey the law, the presumption is that they are obeying the law and that the bill is not in conflict with the law. And in addition to that, when the gentleman from Missouri makes an objection, the burden is on him to show that the committee has not obeyed the existing law, and if he has not done that and the matter stands as it is, I say the Chair is well warranted in overruling the point of order, be-cause the presumption stands in favor of the committee obeying existing law.

The CHAIRMAN. Unless the gentleman from Missouri has some information or can secure some information that this changes existing law the Chair will be constrained to overrule

the point of order.

Mr. MURPHY. Then I want to offer an amendment to the amendment.

The CHAIRMAN. Does the gentleman withdraw the point of order?

Mr. MURPHY. I withdraw the point of order, and I will offer an amendment to the amendment.

The Clerk read as follows:

After the word "conditions" insert "subject, however, to review both as to the law and the facts by a court of competent jurisdiction."

Mr. STAFFORD. Mr. Chairman, on that I make the point

Mr. MURPHY. Mr. Chairman, I ask for a ruling on the point of order

Mr. STAFFORD. Mr. Chairman, I will withdraw the point of order so as to come to a vote on the proposition.

Mr. FINLEY. Mr. Chairman, I renew the point of order and reserve it. I do not understand what the amendment is.

The CHAIRMAN. Without objection, the Clerk will again report the amendment of the gentleman from Missouri.

There was no objection; and the Clerk again reported the

Mr. FINLEY. Mr. Chairman, I reserve the point of order only because I wish some explanation of what the amendment is. Mr. OVERSTREET of Indiana. It is the language on page 22, lines 3 to 8.

Mr. FINLEY. Mr. Chairman, I withdraw the point of order. The CHAIRMAN. The gentleman from Indiana is recognized to speak to the merits of the amendment.

Mr. OVERSTREET of Indiana. Mr. Chairman, I desire to oppose the amendment, but I do not desire to displace the gentleman from Missouri [Mr. MURPHY].

The CHAIRMAN. The Chair did not see the gentleman from Missouri when he recognized the gentleman from Indiana. The

Chair will recognize the gentleman from Missouri.

Mr. MURPHY. Mr. Chairman, I offer this amendment for several reasons. I do not believe the Post-Office Department should be permitted to summarily deal with anybody by taking it into their own hands and try a body or corporation and assess a fine as a punishment without review. This is somewhat similar to the legislation in relation to the fraud order which has been passed by this Congress. I believe that it is the purpose of our laws, or at least it ought to be, to give everybody and everything a day in court, in some way, somehow; and to permit an amendment of this kind, to allow an official of the Post-Office Department to try a man and convict him and collect his fine, I believe is an injustice. In the railroad-rate bill that was passed by this Congress we saw fit to provide that the rulings of the Interstate Commerce Commission should be reviewed by the courts, and almost all the legislation we have now upon the statute books gives every man and everything a day in court.

Mr. OVERSTREET of Indiana. Mr. Chairman, under the law the mails are required to be conveyed with due frequency and speed. That is the language of the statute. The provision which we have recommended in the bill seeks to safeguard and support that provision of the statute. After schedules have once been adopted and the routes for the carrying of mails been agreed upon those schedules should be reasonably maintained, and in the absence of a proper observation of those rules and those schedules, fair and reasonable fines should be imposed. Therefore, I believe that the provisions contained in the bill will be ample to safeguard the interests of the Government, and the experience of the past few years has shown that no serious abuse will follow from the administration of the law. But, Mr. Chairman, if the amendment offered by the gentleman from Missouri should be agreed to we will witness a number of trials in court equal to the entire number of failures to main-

tain the schedules, and that will precipitate not only great embarrassment upon the service, but it will entail an endless condition of controversies in the courts between the Department and the railroads. I sincerely hope, therefore, that the amend-ment offered by the gentleman from Missouri may be disagreed to, because it will undoubtedly entail such embarrassments as will result in innumerable trials if we are to permit the privilege of an appeal in every instance where a fine ought to be

Mr. GAINES of Tennessee. How long has the Post-Office Department been empowered to penalize, as this provides?

Mr. OVERSTREET of Indiana. For a long time—I have for-

gotten just the period—the penalties were assessed much as this provision authorizes under regulations of the Department. That method of penalizing dropped into inaction, and it was only a year ago that provision was made to revive it.

Mr. GAINES of Tennessee. Does not the gentleman think that to leave this matter to the courts would so delay the execu-

tion of the law as to make it inoperative?

Mr. OVERSTREET of Indiana. Undoubtedly. the information of the committee that the method pursued by the Department is to give every proper facility and time for explanations to be made of violations of the order, and where fair explanations are made, and it appears that accidents have caused the failure to maintain the schedules, no penalty is imposed.

It does not involve any great amount of assessment, but is in my judgment and in the judgment of the committee but a fair and proper provision to insure the best possible maintenance of these schedules, and I hope the amendment will be disagreed to.

call for a vote, Mr. Chairman.
The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri to the amendment

offered by the gentleman from Indiana.

The question was taken; and the amendment was rejected. The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Indiana.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For pay of freight or expressage on postal cards, stamped envelopes, newspaper wrappers, and empty mail bags, \$250,000. And the Postmaster-General shall require, when in freightable lots and whenever practicable, the withdrawal from the mails of all postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps, in the respective weighing divisions of the country, immediately preceding the weighing period in said divisions, and such postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps, shall be transmitted by either freight or express.

Mr. MANN. Mr. Chairman, I reserve the point of order upon the paragraph. I wish to ask the gentleman for information. This is the current law, as I understand, in the appropriation bill at least, and I suppose it has practice under it. What is the proposition? That during the three months of the weighing period the Government shall not give to the railroad companies the benefit of the postal cards, stamped envelopes, etc., and during the rest of the four-year period the Government makes the railroad carry these free of cost or otherwise. simply ask for information.

Mr. OVERSTREET of Indiana. Mr. Chairman, the practice has been for the weighing of the mails at each of the four several sections of the country once in four years and to report the average weight by which to fix the annual rate of pay. The practice in that connection has been to carry all empty mail bags and supplies of the Department just the same as in any other period of the year, and the weights of such empty bags and such supplies would become a part of the general weight of the mails. Inasmuch as that practice had obtained through a series of years, we provided for the elimination of freight and as many empty mail bags as would not embarrass the service from the general mail carriage and to carry them by freight. But because the rate of pay in the several four divisions had already been fixed by prior weighing, we directed that these supplies and empty mail bags should be withdrawn from those sections immediately preceding the new weighings and afterwards they should not go back into the mail, but should be carried by freight, so that the actual weights made in that division would be the mail itself carried and the necessary equipment incident to the mail, but that the supplies of the Department, including the surplus empty mail bags which would be distributed through the country, ought to go by freight.

Now, if I understand the purport of the gentle-Mr. MANN. man's statement, it certainly is a reform that is greatly to be desired. Do I understand under this that where these freight supplies ought to be carried by freight and not by mail at a high rate are withdrawn from the weighing during the threemonths period of the four years that after the three-months period they are still withdrawn from the mail cars and sent by

Mr. OVERSTREET of Indiana. Undoubtedly.

Mr. MANN. So that the railroad companies are not required to carry those free during the three years and nine months.

Mr. OVERSTREET of Indiana. That is the right construc-

tion.

Mr. MANN. But of course there is nothing in the bill on that subject, I find.

Mr. OVERSTREET of Indiana. It does not require it when

we say "hereafter."

Mr. MANN. I understand. You say they shall be withdrawn

Mr. OVERSTREET of Indiana. On page 31 of the bill the gentleman will find an item for an appropriation to pay the freight for these various supplies. In the language on page 31 of the bill is recited this very provision which is now under discussion, so that we have provided for the carrying and the pay of the freight and appropriated the money.

Mr. MANN. So that the intention of the gentleman is as

fast as these weighing periods recur that the carrying of this freight matter shall cease by the mail cars.

Mr. OVERSTREET of Indiana. Exactly so. Mr. MANN. All over the United States?

Mr. OVERSTREET of Indiana. All over the United States.

Mr. MANN. I withdraw the point of order.
Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. Will the gentleman please tell me—for I have never understood it— when the mail is weighed for the purpose of fixing the compensation?

Mr. OVERSTREET of Indiana. Once in four years in each of the four weighing divisions of the country. There is what is called the eastern or the New England division, the southern, the middle, and the western. The period of weighing is usually from a date in February. The weighing for the third or western division began, I think, at midnight last night.

Mr. GAINES of Tennessee. In the western division?

Mr. OVERSTREET of Indiana. No; in the middle division.

Mr. GAINES of Tennessee. Why do they not weigh them all

at the same time?

Mr. OVERSTREET of Indiana. Simply because it takes too much time and expense to weigh them all at once.

Mr. GAINES of Tennessee. Who does the weighing?

Mr. OVERSTREET of Indiana. It is weighed by the Government, under direction exclusively of the Government officers.

Mr. GAINES of Tennessee. Weighed at the post-office, at the

depot, on the train, or how?

Mr. OVERSTREET of Indiana. Both. All that goes on the train is weighed, and that which goes off is weighed, and then the calculation as to the distances is computed. It requires a very large corps of employees and a very careful computation and estimate in order to ascertain the average weight.

Mr. GAINES of Tennessee. When do they ascertain the

weight in the southern section?

Mr. OVERSTREET of Indiana. I have forgotten, but I

Mr. STAFFORD. Next year the mail will be weighed in the southern section.

Mr. OVERSTREET of Indiana. Next year.

Mr. GAINES of Tennessee. I am very much obliged for the information.

Mr. BONYNGE. I desire to ask the chairman of the committee a question in reference to a matter about which the gentleman from Illinois [Mr. MANN] interrogated him. Reading the paragraph on page 31, to which the chairman of the committee has called the attention of the gentleman from Illinois [Mr. Mann], it would seem as if that appropriation was only to pay the freight during the three months' weighing period, as I read it.

Mr. OVERSTREET of Indiana. It is for the entire fiscal

year.

Mr. BONYNGE. It does not so read, as I understand the

Mr. MANN. I may say to the gentleman now that my attention was called to that matter, and I looked at that provision on page 31, and that the position now taken by the gentleman from Colorado [Mr. Bonynge] is exactly what the provision says. That had slipped from my mind. That is the reason I made the inquiry about it.

Mr. OVERSTREET of Indiana. I do not think there is any question about that; the appropriation for freight carried by that item on page 31 is for carriage of freight during the entire fiscal year.

Mr. BONYNGE. I think, Mr. Chairman, in order to make it

plain, when we come to page 31 we ought to have an amendment to that section.

Mr. MANN. Is it used for that purpose now? As I under-

stand, that is in practice somewhere.

Mr. OVERSTREET of Indiana. In practice now under existing law.

The Clerk read as follows:

Provided, That hereafter additional pay allowed for every line comprising a daily trip each way of railway post-office cars shall be at a rate not exceeding \$25 per mile per annum for cars 40 feet in length, and \$27.50 per mile per annum for 45-foot cars, and \$32.50 per mile per annum for 50-foot cars, and \$40 per mile per annum for cars 55 feet or more in length.

Mr. HEDGE. Mr. Chairman, I raise the point of order. It is contrary to existing law.

The CHAIRMAN. The point of order is sustained. The

Clerk will read.

Mr. STAFFORD. Is the point of order lodged only against the proviso?

The CHAIRMAN. The point of order is directed against the

proviso, as the Chair understands.

Mr. HEDGE. Just against the proviso; that is all.

The Clerk read as follows:

The Clerk read as follows:

Railway Mall Service: Eleven division superintendents, at \$3,000 each; 11 assistant division superintendents, at \$1,800 each; 5 assistant superintendents, at \$1,600 each; 126 chief clerks, at \$1,600 each; 260 clerks, class 6, at not exceeding \$1,600 each; 1,250 clerks, class 2, at not exceeding \$1,500 each; 530 clerks, class 5, at not exceeding \$1,500 each; 530 clerks, class 5, at not exceeding \$1,400 each; 1,850 clerks, class 4, at not exceeding \$1,200 each; 2,150 clerks, class 3, at not exceeding \$1,100 each; 2,150 clerks, class 2, at not exceeding \$1,200 each; 2,150 clerks, class 2, at not exceeding \$1,200 each; 2,150 clerks, class 2, at not exceeding \$1,000 each; 860 clerks, class 1, at not exceeding \$800 each; 1,200 clerks, class 1, at not exceeding \$800 each; 1,200 clerks, class 1, at not exceeding \$800 each; 1,200 clerks, class 1, at not exceeding \$800 each; 1,200 clerks, class 1, at not exceeding \$800 each; 1,200 clerks, class 1, at not exceeding \$800 each; 1,200 clerks, class 1, at not exceeding \$800 each; 1,200 clerks, class 1, at not exceeding \$800 each; 1,200 clerks, class 1, at not exceeding \$800 each; 1,200 clerks, class 1, at not exceeding \$800 each; 1,200 clerks, class 1, at not exceeding \$800 each; 1,200 clerks, class 1, at not exceeding \$800 each; 1,200 clerks, class 1, at not exceeding \$800 each; 1,200 clerks, class 1, at not exceeding \$800 each; 1,200 clerks, class 1, at not exceeding \$800 each; 1,200 clerks, class 1, at not exceeding \$800 each; 1,200 clerks, class 1, at not exceeding \$1,000 each; 800 each; 1,200 each; 1,200 each; 800 each; 1,200 each; 8

Mr. STAFFORD. Mr. Chairman, I offer the following amendment to the paragraph, which seeks to perfect the para-

Mr. MACON. Mr. Chairman, I raise the point of order

against the paragraph.

The CHAIRMAN. Against the entire paragraph?

Mr. MACON. It changes existing law. It increases the salary of every clerk.
The CHAIRMAN.

The proviso seems to be subject to the point of order, and therefore the whole paragraph goes out. The Chair sustains the point of order.

Mr. STAFFORD. Does the gentleman make the point of order to the entire paragraph? Does he mean to cripple the Railway Mail Service by not providing any appropriation for that great service, which brings advantage to his district as well as to every district in the country?

Mr. MACON. In reply to that I will answer the gentleman's question by asking him another. I would like to know why it is that every time I offer a point of order against an increase of salary by wholesale somebody wants to attack me about it? The CHAIRMAN. The discussion is out of order on both sides. There is nothing before the committee. The Clerk will

read.

I move to strike out the last word.

The CHAIRMAN. The gentleman has already stricken out the entire paragraph with a point of order.

Mr. MACON. I would like to strike out the last word of the

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

And the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

Mr. MACON. Mr. Chairman, I move to strike out the last

Mr. MANN. Mr. Chairman, I raise the point of order on that for the purpose of asking a question. That paragraph is really a part of the preceding paragraph and refers to the sum in the preceding paragraph, and I would like to ask-

Mr. OVERSTREET of Indiana. I will say to my friend from Illinois that unless some provision should be made to reinstate the authority for expenditure for the Railway Mail Service, which has gone out of a point of order, the entire postal service of the Government would be absolutely paralyzed.

Therefore it will be necessary to resort to some measure

whereby we can reinstate this language, and I have no doubt but what some measure will be provided to appropriate for railway mail clerks. The gentleman will appreciate that there can not possibly be any Railway Mail Service unless we provide it, and the service will be absolutely paralyzed. Therefore the only way to do is to take up the time of the House and find some way to get the matter into the bill which the gentleman

from Arkansas has seen fit to raise the point of order against; and I ask that the reading proceed.

Mr. MACON. I move to strike out the last word.

The CHAIRMAN. The gentleman from Arkansas is recognized in opposition to the amendment offered by the gentleman from Illinois.

Mr. MACON. Mr. Chairman, the gentleman from Wisconsin asked me a question a moment ago, and I answered his question by asking another, but I did not receive a reply.

Mr. STAFFORD. - Mr. Chairman, if it will accommodate the gentleman, and in favor of expedition, I will withdraw the ques-

tion, if that is satisfactory to the gentleman.

Mr. MACON. Mr. Chairman, with the question withdrawn, I will say that it is passing strange to me why it is that every time I make a point of order against the increase of salaries by the wholesale on an appropriation bill, in violation of the rules of the House, some one feels called upon to attack my act; but not a single protest do you hear when Members rise and make points of order against provisions of similar bills where it is sought by such provision to reduce extortionate railway mail Wherever the railroads are interested it is absolutely impossible to have a provision enacted into law that affects their excessive pay one single cent; nor can a Member get anyone here to join him in his efforts to reduce their pay; nor do you hear any protests against the Member's course who makes a point of order against a provision that looks to a reduction of railroad pay. But when an effort is made to prevent the profli-gate waste of the people's money by a wholesale increase of sal-But when an effort is made to prevent the profliaries, a storm of protest is raised that fairly shakes the rafters. I can not understand such a condition. We are supposed to be representing the people and not the railroads, and yet the railroads can arouse a greater interest in this House than the people appear to be able to do, unless it be the officeholding class, who are ever clamoring for an increase of salary. Mr. Chairman, I repeat I can not understand the condition.

The Clerk read as follows:

For substitutes for clerks on vacation, \$50,000: Provided, That the Postmaster-General may allow railway postal clerks whose duties require them to work six days or more per week, fifty-two weeks per year, an annual vacation of fifteen days with pay.

Mr. STAFFORD. I reserve the point of order. Mr. LEVER. I offer the following amendment.

The Clerk read as follows:

Amend by striking out all after the word "clerks," on page 24, line 7, to and including the word "year," in line 18, and strike out the rord "annum," on page 24, line 18, and insert in lieu thereof the word annual."

Mr. OVERSTREET of Indiana. May the amendment be read as it will affect the paragraph?

The CHAIRMAN. Without objection, it will be reported as desired.

Mr. STAFFORD. I reserve the point of order.

Mr. OVERSTREET of Indiana. I would like the amendment to be read as the paragraph will be amended.

Mr. LEVER. I ask that the amendment be read for informa-

The CHAIRMAN. The Clerk finds some difficulty in locating what the gentleman desires.

Mr. LEVER. I will read the amendment.

Mr. OVERSTREET of Indiana. I want it understood that I am not waiving the point of order, because I do not know what the amendment is.

The CHAIRMAN. The Chair understands the gentleman from Wisconsin to reserve the point of order.

Mr. LEVER. The paragraph will read in this way if the amendment is passed:

That the Postmaster-General n.y.y allow railway postal clerks an annual vacation of fifteen days with pay.

Mr. OVERSTREET of Indiana. I make the point of order

against that.

Mr. LEVER. Will the gentleman reserve it?
Mr. OVERSTREET of Indiana. I will reserve the point of

Mr. LEVER. Mr. Chairman, I do not care to take the time of the committee.

Mr. MANN. We may as well dispose of the point of order. The amendment is in order. The existing provision is subject to the point of order, but the amendment is germane to it, and

is not subject to the point of order.

Mr. OVERSTREET of Indiana. I much prefer to have my point of order decided by the Chair. [Laughter.]

The CHAIRMAN. The Chair would suggest to the gentle-man from South Carolina that his amendment proposes to amend a part of the bill which has not yet been read.

Mr. LEVER. I think it has been read, begging the Chair's pardon.

The CHAIRMAN. The gentleman offers an amendment striking out the word "annum," in page 24, line 18.

Mr. LEVER. If the Chair will indulge me just a moment, I

can easily explain to the Chair the purport of the amendment.

The amendment strikes out-

The CHAIRMAN. The Chair will state to the gentleman who offered the amendment, the word offered to be amended, in line 18, page 24, in the reprint is "annual." The amendment is to strike out the word "annum" and insert the word " annual."

Mr. LEVER. Mr. Chairman, I withdraw that portion of the

amendment, then. I did not have the reprint here. Now, then, Mr. Chairman, if I may be permitted—

The CHAIRMAN. If there be no objection, subject to the reserved point of order, it will be treated as so amended. The Chair hears no objection.

Mr. OVERSTREET of Indiana. Now I ask for the reading of the amendment.

The CHAIRMAN. If there be no objection, the Clerk will report the amendment as it now stands.

The Clerk read as follows:

Amend the paragraph by striking out the words "whose duties require them to work six days or more per week, fifty-two weeks per year;" so that the proviso will read as follows:

"For substitutes for clerks on vacation, \$50,000: Provided, That the Postmaster-General may allow rallway postal clerks an annual vacation of fifteen days with pay."

Mr. LEVER. Now, do I understand that the gentleman from

Indiana [Mr. Overstreet] raises a point of order against that?
Mr. OVERSTREET of Indiana. Yes; I do.
Mr. LEVER. Mr. Chairman, without arguing the point of order, leaving that to the Chair, of course, expressing my own opinion that it is not subject to the point of order, I want to say that last year I offered this same amendment to the postoffice appropriation bill, in the hope that the House would do common justice to the 14,000 railway mail clerks in the Government service. That amendment last year was defeated by a small vote in the House. It happened to be late in the evening; very few of the Members were present, and I feel more confident to-day in submitting this proposition to the full membership of the House, because I believe they want to act fairly and squarely with this branch of the service. It is not necessary for me to argue that there is no class of employees in the Government service who do harder work or more hazardous and dangerous work than the railway mail clerks, and it does seem to me, in view of the fact that every other class of employees of the Government have from fifteen to thirty days' annual leave with pay, that we ought to give to the railway mail clerks a like showing. The employees of the Government here in Washington get not only thirty days' annual leave, but get thirty days' sick leave with pay, and I submit that it is no more than fair that we should give the 14,000 railway mail clerks, who each day take their lives in their hands in the service of the Government, a fair and equal showing with other employees of the Government. If my amendment prevails, that will be the effect of it.

Now, Mr. Chairman, on the point of order, I wish to submit

to the Chair that my amendment—
The CHAIRMAN. Does the gentleman from Wisconsin in-

sist on his point of order?

Mr. OVERSTREET of Indiana. I made the point of order in addition to the gentleman from Wisconsin, and before the point of order is decided I want to call the attention of the House, as well as the attention of the gentleman who has offered this amendment, to this situation: The proviso offers fifteen days' annual leave to postal clerks who are employed fifty-two weeks in the year. That means fifteen days' annual leave to a clerk who is employed a year. The amendment offered by the gentleman would give the same fifteen days' annual leave to all postal clerks, whether employed for fifty-two weeks in the year or not. The gentleman will understand that postal clerks do not work consecutively throughout the entire They will be on duty a number of days and then off duty for a number of days, four on and four off or five on and five off being the usual practice. Therefore to adopt this amendment would be to give all of the clerks fifteen days' annual leave, even though they had a certain number of days off duty in each week. Now, I call the attention of the gentleman to the fact that if he insists on this amendment, and the Chair should hold, as I think the Chair must hold, that the amendment is contrary to existing law, and therefore subject to the point of order, it is apt to carry with it the proviso now in the law. Therefore there would not be any annual leave. If the gentleman will withdraw his amendment, I will withdraw my point of order, which will leave the matter as it now stands in the bill.

Mr. GAINES of Tennessee. What do they now get?

Mr. OVERSTREET of Indiana. Fifteen days' annual leave where they work fifty-two weeks in the year.

Mr. GAINES of Tennessee. Fifteen days' annual leave, with or without pay?

Mr. OVERSTREET of Indiana. Oh, with pay.

Mr. GAINES of Tennessee. Will the gentleman tell me—
Mr. OVERSTREET of Indiana. I want it understood that
the point of order may reach back to the entire proviso.

Mr. MANN. A parliamentary inquiry, Mr. Chairman. The CHAIRMAN. The gentleman will state it.

Mr. MANN. In view of the statement made by the gentleman from Indiana, the chairman of the committee, I beg to ask if

any point of order was reserved on the paragraph.

The CHAIRMAN. The Chair understands that the point of order was reserved against the amendment and was not reserved

against the paragraph.

Mr. LEVER. Mr. Chairman, in reply to the gentleman from Indiana, I do not care to enter into any bargain about this matter, but I want to say to him that when these railway-mail clerks are not on their regular rounds my understanding is that they are employed in the study of schedules and doing other work necessary to their more efficient service, and it does seem to me that they should be given a fair showing, and if we can not give it to them by the amendment I have offered, it seems to me the Post-Office Committee ought to bring in some kind of an amendment which will give them a fair showing.

Mr. GAINES of Tennessee. Mr. Chairman, if the gentleman will permit me, I want to say that I was talking sometime ago with a railway mail clerk operating between Nashville and Cincinnati or Louisville. He showed me how he did his work on the train. He said that as soon as he got to the end of his run he had to take up the "study of geography," and I think he said that he had to stand an examination every now and then. He is thus "going to school," as it were, practically all the time, because we are constantly making new rural routes and new postal routes he must study, and hence he practically has no mental vacation. I was about to ask the gentleman who reported the bill how much time the postal clerk gets for rest, to go fishing, to go out in the sunshine in the country and lie down on the ground and absorb electricity from the earth, and thus revitalize himself. Now, if this is subject to a point of order, I say in God's name these postal clerks, who run all hours of the day and night through the epidemics and through the storms and through everything that a locomotive can pull them, ought to have as much rest and more than the people who live in the city of Washington or in Nashville, where there is no danger to life and limb, and where they can rest or go to the theaters or go fishing. I do not think the postal clerks are treated exactly fair, if the facts are as have been stated here.

The CHAIRMAN (Mr. Olmsted). Under the act of 1906 the

Postmaster-General may allow railway postal clerks whose dutles require them to work six days or more a week and fifty-two weeks in the year an annual vacation of fifteen days with pay. That is permanent law, and would still be in force even though the paragraph just read or the proviso were omitted entirely. But the amendment offered by the gentleman from South Carolina strikes out certain words and would change the permanent provision of law. It therefore violates the rules of the House,

and the Chair sustains the point of order.

The Clerk read as follows:

For acting clerks, in place of clerks injured while on duty, and to enable the Postmaster-General to pay the sum of \$1,000, which shall be exempt from the payment of debts of the deceased, to the legal representatives of any railway postal clerk or substitute railway postal clerk who shall be killed while on duty or who, being injured while on duty, shall die within one year thereafter as the result of such injury, \$100,000.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment as a new paragraph, to be inserted here.

The Clerk read as follows:

Amend by adding to paragraph on page 25, after line 2, the follow-

ing:
"Acting or substitute letter carriers, rural letter carriers, post-office clerks, railway mail clerks, and other employees connected with the postal service who are temporary employees shall be paid at the usual rate for each day's service."

Mr. OVERSTREET of Indiana. Mr. Chairman, I accept that amendment.

The question was taken; and the amendment was agreed to. The Clerk read as follows:

For per diem allowance of assistant superintendents while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster-General, not to exceed \$4 per day, \$27,500; and for their necessary official expenses not covered by their per diem allowance, not exceeding \$2,500; in all, \$30,000.

Mr. MANN. Mr. Chairman, I move to strike out the last I do not know where this form comes from or whether the gentleman wishes to maintain it. It makes an appropria-

tion "not to exceed \$2,500." It is a very unusual provision and might be a little dangerous. Why not strike out the words "not to exceed," and make the appropriation \$2,500?

"not to exceed," and make the appropriation \$2,500?

Mr. OVERSTREET of Indiana. I will say that this is a provision which has been carried for some time and no change is made by the language of this bill. In the current law it is in just the same language as it is in the proposed measure. It is only to provide against any expense over \$2,500 for expenses during the entire year where expenses are allowed. It is found to be about that on an average, and to guarantee that it shall not exceed that we put in that limitation. There is no change in existing law in that respect.

The CHAIRMAN. Without objection the pro forma amend-

ment will be withdrawn. The Clerk read as follows:

For inland transportation of mail by electric and cable cars, \$870,000: Provided, That the rate of compensation to be paid per mile shall not exceed the rate now paid to companies performing such service, except that the Postmaster-General, in cases where the quantity of mail is large and the number of exchange points numerous, may, in its discretion, authorize payment for closed-pouch service at a rate per mile not to exceed one-third above the rate per mile now paid for closed-pouch service; and for mail cars and apartments carrying the mails, not to exceed the rate of 1 cent per linear foot per car-mile of travel: Provided further, That the rates for electric-car service on routes over 20 miles in length outside of cities shall not exceed the rates paid for service on steam railroads: Provided, however, That \$172,600 of the sum in this item appropriated is hereby made available for the purpose of covering the cost of mail service by underground electric cars in the city of Chicago, Ill., now under contract.

Mr. KENNEDY of Nebraska, Mr. Chairman, I. move to

Mr. KENNEDY of Nebraska. Mr. Chairman, I move to strike out the last word, for the purpose of making an inquiry of the chairman of the Committee on the Post-Office and Post-Roads. A year ago I called the attention of the chairman of that committee to the condition of our suburban mail service. For instance, under the present law we have a star-route service between Omaha and Benson, the distance being 4 or 5 miles, which costs \$550 per annum, whereas the electric street car company which passes the post-office at both ends of the line can be paid only \$250. In other words, the chairman may remember that we are given an inferior service, costing more than double what could be paid for the better electric car service. I would like to ask if the committee has yet considered that subject.

Mr. OVERSTREET of Indiana. The committee has not gone into any great consideration of that subject, Mr. Chairman. I may say, in this connection, that there has been considerable pressure brought upon the committee by representatives of various electric and cable car companies to authorize a higher rate of pay. The committee has not felt that it could authorize that higher rate, even though there might be some particular locality where the conditions ought to have some attention, so that we have not foreclosed against it nor have we any defined opinions as to any general statute which we care to recommend.

Mr. KENNEDY of Nebraska. I would like to ask the chairman of the committee what the objection is to increasing the cost of electric car service on the short runs of, say, not to exceed 10 miles, where the service would be much more efficient and much more rapid than now?

Mr. OVERSTREET of Indiana. I have no data upon which I can base any answer to the gentleman's question.

Mr. KENNEDY of Nebraska. Is it not true that no reasonable increase per mile would lead to any very extended change in service, if the routes were short?

Mr. OVERSTREET of Indiana. The only difficulty in the way of accepting such a proposition would be this: If the House should change the rate to double that which is now authorized for cable-car service, limiting it to the application of a 10-mile service, would simply give a leverage for the extension of the privilege to longer runs.

Mr. KENNEDY of Nebraska. Could not the chairman of the committee hold the lever down with his committee?

Mr. OVERSTREET of Indiana. He is trying his best to hold it down now, and if it is hard to hold down on a 3-mile route I think it would be much harder on a 20-mile route.

Mr. KENNEDY of Nebraska. I wish to call the attention of the chairman to the fact that the day has gone by when we ought to be carrying mails between great cities and their suburbs on buckboards. I am not criticising the Committee on the Post-Office and Post-Roads. It may be it is the duty of the Department to figure it out, but I say there ought to somewhere in the Post-Office Department or in the Committee on the Post-Office and Post-Roads brains enough to frame some measure which would give us prompt and efficient service at reasonable rates.

Mr. SMITH of Michigan. Mr. Chairman, I would ask the chairman of the Committee on the Post-Office and Post-Roads

\$63, 315. 20 45, 840. 60

762, 638, 40

130, 884, 00

72, 398, 00

63, 315. 20

249, 885.00

42, 180, 00

why it is necessary to pick out one single city of all the cities in the Union and say just how much money shall be appropriated for that city for that particular purpose?

Mr. OVERSTREET of Indiana. To what does the gentleman

refer?

Mr. SMITH of Michigan. I refer to page 26, under the proviso which gives just how much money shall be appropriated

for this service in the city of Chicago.

Mr. OVERSTREET of Indiana. I will state to the gentleman that is to carry out the provision of a contract which authorized the carrying of mail by tunnel service in Chicago, which is a peculiar contract and takes the place of the screen-wagon service contract, and it was made applicable to this appropriation rather than to the screen-wagon appropriation.

The CHAIRMAN. Without objection, the pro forma amend-

ment will be withdrawn.

The Clerk read as follows:

For transportation of foreign mails, \$3,268,000: Provided, That hereafter the Postmaster-General shall be authorized to expend such sums as may be necessary, not exceeding \$105,000, to cover one-half of the cost of transportation, compensation, and expense of clerks to be employed in assorting and pouching mails in transit on steamships between the United States and other postal administrations in the International Postal Union, and not exceeding \$40,000 for transferring the foreign mail from incoming steamships in New York Bay to the steamship and rallway piers, and for transferring the foreign mail from incoming steamships in San Francisco Bay to the piers.

Mr. WATSON. Mr. Chairman, I move to strike out the last word for the purpose of asking my colleague some questions. In lines 15 and 16 this language is used: "For transportation of foreign mails, \$3,268,000." Will my colleague, the chairman of the committee, please make plain how much of that appropriation is made for the purpose of carrying the mail in American ships under the so-called "ship-subsidy act of 1891."

Mr. OVERSTREET of Indiana. Mr. Chairman, under the act of March 3, 1891, known as the "ocean mail service," authority is given for contracts for the payment to shipping companies of an amount in excess of what it would be when the payment would be placed entirely and absolutely upon the weight of mail. Under that authority there are now seven or eight contracts, and for the information of Members I will insert at this point in the RECORD the table which I have now, showing the numbers and names of the routes under these seven or eight contracts, the lines over which the vessels are carried, and the amount of money called for under these con-These contracts now in existence entail a charge upon this item of appropriation for the fiscal year ending June 30, 1906, of \$1,430,456.40. That amount of money must come out of the item to which my colleague called my attention.

I also have, Mr. Chairman, which I will insert in the RECORD at the same time as a part of my remarks for the information of the House, two, three, or four tables which will give full information of the various contracts under the act of March 3, Next is a table of the various mail services. These tables will disclose the amount of mail carried on each of the several lines, the lines and the terminals of the lines, and in addition the compensation by years for the last several years. I also have a smaller table showing the contracts which have been abandoned under authority of that law, and also the ves-

sels which are used under those contracts.

Mr. WALDO. Mr. Chairman, I would like to ask the gentleman whether that statement covers the amount we are now paying to foreign steamships?

Mr. OVERSTREET of Indiana. These tables will cover the total amounts being paid under the act of March 3, 1891.

Mr. WALDO. That does not answer my question.

Mr. OVERSTREET of Indiana. I say these tables will show that. The tables do not show the amount paid to foreign vessels. Will the gentleman kindly put in with the Mr. WALDO. statement a definite and particularized statement of the amount

now being paid to foreign steamship lines per annum?

Mr. OVERSTREET of Indiana. I do not have at hand all the detailed information for which the gentleman has asked, and I

fear I will not have time to compile it during the day.

Mr. WALDO. Can not that be obtained from the Depart-

ment, so you can put it in with that statement?

Mr. OVERSTREET of Indiana. It can be obtained, I have no doubt, from the Department, but unfortunately I will not have the time to compile it before the end of the day.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALDO. Mr. Chairman, I move to strike out the last

The CHAIRMAN. The Chair understands the gentleman has leave, under the order of the House, to print the paper to which he refers in the Record. The gentleman from New York moves to strike out the last word.

Mr. WALDO. I ask leave to have printed, with the statement of the gentleman from Indiana, a statement of the amount paid to foreign ocean steamships by the Post-Office Department.

Mr. SHERLEY. Mr. Chairman, I would like to ask the gentleman from Indiana, in regard to these tables he proposes to file, whether they are the result of his compilation or the Post-Office Department or any bureau of the Government?

Mr. OVERSTREET of Indiana. They are compiled at my request and obtained from the records of the Department. They are not all compiled by the postal authorities, as some of my own clerks assisted in the compilation.

Mr. SHERLEY. Do those tables show in regard to the oriental service the frequency of mail service now had under

existing contracts?

Mr. OVERSTREET of Indiana. Not entirely the oriental service.

Mr. SHERLEY. Do these tables undertake to show in any case the frequency of mail service under those contracts?

Mr. OVERSTREET of Indiana. Not the tables; no, sir.

Mr. SHERLEY. Have you any data on that?

Mr. OVERSTREET of Indiana. Not at hand, but as I said a while ago, I think that data can be secured from the report

of the Second Assistant Postmaster-General.

Mr. SHERLEY. I was unfortunately out of the Chamber when the gentleman began his remarks, and I would like to ask him to tell me briefly, if he can, just what the tables do show. I do not want him to repeat his statement in detail.

Mr. OVERSTREET of Indiana. The tables show the con-

tracts under ocean mail service for which this appropriation is made in detail showing the line, the terminals, the vessels, the amount of mail carried, and the compensation.

Mr. SHERLEY. But do not show the frequency with which

the mail is carried, you say?

Mr. OVERSTREET of Indiana. No; I think not.
Mr. SHERLEY. Well, do not the contracts show that?
Mr. OVERSTREET of Indiana. The contracts may, but I have not that in detail. My compilation was with a view of advising the House of the amount of money expended under this appropriation and the lines to which it went. I did not have such details as the gentleman has inquired about.

Mr. SHERLEY. I was in hope the gentleman might give us information showing what service we had to the Orient and

other foreign countries.

Company

Mr. OVERSTREET of Indiana. I do not recall any routes to the Orient under this. I will insert the following tables:

Ocean mail service under contract as authorized under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce." (U. S. Stat. L., vol. 26, chap. 519, p. 830.)

(U. S. Stat. L., vol. 26, chap. 519, p. 839.)

Route 36. New York to La Guaira and other Venezuela ports, Red "D" Line...

Route 37. New York to Maracaibo, Red "D" Line...

Route 57. New York to Southampton, American International Mercantile and Marine Company.

Route 69. New York to Tuxpam, New York and Cuba Mail Steamship Company.

Route 70. New York and Habana, New York and Cuba Mail Steamship Company.

Route 74. Boston, Philadelphia, and New York to Port Antonio, Jamaica, American Mail Steamship Company.

Route 75. San Francisco to Sidney, New South Wales, Oceanic Steamship Company.

Route 76. San Francisco to Tahiti, Oceanic Steamship Company.

Total paid to lines under contract service during fiscal year ending June 30, 1906.\_\_\_\_\_ 1, 430, 456, 40

		Mail carried.				
Name of line.	Letter	s, pounds.	Prints,	Total in- crease.		
American Mail	1900. 2, 228	1906. 4, 210	1900. 36,144	1906. 51,589	17,427	
International Navigation Co	1896. 136, 725	1906. 448, 173	1896. 1,116,363	1906. 2, 392, 462	1,587,547	
New York and Cuba Mail	1899. 606 411	1906. 818 8, 464	1899. 5, 928 8, 319	1906. 16, 908 155, 066	11, 192 154, 800	
Oceanic	1902. 22, 222 347	1906. 24,500 382	1902. 447, 324 5, 587	1906. 540, 483 5, 208	95, 437 —344	
Red D	1893. 5, 129	1906. 16, 051	1893. 58,510	1906. 248, 637	201, 049	
Do	1902. 635	1906. 2,834	1902. 15,860	1906. 59, 561	45, 900	
Grand total letters Grand total prints		505, 432 3, 469, 914		3, 469, 914	2, 113, 008	
Total, 1906		3, 975, 346		2 to		

Do	Na	me of line.		18	Compe	nsation.	1		Ter	minals.	
Section   Co.   Section   Section	Americar	American Mail					66	Boston-Phile		idelphia, Jamaic	
New York and Cuba Mail		onal Navig	ation			New	York to	Southam	pton.		
283, 203, 00   249, 885, 00   San Francisco to Australas   37, 908, 00   42, 180, 00   San Francisco to Australas   2908, 291, 2908, 291, 2908, 291, 2908, 291, 291, 291, 291, 291, 291, 291, 291	New Yor			5	9,346.00	72, 398.	398.00 Ne		w York to Cuba. w York to Mexico.		
Red D				28 3	3, 203. 00 7, 908. 00	249, 885. 42, 180.	00	San Francisco to Tahiti a Marquesas Islands. New York to Venezuela a Dutch West Indies (Por Rico since 1901). New York to Maracaibo, Ve			
Do	Red D					1906. 63, 315.	20				
Year. New York and Cuba mail. Red D. Oceanic. Navigation Com- Meyico Cuba mail. Venez- Mara- Tal	Do						60			bo, Ven	
Year. Vear. Cuba mail. American Navigation Com-Meyico Cuba mail. Venez-Mara-Austral		Delu Tr	-		COMP	ENSATIO	N.	MA			
tion Com- Mexico Cuba mail. Venez- Mara- Aus-		national						Red	D.	Oceanic.	
	Lear.	tion Com-	Mexi	eo.	Cuba.						Tahiti

	Inter- national	New Yo Cuba		Ameri-	Re	d D.	Ocea	nie.
Year.	Naviga- tion Com- pany.	Mexico.	Cuba.	mail.	Venez- uela.	Mara- caibo.	Aus- tralia.	Tahiti.
1898 1894 1895 1896 1897 1898 1899 1500 1901 1902 1903 1904 1905 1906	\$512,028 757,680	\$85, 068 130, 104 130, 104 130, 104 130, 104 102, 582 87, 570 130, 104 127, 602 130, 104 132, 562 130, 562 130, 884	\$49, 455 73, 476 73, 476 73, 476 57, 933 59, 346 73, 476 73, 476 73, 476 73, 476 73, 476 71, 878 72, 398		79,030 79,030 79,030		\$133, 272 283, 203 283, 203 283, 203 289, 862 249, 855	
Total.	6, 950, 663	1,707,669	972, 294	852, 685	920, 787	186, 758	1,532,598	206, 448

ABANDONED CONTRACTS

Year.	1	Pacific Mail	United States and Brazil Steamship Co.		
	Colon.	Panama.	Hong- kong.	Argen- tina.	Brazil.
1893	\$82,117 61,587	\$87,929 11,753	\$95,523 73,480	\$4,777	\$12,408
Total	143,704	243, 386	169,003	4,777	12,408

	VESSELS.			
Name and date of con- tract.	Name of vessel.	Ton- nage.	Name of vessel.	Ton- nage.
International Naviga- tion Co. (Sept. 9, 1892).	1892. City of New York. City of Paris	10,798 10,786	1906. St. Louis. St. Paul. New York Philadelphia (Paris).	11, 629 11, 629 10, 798 10, 786
American Mail Co. (Mar. 7, 1898).	1898.		1906. Admiral Dewey Admiral Farragut Admiral Sampson Admiral Schley	2, 104 2, 104 2, 104 2, 104
Oceanic Steamship Co. (Apr. 17, 1900): Australia	1900.		1906.	
Australia	Alameda	3, 158 2, 737	Sierra Sonoma Ventura	5, 989 6, 258 6, 258
Tahiti	Mariposa	3, 158	Mariposa	3, 158
New York and Cuba Mail (Sept. 9, 1892).	City of Alexan- dria.	2, 480	Havana	α 6, 400
	City of Washing- ton.	2,635	City of Washing- ton.	2,683
	Saratoga Yumuri Orizaba Yueatan Concho Seneca	2, 426 3, 497 3, 497 3, 525 3, 724 2, 729	Saratoga Esperanza Merida Mexido Monterey Moro Castle Seguranca Seneca Vigilancia	a 6, 400 4, 702 6, 207 6, 207 4, 702 6, 004 4, 038 2, 729 4, 118
D-4 (DU Time (Non- 0)	1891.	0.504	1906.	0.004
Red "D" Line (Nov. 25, 1891).	Caracas Philadelphia Venezuela Maracaibo Valencia	2,584 2,526 2,843 1,262 1,598	Caracas	2,886 1,771 2,520 1,713

a Building.

Name of company.	Year.	No. of vessels.	Total tonnage.	Year.	No. of vessels.	Total tonnage.	Increase.
International Navi- gation Co American Mail Line Oceanic Steamship	1892 1898	2	21, 584	1906 1906	4 4	44, 842 8, 416	23, 258 8, 416
Co New York and Cuba	1900	3	9,053	1906	4	21,653	12,600
Mail	1892	8	24, 513	1906	11	54, 182	29,669
Red "D" Line	1891	5	10,813	1906	4	8,890	73,943 a1,923
Total Total increased tonnage		18	65, 963		27	137,983	72,020

Mr. SHERLEY. I understand, then, that the gentleman's tables simply relate to contracts under the law of 1891, and do not undertake to show also the existing arrangements for foreign mails under other contracts made by the Post-Office De-

Mr. OVERSTREET of Indiana. If the gentleman had been present he would have understood that I was making the statement as applicable to this appropriation, in order to show what provision of the appropriation was applicable to the contracts authorized by the act of March 3, 1891

Mr. SHERLEY. These tables, however, do not convey a complete idea as to the foreign-mail service that is now had?

Mr. OVERSTREET of Indiana. The information is not com-

Mr. SHERLEY. It is very incomplete, is it not? Mr. OVERSTREET of Indiana. I am sorry that I can not advise the gentleman as far as he wishes to be advised.

Mr. SHERLEY. I do not want the gentleman to advise me. I want him not to give the House a false impression.

Mr. OVERSTREET of Indiana. Mr. Chairman, if the gentleman had been present and heard my statement, and had not been absent, as he said he was, he would have understood that I was explaining a part only of this, and therefore I hope he will not leave the insinuation of my leaving a false impression.

Mr. SHERLEY. Oh, the gentleman is supersensitive. He should know that I have no desire in any sense to reflect upon

him. Neither do I for a moment think that he would willingly give to the House misinformation. But I know very well from personal examination, as the gentleman probably knows, that the mail service provided simply under the act of 1891 is not anything like the complete service that now exists in regard to mail service with foreign countries.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CROMER rose.

The CHAIRMAN. For what purpose does the gentleman

Mr. CROMER. Mr. Chairman, I want to offer an amendment, by striking out the last three words. I would like to ask the chairman of the committee a question. Does this appropriation include a provision for the carrying of the mails to

Mr. OVERSTREET of Indiana. Certainly. There is a contract under the act of March 3, 1891.

Mr. CROMER. That has been brought under contract?

Mr. OVERSTREET of Indiana, Certainly,

Mr. CROMER. How much was paid for carrying the mail there last year?

OVERSTREET of Indiana. The annual charge is

Is that what it cost last year?

Mr. OVERSTREET of Indiana. Yes. I am not sure; it is what it has cost since the contract went into effect. The gentleman will understand that the act of 1891 authorized certain contracts, and then when those contracts are entered into Congress appropriates the money to pay, under the terms of the contract. I do not recall just when the contract for the mail from San Francisco to Tahiti went into effect, but from the time it went into effect the annual charge has been \$42,180.

Mr. CROMER. Does the gentleman know whether we are

now carrying annually to Tahiti more than 200 pounds of

Mr. OVERSTREET of Indiana. I do not know, and, so far as that is concerned, we are helpless under this appropriation, because we are obliged to appropriate to cover the contracts under that law.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

Mr. SULLIVAN. Mr. Chairman, I move to strike out the last word. I assume, inasmuch as we are about to take a final vote upon this paragraph, which deals with the foreign mails and their transportation, that the purpose of inserting these tables in the RECORD is not to help the House to a determination upon any question involved in this bill. I ask the gentleman from Indiana [Mr. OVERSTREET], the chairman of the committee, if I am not correct in that assumption?

Mr. OVERSTREET of Indiana. I have introduced those

tables to explain as fully as I could the appropriation which is

now before the House.

Mr. SULLIVAN. But inasmuch as the tables will not be in the Record until to-morrow and while the vote upon the question is to be taken within the space of perhaps five minutes, obviously the information can not guide the House to an intelli-

gent determination of the question.

Mr. OVERSTREET of Indiana. If the gentleman will permit me, I have never seen, since I have been associated with the Post-Office Committee, an instance where there was any detailed information covering this service filed of record, and I desired to have some record showing these inquiries. I have had a number of inquiries asking whether there were any contracts under the law, and if so, what they were. When I first started to get up the information I did not think it would take up as many tables as it has, but, having gotten the information, I think that it all ought to be put in.

Mr. SULLIVAN. I appreciate the gentleman's purpose of informing some future House as to the cost of this service, but I thought there was something more than a mere coincidence in the publication of the information at this time, and it occurred to me, perhaps, that the answer which will be found in these tables might probably be taken to back the cause of the ship-subsidy bill, which, I understand, is to be brought up soon. Has the gentleman any information as to whether it has any relation to the argument in favor of that question?

Mr. WATSON. And if it had, would the gentleman from Massachusetts object to having it printed in the Record?

Mr. SULLIVAN. Not if it were complete; but I would like to say that if it be any answer on that subject that that information which is against should also be given, so that the House

might pass intelligent judgment upon the subject.

Mr. OVERSTREET of Indiana. I will say, in reply to the gentleman from Massachusetts, that the consideration of the subject of the ship-subsidy bill did have some influence in the matter in putting the information into the RECORD, but not in aid of the bill itself. It began by some inquiries which I had by letters from some of my own constituents, whose inquiries clearly showed a lack of information concerning existing contracts in ocean mail service; and when I first directed one of my clerks to compile a part of this information it was for the purpose of answering those inquiries, and in inserting this in the RECORD if it can in any degree throw any light upon the subject I will be very glad to have it shown. If, on the other hand, it is subject to a proper criticism, I would be the last one to deny the gentleman from Massachusetts that privilege.

Mr. SULLIVAN. Now, then, the gentleman's attention having been called to the fact, so that he realizes his publication in the RECORD officially will be beneficial, will favor the shipsubsidy measure, I trust that, as an upright judge, he will put all the information into the RECORD, whether it favors or does not

favor the ship-subsidy bill.

Mr. OVERSTREET of Indiana. I will say to the gentleman that I directed my inquiry to the contracts and not to cover the question of the ship-subsidy bill.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

The appropriation for the fiscal year 1907 of \$25,000 for the employment of special counsel to prosecute and defend suits affecting the second-class mailing privilege is hereby reappropriated and made available for the fiscal year 1908.

Mr. RANDELL of Texas. Mr. Chairman, I offer the follow-

ing amendment.

The Clerk read as follows:

On page 28, after line 12, insert as a separate paragraph the follow-

on page 28, after line 12, insert as a separate paragraph the tolowing:
"Semiweekly and triweekly newspapers shall be transported and delivered through the mails in the same manner and at the same rate of postage as is or may be the regulation or rate of postage applicable to weekly newspapers."

Mr. OVERSTREET of Indiana. I make the point of order

Mr. RANDELL of Texas. Will the gentleman withhold his point of order?

Mr. OVERSTREET of Indiana. I reserve the point of order. Mr. RANDELL of Texas. Mr. Chairman, the necessity for this amendment is simply this: Under existing law in cities and towns where they have city service the postage on semi-

weekly and triweekly newspapers on city circulation is 1 cent per copy, or more than the subscription price for such papers, while weekly papers pay 1 cent per pound. It is a discrimination that was not intended when the present law was passed. The law in reference to this matter was enacted more than twenty-five years ago. It was at a time when rural free delivery had not been tried or established and when there was no city delivery in towns where the old home county weekly newspapers were published. The introduction into our mail service of rural free delivery has made such a change in the situation as to discriminate now between the weekly paper and semi-weekly and the triweekly papers that must of necessity take its place. At the time when this law was enacted the old "county paper," as it was commonly known, was published at the paper," as it was commonly known, was published at the county seat and had general circulation throughout the county. The demand of its patrons for news and for local county information has called for its publication two and three times weekly instead of once a week.

This matter was submitted to the Department by me, and my attention was called to the fact that the situation was fixed by law, so that they could not change the postage rate and give justice to the triweekly and semiweekly newspapers. I here read a letter from the Post-Office Department, which is self-

explanatory:

POST-OFFICE DEPARTMENT,
THIRD ASSISTANT POSTMASTER-GENERAL,
Washington, October 2, 1996.

Hon. C. B. RANDELL, Sherman, Tex.

Hon. C. B. RANDELL, Sherman, Tex.

Dear Sir: Your communication of the 27th ultimo, addressed to the Postmaster-General, relative to the rate of postage on semiweekly newspapers mailed for local delivery by city letter carriers at city lettercarrier post-offices, has been referred to this office.

In reply I have the honor to invite your attention to the following extract from the act of March 3, 1885, amendatory to the act of March 3, 1879:

"All publications of the second class, except as provided in section 25 of said act (of March 3, 1879, ch. 180, 1 Supp., 249), when sent by the publisher thereof, and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall " be entitled to transmission through the mails at 1 cent a pound or a fraction thereof, such postage to be prepaid as now provided by law." (Act of March 3, 1885, ch. 342, 1 Supp. R. S., 483; sec. 448, Postal Laws and Regulations.)

The proviso in section 25 of the act of March 3, 1879, reads as

The proviso in section 25 of the act of March 3, 1879, reads as follows:

"Provided, That the rate of postage on newspapers, excepting weeklies, and periodicals not exceeding 2 ounces in weight, when the same are deposited in a letter-carrier office for delivery by its carriers, shall be uniform at 1 cent each; periodicals weighing more than 2 ounces shall be subject, when delivered by such carriers, to a postage of 2 cents each, and these rates shall be prepaid by stamps affixed. (Act of March 3, 1879; ch. 180, sec. 25, 1 Supp. Rev. Stat., p. 249; sec. 452, Postal Laws and Regulations.)

You will perceive that all newspapers other than weeklies mailed at city letter-carrier offices for local delivery by city letter carrier are subject to postage at the rate of 1 cent each, to be prepaid with stamps affixed, while weekly newspapers may be so mailed by the publishers thereof at the rate of 1 cent a pound. These rates, however, are fixed by law, and the Department is without authority to modify them.

Respectfully,

A. M. Travers,

A. M. TRAVERS, Acting Third Assistant Postmaster-General.

A bill in the language of this amendment was introduced in this House by me at this session, and was referred to the Committee on Post-Offices and Post-Roads. There has been little time for its consideration, but it is a matter of present necessity and vital importance throughout the United States, because almost every county paper of general circulation is published in a town where they have city delivery. That being the case it must remain a weekly, or all its city patrons must be supplied at an expense, merely for postage, exceeding the amount of the subscription price. The circulation in the town is necessary for the healthful condition of the paper, in order that it may have the proper advertising patronage. Its prosperity is of special interest to the country people, for it is their home paper. is no remedy, except to let this provision be placed on this bill.

It is true it is new legislation and can, under the rules of this House, be defeated by making the point of order. But its enactment would be simple justice to the county papers which desire to keep step with the progress of the times. I make this plea for the old home country paper that has always stood for the good morals of the community and has ever upheld independent thought and clean politics. Let such publications reach their home people two and three times a week without being discriminated against by an ancient statute. I hope the gentleman from Indiana [Mr. OVERSTREET] will withdraw his point

of order.

The CHAIRMAN. Does the gentleman insist on the point of order?

Mr. OVERSTREET of Indiana, I insist on the point of

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Supplies for the rural-delivery service, including collection boxes, furniture, satchels, badges, straps, map supplies, freight, drayage and cartage charges, repairing, satchels and furniture, repairing, erecting, and painting collection boxes in the rural-delivery service, \$85,000.

Mr. GARRETT. Mr. Chairman, I offer the amendment which send to the Clerk's desk.

The amendment was read, as follows:

Page 30, after line 9, insert the following as a new paragraph:

"Postmasters at offices from which rural free-delivery routes emanate may permit Representatives in Congress and United States Senators to have access to and make copies of the list of patrons of the respective rural routes emanating from such office: Provided, That this permission shall be granted only to such Representatives or Senators in person or to such person as the Senator and Representative may in writing declare to be his regularly employed secretary or clerk."

Mr. OVERSTREET of Indiana. Mr. Chairman, I make the point of order.

Mr. GARRETT. Will the gentleman reserve the point of order?

Mr. OVERSTREET of Indiana. I think it is clearly subject to the point of order, and I should like to finish the bill tonight.

The CHAIRMAN. The gentleman makes a point or order, which the Chair sustains. The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

That on and after July 1, 1907, letter carriers of the rural-delivery service shall receive a salary not exceeding \$840 per annum: Provided, That rural letter carriers after twelve months' service shall be allowed annual leave with pay not to exceed fifteen days; the substitutes for carriers on vacation to be paid during said service at the rate paid the carrier: Provided further, That not to exceed \$12,000 of the amount hereby appropriated may be used for compensation of clerks in charge of substations: And provided further, That in the discretion of the Postmaster-General the pay of any rural carrier on a water route who furnishes his own power boat, and is employed during the summer months, may be fixed at an amount not exceeding \$720 in any one calendar year.

Mr. Chairman, following out the course.

Mr. FITZGERALD. Mr. Chairman, following out the course of action which I indicated yesterday, and for the reasons then stated, I make the point of order against the language contained in lines 15 to 21, inclusive, on page 30. It is a change of existing law.

The CHAIRMAN. The gentleman from New York makes a point of order against that part of the paragraph beginning in line 15 and down to and including line 21.

Mr. OVERSTREET of Indiana. Mr. Chairman, I concede the

point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CROMER. Mr. Chairman—
The CHAIRMAN. For what purpose does the gentleman

Mr. CROMER. Part of that paragraph is existing law.

Mr. CROMER. Part of that paragraph is existing law.

The CHAIRMAN. The paragraph is subject to the point of order if any part of it is a change in existing law.

Mr. CROMER. But it is only one part of the paragraph—

The CHAIRMAN. If any part of the paragraph be subject to a point of order, then the whole paragraph is subject to a point of order, and the Chair sustains the point of order.

Mr. CANDLER. Mr. Chairman, I offer the amendment which

I send to the Clerk's desk.

The amendment was read, as follows:

Insert, after line 14, page 30, the following:

"That from and after the 1st day of July, 1907, the compensation of rural letter carriers shall be \$900 per annum.

"That in addition to the compensation fixed by law there shall be allowed and paid to each rural letter carrier who carries a lock pouch reasonable compensation, to be fixed by the Postmaster-General, for the service performed.

"That in addition to above each carrier shall be allowed and paid \$100 each year for use of horse and vehicle used in the service."

Mr. FITZGERALD. I make the point of order against that. The CHAIRMAN. The gentleman makes a point of order, which the Chair sustains. The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

To defray expenses incident to the shipment of supplies in accordance with legislation embodied in the "Act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes" (namely, "And the Postmaster-General shall require, when in freightable lots and whenever practicable, the withdrawal from the mails of \* \* \* furniture, equipment, and other supplies for the postal service \* \* in the respective weighing divisions of the country immediately preceding the weighing period in said divisions, and such \* \* \* furniture, equipment, and other supplies for the postal service \* \* shall be transmitted by either freight or express"), including hardware, boxing, package, cartage, and the pay of one carpenter and three laborers for assignment in connection therewith, \$100,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The very distinguished gentleman in charge of the bill, as 1 understand, says that this covers the cost of the freight for a year, but the language of the provision seems to provide only for a three months' period. Now, can the gentleman tell

us what is the fact in reference to the past and current expenditures:

Mr. OVERSTREET of Indiana. Mr. Chairman, the gentleman will notice between lines 9 and 16 the language is in parentheses, and that language is for the purpose of identifying the statute of 1906, which is applicable to the current fiscal The appropriation so defraying the expenses incident to the shipment of supplies is in accordance with the provisions of that act. Now, that act did not go into effect until the 1st of July, 1906, and was applicable only to the withdrawal of supplies at the beginning of the next weighing period, and that weighing period did not begin until midnight last. Therefore there is doubt as to what amount will be used this fiscal year. But my contention is, Mr. Chairman-and I am entirely frank in saying that if the language is indefinite and ambiguous I will not oppose any proper amendment—my contention is that the \$100,000 that is carried by this item is intended clearly and does authorize the payment of expenses incident to the shipment of the supplies withdrawn under the authority which is identified by the language within the parentheses.

Now, if I am wrong about that, I will be glad to have some one of the committee point it out.

Mr. BONYNGE. The gentleman says this is for supplies withdrawn in accordance with the law. Is that withdrawal only for three months?

Mr. OVERSTREET of Indiana. When these supplies are

withdrawn they are thereafter carried by freight.

Mr. BONYNGE. Does the gentleman say that \$100,000 will pay the expenses for the year for carrying supplies and empty mail bags'

Mr. OVERSTREET of Indiana. The empty mail bag freight is in another item.

Mr. BONYNGE. They are to be withdrawn during the period

Mr. OVERSTREET of Indiana. On page 22 there is an appropriation of \$250,000 which will pay the freight on the empty

mail bags Mr. BONYNGE. Does the gentleman think \$100,000 will pay

for the balance? Mr. OVERSTREET of Indiana. The balance of the supplies; that is the estimate of the Department.

Mr. BONYNGE. For a year?

Mr. OVERSTREET of Indiana. For a year.

Mr. GILHAMS. Mr. Chairman, I have been much interested in the discussions that have taken place here upon this floor with regard to the increase of salaries of the employees of the Postal Department of our country. I fully believe that the com-mittee has been earnestly and conscientiously endeavoring to do that which they believe will give us the best and most efficient service possible with the money at their command. I believe also that they have earnestly endeavored to place the salaries at the highest point possible and yet retain the position of making the Post-Office Department self-supporting. It is evident that it is a difficult task for the committee to adjust and arrange all these increases to the perfect satisfaction of all, especially when limited to the amount of the income of the Department, yet upon the whole I think that the adjustment in this bill has been highly satisfactory.

If we expect to continue the efficiency of the service in the Post-Office Department of our country, it is absolutely necessary to make a substantial increase in the salaries of the employees. This is a time when abundant opportunities are existing everywhere for young men to enter into business enterprises upon their own responsibility and initiative, which affords ample opportunities for financial success far in excess of that which can be acquired in the service of the Department. There is no field open for business opportunity and financial gain to any extent in the service of the Postal Department. Their time is absolutely taken within the narrow sphere of routine work, and they are forced to the most rigid economy if they lay by anything for a future competency.

In the railway mail service there is added to it also the great hazard of accident and of death from railway accidents. They are required to live almost constantly upon these postal trains, thereby jeopardizing their lives at every hour. Surely they can not be criticised for asking any advance or increase for their services. This service requires quick, intelligent, and able men, with an abundance of good health to stand the excessive strain and do the work. They are very often required to put in excessive hours in order that the distribution of mails may not be de-There is another class of employees in the service of the Postal Department known as the "rural carriers," of which we have about 40,000 in the service, whose work carries them out into the open country over all kinds of roads and in all kinds of weather, from the hot and burning suns of the summer to the

cold and bleak and drifting snows of the winter, with roads well-nigh impassable, which makes it very wearing upon both carrier and horses, and I feel, with the expense for equipment for this service, that they have not been receiving pay sufficient to secure for them a livelihood and make it possible to lay by anything for the future. The Postal Department, or any other Department of the service of our country, should not ask of its employee that he perform the service without a competency sufficient by reasonable economy to provide a living and leave a reasonable sum to provide for declining years. With the equipment that is necessary by the rural carrier it is evident that the salary paid has not been sufficient for him to lay by anything as a provision for old age.

I feel that this committee in reporting favorably upon an increase of salary to these rural carriers of \$120 per year have done what they believed to be all that was justifiable at this time in the face of the fact of a deficit in the last fiscal year. I was much in hopes, however, that they might see fit to add \$180 to the present salary for the standard rural route. It would seem to me that it would be possible to make a considerable decrease in the pay for the railway mail service in the class of the heaviest tonnage per mile, which would make a material saving that might enable the Department to sufficiently increase all employees and still keep its expense within the receipts. However, I offer in no sense any criticism to the report of this committee, for I believe that they have done everything in their power, from the evidence at hand, to make this adjustment as near equitable as possible between the salaries of the employees and the payment for railway service in the carrying of mail from the receipts at hand. I desire to say further that I am greatly disappointed in the point of order being raised by the gentleman from Arkansas [Mr. Macon] against the appropriation for increase of salaries for clerks and carriers in cities on the grounds of its being new legislation; and I hope the gentleman from New York [Mr. FITZGERALD] will reconsider his determination to raise the point of order against the paragraph proposing an increase of salaries to the rural carriers. But if this should be insisted upon I sincerely hope that some means may be devised, or provided by which this very necessary increase—as was provided by this bill for clerks and carriers in cities and the rural carriers--may be obtained at the hands of this House at this session.

Mr. MANN. Mr. Chairman, I have no desire to do anything except to call the attention of the Post-Office Committee to this The provision in the bill refers to the appropriation law for the fiscal year ending June 30 next. The provision in the law is merely in reference to the transportation by freight for the ninety days immediately preceding any weighing period, so that for the balance of the year there is no provision of law for carrying these postal cars, etc., by freight. I call the attention of the gentleman to the situation for the purpose of having this matter, if not remedied in this committee—and I am not prepared to offer any amendment—to have it remedied in another body which will have to consider this bill and by another committee which will have to consider the bill. Clearly the language in the present bill only relates to the provision in existing law, an existing law which only provides for carrying the mail during the ninety days immediately preceding the weighing period.

Mr. PAYNE. I want to ask the gentleman if, in order to make it effective, there should not be some language making it effective for the next year?

Mr. MANN. If I may answer the gentleman from New York, the gentleman from Indiana stated that it was the policy of the Government, or should be the policy of the Government, and I think we have adopted the policy, to take out of the mail heavy freight matter that is carried from Washington to the post-offices. The provision of the current law for the fiscal year 1906-7 provides that it shall be taken out during the three months. That is carried in existing law; and the question that arises is whether the Government would carry the freight during the balance of the period, and the gentleman from Indiana stated, as I understood, that it was the policy of the Government to carry this heavy matter by freight all the time.

Mr. OVERSTREET of Indiana. Will the gentleman yield for a question? I call the gentleman's attention to line 5, and ask if his difficulty would not be overcome by inserting, after the word "supplies," at the end of line 5, the words "during the fiscal year ending June 30, 1908?" So that it would then read: "To defray expenses incident to the shipment of supplies during the fiscal year 1908, in accordance with."

Mr. MANN. I do not think that would meet it. The provision to which reference is made only applies to the three months' period immediately preceding the weighing of the mails, so that the limitation is that period, whereas as I understand the pur-

pose of the Government it is to carry it after the weighing of the mails all the time.

Mr. PAYNE. And in order to get the benefit of that legislation after the 1st of July, the gentleman's idea is that there ought to be some provision extending the terms of that law passed in 1906 to the period following?

Mr. MANN. That is carried in the present bill in another place, but only with reference to the three months' period immediately preceding the weighing of the mails, and all it needs is an appropriation authorizing the payment of freight during the balance of the year, and I suppose that will be taken care of in the proper way when the gentleman has time to look it

Mr. STAFFORD. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. STAFFORD. For an explanation of this matter

The CHAIRMAN. The gentleman is speaking in the time of the gentleman from Illinois.

Mr. STAFFORD. In explanation of the objection made by the gentleman from Illinois [Mr. Mann], I wish to say that I think his point is well taken. When we recommended this amendment last year for the first time, and as the bill left the House, there was contained in the bill the word "thereafter," immediately following "in said divisions and," which would make it obligatory upon the Department after these matters had been withdrawn from the mails during the weighing period to have them withdrawn permanently; but in examining the law of last year I find that the word "thereafter" has been left out. When the bill was submitted to the committee, naturally the words followed the existing act. If it were possible to return to the item as found on page 22, I believe that there should

that to the tell as foliate on page 22, I believe that there should be inserted the word "thereafter."

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I move to strike out the last two or three

Mr. OVERSTREET of Indiana. I want to suggest, as the gentleman well knows, that the committee only desired to make proper provision for this freight. I still think this language will make the proper provision, but it is probably more language than is needed, and I therefore suggest that we strike out all of lines 6 to 16, inclusive, and then it would leave the language "to defray expenses incident to the shipment of supplies, including hardware, boxing, package, cartage, and the pay of one carpenter and three laborers, for assignment in connection therewith, \$100,000."

Mr. MANN. That would cover the whole case, Mr. STAFFORD. I hardly think that meets the objection that was made by the gentleman from Illinois.

The CHAIRMAN. The Chair understands that the gentleman

from Indiana moves to strike that out?

Mr. OVERSTREET of Indiana. Oh, no; I have not made that motion as yet.

The CHAIRMAN. The gentleman from Wisconsin is recognized as having the floor.

Mr. STAFFORD. Mr. Chairman, I would like to call the attention of the gentleman from Indiana to the fact that last year when we reported this item we had inserted the word "there-" but in the present law the word "thereafter" is left out. It was the intention of the committee that after these items were withdrawn from the mails during the weighing period they should be continued to be kept out, and I can not account for the omission of the word. Whether it was an oversight by the engrossing clerk or not; in any event the word "there-after," following the words "in said divisions and," was left

Mr. OVERSTREET of Indiana. I stated a while ago that it was in. I thought it was in.

Mr. STAFFORD. The law of last year left out the word thereafter," and it is not contained in the present bill; and I think we ought to revert to that item and insert the word.

Mr. MANN. What page?

Mr. STAFFORD. On page 22, line 18, after the words "in said divisions and," insert the word "thereafter," and that will correspond to the bill reported by the committee last year. ask unanimous consent to return to page 22 for the purpose of offering an amendment to the paragraph.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to recur to page 22 for the purpose of offering an

amendment. Is there objection? There was no objection.

Mr. STAFFORD. Mr. Chairman, I offer an amendment, to insert in the paragraph on page 22, line 18, after the words "said divisions and," the word "thereafter."

The CHAIRMAN. The gentleman from Wisconsin offers an

amendment, which the Clerk will report.

The Clerk read as follows:

Page 22, line 18, after the word "and," insert "thereafter;" so to read: "And thereafter such postal cards, stamped envelopes, etc.

Mr. MANN. That is for the next fiscal year, for the weighing of the next fiscal year, but the appropriation is to carry out the provisions of the current fiscal year. Why not-

Mr. STAFFORD. If the gentleman will kindly suspend a minute in order to perfect this, I will offer an amendment to the paragraph on page 31 that is now under consideration.

The CHAIRMAN. The question has not yet been put on the previous amendment.

The question was taken; and the amendment was agreed to. Mr. STAFFORD. Now I offer an amendment to the paragraph under consideration, on page 31, line 14, after the word "and," to insert the word "thereafter;" so as to conform with

the change just made.
The CHAIRMAN. Will the gentleman please state his amendment?

Mr. MANN. May I invite the attention of the gentleman for a moment to this point, that he can not change a quotation by adding words to the law? Why not strike out lines 6 to 16, as the gentleman from Indiana suggests?

Mr. STAFFORD. I withdraw my amendment. Mr. OVERSTREET of Indiana. Mr. Chairman, I offer the following amendment: Page 31, strike out lines 6 to 16, both inclusive

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 31 strike out lines 6 to 16, inclusive.

The question was taken; and the amendment was agreed to. Mr. CANDLER. Mr. Chairman, I move to strike out the last line, and I do this for the purpose of putting into the RECORD two letters from the Post-Office Department in reference to the pay of letter carriers. One of them is in reference to the pay of city letter carriers and the second letter is in reference to the pay of rural carriers. I desire to have these read for the information of the membership of the House in order that in the consideration of the amendment which will come before the House to fix the pay of rural letter carriers we may have this information in order that we may compare the pay of each class of letter carriers and do justice to the rural letter carriers by giving them at least \$900 a year.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none.

The letters referred to were read, and are as follows:

POST-OFFICE DEPARTMENT, OFFICE OF FIRST ASSISTANT POSTMASTER-GENERAL, Washington, February 18, 1907.

Washington, February 18, 1907.

House of Representatives.

Sir: In reply to your letter of the 15th instant, you are informed that carriers at all city delivery offices receive a salary of \$600 for the first year they are employed. In cities with a population of 75,000 or over the salary for the second year is \$800, and \$1,000 thereafter. In cities with a population less than 75,000 carriers receive \$850 after the completion of the first year's work.

Allowances paid to mounted carriers for maintenance of their equipments range from one hundred to three hundred dollars per annum, owing to the variation in cost of maintaining outfits in different sections of the centry. The maximum amount is usually paid to carriers in the larger cities.

Respectfully,

F. H. Hitchcock,

First Assistant Postmaster-General.

F. H. HITCHCOCK, First Assistant Postmaster-General.

OFFICE OF THE FOURTH ASSISTANT POSTMASTER-GENERAL,
Washington, February 14, 1907.

Hon. E. S. CANDLER, Jr., House of Representatives.

Sin: Replying to your letter of the 10th instant inquiring as to the classification of the salaries of rural carriers, I have to say that the maximum salary which can be paid under the law, \$720 per annum, is allowed rural carriers serving routes of 24 or more miles, and the salaries of carriers on routes of less length are adjusted according to the scale given below, based upon the length of the routes, as follows:

		Per annun
24 miles	and over	\$72
23 to 24	miles	70
22 to 23	miles	68
21 to 22		66
20 to 21		
	miles	
16 to 18		
14 to 16		
	4 miles	
	2 miles	
8 to 10	miles	43

While the mileage basis appears to be the most equitable one which to adjust the salaries of rural carriers, it is believed it would more satisfactory to make a difference in grades of 2 miles instead 1—that is, the maximum salary for routes of 24 or more miles (

miles being about the average route) and a proportionate rate for routes from 22 to 24 miles in length, and so on. In case the Congress increases the maximum compensation which can be allowed rural carriers, it is intended to consider this matter in connection with any readjustment which is made.

Very respectfully,

P. V. DE GRAW, Fourth Assistant Postmaster-General.

Mr. CANDLER. Now, in view of the facts shown in these letters I assert that the rural letter carriers are entitled to a substantial increase. The amendment I offered a few minutes ago provided for a salary of \$900 and additional pay for carrying lock pouches and \$100 for use of horse and vehicle. That is just and should be adopted. When the city carrier is allowed from \$100 to \$300 for horse and vehicle, certainly the rural free-delivery carrier ought to be allowed \$100 for that purpose. It is also fair to allow to those rural free-delivery carriers who carry lock pouches extra pay for that extra service. "Uncle Sam" is too rich to work his citizens without paying them reasonable compensation for services actually performed. The Good Book says, "The laborer is worthy of his hire." The rural free-delivery carrier is a faithful, honest public servant. Let us do him at least partial justice by enacting into law the amendment I offered. I hope the gentleman from New York [Mr. Fitzgerald] will yet withdraw his point of order and let

us have a vote. [Applause.]
Mr. PARSONS. Mr. Chairman, some time ago, at my request, a carrier in New York City furnished me the following itemized statement of the cost of living expenses for himself, wife, and three children. He lived on the fifth floor of a ten-family house,

and spent the following amounts:

	Per month.	Per year.
Rent Gas Coal Le Insurance and dues. Wearing apparel (all kinds) Doctor and medicines Household expenses, furniture, and bedding. Food, meats, and groceries Additional expenses not included in foregoing	\$21,00 3.50 3.00 1.00 9.00 10.00 3.00 2.00 30.00	\$252.00 42.00 36.00 12.00 108.00 120.00 36.00 24.00 360.00
Total		1,000.00

The foregoing leaves no allowance for an extended sickness or loss of salary while sick. In the item of wearing apparel is included the cost of uniform, etc. Insurance is a recognized necessity to provide against death.

Recently an experienced charity visitor in New York made an estimate of the necessary expenses for a self-supporting family of a man, wife, and three children of school age, fixing the sum needed so that the family should remain permanently independent of any charitable assistance. The following is the esti-

	Rent, four rooms and bath, \$18 per month Food (including ice), about \$7 per week	\$216 370
ł	Clothing	145
	Fuel and light	50
1	Car lares	50 45 33 75 20 50
1	InsuranceIncidentals	33
1	Extra expenses for two weeks' outing in summer	20
П	Margin for illness, dentistry, etc	50
1	Margin for savings	50
ı	Total	1 05

The item of incidentals includes furniture, washing, sewing, etc. The foregoing is in excess of the present carrier's maxietc. The foregoing is in excess of the present carrier's maximum pay. The estimate agreed with the actual budget of a tailor, who had a wife and four children, two of whom were too young to go to school. The father died of heart failure, due to rheumatism, perhaps incurred by living in damp ground Within five months after his death the widow and children became dependent upon charity.

In the Eighteenth Annual Report of the Commissioner of Labor, published in 1903, the average expenditure of a family consisting of man, wife, and three-children the country over was estimated to be-

RentFuel	\$113. 16 28. 88
Lighting Clothing Sundries	6. 46 81, 09 117, 96
Food	283. 61
Total	631. 16

The percentages made for various purposes in such a family were estimated to be as follows:

Participation of the second of	er cent.
RentFuel	17. 93 4. 58
Lighting	1. 02 12. 85
Sundries	18. 69 44. 93
- Company of the Comp	-

Total \_\_\_\_\_\_\_100.00
In such families having an income between \$900 and \$1,000 the percentages for the various expenditures were estimated to be as follows:

	Per cent.
Rent Fuel Lighting Food Clothing Sundries	17. 58 3. 85 1. 11 39. 90 14. 35 23. 21
m-4-1	100 00

While there are discrepancies beween these amounts and percentages as compared with the carrier's cost of living, they show that his estimate is not unreasonable. The mere matter of rent shows the greater comparative cost of city living. It prevents the city man from spending for food, clothing, and sundries anything like the sum that the average man of family with the same income the country over can spend. The carrier in New York City can spend only 67 per cent of his \$1,000 salary for those items, whereas the average man of family the country over can spend 77.46 per cent of his \$1,000 on those items. This appears from the following comparative percentages:

Percentages of each expenditure for various classes of people.

	New York City carrier.	Estimate of necessary expenditure in New York City.	Average the country over for all grades of income.	Average the country over for incomes of \$900 to \$1,000.
Rent Puel Lighting Clothing Sundries Food	Per cent. 25, 2 3, 6 4, 2 12, 0 19, 0 36, 0	Per cent. 20.7  4.8  14.0 25.0 35.5	Per cent. 17. 93 4. 58 1. 02 12. 85 18. 69 44. 93	Per cent. 17.58 3.85 1.11 14.35 23.21 39.90
Total	100.0	100.0	100.00	100.00

Mr. GOULDEN. Mr. Chairman, the points of order that have defeated the wise and necessary legislation contained in this bill for the increase of salaries of postal clerks, letter carriers, railroad clerks, and free-delivery carriers seems to me to be an abuse of power.

Under the rules of the House, intended for the protection of its Members, a single objection of any Representative will cut out all new legislation or change of existing law.

This rule is really dangerous to good, honest administration of the various Departments of Government, should there be captious men in the House.

The bill under consideration provides for a modest increase in the salaries of the classes named, a most deserving set of faithful public officials.

Too long has this meager recognition been denied these men, and now when the Committee on Post-Offices unanimously decide to make a small advance in compensation, an objection defeats the end accomplished after years of hard fighting on the part of the friends of the postal and mail clerks and letter carriers.

The maximum salaries of the city carriers and postal clerks should be \$1,200, instead of \$1,100, as proposed in this bill.

The rural carriers should have been made \$900 yearly instead of \$840, as proposed. This is what was contended for and what we will eventually secure.

I am in favor of an increase of salaries of all Government

I am in favor of an increase of salaries of all Government employees. As is well known, the cost of living has increased 30 per cent in the last five years, hence the necessity for an increased compensation all along the line.

We should insist upon a special rule to put back those sections carried out of the bill on the points of order. Common justice demands that this be done, and we will be satisfied with nothing less.

Mr. AIKEN. Mr. Chairman, as I was one of the first Members of this body to raise a voice in behalf of increased pay for rural carriers, and as I have at every opportune time since the beginning of my service in the House worked for and advocated the furtherance of this measure, I feel that there is little new that I can bring to bear on the subject.

In reading the reports of the Postmaster-General and of the Fourth Assistant, the recommendations suggested therein are so strikingly in line with my speech on the subject, made some three years ago, that I almost feel that I am making my old speech.

Though I may not bring new arguments to bear, may I not hope to better drive those arguments home with an experience of three years justifying every statement that I then made and with those statements recommended by the highest authority in the Government?

Let me say at the outset, that I have no special desire to push my individual bill if some other bill embodying the same general provisions stands a better chance of passage. My sole purpose is to obtain favorable results; to secure for our faithful carriers adequate pay for honest service.

Three years ago I suggested that the cost of the carrier's equipment was something like \$350. The Fourth Assistant Postmaster-General makes the same statement. Then I called attention to the increase in mail received, due to the rural service. The Department directs attention to this same fact. Then I called attention to the lighter work and adequate pay of the city carrier, contrasting it with the well-nigh exhausting work of the rural carrier, who was working for a bare subsistence. The Department now directs attention to the same state of things. Then I emphasized the statement that the pay of rural carriers was inadequate, by citing the large number of resignations from the service. The Fourth Assistant Postmaster-General calls attention to the same, and his report shows that out of \$6,782 carriers employed at this time, 3,094 resigned in six months. Nearly 10 per cent of the total number of men employed have resigned in six months. It is doubtful if the entire Government service combined will show more resignations for the same length of time.

Gentlemen, this speaks more eloquently of the hardships of the carrier's life and of his pitiful earnings than could the logic of Aristotle combined with the eloquence of Demosthenes. In the language of Macbeth, it should appeal to us "like angels, trumpet-tongued."

Bear in mind that the recommendations of the Postmaster-General and of his Fourth Assistant are not the effusions of the politician, but they are mature and deliberate conclusions, based on the closest scrutiny of the service, with every possible opportunity for observing the work in detail.

I fear that the rural service has suffered more or less from the experimental nature of the work in its infancy. The experimental stage, gentlemen, has long since been passed. The people have long since come to recognize it as the welding force uniting country and town. The city and the rural districts are interdependent, and yet before the inauguration of this service they were never before brought into immediate contact. Through this means a force is at work to dispel that dissatisfaction with country life that had well-nigh depopulated many rural sections.

Just here let me digress to say that the Department should not be too strict in discontinuing existing routes because of alleged lack of appreciation. There is not one farmer in a thousand who does not appreciate this recognition by the Government, and the very small per cent, if there are any, who do not appreciate the service place themselves in the ranks of those who prefer inconvenience to convenience, ignorance to intelligence. The approval or disapproval of such would amount to nothing for or against the system.

The service now has the heartiest indorsement of the Post-Office Department, and the Department is outspoken in its advocacy for increased pay. If the city resident, who is a consumer living upon his wits, has his mail delivered at his door, is not the rural resident, upon whose mental and physical labor all of us are dependent in a greater or less degree, entitled to like consideration? They are alike citizens of this Government. If the capstone of our prosperity is laid in the city, the foundation is laid in the country.

Taken as a whole, considering the increase of mail received due to the carrier system, it can be demonstrated that the rural service is almost if not quite self-sustaining. But this is the smallest view to take of it. If the Government can afford to spend millions in irrigating arid lands; if it can spend millions in improving rivers and harbors; if it can afford to spend millions in opening up a waterway between the two oceans, all to build up commerce and industry, surely it can afford to do something for those of its citizens who have coaxed from the soil its richest fruits, whose products in the markets of the world have made this a Titan in the galaxy of nations.

What if some remote rural sections, struggling with a sparse population and attendant difficulties, do not meet the requirements of the Department? Is it not the part of policy for the

Government to make some little sacrifice to aid them in their struggle? Does the farseeing husbandman fertilize only the richer portions of his field and leave the poorer parts to become

more barren year by year?

The indispensable advantages of the rural service in increased revenue to the Government and in conveniences brought to the citizen, whether in country or town, entitles the service to the same consideration that is accorded any other branch of public service. Where, then, is the excuse for discriminating against the faithful carrier? The present salary of the rural carrier, less the cost of keeping and maintaining an outfit, is about \$400; the salary of the city carrier is about \$1,000, averaged. This comparison holds good through every Department of the Government service; but what is the use to multiply illustrations? The fact is patent, and that the remedy has not been applied ere this is a shameful reflection upon our ideas of justice. Either the service is what we claim for it or it is a gigantic humbug. Can any Member who has had the hand touch of the people truthfully assert that the rural service has not given more widesoread satisfaction among the masses than any single law passed by this body in recent years? Then let us not temporize with this matter any longer.

To raise the pay of rural carriers to \$900, as proposed in my bill three years ago and as proposed in my present bill, would require an additional appropriation of \$4,500,000. The appropriation is warranted by the increased revenues to the Government; it is warranted by increased commercial intercourse; it is warranted because the service ranks with other indispensable public utilities. We can not afford, then, to cavil over so small an appropriation or to further delay the demands of justice,

which have for so long fallen on deaf ears.

While I have been against the parcels-post system suggested by the Department, I am not sure but that the suggestion is a good one if the weight of parcels is limited to 5 pounds. Undoubtedly this would be a great accommodation, both to the merchant and to the rural resident; the service to be limited, of course, to the patrons of routes going out from a particular point. It would, in a measure, take the place of express companies which serve city residents. I believe, too, that the increased revenue from this source would in a short time cover the increased appropriation necessary to raise the salaries of carriers to \$900. It is this that I want, and if we must have it coupled with parcels post or any other system not burdensome to the carriers, let it come along.

As I said at the outset, I did not hope to bring any argument to bear on this subject. Arguments are plentiful, but why present arguments to prove an axiom. All admit the justice of the proposed increase. The thirty-odd bills introduced in this body, coming from every section of the country, attest a desire for immediate action, and the fact that none of these bills suggest an amount less than \$900 is in itself significant. It seems to me that this is a fair consensus of opinion as to what should be paid the carriers and to haggle it by piecemeal is like child's play. Let us grant the \$900, and let us grant it to take effect at once. [Applause.]

Mr. HOUSTON. Mr. Chairman, I move to strike out the last two lines

The CHAIRMAN. The gentleman from Tennessee moves to

strike out the last two lines.

Mr. HOUSTON. Mr. Chairman, I rise merely for the purpose of submitting to the House a communication received by myself from a rural carrier in my district. It is a fair statement of conditions applicable to rural carriers generally. propose to read it to the House and ask that it be inserted in the Record. After stating conservatively the expenses of his outfit and maintenance, and also the expense of maintaining a family of four—himself, wife, and two children—making it amount to the sum of \$704.40, he says:

Take this from my yearly salary of \$720 and see how much I have left to pay for waterproof coats, overshoes, buggy rugs, carriage heaters, carbon for same, doctor's bills, etc. \* \* \* I am only holding on to this job because nothing better is showing itself at present and the hope that the Department will come to our relief. We who brave the snow and sleet of winter and the excessive heat of summer, and are relegating to past history the proverbial "backwoods;" we who travel enough each day to belt the globe more than thirty-five times are entitled to not only enough to pay our 'ccessary expenses, but to lay by something for the proverbial "rain' cay."

I have been impressed with the onlying that rugal cayriors.

I have been impressed with the opinion that rural carriers are one branch of the public service that is not being sufficiently compensated, and have taken occasion to make investigation as to the amount of expense that carriers are compelled

to undergo.

When you consider the outlay and expense of purchasing an outfit and maintaining it, then it is demonstrated that they are inadequately paid, notwithstanding the fact that their duties force them to undergo exposure and hardships of the

severest kind. In response to inquiries made by me, I have received statements of the necessary expenses that a number of carriers are put to. The extract I have read is from a letter from a carrier in my district, written in reply to questions from me as to his expense and cost of maintaining his outfit and cost of living, and without any idea on his part that it would be made public.

Now, this is a fair statement of the conditions that apply

to all carriers.

Mr. Chairman, I favor an economical administration of all the Departments of this Government, but this is a branch of the public service that is entitled to better pay.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none. Without objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

Mr. RANDELL of Texas. Mr. Chairman, I offer the following amendment as a separate section.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert as a new paragraph: "That hereafter clerks in offices of the first and second class shall be divided into seven grades, as follows: First grade, saiary \$600; second grade, salary \$700; third grade, salary \$800; fourth grade, salary \$900; fifth grade, salary \$1,000; sixth grade, salary \$1,100; seventh grade, salary \$1,200."

Mr. OVERSTREET of Indiana (interrupting reading). Chairman, enough of the amendment proposed has been read to indicate that it is subject to a point of order, and I make the point of order.

The CHAIRMAN. The gentleman from Indiana makes the

point of order, and the Chair sustains the point of order.

Mr. RANDELL of Texas. Will the gentleman withhold for a moment until I explain why I introduced that?

Mr. OVERSTREET of Indiana. The gentleman may move to strike out the last word.

The CHAIRMAN. The gentleman from Texas will be recognized to strike out the last word.

Mr. RANDELL of Texas. I move to strike out the last word, but I preferred to be heard before the point of order was susting a superior of the strike out the last word. tained. The amendment includes two sections that have been

stricken out, and I do not believe objection will be made again. Mr. OVERSTREET of Indiana. I prefer to take the entire subject up at one time, and not to show any discrimination. If we are going to advance the salaries of these employees, let us treat them all fairly.

Mr. RANDELL of Texas. This includes both rural and city carriers

Mr. OVERSTREET of Indiana. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. SMITH of Illinois. Mr. Chairman, I move to strike out the last word.

While the paragraph in this bill, providing for an increase of the salaries of rural free-delivery carriers, has been stricken out on a point of order and, under the circumstances, no increase can be hoped for in the House, yet I am satisfied that it is the deliberate judgment of every Member on this floor that the salary of all rural carriers should be increased from what it is under existing law. The remarks which I desire to offer will contain some statements relative to expenses of carriers in this service, which, in my judgment, furnish good reasons for the increase of salaries for this class of our Government employees.

When this bill goes to the other end of the Capitol, I sincerely hope they may insert an amendment providing a reasonable increase of salaries for the rural carriers of our country.

The maximum salary for rural carriers under existing law is

In the bill now under consideration, our Committee on Post-Office and Post-Roads recommended that the maximum salary be increased to \$840 per annum. Had this recommendation been adopted, same would have given some relief, but, in my opinion, would have fallen far short of the adequate salary to which this class of employees are justly entitled, considering the services which they have to perform and the hardships to which they are subjected.

Had not the point of order been raised, and by the Chair sustained, to the proposed increase of salaries of carriers provided for in this bill, it was my intention to offer, as suggested in my remarks under general debate, the following amendment:

On page 30, line 17, strike out the words "eight hundred and forty" and insert in lieu thereof the words "one thousand;" so that the paragraph will read:

"That on and after July 1, 1907, letter carriers of the rural delivery service shall receive a salary not exceeding \$1,000 per annum."

Rural free delivery is now a permanent service and we must provide for same accordingly. I am in favor of providing a reasonable salary for every Government employee, as I am also in favor of a reasonable wage for every person who works for any corporation or individual. For this principle I have always stood and during the remainder of my life intend to advocate the same doctrine. I have never favored niggardly pay for any one, whether in the Government service or otherwise, nor do I believe the spirit of our country or the judgment of our people would sanction same.

A rural carrier, when he first enters the service, must provide himself with certain necessary equipment at approximately the following cost:

Team of horses	\$200
Harness for same	30
Suitable wagon Uniform for self	75 25

Total original outlay 330

Deduct this from the maximum salary of \$720 leaves the carrier for his first year's service the sum of \$390. Out of this amount he must pay for the feed of his team while at home and on the road; he must pay for the shoeing of his horses, for the necessary repairs to his harness, wagon, and uniform which, at a very reasonable estimate, would be \$250 per annum. Therefore deduct this \$250 from the amount before stated, \$390, and the carrier has the munificent sum of \$140 left as his first year's salary.

While it is not the duty of Congress to provide unreasonable salaries for any Government employees, yet I insist that reasonable living salaries should be provided for all, and I am fully satisfied that the sound judgment of our people will heartily approve and commend the action of Congress in doing so.

Every State and Territory in this country now has rural free delivery. Probably there is not a Member of this House but has more or less of this service in his district. Each of us know the character of our young men engaged in this service. We know the expenses to which they are subjected and the hardships they have to undergo in the performance of their duties. It will not do to say that if a carrier is not satisfied with his job and the salary provided for him, let him resign, and that there are many others who would like to have his position. Such is not a business way to consider this matter. Let us look at it as sensible men and, presumably, intelligent legislators and act accordingly.

legislators, and act accordingly.

All of us know something of the hardships and exposures to which every carrier is subjected. No difference what the weather may be, nor what the conditions of the roads are, the rural carrier makes his daily round, breasting whatever storms may come, and always promptly and efficiently performing his duty. He is always welcomed by the man in the woods and on the farm. As they receive their mails at their own doors they feel they are not forgotten, but realize that this great Government looks after and provides for the welfare and convenience of not only the wealthy, but the poorest and humblest of its elitions.

If there is one thing in which I have taken more pride during my service as a Member of Congress than over all other acts I have performed, it is that long before this service was established I earnestly and persistently advocated same, and I am more than glad that I have lived to see this service, which, when I first advocated it, was regarded by many as a wild and visionary scheme, impossible of being carried into effect, ripen into a permanent branch of our Government.

And while the committee has declined to increase the salaries of rural carriers, as recommended by the Committee on Post-Office and Post-Roads, I trust we may secure such relief in the Senate, and should we secure same there, that every Member may assist in sustaining it before the committee of conference and in this House. [Prolonged applause.]

The Clerk read as follows:

The Postmaster-General shall cause a record to be kept from July 1 to December 31, 1907, inclusive, of the weight in pounds, respectively, of first-class, second-class, free, paid-at-the-pound rate, and transient, third-class, and fourth-class matter and all franked and penalty matter and the equipment carried in connection therewith.

Mr. MANN. Mr. Chairman, I reserve the point of order. Mr. Chairman, I do not know whether the gentleman would prefer to have this paragraph and the next considered together or not.

Mr. OVERSTREET of Indiana. It is all of one part.

Mr. MANN. Whether they could be separated if the first went out, and the second could be perfected easily so as to provide for the first. The first paragraph provides for a six months' period, which, it seems to me, with due deference to my friend, would be a very expensive proposition. As to the provisions of the paragraph which has not been read, for ob-

taining certain data for thirty days and seven days, there may be very great justification, but it seems to me it would be very expensive and very annoying for the actual service, at least in the large cities, to endeavor to carry out the provisions of the first paragraph.

Mr. OVERSTREET of Indiana. Mr. Chairman, it was found in the investigation made by the Postal Commission authorized at the last session of Congress that the Government was woefully deficient in accurate information relative to the various statistics to which the Government is entitled with reference to the mail service. There is no data that has much credit to it upon which you can base any opinion at all as to the weight of the various classes of mail, their relative proportion to the distances hauled, or anything else that ought to make up the various elements or factors in determining the cost to the Government. These several provisions that are now before the committee are for the purpose of ascertaining as complete and as nearly an accurate statement of facts as can be secured. Therefore recommendation is made for a weighing for the period of six months, generally, of all mail, in order that we can have the accurate statistics relative to weight, and then a weighing for thirty days during that period of six months from certain specified offices in order to ascertain the average haul of the various classes of mail from those specified offices, and, during that period, for seven days with each separate class of mail a counting of each separate piece and an estimate of the receipts by classes.

It is true, Mr. Chairman, this will involve considerable expense. Three hundred thousand dollars is recommended by the provision to cover that expense. But in an annual expenditure of the postal service, aggregating \$200,000,000, \$300,000 in one or two generations is not an extravagance when it is applied to the compilation of accurate statistics.

We tried six months' weighing for a period ending December 31 last of second-class matter alone. It was found that much information was secured by that weighing. There were no statistics available showing separately the elements of the second-class matter of mail, nor the average haul of those various elements. There was not any available information of what the difference was in respect to the handling and carriage of the daily newspapers and the monthly periodicals. How much more important is it, Mr. Chairman, that we should have statistics showing the relative proportion of the various classes of mail, the relative haul from the main post-offices of the country at which the largest proportion of the mail is entered of the different classes of mail, and the other statistics which are to

be obtained by this provision.

We have not reasonable statistics for estimates for the coming year, and without these statistics there is a woeful absence of a proper distribution of the cost of the service; and it is felt, therefore, Mr. Chairman, that while there may be differences of opinion concerning the charges upon the different classes of mail, and there may be a variety of convictions as to what should be entitled to the mail, yet there should be no difference of view with respect to modern business methods of applying the different elements of cost to the various characters of service. But you can not ascertain these elements of cost in the absence of accurate statistics; and this provision and the several paragraphs following are for the purpose entirely of putting into the possession of the Government for the information of Congress this information upon which it can be able to base some sensible and reasonable estimates and to assign and locate some of the elements of cost for the various characters of service rendered. I believe that a closer study of the recommendation will bring each individual Member to the same conclusion; and I trust that there may be no disposition to avoid a compilation of this valuable information.

The CHAIRMAN. The time of the gentleman has expired. Mr. TIRRELL. Mr. Chairman, the remarks of the chairman of the Post-Office Committee relative to the ignorance which now prevails as to the weighing that is carried on in post-office matters by the railroads of this country is also equally applicable to the carriers of both city and country as to the amount of work that they do and the details of their work, on which their salaries and their promotions should be based.

I have in my possession, however, detailed information, which has been collated in the New England States, bearing upon this subject, but collated too late to submit to the Post-Office Committee when this bill was being formulated. In fact, these statistics have not yet been submitted to the Department itself.

Now, the postmasters of New England, not for the purpose of controlling or raising their own salaries, but for the purpose of ascertaining what would be a fair and just salary for the clerks—those in the cities and those in the country in those States—made an investigation of all the work done by the car-

riers, both in the cities and in the towns. By city carriers I mean carriers in towns where the population is 75,000 and over, and by country carriers I mean carriers who are engaged in offices where the receipts are under \$50,000. Now, there are in New England 139 of these post-offices, of which 11 are in cities of 75,000 or over, where the carriers receive a maximum salary of \$1,000 per annum. There are . 123 offices in cities of less than 75,000 population, where the maximum salary is \$850 per annum. In the week ending December 8, 1906, in 9 of the offices out of 11 where the population was 75,000 or over this computation was made, and in 83 of the 123 offices where the receipts of the office were \$50,000 or under a like computation In the 9 offices to which I first referred, 10 carriers was made. were selected as a fair average of what the whole work would be. In the 83 offices to which I referred every one of the carriers made a detailed report of all the work they did. I desire to submit to the committee the result of that, as it is of the utmost importance in determining what is fair and just in the readjustment of this entire matter.

Now, then, they inquired first as to the weight which each one of the carriers took around with him every day. They inquired, in the second place, into the number of persons these post-office pieces were delivered to. They inquired, in the third place, the length of the route that each one of the carriers went. They inquired, in the fourth place, the condition of the sidewalk, street, and post-office boxes; and they inquired, in the fifth place, in relation to the domestic expenses which the carriers

were under.

In the nine city offices I have referred to, five used ten carriers in this test, one used nine carriers, one used twenty carriers, and in Providence, R. I., and New Bedford, Mass., the mail was weighed by the entire force.

Now, I want to call your attention to the result of this, as I

think it is very startling and surprising. At least it was to me.

First, in regard to the weight which the carriers in the city and country post-offices deliver: We find that the weight carried by the city carriers, who receive a maximum salary of \$1,000 per annum, was 78.06 pounds per day, which they delivered daily. They delivered to 1,650 people. They traveled 10.67 miles.

Now, we will take the country carriers and see what work

they did on the same days.

[The time of Mr. Tirrell having expired, by unanimous consent, at the request of Mr. Alexander, it was extended five minutes.1

Mr. TIRRELL. The carriers receiving \$850 as a maximum salary delivered 66.32 pounds, slightly less in weight than the amount delivered by the city carriers, but they delivered to 1,735 people, or 85 more people than the city carriers deliver to. They traveled a distance of 2.83 miles more each day than the city carriers—that is, those carriers who are receiving a maximum of \$850 a year, while they carried somewhat less in weight—not very much less, but some—delivered to more people, and they traveled nearly 3 miles a day more than the districts traveled by the city carriers.

Not only that, but of course the condition of the sidewalks and the streets in these country towns is much worse than in the larger cities. Then there must be taken into consideration the fact that they have to run up steps and ring bells and open doors, all adding to their work, and establishing the fact that the country carrier in the offices where the maximum pay is \$850 does more work and harder work and works for the same length of time as the city carrier who receives the larger compensation.

Mr. SOUTHARD. How many people did they deliver to each

Mr. TIRRELL. Over 1,700.

Mr. SOUTHARD. On the average?
Mr. TIRRELL. Yes.
Mr. SOUTHARD. That can not be, can it?
Mr. TIRRELL. Yes; that is the report.
Mr. SOUTHARD. Their routes are established on the basis of 100 families. There could scarcely be 17 persons in each

TIRRELL. This is the official report. The gentleman must remember we are not speaking of the rural free-delivery carriers, where 100 families are requisite to establish a route, but of free-delivery carriers.

Now, there is another matter which is a more convincing argument than the one which I have submitted. Taking the largest cities in New England, outside of the cities of Boston and Worcester, we have the following statistics as to the amount of work done each week by these carriers. Take the city of Providence, which has a population of 212,000; the average weight which they carried was 62.33 pounds per day. In

New Bedford, with a population of 78,000, they carried 64.25 pounds per day. The other cities I will tabulate for conven-

	Number of pounds.	Population.
Portland, Me Holyoke, Mass Lawrence, Mass Salem, Mass Waterbury, Conn Newton, Mass. Pawtucket, R. I	65.00 66.54	60,000 52,000 70,000 38,500 67,000 40,000 43,391

The average in Providence, R. I., and New Bedford is 63.30 pounds per day, and the seven remaining offices 63.66, or 0.36 pound more, so that, taking these large cities, even the average weight is 2.66 pounds per day less than the weight carried by the country carriers, although, taking all the cities of New England, the weight is slightly in excess of the amount carried by the country carriers.

Now, I submit these facts for the consideration of the committee, and I shall extend my remarks in the RECORD, giving them more in detail, as I have not the time to give them here.

Mr. GARDNER of Massachusetts. If I understand my colleague correctly, the carriers in the small cities do just as much work or more work than the carriers in the city of New York, do they not?

Mr. TIRRELL. Substantially the same.

Mr. GARDNER of Massachusetts. And the cost of living in the smaller cities and large towns of my State is as great as in the city of New York, is it not, except in the matter of rent?

Mr. TIRRELL. It is more in these small towns than it is in the city of Boston-I am not conversant with the New York situation—as I can demonstrate if I have the time. In the country towns of Massachusetts it is more than it is in the city of Boston.

Mr. GARDNER of Massachusetts. And yet the maximum salary attainable in this bill in a small city or in a large town is \$200 less than the amount carried for the carriers in the city of Boston. The carriers in the city of Lynn, for instance, would get \$1,100, and in the city of Beverly only \$900. Now, is there

any justice in that inequality? Mr. TIRRELL. That is no justice, and the postmasters of New England, who have no interest in this matter as far as their own salaries are concerned, who have investigated this subject for the purpose of having justice done to their carriers and their clerks, have demonstrated it by irrefutable evidence, contained in these statistics which I have given. If it is contended that it costs the city earrier more to live than the country carrier, I admit that as to rent this is true, as the data upon this item was obtained in the examination where it was found that the city carrier paid on the average \$3.38 more per month, or about \$40 per year. But this is more than offset by less prices for other necessities, for the city carrier has the advantage of department and cut-price stores where almost every-thing indispensable in the family can be purchased at lower prices, and in many cases at a great reduction, so that, take it all in all, in these particulars he is better off.

Again, as to the clerks in these offices whose salaries and promotions are based on a similar scale there is about the same disparity-clerks employed in offices where the population is less than 75,000 in New England receive an average salary of \$794.40 per annum, and those employed in cities whose population is 75,000 or more receive an average salary of \$881.29 per annum. But the clerks in the smaller offices are employed on the average nine hours and twelve minutes a day, or forty-five minutes longer than in the larger offices. In some of the smaller offices the day is even longer, running up to eleven and twelve onces the day is even longer, running up to eleven and twelve hours a day. I presume the same ratio prevails in other sections of the country, for the same conditions substantially exist in connection with the same grade of office and the work is so arranged that under the rules but little differences would result. Therefore it seems unfair that clerks in second-class offices shall not receive more than \$1,000 unless unusual conditions. tions prevail, and still more unfair that in offices where the receipts may be considerably under \$50,000 per annum \$900 should be the limit. Any readjustment should treat all without prejudice. Longer days and less salary is an anomalous arrangement, militating harshly against the country clerks. will not meet the approbation of the country. Inadequate as salaries may now be, greater satisfaction would ensue even if salaries were reduced if all were treated alike in every grade where substantially the same amount of work and time are given. Neither population nor receipts are a just basis on which to make a permanent law. Equal pay for the same or equal

work is the just method to treat a public service, for the ancient maxim that has come down to us from the days of Virgil is still true, and the only maxim by which a republic should treat its servants, "Trojan and Tyrian shall be treated by us without discrimination.

Mr. OVERSTREET of Indiana. Mr. Chairman, I move that all debate on the pending paragraph and amendments thereto

be closed.

Mr. Chairman, there is a point of order pending. The CHAIRMAN. The Chair will first dispose of the point of order. Does the gentleman insist on his point of order?

Mr. MANN. Will the Chair hear me a moment?
The CHAIRMAN. The Chair is ready to rule.
Inclined to rule with the gentleman from Illinois.
Mr. MANN. I understand. The Chair is

Mr. OVERSTREET of Indiana. I think if the gentleman from Illinois may be heard, he will not insist on the point of order, and I hope he will not insist upon it.

The CHAIRMAN. The Chair will hear the gentleman from

Mr. Chairman, I want to ask the gentleman in charge of the bill if he is thoroughly satisfied that the provision in the bill for the appropriation will provide sufficient funds for the carrying on the postal business if this item remains in the bill? This particular item covers, first, the weighing in different classes of one of each of the four different classes of mail and free matter, and in addition the frank and penalty matter, as well as the equipment. Each of these will require a considerable force in all of the large post-offices, and some force, of course, in all of the small ones. In addition to that there is a specific requirement for the seven days or for the thirty days, and it does not seem to me that \$300,000 or \$3,000,000 will cover the But if the gentleman from Indiana is willing to assure us that, in his opinion, ample provision is made in the bill so that the postal service itself will not be interfered with, and so that if the amount is not sufficient we have just grounds next fall for going before the Committee on Appropriations for a deficiency, I am willing to withdraw the point of order. objection to obtaining the information, but I decidedly object to crippling the postal service in the way it has been crippled for a number of years in the past when similar efforts of the same sort were undertaken.

Mr. OVERSTREET of Indiana. Mr. Chairman, in answer to the gentleman from Illinois I will say that when the amount which was thought to be necessary to cover this expense was under consideration, inquiry was made of the Second Assistant Postmaster-General to ascertain what would be the proper sum. Inasmuch as the weighing of the mail each year in some sections of the country is under the jurisdiction of the Second Assistant Postmaster-General, he ought to be, and doubtless is, better advised than any other individual relative to the cost. He stated that he thought not in excess of \$250,000 would cover these expenses without interference with the regular and proper

administration of the postal service.

Out of abundant caution, in order that there might not be any interference with the proper administration of the service, the committee has recommended \$300,000—more than was estimated by the Department. I certainly would share with the gentleman from Illinois any criticism that would operate by reason of this or any other provision to the impairment of the service. It is believed, however, that this compilation is in the interest of better service in the future, and the expenditure is a very light expenditure in view of the value of that informa-

Mr. MANN. Mr. Chairman, I withdraw the point of order. The CHAIRMAN. The gentleman from Indiana moves to close debate on this paragraph and all amendments thereto.

The motion was agreed to. The Clerk read as follows:

The Clerk read as follows:

For thirty days during such period he shall require a record to be kept of the weight of each of the classes above specified dispatched from such post-offices as he shall determine to be representative for the purpose and have computed thereon, in the most practicable way, the average haul of the mail of the different classes and subclasses as hereinbefore set out. For seven days during such period he shall cause a record to be kept of the revenue received from each of the classes and subclasses of mail matter hereinbefore specified and a count of the number of pieces of each class and subclass, showing also for the first class the number of letters, postal cards, and other matter separately, and for thirty consecutive days during such period he shall cause a record to be kept for the purpose of ascertaining the average load of railway post-office cars other than storage cars, the average load of storage cars, and the average load in compartment cars.

Mr. HIMPHREY of Washington, Mr. Chairman, I move to

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. I trust that the increase for the rural free-delivery carriers will be kept in the bill when the rule is reported to the House. I wish to state that it is not only justice to the carriers but is the saving of the system. On the Pacific

slope several routes have had to be discontinued on account of insufficient pay. Several have been discontinued in western Washington within the last two months, it being impossible to get anyone to perform the service for the pay now given. In several instances, in order to keep the routes from being discontinued, the patrons have subscribed a sufficient amount to make it possible for the carriers to continue the work. I ask leave to insert an editorial upon the subject from the Seattle Post-Intelligencer, one of the leading papers of the Northwest, in its issue

of Sunday, February 3, 1907.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to insert the editorial referred to. Is there

objection?

There was no objection.
The editorial is as follows:

R. F. D. CARRIERS' PAY.

R. F. D. CARRIERS' PAY.

The day is long since past when it was necessary to argue the reasons for establishing the rural free-delivery service. Its effectiveness and efficiency have never been disputed. That it has proved to be the most valuable means to that most desirable end, keeping the farmer's boys on the farm, lightening the labors of the farmer's wife, adding to the farmer's comfort and happiness, increasing the attractiveness of the country as opposed to the attractions of the congested urban districts, has been proved time and again and is beyond dispute.

In the last annual report of Postmaster-General Cortelyou he recommends an increase in the rural carriers' pay. He asserts that the service increased the bulk of first-class mail, also of second-class mail. He showed that during the past year rural carriers resigned at the rate of 370 a month, and that since June 30, 1906, this rate has materially increased. The reason he ascribes is the increased cost of providing and maintaining conveyances necessary for the carrier. The Postmaster-General asserts that a conservative estimate of the cost of a suitable conveyance is \$300 per annum, leaving a carrier, who receives the maximum salary and whose duties require an entire working day, an average of but \$1.25 to \$1.35 per day for his labor.

entire working day, an average of but \$1.25 to \$1.35 per day for his labor.

Ten years ago the services of rural free-delivery carriers were fixed at \$150 per annum. Within a year it was necessary to increase it to as much as \$400. Six years ago the salary was increased to \$500. In 1902 it was provided that their salaries should not exceed \$600 per annum, and two years ago the maximum compensation was fixed at \$720 per annum, and carriers were required to confine their occupation strictly to carrying within the hours of service.

The Fourth Assistant Postmaster-General in his report urged that the salaries be raised to \$900 at least. To carry the recommendation of the Postmaster-General and the Fourth Assistant into effect, Congressman Humphrey introduced the bill fixing the salary at \$900 and allowing \$150 for maintenance. Congress should not hesitate to enact a law at this session before adjournment, whether it be the Humphrey bill or another, which shall provide adequate compensation for this most necessary, most arduous, and most underpaid of Government employments. If it should fail to do so there is considerable reason to believe that the failure of Congress to act would bring down on the heads of Congressmen not only merited denunciation, but punishment. The rural free-delivery service is one of the most valuable agencies for civilization and progress yet established by the Federal Government. It is approved by the people; it meets opposition only from a few limited, special, corporate interests. The people demand the service, yet without adequate payment for the carriers the service can not be had. It is up to Congress to remedy the defect.

Mr. BEALL of Texas. Mr. Chairman, I hope that the item

Mr. BEALL of Texas. Mr. Chairman, I hope that the item proposing an increase of pay to the rural carriers that has been stricken out of this bill upon a point of order will be restored

before its final passage.

I am opposed to extravagance of every kind. I protest against the flood of wasteful extravagance that is sweeping over every part of this Government. Less than twenty years ago this country was appalled when it realized that the expenses of this Government for two years had reached the enormous total of \$1,000,000,000.

Now, at this session of Congress, a short session of only three months, appropriations are being piled up until they will amount to \$1,000,000,000 almost for the maintenance of the

Government for only one year.

But, Mr. Chairman, I do not consider it extravagance to give the rural carriers a reasonable increase of pay. It is but justice to them and justice to the people whom they serve. The carrier who delivers the mail in a city or town, who does not suffer the exposure to which the rural carrier is subjected, and who is not compelled to provide and maintain two or three horses and a wagon receives on an average much more than the rural carrier.

The rural service has become a necessity for our people and is serving as a great educator. It brings the people of the town and country into closer touch, making their relations more cordial, and giving each a better understanding of the other. It carries more and better literature into the remote homes of the country, making them more attractive and happing. It beings every man lets It brings every man into more intimate relations with the balance of the world, stimulating his intelligence and broadening his information. It brings to the farmer and stock raiser the daily paper fresh from the press with the news of the great world and its markets.

The rural carrier is the evangelist who delivers to the rural population these great blessings. Under present conditions the maximum pay allowed him is \$720. It is not enough. It should be at least the amount of \$840 originally contained in this bill. I do not believe \$900 would be too much. He is compelled to provide himself with an outfit that is costly to procure and expensive to maintain. The Department estimates that the average annual cost to the carrier is not less than \$300 to \$340 per year, leaving him at present from \$380 to \$420 per year for his own services

No one doubts that he has to endure great hardships. compelled to go without regard to weather or roads. The midday sun of summer may beat down upon the dusty roads, but the carrier must patiently go his way. The clouds may pour out their torrential rains, but he can not stop. The awful cold of winter may drive all others to their firesides for warmth and comfort, but he must face the blast.

He is one of the heroes of peace, and I would reward him with an increase of salary in recognition of his splendid service at present and as an encouragement to even better service in the future

Mr. OVERSTREET of Indiana. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be closed.

The motion was agreed to. The Clerk read as follows:

That there shall be appointed a joint commission of Congress, consisting of three Senators to be appointed by the President of the Senate, and three Members of the House of Representatives to be appointed by the Speaker of the House, whose duty it shall be to make an investigation into the entire business system of the Post-Office Department and the postal service, including the methods of accounting and expenditure in force in such Department and service, with a view to determining what changes or improvements should be instituted in the organization and conduct thereof, and whether a system may not be devised for dealing with the revenues and expenditures of the Post-Office Department and the postal service so that the operating expenses thereof may be separated and assigned to the various classes of mail matter transported by that service in such manner as to show the true cost of the transportation, handling, and delivery of each class of mail matter and of the various subdivisions of such classes, as well as the true cost of each of the special services rendered the Government and the public by the postal service.

Mr. MURPHY. Mr. Chairman, I make the point of order on that paragraph. It is new legislation and clearly out of order on an appropriation bill.

The CHAIRMAN. Does the gentleman from Indiana desire

to be heard on the point of order?

Mr. OVERSTREET of Indiana. Mr. Chairman, I merely want to say that in the interests of the proper administration of the postal service it is believed by all who have given it any consideration at all that we ought to have some expert professional service rendered in trying to find out the best business methods that can be applied to the service. It is impossible to apply that can be applied to the service. It is impossible to apply these proper methods unless some commission or committee devotes sufficient time and energy to the investigation. This recommendation is undoubtedly new law. It is subject to a point of order. It is placed in the bill, however, Mr. Chairman, in the hope that Congress may obtain at the next session of Congress the recommendations of some of the best professional experts in the country as to the proper methods to apply in the postal service, with a view to economy and the benefit of the service generally.

Mr. MURPHY. Will the gentleman yield for a question?

Mr. OVERSTREET of Indiana. Certainly.

Mr. MURPHY. Did not we have a postal commission last

Mr. OVERSTREET of Indiana. That was with reference entirely to second-class matter. The result of that inquiry is one of the reasons for this recommendation-for the purpose of going into the entire subject of the Post-Office Department,

Mr. STAFFORD. Will the gentleman yield?

Mr. OVERSTREET of Indiana. I yield for a moment.

The CHAIRMAN. Does the gentleman from Missouri insist upon his point of order?

Mr. OVERSTREET of Indiana. I yield to the gentleman from Wisconsin [Mr. Stafford].

The CHAIRMAN. But the gentleman from Missouri does not

reserve his point of order. He makes the point of order.

Yes; I make the point of order.

Mr. STAFFORD. I understood the chairman of the committee had the floor and was addressing the Chair, and I asked the gentleman whether he would yield.

The CHAIRMAN. But the gentleman from Missouri has since then indicated to the Chair that he desires a ruling.

Mr. OVERSTREET of Indiana. Mr. Chairman, I ask the gentleman to reserve his point of order.
Mr. MURPHY. I will reserve the point of order.
Mr. OVERSTREET of Indiana. It is entirely in the interest

of good government, and I do not think the gentleman intends Mr. STAFFORD. From the nature of the inquiry to be made

by this commission, would it be a desirable berth for any Senator or Representative to seek appointment on this commission?

Mr. OVERSTREET of Indiana. By no means. I will state to the gentleman from Missouri [Mr. Murphy], if he has an idea that this is offered in the interest of some personal advantage. I hope nobody will consider my name in connection with that work. Somebody must do the work or else we will never reach any proper business methods in this service.

Mr. GAINES of Tennessee. The gentleman has stated very

clearly that the whole committee believes that the public service requires this, and the gentleman has also intimated that it is subject to a point of order. Will the gentleman tell the committee why the Post-Office Committee has not reported such a matter in a separate bill?

Mr. OVERSTREET of Indiana. On account of the limited time of the session. It was impossible for this committee to take care of all of the work before it and make its recommendation in an independent measure.

Mr. GAINES of Tennessee. Why didn't the committee re-

port at the last session?

Mr. OVERSTREET of Indiana. Oh, it was not under consideration; it was embodied in the post-office appropriation bill at the last session of Congress for a commission to investigate second-class matter.

Mr. GAINES of Tennessee. I will guarantee that there will not be a single vote against the bill if the gentleman will bring

in a separate measure. It ought to be done. Mr. HARDWICK. What has become of the report of the present Postal Commission?

Mr. OVERSTREET of Indiana. The report was made to Congress and referred to the Post-Office Committee. The evidence has been printed, but on account of the amount of work before that committee and the limited time of the session it has not been taken up.

Mr. HARDWICK. Just one further question. Now, is it the proposition of the committee at the next session of Congress to take up that report and dispose of its recommendations as

to second-class mail matter?

Mr. OVERSTREET of Indiana. That is a matter that has not been considered. It is entirely within the province of the committee, but the gentleman will understand that the next session of Congress will be a new Congress, and it may be an

entirely new committee.

Mr. HARDWICK. Well, that may be true as a matter of fiction, but as a matter of fact I expect the committee will be

pretty much the same.

Mr. OVERSTREET of Indiana. I meant that no arrange-

ment could possibly be made.

Mr. HARDWICK. I meant to ask if it was the intention of the gentleman to do that?

Mr. OVERSTREET of Indiana. That is all I have to say, and I will be glad to have the gentleman from Tennessee [Mr.

Moonl recognized.

Moon recognized.

Mr. MOON of Tennessee. Mr. Chairman, I do not desire to speak on the point of order, because it is evidently well taken, but rather to appeal to the good judgment of my friend from Missouri who makes the point of order, and if possible show him some reasons why the point of order should not be made now, in the interests of good government. This is unquestionable the good to be appeared to the Covernment the most over the covernment. ably the greatest Department of the Government, the most expensive Department of the Government, although it bears largely its own expense. Only ten years ago, Mr. Chairman, the post-office appropriation bill carried eighty-nine millions of money, and to-day that bill carries two hundred and nine millions of money, more than double in a decade. We have seen about 40,000 officers added to the service of that Department in ten years past. The postal service has spread into every part of the United States, and its foreign mails reach every civilized government in the world. Yet the business methods of the Post-Office Department are antiquated. We will yet see under the present conditions, if there be no change there, an increase in this bill in another decade to probably three hundred millions of money, when a proper and businesslike administration of this branch of the Government, having a monopoly of carrying the mails, ought to produce an annual revenue of \$25,000,000 surplus. Now, let me ask the gentleman from Missouri, or any other gentleman upon this floor, how it is possible for this Department to succeed as a business institution, although it be a monopoly, with the present manner of transacting business? Who can tell the true cost of the transportation of the mails of the United States? We know what we pay, but not what we

should pay. Who can tell the cost of first-class matter in transportation or handling or delivery

Mr. MURPHY. Mr. Chairman—
The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. MOON of Tennessee. I do.

Mr. MURPHY. I withdraw the point of order. The CHAIRMAN. The point of order is withdrawn.

Mr. MOON of Tennessee. Mr. Chairman, I desire to say nothing further if the point of order is withdrawn.

Mr. MACON. Mr. Chairman, I renew the point of order. The CHAIRMAN. The gentleman from Arkansas desires to

renew the point of order. The Chair will recognize him for that purpose, and the Chair will sustain the point of order.

Mr. MOON of Tennessee. Will the gentleman from Arkansas reserve his point of order for a moment?

Mr. MACON. I will be delighted to do so.

Mr. MACON. I will be dell Mr. MOON of Tennessee. Mr. Chairman, I hope my friend from Arkansas will not put himself in the unenviable position of destroying the best interests of the people and the postal revenues of the Government of the United States. I was proceeding to say when the gentleman from Missouri withdrew the point of order that it is impossible under the present system in vogue for the Post-Office officials to tell the cost of transportation, the true cost of transportation, the true cost of handling, or the true cost of delivering of any of the four classes of mail

Mr. SOUTHARD. Will the gentleman yield?

Mr. MOON of Tennessee. I did not hear the gentleman.

Mr. SOUTHARD. Will the gentleman yield?

Mr. MOON of Tennessee. Yes. Mr. SOUTHARD. This provision appoints three Senators and three Representatives?

Mr. MOON of Tennessee. Yes, sir.
Mr. SOUTHARD. Would it not be better if it appointed some one who had experience in the conduct of post-office

Mr. MOON of Tennessee. I will answer that inquiry in the

course of the remarks I shall make in a moment.

Mr. Chairman, I assert that the Postmaster-General himself can not tell, nor can any man in his office, or any Senator or any Representative in the United States inform us within \$10,000,000 the legitimate cost of the transportation of the mails The Postmaster-General has been before in the United States. the committee, and he has confessed his inability to give us information on this point. His Department confesses inability to tell us the relative weight of the mails and the cost of transportation. It is impossible to correctly ascertain the annual weight of mail under our system. What a chaotic condition it must be in any business concern, particularly a concern engaged in the transportation, handling, and delivery of mails, when you can not approximate by any system of bookkeeping we now have, or any method of computation, the cost of carrying mail, the correct weight of mail, and what the cost of the administration ought to be.

Now, to answer the question propounded to me by the gentleman, it is not assumed that the three Senators and the three Representatives, without experience in this matter, can of themselves determine the proper policy without proof. sion, among other provisions, is that there shall be appointed three expert accountants, who shall, with other officials, over-haul the Department and suggest the economies that ought to be practiced in it. The commission is but a tribunal to hear the proofs and reports and professional suggestions, then state their conclusions, and submit their judgment to the House on the ques-

tions involved.

There are no checks in that Department of sufficient character in one division against another. There are not divisions in that Department for the proper transaction of business in determining the essential facts that ought to be known in estimating costs. Can it be possible that this Department—with the law in the condition that it is in, changing from year to year, new statutes passed without relation to the old ones—can determine correctly its power and jurisdiction on the many complex and confusing questions submitted to its decision? The question of authority of the various officials of the Department is one that is questioned not only by the people, but by the courts and by this body. There never was such chaos, there never was such confusion in any Department of Government as in the Post-Office Department of the United States. It has only been a year or so, Mr. Chairman, since the people of this country were humiliated on account of the frauds found and practiced in that Department—things that would have been impossible under proper, methodical, scientific, and modern businesslike methods in that office. There must be ultimately some one connected with the Post-Office Department who

has possession of all the facts and of the law, and who can take one broad, comprehensive mental grasp of the whole situ-ation, before there can be good results in the administration of that Department. A commission can adopt, after exhaustive hearings, a wise, economical, and judicious plan of postal administration.

The CHAIRMAN. The time of the gentleman has expired. Mr. MOON of Tennessee. Mr. Chairman, I ask for three minutes more

The CHAIRMAN. The gentleman from Tennessee asks for three minutes more. Is there objection?

There was no objection.

Mr. MOON of Tennessee. In view of this situation, Mr. Chairman, in view of the fact that the Department itself confesses to these conditions before the committee, and in view of the fact that the Department and the committee recommends this legislation, it would be very unwise, in my judgment, on the part of any man in this House to obstruct the progress of this Government and prevent for one moment the consummation of a plan or system that would protect the revenues of the people of the United States. I believe the gentleman, i. making the point of order, certainly was inconsiderate. I think the genof the United States. theman, in making the point of order, certainly did not understand the situation in this Department. He is a just man. He is an honorable man, and he is devoted to the interests of the country. He can make nothing for himself nor for his constituents by the interposition of a technical objection which will for a long period destroy the best interests of the Government he is sworn to protect. I ask him to withdraw the point of order. [Applause.]

Mr. MACON. Mr. Chairman, I want to explain my position on this question once and for all. I have tried to be consistent in the matter of opposing all office-creating and salary-raising legislation upon appropriation bills. The provision that I object to in this part of the bill is found in this paragraph which proposes to create a lot of new officers, and that was why I made the point of order against the first paragraph, because the whole proposition is to be taken together. I will read the para-

graph:

Such Commission is authorized to employ experts-

The gentleman from Tennessee said "accountants." This says "experts"-does not limit the number-

says "experts"—does not limit the number—
including statisticians, accoratants, auditors, and persons experienced in traffic management, to aid in the work of inquiry and examination; also to employ a secretary, disbursing officer, clerks, stenographers, and such other assistance as may be necessary, said experts, secretary, clerks, and employees to be paid such compensation as the said commission may deem just and reasonable.

Mr. MOON of Tennessee. Will the gentleman from Arkansas allow me to interrupt him for a moment? When I said accountants, speaking in a general way, I had reference not only to them but to the whole bill, covering all the employees mentioned and necessary to the work of the Commission. The gentleman will recollect that this is an immense undertaking. These tleman will recollect that this is an immense undertaking. officials are absolutely necessary to a proper comprehension of the situation and to aid the Commission in reaching a proper conclusion.

Mr. MACON. If the gentleman from Tennessee says that he has made

Mr. MOON of Tennessee. The gentleman must remember that this is a subject involving more that \$200,000,000 of the

people's money.

Mr. MACON. If the gentleman from Tennessee will saybelieve he did say-that he has investigated this matter thoroughly as a member of the Committee on the Post-Office and Post-Roads, and that in his judgment all the officers, clerks, and so forth, set forth in this paragraph are actually needed in order to carry out the project that is contemplated, and that the project itself is vitally necessary to the proper conduct of the post-office business, I will withdraw the point of order.

Mr. MOON of Tennessee. I will say to the gentleman from Arkansas that my recent experience as a member of the Postal Commission looking into second-class mail matter, which is a very limited matter of consideration compared to the questions involved here, justifies me in saying that the enormous proportions of this work are such that not only those that are here mentioned will be needed to put this Government into a more methodical and economical way of transacting its business in this great Department, but possibly greater expense may be en-

Mr. MACON. Mr. Chairman, I still insist that it is improper to legislate upon appropriation bills in a general way. notice that in doing it we never have any legislation of that kind for the benefit of the agriculturists of the country. Only the other day, when the agricultural appropriation bill was before this House, I offered an amendment to that bill to put a stop to dealing in futures in agricultural products, but that went out on a point of order very promptly, gentlemen not being willing to allow the farmers to even control the price of their own products. And, sir, not a single Member of the House came to my aid in my efforts against the point of order made

against it. No; not one.

In the same bill, when we reached a provision making an appropriation for the purpose of investigating and exterminating, if possible, the boll weevil that is preying upon the cotton product of the South, a point of order was promptly made against it by Mr. Fitzgerald, of New York, and none of the gentlemen were heard to complain of his act; and when the paragraph making an appropriation for the extermination of the gypsy moth that infests the whole of New England was reached it shared the same fate. These provisions were in the interests of the agriculturists, the producers, the bread makers, and the breadwinners of the country; but gentlemen could not afford to allow them to become law, because they would better the conditions of the real supporters of the world.

No, no; Mr. Chairman, the farmers can not be legislated for in this House upon appropriation bills, but almost every other interest can. I deplore the condition more than I can express,

and I earnestly protest against its continuance.

Mr. Chairman, I now withdraw the point of order. [Applause.]

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Such commission is authorized to employ experts, including statisticians, accountants, auditors, and persons experienced in traffic management, to aid in the work of inquiry and examination; also to employ a secretary, disbursing officer, clerks, stenographers, and such other assistance as may be necessary, said experts, secretary, clerks, and employees to be paid such compensation as the said commission may deem just and reasonable. The Postmaster-General shall detail from time to time such officers and employees as may be requested by said commission in its investigation.

Mr. OVERSTREET of Indiana. Mr. Chairman, I offer the

amendment which I send to the Clerk's desk.

The Clerk read as follows:

line 24, strike out "experts" and insert "expert professional service.

The amendment was agreed to.

Mr. CROMER. Mr. Chairman, I move to strike out, in line 3, page 34, the word "disbursing;" and in line 4, the word "officer."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 34, in lines 3 and 4, strike out the words "disbursing officer."

Mr. OVERSTREET of Indiana. I hope that that will not be I can explain in a moment. Here is a provision for an expenditure of money following an investigation to be controlled by three Senators and three Representatives. Of course that money is to be handled by some proper disbursing officer. You can hardly expect one of the members of the commission, in addition to his other duties, which he must properly perform without any charge whatever, to undertake the disbursement, the keeping of books, and the management of the fund. It is in the interest of the proper management and disbursement of that

I think my colleague would not expect, if he were to be appointed a member of the commission, as I would be very glad if he would be, that he should be required personally to care for that fund and see to the pay roll and look after the dis-bursements. A disbursing officer is always provided for a commission; he gives bond and has the handling of the money, and I hope the amendment will be voted down.

Mr. CROMER. There was no disbursing officer for the com-

mission that was created last year.

Mr. OVERSTREET of Indiana. No; none was authorized, but we got the disbursing officer of the Senate to act for the commission without pay.

Mr. CROMER. Why could not an officer of the Department disburse the money for the commission?

Mr. OVERSTREET of Indiana. He would have to be withdrawn from the work of the Department.

What-to disburse \$75,000 for a period of Mr. CROMER.

Mr. OVERSTREET of Indiana. Some men can disburse that money in less time, but we want it disbursed properly.

Mr. CROMER. I think, Mr. Chairman, that this is a useless expenditure of this amount.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

Said commission is authorized to send for persons, books, papers, and documents, and, through its chairman or acting chairman or the

chairman of any subcommittee thereof, to administer oaths and to examine witnesses and books, papers, and documents respecting all matters pertaining to the duties of said commission and to sit during the recess of Congress. Said commission shall, as soon as practicable after the beginning of the first session of the Sixtieth Congress, report to Congress such conclusions, recommendations, and plans as said commission may see proper to make by bill or otherwise. The sum of \$75,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid out on the audit and order of the chairman or acting chairman of the said commission, which audit and order shall be conclusive and binding upon all Departments as to the correctness of the accounts of such commission. Said appropriation shall be immediately available.

Mr. SOUTHARD. Mr. Chairman, I make a point of order

against that paragraph.

Mr. OVERSTREET of Indiana. I hope the gentleman from Ohio will reserve his point of order. This is a part of the entire scheme.

Mr. SOUTHARD. Oh, yes; I know that; the gentleman need

not tell me that. I will reserve the point of order.

Mr. OVERSTREET of Indiana. This paragraph is subject to a point of order. I hope the gentleman from Ohio heard all the arguments and persuasions which were addressed to the gentleman from Arkansas in a perfectly proper manner.

Mr. SOUTHARD. Yes; I think I heard it. The gentleman from Indiana can not affect me or my action by any reference to the action of the gentleman from Arkansas; I want the gentleman to understand that distinctly.

Mr. OVERSTREET of Indiana. If this paragraph goes out all the other provisions ought to go out.

Mr. SOUTHARD. I am aware of that. I want the committee to understand why I have reserved this point of order. I do not believe this legislation amounts to anything. I do not believe that this investigation will amount to anything. I think anybody who has ordinary judgment and discretion would say that if you are going to investigate a business of this kind you should appoint somebody to do it who knows something about it to start with. Now, we have stricken out of the previous paragraph the only part of it that amounted to anything.

Mr. OVERSTREET of Indiana. What is that?

Mr. SOUTHARD. You have stricken out the word "expert."

Mr. OVERSTREET of Indiana. Oh, no; we have made it "expert and professional service." I will say to the gentleman, if he will permit an interruption, that the plan would be to let this commission, composed of three members of the Senate and three of the House, to act as the agents of Congress and to select men who are professional experts and who have had experience to assist in the matter.

Mr. SOUTHARD. Again, at the bottom of page 33, it says "such commission is authorized to employ experts, including statisticians, accountants, auditors, and persons experienced in traffic management to aid in the work of inquiry in examina-I suppose the purpose is to hold a lot of meetings and

bring these people in and take their testimony.

Mr. OVERSTREET of Indiana. Well, that is a matter that would have to be determined by the commission. I will say that my own theory would be to employ some man of large experience in the conduct of some successful business, turn him loose to make inquiry under that authority, and let him make his recommendations to the commission.

Mr. SOUTHARD. Employ somebody who does not know anything about the post-office business to make an investigation

of the Post-Office Department?

Mr. OVERSTREET of Indiana. Some man who has had experience in large business enterprises, who will know how to

apply modern business methods to that service.

Mr. SOUTHARD. I will say that in deference to the judgment of the gentleman from Indiana [Mr. Overstreet] and some other members of the committee, I will withdraw the point of order, but I do not think that kind of an investigation will amount to anything

The CHAIRMAN. The point of order is withdrawn.

The Clerk read as follows:

That the appropriations herein made for the officers, clerks, and persons employed in the postal service shall not be available for the compensation of any persons permanently incapacitated for performing such service. The establishment of a civil-pension roll or an honorable-service roll, or the exemption of any of the officers, clerks, and persons in the postal service from the existing laws respecting employment in such service is hereby prohibited.

Mr. OVERSTREET of Indiana. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have

The Clerk read as follows:

Page 35, following line 10, insert:
"The Postmaster-General shall each year prepare and submit in his annual report to Congress estimates of the revenue and expenditure in the postal service for the fiscal year current and also for the fiscal year

next ensuing at the time such report is submitted, together with a statement of the receipts and expenditures for the preceding completed fiscal

Mr. MANN. Mr. Chairman, I reserve the point of order on

that. What does that mean?

Mr. OVERSTREET of Indiana. That means that in the annual report of the Postmaster-General he would be required to inform Congress of the expenditures and receipts for the fiscal year last past and the expenditures and receipts of the current fiscal year up to the time of the report and his general estimates on both for the ensuing fiscal year. It is merely to enlarge the scope of the information which Congress ought to have in making up the appropriation bill for that service.

Mr. MANN. The law now provides how estimates shall be sent to Congress. I am not willing that that law shall be changed, and have the Postmaster-General send his estimates direct to Congress instead of transmitting them as everybody

else does

Mr. OVERSTREET of Indiana. But this does not interfere with that.

Mr. MANN. I am not so sure whether it does or not.

Mr. OVERSTREET of Indiana. I would be glad if the gentleman would examine the amendment.

Let us hear the amendment reported again.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the Clerk again reported the amendment.

Mr. MANN. Mr. Chairman, I withdraw the point of order.
Mr. FITZGERALD. Mr. Chairman, I suggest to the gentleman that he put in a provision that it should not be construed as affecting the transmission of his estimates.

Mr. MANN. On hearing the amendment read again, I will state to the gentleman from New York, it refers only to an estimate of the revenues and expenditures of the current and pre-

vious years, and makes no estimate for the ensuing fiscal year. The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from Indiana.

The question was taken; and the amendment was agreed to.

The Clerk completed the reading of the bill.

Mr. OVERSTREET of Indiana. Mr. Chairman, the paragraph at the bottom of page 8 was temporarily passed over with a point of order pending against it. I understand that the gentleman from Missouri is now disposed to withdraw his point of order to that paragraph.

Mr. MURPHY. Mr. Chairman, I withdraw the point of

order.

The CHAIRMAN. The gentleman from Missouri withdraws his point of order.

Mr. OVERSTREET of Indiana. Then, I understand, without further action of the committee that paragraph is adopted. The CHAIRMAN. The paragraph has been read.

Mr. OVERSTREET of Indiana. I call the attention of the Chair to page 12, which was passed over by unanimous consent. The gentleman from New York [Mr. Parsons], I understand, desires to offer an amendment.

Mr. PARSONS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 12, line 8, insert after the words "chief stamp clerks" the words "special clerks."

Mr. OVERSTREET of Indiana. Mr. Chairman, I will accept that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to. Mr. PARSONS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 12, at line 19, insert after the words "chief stamp clerks" the words "special clerks."

Mr. OVERSTREET of Indiana. Mr. Chairman, I accept that amendment.

Mr. FINLEY. Mr. Chairman, I reserve the point of order.

I would like to have some explanation.

Mr. OVERSTREET of Indiana. The point is this: There are a good many employees in some post-offices under authority of employment as "clerks," at grades of thirteen and fourteen hundred dollars, some particularly designated employees like inquiry clerks, registry clerks, mail-order clerks, etc., but under the scheme of the classification, as my friend from South Carolina recalls, in order to cover those special cases, we insert the title "special clerks."

Mr. FINLEY. I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and the amendment was agreed to.

Mr. OVERSTREET of Indiana. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and the bill as amended be passed.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Currier, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25483, the post-office appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended be passed.

The SPEAKER. Is a separate vote demanded on the amend-

ments? If not, the vote will be taken in gross.

The question was taken; and the amendments were agreed to. Mr. DALZELL. Mr. Speaker, I submit the following privi-leged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania submits privileged report from the Committee on Rules, which the

Clerk will report.

The Clerk read as follows:

a privileged report from the Committee on Rules, which the Clerk will report.

The Committee on Rules having had under consideration sundry resolutions relating to the bill H. R. 25483, the post-office appropriation bill, report the following substitute therefor:

"Resolved, That immediately on the adoption of this resolution it shall be in order to consider as an amendment to the bill H. R. 25483, the post-office appropriation bill, the following:

"That hereafter clerks in offices of the first and second class shall be divided into seven grades, as follows: First grade, salary \$600; second grade, salary \$700; third grade, salary \$800; fourth grade, salary \$100.

That clerks shall be promoted successively to the fourth grade in offices where the annual gross receipts shall be less than \$50,000; and to the fifth grade in offices where the annual gross receipts shall be in excess of \$200,000; Provided, That the salary of clerks in second-class offices, except in localities where unusual conditions exist, shall not exceed \$1,000.

Except in localities where unusual conditions exist, shall not exceed \$1,000; and to fifth grade, salary \$800; furth grade, salary \$800; fourth grade, salary \$800; infir grade, salary \$800; fourth grade, salary \$4,000; fifth grade, salary \$4,000; and to the fourth grade in offices where the annual gross receipts shall be less than \$50,000; and to the fourth grade in offices where the annual gross receipts shall be less than \$50,000; and to the fourth grade in offices where the annual gross receipts shall be at least \$50,000 and not in excess of \$200,000; and to the fifth grade in offices where the annual gross receipts are less than \$50,000 and hall not exceed \$1,000 in offices where the annual gross receipts are less than \$50,000 and hall not exceed \$1,000 in offices where the annual gross receipts are less than \$60,000; and to the fourth grade in offices where the gross receipts are less than \$60,000; and to the fourth grade in offices where the grade in offices where the grade in off

year's service.

"'That hereafter auxiliary employees may be employed to be paid for actual service at the rate of 30 cents an hour: Provided, That such employees shall be required to work not less than two hours daily: And provided further, That such employees shall be eligible for appointment as clerks and carriers of the first grade.

"'That hereafter substitutes may be employed to be paid at the rate of 30 cents an hour when serving for absent clerks and carriers: Provided, That such substitutes shall be eligible for appointment as auxiliary employees and as clerks and carriers of the first grade.

"'Railway Mail Service: Eleven division superintendents, at \$3,000

each; 11 assistant division superintendents, at \$1,800 each; 5 assistant superintendents, at \$1,800 each; 19 assistant superintendents, at \$1,600 each; 126 chief clerks, at \$1,700 each; 260 clerks, class 6, at not exceeding \$1,600 each; 1,250 clerks, class 5, at not exceeding \$1,500 each; 5,600 each; 3,300 cach; 1,850 clerks, class 1,950 clerks, class 4, at not exceeding \$1,300 each; 1,850 clerks, class 4, at not exceeding \$1,200 each; 3,600 clerks, class 3, at not exceeding \$1,100 each; 2,200 clerks, class 2, at not exceeding \$1,000 each; 910 clerks, class 1, at not exceeding \$900 each; 800 clerks, class 1, at not exceeding \$1,000 each; 910 clerks, class 1, at not exceeding \$1,000 each; 910 clerks, class 1, at not exceeding \$1,000 each; 910 clerks, class 1, at not exceeding \$1,000 each; 910 eac

clerk shall be advanced more than \$200 in any period of service.

"'That on and after July 1, 1907, letter carriers of the rural-delivery service shall receive a salary not exceeding \$840 per annum: Provided, That rural letter carriers after twelve months' service shall be allowed annual leave with pay not to exceed fifteen days; the substitutes for carriers on vacation to be paid during said service at the rate paid the

"That the previous question shall be considered as ordered on said amendments immediately and on the bill to its final passage without intervening motion or appeal."

Mr. DALZELL. Mr. Speaker, as the House well knows, there were certain paragraphs in the post-office appropriation bill which went out on points of order. Those paragraphs covered the pay of clerks and carriers, the matter of their classification and of their transfer and promotion, and possibly some other matters. The object of this rule, if adopted, is to restore to the bill the paragraphs which went out on points of order, with some modifications agreed to by the majority, as I understand, of the Committee on the Post-Office and Post-Roads and some gentlemen on both sides of the House who desired a modification. The paragraph relating to clerks in offices of the first and second class remains precisely as it was in the bill as originally re-The carrier paragraph is changed in this respect, that instead of being divided into six grades carriers are divided into The first grade salary is \$600, the second grade salary is \$800, and the third grade salary is \$900, the fourth grade salary is \$1,000, fifth grade salary \$1,100, and carriers shall be promoted successively to the third grades in offices where the annual gross receipts shall be less than \$50,000, and to the fourth grades in offices where the annual gross receipts shall be more than \$50,000 and not in excess of \$200,000, and to the fifth grade in offices where the annual gross receipts shall be in excess of \$200,000, and the remainder of the paragraph remains as reported by the committee. The paragraph with respect to promotions of both clerks and carriers remains substantially as reported by the committee.

Mr. OVERSTREET of Indiana. If the gentleman will permit, the proviso with reference to the carriers was not originally in the bill. That provides for the promotions of \$800 carriers who are in the service at the end of the fiscal year.

Mr. DALZELL. The paragraph with respect to eligibility for

transfers, and so on, remains as it was, with the exception of this proviso, which I have no doubt the gentleman was calling my attention to now:

Provided, however, That the carriers who on June 30, 1907, are regularly employed at a salary of \$800 per annum shall be promoted to the fourth grade upon evidence satisfactory to the Post-Office Department of the efficiency and faithfulness of the employees during at least one year's service.

That makes the carriers of that grade eligible to immediate

With respect to the balance of the bill, the railway mail service, the changes are only in the number of clerks.

Mr. OVERSTREET of Indiana. Except that the chief clerks are raised from \$1,600 to \$1,700.

Mr. DALZELL. From \$1,600 to \$1,700.

Mr. OVERSTREET of Indiana. One hundred and twenty-six of them.

Mr. DALZELL. There is a provision that the Postmaster-General may, in his discretion, under such regulations as he may provide, allow a clerk who has sick leave absence with pay, and his duty is to be performed without expense to the Government during the period for which he is granted leave, not exceeding thirty days in any fiscal year.

Mr. FINLEY. I wish to ask a question.
Mr. DALZELL. Certainly.
Mr. FINLEY. I wish to ask what is the limitation on the clerks in the smaller offices? I did not catch that in the reading

Mr. STAFFORD. There is no change. Mr. DALZELL. The paragraph is as it was reported in the

Mr. FINLEY. I understood the gentleman to read that it limited the clerks in the smaller offices

Mr. NORRIS. I would like to ask the gentleman from Penn-

sylvania [Mr. Dalzell] or the chairman of the committee whether there is any change in that part of the bill applying to the carriers in the smaller offices—those under 50,000?

Mr. DALZELL. I understand not.
Mr. NORRIS. Is that the same as in the bill?
Mr. DALZELL. As in the bill.

Mr. NORRIS. Does that make a difference?

Mr. DALZELL. I would rather that the chairman of the committee should answer that.

Mr. OVERSTREET of Indiana. That remains the same. Mr. NORRIS. The provision is in there as originally in the

provision?

Mr. OVERSTREET of Indiana. Yes, sir.
Mr. DALZELL. The result will be to write in the bill the paragraphs that were originally in the bill, with the modifications to which I have called the attention of the House. I now yield five minutes to the gentleman from Mississippi [Mr. WIL-LIAMS].

Mr. WILLIAMS. Mr. Speaker, I shall not need five minutes. I want to say that the minority members of the Committee on Rules favor the amendments by the Post-Office Committee to existing law reorganizing the salary list of the Post-Office Department, and that they are willing to vote to make those amendments in order, and that they shall vote, after the rule is passed, for the legislation itself. But at the same time they find themselves unable to support the rule, because the rule cuts off all amendment. This is too important a right of a minority to surrender in any particular case whatsoever without protest, so they have not been able to vote for the rule itself, because of that part of it shutting off all amendment.

We are in favor, however, of the substantive legislation recommended to be passed and recommended to be made in order by the rule, so that it may pass, and we recognize that the only method presented to us by the majority of the House whereby the legislation may become a law is the rule as it now stands before the House. So we shall satisfy ourselves with voting against the rule as a protest against cutting off the right of amendment. After which they will vote for the substantive legislation to reorganize the salary list of the Department.

Mr. DALZELL. Mr. Speaker, I yield half a minute to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Chairman, I shall vote for this rule, not because I like it but because if the rule is defeated no change in the salaries of clerks or carriers can be made in this Congress.

I wish the rule were amendable, but unfortunately such is

not the case.

No one has yet explained to me the justice of paying a clerk or carrier in Lynn, Mass., \$1,100, while a clerk or carrier of the same standing is in Salem paid only \$1,000, and in Beverly is paid only \$900. If the post-office employee in a large city is worthy of \$1,100, he is worthy of just as much in a small city.

Gentlemen argue that living expenses are higher in large cities. Except in the matter of rent, such a contention is absolutely without foundation. Does the committee seriously contend that living costs \$200 more per annum in Lynn, Mass., than in Beverly, Mass., for instance?

I should like to see this question settled for a decade by fix-

ing a liberal and uniform maximum salary for clerks and carriers irrespective of whether they are employed in a large or in

a small office.

In my opinion the interests of the clerks and carriers in small offices have been sacrificed. I am not on the Committee on the Post-Office and Post-Roads, and I do not know the reasons for their action, but to me it seems unjust. I give the committee warning that they need not imagine that this question is disposed of. Unless the Senate equalizes these salaries, those of us who represent small cities and large towns will continue this agitation.

I submit herewith a schedule showing the maximum salaries for city delivery offices in my county, should the bill pass in its

present form:

Lawrence	\$1, 100
Lynn	1, 100
Salem	1, 000
Hawankill	
Haverhill	1,000
Gioucester	1,000
Beverly	900
Newburyport	900
Peabody	
Telephone	900
Amesbury	900
Marblehead	900
Danvers	900
Andover	900
Andover	000

Mr. BRICK. Mr. Speaker, I was astounded when the gentleman from Arkansas invoked the technical rule of "new legislation" to throw out the provisions of this bill to increase the salaries of the post-office clerks, city carriers, railway mail

agents, and by that inexplainable act also preventing an increase of pay to the rural free-delivery carriers. I am for the closest economy in the expenditure of other people's money. The revenues of the Government belong to all the people, and when we pay it out we should do so with greater care and closer scrutiny than we do with our own individual funds, because what belongs to us individually can be lavishly wasted if we so desire without wrong to others, but this can not be done with the Government's resources and be called right.

And the rules of parliamentary law were all made to always

invoke and conserve the right.

The gentleman from Arkansas truly says it is his right to invoke them at any and all times without criticism. the interests of good government and wise legislation that right belongs to every Congressman to use as he may see fit without let or hindrance.

But, Mr. Speaker, a parliamentary rule, necessarily inflexible, may be employed when indiscriminately used to commit

grave injustice.

I believe that has been done when a technical rule was brought into life to strike down every provision to increase the pay of the most meritorious, hard-working, salary-earning employees of the Government.

I speak of the post-office clerks, the city mail carriers, the railway mail agents, and the free rural delivery carriers

A laborer is worthy of his hire, and I could never find an excuse or mollifying reason in any technicality, however plain or clear it might be, that would subvert the absolute justice and toil-earned rights of these multiplied thousands of our governmental employees, as this technical rule has done in this instance, called forth by the gentleman from Arkansas. Some of us here for years recognized the fact that these worthy employees of the Government were underpaid. And now, that in the slow process of legislation justice is about to be given them, a single voice prevents it. A single voice controls the fortunes of thousands, when that right belongs to the majority, deprived of power by a technical rule.

Mr. Speaker, I hope and trust the Committee on Rules will come to the rescue of these men and put the stricken salaries back again, and if that is done, a vast majority of this House will see that they will survive the onslaughts of every opposi-

tion

Mr. DALZELL. Now, Mr. Speaker, I ask for the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to. The SPEAKER. The question is on the amendments to the bill which have just been read by the Clerk at the desk.

The question was taken; and the amendments were agreed to.
Mr. OVERSTREET of Indiana. Mr. Speaker, I ask unanimous consent that the various items which were incorporated in the amendment just adopted may, in the engrossment of the

bill, be engrossed at their respective places in the bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

Mr. OVERSTREET of Indiana. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise? Mr. OVERSTREET of Indiana. Mr. Speaker, I have just been informed by one of the reading clerks that there was one paragraph on page 6 of the bill upon which the point of order had not been made. I find that is duplicated in the amendment that has been agreed to; and I ask unanimous consent that in the engrossment of the bill that may be taken care of.

The SPEAKER. Without objection, the vote by which the bill was ordered to be engrossed, read a third time, and passed, will be reconsidered. Is there objection? [After a pause.] The Chair hears none. Without objection, the amendment indicated by the gentleman from Indiana will be considered as agreed to. Is there objection? [After a pause.] The Chair hears none. Without objection, the bill will be considered as engrossed, read the third time, and passed.

There was no objection. Mr. OVERSTREET of Indiana. Mr. Speaker, I move to suspend the rules and pass the following order:

The Clerk read as follows:

Ordered, That in the engrossment of the bill (H. R. 25483) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes, the Clerk be directed to insert after the paragraph of appropriation "for inland transportation by railroad route, \$44,660,000;" the following:

"The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July,

1907, for the transportation of mail on railroad routes carrying their whole length an average weight of mails per day of upward of 5,000 pounds by making the following changes in the present rates per mile per annum for the transportation of mail on such routes, and hereafter the rates on such routes shall be as follows: On routes carrying their whole length an average weight of mail per day of more than 5,000 pounds and less than 48,000 pounds the rate shall be 5 per cent less than the present rates on all weight carried in excess of 5,000 pounds; and on routes carrying their whole length an average weight of mail per day of more than 48,000 pounds the rate shall be 5 per cent less than the present rates on all weight carried in excess of 5,000 pounds up to 48,000 pounds, and for each additional 2,000 pounds in excess of 48,000 pounds at the rate of \$19.24 upon all roads other than landgrant roads, and upon all land-grant roads the rate shall be \$17.10 for each 2,000 pounds carried in excess of said 48,000 pounds.

"That after July 1, 1907, additional pay allowed for every line comprising a daily trip each way of railway post-office cars shall be at a rate not exceeding \$25 per mile per annum for cars 40 feet in length and \$27.50 per mile per annum for cars, and \$32.50 per mile for 50-foot cars, and \$40 per mile per annum for cars 55 feet or more in length."

The SPEAKER. Is a second demanded?
Mr. FINLEY. Mr. Speaker, I demand a second.
Mr. OVERSTREET of Indiana. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman asks unanimous consent

that a second may be considered as ordered. Is there objection?

There was no objection. The SPEAKER. The gentleman from Indiana is entitled to twenty minutes and the gentleman from South Carolina to

twenty minutes Mr. OVERSTREET of Indiana. Mr. Speaker, I am ready

for a vote Mr. FINLEY. Is this the same thing that we considered the

other day

Mr. OVERSTREET of Indiana. This is identically the same thing adopted on Monday by the rule which directs that on the passage of this bill this shall be in order.

Mr. FINLEY. I have no remarks to make.

Mr. MURDOCK. May I ask the gentleman a question? Mr. OVERSTREET of Indiana. I yield to the gentleman for

Mr. MURDOCK. What provision do you make there for land-grant roads when they carry an average weight above 5,000 pounds?

Mr. OVERSTREET of Indiana. It would be equivalent to a 5 per cent reduction up to 48,000 pounds, and then at the rate of \$17.10 for each additional ton in excess of that.

Mr. MURDOCK. Under their present rate, which is 20 per

cent off.

Mr. OVERSTREET of Indiana. I ask for a vote, Mr. Speaker. The SPEAKER. The question is on the motion to suspend the rules and pass the order.

The question was taken; and two-thirds voting in the affirma-

tive, the rules were suspended and the order agreed to.

On motion of Mr. Overstreet of Indiana, a motion to reconsider the several votes by which the various amendments to the bill were agreed to was ordered to lie on the table.

## ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 21684. An act to amend section 2 of the act entitled "An act regulating the retent on contracts with the District of Columbia," approved March 31, 1906.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 11523. An act granting an increase of pension to Robert

L. Hamill:

H. R. 11693. An act granting an increase of pension to James

H. R. 11740. An act granting an increase of pension to Robert H. R. 11754. An act granting an increase of pension to Charles

W. Helvey H. R. 11980. An act granting an increase of pension to Wil-

liam H. Boulton ; H. R. 11994. An act granting an increase of pension to Martha

W. Wright; H. R. 12033. An act granting an increase of pension to George

W. Irwin; H. R. 12095. An act granting an increase of pension to Atticus

H. R. 12154. An act granting an increase of pension to Henry E. Collins

H. R. 12250. An act granting an increase of pension to Samuel

H. R. 12355. An act granting an increase of pension to Thomas B. Thompson :

H. R. 12458. An act granting an increase of pension to Thomas J. Savlor

H. R. 12496. An act granting an increase of pension to Hurlbutt L. Farnsworth :

H. R. 13706. An act granting an increase of pension to Albert C. Roach

H. R. 13769. An act granting an increase of pension to David

H. R. 13835. An act granting an increase of pension to William Crane

H. R. 13920. An act granting an increase of pension to Oren D. Curtis;

H. R. 13960. An act granting an increase of pension to Thomas B. Manning

H. R. 15012. An act granting an increase of pension to Oliver

H. R. 15136. An act granting an increase of pension to George

H. R. 15189. An act granting an increase of pension to Sidney S. Skinner

H. R. 15353. An act granting an increase of pension to Abbie J. Bryant:

H. R. 15965. An act granting an increase of pension to Stephen

H. R. 16020. An act granting an increase of pension to Andrew Brink

H. R. 16046. An act granting an increase of pension to David

H. R. 16181. An act granting an increase of pension to Ann

H. R. 16283. An act granting an increase of pension to Archi-

bald H. R. Calvin; H. R. 16322. An act granting an increase of pension to George C. Limpert

H. R. 16340. An act granting an increase of pension to William M. Harris

H. R. 16391. An act granting an increase of pension to William

H. R. 16458. An act granting an increase of pension to Daniel

H. R. 16487. An act granting an increase of pension to Martha

H. R. 16506. An act granting an increase of pension to Kate S. Church

H. R. 16698. An act granting an increase of pension to Henry

H. R. 16813. An act granting an increase of pension to Charles Brumm

H. R. 16855. An act granting an increase of pension to Milton Peden;

H. R. 16886. An act granting an increase of pension to Elizabeth A. Murrey;

H. R. 16907. An act granting an increase of pension to Clarke S. Cole:

H. R. 16978. An act granting an increase of pension to Max Mueller

H. R. 17058. An act granting an increase of pension to James H. O'Brien H. R. 17061. An act granting an increase of pension to Iva O.

Shepardson: H. R. 17251. An act granting an increase of pension to John J.

H. R. 17266. An act granting an increase of pension to Henry Alspach; H. R. 17330. An act granting an increase of pension to Wil-

liam Tuders H. R. 17331. An act granting an increase of pension to Douglas

V. Donnelly H. R. 17335. An act granting an increase of pension to Lewis

F. Belden; H. R. 17369. An act granting an increase of pension to Minor

B. Monaghan; H. R. 17483. An act granting an increase of pension to Wil-

liam H. Loyd; H. R. 17581. An act granting an increase of pension to Aquilla

Williams: H. R. 17618. An act granting an increase of pension to Anna

F. Burlingame

H. R. 17620. An act granting an increase of pension to Michael Pendergast, alias Michael Blake;

H. R. 17634. An act granting an increase of pension to John S. Cochran;

H. R. 17642. An act granting an increase of pension to Roland M. Johnson:

H. R. 17712. An act granting an increase of pension to Frank J. Biederman;

H. R. 17750. An act granting an increase of pension to John Gustus

H. R. 17783. An act granting an increase of pension to James West:

H. R. 17817. An act granting an increase of pension to John Grimm ;

H. R. 17831. An act granting an increase of pension to James Bowman;

H. R. 18014. An act granting an increase of pension to Elbridge P. Boyden;

H. R. 18042. An act granting an increase of pension to James H. Sinclair

H. R. 18213. An act granting an increase of pension to William Ingram;

H. R. 18245. An act granting an increase of pension to Samuel D. McCurdy

H. R. 18322. An act granting an increase of pension to Hezekiah James :

H. R. 18323. An act granting an increase of pension to Richard B. Rankin;

H. R. 18344. An act granting an increase of pension to William Todd;

H. R. 18383. An act granting an increase of pension to Frederick Shinaman

H. R. 18433. An act granting an increase of pension to William Wentz

H. R. 18450. An act granting an increase of pension to Eliza Howell;

H. R. 18602. An act granting an increase of pension to James E. Netser;

H. R. 18681. An act granting an increase of pension to William E. Gray;
H. R. 18723. An act granting an increase of pension to Wil-

liam E. Hanigan; H. R. 18881. An act granting an increase of pension to Alex-

ander B. Mott H. R. 18969. An act granting an increase of pension to Herman

Hagemiller H. R. 19067. An act granting an increase of pension to Thomas

J. Smith: H. R. 19131. An act granting an increase of pension to Edward

K. Mull; H. R. 19133. An act granting an increase of pension to Fergus

P. McMillan H. R. 19175. An act granting an increase of pension to Josiah

B. Arnott : H. R. 19263. An act granting an increase of pension to John Ingram

H. R. 19271. An act granting an increase of pension to Joseph J. Branyan

H. R. 19294. An act granting an increase of pension to Francis M. Hatten:

H. R. 19369. An act granting an increase of pension to John F. G. Cliborne;

H. R. 19384. An act granting an increase of pension to Susan E. Hernandez

H. R. 19385. An act granting an increase of pension to Agnes E. Calvert H. R. 19400. An act granting an increase of pension to Wash-

ington M. Brown: H. R. 19401. An act granting an increase of pension to Camp-

bell Cowan H. R. 19450. An act granting an increase of pension to Henry

H. R. 19498. An act granting an increase of pension to Sarah

Neely H. R. 19499. An act granting an increase of pension to Thomas

Milson : H. R. 19526. An act granting an increase of pension to Judson

H. Holcomb; H. R. 19537. An act granting an increase of pension to Ed-

ward S. E. Newbury H. R. 19578. An act granting an increase of pension to Mary

A. Rogers H. R, 19581. An act granting an increase of pension to Mary

E. Bookhammer H. R. 19592. An act granting an increase of pension to William

B. Corley H. R. 19613. An act granting an increase of pension to James A. Pryce;

H. R. 19628. An act granting an increase of pension to Elizabeth Mooney

H. R. 19650. An act granting an increase of pension to Alexander W. Taylor;

H. R. 19706. An act granting an increase of pension to Almon

H. R. 19770. An act granting an increase of pension to James G. Van Dewalker:

H. R. 19775. An act granting an increase of pension to Greenup Meece

H. R. 19832. An act granting an increase of pension to George W. Smith:

H. R. 19863. An act granting an increase of pension to Walter B. Swain:

H. R. 19869. An act granting an increase of pension to John E. Bowles

H. R. 19943. An act granting an increase of pension to Edward La Coste;

H. R. 19969. An act granting an increase of pension to Henry K. Burger

H. R. 20000. An act granting an increase of pension to Thomas R. Elliott;

H. R. 20008. An act granting an increase of pension to Caroline A. Smith;

H. R. 20036. An act granting an increase of pension to Oliver T. Westmoreland:

H. R. 20079. An act granting an increase of pension to Richard F. Barret; H. R. 20091. An act granting an increase of pension to John

H. R. 20107. An act granting an increase of pension to Wil-

H. R. 20125. An act granting an increase of pension to Mary

H. R. 20126. An act granting an increase of pension to Margaret Pint;

H. R. 20187. An act granting an increase of pension to John J. Duff;

H. R. 20188. An act granting an increase of pension to John H. McCain, alias John Croft;
H. R. 20189. An act granting an increase of pension to Thomas

W. Daniels :

H. R. 20201. An act granting an increase of pension to Charles W. Airey

H. R. 20212. An act granting an increase of pension to George W. Green;

H. R. 20215. An act granting an increase of pension to Riley H. R. 20224. An act granting an increase of pension to Philip

H. R. 20236. An act granting an increase of pension to Wil-

liam E. Richards; H. R. 20243. An act granting an increase of pension to Anton

Heinzen H. R. 20244. An act granting an increase of pension to Alfred

Hayward; H. R. 20261. An act granting an increase of pension to Burris

H. R. 20283. An act granting an increase of pension to Henry

D. Bole; H. R. 20291. An act granting an increase of pension to Emma

F. Buchanan; H. R. 20356. An act granting an increase of pension to Mary

T. Mathis H. R. 20446. An act granting an increase of pension to Andrew

H. Groves H. R. 20455. An act granting an increase of pension to Harvey McCallin:

H. R. 20493. An act granting an increase of pension to Charles F. Connery; H. R. 20557. An act granting an increase of pension to Web-

ster Miller

H. R. 20558. An act granting an increase of pension to Mark

H. R. 20568. An act granting an increase of pension to Chester

H. R. 20615. An act granting an increase of pension to Julia T. Baldwin

H. R. 20616. An act granting an increase of pension to Isaac Fornwalt:

H. R. 20618. An act granting an increase of pension to George W. Brinton;

H. R. 20647. An act granting an increase of pension to Dominick Garvey;

H. R. 20654. An act granting an increase of pension to William A. Nichols

H. R. 20684. An act granting an increase of pension to William M. Neal;

H. R. 20685. An act granting an increase of pension to Joseph R. Benham :

H. R. 20686. An act granting an increase of pension to Joshua

H. R. 20687. An act granting an increase of pension to John M.

H. R. 20688. An act granting an increase of pension to Joseph M. Storey; H. R. 20689. An act granting an increase of pension to Francis

Doughty; H. R. 20713. An act granting an increase of pension to Timo-

thy Quinn H. R. 20719. An act granting an increase of pension to James

C. Price : H. R. 20727. An act granting an increase of pension to William

Conwell; H. R. 20728. An act granting an increase of pension to Ira D.

H. R. 20729. An act granting an increase of pension to Benja-

H. R. 20730. An act granting an increase of pension to John Carpenter;

H. R. 20731. An act granting an increase of pension to Peter Buchmann

H. R. 20732. An act granting an increase of pension to Le Roy Benson:

H. R. 20733. An act granting an increase of pension to Oscar Andrews H. R. 20734. An act granting an increase of pension to Amos

H. R. 20737. An act granting an increase of pension to William

G. Whitney H. R. 20740. An act granting an increase of pension to Guth-

ridge L. Phillips; H. R. 20821. An act granting an increase of pension to John

L. Newman: H. R. 20822. An act granting an increase of pension to Milton L. Howard;

H. R. 20823. An act granting an increase of pension to William H. Webb;

H. R. 20831. An act granting an increase of pension to James R. Dunlap;

H. R. 20834. An act granting an increase of pension to Franklin Comstock H. R. 20842. An act granting an increase of pension to Henry

H. R. 20854. An act granting an increase of pension to

Thomas Welch; H. R. 20855. An act granting an increase of pension to George

Hierl, alias George Hill; H. R. 20856. An act granting an increase of pension to Catha-

rine A. Greene; H. R. 20858. An act granting an increase of pension to William C. Thompson;

H. R. 20859. An act granting an increase of pension to Henry C. Hughes;

H. R. 20860. An act granting an increase of pension to Charles T. Chapman ;

H. R. 20861. An act granting an increase of pension to Catharine Weigert

H. R. 20862. An act granting an increase of pension to August Weber

H. R. 20882. An act granting an increase of pension to Luther W. Harris H. R. 20887. An act granting an increase of pension to Emma

H. R. 20929. An act granting an increase of pension to Thomas

H. R. 20930. An act granting an increase of pension to Joseph

Rouge H. R. 20931. An act granting an increase of pension to John N. Shear

H. R. 20953. An act granting an increase of pension to James D. Walker;

H. R. 20957. An act granting an increase of pension to William Chagnon;

H. R. 20960. An act granting an increase of pension to Sarah M. Bickford;

H. R. 20966. An act granting an increase of pension to Thomas Jones;

H. R. 20967. An act granting an increase of pension to Samuel W. Hines

H. R. 20970. An act granting an increase of pension to Edgar Weaver

H. R. 20973. An act granting an increase of pension to Henry

H. R. 21000. An act granting an increase of pension to Mary Evans;

H. R. 21002. An act granting an increase of pension to William Wiggins;

H. R. 21022. An act granting an increase of pension to Thomas N. Gootee

H. R. 21025. An act granting an increase of pension to Enoch

H. R. 21039. An act granting an increase of pension to Nelson J. Weller ;

H. R. 21047. An act granting an increase of pension to Jesse J. Melton:

H. R. 21060. An act granting an increase of pension to Gottlieb Kirchner;

H. R. 21061. An act granting an increase of pension to James Collins;

H. R. 21077. An act granting an increase of pension to Andrew M. Dunn;

H. R. 21078. An act granting an increase of pension to Henry C. Davis;

H. R. 21079. An act granting an increase of pension to Patrick Kinney

H. R. 21087. An act granting an increase of pension to Albert Manice:

H. R. 21097. An act granting an increase of pension to Henry W. Martin;

H. R. 21227. An act granting an increase of pension to Parthena Lasley:

H. R. 21238. An act granting an increase of pension to John

W. Gahan; H. R. 21255. An act granting an increase of pension to Thomas McDowell:

H. R. 21256. An act granting an increase of pension to William Foster

H. R. 21257. An act granting an increase of pension to Thomas Morris:

H. R. 21258. An act granting an increase of pension to James

H. R. 21264. An act granting an increase of pension to David J. Wise

H. R. 21270. An act granting an increase of pension to Ellen Sullivan;

H. R. 21274. An act granting an increase of pension to Jeremiah Buffington:

H. R. 21276. An act granting an increase of pension to Christian Roessler:

H. R. 21277. An act granting an increase of pension to Robert Martin;

H. R. 21279. An act granting an increase of pension to Martin Heiler

H. R. 21280. An act granting an increase of pension to Isaac Cain:

H. R. 21281. An act granting an increase of pension to Catharine Ludwig;
H. R. 21283. An act granting an increase of pension to Fred-

H. R. 21289. An act granting an increase of pension to Jesse

H. R. 21294. An act granting an increase of pension to Lissie

D. Allen; H. R. 21298. An act granting an increase of pension to John

A. Pence H. R. 21301. An act granting an increase of pension to John

R. Goodier; H. R. 21303. An act granting an increase of pension to James

Edward Bristol;

H. R. 21312. An act granting an increase of pension to Ernst

H. R. 21316. An act granting an increase of pension to Samuel Rhodes

H. R. 21320. An act granting an increase of pension to Malinda H. Hitchcock;

H. R. 21322. An act granting an increase of pension to Elizabeth Wilson;

H. R. 21325. An act granting an increase of pension to George O. Tibbitts;

H. R. 21331. An act granting an increase of pension to Robert O. Bradley;

H. R. 21332. An act granting an increase of pension to John R. Smith;

H. R. 21335. An act granting an increase of pension to Harvey S. Nettleton;

H. R. 21343. An act granting an increase of pension to James C. Murray

H. R. 21347. An act granting an increase of pension to Jeannette M. Guiney ;

H. R. 21355. An act granting an increase of pension to John Cooper

H. R. 21356. An act granting an increase of pension to Edward C. Miller; H. R. 21373. An act granting an increase of pension to Carrie

Cosgrove H. R. 21374. An act granting an increase of pension to Charles

H. Homan : H. R. 21375. An act granting an increase of pension to John

S. Cornwell H. R. 21376. An act granting an increase of pension to John

W. Stichter : H. R. 21410. An act granting an increase of pension to Blanche M. Kell:

H. R. 21423. An act granting an increase of pension to Martha E. Wood :

H. R. 21425. An act granting an increase of pension to Jasper N. Brown

H. R. 21426. An act granting an increase of pension to John J. Ross

H. R. 21427. An act granting an increase of pension to Thomas L. Moody:

H. R. 21428. An act granting an increase of pension to Cornelius H. Lawrence;

H. R. 21432. An act granting an increase of pension to Benjamin Bragg

H. R. 21433. An act granting an increase of pension to George W. Lasley

H. R. 21446. An act granting an increase of pension to William A. Crum;
H. R. 21448. An act granting an increase of pension to Jesse

Jackman H. R. 21461. An act granting an increase of pension to Henry

Huff H. R. 21462. An act granting an increase of pension to William H. Wickham;

H. R. 21470. An act granting an increase of pension to Mary Rebecca Carroll;

H. R. 21471. An act granting an increase of pension to Adaline H. Malone

H. R. 21472. An act granting an increase of pension to Wiley, H. Jackson : H. R. 21473. An act granting an increase of pension to James

B. Wood: H. R. 21481. An act granting an increase of pension to Lucy

H. R. 21483. An act granting an increase of pension to George

S. Woods H. R. 21496. An act granting an increase of pension to Samuel

B. Davis H. R. 21497. An act granting an increase of pension to Mary,

E. Hobbs; H. R. 21499. An act granting an increase of pension to Henry

H. R. 21506. An act granting an increase of pension to Jacob

H. R. 21508. An act granting an increase of pension to Samuel

Barber; H. R. 21515. An act granting an increase of pension to Joseph

H. R. 21516. An act granting an increase of pension to James Murtha

H. R. 21524. An act granting an increase of pension to Elison

H. R. 21532. An act granting an increase of pension to William Dobson

H. R. 21534. An act granting an increase of pension to Henry,

Reed; H. R. 21535. An act granting an increase of pension to William E. Feeley

H. R. 21540. An act granting an increase of pension to John L. Wilson;

H. R. 21542. An act granting an increase of pension to Erastus A. Thomas

H. R. 21543. An act granting an increase of pension to Addison Thompson;

H. R. 21551. An act granting an increase of pension to Alfred

H. R. 21563. An act granting an increase of pension to Merritt M. Smart

H. R. 21564. An act granting an increase of pension to Daniel

French; H. R. 21588. An act granting an increase of pension to Robert Medworth:

H. R. 21603. An act granting an increase of pension to Calvin S. Mullins;

H. R. 21604. An act granting an increase of pension to William

H. R. 21606. An act granting an increase of pension to Felix G. Morrison ;

H. R. 21612. An act granting an increase of pension to James

S. Hart H. R. 21615. An act granting an increase of pension to David Yoder

H. R. 21617. An act granting an increase of pension to William Miller:

H. R. 21618. An act granting an increase of pension to Leonidas W. Reavis

H. R. 21621. An act granting an increase of pension to Minerva A. Mayes ;

H. R. 21624. An act granting an increase of pension to William

H. Willey H. R. 21626. An act granting an increase of pension to Calvin

Barker H. R. 21630. An act granting an increase of pension to John F.

Yeargin : H. R. 21634. An act granting an increase of pension to Emma

Sickler H. R. 21636. An act granting an increase of pension to Elias

Miller ; H. R. 21643. An act granting an increase of pension to Edward

Ford H. R. 21644. An act granting an increase of pension to Sheldon

H. R. 21648. An act granting an increase of pension to Michael

H. R. 21651. An act granting an increase of pension to Jacob B. Butts

H. R. 21660. An act granting an increase of pension to Emma

H. R. 21667. An act granting an increase of pension to John W. Towle;

H. R. 21718. An act granting an increase of pension to Franz Z. F. W. Jensen:

H. R. 21724. An act granting an increase of pension to John D. Martin;

H. R. 21740. An act granting an increase of pension to Maria R. Klindt

H. R. 21761. An act granting an increase of pension to John

H. R. 21764. An act granting an increase of pension to Ment Stannah:

H. R. 21767. An act granting an increase of pension to George

Young; H. R. 21782. An act granting an increase of pension to Ander-

H. R. 21787. An act granting an increase of pension to Alex-

H. R. 21793. An act granting an increase of pension to Charles H. Pratt

H. R. 21798. An act granting an increase of pension to Andrew H. R. 21819. An act granting an increase of pension to Joseph

Peach: H. R. 21832. An act granting an increase of pension to John

W. Wilkinson; H. R. 21836. An act granting an increase of pension to Mary

H. R. 21837. An act granting an increase of pension to James

H. R. 21838. An act granting an increase of pension to Fannie

J. Terry; H. R. 21843. An act granting an increase of pension to Robert

H. Delaney

H. R. 21848. An act granting an increase of pension to Charles

H. R. 21852. An act granting an increase of pension to James

M. Eaman; H. R. 21853. An act granting an increase of pension to William A. Whitaker;

H. R. 21856. An act granting an increase of pension to John G. Viall:

H. R. 21881. An act granting an increase of pension to Mahala M. Jones

H. R. 21882. An act granting an increase of pension to Frank Breazeale

H. R. 21886. An act granting an increase of pension to John

Bryant; H. R. 21887. An act granting an increase of pension to James H. Hayman;

H. R. 21888. An act granting an increase of pension to Andrew Canova

H. R. 21894. An act granting an increase of pension to Jacob

H. R. 21896. An act granting an increase of pension to George

H. Field; H. R. 21906. An act granting an increase of pension to John M. Bruder

H. R. 21909. An act granting an increase of pension to George W. W. Tanner

H. R. 21913. An act granting an increase of pension to Henry Pieper

H. R. 21915. An act granting an increase of pension to John A. H. R. 21923. An act granting an increase of pension to Sebas-

tian Fuchs; H. R. 21960. An act granting an increase of pension to Sarah

Betts H. R. 21961. An act granting an increase of pension to Harvey

F. Wood H. R. 21962. An act granting an increase of pension to Henry

Osterheld: H. R. 21991. An act granting an increase of pension to Red-

mond Roche: H. R. 21997. An act granting an increase of pension to Martha

H. R. 22002. An act granting an increase of pension to John W.

Hall; H. R. 22003. An act granting an increase of pension to Alexander Matchett:

H. R. 22007. An act granting an increase of pension to Sanford D. Paine:

H. R. 22015. An act granting an increase of pension to William Reese:

H. R. 22017. An act granting an increase of pension to Adolphus Cooley

H. R. 22018. An act granting an increase of pension to Charles H. R. 22020. An act granting an increase of pension to Samuel

Keller; H. R. 22022. An act granting an increase of pension to Josiah

H. Shaver; H. R. 22024. An act granting an increase of pension to Eldridge Underwood;

H. R. 22025. An act granting an increase of pension to Thomas H. Cook;

H. R. 22034. An act granting an increase of pension to James A. Wonder;

H. R. 22035. An act granting an increase of pension to Benja-

H. R. 22047. An act granting an increase of pension to George Tinkham;

H. R. 22048. An act granting an increase of pension to Orrin Freeman H. R. 22050. An act granting an increase of pension to John

W. Frost H. R. 22065. An act granting an increase of pension to Henry

Utter: H. R. 22067. An act granting an increase of pension to Levi E.

Miller: H. R. 22068. An act granting an increase of pension to John P. Macy

H. R. 22069. An act granting an increase of pension to Caro-

line W. Congdon; H. R. 22073. An act granting an increase of pension to Eliza

M. Scott H. R. 22079. An act granting an increase of pension to James D. Gravson:

H. R. 22085. An act granting an increase of pension to Randolph Wesson;

H. R. 22088. An act granting an increase of pension to Gottlieb Schweizer;

H. R. 22089. An act granting an increase of pension to Adaline G. Bailey;

H. R. 22090. An act granting an increase of pension to Severt

H. R. 22092. An act granting an increase of pension to Simon

McAteer; H. R. 22094. An act granting an increase of pension to Albert J. Hamre

H. R. 22009. An act granting an increase of pension to Libbie D. Lowry

H. R. 22102. An act granting an increase of pension to Barre Peterson

H. R. 22103. An act granting an increase of pension to Warren

H. R. 22155. An act granting an increase of pension to Andrew J. Armstrong;

H. R. 22203. An act granting an increase of pension to Oliver J. Burns

H. R. 22214. An act granting an increase of pension to Thomas

J. Prouty; H. R. 22215. An act granting an increase of pension to Eliza A. Hughes:

H. R. 22217. An act granting an increase of pension to George W. Boughner :

H. R. 22222. An act granting an increase of pension to John

W. Booth; H. R. 22223. An act granting an increase of pension to Uriah

Kitchen: H. R. 22237. An act granting an increase of pension to Nathan

Lawson H. R. 22238. An act granting an increase of pension to James

Stinson; H. R. 22239. An act granting an increase of pension to Eliza-

H. R. 22241. An act granting an increase of pension to Ste-

phen Robinson;

H. R. 22243. An act granting an increase of pension to James W. Campbell;

H. R. 22252. An act granting an increase of pension to Wil-

liam W. Tyson; H. R. 22266. An act granting an increase of pension to Delphie Thorne

H. R. 22269. An act granting an increase of pension to John

L. Rosencrans H. R. 22270. An act granting an increase of pension to Michael

H. R. 22272. An act granting an increase of pension to George

W. Rodefer; H. R. 22276. An act granting an increase of pension to War-

ren A. Sherwood; H. R. 22279. An act granting an increase of pension to Thomas

M. Griffith: H. R. 22284. An act granting an increase of pension to George Ruble:

H. R. 22285. An act granting an increase of pension to Dennis Remington, alias John Baker;

H. R. 22288. An act granting an increase of pension to Samuel L. Davis;

H. R. 22297. An act granting an increase of pension to Hugh L. Dicus

H. R. 22306. An act granting an increase of pension to Louisa

Duncan; H. R. 22310. An act granting an increase of pension to Mary

H. R. 22318. An act granting an increase of pension to James D. Cox

H. R. 22322. An act granting an increase of pension to Maria Cros

H. R. 22359. An act granting an increase of pension to Louisa L. Wood;

H. R. 22376. An act granting an increase of pension to William M. Colby;

H. R. 22388. An act granting an increase of pension to Daniel A. Peabody :

H. R. 22408. An act granting an increase of pension to Aaron Preston;

H. R. 22409. An act granting an increase of pension to Mar-

garet A. McAdoo; H. R. 22420. An act granting an increase of pension to Ed-

ward Wesley Ward; H. R. 22422. An act granting an increase of pension to William J. Johnson;

H. R. 22425. An act granting an increase of pension to Thomas Sires

H. R. 22428. An act granting an increase of pension to Dora T. Bristol;

H. R. 22431. An act granting an increase of pension to Alden Youngman:

H. R. 22434. An act granting an increase of pension to Peter McCormick

H. R. 22440. An act granting an increase of pension to Daniel Mose

H. R. 22442. An act granting an increase of pension to John Clark

H. R. 22444. An act granting an increase of pension to William Oliver Anderson;

H. R. 22447. An act granting an increase of pension to Frank Schadler

H. R. 22451. An act granting an increase of pension to John McCaslin;

H. R. 22452. An act granting an increase of pension to Wil-

liam A. Narrin; H. R. 22462. An act granting an increase of pension to Aaron Chamberlain:

H. R. 22500. An act granting an increase of pension to Minor Cleavenger ;

H. R. 22501. An act granting an increase of pension to Austin B. Truman;

H. R. 22502. An act granting an increase of pension to Oren D. Haskell

H. R. 22506. An act granting an increase of pension to James

F. Smith; H. R. 22522. An act granting an increase of pension to Susan Harroun

H. R. 22528. An act granting an increase of pension to Daniel Fuller;

H. R. 22542. An act granting an increase of pension to Charlotte S. O'Neall;

H. R. 22550. An act granting an increase of pension to Jonathan B. Reber

H. R. 22551. An act granting an increase of pension to Wilson Siddell

H. R. 22601. An act granting an increase of pension to John J. Clark

H. R. 22602. An act granting an increase of pension to John H. Passon:

H. R. 22605. An act granting an increase of pension to John R. Hargrave

H. R. 22609. An act granting an increase of pension to Thomas

H. R. 22620. An act granting an increase of pension to Charles S. Abbott;

H. R. 22623. An act granting an increase of pension to George W. Willison H. R. 22624. An act granting an increase of pension to Louisa

M. Carothers H. R. 22634. An act granting an increase of pension to Helon

Wilson: H. R. 22635. An act granting an increase of pension to Catha-

rine Williams; H. R. 22642. An act granting an increase of pension to John

Gregory H. R. 22651. An act granting an increase of pension to Sarah

E. Cadmus: H. R. 22706. An act granting an increase of pension to William

Smoker H. R. 22710. An act granting an increase of pension to Nelson

Cornell H. R. 22711. An act granting an increase of pension to Jacob

Kures H. R. 22715. An act granting an increase of pension to Ter-

rance Doyle H. R. 22718. An act granting an increase of pension to William Dean:

H. R. 22734. An act granting an increase of pension to Michael Maier

H. R. 22746. An act granting an increase of pension to Felix G. Cobb:

H. R. 22748. An act granting an increase of pension to Willard P. Fisher

H. R. 22749. An act granting an increase of pension to Della S. Easton;

H. R. 22750. An act granting an increase of pension to William Jenkins:

H. R. 22756. An act granting an increase of pension to Levi E. Curtis;

H. R. 22757. An act granting an increase of pension to Joshua E. Hyatt;

H. R. 22762. An act granting an increase of pension to John M. Gilbert;

H. R. 22764. An act granting an increase of pension to Samuel

V. Carr; H. R. 22766. An act granting an increase of pension to Soren V. Kalsem:

H. R. 22771. An act granting an increase of pension to William J. Courter

H. R. 22772. An act granting an increase of pension to Mary

H. R. 22776. An act granting an increase of pension to James E. Converse

H. R. 22820. An act granting an increase of pension to George S. Schmutz

H. R. 22827. An act granting an increase of pension to Mary Kirk

H. R. 22829. An act granting an increase of pension to George Spalding;

H. R. 22838. An act granting an increase of pension to W. Ira Templeton;

H. R. 22842. An act granting an increase of pension to William C. Hodges;

H. R. 22846. An act granting an increase of pension to Martin

Holmes, alias George Langin; H. R. 22853. An act granting an increase of pension to Burden H. Barrett;

H. R. 22858. An act granting an increase of pension to John

A. Henry; H. R. 22881. An act granting an increase of pension to Thomas L. Williams

H. R. 22927. An act granting an increase of pension to Wil-

liam A. Leach; H. R. 22929. An act granting an increase of pension to John

O. McNabb: H. R. 22941. An act granting an increase of pension to Lu-

cinda Davidson; H. R. 22951. An act granting an increase of pension to Alice

E. Ragan H. R. 22976. An act granting an increase of pension to Milton

H. R. 22978. An act granting an increase of pension to Thomas

Adams; H. R. 22985. An act granting an increase of pension to Henry

Bauerlin : H. R. 22990. An act granting an increase of pension to Francis

A. Lander. H. R. 22993. An act granting an increase of pension to Emily

Hibernia Trabue; H. R. 22994. An act granting an increase of pension to Lucinda

H. R. 22995. An act granting an increase of pension to Na-

thaniel Y. Buck H. R. 23036. An act granting an increase of pension to John

C. Mitchell: H. R. 23051. An act granting an increase of pension to Volna

S. Topping H. R. 23057. An act granting an increase of pension to James

M. Davidson H. R. 23096. An act granting an increase of pension to James L. Colding

H. R. 23121. An act granting an increase of pension to Frank Vroman;

H. R. 23122. An act granting an increase of pension to Melissa D. Whitman;

H. R. 23133. An act granting an increase of pension to John

Cowan; H. R. 23136. An act granting an increase of pension to Sylvanus Sloat

H. R. 23143. An act granting an increase of pension to John H. Robbins H. R. 23153. An act granting an increase of pension to George

Quien: H. R. 23166. An act granting an increase of pension to William

H. R. 23171. An act granting an increase of pension to Harmon

H. R. 23182. An act granting an increase of pension to Martha

H. R. 23195. An act granting an increase of pension to Aurora Garwood Ellis

H. R. 23197. An act granting an increase of pension to Agnes E. Brown

H. R. 23234. An act granting an increase of pension to James W. Walsh, alias James Powers;

H. R. 23241. An act granting an increase of pension to Mary Loomis;

H. R. 23247. An act granting an increase of pension to George I. Stults

H. R. 23263. An act granting an increase of pension to Michael Downs

H. R. 23265. An act granting an increase of pension to Henry Helton:

H. R. 23278. An act granting an increase of pension to James

H. R. 23279. An act granting an increase of pension to David H. Moore;

H. R. 23281. An act granting an increase of pension to William T. Fisher;

H. R. 23299. An act granting an increase of pension to Henry Goodlander

H. R. 23327. An act granting an increase of pension to Paul Sheets;

H. R. 23339. An act granting an increase of pension to Martha L. Burnham

H. R. 23357. An act granting an increase of pension to James M. Houston

H. R. 23365. An act granting an increase of pension to William Seitz

H. R. 23371. An act granting an increase of pension to Clark Crecelius

H. R. 23423. An act granting an increase of pension to Elbridge Simpson:

H. R. 23458. An act granting an increase of pension to Edgar

H. R. 23468. An act granting an increase of pension to Martin

H. R. 23475. An act granting an increase of pension to Thomas

H. R. 23477. An act granting an increase of pension to Caroline Vick

H. R. 23481. An act granting an increase of pension to John H. R. 23495. An act granting an increase of pension to Adam

Sliger : H. R. 23522. An act granting an increase of pension to George

W. Shacklett; H. R. 23526. An act granting an increase of pension to Ste-

phen D. Jordan; H. R. 23527. An act granting an increase of pension to Joseph

H. R. 23528. An act granting an increase of pension to John

M. Smith: H. R. 23549. An act granting an increase of pension to Isaiah

Carter: H. R. 23550. An act granting an increase of pension to Eliza-

beth C. Smith; H. R. 23593. An act granting an increase of pension to Charles

M. Buck; H. R. 23599. An act granting an increase of pension to Alfred B. Stansil:

H. R. 23608. An act granting an increase of pension to John Manley

H. R. 23622. An act granting an increase of pension to Benjamin Maple;

H. R. 23624. An act granting an increase of pension to Albina M. Williams

H. R. 23644. An act granting an increase of pension to Charles J. Schreiner H. R. 23645. An act granting an increase of pension to Isaac

L. Griswold H. R. 23651. An act granting an increase of pension to John

W. Wilson: H. R. 23652. An act granting an increase of pension to Wil-

liam H. Zimmerman H. R. 23653. An act granting an increase of pension to De-

witt C. Chapman ; H. R. 23656. An act granting an increase of pension to John

Kilpatrick H. R. 23683. An act granting an increase of pension to Thomas Phillips

H. R. 23684. An act granting an increase of pension to Harry C. Cadwell;

H. R. 23686. An act granting an increase of pension to William H. Kehlbeck

H. R. 23699. An act granting an increase of pension to Joseph Countryman

H. R. 23703. An act granting an increase of pension to Clarendon Kelly;

H. R. 23705. An act granting an increase of pension to Frederick P. Gaudineer;

H. R. 23739. An act granting an increase of pension to Elizabeth Pillow;

H. R. 23762. An act granting an increase of pension to Adeliade Wagner:

H. R. 23764. An act granting an increase of pension to Joseph C. Fisher;

H. R. 23770. An act granting an increase of pension to Henry D. Combs:

H. R. 23772. An act granting an increase of pension to Temperance Davis;

H. R. 23774. An act granting an increase of pension to James Kolley.

H. R. 23777. An act granting an increase of pension to James Marshall:

H. R. 23778. An act granting an increase of pension to Henry Clapper;

II. R. 23781. An act granting an increase of pension to Honora Higgins;

H. R. 23783. An act granting an increase of pension to George W. Buzzell;

H. R. 23792. An act granting an increase of pension to Zeurial McCullock ;

H. R. 23795. An act granting an increase of pension to Patrick McMahon;

H. R. 23803. An act granting an increase of pension to David C. Jones;

H. R. 23804. An act granting an increase of pension to Phoebe E. Sparkman;

 $\rm H.\,R.\,23805.$  An act granting an increase of pension to Thomas Hamilton ;

H. R. 22810. An act granting an increase of pension to Ira J.
 Everson;
 H. R. 23811. An act granting an increase of pension to Theron

Cross; H R 23812 An act granting an increase of pension to Joseph

H. R. 23812. An act granting an increase of pension to Joseph Dewhurst:

H. R. 23845. An act granting an increase of pension to George W. Cassle;

 $\rm H.\,R.\,23846.\,\,An$  act granting an increase of pension to Sarah Ann Kendig;

H. R. 23858. An act granting an increase of pension to Hugh M. Cox;

H. R. 23872. An act granting an increase of pension to Charles Blacker:

H. R. 23874. An act granting an increase of pension to William R. Horn;

H. R. 23877. An act granting an increase of pension to Mary A. Edwards;

H. R. 23899. An act granting an increase of pension to James P. Hanna;

H. R. 23957. An act granting an increase of pension to John Heinrichs:

H. R. 23958. An act granting an increase of pension to Thomas W. Parson;

H. R. 23969. An act granting an increase of pension to William Morson;

H. R. 23973. An act granting an increase of pension to Henry Loor Reger;

 $\rm H, R.~23981.$  An act granting an increase of pension to Sarah Elizabeth Fuller;

H.R. 23984. An act granting an increase of pension to Jacob Miller:

H. R. 24017. An act granting an increase of pension to Timothy Hanlon;

othy Hanlon;
H. R. 24018. An act granting an increase of pension to John Adams Miller;

H. R. 24019. An act granting an increase of pension to John Brown;

H. R. 24023. An act granting an increase of pension to Joseph H. Clark;

H. R. 24056. An act granting an increase of pension to Reuben Copher;

H. R. 24078. An act granting an increase of pension to Warren I. Sevey:

H. R. 24096. An act granting an increase of pension to Oscar F. Peacock;

H. R. 24099. An act granting an increase of pension to Benjamin J. Puckett;

H. R. 24155. An act granting an increase of pension to Richard N. Porter:

H. R. 24182. An act granting an increase of pension to John

Delaney; H. R. 24185. An act granting an increase of pension to William S. Weller; H. R. 24187. An act granting an increase of pension to Nancy G. Reid;

H. R. 24188. An act granting an increase of pension to Samuel Moore:

H. R. 24192. An act granting an increase of pension to Charles Lee;

H. R. 24208. An act granting an increase of pension to Albert Sunderland;

H. R. 24214. An act granting an increase of pension to Elizabeth Hodge;

H. R. 24231. An act granting an increase of pension to Absalom Sivley;

H. R. 24259. An act granting an increase of pension to Hannibal A. Johnson;

 $^\circ$  H. R. 24268. An act granting an increase of pension to Louisa Olin;

H. R. 24303. An act granting an increase of pension to Gillam M. Ezell;

H. R. 24321. An act granting an increase of pension to Belah H. Wilcox;

H. R. 24360. An act granting an increase of pension to Jeremiah F. Pittman;
 H. R. 24380. An act granting an increase of pension to Charles

H. R. 24380. An act granting an increase of pension to Charles Woodruff Woolley;

H. R. 24383. An act granting an increase of pension to Shadrack H. J. Alley;

H. R. 24415. An act granting an increase of pension to Laura
 G. Hight;
 H. R. 24418. An act granting an increase of pension to Kate

Flowers; H. R. 24479. An act granting an increase of pension to Simeon

D. Pope; H. R. 24513. An act granting an increase of pension to Bow-

man H. Buck;
H. R. 24616. An act granting an increase of pension to Mathias

Shirk;
H. R. 24620. An act granting an increase of pension to Eliza-

beth Balew; H. R. 24671. An act granting an increase of pension to Augustine Sorrell;

H. R. 4678. An act granting an increase of pension to John F. Casper;

H. R. 21529. An act granting an increase of pension to Charlotte Game;

H. R. 22282. An act granting an increase of pension to Edward H. Lunn;
H. R. 22264. An act granting an increase of pension to Sibby

Barnhill; H. R. 23870. An act granting an increase of pension to Amer-

ica J. Austin; H. R. 21808. An act granting an increase of pension to Levi Mitchell;

H. R. 17334. An act granting an increase of pension to Henry

H. R. 24323. An act granting an increase of pension to Talcott M. Brown;

II. R. 1778. An act granting a pension to Jefferson L. Jennings;

H. R. 1887. An act granting a pension to Joseph Brooks;

H. R. 5913. An act granting a pension to Helen Goll;

H. R. 8816. An act granting a pension to Mary Schoske; H. R. 11535. An act granting a pension to Margarette

H. R. 11535. An act granting a pension to Margarette R. Bacon;

H. R. 14777. An act granting a pension to Mary A. Clark;
H. R. 16389. An act granting a pension to Jefferson Wilcox;

H. R. 17204. An act granting a pension Sarah E. Robey; H. R. 19042. An act granting a pension to Georgetta K. Col-

H. R. 19042. An act granting a pension to Georgetta K. Collum; H. R. 19994. An act granting a pension to Ritty M. Lane;

H. R. 19976. An act granting a pension to Nelson Isbill; H. R. 20413. An act granting a pension to Eva Louise Eberlin;

H. R. 20577. An act granting a pension to Mary Kaisted; H. R. 20738. An act granting a pension to Sarah A. Hawkes;

H. R. 21026. An act granting a pension to Delia S. Humphrey;

H. R. 21046. An act granting a pension to Jesse Harral;

H. R. 21175. An act granting a pension to Martin J. Flagstad; H. R. 22036. An act granting a pension to Emma A. Hawkes;

H. R. 22153. An act granting a pension to Antonio Archuleta; H. R. 22101. An act granting a pension to Mack Rittenberry;

H. R. 22039. An act granting a pension to Alethia White; H. R. 22187. An act granting a pension to Hiram C. Jett;

H. R. 22187. An act granting a pension to Hiram C. Jett; H. R. 22240. An act granting a pension to James M. Ping;

H. R. 22262. An act granting a pension to Elizabeth S. Osborne;

- H. R. 22448. An act granting a pension to F. Medora Johnson; H. R. 20605. An act granting a pension to Mary E. P. Barr;
- H. R. 22747. An act granting a pension to Celestia E. Outlaw; H. R. 22926. An act granting a pension to Louisa Bartlett;
- H. R. 23135. An act granting a pension to Roseanna King;
- H. R. 23187. An act granting a pension to Jennie E. Lucken-
- H. R. 23250. An act granting a pension to George A. Mercer; H. R. 23687. An act granting a pension to Blanche C. Polk;
- H. R. 23915. An act granting a pension to William Stegal;
- H. R. 24064. An act granting a pension to Mary Murray;
- H. R. 21246. An act granting a pension to Margaret Guilroy; H. R. 21769. An act granting a pension to Emma C. Aikin;
- H. R. 21249. An act granting a pension to Minnie Scheele;
- H. R. 21268. An act granting a pension to Rollin S. Belknap; H. R. 21103. An act granting an increase of pension to Jacob
- H. R. 21111. An act granting an increase of pension to Arthur
- Graham; H. R. 21113. An act granting an increase of pension to Emma M. Chamberlin;
- H. R. 21115. An act granting an increase of pension to Sylvester Bickford :
- H. R. 21118. An act granting an increase of pension to Jacob Hartman
- H. R. 21120. An act granting an increase of pension to John Lynch
- H. R. 21121. An act granting an increase of pension to Marcus
- H. R. 21122. An act granting an increase of pension to Nathan
- H. R. 21123. An act granting an increase of pension to Law-
- rence McHugh; H. R. 21133. An act granting an increase of pension to James
- W. Cosgrove: H. R. 21134. An act granting an increase of pension to Fred-
- H. R. 21139. An act granting an increase of pension to Willa
- H. R. 21157. An act granting an increase of pension to George
- C. Peek H. R. 21161. An act granting an increase of pension to Henry
- J. Rhodes H. R. 22443. An act granting an increase of pension to Lyman
- S. Strickland;
- H. R. 15197. An act to correct the military record of Arthur
- H. R. 3507. An act to correct the military record of George H. Keating
  - H. R. 22367. An act for the relief of Patrick Conlin;
- H. R. 11153. An act to correct the military record of Robert B. Tubbs
- H. R. 20881. An act granting an increase of pension to Martha J. Weaverling:
- H. R. 2326. An act for the relief of J. W. Bauer and others; H. R. 20984. An act to provide for a land district in Valley County, in the State of Montana, to be known as the Glasgow
- H. R. 21194. An act to authorize J. F. Andrews, J. W. Jourdan, their heirs, representatives, associates, and assigns, to construct dams and power stations on Bear River, on the south-east quarter of section 31, township 5, range 11, in Tishomingo
- County, Miss.; H. R. 24760. An act authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes;
- H. R. 25550. An act confirming entries and applications under section 2306 of the Revised Statutes of the United States for lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington;
- H. R. 21354. An act granting a pension to Mary Shutler;
- H. R. 21988. An act granting a pension to Philip Dieter; H. R. 3356. An act to correct the military record of Timothy Lyons;
- H. R. 24538. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1908; and
  - H. R. 18968. An act granting a pension to Vance Penkins.

## J. TENNANT STEEB.

The SPEAKER laid before the House the bill (H. R. 1371) to refund to J. Tennant Steeb certain duties erroneously paid by him without protest on goods of domestic production shipped

from the United States to Hawaii and thereafter returned, with a Senate amendment thereto.

Mr. CUSHMAN. Mr. Speaker, I move to concur in the Senate amendment with the following amendment: In line 7 strike out the word "thirty" and insert the word "thirty-six."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 7 strike out "thirty" and insert "thirty-six."

The SPEAKER. The gentleman from Washington moves to concur in the Senate amendment with the amendment which has been read.

The motion was agreed to.

#### NATIONAL-BANK GUARANTEED CREDIT NOTES.

Mr. LEWIS. Mr. Speaker, the minority of the Committee on Banking and Currency ask permission to submit their views on House bill 23017, relative to the issue and redemption of national-bank guaranteed credit notes

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

#### PUBLIC BUILDING, NEW ORLEANS, LA.

Mr. MEYER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk

The resolution was read, as follows:

Resolved, That the Clerk of the House be directed to request the Secretary of the Senate to furnish the House of Representatives with a duplicate engrossed copy of the bill of the Senate (S. 7247) to provide for the establishment of an immigration station at New Orleans, in the State of Louisiana, and the erection in said city, on a site to be selected for said station, of a building, the original copy having been lost.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

#### TWIN CITY POWER COMPANY.

By unanimous consent, the bill (H. R. 25742) to authorize the Twin City Power Company to construct dams, etc., was ordered to lie on the table, a similar Senate bill having passed the House.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. Johnson, for the remainder of the session, on account of sickness.

## FRANK R. BOYER.

By unanimous consent, at the request of Mr. Hunt, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Frank R. Boyer, Fifty-ninth Congress, no adverse report having been made thereon.

Mr. OVERSTREET of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 58 minutes p. m.) the House adjourned until Thursday, February 21, 1907, at 11 o'clock a. m.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William H. Landrum against The United States—to the Com-

mittee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Samuel A. Wine, executor of Michael Wine, deceased, against The United States-to the Committee on War Claims, and ordered to be printed.

A letter from the Postmaster-General, submitting a detailed statement of expenditures of the appropriation made in connection with the earthquake in San Francisco-to the Committee on Expenditures in the Post-Office Department, and ordered to be printed.

A letter from the Secretary of the Navy, submitting a statement of contingent and miscellaneous expenditures in the Navy Department, including the Hydrographic Office and the Naval Observatory—to the Committee on Expenditures in the Navy Department, and ordered to be printed.

# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GRONNA, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 25365) to permit the State of North Dakota to sell a portion of certain lands heretofore granted to it as a memorial park on the White Stone Hills battlefield for the purpose of raising funds for improving and beautifying such park, reported the same without amendment, accompanied by a report (No. 8040); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTHOLDT, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 25758) amending an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," and for other purposes, reported the same with amendment, accompanied by a report (No. 8041); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTLETT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 8182) authorizing the Twin City Power Company to build two dams across the Savannah River, above the city of Augusta, in the State of Georgia, reported the same with amendment, accompanied by a report (No. 8034); which said bill and report were referred to the House Calendar.

Mr. SHERLEY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 25190) to amend sections 1, 2, and 3 of an act entitled "An act to prohibit shanghaing in the United States," approved June 28, 1906, reported the same without amendment, accompanied by a report (No. 8035); which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerçe, to which was referred the bill of the House (H. R. 25629) to repeal the act of February 27, 1901, granting authority to the East St. Louis and St. Louis Bridge and Construction Company, of the city of East St. Louis, Ill., to build, own, operate, and maintain a bridge across the Mississippi River, reported the same without amendment, accompanied by a report (No. 8036); which said bill and report were referred to the House Calendar.

Mr. FOSS, from the Committee on Naval Affairs, to which was referred the resolution of the House (H. Res. 833) requesting information from the Secretary of the Navy in regard to the character and extent of the work now being done upon the U. S. Louisiana, reported the same with amendment, accompanied by a report (No. 8037); which said resolution and report were referred to the House Calendar.

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 25513) extending the time for making final proof in certain desert-land entries, reported the same with amendment, accompanied by a report (No. 8038); which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bill of the following title was reported from committee, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FORDNEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 8435) granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs, reported the same without amendment, accompanied by a report (No. 8039); which said bill and report were referred to the Private Calendar.

# PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred,

By Mr. KENNEDY of Nebraska: A bill (H. R. 25753) granting an extension of time to the Omaha Northern Railway Company to construct a railway across and establish stations on the

Omaha and Winnebago Reservation, in the State of Nebraska to the Committee on Indian Affairs.

By Mr. KLINE: A bill (H. R. 25754) to provide for the incorporation of banks within the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 25755) to provide for the incorporation of banking institutions organized by virtue of the laws of any of the States of the Union and doing business in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 25756) to provide for the incorporation of

Also, a bill (H. R. 25756) to provide for the incorporation of banks within the District of Columbia—to the Committee on the District of Columbia.

By Mr. BEDE: A bill (H. R. 25757) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT, from the Committee on Public Buildings and Grounds: A bill (H. R. 25758) amending an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," and for other purposes—to the Union Calendar.

By Mr. SULZER: A resolution (H. Res. 869) directing the Secretary of the Treasury to inform the House of Representatives as to rates of interest charged by certain national banks in New York City—to the Committee on Banking and Currency.

By Mr. STEPHENS of Texas: A resolution (H. Res. 870) directing the Secretary of the Interior to inform the House concerning certain lands in New Mexico—to the Committee on the Public Lands.

By Mr. SULLOWAY: A resolution (H. Res. 871) to pay William H. Topping, clerk to the Committee on Invalid Pensions, \$500, for extra services rendered—to the Committee on Accounts.

By Mr. WILLIAM W. KITCHIN: A joint resolution (H. J. Res, 248) to amend the Constitution to provide for an income tax and for the election of district and circuit court judges by the people—to the Committee on the Judiciary.

By Mr. WACHTER: A resolution (H. Res. 872) authorizing the payment out of the contingent fund of the House for the services of a clerk to the Committee on Enrolled Bills—to the Committee on Accounts.

By Mr. GOULDEN: A resolution (H. Res. 873) relating to the chief janitor of the House—to the Committee on Accounts.

By the SPEAKER: Memorial of the legislature of the State of Washington, praying for the improvement of Columbia and Snake rivers—to the Committee on Rivers and Harbors.

By Mr. McNARY: Memorial of the Commonwealth of Massachusetts, relative to the gypsy and brown-tail moths—to the Committee on Agriculture.

By Mr. MARSHALL: Memorial of the legislature of North Dakota, relating to grain inspection—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the legislature of North Dakota, relating to an amendment of denatured-alcohol bill now pending in Congress—to the Committee on Ways and Means.

Also, memorial of the legislature of North Dakota, relating to repeal of tariff on lumber and coal between the United States and Canada—to the Committee on Ways and Means.

By Mr. KELIHER: Memorial of the Commonwealth of Massa-

By Mr. KELIHER: Memorial of the Commonwealth of Massachusetts, relative to the gypsy and brown-tail moths—to the Committee on Agriculture.

## PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 25759) granting a pension to Joseph Le C. Alter to the Committee on Invalid Pensions

to Jeannette C. Alter—to the Committee on Invalid Pensions.
By Mr. ANDRUS: A bill (H. R. 25760) to correct the military record of Charles W. Johnson—to the Committee on Military Affairs.

By Mr. CUSHMAN: A bill (H. R. 25761) for the relief of C. J. Schneider—to the Committee on the Public Lands.
By Mr. DOVENER: A bill (H. R. 25762) granting a pension

By Mr. DOVENER: A bill (H. R. 25762) granting a pension to Edgar D. Musgrave—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25763) granting an increase of pension to John F. Starcher—to the Committee on Invalid Pensions

John F. Starcher—to the Committee on Invalid Pensions. By Mr. GILLESPIE: A bill (H. R. 25764) for the relief of Ophelia V. Worsham, sole heir of Mary E. Buchanan, deceased—

to the Committee on War Claims.

By Mr. GOULDEN: A bill (H. R. 25765) granting an increase

of pension to Michael McNally-to the Committee on Invalid

By Mr. MAHON: A bill (H. R. 25766) granting an increase of pension to William Martin—to the Committee on Invalid Pen-

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of various organizations in the States and the District of Columbia, against the Littlefield bill-

to the Committee on the Judiciary.

Also, petition of the Council of Jewish Women of San Francisco, against strict legislation on immigration-to the Committee on Immigration and Naturalization.

By Mr. ACHESON: Petition of Washington (Pa.) Legion, No. 625, Order of the National Protective Legion, against reclassification of second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Typographical Union No. 456, of Washington, Pa., for bills S. 6330 and H. R. 19853-to the Committee on Patents.

By Mr. BATES: Petition of the California State Federation of Labor, of San Francisco, for bill H. R. 9754 (increase of salaries of postal clerks)—to the Committee on the Post-Office and Post-Roads.

Also, petition of the California State Federation of Labor, against the position of the President relative to the status of the Japanese in San Francisco—to the Committee on Foreign

By Mr. BONYNGE: Petition of the Colorado State Commercial Association, against any legislation tending to segregate or classify the plains region of Colorado—to the Committee on the Public Lands.

By Mr. BURKE of Pennsylvania: Petition of Park Avenue Presbyterian Church, of Pittsburg, Pa., for an amendment to the Constitution abolishing polygamy—to the Committee on the

By Mr. CALDER: Petition of the National Institute of Arts and Letters, for a liberal copyright law-to the Committee on Patents.

By Mr. CLARK of Florida: Paper to accompany bill for relief of Adolphus N. Paretty-to the Committee on Pensions.

By Mr. DRAPER: Petition of the National Institute of Arts and Letters, for enactment of a liberal copyright law-to the Committee on Patents.

By Mr. DUNWELL: Joint resolutions of the Chamber of Commerce and the Board of Trade of Porto Rico, for deepening of the harbor of San Juan-to the Committee on Rivers and Har-

. By Mr. FULLER: Petition of the National Institute of Arts and Letters, for enactment of a liberal copyright law-to the Committee on Patents.

Also, petition of the National Convention for the Extension of the Foreign Commerce of the United States, for a dual tariffto the Committee on Ways and Means.

By Mr. GOULDEN: Paper to accompany bill for relief of

Reed B. Granger—to the Committee on Military Affairs.

Also, petition of Cairo Commercial Club and Board of Trade, for an appropriation of \$50,000,000 annually to improve the waterways of the country-to the Committee on Rivers and Har-

By Mr. HAMILTON: Petition of J. B. Steedman Post, Grand Army of the Republic, of Billingham, Wash., for bill H. R. 15585 (additional relief to ex-prisoners of war)—to the Committee on

By Mr. HOWELL of New Jersey: Petition of the Carpenters' Union of Red Bank, N. J., favoring arbitration of all national difficulties—to the Committee on Foreign Affairs.

By Mr. JAMES: Petition of citizens of the First district of

Kentucky, for reciprocal demurrage—to the Committee on Inter-state and Foreign Commerce.

By Mr. LEE: Paper to accompany bill for relief of George W. Smith (previously referred to the Committee on War Claims) to the Committee on Invalid Pensions.

By Mr. McNARY: Petition of the Massachusetts State Association of Master Plumbers, for bill S. 6923, for cheaper post-age—to the Committee on the Post-Office and Post-Roads.

By Mr. NORRIS: Resolution of the senate of Nebraska, against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. PADGETT: Paper to accompany bill for relief of the Lyman Creek Baptist Church, of Gates City, Tenn.—to the Committee on War Claims.

By Mr. REYBURN: Petition of the National Institute of Arts and Letters, for a liberal copyright law—to the Committee on Patents.

Also, petition of William H. Rau (relative to the copyright law), against unjust discrimination touching American photography-to the Committee on Patents.

Also, petition of Post No. 77, Department of Pennsylvania, Grand Army of the Republic, against abolition of pension agencies—to the Committee on Appropriations.

By Mr. SHEPPARD: Paper to accompany bill for relief of

Samuel G. Smith (previously referred to the Committee on War Claims)—to the Committee on Claims.

By Mr. RIORDAN: Petition of the National Institute of Arts and Letters, for the enactment of a liberal copyright bill—to the Committee on Patents.

By Mr. SCHNEEBELI: Paper to accompany bill for relief of David Everett—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of the Connecticut Oyster Growers' Association, against legislation tending to destroy the oyster

industry—to the Committee on Agriculture.

By Mr. SULZER: Petition of the New York Bank Note Company, against bills S. 8190 and H. R. 25133—to the Committee on Patents.

By Mr. THOMAS of North Carolina; Petition of the Engineering Society of the Carolinas, for the Appalachian and White Mountains reservation bill—to the Committee on Agriculture.

By Mr. WASKEY: Petition of citizens of Alaska, for an appropriation to protect the fish in Alaskan waters-to the Committee on the Territories.

Also, petition of citizens of Alaska, for an appropriation for a sawmill and industrial school, and a skilled mechanic for teaching proper methods of building—to the Committee on the Territories.

By Mr. WOOD: Petition of the Trenton (N. J.) Social Turn Verein, against bill H. R. 13655 (the Littlefield bill)—to the Committee on the Judiciary.

Also, petition of Hopewell (N. J.) Council, No. 73, Junior Order United American Mechanics, against the bill to amend and codify the statutes relating to classification of second-class matter-to the Committee on the Post-Office and Post-Roads.

## SENATE.

## THURSDAY, February 21, 1907.

The Senate met at 11 o'clock a. m. Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Overman, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

## DISTRICT HEALTH DEPARTMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 18th instant, the names of all employees in the health department of the District of Columbia, their official duties and titles, and the amount of compensation in each case; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

## SPECIAL EMPLOYEES OF TREASURY DEPARTMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to resolutions of the 8th instant and 14th instant, statements showing the number and names of persons employed by the Treasury Department during the fiscal year ended June 30, 1906, or who are now so employed as special agents, etc., where no specific appropriation in detail has been made by Congress for such employment; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

## LIEU FOREST-RESERVE LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of March 19, 1906, an additional list of names of those who conveyed or relinquished to the United States lands within the forest reserves prior to the act of March 3, 1905, and who failed to select other lands in lieu thereof, etc.; which, with the accompanying paper, was referred to the Committee on Public Lands, and ordered to be printed.

## PHILIPPINE TARIFF.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a copy of a cablegram from the president of the Economic Association of the Philippines requesting the enactment of legislation with respect to the free entry of sugar and the abolishment of the refundable export duties on hemp; which was referred to the Committee on Finance, and ordered to be printed.

#### WILLIAM O. BEALL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 18th instant, certain papers connected with the investigation of the official conduct of William O. Beall, recently secretary to the Commission to the Five Civilized Tribes; which, with the accompanying papers, was referred to the Committee on Indian Affairs.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 1371) to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and thereafter returned, with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24987) to authorize the sale and disposition of a portion of the surplus or unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Sherman, Mr. Burke of South Dakota, and Mr. Stephens of Texas managers at the conference on the part of the House.

The message further announced that the House had passed a concurrent resolution requesting the President to return the bill (H. R. 830) granting an increase of pension to Hezekiah Dezarn; in which it requested the concurrence of the Senate.

The message also requested the Secretary of the Senate to furnish the House of Representatives with a duplicate engrossed copy of the bill (8, 7247) to provide for the establishment of an immigration station at New Orleans, in the State of Louisiana, and the erection in said city, on a site to be selected for said station, of a public building, the original copy having been lost.

The message further announced that the House had passed a bill (H. R. 25483) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes; in which it requested the concurrence of the Senate.

## PETITIONS AND MEMORIALS.

. The VICE-PRESIDENT presented a memorial of Typographical Union No. 8, American Federation of Labor, of St. Louis, Mo., remonstrating against the manner in which Charles Moyer, William Haywood, and George Pettibone, of the Western Federation of Miners, were brought under the jurisdiction of the courts of Idaho, and praying that these men be granted a fair and impartial trial by jury; which was referred to the Committee on the Judiciary.

Mr. PLATT presented a petition of the Art Metal Work Evening Class of the Pratt Institute, of Brooklyn, N. Y., praying for the enactment of legislation to repeal the duty on works of art; which was ordered to lie on the table.

He also presented a memorial of the executive committee, Department of New York, Grand Army of the Republic, of Rochester, N. Y., remonstrating against the enactment of legislation to abolish the pension agencies throughout the country; which was ordered to lie on the table.

He also presented a petition of sundry citizens of New York City, N. Y., praying for the enactment of legislation to amend and consolidate the acts respecting copyrights; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Newark Valley, Northport, Middleburg, and Crawford, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of Local Union No. 4, of Buffalo; of Local Union No. 46, of Buffalo; of Local Union No. 135, of Syracuse, and of Local Union No. 14, of Amsterdam, all of the American Federation of Labor, in the State of New York, praying for the enactment of legislation providing for the protection of labor and industry from competition with convict labor and prison-made goods; which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of New York City, N. Y., praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented a memorial of the Linnæan Society of New York City, N. Y., remonstrating against the enactment of legislation to abolish the Bureau of Biological Survey in the Department of Agriculture; which was ordered to lie on the table.

He also presented memorials of sundry citizens of Fernwood, N. Y., and Washington, D. C., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. WHYTE presented petitions of sundry citizens of Baltimore and Easton, in the State of Maryland, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. RAYNER presented petitions of sundry citizens of Easton and Royal Oak, in the State of Maryland, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented the petition of Sharp & Dohme, of Baltimore, Md., praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

Mr. DU PONT presented a petition of the Methodist Ministers' Association of Wilmington, Del., praying for the enactment of legislation to regulate the transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a memorial of the Audobon Society of Providence, R. I., remonstrating against the enactment of legislation to abolish the Bureau of Biological Survey in the Department of Agriculture; which was ordered to lie on the table.

He also presented a memorial of the Press Club of Providence, R. I., remonstrating against the enactment of legislation to increase the postage rate on second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the R. Bliss Manufacturing Company, of Pawtucket, R. I., praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

He also presented the petition of Thomas Perry, of Westerly, R. I., and a petition of the Woman's Christian Temperance Union of Providence, R. I., praying for the passage of the so-called "Lodge resolution," providing for an investigation into the existing conditions in the Kongo Free State; which were ordered to lie on the table.

He also presented a memorial of 20 photographers of Providence, R. I., remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyrights; which were referred to the Committee on Patents.

He also presented petitions of sundry citizens of Coventry, Cumberland, Woonsocket, Warren, North Providence, Phenix, Centerville, Arnold Mills, Middletown, Tiverton, and Diamond Hill, all in the State of Rhode Island, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. SCOTT presented a petition of United Lodge. No. 7, Amalgamated Association of Iron, Steel, and Tin Workers, of Benwood, W. Va., praying for the enactment of legislation providing for the protection of labor and industry from competition with convict labor and prison-made goods; which was referred to the Committee on Education and Labor.

He also presented petitions of the Woman's Parliamentary Law Club, of Parkersburg; the Woman's Literary Club, of Parkersburg; the Woman's Club, of Wellsburg; the Virginia Literary Club, of Wheeling; the Federation of Woman's Clubs, of Wheeling; the Woman's Club, of Fairmont, and the Current History Club, of Huntington, all in the State of West Virginia, praying for the enactment of legislation to regulate the employment of child labor; which were ordered to lie on the table

Mr. KEAN presented a petition of the Woman's Christian Temperance Union of Keyport, N. J., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Edgewater Library Club, of Cliffside, N. J., and a petition of the College Woman's Club of Essex County, N. J., praying for the enactment of legislation

to regulate the employment of child labor; which were ordered to lie on the table.

Mr. McCREARY presented petitions of the congregations of the First Baptist, the Third Street Methodist Episcopal, the Broadway Methodist Episcopal, the Kentucky Avenue Presby-terian, and the Trimble Street Methodist Episcopal churches, all of Paducah, in the State of Kentucky, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. HANSBROUGH presented a petition of the Woman's Christian Temperance Union of Brinsmade, N. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the

Committee on the Judiciary.

Mr. LODGE. I present resolutions of the legislature of Massachusetts; which I ask may be printed in the Record and

referred to the Committee on Agriculture and Forestry. The resolutions were referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as

COMMONWEALTH OF MASSACHUSETTS, 1907.

Resolutions relative to the gypsy and brown-tail moths.

Resolutions relative to the gypsy and brown-tail moths.

Whereas the work of the United States Department of Agriculture, as directed by the Bureau of Entomology, in the suppression of the gypsy and brown-tail moths in this Commonwealth has been of great assistance to the State authorities engaged in the same work and has been effective in preventing the spread of these dangerous pests to adjoining States; and

Whereas a continuance of said work is necessary for the protection of New England;

Resolved, That the general court heartily commends the aforesaid efforts of the United f ates Government and urges upon the members of Congress from this Commonwealth the necessity of making liberal appropriations for the further prosecution of the same.

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the presiding officers of both branches of Congress, and also to the Senators and Representatives in Congress for this Commonwealth.

In house of representatives, adopted February 5, 1907.

In senate, adopted in concurrence February 8, 1907.

A true copy.

Attest:

WM. M. OLIN,

WM. M. OLIN, Secretary of the Commonwealth.

Mr. PENROSE presented a memorial of 399 citizens of Washington, D. C., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Philadelphia, Lancaster, New Albany, Pittsburg, and Oil City, and of the Woman's Christian Temperance Union of Octoraro, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

He also presented memorials of the Luzerne County Branch German-American Alliance, of Wilkes-Barre; Third Company, German-American Alliance, of Wilkes-Barre; Third Company, 250 members, of Der Deutschen Militar Verein, of Pittsburg and Allegheny; Avmin Lodge, No. 38, of Philadelphia; General Steuben Lodge, No. 578, of Philadelphia; Quartette Club, of Philadelphia; Rising Sun Singing Society, of Philadelphia; Unterstuetzungs Bund, of Philadelphia; Frohsinn Singing Society, of Altoona; the Maennerchor Society of Philadelphia; the Maennerchor Singing Society, of Hazleton; the Arion Gesangverein, of York; the Swabien Beneficial Society, of Pittsburg and Allegheny; the German Odd Fellows Lodge, No. 425, of Wilkes-Barre; the Ost Ungarn Kriegerbund, of Philadelphia; the Veteran Society of Pittsburg and Society, of Pittsburg and Allegheny; the German Odd Fellows Lodge, No. 425, of Wilkes-Barre; gheny; the German Odd Fellows Lodge, No. 425, of Wilkes-Barre; the Ost Ungarn Kriegerbund, of Philadelphia; the Veteran Society of Philadelphia; Lessing Lodge, No. 862, Independent Order Odd Fellows, of Hazleton; the German-American Alliance, of Altoona; the Lehigh Saengerbund, of Allentown; the Singing Society of Hazleton: the Turnverein of Jeanette; the Beethoven Maennerchor Singing Society, of Bethlehem; the Turn and Gesangs Verein Eintracht, of Homestead; the Wilkes-Barre Liedertafel, of Wilkes-Barre; the Hill Top Section, G. B. N., of Mount-Oliver: Bicentennial Unterstnetzungs Verein, No. 1, of Philadelphia Oliver; Bicentennial Unterstuetzungs Verein, No. 1, of Philadelphia; R. C. St. Peter's Beneficial Association, of Lancaster; Tacony Singing Society, of Tacony; Allentown Turn Verein of Pittsburg; St. John's Society, of Luzerne; Arminia Lodge, No. 447, of Pittsburg; German-American Landwehr Benefit Society, of Philadelphia; Fairmount Postan, No. 9, Veterans and Soldiers of the Pittsburg; German-American Landwehr Benefit Society, of Philadelphia; Fairmount Posten, No. 9, Veterans and Soldiers of the German Army, of Coogersville; Saengerbund of Philadelphia; West Somerset Yearly Beneficial Society, of Philadelphia; Schiller's Glocke Gesang und Turn Verein, of Pittsburg; Seventh Company of the German Military Verein, of Etna; Germania Musical Association, of Tarentum; the German Beneficial Union, District No. 1, of Pittsburg; United Swiss Brothers, of East Pittsburg; German Sunday School Society, of Philadelphia; District No. 146, German Beneficial Union, of Johnstown; Koeniggreetz, Post No. 8, Veteranen und Krieger Deutscher Koeniggreatz Post, No. 8, Veteranen und Krieger Deutscher

Armee, of Philadelphia; Barbarossa Castle, No. 85, Knights of the Mystic Chain, of Johnstown, and District No. 97, German Beneficial Union, of Johnstown, all in the State of Pennsylvania, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors;

regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented memorials of Sergt. S. W. Lascomb Post, No. 351, of Steelton; George H. Hess Post, No. 571, of Safe Harbor; Admiral Du Pont Post, No. 24, of Philadelphia; Gen. D. B. Birney Post, No. 63, of Philadelphia; E. T. Conner Post, No. 177, of Summit Hill; J. R. Jones Post, No. 158, of Eldred; Lieut. David H. Nissley Post, No. 478, of Mount Joy; John A. Koltes Post, No. 228, of Philadelphia; Post 77, Grand Army of the Republic of Philadelphia; and Gen. George A. McCall Post the Republic, of Philadelphia, and Gen. George A. McCall Post, No. 31, of West Chester, all of the State of Pennsylvania, remonstrating against the enactment of legislation to abolish pension agencies throughout the country; which were ordered to lie on the table.

Mr. FULTON. I present a joint memorial of the legislature of the State of Oregon, in favor of the improvement of the Siuslaw River, in that State. I ask that the joint memorial be read, and referred to the Committee on Commerce.

There being no objection, the joint memorial was read and referred to the Committee on Commerce, as follows:

## Senate joint memorial No. 6.

Senate joint memorial No. 6.

Whereas the great natural resources of that vast region lying tributary to the Siuslaw River is of prime importance to Lane County and the State of Oregon; and

Whereas its resources are undeveloped and its progress and prosperity on account of the neglect of the Government to complete the work on the Siuslaw bar are retarded; and

Whereas the money which has already been expended and the work done will be entirely lost unless the project is carried out; and

Whereas the Siuslaw River is one of the great arteries of commerce and is the principal seaport of Lane County; and

Whereas the said commerce of the county; and the said commerce of the Government to go forward with the improvements of the bar at the mouth of the Siuslaw River: Now, therefore be it

Resolved, That the Congress of the United States be, and the same is hereby, memorialized to take the necessary steps to carry on and complete the work already begun looking to the improvement of the mouth of the said Siuslaw River, and that the Senators and Representatives in Congress from the State of Oregon be, and they are hereby, memorialized to introduce in the Congress of the United States and endeavor by all honorable means to procure the passage of a bill making appropriations for carrying out and completing the said project at the mouth of the said Siuslaw River and appropriating a sufficient sum of money for that purpose.

Adonted by the house February 12 1907

purpose.
Adopted by the house February 12, 1907.

FRANK DAVEY, Speaker.

Attested by the chief clerk of the house of representatives.
W. Lair Thompson, Chief Clerk.

Adopted by the senate February 11, 1907. E. W. Haines, President.

Mr. FULTON. I present a joint memorial of the legislature of Oregon, in favor of the enactment of legislation giving to the State of Oregon the net receipts of the Government from all the forest reserves within the State. I ask that the joint memorial be read and referred to the Committee on Public Lands

The joint memorial was read and referred to the Committee

on Public Lands, as follows:

## Senate joint memorial No. 5.

Senate joint memorial No. 5.

Whereas about one-fifth of the entire area of the State of Oregon is included within national forest reserves; and Whereas such area is thereby excluded from contributing anything by way of taxation to the support of the expenses of the State government or to the support of the educational institutions of the State; and Whereas the National Government receives large sums annually from the citizens of this State in fees for pasturage within the boundaries of said forest reserves and for timber sold from within said reserves: Therefore, be it

Resolved by the legislative assembly of the State of Oregon, That Congress be, and hereby is, most respectfully memorialized to enact a law giving to the State of Oregon, to become a part of the principal of the irreducible school fund thereof, the net receipts of the Government of the United States from all the forest reserves within the State of Oregon is be it

Further resolved, That the Senators and Representatives of the State of Oregon in Congress be most earnestly requested to use all honorable means and diligence to secure the enactment of such a law.

Adopted by the chief clerk of the house of representatives.

Attested by the chief clerk of the house of representatives.

Attested by the chief clerk of the house of representatives.
W. Lair Thompson, Chief Clerk.

Adopted by the senate February 8, 1907. E. W. HAINES, President.

Mr. FULTON. I present a joint memorial of the legislature of Oregon, in favor of the enactment of legislation relative to the tracts of public lands within the State of Oregon which are claimed and held by the Oregon and California Railway Company, as grantee in succession, under certain acts of Con-gress. I ask that the joint memorial be read and referred to the Committee on Public Lands.

There being no objection, the joint memorial was read, and referred to the Committee on Public Lands, as follows:

Senate joint memorial No. 3.

To his excellency the President and honorable Senate and House of Representatives of the United States of America: Your memorialists, the legislative assembly of the State of Oregon,

Your memorialists, the legislative assembly of the State of Oregon, most respectfully represent:

That vast tracts of public land within Oregon are claimed and held by the Oregon and California Railroad Company, as grantee in succession, under the acts of the Congress of the United States of July 25, 1866, and April 10, 1869.

That said tracts are withdrawn from sale, whereby the development and material prosperity of the State is retarded.

That said railroad company so claiming said lands has not complied with the terms of said act of April 10, 1869, as to the terms of sale and the quantities of land to be sold.

That said conditions are claimed inure only to the United States as grantor to the predecessor in alleged interest of said Oregon and California Railroad Company, and have not been complied with.

Therefore your memorialists most respectfully ask that the Congress of the United States be, and hereby is, requested to enact such laws and take such steps by resolution or otherwise, as may be necessary to compel said grant, and to enact and declare some sufficient penalty for noncompliance therewith, by way of forfeiture of the grant or otherwise, as in the wisdom of Congress may seem best.

That the Senators and Representatives in Congress from the State of Oregon and all other land-grant States be, and hereby are, requested to use their utmost endeavor to procure the needed legislation in the above matter.

That this memorial be forwarded to the President and to Oregon Senators and Representatives in Congress.

That this memorial be forwarded to the President and to Oregon nators and Representatives in Congress.

Adopted by the House February 8, 1907.

FRANK DAVEY, Speaker.

Attested by the chief clerk of the house of representatives.
W. Lain Thompson, Chief Clerk.

Adopted by the scnate February 4, 1907. E. W. Haines, President.

Attested by the chief clerk of the senate.

FRANK S. GRANT, Chief Clerk.

Mr. PILES. I present a memorial of the legislature of the State of Washington, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

The memorial was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

WASHINGTON LEGISLATURE, TENTH REGULAR SESSION-MEMORIAL

[In the house. By Mr. Smalley.]

washington legislature, tenth regular session—memorial.

[In the house. By Mr. Smalley.]

To His Excellency Theodore Roosevelt, President of the United States of America: to the honorable Senate and House of Representatives of the United States; and to the honorable Secretary of Agriculture:

We, your memorialists, the senate and house of representatives of the State of Washington, in legislative session assembled (tenth regular session), most respectfully represent and pray as follows:

Whereas the people of the State of Washington, di lberty-toring; and the people of the other States of the Union and from the Deople of the Other States of Mashington, di lberty-toring; and Whereas the honorable Secretary of Agriculture of the United States of America has usurped the powers, duties, and functions of the law-making power of the Government of the United States of America has usurped the powers, duties, and functions of the law-making power of the Government of Federal forest reserves; and

Whereas said Secretary of Agriculture, in pursuance of his assmued and usurped autocratic power, has caused to be arrested, prosecuted, humiliated, and disgraced a citizen of the State of Washington for an alleged violation of one of the provisions of said one-man-made criminal code (see United States & Matthews, 146 Fed. Rep., 306); and

Whereas said Secretary now threatens to criminally prosecute all citizens alleged to have violated his said criminal code; and

Whereas said congress of the United States has no constitutional power to delegate to any one man the making of criminal laws; and

Whereas the Congress of the United States has no constitutional power to delegate to any one man the making of criminal laws; and

Whereas the Congress of the United States has no constitutional power to delegate to any one man the making of criminal laws; and

Whereas the congress of the United States has no constitutional power to delegate to any one man the making of criminal laws; and

Whereas said act, while henchical to a limited ex

timber or prairie lands or lands necessary for forest-reserve purposes;

timber or prairie lands or lands necessary for forest-reserve purposes; and.

Whereas large portions of such lands so withdrawn are essentially agricultural lands; and

Whereas the making of forest reserves out of lands less than 4,500 feet in altitude above sea level retards and prevents the settlement and prosperity of the West by reason of the facts, among other things, that home builders in the forest reserve will be isolated, without hope of near school or church privileges, without reasonable expectation of the making of suitable roads or the keeping of them in proper repair without extortionate individual expense and running the gantlet of "red whereas for like reasons, to a large extent, there is a confiscation of the property of those who have heretofore acquired rights or titles to lands now within the forest reserve, it being a matter of common knowledge that the denser the population in a given community the higher is the price of land; and, conversely, the more isolated, the less valuable; and anything retarding or preventing settlement correspondingly decreases the value of the land; and

Whereas there are large numbers of settlers who for years have reboundaries of forest reserves, who, if from sickness or other unavoidable casualty are compelled to leave their homestead claims, will virtually lose the results of years of toil and their improvements, for the reason that when they quit their premises before making final proof their lands will revert to the forest reserve, and in most instances no purchaser of the improvements can be found who is willing to become entangled in the meshes of forest-reserve regulations; and

Whereas under the laws of this State the possessor of land must survand if with a lawful fence in order to recover damages to crops by a forest reserve, in order to protect his crops and pasturage from forest-reserve cattle, must all suffere the order to recover damages to crops by a forest reserve, in order to protect his crops and maintaining a lawful fence, while a forest rese

than half a century to grant free water rights upon the public lands; and
Whereas very recently it has been determined to hamper the acquisition of water rights and rights of way within forest reserves, to the great detriment of the general public; and
Whereas as great protection against the ravages of forest fires can be given outside of forest reserves as within them; and
Whereas the Congress of the United States, in pursuance of a wise and liberal policy, in 1875 (18 Stat., 482) passed an act granting to rallroad companies generally rights of way across the public domain, with the right to take from adjacent land material, earth, stone, and timber necessary for the construction of such railroads, etc., which act has aided materially in the upbuilding of the West; and
Whereas the act of Congress of March 3, 1899 (30 Stat., 1233), granting rights of way for railroads across forest reserves does not grant the right to such railroad companies to take material, earth, stone, or timber necessary for the construction of such railroads; and Whereas the making of a forest reserve segregates the land therein contained from the category of public land; and therefore said act of March 3, 1875 (18 Stat., 482), does not apply thereto; and
Whereas the needs of the people require the speedy building of electric railways; and
Whereas the great source of water power for the operation of such railways and the providing of electric lights and power for cities and towns and for the operation of mines is situated within the limits of forest reserves; and
Whereas the present Federal restrictions tend materially to defeat the accomplishment of these benign purposes, on account of such forest reserves; and
Whereas the stock industry is impeded and discouraged by the creation of forest reserves, among other things by the imposition of a

est reserves; and

Whereas the stock industry is impeded and discouraged by the creation of forest reserves, among other things by the imposition of a pasturage tax and the uncertainty from year to year as to the amount of such tax, and the arbitrary and petty exactions inflicted by forest officers, high and low; and

Whereas it is the avowed purpose of the Forestry Service to make the same self-supporting without an appropriation from Congress therefor, and to recruit and organize an army of forestry officers, who must be supported and maintained from the income of the reserve, which means that the communities adjacent to such forest reserves must pay the bill; and

Whereas more than \$700,000 were wrested from such communities for such purposes during the last year, as against \$60,000 the year before; and

Whereas it is now proposed to increase such exactions in like retired.

fore; and Whereas it is now proposed to increase such exactions in like ratio from year to year; and

Whereas many hundreds of thousands of acres of land have been placed in forest reserves in a single county in this State, namely, Okanogan County, against the unanimous profest of the citizens of that county, as far as the recent temporary withdrawals are concerned; and Whereas the people of a local community can best be trusted to decide what is for their best interests and those of their children and their children's children:

Therefore we most earnestly and respectfully protest against the making of said temporary withdrawals premanent, and ask that they be immediately set aside and that the lands therein described be at once restored to the public domain.

The secretary of state is hereby directed to immediately transmit a certified copy of this memorial to His Excellency the President of the United States of America, to the President of the Senate, and to the Speaker of the House of Representatives of the United States, to the honorable Secretary of Agriculture, and to each of the Senators and Representatives in Congress from this State.

Mr. PILES presented petitions of sundry citizens of Seattle, Everson, and Bremerton, all in the State of Washington, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to

the Committee on the Judiciary. Mr. PROCTOR presented a petition of Local Lodge No. 108, United Garment Workers of America, of Burlington, Vt., praying for the enactment of legislation providing for the protection of labor and industries from the competition of convict labor and prison-made goods; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Montpelier, Vt., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was re-

ferred to the Committee on the Judiciary.

Mr. WARREN presented a memorial of sundry citizens of the States of Wyoming and Colorado, remonstrating against the recently proposed heavy reduction in the post-office appropria-tion bill carrying the compensation for the transportation of mail by the railway mail service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Douglas, Wyo., remonstrating against the passage of the so-called " cels-post bill;" which was referred to the Committee on Post-

Offices and Post-Roads.

#### THE HARVESTER TRUST.

Mr. HANSBROUGH. I present a paper containing very interesting information relative to the origin and operation of what is known as the "harvester trust." The paper is very short, and I move that it be printed as a document.

The motion was agreed to.

## REPAYMENT ON VOID LAND ENTRIES.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 11014) to authorize the receivers of public moneys for land districts to deposit with the Treasurer of the United States certain sums embraced in their accounts of unearned fees and unofficial moneys, to report it with an amendment, and I submit a report thereon. If the bill passes, it will have to go into conference, and I would be glad to have present consideration.

The VICE-PRESIDENT. The bill will be read for the in-

formation of the Senate.

The Secretary read the amendment of the committee, which was to strike out all after the enacting clause and to insert:

The Secretary read the amendment of the committee, which was to strike out all after the enacting clause and to insert:

That section 2 of the act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands," approved June 16, 1880, be, and is hereby, amended so as to read as follows:

Sec. 2. In all cases where homestead or timber-culture or desertland entries or other entries of public lands have heretofore or shall hereafter be canceled for conflict, or where from any cause the entry has-been erroneously allowed and can not be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his heirs or assigns, the fees and commissions, amount of purchase money, and excesses paid upon the same, upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office, and in all cases where parties have paid double minimum price for land which has afterwards been found not to be within the limits of a railroad land grant the excess of \$1.25 per acre shall in like manner be repaid to the purchaser thereof, or to his heirs or assigns.

Provided, That all moneys heretofore received by the registers and receivers at district land offices, and now carried in the unearned fees and unofficial moneys accounts, and all moneys hereafter received by these officers, from any source whatsoever, except upon advances from the Treasury Department, shall be deposited to the credit of the Treasurer of the United States, and such sums as can not be applied to the purposes for which they were tendered may be returned to the parties who paid them in, upon applications approved by the Secretary of the Interior; but no moneys shall be returned to parties who have applied to make entries on proofs that have been found to b

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to amend section 2 of the act entitled 'An act for the relief of certain settlers on public lands and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands,' approved June 16, 1880."

#### WILEY CORBETT.

Mr. HANSBROUGH. From the Committee on Finance, I report back without amendment the bill (H. R. 14464) for the relief of Wiley Corbett. I call the attention of the Senator from North Carolina [Mr. Overman] to the bill.

Mr. OVERMAN. I ask unanimous consent for the present

consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay \$303.38 to Wiley Corbett on account of unused revenue stamps for whisky produced by Corbett and destroyed by fire before such stamps were issued.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

Mr. HALE. After this, as the Senator from Vermont desires to go on with the appropriation bill, I shall ask that the regular order be enforced on reports of committees.

#### REPORTS OF COMMITTEES.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (H. R. 23198) granting an increase of pension to Lucie A. Allyn, reported it with amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and

submitted reports thereon:

A bill (H. R. 25069) granting an increase of pension to William A. Decker;

A bill (H. R. 25097) granting an increase of pension to Edmund P. Weatherby;

A bill (H. R. 25101) granting an increase of pension to Nancy A. Meredith:

A bill (H. R. 25106) granting an increase of pension to Francis A. Biffar

A bill (H. R. 25108) granting an increase of pension to William H. Brown;

A bill (H. R. 25112) granting an increase of pension to William Turner

A bill (H. R. 25113) granting an increase of pension to John H Haves

A bill (H. R. 25120) granting an increase of pension to Charles B. Spring

A bill (H. R. 25143) granting an increase of pension to Elizabeth Wolfe;

A bill (H. R. 25145) granting an increase of pension to Charles Henry Weatherwax

A bill (H. R. 25149) granting an increase of pension to Joshua A bill (H. R. 25172) granting an increase of pension to Bur-

gess N. Isaacs A bill (H. R. 25174) granting an increase of pension to Henry

W. Casey A bill (H. R. 25176) granting an increase of pension to Gott-

fried Haferstein; A bill (H. R. 25211) granting an increase of pension to Al-

phonso Brown; A bill (H. R. 25214) granting an increase of pension to Robert H. Douglas

A bill (H. R. 25224) granting an increase of pension to David C. Smith

A bill (H. R. 25247) granting an increase of pension to War-

ren Onan A bill (H. R. 25248) granting an increase of pension to Knute

Thompson A bill (H. R. 25254) granting an increase of pension to George W. Warfel; and

A bill (H. R. 25229) granting an increase of pension to James T. Blair.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (H. R. 10574) granting a pension to Edward W. Hoban, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 24100) granting an increase of pension to Henry W. Wilson

A bill (H. R. 24101) granting an increase of pension to George

A bill (H. R. 24161) granting an increase of pension to Hugh

A bill (H. R. 24171) granting an increase of pension to Finus M. Wyatt;

A bill (H. R. 24183) granting an increase of pension to Joseph B. Joyce;

A bill (H. R. 24189) granting an increase of pension to Frederick Hoffner

A bill (H. R. 24197) granting an increase of pension to Mary

A bill (H. R. 24210) granting an increase of pension to George H. Maddox

A bill (H. R. 24215) granting an increase of pension to George Hoell

A bill (H. R. 24225) granting an increase of pension to William Ivans

A bill (H. R. 24226) granting an increase of pension to Francis J. Eachus

A bill (H. R. 24269) granting an increase of pension to Wil-

A bill (H. R. 24288) granting an increase of pension to John Gooding

A bill (H. R. 24294) granting an increase of pension to Daniel

R. Lamoreau; A bill (H. R. 24299) granting an increase of pension to William B. Doyle ;

A bill (H. R. 24300) granting a pension to Sadie E. Haw-

A bill (H. R. 24308) granting an increase of pension to Lyman

A bill (H. R. 24334) granting an increase of pension to Emma Case:

A bill (H. R. 24338) granting an increase of pension to James M. Gardner

A bill (H. R. 24343) granting an increase of pension to James M. Haney

A bill (H. R. 24344) granting an increase of pension to John

A bill (H. R. 24355) granting a pension to Mary O. Learned; and

A bill (H. R. 24194) granting an increase of pension to William Davis.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 24599) granting an increase of pension to Thomas L. Richardson;

A bill (H. R. 24635) granting a pension to Elizabeth Stuessi; A bill (H. R. 24638) granting an increase of pension to Bernard Shallow

A bill (H. R. 24681) granting an increase of pension to Lewis M. Jarvis

A bill (H. R. 24691) granting an increase of pension to Edward Burtch

A bill (H. R. 24698) granting an increase of pension to Lydia

A bill (H. R. 24707) granting an increase of pension to Peter Campbell:

A bill (H. R. 24726) granting an increase of pension to Seldon R. Sanders

A bill (H. R. 24733) granting an increase of pension to John

H. Morrison; A bill (H. R. 24740) granting an increase of pension to William E. Chase;

A bill (H. R. 24776) granting an increase of pension to David T. Taylor;

A bill (H. R. 24792) granting an increase of pension to William H. Penfield;

A bill (H. R. 24801) granting an increase of pension to George

A bill (H. R. 24807) granting an increase of pension to Horace E. Heath:

A bill (H. R. 24829) granting an increase of pension to John R. Robbins

A bill (H. R. 24838) granting an increase of pension to Henry H. A. Walker;

A bill (H. R. 24845) granting an increase of pension to An-

drew J. Price;
A bill (H. R. 24846) granting an increase of pension to Robert M. Wolf

A bill (H. R. 24851) granting an increase of pension to Oren S. Rouse

A bill (H. R. 25455) granting an increase of pension to Emma Hempler :

A bill (H. R. 24710) granting an increase of pension to Jacob Riner; and

A bill (H. R. 24769) granting an increase of pension to John George.

Mr. WHYTE, from the Committee on the District of Columbia, to whom was referred the bill (S. 8368) to amend an act to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia, approved June 8, 1896, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. HANSBROUGH (for Mr. DILLINGHAM), from the Committee on the District of Columbia, to whom was referred the bill (S. 7929) to provide a temporary home for ex-Union soldiers sailors in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. PLATT, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15027) to remove the charge of desertion against Cornelius O'Callaghan; and

A bill (H. R. 1561) authorizing the Secretary of the Navy to grant an honorable discharge to Peter O'Neil.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (S. 6068) to correct the military record of Conrad Hyne, reported it with an amendment.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 25627) to authorize the county of Arm-strong, in the State of Pennsylvania, to construct a bridge across the Allegheny River in Armstrong County, Pa., reported it without amendment.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department, reported it with amendments, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (H. R. 25005) granting an increase of pension to Emeline H. Hardie, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 21413) granting an increase of pension to Mary S. Platt

A bill (H. R. 24868) granting an increase of pension to John

A bill (H. R. 24899) granting an increase of pension to Mary W. Lusk

A bill (H. R. 24902) granting an increase of pension to John W. Rawlings

A bill (H. R. 24905) granting an increase of pension to Susan E. Davis A bill (H. R. 24907) granting an increase of pension to Lloyd

Roberts; A bill (H. R. 24910) granting an increase of pension to Wil-

liam H. Churchill; A bill (H. R. 24911) granting an increase of pension to James

C. Cosgro; A bill (H. R. 24921) granting an increase of pension to Patrick

F. Shevlin, alias Patrick Burns; A bill (H. R. 24924) granting an increase of pension to Wil-

liam V. Monroe;
A bill (H. R. 24940) granting an increase of pension to Timo-

thy H. Gibson; A bill (H. R. 24946) granting a pension to Phebe Wright;

A bill (H. R. 24947) granting an increase of pension to Edward Mailey

A bill (H. R. 24957) granting an increase of pension to Francis H. Ferry

A bill (H. R. 24958) granting an increase of pension to Henry Kanline: A bill (H. R. 24961) granting an increase of pension to Au-

gustus H. Hansell; A bill (H. R. 24965) granting an increase of pension to Jacob

Gilbrech A bill (H. R. 24968) granting an increase of pension to John Burke;

A bill (H. R. 24969) granting an increase of pension to Charles N. Stafford ;

A bill (H. R. 24971) granting an increase of pension to Elijah Devore;

A bill (H. R. 24984) granting an increase of pension to Lauranah J. Hedgepeth;

A bill (H. R. 25020) granting an increase of pension to Cinderella B. McClure :

A bill (H. R. 25023) granting an increase of pension to Virginia C. Galloway ;

A bill (H. R. 25025) granting an increase of pension to John Ham; and

A bill (H. R. 24861) granting an increase of pension to Otho E. D. Culbertson.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 23850) granting an increase of pension to Wil-

liam Freeman; A bill (H. R. 23852) granting an increase of pension to James G. Crozer:

A bill (H. R. 23855) granting a pension to Sarah E. Selders; A bill (H. R. 23857) granting an increase of pension to Isaac

A bill (H. R. 23864) granting an increase of pension to James A. Miller;

A bill (H. R. 23890) granting an increase of pension to Jacob

B. Haslam; A bill (H. R. 23912) granting an increase of pension to James E. Fitzgerald :

A bill (H. R. 23961) granting an increase of pension to Oscar N. Cowell;

A bill (H. R. 23966) granting an increase of pension to Hugh

A bill (H. R. 23967) granting an increase of pension to Henry

Hill A bill (H. R. 23968) granting an increase of pension to Alex-

ander McWhorter A bill (H. R. 23971) granting an increase of pension to Mary

E. C. Butler:

A bill (H. R. 23974) granting an increase of pension to John P. Bennett:

A bill (H. R. 23982) granting an increase of pension to Thomas H. Seed;
A bill (H. R. 23997) granting an increase of pension to

Michael M. Field;

A bill (H. R. 23999) granting an increase of pension to John F. Gough;

A bill (H. R. 24000) granting an increase of pension to Mary Holle:

A bill (H. R. 24002) granting an increase of pension to Michael F. Gilrain;

A bill (H. R. 24015) granting an increase of pension to Aaron C. Sanford A bill (H. R. 24028) granting an increase of pension to George

A bill (H. R. 24030) granting an increase of pension to Andrew J. Foor

A bill (H. R. 24031) granting an increase of pension to John A bill (H. R. 24034) granting an increase of pension to Mary

T. Banta

A bill (H. R. 24037) granting an increase of pension to Theodore Teeple; A bill (H. R. 24061) granting an increase of pension to John

C. Nelson ;

A bill (H. R. 24068) granting an increase of pension to John Maginnis; and

A bill (H. R. 24079) granting an increase of pension to David Jones.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 24397) granting an increase of pension to David Prunkard .

A bill (H. R. 24404) granting a pension to Lauraette La Fleur ;

A bill (H. R. 24405) granting an increase of pension to Mary H. Bishop;

A bill (H. R. 24406) granting an increase of pension to Edmund Johnson;

A bill (H. R. 24413) granting an increase of pension to William Thomas:

A bill (H. R. 24414) granting a pension to Van C. Wilson; A bill (H. R. 24419) granting a pension to Belle M. Ocker;

A bill (H. R. 24483) granting a pension to Clarence W. Thomas

A bill (H. R. 24493) granting an increase of pension to Theodoric Gage

A bill (H. R. 24502) granting an increase of pension to A. Judson Conant:

A bill (H. R. 24504) granting an increase of pension to John H. Leiter

A bill (H. R. 24518) granting an increase of pension to Reuben Nye

A bill (H. R. 24530) granting an increase of pension to David Miller

A bill (H. R. 24531) granting an increase of pension to David E. Jefferson

A bill (H. R. 24553) granting an increase of pension to Sarah J. Reed:

A bill (H. R. 24560) granting an increase of pension to Margaret Lesley

A bill (H. R. 24577) granting an increase of pension to John L. Flanery

A bill (H. R. 24586) granting an increase of pension to Jotham A. Vincent;
A bill (H. R. 24700) granting an increase of pension to Joseph

Brooks ; A bill (H. R. 25016) granting an increase of pension to Fred-

erick G. Ackerman; and

A bill (H. R. 24532) granting an increase of pension to Absalom R. Shacklett.

Mr. BURKETT, from the Committee on Claims, to whom was referred the bill (S: 5878) for the relief of Phillip Hague, administrator of the estate of Joseph Hague, deceased, reported it with amendments, and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 8420) for the relief of the Mille Lac band of Chippewa Indians in the State of Minnesota, and for other purposes, reported it without amendment.

He also, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 23650) to quiet title to lands on Jicarilla Reservation, and to authorize the Secretary of the Interior to cause allotments to be made and to dispose of the merchantable timber, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 25440) granting an increase of pension to Catharine Lipes;

A bill (H. R. 21721) granting a pension to John R. Kissinger; and

A bill (H. R. 9767) granting a pension to William J. Crane. Mr. McCUMBER, from the Committee on Pensions, reported the following bills severally without amendment, and submitted a report thereon:

A bill (H. R. 25445) granting an increase of pension to Wil-

liam E. Webster;
A bill (H. R. 25451) granting an increase of pension to William H. Maxwell;

A bill (H. R. 25511) granting an increase of pension to Hiram Filkins;

A bill (H. R. 24223) granting a pension to Martha A. L. Stephens:

A bill (H. R. 24855) granting a pension to George W. Robins; A bill (H. R. 15779) granting a pension to Margaret A. Jor-

A bill (H. R. 12021) granting a pension to James M. Wood: A bill (H. R. 22283) granting an increase of pension to Stoddard Caswell:

A bill (H. R. 23442) granting an increase of pension to James J. Lawley

A bill (H. R. 25255) granting an increase of pension to Samuel

A bill (H. R. 25256) granting an increase of pension to Cyrus W. Scott;

A bill (H. R. 25257) granting an increase of pension to James H. Phillips ;

A bill (H. R. 25260) granting an increase of pension to Thomas J. Richie;

A bill (H. R. 25261) granting an increase of pension to Wil-

liam M. Helvy;
A bill (H. R. 25263) granting an increase of pension fo Thomas McDermott;
A bill (H. R. 25288) granting an increase of pension to Minna

A bill (H. R. 25303) granting an increase of pension to Adeline Brown:

A bill (H. R. 25305) granting an increase of pension to Edgar A. Stevens

A bill (H. R. 25309) granting an increase of pension to Joseph Casavaw

A bill (H. R. 25325) granting an increase of pension to Polly Ann Bowman

A bill (H. R. 25328) granting an increase of pension to James W. Barr

A bill (H. R. 25354) granting a pension to Alice House; A bill (H. R. 25355) granting a pension to William McCraney; A bill (H. R. 25391) granting an increase of pension to Richard Gogin :

A bill (H. R. 8894) granting an increase of pension to James C. Strong; and

A bill (H. R. 22709) granting a pension to Martha E. Muhlen-

Mr. NEWLANDS. I submit the views of the minority of the Committee on Territories on the bill (H. R. 18891) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska, which is now on the Calendar. I also present an amendment in the nature of a substitute for that bill, which I ask may be printed.

The VICE-PRESIDENT. The views of the minority pre-

sented by the Senator from Nevada will be printed with the majority report, and the amendment will also be printed.

#### ESTATE OF SAMUEL GARLAND.

Mr. STONE. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 8426) authorizing the Court of Claims to hear and adjudicate the claims of Samuel Garland, deceased, against the Choctaw Nation, to report it back favorably. It is a bill of one section and I am directed to ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The Senator from Maine [Mr. HALE] gave notice of opposition to the consideration of bills by unanimous consent.

Mr. HALE. I had already given notice that the Senator from Vermont is waiting to go on with the appropriation bill,

and I shall ask for the regular order.

Mr. STONE. If I can not get consideration of the bill at this time, I will withdraw the report and take better chances hereafter.

The VICE-PRESIDENT. The Senator from Missouri withdraws the report.

## BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 8536) granting an increase of pension to Harry G. Morton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DICK introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 8537) for the relief of the heirs and legal representatives of George S. Simon; and
A bill (S. 8538) for the relief of the heirs and legal representatives of Asahel Bliss.

Mr. LONG introduced a bill (S. 8539) relating to proof of signatures and handwriting; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DEPEW introduced a bill (S. 8540) to ratify a certain lease with the Seneca Nation of Indians; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. WETMORE introduced a bill (S. 8541) granting an increase of pension to George H. Paddock; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 8542) to authorize W. D. Clay and others to select lands in lieu of lands purchased by the father of said parties from the United States Government and lost by said heirs; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public

Mr. CULBERSON introduced a bill (S. 8543) for the relief of Sarah M. Harrell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

.Mr. OVERMAN introduced a bill (S. 8544) for the relief of Joseph H. Fesperman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 8545) to amend section 3 of an act entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations and to extend the protection of the laws of the United States over the Indians, and for other purposes," approved February 8, 1901;

which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 8546) to amend section 4756 of the Revised Statutes, relating to half rating to disabled enlisted persons serving twenty years in the Navy or United States Marine Corps; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. LONG introduced a joint resolution (S. R. 94) extending the provisions of the act of June 27, 1890, to include the officers and privates of Capt. David Beaty's company of independent scouts and the widows and minor children of all such persons, also extending the provisions of the act of 1907 to the officers and privates of said company; which was read twice by its title, and referred to the Committee on Pensions.

## AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. RAYNER submitted an amendment proposing to appropriate \$130,629.67, being for the expenses incurred in the reconstruction of the Providence Hospital buildings, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and

ordered to be printed.

Mr. SCOTT submitted an amendment proposing to appropriate \$50,000 for continuing the improvement of movable dam No. 9, in the Ohio River, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$50,000 for continuing the improvement of movable Dam No. 10, in the Ohio River, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

## CONSTITUTIONAL AMENDMENT AGAINST POLYGAMY.

Mr. DUBOIS submitted the following resolution; which was

read:

Resolved, That the Committee on the Judiciary be, and it is hereby, authorized and instructed to prepare and report to the Senate, within thirty days after the beginning of the next session of Congress, a joint resolution of the two Houses of Congress, proposing to the several States amendments to the Constitution of the United States which shall provide, in substance, for the prohibition and punishment of polygamous marriages and plural cohabitation, contracted or practiced within the United States and in every place subject to the jurisdiction of the United States; and which shall, in substance, also require all persons taking office under the Constitution or laws of the United States, or of any State, to take and subscribe an oath that he or she is not, and will not be, a member or adherent of any organization whatever the laws, rules, or nature of which organization require him or her to disregard his or her duty to support and maintain the Constitution and laws of the United States and of the several States.

Mr. DUBOIS. I ask that the resolution may go over until

Mr. DUBOIS. I ask that the resolution may go over until to-morrow, and to-morrow I hope to get a vote of the Senate upon the passage of the resolution.

The VICE-PRESIDENT. The resolution will lie over.

## CONFERENCES AND CONFERENCE REPORTS.

Mr. TILLMAN. I ask for the immediate consideration of the resolution I send to the desk.

The resolution was read, as follows:

Resolved, That the Committee on Rules be requested to consider the matter of conference reports and the power of conferees in dealing with the same; to determine what is permissible and what is not, and to report a rule to the Senate covering the subject-matter and providing for the orderly procedure in such cases.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. CULBERSON. I do not know whether the Senator from South Carolina was present or is advised about it, but I invite his attention to the resolution which I introduced some weeks ago—a month ago, probably—directing the Committee on Rules to incorporate in the Senate Manual the rules governing conferences and conference reports, prepared by the clerk of the Committee on Appropriations, which has practically been adopted as the rules of the Senate, I understand. I will ask the Senator from Wisconsin if any action has yet been taken by the Committee on Rules upon that resolution?

Mr. SPOONER.. It is expected that the committee will meet to-morrow and act on the resolution. But I do not think, if the committee should act upon it, it would accomplish the purpose which is sought by the Senator from South Carolina. Incorporating them in the Manual as a matter of information would not make them rules of the Senate.

Mr. CULBERSON. I understand that those rules are practically the rules of the Senate now. They would be more effective, it is true, if the Senate should formally adopt them as the

rules of the Senate.

Mr. SPOONER. There is no rule of the Senate now which warrants a point of order upon a conference report, I understand. I think the Senator from South Carolina has in view the adoption of a rule which willMr. TILLMAN. Settle it.

Mr. SPOONER. Give power to raise that question. It is done in the House. The resolution does not at all conflict with the matter referred to by the Senator from Texas.

The VICE-PRESIDENT. The question is on agreeing to the

resolution submitted by the Senator from South Carolina.

The resolution was agreed to.

## ELASTICITY IN THE CURRENCY.

Mr. DEPEW submitted the following resolution; which was ordered to lie on the table and be printed:

Resolved, That the Committee on Finance be authorized to investigate and report what legislation, if any, may be necessary in relation to the deposit of public moneys and the issue of currency to prevent conditions of abnormal and dangerous rates of interest at certain periods of the year and provide such elasticity in the currency that it will be more responsive to the conditions of business.

#### UNITED STATES MILITIA.

Mr. DICK submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed, at the Government Printing Office, for the use of the War Department, 2,500 copies of the report of The Military Secretary of the Army relative to the militia of the United States for the fiscal year ended June 30, 1906.

INCORPORATION OF BANKS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the House of Representatives be requested to return to the Senate the bill (S. 6906) to provide for the incorporation of banks within the District of Columbia.

#### AGRICULTURAL APPROPRIATION BILL,

Mr. PROCTOR. I move that the Senate proceed to the consideration of the agricultural appropriation bill.

The motion was agreed to.

#### BAYOU BARTHOLOMEW BRIDGE; LOUISIANA.

Mr. McENERY. I ask the Senator from Vermont to yield to me for a moment.

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Louisiana?

Mr. PROCTOR. I yield to the Senator. Mr. McENERY. I ask unanimous consent for the present Mr. McENERY. consideration of the bill (H. R. 22338) to bridge Bayou Bartholomew, in Louisiana.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## INDIAN TRIBAL FUNDS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5290) providing for the allotment and distribution of Indian tribal funds, and requesting a conference with the Senate on the disagreeing votes of the two

Houses thereon.

Mr. CLAPP. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. Clapp, Mr. Sutherland, and Mr. Stone as the conferees on the part of the Senate.

## PRESIDENTIAL APPROVALS.

A messenger from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On February 19:

S. 6205. An act granting a pension to Hansford G. Gilkeson;

8. 6408. An act granting a pension to Mary Louise McLean; 8. 7337. An act granting a pension to Henry W. Blair; 8. 7339. An act granting a pension to Julia C. R. Baird;

S. 7378. An act granting a pension to Giles M. Caton;

7744. An act granting a pension to Josephine Brackett; S. 5699. An act granting an increase of pension to Adelaide D. Merritt

S. 5836. An act granting an increase of pension to Daniel Loosley

S. 5886. An act granting an increase of pension to Anna E.

S. 5912. An act granting an increase of pension to Nathaniel Green:

S. 5991. An act granting an increase of pension to George F.

S. 6050. An act granting an increase of pension to Edward W. Galligan ;

S. 6137. An act granting an increase of pension to Fannie L. Pike;

S. 6139. An act granting an increase of pension to Eliza Brusie

S. 6143. An act granting an increase of pension to Thomas J.

Northrop; S. 6145. An act granting an increase of pension to Enoch

S. 6223. An act granting an increase of pension to William E. Cummin:

S. 6233. An act granting an increase of pension to George E. Vanderwalker

S. 6273. An act granting an increase of pension to William J. Wells;

S. 6278. An act granting an increase of pension to Henry Humble;

S. 6325. An act granting an increase of pension to David A. Edwards

S. 6350. An act granting an increase of pension to Silas G. Clark

S. 6351. An act granting an increase of pension to Andrew J. West;

S. 6372. An act granting an increase of pension to Marvin Osgood ;

S. 6431. An act granting an increase of pension to R. Smith Coats S. 6436. An act granting an increase of pension to George W.

Kelsey; S. 6459. An act granting an increase of pension to Ellen Car-

penter; S. 6532. An act granting an increase of pension to Joseph Daniels

S. 6571. An act granting an increase of pension to William I. Ross

S. 6573. An act granting an increase of pension to John A. Williams; S. 6582. An act granting an increase of pension to Moses

Rowell: S. 6584. An act granting an increase of pension to John

Heath: S. 6587. An act granting an increase of pension to Marcus M.

Currier S. 6588. An act granting an increase of pension to Arthur Hathorn;

S. 6589. An act granting an increase of pension to Washington D. Gray;

S. 6590. An act granting an increase of pension to Theron Hamner

S. 6623. An act granting an increase of pension to Mollie J. Mitchell;

S. 6624. An act granting an increase of pension to Alvin N. D. Kite;

S. 6625. An act granting an increase of pension to Anderson Henry ;

S. 6633. An act granting an increase of pension to Benjamin Wright

S. 6637. An act granting an increase of pension to James J.

S. 6656. An act granting an increase of pension to Eli M. Skinner : S. 6670. An act granting an increase of pension to Dana H.

McDuffee : S. 6671. An act granting an increase of pension to Horace P.

Marshall S. 6687. An act granting an increase of pension to Henry W. Mahaney

S. 6703. An act granting an increase of pension to John H. Niblock :

S. 6706. An act granting an increase of pension to James T. Stewart:

S. 6708. An act granting an increase of pension to Columbus B. Mason

S. 6710. An act granting an increase of pension to Thomas P.

S. 6722. An act granting an increase of pension to William Arnold:

S. 6732. An act granting an increase of pension to John Trefry;

S. 6733. An act granting an increase of pension to Anna D. Barnes

S. 6736. An act granting an increase of pension to Charles H. Tracy; S. 6769. An act granting an increase of pension to James T.

McReynolds; S. 6793. An act granting an increase of pension to Simon Peter Wallerson;

- S. 6800. An act granting an increase of pension to Esther Eldridge:
- S. 6811. An act granting an increase of pension to James
- Carpenter, jr.; S. 6820. An act granting an increase of pension to Henry M.
- S. 6823. An act granting an increase of pension to John H. Holsey;
- S. 6827. An act granting an increase of pension to Theodore J. Sweeting:
- S. 6828. An act granting an increase of pension to Walter D. Greene:
- 3. 6830. An act granting an increase of pension to Daniel L.
- S. 6835. An act granting an increase of pension to George
- S. 6875. An act granting an increase of pension to Lemuel T.
- Williams; S. 6876. An act granting an increase of pension to Jesse L.
- S. 6914. An act granting an increase of pension to Albert T. Barr :
- S. 6915. An act granting an increase of pension to Samuel G.
- S. 6916. An act granting an increase of pension to Nathan E.
- S. 6933. An act granting an increase of pension to Fredrick Middaugh:
- S. 6935. An act granting an increase of pension to William R. Neil:
- S. 6936. An act granting an increase of pension to Robert
- S. 6937. An act granting an increase of pension to Michael Rosbrugh;
- S. 6943. An act granting an increase of pension to Lewis A.
- S. 6947. An act granting an increase of pension to Charles M.
- S. 6948. An act granting an increase of pension to Albert H.
- S. 6957. An act granting an increase of pension to Hiram Siegfried:
- S. 6958. An act granting an increase of pension to Keziah Walker;
- S. 6960. An act granting an increase of pension to Thomas Ashton:
- S. 6963. An act granting an increase of pension to William B. Sayles
- S. 6964. An act granting an increase of pension to Silas N.
- S. 7025. An act granting an increase of pension to James C.
- S. 7053. An act granting an increase of pension to Solomon
- S. 7056. An act granting an increase of pension to Frederick Carel:
- S. 7060. An act granting an increase of pension to John Hager'
- S. 7062. An act granting an increase of pension to John
- S. 7066. An act granting an increase of pension to Timothy
- S. 7067. An act granting an increase of pension to Edmund Fillio
- S. 7069. An act granting an increase of pension to Marshall Johnson:
- S. 7074. An act granting an increase of pension to William
- S. 7075. An act granting an increase of pension to John S.
- S. 7094. An act granting an increase of pension to George B.
- S. 7101. An act granting an increase of pension to Catherine Matimore:
- S. 7105. An act granting an increase of pension to Samuel
- S. 7119. An act granting an increase of pension to Charles
- S. 7157. An act granting an increase of pension to Austin S.
- S. 7161. An act granting an increase of pension to George A.
- Tyler; S. 7162. An act granting an increase of pension to William H. Sheckler:

- S. 7174. An act granting an increase of pension to Rebecca Faggart
- S. 7175. An act granting an increase of pension to Adline
- S. 7192. An act granting an increase of pension to Noah Jar-
- S. 7193. An act granting an increase of pension to David C. Benjamin:
- S. 7220. An act granting an increase of pension to Nancy
- S. 7243. An act granting an increase of pension to Justus B. Coomer
- S. 7246. An act granting an increase of pension to William H.
- S. 7265. An act granting an increase of pension to John R. McCoy :
- S. 7293. An act granting an increase of pension to John
- White; S. 7294. An act granting an increase of pension to William
- P. Pattison: S. 7295. An act granting an increase of pension to Gabriel
- Campbell: S. 7335. An act granting an increase of pension to Charles C.
- S. 7349. An act granting an increase of pension to Luke M.
- S. 7350. An act granting an increase of pension to Richard
- Dodge; S. 7353. An act granting an increase of pension to Augusta T.
- S. 7356. An act granting an increase of pension to Henry Schlosser
- S. 7358. An act granting an increase of pension to David Turner;
- S. 7361. An act granting an increase of pension to George Downing
- S. 7377. An act granting an increase of pension to Martha J. Collins;
- S. 7384. An act granting an increase of pension to Orson B. Johnson
- S. 7398. An act granting an increase of pension to Page G. Potter:
- S. 7402. An act granting an increase of pension to Francis H. De Castro
- S. 7428. An act granting an increase of pension to Helen C. Lettenmayer;
- S. 7445. An act granting an increase of pension to Charles J.
- S. 7554. An act granting an increase of pension to Amelia R. Randolph:
- S. 7556. An act granting an increase of pension to Thomas Spanton ;
- S. 7558. An act granting an increase of pension to Mary Morgan
- S. 7566. An act granting an increase of pension to John Anslow;
- S. 7617. An act granting an increase of pension to Victor H. Coffman;
- S. 7623. An act granting an increase of pension to Sarah A. Kumler
- S. 7640. An act granting an increase of pension to Stephen H. S. Cook
- S. 7672. An act granting an increase of pension to Elvina Adams: S. 7673. An act granting an increase of pension to William
- W. Jordan S. 7724. An act granting an increase of pension to Paul J.
- S. 7740. An act granting an increase of pension to Dwight Simpson
- S. 7919. An act granting an increase of pension to John D.
- S. 7475. An act granting an increase of pension to William D. Hudson
- S. 7484. An act granting an increase of pension to Samuel E.
- S. 7486. An act granting an increase of pension to Byron A. Williams;
- S. 7488. An act granting an increase of pension to William W.
- S. 7489. An act granting an increase of pension to Albert C. Wagher;
- S. 7505. An act granting an increase of pension to Michael Bogue;

S. 7513. An act granting an increase of pension to Alexander M. Cowgill:

S. 7543. An act granting an increase of pension to Robert B. McCumber; and

S. 7998. An act granting an increase of pension to George N.

On February 20:

S. 7211. An act to amend an act entitled "An act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo., proved March 19, 1904;

S. 7515. An act to authorize the Missouri River Improvement Company, a Montana corporation, to construct a dam or dams across the Missouri River;

S. 4403. An act to regulate the immigration of aliens into the United States; and

S. 7793. An act to fix the time for holding the circuit and district courts of the United States in and for the northern district

On February 21:

S. 6364. An act to incorporate the National Child Labor Committee: and

S. 8283. An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes.

#### ROSEBUD INDIAN RESERVATION LANDS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24987) to authorize the sale and disposition of a portion of the surplus or unallotted land in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GAMBLE. I move that the Senate insist upon its amend-

ments, agree to the conference asked by the House, and that the

Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. Gamble, Mr. Brandegee, and Mr. Dubois as the conferees on the part of the Senate.

## HOUSE BILL REFERRED.

H. R. 25483. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes, was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

## AGRICULTURAL -APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June

Mr. CLARK of Wyoming. Mr. President, at the close of the debate on the forestry proposition a couple of days ago the Senator from Wisconsin [Mr. Spooner] had made some observations regarding the Forest Service. With nearly everything that the Senator said I heartily agreed; but I think it is proper With nearly everything to take this opportunity to state the position of many of those who oppose the extraordinary features of this agricultural appropriation bill. I think it is proper to give a statement of the position which they occupy in regard to the Forestry Service as a service.

Certainly there can be no section of the country that is more interested in the proper conservation of the forests and the proper conservation of the waters of the arid regions than the people who live in those regions. I think there will be found no voice raised against a proper forestry policy by those who are opposing, as I said, these extraordinary provisions. We have complained, and complained bitterly at times, as to the administration and the policy that is pursued in the carrying

out of the Forestry Service.

I take occasion here and now also, from a personal acquaintance of a number of years, to bear my testimony to the high character of the man who is at present at the head of that Service. But, Mr. President, I think there is very little conception on the part of the Senate of the United States or the country as to the extent to which the Forest Service has been carried and the power of the Forester increased. The very high character and the earnestness and the single-mindedness of the man who has had charge of that Service has worked to the irreparable injury of the section of the country over which it is extended. He is a man who is single in his aim. He has made forestry the study of his lifetime. Therefore it is not strange that he can not see things in their true relative value. To him the preservation of the forests and forest culture are the high-

est earthly object attainable. But many of us who live near the forests believe that it is better to devote an acre that will support a man to the support of the man, instead of to the support of the trees. It is unfortunate that in viewing matters from his standpoint he can not realize the practical necessities and difficulties that occur to those who have not the Forest Service primarily in mind.

The Senator from Wisconsin in his closing remarks-and I sought a moment then to say a few words, but it was latein reply to a few remarks by the Senator from Indiana, that it was no part of the intention of the Forestry Service to do aught than that for which it was created, to wit, the conservation of the forests and the conservation of the streams; that there was no purpose to create game preserves or breeding grounds for wild animals. The Senator undoubtedly supposed that he was speaking true as to the fact; but I will say to the Senator that one of the declared purposes of the Forestry Service is to make of all the forest reserves game preserves. That is shown from the fact that in hearings before the committees of this body the Forester, Mr. Pinchot, has advocated making game preserves of the forest reserves. It is shown from the fact that there have been introduced and are now upon the Calendar, or perhaps have already passed the Senate, bills containing provisions that in certain States and in certain reserves there shall be game preserves.

ame preserves. Mr. President, I have here—— Mr. BEVERIDGE. Mr. President, will the Senator permit

me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Wyoming ield to the Senator from Indiana?

Mr. CLARK of Wyoming. With pleasure. Mr. BEVERIDGE. Would the fact that a forest reserve was also a game preserve injure the forests?

Mr. CLARK of Wyoming. Possibly not.

Mr. BEVERIDGE. Then, where is the criticism, assuming what the Senator says to be accurate, in making of the forest the double use of a forest reserve and a game preserve, since the killing off of the animals would not help the forests?

Mr. CLARK of Wyoming. That is not the proposition. The statement was made that there was no intention to create game preserves in the forest reserves. I do not care now to argue the relative value of forest reserves and game preserves. I am merely controverting the statement that there was no such in-

Mr. BEVERIDGE. I was not here; I was in my committee room; but evidently, from what the Senator says, the observation of the Senator from Wisconsin was made in answer to some sort of a criticism that had been made upon the Department because in its administration of the forests it actually had prevented the killing of animals.

Mr. CLARK of Wyoming. No; no. Mr. BEVERIDGE. The question that naturally runs through my mind

Mr. CLARK of Wyoming. The Senator must state it

Mr. BEVERIDGE. Well, state it squarely, then.

Mr. CLARK of Wyoming. Not as the Senator stated it, but

to make game preserves.

Mr. BEVERIDGE. Well, to make game preserves; put it in the Senator's language. But the question which suggested itself to my uninstructed mind upon this subject was whether or not, if the forest preserves were a good thing, which the Senator admits, they would be injured by making them at the same time game preserves; and a Senator who sits at my left, who knows all about the subject, tells me that the forests are not only not injured by making them also game preserves, but

they are actually benefited.

Mr. CLARK of Wyoming. I expect they would be, because if you make them game preserves you will not find any sheep grazing on them. But my objection is this—and the Senator forces from me, by his very plain question, a statement of my democracy—I do not believe that the General Government of the United States has any authority whatever to establish any police regulations in a sovereign State, and I question the power of the Government to establish a game preserve as against the police power or the game power of a State. But I do not want to enter into the discussion, Mr. President, as to whether that is the law or not. I am discussing the fact as to whether it is the intention of the Forest Service to establish game preserves. Whether it be good or bad is not to the purpose of the argument.

Will the Senator permit me another Mr. BEVERIDGE. question?

Mr. CLARK of Wyoming. Yes. Mr. BEVERIDGE. I am not going to interrupt the Senator long. But upon the interesting governmental question which he suggests-and of course we are not going into the debate on that, for it would probably take several sessions to debate itthe Senator must also add to his statement that these forestry reserves are created not out of land belonging to the States, but out of land the title to which is and always has been in the

Mr. CLARK of Wyoming. But the fact that the title is in the nation does not divest the State of jurisdiction over the land, even though it belongs to the nation.

Mr. BEVERIDGE. Furthermore, all of the land that is in the State to which the State has title was given to it by the nation, just as the State itself was created by the nation.

Mr. CLARK of Wyoming. Let me ask the Senator a ques-I want to get the Senator's view. tor contend that because this is Government land the State has no jurisdiction over it, police or otherwise, when it is put into a forest reserve?

Mr. BEVERIDGE. I do not think the question is pertinent to the subject. The Senator was criticising and was making a statement of what he declared to be his democracy.

Mr. CLARK of Wyoming. I was not criticising; I was answering the Senator.

Mr. BEVERIDGE. That the National Government, as a fundamental governmental proposition, does not have the right to exercise what he calls the police power within the limits of a sovereign State over land belonging to the Government.

Mr. CARTER. If the Senator from Wyoming will permit

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Montana?

Mr. CLARK of Wyoming. Certainly.

Mr. CARTER. I think the statement of the Senator from Wyoming, as a matter of law, is sound. The best judicial pronouncement on this question of which I have knowledge is contained in an opinion by Judge Sawyer, of the circuit court of California, in The Mining Débris case (Woodruff v. Mining Company, 9 Sawy., 441, 491; 18 Fed. Rept., 753, 772). The concluding and pertinent part of the opinion reads as follows:

Thenceforth the only interest of the United States in the public lands was that of a proprietor, like that of any other proprietor, except that the State, under the express terms upon which it was admitted, could pass no laws to interfere with their primary disposal, and they were not subject to taxation. In all other respects the United States stood upon the same footing as private owners of land.

Mr. BEVERIDGE. In other words, Mr. President-and I am

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Indiana?

Mr. CLARK of Wyoming. Yes.

Mr. BEVERIDGE. I am sure that the whole opinion can not bear out just what a portion of it would seem to imply, and of course we can not take the time for the discussion of that, but I point out to the Senator that what he has read means this, that in a State which the nation itself has created and as to the land which the nation itself owns, the nation—the creator—stands upon no other footing than any other citizen, and is, for the purposes of ownership of the land, merely a citizen of the State. That is absurd.

Mr. CARTER In the first place, the National Government did not create the States. The people living within a given jurisdiction create a State, which is admitted into the Union on an equal footing with the original thirteen States.

Mr. BEVERIDGE. I think the Senator will agree with me that the people created the material for statehood and the nation created that governmental entity called the "State."

Mr. CARTER. That is a difference of opinion upon the technical statement of the case. But I think it would be well to quote further from the opinion which I read, all that part which is pertinent to this discussion, to the end that the Record may disclose the full statement.

may disclose the full statement.

Upon the cession of California by Mexico the sovereignty and the proprietorship of all the lands within its borders, in which no private interest had vested, passed to the United States. Upon the admission of California into the Union upon an equal footing with the original States the sovereignty for all internal municipal purposes and for all purposes except such purposes and with such powers as are expressly conferred upon the National Government by the Constitution of the United States passed to the State of California. Thenceforth the only interest of the United States in the public lands was that of a proprietor, like that of any other proprietor, except that the State, under the express terms upon which it was admitted, could pass no laws to interfere with their primary disposal, and they were not subject to taxation. In all other respects the United States stood upon the same footing as private owners of land.

Mr. LODGE. Mr. President—

Mr. LODGE. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Massachusetts?

Mr. CLARK of Wyoming. Yes.

Mr. LODGE. If the Senator will allow me to make a state-

ment. I have listened to the decision anoted by the Senator from Montana [Mr. Clark] and the statement of the Senator from Wyoming [Mr. Clark] with profound interest, because it appears that there is one law in the East and another law in the There happens to be a reservation purchased by the Government for fortification purposes in the little town where I live. Through that reservation passes a town road that has been there for half a century or more, built by the town. We can not even run a street railway-track over that road without the permission of the Government.

Mr. CLARK of Wyoming and Mr. FULTON addressed the Chair.

Mr. LODGE. Wait; let me finish my sentence. We can not enter that Government reservation for police purposes; it is absolutely taken from us.

Mr. BEVERIDGE. Mr. President-

Mr. LODGE. One minute; let me finish. In the West is all this territory, bought or conquered by the old States. quired it all. On that territory citizens went and formed a State which we recognized. Part of that State belongs to the Government in the form of public lands, and now we are told here that the United States can not control its own land, the title of which never parted from it. If they can not do it in the West, they can not do it in the East. I have never in my life heard of State rights carried to that extravagant extent.

Mr. BEVERIDGE. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Indiana?

Mr. CLARK of Wyoming. Yes.

Mr. BEVERIDGE. And not only that, Mr. President; not only the observation made by the Senator from Massachusetts, but this further deduction from the decision, or the part of it which the Senator from Montana read, is that not only has the Government of the United States, which owns the land and always owned the land, and which created the governmental entity known as the "State"—not only is the nation on the footing of any other citizen or owner, but that it—the nationover its own land is subject to the local laws of the State which the nation itself created. That is absurd.

Mr. CLARK of Wyoming. I must decline to yield further. because I want a little say in this myself, and I do not propose to be put in the wrong nor have the West put in the wrong.

The statement of the Senator from Massachusetts [Mr. Lodge] I presume is correct, because I think it is the universal practice of the Government of the United States, when it takes a reservation purchased from a State, to compel the State to cede jurisdiction over that reservation. That is the reason the United States and not the State of Wyoming has jurisdiction in the great Yellowstone National Park.

Mr. FULTON. Mr. President—
Mr. CLARK of Wyoming. Just wait until I have finished one sentence and then I will yield. The United States has jurisdiction over the Yellowstone National Park not because it is the property of the United States, but because the legislature of Wyoming specially ceded its jurisdiction over the Yellowstone National Park; and to say that the Government of the United States is not subject to local control of its lands is to say that lawlessness, in so far as State control is concerned, shall prelawlessness, in so far as state control is country, the title to valid over the whole area of the western country, the title to which is in the Government of the United States. It is a proposition that can not stand either in law or good morals. I yield to the Senator from Oregon.

Mr. FULTON. I desire to call the attention of the Senator from Wyoming to the provision, with which, of course, he is perfectly familiar, in the Constitution which gives to the General Government exclusive jurisdiction over land ceded to it for military purposes, for the purpose of building forts and ar-senals, and buildings of that character. That is where the distinction lies. Under the Constitution the General Government has exclusive jurisdiction in cases of that character.

Mr. CLARK of Wyoming. Mr. President, there is no question as to that, the Senator from Massachusetts to the contrary notwithstanding.

Mr. BEVERIDGE. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wyoming

yield to the Senator from Indiana?

Mr. BEVERIDGE. I have arranged with the Senator that he would yield to this question, Mr. President. I must press this further question upon the Senator from Wyoming and the this further question upon the Senator from Wyoming and the Senator from Montana. In view of the position the Senators have taken, I merely ask this question. Do they contend that the United States, as the proprietor of the land within the borders of a State, is subject to the laws of the State with respect to its own property?

Mr. CLARK of Wyoming. Well, the Senator having thought

out the question and asked it with deliberation, I should like

to have him repeat it.

Mr. BEVERIDGE. I think I can repeat it almost verbatim. Does the Senator contend that the United States with respect to its own land, located within the limits of a State, is subject to the laws of that State, like any other proprietor of

Mr. CLARK of Wyoming. Oh, no. As to taxation and matters of that sort the Government is exempt. But the proposition of the Senator from Wyoming is this, that the power of the State extends over the lands of the Government and the jurisdiction extends over the lands of the Government, the same as over the lands of any other proprietor, except where exclusive jurisdiction is retained in the Government; in other words—and I will content myself with this answer and the Senator must content himself with it, because I do not want to branch out into that discussion-if a crime is committed upon the public land of the United States, the State control covers that land and the crime is triable in the State court and not in the United States court. I do not care, Mr. President, about that, however, and I shall decline to pursue this matter fur-ther, because it does not pertain to the question which was raised by the statement of the Senator from Wisconsin that so far as he knew, there was no desire to make game preserves out of the forest reserves.

Mr. SPOONER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Wisconsin?

Mr. CLARK of Wyoming. Certainly. Mr. SPOONER. I made that observation because the purposes of the forest reserve, as declared by the law, do not include the establishment of game preserves. That was the sense in which I intended to speak; that it was not considered one of the objects at all, however, it might be considered incidentally. Now, if the Senator will permit me, I doubt if we disagree upon the matter which he is discussing. Of course when a Territory is admitted into the Union, all police power which theretofore had existed in Congress passes to the State. The State, of course, makes its game laws. The title, however, The title, however, of the Federal Government to its lands in the State is not in the slightest degree affected.

Mr. CLARK of Wyoming. Not in the slightest.

Mr. SPOONER. As an owner or proprietor the Federal Government has the power to do in the States—and the right to do in the States—as to its lands what other proprietors in the States may do. The Senator, I suppose, will not deny that the Government has the right to prevent hunting upon its lands just as individual proprietors may do, if they see fit.

 Mr. CLARK of Wyoming. I am inclined to think the Senator is right, although I hesitate to accept the doctrine.
 Mr. SPOONER. But the Government, the Senator would contend-and as to that I would not for a moment controvert himcan not establish game laws and game regulations in conflict with the game laws of the State.

Mr. CLARK of Wyoming. That is certainly the position of

the Senator from Wyoming.

Mr. SPOONER. But the power of the Government to create upon its land a game preserve in order to preserve the animals

the Senator would not deny.

Mr. CLARK of Wyoming. I would not. I am not attempting to deny any power. I am simply leading up to a question which I intended to present to the Senator from Wisconsin and others when we were drawn off by the discussion of this constitutional

Mr. BEVERIDGE. May I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Indiana?

Mr. CLARK of Wyoming. With pleasure.

Mr. BEVERIDGE. The proprietor of land—the private person—as the Senator from Wisconsin, of course, said, can permit hunting on his land or exclude it.

Mr. SPOONER. Yes.
Mr. BEVERIDGE. Therefore he can prescribe rules by which he will permit you or me or anybody else to go on the land, if

he wants to, can he not?

Mr. SPOONER. I think not. That is to say—

Mr. BEVERIDGE. If I own a thousand acres of forest land, can keep you and everybody else from hunting on it, if I see

Mr. SPOONER.

Mr. BEVERIDGE. Or I can let you all go on it, if I wish, or can permit you, as a personal friend, to go on it, if I wish, or may exclude some person that I do not like.

Mr. SPOONER. Yes.

Mr. BEVERIDGE. Owning this land, having all these rights,

does the Senator mean to say the greater does not include the less, and that so far as this thousand acres is concerned I can not establish rules which shall give the man who manages that land for me the discretion by which the public may go in and hunt or be kept out?

Mr. SPOONER. What I mean to say is this: That if the Senator owns lands, he may permit me to go upon it or he can prohibit me from going upon it.

Mr. BEVERIDGE. Yes.

Mr. SPOONER. He may permit me to go upon it to hunt partridges, if you please, but he can not make it lawful by his permission for me to kill partridges upon his land when the State law provides that in that month no partridges shall be killed in the State.

Mr. BEVERIDGE. Quite so; but the Senator stated that no rules could be established.

Mr. SPOONER. I did not.

Mr. BEVERIDGE. If I can permit the Senator to go on or keep him off, as he states, can I permit him to go on and hunt in the forenoon and not in the afternoon?

Mr. SPOONER. I did not speak of that. I am speaking of

the general law.

Mr. BEVERIDGE. So that if the analogy be made between the Government as a proprietor and an individual as a proprietor, then, even on that narrow basis, the Government has the same right to make all the rules that a private proprietor of land would have.

Mr. SPOONER. The Government has the right to permit hunters to go upon forest reservations and hunt during the

period that hunting is permitted by the State.

Mr. BEVERIDGE. Yes; and in any way it pleases.

Mr. SPOONER. And no more. But we can not take the time of the Senator from Wyoming [Mr. CLARK].

Mr. BEVERIDGE. Could the Government over its own land prohibit hunting on its own land during the period when the State permits hunting?

Mr. SPOONER. Certainly.

Mr. BEVERIDGE. Very well; that is all. The Government does have some control over its own after all.

Mr. CLARK of Wyoming. Mr. President, I might have realized what a debate would be provoked by consenting to discuss legal proposition on the floor of the Senate.

Mr. SPOONER. I think the Senator and I do not disagree.
Mr. CLARK of Wyoming. I think not at all.
But what I was directing attention to was the avowed intention of the Forestry Service to establish game preserves, and 1 was speaking not with the intention of antagonizing game preserves, not with the intention of expressing an opinion whether they were good or bad, but with reference to what has been hinted at by the Senator from Wisconsin, that this was not a matter contemplated by the act of Congress permitting the establishment of forest reserves. But the constant tendency of this Bureau ever since it has been established has been to reach out and cover ground, and more ground, and accumulate to itself power and authority that never was contemplated by the Congress of the United States and which is detrimental and injurious to and almost destructive of the interests of many sections of our country.

Who could have supposed when, in 1891, Congress authorized the President of the United States by Executive proclamation to set aside forest lands that within this brief time 200,000 square miles of land would be set apart from settlement among the lands and mountains of the West? We do not understand the significance of these figures. But if I say to the Senate of the United States that within the last few years there has been withdrawn from settlement, from entry, from useful occupation, from home making, a tract of land, substantially, which, taking a north and south line 200 miles through the city of New York, would extend west to the city of Chicago, a thousand miles, I am not overstating the amount of land. The Bureau of Forestry has withdrawn from the useful service of the people an amount of land which would cover acre for acre the whole of New England; add to New England the State of New York, the magnificent Commonwealth of Pennsylvania, the splendid empire of Ohio, and acre for acre you have covered the lands withdrawn under this forest policy. That is an astounding statement.

Then in some respects this agricultural bill is the most wonderful that has ever been presented to the Congress, because, in addition to 127,000,000 acres already withdrawn, it proposes to withdraw 400,000,000 acres more and put them under the charge of a single bureau chief. Mr. President, this bill gives to one man more power over men and property and money than is now held by any individual king, prince, potentate, or subject in any civilized country on the face of the earth. Against the grant of such a power my face is unalterably set. That seems

a broad statement, but it is true to the fact. On page 71 of this bill it is proposed to take all the grazing lands of the United States in the country where the forest reserves are— the arid region—and, as stated by the Chief of the Bureau, Mr. Pinchot, to put them under his charge to lease and let and permit upon at his will and at his figures,

The Bureau of Forestry is now the greatest lumbering interest on the face of the earth. Talk about your lumber barons; your lumber monopolies! Where is the man, save the Chief of this Bureau, who has under his absolute control 127,000,000 acres of timber, much of it the finest on God's footstool? Where is the man who can use the Government force and the whole power and treasure of the Government in his lumbering operations, selling to whom he pleases, in what amounts he pleases, and at what prices he pleases, and without responsi-bility to the Congress of the United States or any other body of men or authority? Show me the parallel in this Government or any other, if you can.

And then, if you care to, add to this 400,000,000 acres of land which he has asked us to put under his control, and he wields a power over an empire the like of which is not wielded by any other man beneath the shining sun.

We in the West have had troubles with the Forest Service. We recognize that in the proper administration of the forests and the proper conservation of our water supply lies our sal-vation. We believe that the forestry proposition is the salvation for our country. But it is being made the damnation of the country, and the time is coming, and coming soon, if this policy is pursued, when a halt will be called to the settlement, the development, the industries, and the future of the western country

Mr. President, it has been impossible for us who have been under this service to properly place before the East our attitude. A man who nowadays raises his voice against the Forestry Service is at once denominated as a grafter, a timber baron, a robber of the public domain. A man who dares to criticise the administration of our public-land laws falls into the same category and is pilloried-if not in court, at least in the Departments and the public press-as a despoiler of the public domain.

When this question came before the Senate three or four days ago and a little information began to trickle through of the power sought to be taken by this Bureau, I was pleased and gratified to observe that when it reached the good old granite hills of New Hampshire and the senior Senator from New Hampshire [Mr. Gallinger] found that the object and purpose of this Bureau was to control and sell the waters flowing from any forest reserve, and when he found out that the avowed purpose, as announced by its champion on the floor of the Senate, in the creation of the White Mountain Forest Reserve was to put a tax upon every spindle turning upon the Merrimac River, he began to sit up and take notice.

Mr. President, I want to go back to the matter of game pre-One thing that we complain of is the improvident way

in which these reserves have been created.

Mr. PATTERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Colorado?

Mr. CLARK of Wyoming. Certainly.

Mr. PATTERSON. Recurring to the amendment offered by the Senator from New Hampshire to prevent the Forest Reserve Service from charging for water within the reserves, I want to know whether the Senator from Wyoming desires to differentiate between the Government charging for the use of water within the forest reserves and compelling the owners of stock to pay to the Government a tax for grazing on the forest reserves. If the one is wrong, then the other is wrong.

Mr. CLARK of Wyoming. I think they are both wrong.

Mr. PATTERSON. I agree with the Senator, and it is my

purpose, before we are through with this discussion, to offer an amendment prohibiting the Forest Reserve Bureau from charging the stockmen of the West for grazing their cattle and other stock within the limits of a reserve.

Mr. CLARK of Wyoming. As at present advised, I shall take pleasure in supporting the amendment to be proposed by the Senator from Colorado.

Mr. WARREN. Mr. President-The VICE-PRESIDENT. Does the Senator from Wyoming yield to his colleague?

Mr. CLARK of Wyoming. Certainly.

Mr. WARREN. I should like to appeal to my colleague, and more especially to the Senator from Colorado, to know if they propose to amend the law in a way which would leave the forest reserves locked up against the live stock of the western country, or whether they propose that the cattlemen and sheepmen shall have the right to graze, consistent with the

preservation of the reserve, under some other system which does not tax the live-stock men?

In this connection I will say that if the United States can afford to make no charge for grazing in the forests, I should be very glad to support that view. But, Mr. President, I do not want to be one of those, I do not believe my colleague wants to be one, I do not believe the Senator from Colorado wants to be one who would blot out all of this great domain that is reserved for forest reserves and lock it up against settlers, farmers, and stockmen and from grazing, and turn all of the stock now fed upon those reserves down upon the settlers and other stockmen in other parts of the western country. This to the ruination of stockmen and the destruction of the grasses upon the public domain.

Mr. PATTERSON. Mr. President-The VICE-PRESIDENT. Does to Does the Senator from Wyoming yield to the Senator from Colorado?

Mr. CLARK of Wyoming. Certainly. Mr. PATTERSON. I will not occupy much of the time of the Senator from Wyoming.

I desire to say, speaking for myself and speaking for others who are not here, but who are deeply interested in the welfare of the country and the preservation of the grazing lands, that I am not one of those who for a moment would think of depriving the stockmen of the West of the grass within the forest reserves. My conviction is that the proceeds from the sale of timber alone will make the Forestry Bureau self-sustaining in a couple of years, and that no necessity exists for, and there is no wisdom in, changing a system that has prevailed up to the present time and ever since the West commenced to be settled.

Mr. President, I believe in forest reserves, but I believe in forest reserves, not in turning great areas of land that contain no forests into the exclusive possession of a bureau under the name of "forest reserves." The cattle and stock men of the West will in the future, as they have in the past, see to it that pasture is not destroyed, that rules and regulations which have always been adopted and enforced, just and equitable, shall continue to exist, but I insist that so far as the stockmen and everybody else in the West are concerned they shall not be deprived of the rights and privileges that every inhabitant of the United States has been enjoying ever since we have had public lands

Mr. President, there should be forest reserves, but before forest reserves are declared there should be a classification of the lands within the areas which are denominated "forest reserves," and the lands that are agricultural and those that are mineral and which are not valuable for timber should be excluded from the forest reserves. When that is done we will have forest reserves in fact as well as in name, and there will be little or no objection heard from the people of the West when the reserves are instituted.

I beg pardon of the Senator from Wyoming for taking so much of his time.

Mr. BEVERIDGE. Will the Senator from Wyoming yield to me for a question?

Mr. CLARK of Wyoming. Not for a question as long as that

of the Senator from Colorado.

Mr. BEVERIDGE. I would not presume to ask the Senator to yield for a question as long as that of the Senator from Colorado.

Mr. CLARK of Wyoming. I cheerfully yield to the Senator

Mr. BEVERIDGE. In answer to the Senator from Colorado. as to his purpose to put in an amendment preventing the Government from charging the stockmen for grazing their cattle on the forest lands, the Senator from Wyoming said he would support the amendment.

Mr. CLARK of Wyoming. As at present advised.

Mr. BEVERIDGE. As at present advised. I trust the Senator will get a little light later on which will change his view.

Mr. CLARK of Wyoming. I will act upon it if I do.
Mr. BEVERIDGE. I am sure the Senator will, and in order that he as well as I may get some light, I feel compelled to ask a

The Senator raised the analogy between the proprietorship by the Government of lands and the proprietorship by an individual of lands. The Senator from Colorado has referred to rightsthat word has a legal meaning, and he is a lawyer—which the stockmen had in grazing without charge their cattle on the public lands. The question I wish to ask is this: If a private public lands. owner of land has the right to charge another person for grazowher of land has the right to charge another person for graz-ing cattle on his lands and ought to do it, why ought not the Government of the United States to charge stockmen for graz-ing cattle on its land? Why should the Government of the United States deprive itself of its just revenues for the profit of men already rolling in millions, that they may graze their

Mr. CLARK of Wyoming. I shall not answer the legal question that is propounded. I suppose it was propounded to the Senator from Colorado. But I will say that ever since the English-speaking race existed the right of free common has existed. Ever since we have had a public domain that custom, growing into a right, has prevailed, and never has it been questioned.

Mr. BEVERIDGE. Will the Senator permit me to ask him another question, and I think I shall ask him no more?

Mr. CLARK of Wyoming. Yes.

Mr. BEVERIDGE. Does the Senator rest his position upon

the right of common?

Mr. CLARK of Wyoming. I shall not answer a question of that sort, because the Senator is attempting to force me into a position I have not taken. The Senator said that I said I would support the amendment of the Senator from Colorado, as I am at present advised. But I took no position on that subject. I am subject to advice. If called upon to vote now, I should vote for the amendment. But I am not discussing, in this controversy at least, the propriety of the Government charging or not charging, like an individual. I hope the Senator will recognize

Mr, BEVERIDGE. I do. The question I am now asking the Senator is with reference to his last statement. I ask him whether or not he bases any contention of the right of stockmen to pasture their stock upon Government land free upon the ancient right of common?

Mr. CLARK of Wyoming. Not Mr. BEVERIDGE. That is all. Not entirely.

Mr. CLARK of Wyoming. That is one of the reasons, but another reason is because I believe that the Government of the United States never was called into existence to become merchant, to run a lumber yard, or to sell grass or hay. believe it never was called into existence in order to make the public lands of the United States yield revenue. The policy of the public-land system ever since it was inaugurated was and has been to give away public lands free and without charge to those who would make their homes on them, and the charging of fees, the selling of water, or the selling of timber is a reversal of the policy of this Government in those particulars from the

Mr. PATTERSON. Mr. President-

The VICE-PRESIDENT. Does the yield to the Senator from Colorado? Does the Senator from Wyoming

Mr. CLARK of Wyoming. Certainly.

Mr. PATTERSON. I am somewhat involved in this part of the controversy, and I wish to make a very short suggestion to the Senator from Indiana in reference to this question.

There is a marvelous difference between the private ownership and the public ownership of land, and even though lands are in private ownership, if they are left unfenced they stand open the use of the public, and the owner of private land is compelled, if he will prevent trespass upon them by cattle, to fence them from cattle and to exercise that character of ownership over them that is a warning to all that they are to be re-Served strictly for private use.

Mr. BEVERIDGE. The Senator from Colorado challenges

He must permit me to ask a question.

Mr. PATTERSON. , I am not quite through.
Mr. BEVERIDGE. I did not expect to wait until the Sena-

Mr. CLARK of Wyoming. Mr. President, I think I must insist on these interruptions coming to an end.

Mr. PATTERSON. Let us settle this little controversy. Mr. BEVERIDGE. It is not fair to the Senator from Wyoming to permit the Senator from Colorado

Mr. CLARK of Wyoming. I will yield to the Senator for his question.

Mr. BEVERIDGE. I must say this to both Senators: The Senator from Wyoming must not permit the Senator from Colorado to directly ask me a question and call my attention to it without permitting me to answer.

Mr. CLARK of Wyoming. I yield to the Senator from Indi-I hope the time taken for explanation may be usefully

employed.

Mr. BEVERIDGE. Does the Senator from Colorado contend as a matter of law that the only way in which a private proprietor could keep the public off his land is by fencing? Would he not have the right to patrol it if he wished, or em-

ploy any other method that he wished?

Mr. PATTERSON. I think not. If the private owner of and keeps his land open, it is subject to be occupied by any cattle that are roaming or grazing in the country, and the owner of such stock is not subject to damages. There is a duty

devolving upon the private ownership of land. Public ownership can not be likened unto it. There is no proposition on the part of the Government to fence any of the forest reserves, and the man who has his stock grazing in their locality, if they cross the imaginary line, is supposed to be amenable to the criminal law and to suffer loss in pocket if not in person for permitting his live stock to go upon the public lands, which belong to all the people and which all the people have been occupying and using until this miracle of virtue and excellence made his appearance and so impressed his personality upon the Government that the public lands have been turned over to him to do with as he pleases.

I am a little tired of the adulation which has been moving through this Chamber from the time this discussion commenced and which has been poured out upon the head of the

Chief of this Service.

Mr. BEVERIDGE. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Indiana?

Mr. CLARK of Wyoming. I will yield to the Senator for a

Mr. BEVERIDGE. That is right. The Senator does it for the reason I have mentioned to him and which he understands.

The Senator from Colorado was not in the Chamber when the comparison was instituted between private proprietorship and Government proprietorship, which it was claimed was identical. That is rather a new and novel proposition to some of us. That part of the discussion the Senator missed. But the Senator from Colorado now makes Government proprietorship even less than private proprietorship in its rights. Pretty soon we will have the Government extinguished altogether in the interests of the cattle growers.

Mr. CLARK of Wyoming. I have never seen the least benefit in a legal discussion on the floor of the United States Senate upon collateral matters. A layman can get more advice on all sides of any subject in the Senate of the United States than in any law office on the face of the earth, and it is generally very unsatisfactory

Mr. BEVERIDGE. I will say that the Senator himself sug-

gested every legal point.
Mr. CLARK of Wyoming. After having yielded to the Senator for more than three-quarters of an hour to interject into the debate, I think it is hardly courteous for the Senator to make that observation, which was entirely uncalled for by

anything that I had said in the way of pleasantry.

Mr. President, the point I started some hour and a half ago to attempt to elucidate was the improvidence with which reserves have been created. Perhaps it will not be uninteresting to recall the inception of the forest-reserve policy. In 1891 in a very small section of a bill we passed a law authorizing the President of the United States to set aside lands for forest reserves, the purpose at that time being to conserve the water supply, primarily. At that time it was thought that the matter was of some importance and that some definite system should be had and some method prescribed by which these lands should be segregated from the great body of the public lands. When that law was passed the Secretary of the Interior, under whose jurisdiction the execution of it passed, provided rules and regulations under which forest reserves should be established; and to see how closely it was in the mind of the Department at that time that the interests of the various localities should be consulted before a forest reserve should be created, it was provided that no forest reserve should be created until advertisement had been made for a number of weeks in the vicinity of the reserve, so that those who were concerned and who lived near by might have an opportunity to come forward and be heard.

Whether or not any forest reserves were established under that method I do not know. But there are Senators in the Chamber who were here with me when President Cleveland's first blanket reserve order was issued. It was a new thing to We found upon our desks one morning the proclamation of the President setting apart millions of acres of land without the knowledge, without the advice or the consent of a single Member of Congress or a single individual, so far as known, violating his own rules of procedure, setting aside the rules of the General Land Office and the Department of the Interior, and creating offhand these reserves. Reserves at that time were created upon the report of a commission which was authorized by the Congress of the United States. We had appropriated \$25,000 to pay the expense of the commission, who should travel through the mountain countries, examine the forests, and recommend for forest reserves such sections of land as they thought advisable and expedient. They returned to Washington and made their report. Upon their report President Cleve-

land's proclamation was issued. Upon that report millions of land in Wyoming, Idaho, Utah, Montana, Washington, and Oregon were taken out of the public domain.

It afterwards developed that that commission, in making its report, made no examination of the forests which it had created into reserves. In answer to my own question the chairman of the commission said that he had not been upon the reserves in my own State, although requested so to do, and although transportation facilities had been provided by the peo-ple who were interested in the subject-matter. From that day to this the creation of these forest reserves has gone along alike improvidently and often without knowledge beforehand of the citizens of the States where reserves are created.

There seems to be a disposition that wherever a piece of forest is heard of that immediately it shall be made into a forest reserve, whether it is upon the public domain or elsewhere. That has been most forcibly illustrated within the last ninety days, when there has been withdrawn from allotment in the Choctaw and Chickasaw and Cherokee nations of the Indian

Territory 4,000,000 acres of Indian land.

Mr. President, the manner in which that reserve is sought to be created is but a fair illustration of the policy that has prevailed in the segregation of these lands. Under the law the Secretary of the Interior was directed to allot the lands to the Indians in Indian ownership. He was given the power after the allotment should have been made, if there was any surplus land, to sell it, in his discretion, for the best price obtainable for the benefit of the Indians.

While the allotment was in process, before the Indians had made all their selection, while selections were being made upon that particular tract of land or in that section of the country, the order went from the Interior Department to the Commis sioner of the Five Civilized Tribes to suspend all allotments upon that particular section of the country and to take no action upon

any allotments already made.

Protests began to come in, and inquiry was made of the Secretary of the Interior as to his purpose and the legality of his act. He said it was withdrawn at the request of the Secretary of Agriculture for forest-reserve purposes. Inquiry in detail was then made, and the Secretary of the Interior and the Secretary of Agriculture and Mr. Pinchot, the Chief Forester, came before the committee to explain just how it was proposed to make private lands into a Government forest reserve. The explanation was made that the withdrawal was simply tentative and temporary, giving Congress an opportunity to purchase from those Indians the 4,000,000 acres of land and turn them into a forest reserve.

The details of that transaction are interesting, and I think I will recite them as near as I can remember them. One Jack Gordon, a citizen of Texas, doubtless a very estimable man, wrote to the Secretary of the Interior and wanted to purchase a large amount of land in the southeastern part of Indian Territory to make a private game preserve. The Secretary of the Interior, doubting his authority to do that, referred the matter to the Agricultural Department for its opinion. Probably the Department of Agriculture and the Bureau of Forestry thought no man would care to have a private game preserve unless there was some timber upon it, and having had their attention called to the fact that there was timber in the southeastern part of the Indian Territory they at once con-

ceived the idea of putting it into a forest reserve.

Thereupon the Department of Forestry sent its agent, one Mr. William F. Cox, its expert, down to explore the country. According to his statement he was there two weeks. Four million acres is a good bit of land if you try to walk over it in He went down into that country, where probably he had never been before. A week of his time he spent in Muscogee, getting information from Government officials and others. The other week of his time he spent upon the land. At the end of two weeks—I think it was two weeks; it was an insignificant time anyway-he wired and made a written report to the Department here recommending the withdrawal of all the Indian lands from allotment east of the Missouri, Kansas and Texas Railroad, and embracting a section of country comprising 4,000,000 acres of Indian land.

I have his report before me, and I propose to read from it as illustrating the terribly careless manner in which forest reserves are created. The report goes on to state the kind of a country it is, that it is rough, that it is rocky, that some parts of it are good for agriculture, that much of it is not, that some of it has much valuable timber and some not so valuable, and recommends the withdrawal of the 4,000,000

Now, as to whether there are game preserves intended to be created in this tract, I wish to read and to have go into the

RECORD the concluding parts of the report. After, of course, giving the other standard reasons for a forest reserve, to conserve the waters, stop floods, etc., he says:

As a game refuge the reserve could be made exceedingly valuable, for then the game laws could be enforced.

I should like the attention of the Senator from Wisconsin [Mr. Spooner] as to this particular matter.

At present deer are being hunted winter and summer, until even in the roughest mountains they are well-nigh exterminated. Two or three years ago turkeys were very abundant, and now they are everywhere scarce. If the enforcement of even very ordinary game laws—

The Senator from Wisconsin will observe that it is the idea to establish Government game laws-

such as a short open season and a reasonable bag for turkeys and prohibiting the use of dogs for hunting deer, the reserve would soon become very attractive to sportsmen and a delightful camping ground for people of the lower Mississippi River Valley.

Mr. SPOONER. From what is the Senator reading?

Mr. CLARK of Wyoming. I am reading a report upon which a forest reserve is sought to be created in the Indian Territory by the Forestry Department as illustrating the improvident manner in which these reserves are created and as further illustrating the fact that in the creation of the reserve something else is looked to beyond the preservation of the timber and the conservation of the waters.

That land, Mr. President, belongs to the Indians; not an acre of it to the United States. The proposition in this report is that the Government shall purchase that 4,000,000 acres of land from the Indians, at its appraised value, as a commercial proposition, and the statement is made that in three years enough revenue will be derived from it to pay the Indians the entire

cost of the land.

Mr. President, I did not intend to speak of the merits of this particular proposition, but the iniquity of it is in the fact that of all graft ever attempted in the Indian Territory this is the largest and the most wholesale.

Mr. TILLMAN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from South Carolina?

Mr. CLARK of Wyoming. With great pleasure, Mr. TILLMAN. Who makes the appraisement?

Mr. TILLMAN. Who makes the appraisement? Mr. CLARK of Wyoming. I come to that now. The appraisement of that land is made by the Dawes Commission, acting, of course, under the Government of the United States. The Dawes Commission never attempted to appraise land at its true value. The appraisement of land by the Dawes Commission all over the Five Civilized Tribes was on a comparative basis, so as to regulate and approximate the proper amount of land that each individual would get as his share of the great common land of the Indians. So when they say that land is worth 25 cents an acre it does not mean that 25 cents is the value of that land, but it means that an acre of that land is worth only half as much as an acre of land appraised at 50 cents an acre. The consequence is that the value of land in the Indian Territory as appraised by the Dawes Commission does not approximate the true value of the land.

Now, the proposition of this inspector is that the Government shall take that land at its appraised value from the Indian, whether he wants to sell it or not, and that in three years the Government can get enough from the product of the land, buying it so low, to pay the Indians for the land and the

Government will own it.

Will the Senator yield to me for a moment?

Mr. TILLMAN. Will the Senator yield to me for a moment? Mr. CLARK of Wyoming. Certainly. Mr. TILLMAN. Does the report the Senator quotes from indicate how the Government would get the money? What would

it sell? Does the report indicate?

Mr. CLARK of Wyoming. The proposition is to come before Congress, I suppose, and have Congress authorize the purchase of the land by the Government. I suppose that is the proposi-

Mr. TILLMAN. The report, as I understood the Senator, said that they can get enough from the land in three years to pay for it. How are they going to get anything? What are they going to sell?

Mr. CLARK of Wyoming. They are going to sell timber.
Mr. TILLMAN. And are they going to sell hunting rights?
Mr. CLARK of Wyoming. I do not know what else; but tim-

ber, I suppose.

Mr. TILLMAN. Is there any coal under it?

Mr. CLARK of Wyoming. Further on in the report it indicates where some revenue might be derived:

In this connection it is recommended that the patenting of home lots be provided for in the reserve, so that people from the thickly settled States around about may actually own homes here in the hills, where they can breathe in air that is pure and enjoy mountain scenery which compares favorably with the best in the Appalachians.

Mr. TILLMAN. Is there any coal under the land?
Mr. CLARK of Wyoming. I do not know, but I suppose likely there is. There is coal more or less all through that

Mr. President, as I said, I am reading this simply for the purpose of calling attention to the improvident way in which these reserves are created or sought to be created.

Mr. LONG. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Kansas?

Mr. CLARK of Wyoming. Certainly.

Mr. LONG. That is a request simply from the field officer of

Mr. LONG. That is a request singly from the first singly the Bureau of Forestry. I should like the Senator to state what action was taken by the Department on that request.

Mr. CLARK of Wyoming. I will be glad to give it. This was the report and request of Mr. Cox, who had been sent there as an expert from the Bureau of Forestry. Acting upon this report the Department of Agriculture requested the Secretary of the Interior to withdraw the land from allotment, which was done—4,000,000 acres—coming right bang up against the east side of the Missouri, Kansas and Texas road, running north and south through it.

To show further how improvidently this reserve was created, the attention of the Secretary of the Interior was called to the probable fact that by withdrawing this land and centering it in Government ownership a dormant land grant of alternate sections 10 miles on the east side of the Missouri, Kansas and Texas road would immediately attach. It never had entered into the consideration of either of the Departments to look far enough into the status of that land to ascertain whether or not there was a probability that if the land passed into Government

ownership that land grant would revive and attach.

The attention of the Secretary of the Interior was called to the fact, and he afterwards modified his order, throwing out of the withdrawal that portion of the land to which the land grant might have attached, and reducing the area of the reserve to 2,000,000 acres; and there it stands to-day, awaiting action by Congress. The inquiry was made, "If Congress fails to act, what will then be your position? Will you then release the land for allotment?" The Secretary declined to answer the ques-

Mr. President-

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Oregon?

Mr. CLARK of Wyoming. With pleasure.

Mr. FULTON. Does the Senator understand that Congress

has already directed the Secretary of the Interior to allot these lands to the Indians?

Mr. CLARK of Wyoming. The law providing for the allotment of the lands in the Cherokee and Chickasaw nations directed that as soon as practicable this land shall be allotted until all the allotments shall have been completed.

Mr. FULTON. Does not the allotment then have to stop in

Mr. FULTON. Does not the allotment then have to stop in order to have the land withdrawn?

Mr. CLARK of Wyoming. He stopped the allotment. He declined to receive any more allotments, and declined to accept the allotments that had already been made, although so far as the allotments that had already been made were concerned he has since rescinded his order. But no new allotments are allowed there to this day.

Mr. President, under these considerations and under an authority administered in this manner, is it any wonder that the people who are interested, who rest under the weight of it, complain, and, as has been said in the Senate, consume three or four days in useless debate? Mr. President, it is not useless debate, if it calls the attention of the Senate to the fact that people are having their political rights hampered, that the welfare of their States is stopped, and if this bill should become a

law it would be everlastingly stopped.

Mr. President, I wish to call attention to another fact, and that is the proposition in the bill that there shall be released from the provisions of the public-land laws in effect a great area, more than twice or three times as much as that already in forest reserves. The proposition is to turn three or four hun-dred million acres of the grazing lands of this Republic in the arid region into the hands of the Bureau of Forestry or the Department of Agriculture, which, of course, is the same, as far as the purposes of this discussion are concerned, and to give the head of it the absolute control over that great area; that he shall say whose cattle shall pasture upon it; that he shall say whether or not they shall fence the public domain; that he shall say how much shall be charged each man for the privilege of grazing upon the public domain; in other words, that he shall be the complete autocrat of all the grazing grounds in the United States west of the one hundredth meridian,

Mr. President, I leave to the imagination of the Senate what

would be the result of that. A saving clause was sought to be put in by the Senator from Kansas by which the rights of the settlers, if anybody should settle there, might be preserved.

AMENDMENT OF NATIONAL BANKING LAW.

The VICE-PRESIDENT. The Senator from Wyoming will kindly suspend. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The Secretary. Senate resolution 214—
Mr. ALDRICH. Oh, no; House bill 13566 is the unfinished business. It was taken up yesterday by a vote of the Senate, and it was under consideration at the time of adjournment.

The VICE-PRESIDENT. The unfinished business stated.

The Secretary. A bill (H. R. 13566) to amend sections 6 and 12 of the currency act approved March 14, 1900.

Mr. ALDRICH. I ask that the unfinished business may be informally laid aside.

The VICE-PRESIDENT. The Senator from Rhode Island asks unanimous consent that the unfinished business be informally laid aside. Without objection, it is so ordered.

INTERNATIONAL CONGRESS OF HYGIENE AND DEMOGRAPHY.

Mr. LODGE. If the Senator from Vermont [Mr. Proctor] will allow me, I wish to call up a joint resolution which has to go to the House

Mr. PROCTOR. I yield for that purpose if it will give rise

to no debate.

Mr. LODGE. I move that the votes by which the joint resolution (H. J. Res. 246) authorizing the President to extend an invitation to the Twelfth International Congress of Hygiene and Demography to hold its thirteenth congress in the city of Washington was ordered to a third reading and passed be reconsidered. I wish to move an amendment.

The motion to reconsider was agreed to.

Mr. LODGE. In line 6 I move to strike out the word "six" and to insert the word "seven," which is to correct a mistake in the date, changing it to 1907; and I also move to add at the end of the joint resolution the words "or 1910."

The amendments were agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908.

The VICE-PRESIDENT. The Senator from Wyoming will proceed.

Mr. NEWLANDS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Nevada?

Mr. CLARK of Wyoming. Yes; with pleasure.

Mr. NEWLANDS. I should like to ask the Senator a question. Assuming that the stock grazers of the West have right of common over the public domain, and assuming that no charge shall be imposed for grazing, is the Senator of the opinion that the Government should exercise no control whatever over it, with a view of preventing overgrazing and the destruction of foliage, and with a view of preventing conflict between rival stock growers, each endeavoring to take possession of the entire range, and consequent bloodshed? If the Senator thinks such a system of control advisable, I should be glad if he would state what he would regard as the wisest system.

Mr. CLARK of Wyoming. Well, Mr. President, the Senator is propounding a question here which the wise men of the West have been thinking and working on for years and years, and they have not yet reached what all of them believe to be a wise solution. I should not attempt on the spur of the moment to answer a question of that sort with any degree of assurance to myself that it was right or with any degree of assurance to

anybody else.

Mr. NEWLANDS. I call the Senator's attention to certain resolutions which I saw some days ago, purporting to have been passed by the Stock Grazers' Association of the West, approving of some system of control and of permit. I do not know that they went so far as to approve the system of a charge for

Mr. CLARK of Wyoming. Mr. President, in view of the last suggestion, I want to say that I do not want my attitude to be misunderstood. I am not representing the views of the stockmen especially, either the cattlemen or the sheepnten. Their interests, of course, should be fully considered. But what I am trying to say is that irrespective of the good that may accrue to any particular class of people, great injury would be in-flicted upon the country by this proposed grazing law. Some of the stockmen are in favor of it, and some of them are against it. For myself I own not, neither am I interested in an acre of this public domain or in a single animal that could be pastured thereupon; but I am interested, and I have a great and abiding interest, in the future welfare and in the settlement and

the development of my State.

There are stockmen in the West who, if this bill should be come a law, would hail it with gladdest acclaim. Those are the stockmen who for years have monopolized great bodies of our public lands and have them even now under illegal fences. Word has gone forth that no action will be taken against those illegal fences until the 1st of April—that the fences may be allowed to stand until the 1st of April—that the fences may be allowed to stand until that time. Word comes from the Bureau of Forestry that the fences will not be interfered with until the 4th of March. What does that mean? It means that when the 4th of March comes and this bill shall become a law, the fences shall remain and the great areas inclosed with them withdrawn from public settlement and used for the benefit of the man who has already illegally fenced them, if he cares to make a lease. That is what it means, and it is a warning to the stockmen that if this bill does not become a law they must take down their fences. What sane man with a fence upon the public domain, with a limited consciousness of the right-eousness of public duty, would not favor this bill under those circumstances?

I say I am not chiefly concerned about the stockmen. I am intensely concerned about the future of my State. This amendment, if passed, would absolutely prohibit, in my judgment, the

further settlement of men upon the public domain.

As I started to say, the Senator from Kansas [Mr. Long] sought to break the effect of the amendment as much as possible when he insisted that some provision should be put in for the settlement of these lands by homesteaders. Of course, the amendment says that homesteaders, notwithstanding the lease, can go upon the land to make homestead entries

On that particular point I wish to call the attention of the Senate to the proposition as to whether it would not be a very sultry life that a poor homesteader would lead within the in-closure of a great stock company. He would be an unwelcome guest at most. Would be not have a sort of torrid life even with the lessee acting within the legal limits of his right?

Mr. President-

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Kansas?

Mr. CLARK of Wyoming. I do.

Mr. LONG. I do not understand the position of the Senator in referring to the amendment, which, I understand, is not up for consideration in the Senate. Does the Senator believe that the language is not sufficiently broad to protect the rights of homesteaders or does he take the position that it is impossible by legislation to protect the rights of the homesteaders in such legislation as this?

Mr. CLARK of Wyoming. I think it is impossible that the Government can lease ten or twenty or thirty or forty or fifty or one hundred thousand acres of land to any man to inclose and properly protect a settler within such inclosure. I think it is utterly impossible to say that a settler can maintain himself in opposition to the great landholder under such circumstances. It is a practical impossibility. In this amendment it is indeed provided that he shall have the right, notwithstanding the lease, to graze upon the adjacent land. But to graze what, Mr. President? His work teams and milch cows only—in the language

of the amendment, his stock used for domestic purposes.

Mr. LONG. I will say to the Senator from Wyoming that in drawing or in modifying the proviso it was my purpose, so far as legislation could, not to prevent the homesteading of the

Mr. CLARK of Wyoming. I think the amendment will reach as far as any amendment could on a proposition of this sort, but I believe the practical effect of any leasing proposition such as is proposed, or any other, is to absolutely stop settlement upon the public land by the homesteader or resident. I think, in the very nature of things, it is impossible for a man to make his home under such conditions.

Now, Mr. President, the result of this, if adopted-and I do not believe it will be adopted—will be to put half a continent under the landlordism of a single man.

Mr. SUTHERLAND. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Utah?

Mr. CLARK of Wyoming. With pleasure.
Mr. SUTHERLAND. I thoroughly agree with what the

Senator says on this question. I wish to ask him if he does not think the excluding of the homesteaders would not exclude from the ranges the small cattle owners and the small sheep owners. In other words, would not the result be to put into the hands of great cattle owners a monopoly of the ranges? example, in my own State there are very large numbers of villages where each inhabitant owns five, ten, or fifteen head of cattle and twenty, twenty-five, or fifty head of sheep. They are in the habit of employing somebody to take charge of their little flocks and take them out upon the public domain and pasture them in that way. It would be impracticable for those people to take leases, and the final result of it would be to create a monopoly in the hands of the big cattle owners and big sheep owners. I ask the Senator if he does not think that would be the result of it?

CLARK of Wyoming. I think it would. I think it would be the inevitable result of it. I think the inevitable result would be that all grazing privilege would go to the highest bidder in the end.

Mr. President-Mr. WARREN.

The VICE-PRESIDENT. Does the junior Senator from Wyoming yield to his colleague?

Mr. CLARK of Wyoming. With pleasure.
Mr. WARREN. Noting the remarks made by the Senator
from Utah, I should like to ask my colleague whether if the plan was carried out according to the letter from the President, which states what should be done, and an amendment of that kind is passed, that the apportionment should be entirely within the control of the local authorities, he thinks that would preclude the small cattleman and the small sheepmen in favor of the large ones.

Mr. CLARK of Wyoming. In answer to my colleague, I will simply say that if I have got to take bad medicine I would rather take it at the hands of my friends than at the hands of strangers; and if there is to be any control of these ranges of course to cause the least harm, it should be by the local people. But, Mr. President, in further answer to the question of the Senator from Utah, the inevitable result under this bill would be to make the man with the longest purse the virtual proprie-tor of the public domain. And why? Because those who have analyzed the bill will have observed that all the receipts from the forests, from the great lumbering operations, from the herding operations, from the 5 cents on sheep and 25 cents on cattle, whatever they are, go not to the miscellaneous items in the Treasury of the United States, but to a special fund in the Treasury of the United States. All the grazing fees from 400,000,000 acres of land under this bill are to be turned into this special forestry fund.

Mr. President, there is a revenue from an empire going into the Treasury of the United States, not subject to the ordinary course of appropriation by legislation of the Congress, but millions and millions of dollars going into this special fund to be checked out upon the personal request of the Secretary of Agriculture and the director of this Bureau. The purpose of the director of this Bureau or the Forester at all times, of course, would be to swell that fund to the greatest possible amount. If he believed that there existed a necessity for further expenditures, he could-

Mr. BURKETT. Mr. President-

The VICE-PRESIDENT. Does the yield to the Senator from Nebraska? Does the Senator from Wyoming

Mr. CLARK of Wyoming. Certainly. It was the Senator's bill that I was talking about, I think,

Mr. BURKETT. I thought the Senator was away from the grazing amendment; but I am interested in asking the Senator this question, because so many have been hammering at this Forester for the reason that he collects this money and spends He has been assaulted here four or five days because he had been collecting money somewhere and spending it. I got the law and looked it up, and I find that that is exactly what the law tells him to do.

Mr. CLARK of Wyoming. That is exactly what we do not want the law any longer to tell him to do.

Mr. BURKETT. Let me ask the Senator if it is not a fact

that he and several other Senators now present were here when that law was passed?

Mr, CLARK of Wyoming. I expect likely I was, done very many foolish things in public and private life.

Mr. BURKETT. I do not want to have the Senator take it that way, but what I am trying to get at is that it is a matter which can be changed, and I understand it has been changed by the amendment, by which the money must be turned into the Treasury. Why the Forester should be abused for collecting

money and doing exactly what he has been told by legislation to do I can not understand.

Mr. CLARK of Wyoming. It has been far from my intention to abuse the Forester. On the contrary, I have the highest opinion of that gentleman.

If I have talked to any purpose, it has been to point out the danger to certain parts of the country in giving to any man the power that is vested by this bill in the Forester, and to call attention to the disastrous results to the hoped-for growth of the West if this amendment should become a law.

Mr. BURKETT. Does not the Senator think that the unfortunate, or at least to the Senate unsatisfactory, method of hand-ling this fund has been used rather to hammer the whole Forestry Bureau and to create a prejudice against it in the same spirit that will destroy its effectiveness?

Mr. CLARK of Wyoming. I do not think so. I do not think any intelligent public criticism of the administration of any office is detrimental to the welfare of the office or bureau. It has certainly been far from my notion to antagonize the Bureau of Forestry, because, as I said in the beginning, if there are any people on the face of the earth who are interested in the proper administration of that policy, it is the people of the section of the country which I, in part, on this floor represent.

Mr. BURKETT. Just one question and I will not interrupt Since the Senator referred to this amendment, which was originally my bill, I will say that of course that was put in because the Senate or the Congress in its wisdom hitherto had provided that system for the forest reserves in question, and hence this bill was drawn to conform with what the action had been heretofore. Since the Congress has changed its plans—and I am in hearty accord with that—of turning the money into the Treasury and taking it out on specifications and appropriations, then the provision ought to be changed.

Mr. CLARK of Wyoming. Mr. President, I have talked very much longer than I intended on this proposition. In fact, I only intended addressing myself to the observation made by the Senator from Wisconsin on Tuesday evening, I think. But I can not refrain from expressing again, Mr. President, the fear which the people of the West, or at least some of them, have of the result of this legislation.

Under the various withdrawals proposed in this bill there will be substantially no lands left in the public domain upon which a man could enter save only the lands which might be entered for precious metals. In my State there have been untold acres withdrawn for forest reserves. There have been many acres withdrawn for oil lands, and there have been in addition, withdrawn within the last year 16,000,000 acres of coal lands from private entry. As to the wisdom of these Executive actions it is not my purpose here to speak. Of the can speak-that there is a wholesale fear abroad through the State that unless some change is made or some halt called development must stop and irreparable injury may be worked.

Mr. President, to show that the matter is of live considera-tion I have here, and will ask to insert in the Record, a joint resolution recently passed by the legislature of my State, which has now adjourned. I ask to have the joint resolution incorporated in the RECORD.

VICE-PRESIDENT. In the absence of objection, the resolution referred to by the Senator will be inserted in the

The resolution referred to is as follows:

House joint resolution in opposition to any proposed change in the Federal land laws or in the administration of said laws, or to any regulations that will operate to the injury of the State of Wyoming, retard its development, hinder its growth, or interfere with the prosperity of its people. February 8, introduced, read first time, ordered printed, and referred to committee No. 14, on lands and irrigation.

perity of its people. February 8, introduced, read first time, ordered printed, and referred to committee No. 14, on lands and irrigation. Whereas 60 per cent of the lands of Wyoming are unoccupied except for the grazing of live stock; and Whereas conditions in Wyoming were never more prosperous than at present, and it should be our aim to maintain same; and Whereas the relations between the various live-stock interests were never more peaceful and satisfactory than now; and under present methods of conducting the live-stock industry, necessitating, as it does, winter feeding, the irrigable lands are being reclaimed and made to produce their full capacity of hay and small grains, thereby offering inducements to settlers and dry farmers and creating a home market for the fruits of their labors which will grow rapidly under a continuation of these conditions, thereby almost doubling the stock-carrying capacity of the arid ranges, and thus increasing to a marked degree the taxable wealth of the State; and Whereas the influx of home builders, homesteaders, and settlers under our irrigation system was never greater or as steady as at present and the prospect for the future was never brighter in our young Commonwealth; the Government is constructing two great irrigation systems in this State and soon the farmer and home builder will be invited to come in large numbers and settle the lands under these enterprises; and Whereas experiments in dry farming have proved conclusively that a large percentage of arid lands heretofore regarded as fit only for the limited grazing of live stock can be reclaimed by the dry-farming methods and made to produce bountiful crops of hay and grains common to this climate, and efforts are now being made to settle these

lands by this plan, which has already proved successful: Therefore,

Bands by this plan, which has already proved successint. Increases be it

Resolved by the house of representatives of the ninth legislature of the State of Wyoming, the senate concurring, That we view with alarm any proposed change that will in any way injure our prosperity, restrict immigration, keep out the home builder, homesteader, and settler, retard the growth of our young State, handicap work upon the great irrigation enterprises of the Government and private capital, restrict or destroy the home market of the small ranchman, dry farmer, and settler, who depends upon the live-stock industry for an outlet for his hay, small grains, and produce, or that will in any way interfere with the present peaceful relations between stockmen; and

Be it further resolved, That copies of these resolutions be forwarded to the President of the United States, Secretary of the Interior, Secretary of Agriculture, and to Members of the Congress of the United States with the request that same be given careful consideration before entering upon any plan having for its object the leasing or control of the range lands of Wyoming.

Mr. CLARK of Wyoming. Mr. President, in the preamble of

Mr. CLARK of Wyoming. Mr. President, in the preamble of the resolution the bill under consideration is specifically referred to. As I am informed by a telegram from the governor, the resolution passed the legislature almost unanimously. But

I wish to call attention-Mr. LONG. Mr. President, if I may be permitted to interrupt the Senator, to what bill does the Senator refer—the agricultural appropriation bill

Mr. CLARK of Wyoming. The Burkett bill.

Mr. LONG. Or the leasing proposition?
Mr. CLARK of Wyoming. The leasing proposition.
Mr. LONG. The leasing proposition of the Senator from Nebraska?

Mr. CLARK of Wyoming. Yes; and now for a moment I want to call the attention of those who have been interested in the great irrigation legislation to the effect that will inevitably follow if any such plan as his shall finally be adopted. lieve that a few years ago was worked out in the two bodies of Congress the greatest piece of constructive legislation since the close of the war, namely, the reclamation act, whereby the power of the Government was placed behind the great irrigation scheme; whereby they devoted to the building of great reservoirs and canals to turn the water out upon the arid land all the proceeds of public-land sales within the borders of the

States except 5 per cent, I believe, which goes to the State.

Mr. President, there is in that fund an insufficient amount at the present time to complete the construction of the works already approved. In my judgment, the leasing of the land, the withdrawal of the coal land, the repeal of the timber and stone act, all taken together, will leave not a dollar in that irrigation fund, and the great constructive piece of legislation that is working great and untold benefit to the western country will become a dead letter, as though it had never been placed upon the statute books of the nation. You are diverting the revenue which should go into the irrigation fund to the Forestry Service for the further extension of its already great power. Mr. President, against the legislation proposed in this leasing amendment, against the enormous power over the prosperity and development of my State given to one man by this bill I now and

ever shall most solemnly protest.

Mr. SPOONER. Mr. President, I do not wish to take up much time in this discussion. The Senator from Wyoming [Mr. CLARK] has discussed some propositions in connection with the general subject which, with due deference to him, I think are hardly germane to the real subject of the debate, at least so far as I care to pay attention to it. I know little about the with-drawal of lands by the Secretary of the Interior and the rec-ommendation that a forest reserve be established in the Indian Territory

I want to say this, however, that I do not believe since the foundation of this Government there has been in its service a man of more unimpeachable integrity or higher devotion to the public service than the Secretary of the Interior, Mr. Hitchcock. He may have made mistakes—we all make mistakes—but his purpose to conserve the interests within his charge, in my mind, can never be subject to any just impeachment. I think he has rendered service to the country in a position, which is a very disagreeable one in many ways, which will not be excelled by any successor and which has not been excelled by any predecessor. As to his power to arrest allotments in the Indian Territory, in my opinion, something may be said on both sides; but I do not care to discuss that. I do not intend, either, to discuss the proposition in this bill which has been so elaborately and eloquently and earnestly discussed by the Senator from Wyoming, to cover into the forest reserves 400,000,000 acres—I

think the Senator said that was the amount—
Mr. CLARK of Wyoming. It is so estimated by the Bureau.
Mr. SPOONER. Of grazing land. I suppose it is in the power of any one Senator to eliminate that from the bill. have not studied that subject and I do not intend to spend any time in discussing it.

Mr. President, at one time, in regard to the forest-reserve pol-

icy, I felt very much as some of the Senators from the far Western States seem to feel. I remember once riding through a part of Wyoming on a hunting expedition, and meeting several part of Wyoming on a nunting expedition, and meeting several wagons filled with people, men, women, and children, with a little bunch of stock, who had traveled all the way from Alabama to occupy and make homes in a valley within 5 miles of where I met them, upon land which when they started from Alabama was subject to homestead entry, but which a few days before they reached the point where I met them had ceased to be subject to such entry, because of an Executive proclamation withdrawing the lands from entry for forest-reserve purposes. So it had passed absolutely beyond their reach. It seemed to me a harsh thing in its operation, not only to those people, but it seemed to me a very great detriment to the people of the West to have arable lands withdrawn permanently from entry, from the reach of the home seeker because of Executive proclamations.

I think nearly everyone here has a higher opinion of the general forest-reserve policy than he entertained at that time. think some of my colleagues here who were violently opposed to the whole policy at that time have come to see that underlying it is great wisdom, large public interest, not only in its relation to the whole country, but especially to the States within the region in which the forest reserves lie. But, Mr. President, it is not true to-day, as it was in those years, that the forest reserve shuts out the settler, debars the home seeker from land fit for agricultural uses, as I understand the law. The law—and Senators will correct me if it has been changed—the act of June 11, 1906, opens the arable and agricultural lands within forest reservations to homestead entry.

Mr. FULTON. Mr. President, will the Senator allow me to interrupt him?

Mr. SPOONER. Am I wrong about that?

Mr. FULTON. No. I want to make a suggestion in connection with that, if the Senator has no objection.

Mr. SPOONER. I have none. Mr. FULTON. While it is true that lands which are chiefly valuable for agriculture are permitted to be entered under the homestead law within forest reserves, nevertheless I think the Senator will see this: In the first place, one moving with his family in a forest reserve goes where there can be no real community of association, where there are no roads and no way of getting roads, except such as the Government constructs—the county has not the power to build roads in the reserves-where there is no means of having schools and other facilities as they have outside. So it practically bars a man from going in there unless he is willing to dissociate himself entirely from all community life. Further, the Bureau holds—I do not know what the Agricultural Department holds, but I know what the Forester holds—that land is only chiefly valuable for agricultural purposes when it has no timber on it or practically none. If it has timber on it, then it is chiefly valuable for timber. know they hold that, because I have applied to them for their construction. The Senator does know, and must know, from experience that some of the very best land in the Middle Western States and some in the Eastern States is land that has been cleared of forests. It is so in the West and is so in the East and Middle West.

Mr. SPOONER. The Senator's argument is an argument altogether against forest reserves.

Mr. FULTON. No. Mr. President. Mr. SPOONER. Pretty much.

Mr. FULTON. If the Senator will allow me, I do not mean that. I am not opposed to forest reserves under proper restric-There is a vast amount of timber land that by reason of the topography of the country in which the timber grows is unsuited for farms. That land, I believe, should be put into forest reserves. I think it is a wise policy to do it. But there is a vast portion of land covered with timber that is, nevertheless, chiefly valuable in the long reach of time for agriculture.

Mr. HEYBURN rose.

Mr. SPOONER. Does the Senator want to interrupt me? Mr. HEYBURN. I should like to make a suggestion to the Senator from Wisconsin with regard to the assertion that the land within a forest reserve is open to settlement under the homestead laws. While nominally it is open to homestead, it is not subject to the homestead law at all. The settler has no right to go upon the land until he has first made an application to the Department, representing that he has found a piece of land that is agricultural in character. It is then examined. If upon the report of the examiner the Secretary shall find that that land is of that character, the settler may go upon it, not as a homesteader, because a homesteader goes upon it without having to pay for it-he earns it by living there-but in this case he does not.

Under the provisions of the law-and I have given them close attention-he must first have it surveyed by metes and bounds, if it has not been surveyed according to the rectangular system of public surveys. He must do that at his own expense. expense amounts to quite a large sum of money. If a settler were to find a piece of ground agricultural in character in the midst of some of our forest reserves, it would probably cost him from three to five hundred dollars to have it surveyed, because there are great distances intervening and expensive conditions. He must have that surveyed, not as a homesteader procures his land, but surveyed upon the ground, and those notes of survey go to the surveyor-general for the State or Territory in which the land is located, and they must be submitted to the surveyor-general for approval. The settler pays all of those expenses. Then, if the survey is approved, he then lives upon that land under the homestead law, but that is in no sense a homestead. He may live there alone, as has been suggested by the Senator from Oregon [Mr. Fulton], a lifetime or for a generation without ever having a neighbor.

So that these areas are not subject to settlement under the homestead laws at all, but under a special law, which is so burdensome that the ordinary immigrant can not take advantage

Mr. SPOONER. I used the word "homestead" from the law, which reads:

which reads:

That the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain as to the location and extent of lands within permanent or temporary forest reserves, except the following counties in the State of California, Inyo, Tulare, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego, which are chiefly valuable for agriculture, and which, in his opinion, may be occupied for agricultural purposes without injury to the forest reserves, and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and file the lists and descriptions with the Secretary of the Interior, with the request that the said lands be opened to entry in accordance with the provisions of the homestead laws and this act.

Upon the filing of any such list or description the Secretary of the Interior shall declare the said lands open to homestead settlement and entry in tracts not exceeding 160 acres in area and not exceeding 1 mile in length, at the expiration of sixty days from the filing of the list in the land office of the district within which the lands are located, during which period the said list or description shall be prominently posted in the land office and advertised for a period of not less than four weeks in one newspaper of general circulation published in the county in which the lands are situated.

Provided further. That any entryman desiring to obtain patent to any lands described by metes and bounds entered by him under the provisions of this act shall, within five years of the date of making settlement, file, with the required proof of residence and cultivation, a plat and field notes of the lands entered.

Mr. HEYBURN. Mr. President, that is the correlative of the ordinary provision of the homestead law, that after five years the settler may apply for a patent; but I want to call the Senator's attention to the fact that that law provides that these things may be done subject to the rules and regulations of the Department, and I am speaking with those rules and regulations in my mind. I am reading them into the law. The Senator will find that that law is of no practical value to the immigrant at all. It may be to a class of well-to-do settlers, if they find suitable land and they think they can afford to incur the expense necessary to be incurred in order to avail themselves of it; but to the people who go in the white-covered wagons—and we see trains and trains of them in our country yet, passing through our roads and our cities-to them it has no value whatever. It is a discriminatory law by virtue of its terms.

Mr. SPOONER. A great many people go in white covered wagons and hunt for land who are not paupers by any means.
Mr. HEYBURN. That is true.
Mr. SPOONER. This law can not be very well changed. It

was not the intention of this law that lands chiefly valuable for forest purposes should be opened to homestead settlement; it was intended by this law that land not chiefly valuable for forest purposes should be open to homestead settlement.

If the regulations of the Department are unjust, then it is the right of Congress to change them. I am speaking of the policy of the Government. This is a beneficial statute, which ought to be liberally construed to advance the great purposes which led to its enactment, without opening the door to fraud against the policy which led to it.

Mr. HEYBURN. If the Senator will permit me, I will state

that it is a beneficial act to the extent that it partially corrects

Mr. SPOONER. How would the Senator correct it all?
Mr. HEYBURN. I would allow land fit for home making to be opened for settlement.
Mr. SPOONER. That is to say, wherever there is a tract of land owned by the Government, covered by timber worth

preserving, that should be open to settlement, if after the timber is removed, the land would be capable of agriculture, opened to homesteads? That, Mr. President, is very nearly for all practical purposes hostility to the policy of forest reserves.

Mr. HEYBURN. Mr. President, if the Senator will permit me a further interruption, as was stated by the Senator from Wyoming, one of the difficulties that we have encountered in our effort to seek a proper adjustment of this question is that we are always confronted with the statement that we are hostile to the preservation of the forest. Mr. President, I am not, and I think that is-I do not charge the Senator with being unfair, but I think it is an unfair argument to assume or state that we are antagonistic to a wise system for the preservation of for-

ests merely because we object to the present system.

The law, as Congress originally enacted it, had it been intelligently expressed—which it was not, for it does not mean anything—exempted mineral and agricultural land from its operation. It was the intention then, as the discussion in the record of Congress will show, that forest reserves should be created upon the mountains and at the heads of streams, and out of the way of settlement; but since this Forestry Bureau-and I am not intending to criticise harshly any individual connected with it-but as soon as they found what a grasp of power it gave them, they immediately sought to enlarge that scope of power,

and to go down into the valleys, until now they are just as apt to create a forest reserve in a valley as they are on a mountain.

Mr. PATTERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield

to the Senator from Colorado?

Mr. HEYBURN. I do, with the permission of the Senator from Wisconsin.

Mr. SPOONER.

Very well.

N. I have prepared an amendment which is Mr. PATTERSON. apropos of the identical question which the Senator from Idaho and the Senator from Wisconsin are discussing.

Mr. SPOONER. I am not permitted by the rules of the Senate to yield to the Senator to offer his amendment.

wr. PATTERSON. Try it and see.

Nr. REVERIDGE. We on this side of the Chamber can not

hear what is being said.

Mr. SPOONER. I have stated that I am not permitted by the rules to yield to the Senator from Colorado to offer an amendment. I am, however, permitted to yield to him to state what his amendment is, and I will do so.

Mr. PATTERSON. My amendment is as follows:

Provided, That the Secretary of Agriculture shall cause all lands heretofore set apart as forest reserves to be classified as near as may be into forest lands, agricultural lands, and mineral lands, and that all agricultural and mineral lands that are not also in fact forest lands shall be excluded from forest reserves, and shall be open to settlement and purchase under existing public laws, and hereafter, before a forest reserve shall be made, such classifications of lands shall be made, and only forest lands shall be included within them.

Mr. BEVERIDGE. May I ask the Senator a question for in-

formation?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. Yes.

I merely wanted to ask the Senator from Mr. BEVERIDGE. Colorado a question for information as to his amendment, if he is going to discuss it. The question is, Would that amendment exclude from a forest reserve a mountain valley or a mountain

exclude from a forest reserve a mountain meadow which was all surrounded by forests?

Mr. PATTERSON. It would take up too much time for me answer the Senator's question. I do not wish to intrude upon the time of the Senator from Wisconsin, who has the floor, but I expect, before the debate closes, to discuss the amendment.

Mr. SPOONER. Mr. President, I should regret if the Senator from Idaho feels I have cast upon him by my observations any unjust imputation. What I intended to say was that the argument of the Senator was hostile to the real, substantial policy of forest reservation.

Mr. HEYBURN. Mr. President, will the Senator—
The VICE-PRESIDENT. Will the Senator from Wisconsin yield to the Senator from Idaho?

Mr. HEYBURN. I should be glad if the Senator would yield right there

Mr. SPOONER. I will. Mr. HEYBURN. I can not conceive that that is a fair deduction to be drawn from anything that I have said. It is a deduction which might be drawn from what others have said I thought and said that I had said, but not from anything that I have said.

Mr. SPOONER. I am drawing it from what the Senator

said. Mr. HEYBURN. I will state in a word, if the Senator will permit me.

Mr. SPOONER. I know what the Senator said. Mr. HEYBURN. I am not hostile to the preser I am not hostile to the preservation of the forests; I am not hostile to a proper policy for the preservation of forests, but I am hostile to the policy of Congress as it has

been interpreted by the executive branch of the Government.

Mr. SPOONER. Mr. President, underlying, I suppose, this forest-reserve policy of Congress was the knowledge of the fact that the timber supply of the United States was rapidly disappearing.

Mr. HEYBURN. Where, may I ask the Senator, was it disappearing?

Mr. SPOONER. It was disappearing all over this country-Mr. HEYBURN.

I know, but where was it going?
As it will disappear—I will get to that—as Mr. SPOONER. it will disappear, Mr. President, with very great rapidity in the far West if there should be enacted into law the proposition of the Senator from Idaho.

Mr. HEYBURN. Now, may I ask the Senator— Mr. SPOONER. If there is to be thrown open to entry all of the land embraced within the forest reservations which when stripped of timber would be susceptible of cultivation, there would not be very much use of a forest-reserve policy, in my opinion.

Mr. HEYBURN. May I ask the Senator a question? Mr. SPOONER. Yes. Mr. HEYBURN. The Senator says the timber would dis-

Where would it go? appear.

Mr. SPOONER. I will tell you where I think it would go. I think it would go just as it went in my State, where homesteaders settled upon land which was covered with magnificent timber, land which when stripped of timber could be utilized for farms, and the timber went into the possession, at pretty low prices, of the great lumbering companies which had the capital and the outfit to cut it and log it and run it down the streams

Mr. HEYBURN. What did the great lumber companies do

with the timber?

Mr. SPOONER. Some great lumber companies sold the timber they bought of the homesteaders and sold the timber they cut off Government land, and I will venture the opinion that enough timber has been cut off Government land within the last hundred years to pay the national debt over and over again, and I will venture another opinion, that by reason of the slothful and neglectful cutting enough timber has been destroyed by fire, generated by the carelessness of those lumbermen, to pay the national debt several times over.

Mr. HEYBURN. But will the Senator permit me to ask a question? What did the lumber companies do with the timber

they cut in their mills?

Mr. SPOONER. They sold it.

For what purpose? Where is it now? Mr. HEYBURN. Mr. SPOONER. What do you buy timber for when you buy it?

Mr. HEYBURN. Where is the timber now? Mr. SPOONER. What they did do and what they would do would be this: They would buy, as long as it was possible to do it, timber from the homesteader, saving their own for higher prices, awaiting the appreciation in value at a later date and there would not be much timber left in the region. It is nearly all gone in my State. It is nearly all gone in Michigan. It is nearly all gone in most of the Eastern States; and I call my

State an Eastern State from the Senator's standpoint.

The Government being the proprietor of this land had a perfect right to adopt a policy that would conserve its timber supply, just as the Government has a right to adopt a policy of conserving the coal supply which underlies the surface of land

owned by the Government.

Mr. HEYBURN. I should like to ask the Senator a question here as to the right of dominion. Is it the Senator's belief that the Government alone may regulate the use of its lands within

Mr. SPOONER. It is the Senator's belief that when a Territory containing Government land is admitted into the Union the Government's ownership of that land, its power of disposition, its proprietorship over that land, remain absolutely undiminished and unaffected.

Mr. HEYBURN. And the State has no power to regulate its

Mr. SPOONER. The State has no power to tax it—Mr. HEYBURN. I admit that.

Mr. SPOONER. Because the power to tax involves the power to destroy.

Mr. HEYBURN. How about the right to use it? Mr. SPOONER. It has no right to use it.

Mr. HEYBURN. Or to regulate its use in any way by its

Mr. SPOONER. Or to regulate its use by the citizens of the State.

Mr. HEYBURN. Will the Senator allow me to call his atten-

Mr. SPOONER. No; the Senator can do that later. I want to get through

Mr. HEYBURN. I have a decision of the Supreme Court of the United States on that question.
Mr. SPOONER. What is it?

Mr. HEYBURN. I would call the attention of the Senator to the case of Bacon v. Walker et al., decided February 4, this month, by the United States Supreme Court, in which that very question is settled.

Mr. SPOONER. Let me see the case. Mr. HEYBURN. I have marked port I have marked portions of it, but the Senator may not, without close attention, be able to-

Mr. SPOONER. What was the nature of the case?
Mr. HEYBURN. The question was as to the right of the

legislature of a State to define the rights to the use of the public domain within the State, and it is decided in that case. court held that the act of the legislature defining the use of the public lands within the State by the citizens of the State is valid legislation, and that it is competent for the legislature of the State to control the use of the public lands within the State. That is the law

Mr. SPOONER School lands or State lands or what lands? Government lands-lands of the Govern-Mr. HEYBURN.

of any class.

Mr. SPOONER. Who was the plaintiff in error?

Mr. HEYBURN. The Senator has the decision. The court follow the decision of the supreme court of Idaho. It is what is known as the "2-mile-limit law."

Mr. SPOONER (reading):

We think, therefore, that the statutes of Idaho are not open to the objection that they take the property of plaintiff in error—

Mr. HEYBURN. That is only one point involved in the

Mr. SPOONER (reading):

Without due process of law

Mr. HEYBURN. That is not the point.

Mr. SPOONER (reading)

and pass to the consideration of the charge that they make an unconstitutional discrimination against the sheep industry.

A decision of neither of those questions, I think, would involve the conclusion which the Senator announced.

Mr. HEYBURN. I have tried to direct the Senator's attention to the part of the decision that does cover it.

Mr. SPOONER. I will yield to the Senator to do that. Mr. HEYBURN. I will do it by and by, unless the Senator

wants me to do it now.

Mr. SPOONER. I yield to the Senator to do that.
Mr. HEYBURN. There has been much discussion upon this question this morning-

Mr. SPOONER. I merely yield to the Senator to read from

Mr. HEYBURN. I am not going to make a speech. wished to direct the attention of Senators who have entered into the discussion of these questions to the decision. After disposing of the legal question arising under the amendment of the Constitution prohibiting the taking of property without just compensation, the court held that the taking of a man's right to participate in the unlimited use of the public domain was not the taking of property in violation of the constitutional amendment. Then comes the question of the right of the public upon the public domain.

Does the herding or grazing of sheep necessarily, and because of its unwarrantable character, work an injury to the public? And, if dangerous in any degree whatever, are the other classes which are omitted and in effect excepted entirely free from such danger, or do such exceptions tend to reduce the general danger?

I am merely leading up to it.

Contemplating the law in the aspect expressed in these questions, counsel are unable to see in it anything but unreasonable and arbitrary discrimination. This view of the power of the State, however, is too narrow. That power is not confined, as we have said, to the suppression of what is offensive, disorderly, or unsanitary. It extends to so dealing with the conditions which exist in the State as to bring out of them the greatest welfare of its people. This is the principle of the cases which we have cited.

But the statutes have investigated.

we have cited.

But the statutes have justification on the grounds which plaintiff in error urges as determinative, and on those grounds they were sustained by the supreme court of the State. They were deliberate enactments, made necessary by and addressed to the conditions which existed. They first (1875) had application only to three counties, while Idaho was a Territory. They were subsequently extended to two other counties and were made general in 1887. They were continued in force by the State constitution. (Sweet v. Ballentyne, supra.) The court said, in the latter case:

This is what the supreme court of Idaho stated, and it is affirmed by the Supreme Court of the United States

affirmed by the Supreme Court of the United States:

It is a matter of public history in this State that conflicts between sheep owners and cattlemen and settlers were of frequent occurrence, resulting in violent breaches of the peace. It is also a matter of public history of the State that sheep are not only able to hold their own on the public ranges with other live stock, but will in the end drive other stock off the range, and that the herding of sheep upon certain territory is an appropriation of it almost as fully as if it were actually inclosed by fences, and this is especially true with reference to cattle. The legislature did not deem it necessary to forbid the running at large of sheep altogether, recognizing the fact that there are in the State large areas of land uninhabited where sheep can range without interfering with the health or subsistence of settlers or interrupting the public peace. The fact was also recognized by the legislature that, in order to make the settlement of our small isolated valleys possible, it was necessary to provide some protection to the settler against the innumerable bands of sheep grazing in this State.

That is the decision of the supreme court of Idaho. The

That is the decision of the supreme court of Idaho. The Supreme Court of the United States says:

And the court pointed out that it was not the purpose or effect of the statutes to make discrimination between sheep owners and owners of other kinds of stock, but to secure equality of enjoyment and use of the public domain to settlers and cattle owners with sheep owners.

Recognizing the right of the State to govern the public domain within its borders and the use to be made of it. I resume reading

reading:

To defeat the beneficent objects of the statutes, it was said, by holding their provisions unconstitutional would make of the lands of the State "one immense sheep pasture." And further: "The owners of sheep do not permit them to roam at will, but they are under the immediate control of herders, who have shepherd dogs with them, and wherever they graze they take full possession of the range as effectually as if the lands were fenced. \* \* It is a matter of common observation and experience that sheep eat the herbage closer to the ground than cattle or horses do, and, their hoofs being sharp, they devastate and kill the growing vegetation wherever they graze for any considerable time. In the language of one of the witnesses in this case: 'Just as soon as a band of sheep passes over everything disappears the same as if fire passing over it.' It is a part of the public history of this State that the industry of raising cattle has been largely destroyed by the encroachments of innumerable bands of sheep. Cattle will not graze, and will not thrive, upon lands where sheep are grazed to any great extent."

That is quoted from the testimony of a witness.

These remarks require no addition. They exhibit the conditions which existed in the State, the cause and purpose of the statutes which are assailed, and vindicate them from the accusation of being an arbitrary and unreasonable discrimination against the sheep industry.

If that is not a recognition of the right of the legislature to control the use of the public domain, it is not anything.

Mr. SPOONER. That was a police regulation of the State of Idaho, operative upon its citizens; and I discover nothing what-

Mr. HEYBURN. I think the Senator will discover more in it. Mr. SPOONER. I am perfectly satisfied without reading it that I will not discover anything in it holding that the United States Government as an owner of land in the State of Idaho may not, if it chooses, forbear to sell it, forbear to lease it. or may not, if it chooses, against any power on earth to prevent it, in the State or out, fence it and exclude people and cattle and sheep from it. It is not for one moment to be imputed to the Supreme Court of the United States that they hold that when Territory is admitted into the Union as a State, in which State the Government of the United States is the owner of a vast tract of land, the Government of the United States has not the same control over that land within certain limitations that it had before the Territory was admitted.

I agree that if the State enacts a game law, that being an ex-

ercise of the police power, the Government of the United States may not enact—operative upon its land—a different game law, because that would be two sovereignties possibly coming in conflict over a subject bearing upon the people of the State and within the cognizance and jurisdiction of the State.

But does the Senator from Idaho contend that the Government may not exclude sheep from its lands in Idaho if it chooses'

Mr. HEYBURN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. SPOONER. I do. Mr. HEYBURN. The The Supreme Court specifically divides the question between that which comes within the police regulation and that which is considered under the power of the State to regulate the occupation of public lands.

Mr. SPOONER. Does the Senator contend that the Congress of the United States may not exclude by law cattle and sheep from the Government lands in Idaho?

Mr. HEYBURN. Yes; I so contend, because they have a compact with the State of Idaho which makes it unlawful for them to do it.

Mr. SPOONER. What is the compact?
Mr. HEYBURN. The compact that admitted the State of

Idaho upon the same basis as other States were admitted to

Mr. SPOONER. No State ever was admitted into the Union in which the United States owned lands where the Government of the United States sank as a proprietor below the citizen proprietor to my knowledge.

Mr. HEYBURN. If the Senator will examine the act admitting the State of Idaho and others, he will find that Congress discriminated between the character of public lands that were open to the public and to settlement and lands that were held by the Government for a specific purpose-

Mr. SPOONER. Oh. Mr. HEYBURN. And it required us under the enabling act to concede to the Government only the absolute jurisdiction over

the lands held for governmental purposes. Mr. SPOONER. If the Government owns a great range in Idaho and the Congress does not act and the cattle and the sheep of Idaho may wander over it, then an act of Idaho binding upon its citizens goes all over the State, of course. But I am talking about the proprietary power.

Mr. FULTON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oregon?

Mr. SPOONER. I yield to the Senator.

Mr. FULTON. I do not wish to interfere with the Senator's line of thought.

Mr. SPOONER. I desire to get through; that is all.
Mr. FULTON. I desire to ask a question.
Mr. SPOONER. I yield.
Mr. FULTON. Does the Senator contend that if the State we will say, requires lands to be fenced, in order that it shall be unlawful for stock to range upon the lands of another, the General Government may, as regards its lands, say that stock roaming at large may not trespass upon the Government lands or go upon the Government lands to graze, even though the Government lands are not fenced, thereby changing entirely the policy of the State in that regard? In other words, if other proprietors were required to fence, would not the Government be required to fence?

Mr. SPOONER. Or otherwise the cattle could go over the

Mr. FULTON. That is all I contend.

Mr. SPOONER. I have not contended otherwise.
Mr. FULTON. I did not understand the Senator did, but I

wanted to understand clearly what he did contend.

Mr. SPOONER. I have not contended otherwise. It is on the same principle as the game law, exactly. The game law of a State which regulates hunting in the State and the killing of game applies to those who are permitted to go on the public land to hunt and in the Government forests to hunt. am contending for is that the Government owns its lands just as a citizen in the State owns his lands.

Mr. FULTON. I agree with the Senator.

Mr. SPOONER. It may sell that land or it may keep it-

Mr. FULTON. I fully agree with the Senator.

Mr. SPOONER. According to the judgment of Congress as to the public interest.

Mr. HEYBURN. Mr. President——
Mr. SPOONER. I wish the Senator would pardon me., He will have "his day." I do not want to spend the whole day on this question.

Mr. HEYBURN. But when a statement is made, if it is not

answered, it passes out of one's mind.

Mr. SPOONER. Let the Senator make a memorandum of it and speak later, if he will.

Mr. HEYBURN. Very well.

Mr. SPOONER. I like to be interrupted; but I have some mercy for the Senate, when I think of it.

The Government may lease its lands or not, as it chooses. The Government may fence its lands if it chooses. ernment, if it chooses to employ men enough, may keep every-body off its lands, if it chooses; and the Government never, in my opinion, yielded the right to prevent it to the State of Idaho or any other State.

Now, all I started out to say was that the policy of the Government has been, so far as the forestry laws are concerned, exercising the option which it possesses to hold its timber lands in order to conserve the timber supply of the States and of the country rather than to open it, except in a qualified way, to homestead settlement. It would be opening it, as I said a few moments ago, to corporations cutting, manufacturing, and selling lumber, enabling them to save their own timber supply and obtain that for present uses from homesteaders. The average homesteader can not carry on to any large extent lumbering operations. They clear a little piece for agricul-

tural purposes, for the erection of a cabin. They fence a little space, but for many, many years they do not go beyond that. It is a work of years, and many years ordinarily, to clear a forest farm, and, as the Senator from Utah [Mr. SMOOT] says to me, half of it is lost.

Mr. President, that is not all. The Congress had another thing in view in establishing the forest reserves, of the utmost consequence to the people of the West, of some consequence to those States whose forests have been denuded or destroyed, and that was to conserve the water supply. That is of peculiar consequence to all the people living in the semiarid region of the country. That plays an important part in carrying to successful consummation the splendid irrigation scheme which is upon the statute book and is now being wrought out. The water supply in the far West and its conservation is of the utmost consequence. Congress had a wise purpose expressed in the act for the establishment of these reserves. The act of June 1, 1897, provides

No public forest reservation shall be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States.

Without this forest-reserve policy, leaving the land open to settlement, except upon the mountain tops, where no man could live, it would not be twenty years until the State of Idaho would have supplied the East and the Middle States with her

timber, and her own forests would, in the main, be gone.

Mr. HEYBURN. Will the Senator permit me to suggest

something?

Mr. SPOONER. Certainly. Mr. HEYBURN. I looked at the question from that standpoint four years ago and three years ago. It so happened at the last session of Congress that I was ill and unable to be present. I had therefore kept in the law an exception in the interest of Idaho, providing that lumber should not be shipped by the Government out of the State of Idaho, but during my absence last winter that provision was stricken out. I am going to ask that it be inserted this year.

Mr. SPOONER. Why should it not be shipped out of the State of Idaho?

Mr. HEYBURN. Why should the Government ship it out of Idaho if the forests are being conserved for the future uses of the people of Idaho?

The conservation of the forests requires that Mr. SPOONER. some timber shall be cut.

Mr. HEYBURN. But let it be sold in Idaho.

Mr. SPOONER. Dead and down timber must be reizoved. A hurricane sweeps through the forest. The timber affected should be cut away, and for two reasons. It will otherwise be destroyed by worms, and worse than that, it invites a fire which may devastate the whole region. That is what conservation of the timber supply means. It means to take out those trees which ought to be taken out in the interest of the timber conservation, and it means that all cutting in the forest reserves shall be done in a manner which will not invite fires, and, second, which will not prevent reforesting.

I am not speaking without some personal knowledge of this particular phase of it. I am not speaking of the details. You may have some things to complain of, and no one would be more prompt to aid in correcting them than I. I am speaking—for there has been generalization here without limit on this subject-in support of this great national policy for the benefit of all the people, both as to the conservation of the forests and . the conservation of the water supply; and if I am not very, very, very much mistaken no people anywhere have as acute interest in it as the people who occupy these States and those who are

yet to occupy these States.

I once spent six weeks in a city in the West, and during all that time I could not see a vast mountain not far away, because it was obscured by the smoke of forest fires which destroyed millions, untold millions, of property and which worked a lasting harm to people who yet are to go into those sections. So it will not do to say the Government has no right to hold its lands, if it chooses, nor will it do to say that the Government is not far-sighted and kindly in the policy which it has adopted to hold its lands and to protect its lands, and so to utilize them as to benefit the people of the localities and benefit the people of the country.

When Senators talk about the Government becoming a lumber merchant, that is incidental. The forests would be swept away by fire, spoliation, and otherwise but for these timber reservations. You would have the same experience we had, and we had forests which, I have been told, could not be exceeded anywhere in beauty—white pine—except in a part of Idaho. The met one man who had years ago ridden through the Bitter Root

Mountains and down along the stream for miles and for days, and he told me that he never had seen such a forest in his life; and he had seen forests. Ten days' fire would have ruined it for miles and miles; and there is no one on earth who hungers more for such trees and who have more money with which to buy them than a great many lumber corporations. It is a legitimate business. I am not reprobating them, but there is no reason, founded in public policy, why the Government of the United States should open to homestead entry every 160-acre tract of timber land which it owns, provided that land when denuded of its trees would be arable. And that doctrine, I repeat, would simply destroy the forests and turn over-not to be too carefully exercised, either, in the public interest as to the manner of cutting and clearing-to corporations and wealthy firms the timber supply of the West.

Thousands of men who have been driven out by the destruction of our forests in Wisconsin have gone to Idaho and to other Western States to purchase timber. They are good men.

Mr. HEYBURN. May I make a suggestion to the Senator from Wisconsin?

Mr. SPOONER. If it pertains to this subject.
Mr. HEYBURN. I should like to suggest that those who got the most of the forests of Wisconsin and realized the benefit of them are now in Idaho. I admit that.

Mr. SPOONER. I do not know anything about that.

Mr. HEYBURN. I do.
Mr. SPOONER. That makes no difference. The lumberman of Wisconsin is, I think, as good as the lumberman from Idaho or anywhere else in the world. There is no distinction to be drawn between people of different States on that basis.

The question is, Shall the Government dispose of these lands, take no care for the future either as to the water supply or the timber supply, or shall it go along in a wise, not extravagant, but liberal prosecution of the work of forest reservations? For myself, I have no doubt about it. I know it has its hardships to the people of Idaho, to the people of Montana, and to the people of other Western States. I know in a way it deters settlement. I know perfectly well the truth of what the Senator from Oregon and the Senator from Idaho say, that a man with a family is loath to settle upon a piece of land to live for years without neighbors, unable to establish schools, and all that.

But, Mr. President, this law, notwithstanding, is a wise and generous law. I have traveled for days in beautiful valleys along the Snake River and other streams in Wyoming, fertile, susceptible of cultivation, which could be entered under this law. The mountains are full of valleys, some of them extensive, others less so, susceptible of cultivation and all open to settlement under existing law.

There has been no conflict, and is none between the Government and the States as to the enforcement of the game laws. I am told that the officials of the Forest-Reserve Service are under instructions to cooperate in the enforcement of the State laws in respect to game, and that they are doing it.

As to coal, we have a bill pending here which without impeding the development from the agricultural standpoint of the State in which there are deposits of coal owned by the Government, the coal can be conserved by disposing of the surface for agricultural purposes and reserving to the Government the coal and under reasonable conditions to permit its being taken

There is a wise public policy in that, Mr. President. ing it by and large I have no doubt that this forest-reserve policy as a policy is of the greatest benefit to the people of this country, and especially to the people of the far West.

Now, take the lumber business. I want to read a few words, better used than I could use them, from a statement which I asked from Mr. Pinchot. The Senator from Colorado spoke of him as a person of miraculous excellence. I am sure he claims no perfection. I am sure he would not ask any man to put him above his fellows. But he is remarkable for his knowledge in a practical and a theoretical way of forestry, of conserving the existing forests and of planting and rearing trees for future forests. He is remarkable for another thing, that being a young man, a man of brains, a man of wealth, a man of educa-tion, to whom larger possibilities in politics or business open themselves, he has chosen to devote himself, sacrificially in some respects, to this great work of forest conservation, of perpetuating for the people yet to come, who will inhabit the valleys and the arable lands and the semiarid lands of the West, a water supply without which it is an irreclaimable

have made mistakes. This policy began not many years ago. It has made great progress, not simply in the increase in acreage of the forest reserves, but in the system, in the methods adopted, and in the results. It has gone far enough under his supervision to vindicate the policy as one of great public value.

He sent me this statement at my request, and I will read a part of it. It is a statement in which I have the utmost confidence.

In the creation of reserves agricultural land is carefully excluded so far as possible, but since the nature of the country makes it impossible to avoid including occasional small isolated areas, such areas, when shown to be in fact agricultural, are opened to bona fide settlers under the act of June 11, 1906.

All the resources of the reserves—wood, water, and grass—are open to the fullest use and development, the only restriction being that they shall be so used as to be permanently usable.

That is the object and the value of the policy. It looks not simply to to-day, but to long years to come; not simply to the people who are living in the section now, but to the people who are yet to come and who will come.

The mineral laws apply in forest reserves exactly as they do outside, as provided in the act of June 4, 1897.

Timber on the forest reserves which can be cut safely and for which there is actual need is for sale.

It should not be burned, should it? Why should it not be sold and the proceeds used to carry on this work and to support the Bureau instead of a constant appropriation being made from the Treasury?

Applications to purchase are invited. Green timber is for sale except where its removal—  $\,$ 

Here is a thought that is worth much, and it is a part of this whole policy-

Green timber is for sale except where its removal makes a second crop doubtful, or reduces the timber supply below the point of safety for local needs, or injures the streams.

Senators who have been accustomed to looking from their homes upon mountains covered with timber think it will last forever. They are mistaken. I know they are mistaken, because I have been mistaken myself in the same way. It needs care and protection. It does not receive it except upon such a plan and system as affords it under the legislation of Congress.

All dead timber is for sale.

So far as the requirements of law for sale after advertisement to the highest bidder will permit sales are made to small men, so as to prevent monopoly by disposing of timber to large corporations. Is this denied?

denied?

Timber valued at \$500.945.76 was sold during the last fiscal year. The time allowed for cutting was from one to five years and amount actually received for timber cut and removed amounted to \$242,668.23. Settlers and residents are given free use of timber in establishing and maintaining their homes.

Is that true? Is that policy worth nothing? Does that deter immigration? It invites it. The man with a prairie farm, with no timber plot upon it, deems himself very unfortunate. is worth everything to the people who go there to make homes to feel that the timber within their reach shall be perpetuated and still be open to wise use as the years go on.

Settlers and residents are given free use of timber in establishing and maintaining their homes. During the last calendar year 13,575 free-use permits were issued, to the value of \$68,547.41.

I have a list of the States in which these permits were

The grazing industry of the West depends on the forest reserves because the summer range, without which the winter range is useless, lies almost wholly in the mountains. Grazing animals are excluded from cut-over areas to safeguard the reproduction.

The summer range up in the mountains leaves the grass to grow during the summer down in the valley for winter use. It is so with cattle as it is with the elk. During the summer they are up on the mountain ranges. During the winter they are down in the valley regions, and they find food there which they would not find there if there were no mountain ranges.

It would be impossible to exclude all grazing from the western reserves without ruining the live-stock business of the country and raising the price of meat. Under proper regulation the grazing does little or no harm.

He says something further on that subject which I believe is true. Speaking of the old ranges in the Government reserves:

How is the range used when the lands are still unreserved?

It is open to all, without restriction or regulation. As a consequence, there is continual warfare between the big stockmen and the little stockmen, between sheep and cattle men, and the range deteriorates constantly from overgrazing.

I have known instances of that myself, and I suppose the Senator from Wyoming [Mr. Warren] agrees that that statement is an accurate statement.

desert. He does it for the love of it, not for your little pitiful salary. There are not many men within my knowledge who have been willing to do that.

Instead of being criticised he deserves the highest commendation, Mr. President, in my judgment. Of course he may

Take almost any part of the West and ask the old settlers how the grass compares with that of former years. In many localities—

That is, the old ranges.

That is, the old ranges.

It is almost totally destroyed.

If a forest reserve is made out of this public land, the range is not locked up. It does not cease to benefit the general welfare. It is grazed by cattle and sheep. It is used by the small man and the big man, but with this important difference: Its use is so regulated that the big man and the small man are both assured of the share which rightfully belongs to them through prior use and settlement, and the grazing is so regulated that the range will support the total number of stock allowed without deterioration. It is kept at its highest productive capacity. It is precisely the same with the range as with the timber. A forest reserve makes sure of a better and wiser use and a permanent prosperity. The stockman wants it.

I ask leave to incorporate this statement in my remarks. Mr.

I ask leave to incorporate this statement in my remarks, Mr. President, and I have nearly finished.

Without objection, permission is The VICE-PRESIDENT. granted.

The matter referred to is as follows:

The matter referred to is as follows:

The forest reserves cover mountainous land in the West more valuable for forestry than for any other purposes. The act of June 4, 1897, specifically provides that no forest reserves shall be established except to improve and protect the forest or to secure favorable conditions of water flow, and to furnish a continuous supply of timber for the use of citizens.

In the creation of reserves agricultural land is carefully excluded so far as possible, but since the nature of the country makes it impossible to avoid including occasional small isolated areas, such areas, when shown to be in fact agricultural, are opened to bona fide settlers under the act of June 11, 1906.

All the resources of the reserves—wood, water, and grass—are open to the fullest use and development, the only restriction being that they shall be so used as to be permanently usable.

The mineral laws apply in forest reserves exactly as they do outside, as provided in the act of June 4, 1807.

Timber on the forest reserves which can be cut safely and for which there is actual need is for sale. Applications to purchase are invited. Green timber is for sale except where its removal makes a second crop doubtful or reduces the timber supply below the point of safety for local needs or injures the streams. All dead timber is for sale.

So far as the requirements of law for sale after advertisement to the highest bidder will permit, sales are made to small men, so as to prevent monopoly by disposing of timber to large corporations.

Timber valued at \$500,945.76 was sold during the last fiscal year. The time allowed for cutting was from one to five years, and amount actually received for timber cut and removed amounted to \$242.668.23.

Settlers and residents are given free use of timber in establishing and maintaining their homes. During the last calendar year 13,575 free-use permits were issued, to the value of \$68,547.41.

Living trees to be cut are carefully selected and marked. Careful and effective provision

The grazing industry of the West depends on the forest reserves, because the summer range, without which the winter range is useless, lies almost wholly in the mountains. Grazing animals are excluded from cut-over areas to safeguard the reproduction.

It would be impossible to exclude all grazing from the western reserves without ruining the live-stock business of the country and raising the price of meat. Under proper regulation the grazing does little or no harm.

or no harm.

Since the transfer of the Forest Service to the Department of Agriculture two years ago the area of the reserves has increased from 58,000,000 to 127,000,000 acres; the personnel has more than doubled; the use of the reserves by the western people has increased many fold, and yet under the estimates the total cost to the Government of forest work during the coming fiscal year will have increased only from \$800,000 to \$900,000.

During the last fiscal year of the administration of the reserves in

work during the coming fiscal year will have increased only from \$800,000 to \$900,000.

During the last fiscal year of the administration of the reserves in the Land Office the total expenses of the Government forest work in the Interior and Agricultural Departments were \$800,000 and the receipts were \$60,000, a net charge of \$407,000. During the first full fiscal year of administration by the Forest Service the expenses were \$1,195,000, the receipts \$767,000—a net cost to the Government of \$430,000.

The policy thus inaugurated if allowed to continue would have made

\$430,000. The policy thus inaugurated, if allowed to continue, would have made the Forest Service self-sustaining in five years from the transfer, or three years more, and while vastly increasing the use of the reserves by the western people and the efficiency of their administration over an area more than double.

by the western people and the efficiency of their administration over an area more than double.

Protection against fire is very successful, fires having almost disappeared. The last fiscal year they burned over less than one-tenth of 1 per cent of the total area.

Trespass is practically at an end.

The best supporters of forest reserves are the people who live in them or immediately about their borders. The great associations of stockmen, lumbermen, miners, and others support the policy.

The following instructions from the Secretary of Agriculture to the Forester outline the policy:

"In the administration of the forest reserves it must be clearly borne in mind that all land is to be devoted to its most productive use for the permanent good of the whole people and not for the temporary benefit of individuals of companies. All the resources of forest reserves are for use, and this must be brought about in a thoroughly prompt and businessilke manner, under such restrictions only as will insure the permanence of these resources. The vital importance of forest reserves to the great industries of the Western States will be largely increased in the near future by the continued steady advance in settlement and development. The permanence of the resources of the reserves is therefore indispensable to continued prosperity, and the policy of this Department for their protection and use will invariably be guided by this fact, always bearing in mind that the conservative use of these resources in no way conflicts with their permanent value.

"You will see to it that the water, wood, and forage of the reserves are conserved and wisely used for the benefit of the home builder first of all, upon whom depends the best permanent use of lands and resources allke. The continued prosperity of the agricultural, lumbering, mining, and live-stock interests is directly dependent upon a permanent and accessible supply of water, wood, and forage, as well as upon

the present and future use of these resources under businessilke regulations, enforced with promptness, effectiveness, and common sense. In the management of each reserve local questions will be decided upon local grounds. The dominant industry will be considered first, but with as little restriction to minor industries as may be possible; sudden changes in industrial conditions will be avoided by gradual adjustment after due notice, and where conflicting interests must be reconciled the question will always be decided from the standpoint of the control of the forcest service, as the Fresident has declared, is to create and maintain prosperous homes and conserve the natural resources upon which those homes depend.

Just what does it mean when unreserved public lands are proclaimed public forest reserves? Let us get down to simple facts and see what kind of a change really takes place.

We have, to start with, throughout the Rocky Mountains and Pacific sometimes sparsely timbered, frequently covered with brush, and usually producing good crops of grass and other herbage; vast areas which contain the sources of innumerable streams, the waters of which are used for irrigation, power, and transportation. These lands are worthless for extetlement. If unreserved, they will not be taken up for homes or cultivated for the support of families. Their altitude, their appointable. That they are in no sense of the word homesriss lands has been determined beyond all doubt through careful examinations on the ground by western men familiar with western conditions; by men who know from practical experience what lands can be cultivated and what lands can not be cultivated with success.

What are these vast areas good for? for one thing. The production of summer range for catlle and sheep for another thing. And last, but not least, they are the all-important conservers of the water supply for the frams and manufactures of the lowlands. They are the great reservoirs upon which the solid prosperity of the valleys depends. How are t

How is the range used when the lands are still unreserved?

STOCKMEN.

It is open to all, without restriction or regulation. As a consequence, there is continual warfare between the big stockmen and the little stockmen, between sheep and cattle men, and the range deteriorates constantly from overgrazing. Take almost any part of the West and ask the old settlers how the grass compares with that of former years. In many localities the range is almost totally destroyed.

If a forest reserve is made out of this public land, the range is not locked up. It does not cease to benefit the general welfare. It is grazed by cattle and sheep. It is used by the small man and the big man. But with this important difference—its use is so regulated that the big man and the small man are both assured of the share which rightfully belongs to them through prior use and settlement; and the grazing is so regulated that the range will support the total number of stock allowed without deterioration. It is kept at its highest productive capacity. It is precisely the same with the range as with the timber. A forest reserve makes sure of a better and wiser use and a permanent prosperity. The stockman wants it.

What happens to these vast areas from the standpoint of water supply when they are still a part of the unreserved public domain?

They are left to the ravages of fire, to destructive lumbering, and destructive grazing. Their cover of forest, brush, and grass is slowly, but surely destroyed. They gradually lose their sponge-like properties as great reservoirs for holding and regulating the waterflow. The rains rush quickly down the slopes, causing floods in the wet season and droughts in the dry seasons.

In forest reserves these lands are systematically protected. The most important protection is from fire. There is an organized force on the ground whose business it is to prevent this destruction. It is not a perfect force at present, but it is all the time becoming more efficient. If anyone doubts the effectiveness of this system

those on the forest reserve. The results are there to speak for themselves.

Let us look at this whole matter from the standpoint of what it really means. In many of the Western States there are very considerable areas of public lands brought together into forest reserves. Maps which show these areas colored in green seem to conjure up

grave fears in the minds of the opponents of the Government's policy, and these green areas are pointed to as if they were huge tracts surrounded by stone walls dropped upon the mountains as a blanket to all future development. The cry goes up that so and so many million acres have been closed to settlement. The truth is that settlement is impossible from the nature of the case. If there were a chance of settlement, these areas would not be in forest reserves. Nobody wants to make forest reserves out of agricultural lands.

Then the cry is raised that the resources are locked up and that the present and future development of the region is crushed beyond hope. This objection is absolutely without foundation for the simple reason that all the resources on each and every forest reserve are now being used.

being used.

They are being used by those who have the best right to their use. They are being used for the greatest good of the greatest number in the long run. And their use will continue in just this way.

Forest reserve is an unfortunate term. As a matter of fact, the resources of these mountain areas are not reserved, they are conserved. In other words, they are wisely used. The name misleads.

Mr. SPOONER. It is a question which is the wisest and best, to do away with this policy, except up on the mountains where the land never can be utilized for farming purposes, or keep it for the people's use.

Mr. HEYBURN. What people?
Mr. SPOONER. The people who live out there now and the people who are to live out there after the Senator-which I hope will be a great many years—shall have passed to his last It is not for to-day, and that is where the mistake is. It is in looking upon Idaho purely from the standpoint of today. You can pay too much for the too rapid development of a new State. You can pay too much for rapid increase in population in such States. You can lay now a foundation deep and bread and strong for future wealth for all the people of Idaho and the West generally. I think this policy does it. think Congress ought not to be penurious in carrying it on. think this notion that no money shall be expended in a work of this kind without estimates is fatal to the work. It is full of vicissitudes. More men may be required to morrow by a thousand than are required to-day. It depends upon fire; it depends upon whether a whirlwind shall sweep over the timber, as to what will be required to take it out and preserve it. There are many things, Mr. President.

The Senator from Indiana [Mr. Hemenway], I think, was mistaken the other day in the figures upon which he based a part of his argument, and I know he is in favor of this policy of forest reserves. It was stated here, as I understood it, that

in 1905 the total appropriation for forestry work was \$375,000. Mr. HEMENWAY. That is right, Mr. President. The VICE-PRESIDENT. Does the Senator from Wisconsin vield to the Senator from Indiana?

Mr. SPOONER. Of course.

Mr. HEMENWAY. I said that the whole appropriation for forest reserves was \$375,000. My statement was accurate and cor-The statement the Senator holds in his hand is a misleading statement.

Mr. SPOONER. In what respect?

Mr. HEMENWAY. It includes an appropriation for experiments of different kinds and descriptions to be carried on in the Agricultural Department apart, and that is not a part of the appropriation for forest reserves

appropriation for forest reserves.

Mr. SPOONER. Was it expended for that purpose?

Mr. HEMENWAY. It was not. It was an appropriation under the control of the Secretary of Agriculture when the forest reserves were under the control of the Secretary of the Interior. If the Senator will permit me, I want to say that there is no man in the Senate who favors forest reserves to a greater extent than I do, and I resent the criticism that the Senator who seeks to have some intelligent idea of what the money is being appropriated for in trying to secure that information is forest reserves

Mr. SPOONER. I have suggested no such thing of the Sena-

Mr. HEMENWAY. The Senator has not suggested it, but it has come from other Senators. I have gone carefully into the estimates for the fiscal year 1908, and I want to speak of the

practical side of this question for just a minute.

We are discussing and have been discussing the benefits of forest reserves. The question pending is a question of appropriation. The Secretary of Agriculture sends in an estimate for the service for the fiscal year ending June 30, 1908. In those estimates he says he wants \$131,460 for the Forestry Service. Then for general expenses, Forestry Service, for experiments of different kinds and descriptions, for testing of timber, and things of like character he wants an appropriation of \$770,060, making altogether \$901,520. He states in these estimates in a note that is added that last year-

Salaries of supervisors, forest rangers, technical assistants, forest guards, etc., paid out of the funds derived from the proceeds of sales of timber, etc., of the national forest reserves.

That is \$863,000, which added to the estimates he has made for this year makes a total of \$1,764,000.

Now, I want to appropriate, and I believe the Senate wants to appropriate, a sufficient sum of money to properly administer the forest reserves, but we want to know, and we have a right to know, how the money is to be expended.

The Secretary of Agriculture, since this discussion has come

up, sends in a statement to which my attention has been called, saying that in Idaho it will cost one and two-hundredths cents per acre, and so on-so much per acre. That is not the estimate. They need so many rangers; they need so many superintendents; they need so many men to do this, that, and the other service connected with administering the Forest Service. They know this by reason of their experience in past years. Here is the list. It shows 346 assistant foresters, etc., last year. So they know, by reason of the number of men they have employed heretofore, about the number of men who will be required for the service next year. Why can not the Chief Forester or the Secretary of Agriculture say in plain language: "We want about so many men, and we want to pay them about so much money?" Of course, they can not estimate down to a dozen men, but they can give us an idea of what they propose to do with this money. Then, for one, I am willing to appropriate it.

Mr. PERKINS. I will say, Mr. President, that there are about a thousand rangers and supervisors, averaging about a thousand dollars per annum. That alone would require, say, a million dollars for the rangers for the supervision of the for-

Mr. HEMENWAY. I am willing that there should be an ap-

propriation for that service.

Mr. BEVERIDGE. I have not the slightest doubt that everybody would be satisfied if there could be a large enough lump sum. I think we are practically agreed on that point. It is of tremendous value, after all, to the service that it shall not be impaired, where the danger is so immense, by too close appropriation.

Mr. HEMENWAY. I am willing, so far as I am concerned, to take that as a basis and appropriate, upon the suggestion of the Senator from California, a million dollars for this service, and then add to it the \$770,000 a year for experiments. But I want to know next year what they do with the \$770,000. The matter is very much confused this year.

Mr. BEVERIDGE. If the Senator will permit me a moment to make a suggestion, I think everybody will agree with the Senator that Congress ought to know what has been done with the money; but as to the definite and accurate detailed items and estimates in advance for a service like this, it must be clear that it would be rather difficult to furnish them. For example, great forest fires occur, and the area of these reserves is immense and they require a great deal of expenditure that can not be anticipated.

Mr. HEMENWAY. But the fact that it is a great service, if the Senator will permit me just a minute, is not going to keep me from inquiring as to how the money of the Government is expended. If you will take this little book——
Mr. BEVERIDGE. Nobody wants to do that.

Mr. HEMENWAY. We find that hundreds of men are employed; we find here for the fiscal year ending June 30, 1906, We find that hundreds of men are emthere was expended for traveling expenses alone the magnifi-cent sum of \$119,000, and this year the traveling expenses are running way beyond that. We find men sent out here at a salary of \$1,100 a year, securing as high as \$1,900 and \$2,000 for traveling expenses. That means over \$6 a day that some of them are receiving for traveling expenses. I do not believe that the Congress of the United States ought to put it in the power of any man to employ hundreds of men, to fix their salaries himself, audit traveling expenses himself, and determine all these questions. It is too much power for the Congress of the United States to delegate to any one man in the executive de-

Mr. SPOONER. Mr. President, I have the utmost respect for the ability of the Senator from Indiana, as I have the profoundest confidence in his wisdom and patriotism. No one excels me in that respect. If he thinks I have been criticising him in the sense that he used that word, I beg to assure him that he was mistaken.

Mr. HEMENWAY. I want to assure the Senator that I do not think he has been criticising any of my statements; but other Senators have thrown out the intimation that because of an effort to know what is being done with the appropriation and with the receipts from the sale of timber and the receipts from the sale of grazing lands, in some way this forest-reserve system is being opposed.

We talk about making it self-sustaining. With the millions of dollars' worth of timber that we have growing on the forest reserves the Forester can sell a thousand dollars' worth of it or a million dollars' worth of it, or, under the existing law, he can sell \$20,000,000 worth of it in one year. If the Senator wants to preserve our great forest timber, then he had better suggest an amendment to this bill limiting the amount of timber that may be disposed of in any one year by the Forest Bureau, because under existing law they can absolutely sell \$50,000,000 worth of timber or a hundred million dollars' worth of timber in one year.

It would be like my having an estate of 20,000 acres of land and turning it over to the distinguished Senator from Wisconsin to administer for me, and he would come back and say, "I will make it self-supporting; I am selling enough of your timber each year to pay the expense of running the estate; I am renting out your grazing lands to pay the expense of running the estate." These reserves are the property of the Government, and of course the Department can sell enough of the timber each year to pay the expenses, if they want to. But that is not making it self-sustaining; it is selling the property of the Gov-

ernment to pay running expenses.

Mr. SPOONER. Mr. President, I think the Senator is arguing from a false premise. It is not engaging in the lumber business in a strict sense. The object is not to see how much lumber can be manufactured and sold in a year-

Mr. HEMENWAY. I sincerely hope the Senator is right in his statement.

Mr. SPOONER. The purpose is to conserve the forests that is the primary purpose—and the water supply. How much timber will be sold next year no man can tell. That depends more or less upon nature; that depends upon the condition in which the forests are left by the wind. The theory of selling timber-they do not cut it en bloc, as I understand, as the lumbermen do-

Mr. HEMENWAY. Mr. President, that is the theory that I believe in. But, if the Senator will permit me, the danger is this: Here is a proposition submitted to the House of Representatives to borrow \$6,000,000 in order to construct roads and Here is a statement in the letter of the Secretary of Agriculture that roads and bridges ought to be constructed. All I fear is that in the anxiety to carry out these great schemes and to progress more rapidly perhaps than is wise there may be more timber sold than ought to be sold, in order to secure a fund with which to carry out these schemes. But I do not criticise anybody for them. I would not give a snap for a man who is not energetic. A man is not worth anything in a Department unless he is an enthusiastic worker in the Depart-We have at the head of this Service a wonderfully enthusiastic and brilliant scholar, and he wants to get \$6,000,000 to expend in roads. Congress ought not to give it to him; and I sincerely hope he will not sell the timber in our great forest reserves with which to do that work of construction. the objects of my amendment is to prevent just that thing occurring and to provide that our great forest reserves shall be conducted, as the Senator is now suggesting, by selling just such timber as has reached the point where it ought to be sold.

Let us go along taking care of our forest reserves in every way possible. I am willing and anxious to appropriate out of the Treasury of the United States a sufficient sum of money for

that purpose. Here are the estimates; here is what they have asked for. If we give it to them, is not that enough?

Mr. SPOONER. Mr. President, I think the Senator is quite right that an accurate report of all expenditures should be made so that the Congress will know—I do not know that it has not been made—how every dollar of the pub-lic money in connection with this service has been expended. No one can object to that. I seriously doubt, however, whether you can, without crippling this service, apply to it the same rules as to estimates which are applied to the departmental work and much of the Government work of a different character, because it may develop in a week from now that conserving or subserving the legitimate, necessary part of this work involves the employment of a thousand men-not to cut timber, but to save timber-and the character of the work itself is such that it seems to me impossible to hold the service down to an estimate such as you would have as to the Departments.

Another thing. I do not think there is any foundation whatever for the suspicion or the fear-I will not call it suspicionexpressed by the Senator from Indiana that the head of this Bureau will forget the science with which he is enamored and become a mere lumber merchant; that he will destroy the timber which ought not to be cut simply for the purpose of getting money, rather than to pursue the system, with an underlying principle which has governed him, to cut what ought

to be cut, promoting the great object in view—the conservation of the forests. Down timber ought to be cut, otherwise it will be destroyed. It will not only be destroyed, but it invites fire, which destroys unlimited quantities of timber. The Senator can not tell how much down timber there will be a month from now in excess of the down timber to-day. That depends upon the storms; that depends upon the winds. All I am endeavoring to impress upon the Senator is that this is a service which of necessity must have flexibility.

Mr. HEMENWAY. Do I understand the Senator to say that we ourselves cut and prepare for market dead and down timber,

or that we sell it to some one else?

Mr. SPOONER. We sell it. Every tree has got to be marked. Mr. HEMENWAY. I know; and all we need is the force that does the marking. I suggest to the Senator that our Chief Forester is a man of extraordinary ability, and should be able to lay out his plans for a year and follow them with a reasonable degree of certainty, and make his estimates just as other officers make their estimates.

Of course there has got to be something of a lump-sum appropriation, such as we have in this bill of half a million dollars, which, while intended for improvements, under the language of the bill, can be expended for administration, protection, or any purpose the Secretary sees fit to expend it for. It is well to have a lump sum for this service somewhere, out of which emergencies can be met, and the Committee on Agriculture put in here an appropriation of \$1,000,000. The House appropriated a half million dollars, and the Senate increased it to a million, and we agreed upon half a million, which will be available for administration, for protection, etc.

Mr. SPOONER. Mr. President, it must be borne in mind constantly-and I must yield the floor-that while there has been an increase in expenses there has been a great increase in the The forest reserves have increased in area from 57,000,000

to 128,000,000 acres.

I want the Senator to believe, if I can induce him to do it— and I have no thought about it but the public interest and a little knowledge and much faith—that there is every reason to believe that the prophecy of the Chief Forester that in two or three years this Bureau, going along, conserving the timber supply and the water supply with reasonable appropriations from the Treasury will be self-sustaining. Its past earnings demonstrate that. They must cut for the free use of the settler, and all that. I can not go into detail, and I am not antagonizing the Senator-

Mr. HEMENWAY. I understand.

Mr. SPOONER. But I have a conviction that—
Mr. HEMENWAY. The Senator will admit that this is a magnificent estate. The Government owns millions of acres of timber land, many thousands of acres of fine grazing land, and it does seem to me as though any good business man in this country would take that wonderful estate and administer it in such a way, only selecting the dead-and-down timber and only rent-

Mr. HEMENWAY. It seems to me that any good business man could take that wonderful estate and secure from it an income that would go into the Treasury of the United States and more than pay for its administration.

Mr. SPOONER. But he would need some capital.

Mr. HEMENWAY. I want to say, too, that if I could own such a magnificent estate there would be only the dead-anddown timber sold, and the grazing lands rented, at a fair profit, and I would have a wonderful income over and above the cost of administration, as would the Senator from Wisconsin. There is no reason why the agent of the Government can not take that great estate and manage it, as it should be managed, so as to conserve the forests, increase the growth of timber, and yet have a wonderful income to go into the Treasury of the United States, over and above the cost of administration.

Mr. SPOONER. The Senator from Indiana, if we could possibly spare him, would make a magnificent Chief Forester. He

might do it; I could not.

Mr. HEMENWAY. I would, out of the receipts, employ Mr. Pinchot, at \$5,000 a year, and all the good foresters of the country and have an ample sum to pay for their advice and their services, and the Senator from Wisconsin would, too. Think of it! One hundred and twenty-seven million acres of land, with no taxes to be paid, with the dead-and-down timber all over it to sell, fine grazing land-the man who could not take that land and get an income out of it over and above administration expenses ought not to be in the service of the Government.

Mr. SPOONER. Mr. President, that is very easily said; but even the Senator from Indiana, able as he is, could not do what he says he could do. The Senator from Indiana can not make bricks without straw. Mr. Pinchot is not the owner of the estate. He is the agent of the Government, which is the owner. I only want to say in conclusion—
Mr. HEMENWAY. Mr. Pinchot's status borders very closely

on ownership.

Mr. SPOONER. Now

Mr. HEMENWAY. Mr. President-The VICE-PRESIDENT. Does th yield to the Senator from Indiana? Does the Senator from Wisconsin

Mr. HEMENWAY. Mr. President, I say the legislation, if

the Senator will permit me—

The VICE-PRESIDENT. The Senator from Wisconsin has

not yielded.

Mr. SPOONER. I shall soon yield the floor, Mr. President. I have a conviction that this is one of the best services under the Government; that it is well started on a proper plan; that it is being conducted in a scientific way, and that the Chief Forester ought to have the money which he deems necessary, within fair limits, to enable this plan and this system to be developed and consummated. He can not do it without the money.

The more acres a man has to take care of the more money

it requires to enable him to take proper care of them. One hundred and twenty-eight million acres, Mr. President! It is an impossibility for an agent to conserve and protect them without the owner affording him implements with which to work, money with which to hire men, the means with which to meet vicissitudes. It is a work that I for one shall not vote to endanger I would make the appropriation, if I had power to do it, just what is asked. I would demand a strict account of expenditures, but I would not stop its development at the present stage of it. I would let it go on for a couple of years, taking the chances, from what has happened, that it will shortly be what the Chief Forester predicts—a service that will take care of itself, without requiring any money raised by taxes among the That is only my view about it.

Mr. PROCTOR. Mr. President, our action, when this matter was before the Senate day before yesterday, was somewhat hasty—a trifle hasty—and there was only a viva voce vote. In order to bring a definite question before the Senate, I propose, before I leave the floor, to make a motion for action and to ask a vote upon it. I do not propose myself to make any extended remarks. If there are any to be made, they can come with greater force from Senators who are better acquainted with these reserves. I will ask that the letter which I send to the desk, from the Secretary of Agriculture, be read by the Sec-

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF AGRICULTURE, OFFICE OF THE SECRETARY, Washington, February 21, 1907.

Hon. Redfield Proctor, United States Senate.

Hon. Redfield Proctor,

United States Senate.

My Dear Senaror: The enactment into law of the amendment agreed to would practically cripple the Government forest work. The Forest Service would be left with \$1.500.000 with which to meet a closely estimated and absolutely needed expenditure of \$2,500.000. This \$1,500.000 is made up of \$900.000 proposed to be appropriated and \$600.000, the estimated balance of earnings at the end of the year. The sum of \$500.000 proposed to be appropriated for working capital, ought not to be included in the appropriation for running expenses. If it should be necessary to use it for current expenses, the loss would be greatest to the poor settlers of the West, who need the roads and trails in the forest reserves which it will provide, but who can not afford to build them for themselves.

To cut almost in half the sum needed for the care and protection of the national forests would strike at every industry in the West. It would endanger the irrigation work of the Government by exposing the forests to fire. Forest fires threaten the mining industry, because it depends on cheap timber. Especially it would threaten the settler and home builder by making it difficult or impossible to see that he gets promptly and easily, and with safety to the forest, the small supplies of timber which the Government gives him without charge, but which are so necessary to him. There is no industry in the West which does not suffer when the forests are destroyed.

Under these circumstances I have had drawn up the inclosed summary of estimates for the Forest Service for the fiscal year 1908. They are based upon detailed records of the actual cost of work done, and they provide only for necessary forest work which the law imposes upon this Department. The inclosed statement shows, per acre by States, the estimated cost for the fiscal year 1908 of the management of the national forest reserves. The differences in cost per acre between individual reserves and consequently for the total reserve are in each s

ington office. You will notice that the total cost of general administration is only 8 per cent of the total cost of the Forest Service. This charge is exceedingly low. We get it by putting the transaction of current business in the hands of the western field officers on the ground instead of conducting it at long range on paper from Washington. To this policy, coupled with the thorough system of inspection enforced by the Forest Service, I believe the vastly increased usefulness of the forest reserves to the western people is directly due.

Study on the ground, for which the third item provides, is needed to handle the practical questions arising in the management of the national forests. A good beginning in this work has been made, but unless it is continued we can not use the forests as we should. The more we know about these forests the better and more fully we can use them. Investigations to find new uses for woods at present valueless or little known yield great returns, as they have done in the case of western hemlock and southern gum.

Through its cooperative studies with private forest owners and users of timber, the Forest Service is getting results which are actually worth many millions of dollars annually in the prevention of forest fires, in the increased yield of timber, in its preservative treatment, and in economy in its use. Through this work and the publication of its results for the benefit of all, the Forest Service is building up an active sentiment for the wise use of the forest among our people. Approximately four-fifths of the forests of the United States are in private hands. It is from them that our timber supply in the future must mainly come.

The estimates inclosed show a cost of 12 cents per acre for admin-

mainly come.

The estimates inclosed show a cost of 1\(\frac{1}{2}\) cents per acre for administering the forest reserves. Prussia spends over \(\frac{5}{1}\) per acre, Bavaria about a dollar and a quarter. France about a dollar. We are handling a property worth nearly a billion and a half of dollars for a fraction of 1 per cent of its value, and that property is increasing in value and usefulness at the rate of more than 10 per cent a year.

Very sincerely, yours,

James Wilson, Secretary.

JAMES WILSON, Secretary.

Estimate for the use, maintenance, and protection of the national for-est reserves for the fiscal year 1908.

State.	Area of for- est reserves.	Cost per acre.	Total cost.
Idaho	Acres. 19, 048, 806 17, 344, 883 1, 263, 720 8, 637, 366 12, 500, 728 7, 785, 600 19, 882, 487 766, 959	Cents. 1.2 1.5 3.2 1.4 1.6 1.5 2.1 1.8	\$228, 586 260, 173 40, 439 120, 923 200, 012 116, 784 416, 896 13, 805
Colorado Utah New Mexico Nebraska Oklahoma Kansas	12, 698, 825 6, 731, 306 7, 024, 504 556, 072 60, 800 97, 280	1.9 1.8 1.1 6.0	241, 278 127, 895 126, 441 6, 117 3, 648 10, 700
Arizona Alaska Minnesota Porto Rico	9, 450, 825 4, 909, 880 65, 950	1.7	160, 664 19, 639 20, 000 1, 000
Total	128, 825, 991	1.6	2, 115, 000

Mr. PROCTOR. Mr. President, this interest is one of very great importance. I do not believe that any Senator wishes to cripple the appropriation, so that proper care can not be given to these great reserves. They have been increasing rapidly. to these great reserves. They have been increasing rapid to these great reserves. They have been increases. We have no assurance that there may be other increases. order to bring before the Senate a question which can be discussed, if necessary—and I will say that I do not propose to discuss it, but will ask for a vote upon it-I move that the vote by which the amendment on page 41, line 13, was adopted be reconsidered for the purpose, after it is reconsidered, of asking for an increased appropriation for the general expenses and care of the forest reserv

The VICE-PRESIDENT. The Senator from Vermont moves to reconsider the vote by which an amendment, which will be

The Secretary. On page 41, line 13, the words "fifty-seven thousand three" were stricken out and the words "fifty-six thousand eight" were inserted; so as to read "\$756,800."

Mr. PATTERSON. I desire to say something both upon the subject of forest reservations and the grazing proposition con-

tained in the bill.
Mr. PROCTOR.

Mr. PROCTOR. I do not understand the Senator. Mr. PATTERSON. I thought the Senator sent the amendment up to be voted upon; and before the vote is taken I desire to be heard.

Mr. PROCTOR. It is customary, I believe, in a matter of this kind, on a question of reconsideration, to assent to it, and hope the Senate will agree to it. Then I will move the increase

Mr. PATTERSON. I make no objection to the reconsider-

The VICE-PRESIDENT. Without objection, the vote to re-

consider is agreed to.

Mr. PROCTOR. I move to insert in line 12, after the word expenses," the words "one million;" so that it will read \$1,756,800."

I make this motion because the Secretary shows very clearly

that this amount will be necessary to properly care for the 128,000,000 acres of forest reservations and because I believe that many Senators voted in the haste of a viva voce vote and, considering the matter more fully, think that this addition or

some considerable addition should surely be made.

Mr. PATTERSON. Mr. President, I suppose the entire question of forest reserves and the matter of grazing lands will be thrashed out before the grazing proposition is reached. Most of the speeches have been made upon the proposed change affecting the grazing lands of the different States, and I suppose that both propositions may as well be thrashed out now, so that when the grazing proposition is reached the necessity or the provocation for much speaking upon the subject will be avoided.

It was my purpose, Mr. President, and I suppose I will have the right to do it, even though the Senator from Vermont has offered an amendment, to send up two amendments and to have

them read, which I propose to ask votes upon.

The VICE-PRESIDENT. The Senator from Colorado proposes two amendments, the first of which will be stated.

The Secretary. On page 42, at the end of line 16, after the word "dollars," insert:

Provided, That no charge or license fees shall be imposed for the grazing of live stock within forest reserves.

Mr. HEMENWAY. May I inquire whether the amendment offered by the Senator from Vermont has been agreed to?

The VICE-PRESIDENT. It has not been.
Mr. PATTERSON. It is still pending.

The VICE-PRESIDENT. The second amendment proposed by the Senator from Colorado will be stated.

The Secretary. On page 142, line 7, after the word "avail-

Provided, That the Secretary of Agriculture shall cause all lands heretofore set apart as forest reserves to be classified, as near as may be, into forest lands, agricultural lands, and mineral lands, and that all agricultural and mineral lands that are not also in fact forest lands shall be excluded from forest reserves, and shall be open to settlement and purchase under existing public laws, and hereafter, before a forest reserve shall be made, such classification of lands shall be made, and only forest lands shall be included within them.

The VICE-PRESIDENT. The amendment will lie on the ble. The Chair will state that under table.

Mr. PROCTOR. I understand the question before the Senate is upon the amendment which I have offered.

The VICE-PRESIDENT. It is upon the amendment proposed by the Senator from Vermont. The Chair will state that under the strict letter of the unanimous-consent agreement individual amendments are not in order until after the consideration of the committee amendments.

Mr. PATTERSON. I have not formally offered the amend-I simply asked to have it read, stating that I intended to offer it after the amendment of the Senator from Vermont had been disposed of.

The VICE-PRESIDENT. The amendment will lie on the

Mr. PATTERSON. Mr. President, I desire to make clear the attitude of the people of the part of the West that I in part represent upon the question of forest reserves. There is no enmity to forest reserves in Colorado. The people of Colorado recognize if not their present their future advantage to the countryis, if they shall be efficiently and wisely administered. But we are opposed to the forest reserves as now declared and defined and as they are administered; and I think I am within the truth when I say that 90 per cent of those in Colorado who have been affected by the management of the reserves are dissatisfied with it and make loud and, I think, well-founded complaints.

Mr. President, a forest reserve does not mean a reserve that includes vast areas of agricultural and mineral lands upon which there are no forests nor upon which it is expected that forests will be grown. If the forest lands only were selected, allowing a fair margin for lands that are not forest to accompany them, there would not be so much complaint; but when, under the power given the President to declare and define forest reserves, they are made to include areas of land larger than States in this Union which are not forests and, so far as the knowledge of man goes, never have been forests and will not be forests, shutting them out from occupation and settlement by the growing population of this country, then they enter their solemn and serious protest.

In addition, Mr. President, when the management of these reserves thrusts itself into the every-day life of those who have to do with them, when they hunt out a man who has taken possession of an abandoned cabin while he is prospecting for val-uable minerals, and it threatens to eject him and turn the cabin over to somebody else who will pay the small tribute of five or

ten dollars to the Government, when, if a man's cattle shall range on territory over which they have always ranged since white men occupied the territory, the owner is compelled to pay an additional tax upon his cattle or subject himself to heavy fines and to possible imprisonment; when wherever you go through forest reserves or in their vicinity you are beset with so-called "forest rangers," Mr. President, there is too much government, too much paternalism, too much interference with the private affairs of the people in all of that, and it is to such injustices that the protests are entered.

Mr. President, we had no forest-reserve laws in this country until a very, very few years ago. Indiana, Ohio, Illinois, Wisconsin, Michigan, Kansas, Nebraska, and all the other Western States, and nearly all the Middle and Southern States, were thrown open to settlement, were occupied by agriculturalists and

stockmen without let or hindrance.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. With pleasure.
Mr. BEVERIDGE. Does the Senator think because at a certain period of history we were without forest reserves therefore we should continue to go without forest reserves?

Mr. PATTERSON. No; I do not. But I do think that after such a State as Indiana, for example, which the Senator in part represents, and such States as Ohio, and Wisconsin, and Michigan, and Kansas, and Nebraska, and other of the great Commonwealths of the country have been populated, and settled, and developed, and civilized, when all of their broad areas have been opened to occupation and settlement by the people without such obstructions as forest reserves; when they undertake to impose a new and a radical and a revolutionary system upon States younger than theirs, they ought to be willing to make it a conservative measure and not demand one that is radical and burdensome.

Mr. BEVERIDGE. Would it interrupt the Senator if I make a suggestion which will occur to him probably, as he comes from one of those States, and we are proud in Indiana that the Senator came from our State. That fact is this: There is no person in any of the States he has named—Indiana, Ohio; and he heard what the Senator from Wisconsin [Mr. Spooner] said about his own State—who is not sorry that we did not have just such a system of scientific forest preservation where it was needed, instead of having what actually occurred, the ruthless destruction of our woods and the consequent dearth in our streams.

Take the State of Wisconsin, about the destruction of the forests in which the Senator from Wisconsin spoke with so much I spent a great many weeks in the midst of the heart of what only a few years ago was one of its forest reserves, and that forest had been destroyed by an act of the legislature under the influence, I was informed and believe, of vast lumber interests some years ago. And where those forests, which were preserving the water supply, once stood, showering untold benefits upon the people on both sides of the watershed, is rapidly becoming as denuded as though it had been a sandy plain of rock and desert.

Mr. PATTERSON. Now, Mr. President— Mr. BEVERIDGE. Does not the Senator think it would have been a good deal better if we had not had the lack of system that we had?

Mr. PATTERSON. I do not object to being interrupted by the Senator from Indiana or by any other Senator for a question or a short statement in order to make his question clear; but if interruptions are to continue, I hope they will not consist of lengthy discussions, even though they contain the valuable information of which the Senator from Indiana is so full.

Mr. BEVERIDGE. Will the Senator permit me a question? Mr. PATTERSON. Not now, because there is no such thing as continuity of thought under a process of that kind.

Mr. BEVERIDGE. Will the Senator permit a question?

Mr. PATTERSON. Yes; just a question.
Mr. BEVERIDGE. Yes; just a question. I wish to ask
the Senator whether he remembers that during the speech of the Senator from Wyoming [Mr. Clark] the Senator from Colorado interrupted him two or three times, not to ask a question, but to make remarks several times as extended as the remarks I have just made?

Mr. PATTERSON. Yes; but where I have done that thing once, or where any other Senator on this floor has done it once, I think we may safely say that whenever the Senator from Indiana is in his seat he does it a dozen times.

Mr. BEVERIDGE. Mr. President—

Mr. PATTERSON. Mr. President—

Mr. BEVERIDGE. The Senator must permit me to answer

The VICE-PRESIDENT. Does the Senator from Colorado yield further to the Senator from Indiana?

Mr. PATTERSON. The Senator from Indiana says I must-

Mr. BEVERIDGE. And of course the Senator will.

Mr. PATTERSON. I yield.

The Senator is always engaging, but par-Mr. BEVERIDGE. ticularly so when he essays into the realms of imagination. He will find, upon an examination of the Record, that I have used less of the time of the Senate every session since I have had the felicity to be a colleague of the Senator by at least ninetenths than the Senator himself. [Laughter.] The Senator has taken at least ten times as much time, and of course has

given the Senate a hundred times as much information.

Mr. CLARK of Wyoming. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. PATTERSON. Certainly.
Mr. CLARK of Wyoming. I simply wanted to suggest, in view of what has been said of the interruption of the Senator from Wyoming this morning, that they were very welcome, because the Senator from Wyoming knew the time would be better occupied than when he himself held the floor.

Mr. PATTERSON. When I made the criticism upon the

Senator from Indiana, it will be noted that I guarded it care-

Mr. BEVERIDGE. I thought it was a compliment.

Mr. PATTERSON. I have the floor, and I must be permitted to complete at least a single sentence without interruption by the Senator from Indiana.

I carefully guarded it, and said that when the Senator was in his seat in the Chamber. Of course when he is out of the Chamber

Mr. BEVERIDGE rose.

Mr. PATTERSON. There, you see. The Senator can not

Mr. BEVERIDGE. Mr. President-

The VICE-PRESIDENT. Does the Senator from Colorado

yield to the Senator from Indiana?

Mr. BEVERIDGE. I merely want to say to the Senator that that same criticism can not be made upon the Senator from Colorado, for when he is in the Chamber he is always on his [Laughter.]

Mr. PATTERSON. If I were absolutely sure that the code duello was not in existence in Indiana, I would say concerning this last statement of the Senator from Indiana what the truth is; but if his valor be as great-I was going to say as his loquacity, and I can find no other word now to use—and the code duello were a part of the Hoosier creed, I would not for a moment put myself in the danger that the proper designation of his statement would impend.

Mr. BEVERIDGE. Mr. President-

Mr. PATTERSON. The Senator from Indiana and his action upon the floor in a debate in which he interests himself remind me of a scene I witnessed on the floor of the House of Representatives when I was a Member there, so long ago that the memory of man runneth not to the contrary.

Mr. BEVERIDGE. Very ancient history.

Mr. PATTERSON. The Member from Ohio, Mr. Cox, was making a speech. The present Speaker of the House, Mr. Cannon, then a tyro like I was myself, had been interrupting Mr. Cox, and previously had been interrupting a number of other Members in the speeches they were making. Mr. CANNON found it impossible to speak on any subject without a prodigious arm movement and an aggressive pointing of the index finger that has since helped to make him famous. The Member from Ohio got a little disturbed at the frequent interruptions. When the present Speaker rose again and sought recognition Mr. Cox proposed that if the Member from Illinois would put his hand in his pocket, so that he would not shake his finger at him and the other Members of the House, he would permit him to occupy the floor as long as he did so. [Laughter.] Cannon agreed to the proposition, and he put his hand in his pocket. He commenced to speak; but he had not spoken three seconds before his hand was out and his finger was pointing at Mr. Cox. [Laughter.] Immediately Mr. Cox called him to order, and Mr. Cannon was compelled to take his seat.

I hope that this little story, which is absolutely true, will find recognition by the Senator from Indiana, so that Senators may occasionally have the benefit of a little noninterference with their arguments

Mr. BEVERIDGE. The Senator is-

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. I must— Mr. BEVERIDGE. This, I think, is the last time. I am very fond of the Senator and his reminiscences, and he will be courteous enough to permit me also to indulge in a very brief reminiscence concerning something which the Senator himself said a moment ago, to wit, that he would be glad if he could be permitted to finish a sentence.

I remember having heard of a scene, not in the other Chamber, but in this Chamber, where Mr. Evarts, of New York, gave a description of one of his own sentences which I think is applicable to those of the Senator. Mr. Evarts said of his sentences that the trouble was that "they lacked terminal facilities." [Laughter.] So it is hard to let the Senator from Colorado finish a sentence.

Mr. PATTERSON. Whatever may have been the self-admitted faults of the then Senator from New York, if I could only be graced with them, however he or others might have regarded them, I would be proud of my accomplishments and the people of Colorado would be proud of one of their Senators.

Mr. BEVERIDGE. There was no criticism in that. It was

merely pointing out to the Senator that it was hard—
The VICE-PRESIDENT, Does the Senator from Colorado yield to the Senator from Indiana?

Mr. BEVERIDGE. That it was hard to let him get through Now I will not interrupt the Senator any more. sentence.

Mr. PATTERSON. Mr. President, there are some things which are almost incredible, but I believe, under the circumstances, the Senator will do his best to live up to his pledge. [Laughter.]

Mr. President, I want to make plain to the Senate, if I can, the real attitude of the people of Colorado with reference to this grazing proposition and the forest reserves. As I said, we believe in forest reserves, but those who are thrusting them upon us are the representatives of States that have grown into mighty empires, that are studded from north to south and from east to west with great cities and towns and villages and farms and shops. If our mountain States were like unto them, we would not complain. But, like the Senators from States whose limit has perhaps been reached, at least whose prosperity and population have been insured, we might, if we were not too broad for such littleness, attempt to foist an unwelcome and distasteful system upon weaker States.

When I lived in Indiana I recall that the people were engaged in clearing the forests, and they were clearing the forests to make homes, to build upon the lands their houses and barns, and that they might replace the timber with fields of corn and grain and orchards. I put it to the Senators from those States, if some inspired genius had arisen in the early days of their States' history and suggested that the destruction of the forests was a crime, that populating the country was a mistake, that a third of the area of Indiana or Michigan or Ohio should remain untouched and unpopulated in order that forests might grow and wild animals roam in their wilds, and the Government put his vagaries into effect, I have no question but that there would have been trouble in those States, troubles that would have resulted in bloodshed.

Mr. President, let us have forest reserves; let the reserves be guarded, let them be patrolled, let regulations be made to prevent fires occurring and for their extinction; even take steps to preserve the game; but I protest, in common with the people of the State I in part represent, that under the so-called "forest reserve" we do not want more than a fifth of our State taken from the people and turned into a mere game preserve.

I refer to the table that accompanied the letter from the Secretary of Agriculture which was sent to the clerks' desk by the Senator from Vermont [Mr. Proctor] to show what this means to some of the States. In Idaho there are 19,000,000 acres taken from settlement and cultivation; in Montana there are 17,000,000 acres and more set apart for silence, to be deprived in Oregon, 12,500,000 acres; population: 19,000,000 acres; in Colorado there are 12,000,000 acres; and so on down the list of States, until we find that 128,825,921 acres have been, by the edict of a single man, separated from the rest of the country and practically, though not theoretically, shut up so that the settler may not enter it and its wealth may not be developed, and that it may be turned over to game and live stock.

Nearly every Senator who has experience with these reserves has borne the same testimony. It is that while the right of entering lands within the forest reserves as homesteads is given, it is practically a right without power to take advantage of it, for when the home seeker finds that those lands are occupied to their full capacity with the cattle and horses and sheep of those who pay the Government for the right of grazing and that the stock owners thus occupying the lands frown upon those who enter them to divide them into farms and to make permanent homes upon them, not alone because they interfere with the ranges and the fences that inclose their homesteads and may shut out the water front from their cattle, the settler is timid about occupying them and his fears tell him he had better not.

The ordinary homestead seeker is a man of peace. He comes from the East and the West, the North and the South, and he soon learns by an experience which can not be ignored that while under the letter of the law he may enter within the boundaries of a forest reserve and take up a homestead, he is not a welcome visitor and that he will suffer annoyances which are calculated to make life on the reserve uncomfortable.

From this fact alone it is the experience of all the States having these forest reserves that homestead settlements within the reserves have practically ceased; not because good lands are not there, not because the law is not upon the statute books, but because the homesteader in going there enters a hostile atmos-Their home is not one of pleasure and comfort. Those who should be their neighbors and friends meet them with a frown. So, preferring not to have neighbors of that kind, they seek their homesteads elsewhere.

With the letter of the law permitting it there are no home steads taken up within these forest reserves; or, if there are, there are only enough to be an exception to the general rule; there are not enough to form settlements such as we find outside of the reserves.

Therefore, Mr. President, we believe that the first thing which should be done with the forest reserves already made is to have them classified with some degree of care, although it need not be with mathematical accuracy. Let the Agricultural Department, through its proper officials, determine what are agricultural, what mineral, and what are timber lands within the reserves, and then let it segregate from the forest reserves the agricultural lands and the mineral lands; and let the timber lands and the mountain summits that are above the timber line be set apart and regarded as forest reserves; and let the money of the Government be expended in protecting and improving them.

If that should be done, Mr. President, there would be no word of complaint from the Senators representing the States in which these forest reserves have been created. find that this system arrests our States in the race they are making with their sister States for wealth and supremacy, that it sets apart large areas of their agricultural and mineral lands, excluding them from agricultural settlement and turning them over to the wild game and the tame cattle to roam in, we protest, and we will continue to protest as long as such a system exists in our country.

There has been a glamour and romance attempted to be thrown over this whole forest-reserve business. The man at the head, and who perhaps did more than anybody else to produce it, is raised to the attitude of a great benefactor to the I have listened to the eulogies passed upon Mr. Pinchot until I really commenced to feel that Senators were putting a new Richmond in the field, and that perhaps when the national Republican convention met the cry would be "Pinchot and forest reserves" instead of "Roosevelt and the curbing of the trusts,"

Mr. Pinchot is a very good man-not much better, however, than a good many others. He is a man who rides a hobby-a hobby that if ridden with judgment might accomplish some good, but I am satisfied Mr. Pinchot is riding his hobby to a fall.

#### WHY SHOULD STOCKMEN PAY TRIBUTE?

Mr. President, why should the owners of stock be compelled to pay tribute to this new-fangled method of dealing with the public lands? The early settlers in Ohio, Indiana, Illinois, Nebraska, and Kansas had free range for their cattle, their horses, and their sheep. Probably a number of those who are recognized millionaires to-day got their start in life with the free range they got in those States. But after they have used the range, after their States are settled, after their resources are developed, after there has been a free opening to all the world to enter the entire area of their States to take up and occupy every square mile within them, they start a movement, and boost it—that is, I will not say intended to cripple the mountain States, but that does in fact seriously cripple them and shuts them out of the race of prosperity upon equal terms with the other States

Mr. President, as to these forest reserves, first, they should be

limited. Agricultural and mineral land should be excluded from them. If the system is worth anything, it is worth starting it upon a proper basis, so that it will not be used for eliminating other lands than timber lands from the domain that belongs to the people.

And if it is properly administered, if the area is confined, the cost of administration will be much less than it is now. costs \$2,000,000 or \$3,000,000 per annum to administer the forest reserves as they are, and if through the agency of Congress a fourth of their area shall be taken from them and thrown open to settlement and cultivation, the cost of the management of the forests will be cut down in proportion as they are diminished in size.

Mr. President, if these reserves are curtailed there will be no necessity to levy a tax upon stockmen to make this new department self-supporting. The sale of timber—not dead timber, old timber (dead timber has little or no market value) but commercial timber that may be cut from the reserves each year—will within a short time not only furnish all the money necessary to run the forestry department, but will place a handsome surplus in the Treasury.

I know, Mr. President, it is plausible to maintain that these are the lands of the Government and, because they are, the Government should charge for their use. But so were all the lands of the country that heretofore have been settled and occupied. When you speak of the lands of the Government you mean the lands of the people, the lands of all the people. They are lands that heretofore have been opened to the citizens of every State in the mountain region and everywhere else; they have been grazed upon from the Atlantic to the Pacific, but now suddenly they can not be used by stock growers unless they pay a stipulated tax for every head to the Government. And what power has this forestry board to levy taxes? There is not a word in the statute that authorizes such official usurpation. As I suggested in my remarks the other day, the Constitution confers upon Congress, and Congress alone, the power to levy and collect taxes; and I take it unless authority is found in some act of Congress delegating to some other body the right to levy and collect taxes the authority does not exist.

We find that stockmen are now forced to pay a stipulated annual tax upon every head of their live stock within a forest reserve without any statutory authority to require them to do so. The Secretary of Agriculture compels stockmen to pay licenses for the use of the land for grazing purposes. When there is no authority found for acts of that kind, I can safely ask the Senate, What right has been conferred or what authority can be found to justify this imposition of license fees?

As a matter of course this proposition to lease the grazing lands is a necessary part of the forest-reserve system. They are twins in everything but the day of their birth. The wonder is that they were not born at the same time. The grazing proposition has, I suppose, the same inspiration as have the forest reserves. It is the same desire for money getting, or, if not that, of intermeddling, of making the Government felt, of showing the authority and the power of the Government through some ambitious official who has led to this new movement.

I desire at this time to have some dispatches, resolutions, and letters read that bear not upon the matter of forest reserves, but upon the proposed new system of leasing the grazing lands. Here is a dispatch that was sent by the governor to my colleague [Mr. Teller], and my colleague sent it to me to have it read to the Senate. I ask that the Secretary may read it.

The VICE-PRESIDENT. The Secretary will read it, in the absence of objection.

The Secretary read as follows:

DENVER, COLO., February 18, 1907.

Hon. Henry M. Teller, United States Senate, Washington, D. C.

United States Senate, Washington, D. C.

Have sent following message to Vice-President Fairranks: "The honorable senate and house of representatives of the State of Colorado join me in most respectfully requesting the honorable Senate and House of Representatives of the United States to postpone until the next session of Congress all consideration of measures which would interfere with our citizens acquiring title to public lands under the homestead law. Postponement of action until the next session of Congress will give the people of the Western States opportunity to be heard. Large districts which would now be classed as grazing lands will become agricultural lands in the near future under the application of scientific methods of farming."

Mr. PATTERSON. Here is a dispatch from the president of the Denver Chamber of Commerce on the subject, which I ask be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

DENVER, Colo., February 15, 1967.

Hon. Thomas M. Patterson, Washington, D. C.:

You are urgently requested to use your best efforts to prevent the passage of the so-called land-leasing bill at this session of Congress.

THE DENYER CHAMBER OF COMMERCE, MEYER FRIEDMEN, President.

Mr. PATTERSON. The Senator from Nevada [Mr. New-LANDS] spoke of the action of a convention of cattlemen out his way; stating that they favor this new leasing system. That convention sent several representatives to Washington. Whether they were invited to come I do not know; but those who came professed to represent a national convention of all classes of cattlemen, and doubtless had much to do with stiffen-ing the backbone of the President in pushing the change now that we have reason to believe he did not think about until very lately. The writer of this dispatch is one of the first men of the State, and is as well acquainted with cattle interests and the desires of cattlemen as any man who lives in the great West. I ask that the dispatch be read.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

DENVER, Colo., February 13-14, 1907.

Hon. T. M. Patterson, United States Senate, Washington, D. C.:

The men who appeared before the Senate Committee on Agriculture not authorized to represent stockmen of this State and do not represent their sentiments.

Mr. WARREN. The dispatches which the Senator from Colorado is presenting are from gentlemen of high standing who are entitled to great consideration. Of course the dispatch just read comes from an individual who claims that a certain committee did not have authority. The committee appeared here with proper credentials from known associations.

At this point, if the Senator will pardon me just a moment, I wish to say that the President in moving in this matter did so upon the request of live-stock men and others. of renting the grazing land did not originate with the President nor with the Forestry Department, but is the result of various prayers, letters, dispatches, etc., that have come from time to time to the President and the Departments the past three or four years.

The committee which the President appointed was appointed in obedience to a demand made upon him by the duly accredited associations of live-stock men, sheep, horse, and cattle men, at their association meetings, and they appointed committees to meet with the committee appointed by the President to consider I will not say more now, although later I will the question. pursue this thread a little further.

Mr. PATTERSON. Mr. President, everybody who has any knowledge of this leasing controversy knows that it did not originate with the President, and I do not question his motives. I have no doubt but that he is impressed with the belief that a movement of this kind is a wise one. But, Mr. President, this is a question that has been before the people of the West now for more than twenty years, and there has been an irrepressible conflict between what may be called the great cattlemen and great cattle companies of the West and those who own live stock in smaller numbers.

I have endeavored to represent the views of the people of my State upon this question intelligently and faithfully. It is a matter that has been discussed in every county and town of Colorado, and I can truthfully say that almost without an exception those who favor the leasing of the grazing lands, and have been urging it for twenty years, have done so against the most urgent protest and the strongest opposition that the mass of the stockmen of the State could make manifest,

Here, Mr. President, is a dispatch from the secretary of the Colorado Cattle and Horse Growers' Association, an associa-tion that, it is understood, represents the live-stock interests of the State.

the State. I ask that it may be read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DENVER, Colo., February 13-14, 1907.

DENVER, COLO., February 13-14, 1907.

United States Senate, Washington, D. C.:

Local organizations of cattlemen and farmers all over State greatly excited over amendment to agricultural bill reported in press to-day. Regarded as most dangerous to prosperity of State. Am asked to urge you and Colorado delegation in Congress to fight it. Nine-tenths of people of State opposed to any amendment to land laws at this time.

FRED P. JOHNSON,

Scerctary Colorado Cattle and Horse Growers' Association.

Mr. PATTERSON. Mr. President I have been a dispatch from

Mr. PATTERSON. Mr. President, I have here a dispatch from the officers of a mass meeting held at the very center of the

cattle-grazing districts of Colorado that are within the reserves, at the town of Rifle, on the line of the Denver and Rio Grande Railroad. I ask that it may be read. The VICE-PRESIDENT. Without objection, the Secretary

will read as requested.

The Secretary read as follows:

Hon. T. M. Patterson, Washington, D. C.:

Mass meeting over 500 stockmen, farmers, and citizens western slope adopted strong resolutions of protest against proposed amendment agricultural bill of placing grazing public lands in control of Secretary. All forest-reserve users sign agreement refusing to pay fees for grazing. You are asked to oppose any amendment to land laws at this time. White River stockmen at Meeker also held meeting and join our request. Resolution coming by mail.

FRANK D. SQUIER, President.

M. E. Morrow, Secretary.

Mr. PATTERSON. Mr. President, I have here resolutions adopted by the Cattle and Horse Protective Association of several districts in Colorado-district 9 and portions of districts on the subject of Government control of the public grazing lands. These resolutions favor the leasing system, but I also ask to have that read.

The VICE-PRESIDENT. The Secretary will read as requested, in the absence of objection,

The Secretary read as follows:

The Secretary read as follows:

Whereas President Roosevelt has declared his intentions of having all fences removed that inclose Government land by April 1, unless such fencing can become legalized; and
Whereas in many sections of the country it is impracticable for the small settler and cattleman to run cattle successfully without inclosing a certain amount of land to preserve the grass for winter use; and
Whereas the present indiscriminate method of using the public range is detrimental to the country at large and destructive almost to annihilation of the grasses and very unsatisfactory to the occupants of the public lands:

Be it resolved, That this association is in favor of Government control of the ranges and public grazing lands under a system of individual control where practicable; where not, by the permit system, the same to be administered by the Department of Agriculture, and regulated by rules best adapted to the various localities along the lines as outlined in Bulletin No. 62— Grazing on the Public Domain."

Be it further resolved, That our honorable members in the Senate and House of Representatives at Washington be earnestly petitioned to actively support any legislation having above desired results, and that we are in favor of such legislation being enacted without further delay.

JOHN E. PAINTER, President.

L. K. WATKINS, Secretary, C. L. WATKINS, Secre

Mr. PATTERSON. I presented that, Mr. President, because it is the only one

Mr. BURKETT. Mr. President-

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. PATTERSON. With pleasure.
Mr. BURKETT. I wish to ask the Senator from Colorado now, inasmuch as this resolution instructs him to vote for the proposition and the other resolution instructs him to vote against it, if he noticed the tenor of it?

Mr. PATTERSON. I presented that because I have presented everything that came to me in connection with my duty as a Senator from Colorado. I want to say that that is the only letter or resolution or suggestion of any kind that has reached me that is not condemnatory of the entire proposition. I desire to have read a letter received from Mr. Ammons, which gives a very intelligent view of the question and cogent reasons why this system should not be tolerated.

The VICE-PRESIDENT. The Secretary will read as re-

quested, in the absence of objection.

The Secretary read as follows:

LITTLETON, COLO., February 11, 1907.

LITTLETON, COLO., February 11, 1907.

Hon. T. M. Patterson, Washington, B. C.:

Dear Sir: I see by the papers that the Administration is trying to force through the Government control of the public ranges as a rider on the agricultural appropriation bill. If this scheme succeeds it will put half of this State under Federal jurisdiction, the Government will go into the permanent land business, lands will be classified and reclassified as being fit only for pasturage, and new settlements will be prohibited. If not interfered with most of the public lands of this State will be speedily settled up, go into private ownership, be improved, and contribute their share toward the maintenance of our State and local Institutions. The bills before Congress are being pushed in the name of the small stockman and ranchman, but they are being pushed by the big stockmen, not only without the consent, but even without the knowledge of most of the little fellows. If this new policy succeeds it will, in my judgment, greatly hinder the further development of the State, and that, too, at a time when there is a very great demand for land by actual home seekers. The selfish wishes of a few great cattle companies ought not to stop nor hinder the further settlement of the public lands. We have not reached the limit of our development. I can not believe that Colorado will welcome two systems of government, whereby one half of the State only will be governed by its people, while the other half will be under the absolute rule of some bureau in Washington. And it is not only that Uncle Sam is to become a permanent landlord, but he claims to be on

a more favored plane than are other landowners in this State. For instance, he says he does not have to fence his land against trespass of live stock as others must do, but insists on fining and sending to jail citizens of this State whose live stock wander upon his unfenced land. No matter how much rental he may collect, he pays no taxes for the maintenance of our State and local governments. There is no reason for the passage of this measure except special privileges for a favored few against the welfare of the many.

I assure you that the business men and the small stockmen and ranchmen and the home seeker are against this scheme, and those who have heard of it are alarmed because the power of the administration seems to be behind it. I sincerely hope that our western Members will be able to at least postpone this matter until the people and communities most affected can be heard. Surely the attempt to change the entire policy of the Government in this hurried and unusual way can not be claimed to be in keeping with the much-vaunted "square deal," of which we have heard so much.

Isn't it possible to get concerted action by our western delegations? Yours, very truly,

E M AMMONS.

Mr. PATTERSON. Mr. President, there is one other communication I desire read. It is a series of resolutions by the Colorado State Commercial Association.

The VICE-PRESIDENT. The Secretary will read as re-

quested, in the absence of objection.

The Secretary read as follows:

Resolutions of the Colorado State Commercial Association.

Resolutions of the Colorado State Commercial Association.

Whereas measures are now being considered in the Congress of the United States and by the Departments of the Interior and of Agriculture looking to the segregation of the unclaimed public domain in the State of Colorado under systems either of range leases by the acre or by assignment of range and head tax on stock grazed; and Whereas the essential point in the establishment of any such system is the classification of the lands to be leased or apportioned as grazing lands or as agricultural lands; and

Whereas the developments of the last few years have placed in the class of agricultural lands large areas which have been considered bitherto as valuable only as grazing lands, and it is now impossible to determine with any degree of accuracy whether any of the land in the plains region of Colorado can or can not be made regularly productive as agricultural land; and

Whereas the withdrawal from unrestricted and undelayed homestead entry through classification as grazing land of any considerable area which may be shown to be agricultural land would be greatly and permanently detrimental to the progress and interests of the State of Colorado; be it

Resolved by the Colorado State Commercial Association, That any steps toward the segregation or classification of the plains region of Colorado which would prevent or delay the occupancy and settlement of any lands by bona fide settlers during the present period of experiment in so-called dry farming would be of great injury to Colorado.

Resolved, That the State authorities and our Representatives in Congress are urged to make representations to the Federal authorities looking to the delay of action until this State shall have had further opportunity to work out its destinies.

Resolved, That conies of these resolutions be forwarded to the President of the United States, the governor of Colorado, our Senators and Congressmen at large in Washington.

Unanimously adopted February 13, 1907.

Mr. PATTERSON. Mr. President, I have here, of like import, resolutions adopted by the Grand River Stock Growers' Association, strongly opposing this proposed change in our land laws; resolutions adopted at a public meeting of citizens of Rio Blanco County, Colo., to the same effect, and an additional set of resolutions adopted by the Grand River Stock Growers' Association, all of which I ask to have printed in the Record without reading.

The VICE-PRESIDENT. Without objection, permission to

do so is granted.

[The documents mentioned are printed at the end of Mr.

Patterson's speech as an appendix.]

Mr. PATTERSON. I have in my hand, Mr. President, a private letter to me touching upon other subjects in addition to that of the land laws. I have erased the portions that do not refer to this subject in hand, and also the name of the writer, as it is a private letter. I ask also to have it printed as a part of my remarks.

The VICE-PRESIDENT. Without objection, the permission

requested by the Senator from Colorado is granted.

[The letter referred to is printed in the Appendix.]

Mr. PATTERSON. Mr. President, I desire now to call the Senate's attention to a revolution in agriculture that is going on in the so-called "arid States." Until within five or six years ago it was believed that little or no land west of the one hundredth meridian of longitude could be made to grow crops without irrigation. But a man with greater knowledge of agricultural possibilities of the arid region than is possessed by most commenced experimenting a few years ago with these arid lands, with the result that he has made it clear that millions of acres of lands in the dry region, hitherto considered arid, may be farmed at great profit without the artificial use of water at all. In section after section of the plains where the water fall does not amount to more than 9, 10, or 11 inches per amum they are raising by intense cultivation crops of wheat and beets and of domestic vegetables and oats that almost rival the crops that are raised on irrigated lands. The process is known as the Campbell system of dry farming. In brief,

the method is that of plowing deeply in the fall, harrowing the land plowed until it is practically pulverized, so that none of the winter's rain or snows as they melt will run off, but will all be received into the bosom of the earth and there retained to nourish the growing crops. Then comes the plowing and reharrowing immediately before the crops are planted, and, where the nature of the crops will permit, to continue harrowing to keep the clods broken and pulverized until the crops have been gathered. Under this process it has been demonstrated that lands in the arid regions will produce the character of crops that I have mentioned. With what result, Mr. President?

There was in Denver a little over a month ago a great convention of what is known as "dry farmers." The men who have taken up lands out on the plains and cultivate them for crops without irrigation met in convention to relate experiences, give and receive suggestions, and to bear testimony not only to the great possibilities of agriculture without water in the arid region, but to the certainty of great and profitable

crops.

Mr. President, I was present at a great fair in the State of the Senator from Wyoming [Mr. Warren] two or three years ago, and I saw there some wonderful exhibits of grain, vegetables, and other ranch products that were raised by this new system of cultivation.

Mr. BURKETT. Mr. President-

The VICE-PRESIDENT. Does the yield to the Senator from Nebraska? Does the Senator from Colorado

Mr. PATTERSON. Certainly.

Mr. BURKETT. Does not the Senator admit, however, that all this dry-land farming has developed in the last three or four years, since they have been having more rain out there than they had in the years previous?

Mr. PATTERSON. By what authority does the Senator from Nebraska claim that we have been having much more rain out

there than we had previously?

Mr. BURKETT. I have been living out there; that is my I simply know we have had a flood pretty nearly all over Nebraska and in as much of Colorado as I know anything about every year for about four years, and where we have been irrigating the crops have been drowned in some places. dry-land farming has developed within these four years almost

entirely, and I think it was discovered down in my State.

Mr. PATTERSON. No. Mr. President, it was developed much longer than three or four years ago; but it has been brought to general public knowledge within the past five or six years. Journals are published now at different points in the West to advance the interests of this dry-land farming system; schools have been organized that are sending out instructors to the several parts of the arid region to teach the kind of cultivation that is necessary without irrigation to grow bountiful

Mr. BURKETT. Does not the Senator-

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. PATTERSON. Yes, sir.

Mr. BURKETT. Does the Senator not think, however, that the bringing in of macaroni wheat and alfalfa, and, perhaps, one or two other crops that can be raised in dry weather sections has pushed agriculture a great deal farther west than any development of the dry-land farming?

Mr. PATTERSON. Oh, Mr. President, the Senator, I am inclined to think, is getting beyond his depth. I do not know of the raising of alfalfa without irrigation, nor of the character of wheat that he describes as macaroni wheat. I have heard nothing of the wheat he mentions being raised, except by the usual methods of the country, and I have no knowledge of the

growth of alfalfa except through irrigation.

But, Mr. President, I know that I am safe in claiming that there are several thousand acres of land under cultivation in my State, in the arid part of it, that are producing splendid crops of wheat, potatoes, melons, some corn, oats, and many kinds of vegetables without irrigation and with no more than the average rainfall of that section. It is the result of what we call "intense cultivation"—the conservation of every drop of water that falls, its absorption into the cultivated soil, its retention there during the winter until its fructifying influences are needed to push forward the crops.

Apropos of that, there is a plow used, I am told, which, while it turns up the soil, rolls or presses the land at the bottom of the furrow. The business at the land offices in Colorado within the past four or five years has increased four and five fold. Land seekers and home seekers are pouring into the State as they have not come into it for a good many years. The fame of the system and its possibilities have spread abroad, and sturdy farmers are flocking to the State to make homes upon this new body of land which has been opened up to agriculture

Mr. President, it is not a case of delusion growing out of a few exceptionally wet years, for we have had these crops in dry years and in wet years, and we of Colorado are looking forward to a vast increase of our farming population under this new dry-We know as we know that we are in existence farming method. that if these lands are taken up and leased to the great stock raisers under ten-year leases, or for any other considerable length of time, the advance of the State in agriculture will be nearly ended, except as the area of cultivated lands may be increased through irrigation, and the possibilities in that direction are limited. Therefore our people protest as a body against this proposed leasing of the public lands. We want them kept open We want this new system developed. for years to come want its possibilities understood. We want it improved. In-stead of the lands of our plains being roamed over only by live stock and occupied by the jack rabbit, the coyote, and the lizard, we want them populated by tens of thousands of men and women-good, patriotic, and prosperous American citizens.

I have suggested that there is an irrepressible conflict between the cattle growers themselves upon this subject in my State. Wherever you find a person who counts his cattle by the thousands and tens of thousands, there you find a man who wants a large area of the public domain fenced and over which he will be the absolute lord. He desires to have his fences continued, and if he has no fences up, he wants to put them up. He wants water fronts. It is almost incredible, when you consider the very few streams and the little water that is carried in them, how it will be possible to subdivide the public lands and fence them so as to give access to any considerable number of cattle to water. And there will be excluded from the range every head of stock which can not readily reach water. It is not every acre that can be grazed. If lands are shut off from water, if they are so far removed that the cattle or horses or sheep can not comfortably reach water, then the lands removed from water are utterly worthless.

Mr. BURKETT. Does the Senator from Colorado pretend to say that there is any water front in his State which is not

privately owned right now?

Mr. PATTERSON. The Senator from Nebraska asks me to answer yes or no a question which it would be utterly impossible for either the Senator or for me to have accurate knowl-

Mr. BURKETT. No; I would not want to put the Senator in the attitude of answering a question that he did not know about, and I would not want to ask a question I did not think I knew something about, as it affected my State. I have been investigating this matter, so far as my own State is concerned. and I thought probably the Senator had with reference to his State. The fact is, that every single foot of land in our State that is on the water front has been taken up, and if there is one thing that makes this bill of more benefit than another it is this. As the Senator said, back, away from the water front is the land that belongs to the United States. It is absolutely useless without some way of getting to the water. If you do not put some kind of control over that public land, the great cattlemen who own the water front are the only men who can use the public domain. If you put a man in control of the Government domain, he can go to the men owning the water "You can not use a portion of the main without you give us permission to send the other people down to the water front," and that is one of the good objects to be accomplished by this bill.

If the Senator's State is not that way, it is certainly a sur-

prise, because there have been enough people go into his State to take up all the water front, and the Senator knows that the very first acre that is taken up is always the water front. always has been. That was true when they settled Iowa and Illinois and eastern Nebraska, or any other State. They always get along the water front, along the streams. That is the very first acre taken up, and every such acre is taken in Nebraska

right now and is in private hands.

Mr. PATTERSON. What may be effected under the squeezing process suggested by the Senator from Nebraska I do not know. It is not suggested in the bill that the authority to be given to the Secretary of Agriculture under its terms is to be used an an instrument of compulsion to coerce the landowner whose holdings are on the water front to open them up so that cattle grazing on lands beyond them may have access to the water. That is a new development, and I thank the Senator from Nebraska for making known the purpose. The officers of the Government are expected to go to those who hold title to

land along the water fronts and say to them: "Unless you allow the Government to use your land for the benefit of some one else we will arbitrarily deprive you of the use of any lands except those you happen to own." That may be a splendid way for private individuals to deal, but I take it it does not comport with the dignity nor the duties of a great nation.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. BURKETT. I do not want to bother the Senator if he

does not care to yield.

Mr. PATTERSON. Go ahead.

Mr. BURKETT. I want the Senator to feel perfectly free about it.

The plan under this amendment, as it is very largely carried out in the leasing of land in forest reserves, is not so much per acre as per head, although it is a question which is the better There is not going to be any force method in each instance. or any undue or improper method used, as the Senator, in going to extremes, intimates. But if there is a great tract of laud in private hands upon the water front and they turn on this great tract of land so many head of cattle, the Government simply takes a strip of country 40 or 50 miles square and, after investigation, says it will feed and take care of so many head of cattle. It lets Mr. Man, who owns the land privately, turn on so many head. It also allows on the same domain so many head belonging to some one else, and they all share in that water front. It is a sort of give-and-take process, but it enables the Government to permit others who have not a water front to pass through that same land and to have the same access to the water front. In short, it is a method of working out one of the most difficult problems for getting water for all the land there is in the West,

Mr. PATTERSON. There is a scheme, then, in the mind of the Department which is not hinted at in this bill. I have no doubt the Senator from Nebraska speaks by authority, but here is a bill which provides for leasing to individuals or to companies areas of land, as it may be agreed upon, for ten years or less. No suggestion is made of any doubling up by owners in the use of the leased lands. There is no suggestion that if a man owns within an inclosure forty or fifty thousand acres along the water front the Government officer is to go to him and say—I care not how mild his tone—"You must allow cattle within your inclosure, or to reach water through your inclosure, and if you do not, you will be treated as an enemy by the Agricultural Department and will receive no favors from the Government.

Mr. BURKETT. Does the Senator think it wrong, if a man owns forty or fifty thousand acres and controls the entire water front, for the Government to deal with him in order to secure from him for the benefit of the cattle that pasture on the hills behind and away from the water front the right to come down

to the water? Is there anything wrong about it?

Mr. PATTERSON. I think when a function of that kind is undertaken by the Government it is not only wrong, but an outrage. Whenever by law you give to a Government officer the right to go to a landowner and say to him, in whatever tone he may use, "Unless you will agree to the terms of the Government in the use of your land you will not be in favor with the Government and you will be deprived of privileges that will be granted to others," it is an act of tyranny, liable to be abused at any moment, and it is an authority that does not comport with the duties of the servants of a free people. I care not how you sugar coat a proposition of that kind, it is in direct conflict with every theory and practice of a free government and has no association and should have no association with a government

of the people and for the people.

Mr. BURKETT. The Senator may not agree with it, but nevertheless it has been very painfully proven to a whole lot of people that the Government just now is doing that exact thing with a great number of people who have tried to corral about half or two-thirds of the universe. I do not care whether it is the men who are trying to gobble up the coal lands of the country, or whether it is a lot of other financial interests that have gobbled up the financial and commercial affairs of the country, or whether it is the great cattle kings who have gone west and through one method and another gobbled up all of the water fronts of the western country, the Administration at present is trying to do in all these particulars what the Senator says it ought not to do, and that is to break up every trust and every combination and every sort of oppression by these gigantic concerns and organizations from one end of the country to the

I said this, and I do not want the Senator to misinterpret my

statement. I do not speak "with authority" or "by the card." I have not talked with any of the gentlemen of the Bureau since we have had the matter up. I do not know what the plan is. I simply said that this bill will provide a means, when somebody is put in control of the grazing lands, to break up these great cattle combinations that to-day have absolute control of all that grazing country by having control of the water fronts of the grazing country. That is why I think that this Congress and this Government ought to put somebody somewhere, either in this Department or in some other Department, in control of this land out there to look after it, so that all mankind, the little man and the big man and all kinds of men out there, may have the same opportunity and chance at the grazing privileges of the country

Mr. PATTERSON. The Senator from Nebraska is quite un-intentionally libeling the Government.

Mr. BURKETT. I do not want to do that.
Mr. PATTERSON. And quite unintentionally libeling those who are attempting to carry out the aims of the Administration.
What the Administration is doing with the great trusts is to bring the law of the country to bear upon them. doing it is doing through district attorneys and through juries and through courts. What it is doing it is attempting to do through Congress in a perfectly lawful manner, and not with a strong arm, not with force or threats or lawless power, but through legal avenues and those alone; and when the Senator from Nebraska undertakes to place the acts of the Administration upon the low level of that which consists of giving authority to a minor or other public official to coerce the man with his fee-simple title to his farm as complete as the Senator may have to the house in which he lives, to use his land as the official will demand, or, if he does not, punish him with the disfavor of the Government, you are bemeaning the Government beyond measure.

Of course what is done in the kitchen of the Administration I can have no knowledge of. What plans may be arrived at in private consultations between members of Congress and members of the Cabinet I can have no knowledge of; but I do insist that if it is the purpose under this bill to permit officials to go over the country and use threats upon those who hold land to coerce them to permit the use of their land in such manner as the governing power may demand, it is a gross abuse of the powers and authority of government and should be frowned upon, no matter what good results may be expected to flow from it.

But, Mr. President, it is a fact, to which every owner of cattle will bear witness, that live stock will only go a certain distance When they are back from water so far that they for water. can not with comfort and without distress travel to and from the watering place each day, then the cattle business upon that part of the public domain is a money-losing proposition, and it is soon abandoned; and any system that contemplates the fencing of the public domain, I care not whether under private or public ownership, any system which changes the present methods of caring for cattle on the public lands must work incalculable injury to the industry, because in a very short time you will have the land along streams fenced in so far back that cattle behind the fenced areas can not travel the distance to water and return to the grazing ground each day, and cattle must do that if the business is to be conducted at all. on the public grazing lands the cattle may roam untrammeled by fences, they find the water holes and the little running streams which it would be impossible for them to use if this

proposed system shall be put in force.

So for the benefit of stockmen—I do not mean the great stockmen alone, I do not mean the citizens of Nebraska, the Senator's constituents, who with strong hand have fenced in millions of acres of Government lands and have been in constant conflict with the General Government over them-but I mean for the benefit of ranchmen, small stock growers and great ones I urge the abandonment of this entire leasing scheme and to let the good old system continue. It has its defects and there are troubles at times connected with it, but after all it is the best

way that has yet been devised. Mr. BURKETT. I suggest to the Senator that most of those people with whom the Government has had trouble have been residents of the Senator's State or of one or another State ad-

joining.

Mr. PATTERSON. I do not blame the Senator from Nebraska for making an effort to get rid of the disgrace of citizenship such as that, but I do protest against his foisting them upon Colorado. We have had enough trouble with lawbreakers and lawlessness, and we do not want to have shouldered upon us the lawbreakers, especially the lawbreaking cattle barons of the State the Senator represents.

Mr. President, I have occupied more time than I should have and in a very unsatisfactory manner to myself, but I hope I have not spent the time in vain. I do not believe there is the possibility of a favorable vote upon what is proposed. This discussion has, I think, opened the eyes of the Senate as to the injustice it will work, and knowledge of the evils it will inflict is certain to result in its defeat.

#### APPENDIX.

APPENDIX.

Whereas an amendment has been prepared to the agricultural appropriation bill now pending in Congress providing for leasing of the public lands for grazing purposes, or to put in effect upon said public lands the same permit system now in effect upon the forest reserves; and Whereas at the present time settlers are pouring into this State and by the application of scientific methods are redeeming and cultivating lands that a few years ago were considered valueless; and Whereas while this evolution is going on any change in the laws affecting the administration of these public lands is likely to prove disastrous and a hindrance to development; and Whereas we believe that it is to the best interests of this State to have the said public lands pass into the hands of settlers at the earliest possible time, and any change in the land laws that would hinder the taking up of said lands by private owners would be a serious menace to the prosperity of the State: Therefore, be it

Resolved by the Grand River Stock Growers' Association, stockmen, farmers, and citizens of the western slope in mass meeting assembled at Rifle, Colo., this 11th day of February, A. D. 1907, That we earnestly protest against any amendment to the laws at this time, and we urge our Senators and Representatives in Congress to oppose the passage of the said amendment to the agricultural bill; and in doing so we assert that we represent the sentiment of a great majority of the stockmen, farmers, and citizens of the western slope of Colorado.

Resolved, That while the present evolution in the development of our State is in progress we are opposed to any change in the land laws until the proposed changes have been carefully considered by the people of the State and have been approved by at least a majority of the citizens.

F. D. SQUIER, President. M. E. Morrow, Secretary.

Resolutions concerning certain pending legislation adopted at a public meeting of citizens of Ric Blanco County, Colo., held February 11, 1907.

Whereas there are now pending in Congress certain proposed changes the land laws of the United States which we deem unwise and un-

meeting of citizens of Rice Blanco County, Colo., held February 11, 1997.

Whereas there are now pending in Congress certain proposed changes in the land laws of the United States which we deem unwise and unjust; and
Whereas certain Executive and bureaucratic orders and rulings have lately been promulgated in relation to the use, occupancy, and acquisition of public lands which are oppressive, unfair, and contrary to the letter and spirit of the land laws now in force; and
Whereas a public meeting of the citizens of Rio Blanco County, Colo., has been called to consider the matters above stated and to protest against said unjust and oppressive laws, orders, and rulings; Now, therefore, be it
Resolved by the farmers, stockmen, business men, and citizens generally of Rio Blanco County, Celo., in public assemblage, That the farmers and county of the county of Rio Blanco County, Celo., in public assemblage, That the farmers and county of the cou

on the honesty of American citizens to brand all settlers as perjurers and land thieves; and be it

Further resolved. That we believe firmly and unalterably that each and every one of the proposed changes in the present land system, while ostensbly framed to be in the interests of the poor man, would inevitably result in giving the use and control of all unoccupied lands whether mineral, agricultural, or grazing, into the hands of corporations and the wealthy, to the absolute exclusion of the poor man; and he it

Further resolved. That we earnestly protest against the attempt to attach the proposed laws in reference to leasing as a rider to any appropriation bill, for the reason that the proposed revision of the land laws is of too important a nature and requires so much careful thought and consideration that no hasty or immature changes should be tolerated; and it is self-evident that no proper debate or consideration of the proposed changes can or will be had if the law be enacted in the method contemplated.

In conclusion, and as illustrative of the effect of recent orders upon western communities, we give the following statement as to actual conditions in our own county at the present time:

Rio Blanco County contains 107 townships.

Withdrawn from settlement for White River Forest Reserve, 26 townships.

townships.
Withdrawn on account of coal, 53 townships.
Withdrawn under reclamation act (exclusive of above coal land, part of the coal land having been included in this withdrawal), about

2 townships.

There remains, therefore, about 26 townships, mostly farming and oil lands, open to settlement and mining claims, from which it can readily be seen how the Administration has closed the door to progress in Rio Blanco County; be it

Further resolved. That copies of these resolutions be transmitted to all our Congressmen and Senators, to the Public Lands Committees of both Houses of Congress, to our State senator and representative, and to the Denver News, Republican, and Post, with the request that each do all in his or their power to defeat any and all of the proposed measures above referred to. ures above referred to.

THOS. KILDUFI Chairman of the Meeting and Chairman of the Board of County Commissioners. T. B. Scorr, Secretary, and County Clerk and Recorder.

Whereas, after a year's experience with the permit system on the forest reserves of the western slope of Colorado, the cattle owners and farmers who have been paying fees for grazing their stock upon said reserves have been unable to find that they have received any benefit in return for the money they have paid the Government; and Whereas said reserves are unfenced and cattle drift upon the reserves whether they have paid fees or not; and Whereas the payment of fees for grazing upon the reserves is in effect an additional tax upon our industry without any adequate return therefor, and we deny the right of the Government to exact a fee under the present law: Therefore, be it

\*Resolved by the Grand River Stock Growers' Association, delegates from the Roaring Fork and Eagle River Stock Growers' Association, and other stockmen and farmers in mass meeting assembled at Rife, Colo., this 11th day of February, A. D. 1907, That until the United States Forest Service shall fence the reserves or until the Federal courts shall render a decision to the effect that we have no recourse but to pay said fees we shall decline to take out any permits or to pay any fees for our stock upon said reserves.

\*\*Resolved\*\*, That the Colorado Cattle and Horse Growers' Association be asked to at once take steps to have our rights protected in regard to grazing upon said reserves in the Federal courts.

\*\*Dated at Rifle, Colo., this 11th day of February, 1907.\*\*

\*\*In D. SQUIER, \*\*President\*\*

\*\*M. E. Morrow, Secretary.\*\*

DENVER, Colo., February 7, 1907.

Hon. T. M. Patterson, United States Senate, Washington.

Hon. T. M. Patterson,

United States Senate, Washington.

My Dear Sur: I see by the papers that the President is making a determined effort to have some legislation pass this session to modify the public-land laws. At the convention of the State Cattle Growers' Association last menth an effort was made to have this movement indorsed by the stockmen, but the whole matter was finally laid on the table, with no action being taken. Since the convention there is a steadily increasing sentiment against having anything done at this time. The great fear of our people is that something will be done to suspend the operation of the homestead act. With the development now going on in Colorado, any plan looking toward the cultivation of the public lands as "agricultural" or "grazing" would have the effect, we believe, of putting an absolute period to the development now under way. Five years ago it was the general opinion that practically all lands in this State that could legitimately be taken up for homestead purposes had been disposed of, but with the application of scientific methods to these semiarid lands such a change has taken place that it is impossible at this time for anyone to say that any of these lands are not capable of being cultivated. There is also a very strong feeling against permitting the Government to step in and actually administrate the public lands of the State so as to produce a revenue therefrom, as it is believed that this would result in one-half of the State being under the State Government and paying all the taxes, with the other one-half under the administration of the National Government and paying no taxes. Such a condition would have a very serious effect upon development. The administration of the various reserves in the State has been an object lesson that has not encouraged our people to favor any further extension of Government control. I find a very strong sentiment in favor of having the public lands conceded to the State has been an object lesson that has not encouraged our people

issued has resulted in tying up our land offices in a hard knot. There would be no objection to this if there were sufficient agents to attend to this business, but as it is it simply means more delay and red tape.

Mr. WARREN. Mr. President, I am a member of the Com-

mittee on Agriculture and Forestry, and I am very desirous of seeing the finish of the appropriation bill that has been before I notice a disposition to jump forward from us for some days. the place in the bill which is properly under consideration and to take up matters and subjects not yet reached and to proceed to the discussion of them.

Regarding the grazing-control proposition I have been informed that there will be a point of order made against that amendment. In fact, I have been quite numerously advised of it and that several Senators will make the suggestion. I had therefore made up my mind to say nothing about the matter, hoping that thereby we might in the last hours of the session pass from the consideration of this bill to other pressing business.

I merely wish to say a few words now to cover some of the mistaken ground or erroneous ideas that have been expressed, and I shall occupy only a few moments. I will admit that the amendment is open to the raising of a point of order, and I would not be fair if I did not admit that there can scarcely be any doubt as to how the President of the Senate will rule upon such point of order. The committee knew that when they placed this amendment in the bill. They placed it there so that it might be considered and, if there was unanimity of opinion, that it might be indorsed, and if not it could pass out and come up again later for consideration in a future Congress.

We hardly need to apologize after having swallowed a year ago here in the Senate, in the agricultural bill, a matter of many pages of legislation embodying inspection of meat products that was not objected to by a single person, for at least bringing this grazing amendment before the Senate. And having brought it out, if a point of order is made against it I have no disposition to contest the point of order or to continue this de-

bate. I recall that some years ago I came into this body imbued with the idea that the nation ought to do something about irrigation. Having been made chairman of the Committee on Irrigation and Reclamation of Arid Lands, I prepared a bill, made a speech, and was at the next election promptly retired from the Senate on that bill and that speech. I have never felt called upon to apologize to myself or to my near friends for so early espousing the cause of national aid for irrigation, because years afterwards the subject was taken up under the leadership of Theodore Roosevelt, and we were able to work out elaborate successful legislation. There was just as much difference of opinion and opposition then to national irrigation as there is here to-day or was yesterday to the forestry and grazing propositions, but those interested in it had the good sense finally to go into a volunteer committee, composed of representatives from all the arid-land States, and to thrash it out among themselves to a harmonious ending, spending more than a month in the process, and then coming before this body and the other body with a particular and definite policy. This policy was promptly indorsed, and it is being proceeded under now to the great benefit of this country.

The question as to grazing control on the public domain is, in my opinion, just as sure to come before this body and require some kind of a settlement as was that of irrigation. It will not down. The purely grazing land must be sold or apportioned, by rental or otherwise, or the range will be destroyed and wars of occupation will ensue. It is misunderstood at the present time as to what is proposed to be done, and this is evidenced not only by what we see in the press and current in the newspapers, but by the letters that are brought in here by Senators and, indeed, by the remarks of Senators themselves.

The letters which have been written by the President and read before the Agricultural Committee, and which have in a way shaped the language of the amendment, are in favor of the settler against the stockman all the way through. In fact, there is not a single lease that could be made under this law, should it pass, but what would be subject to all kinds of settlement by any settler under any of the several existing land laws. Again, even though the man who makes a home there is within an inclosure, and even if a lessee is paying by the acre or by the head for the use of his inclosure, the settler gets free grazing instantly and continuously for all the stock that he has and needs for domestic use. Furthermore, he has an opportunity to enlarge his possessions and graze more stock by leasing that which naturally belongs to him, by annexing the land nearest to his settlement and renting it as against the first tenant.

Now, this proposition is not one that is attempted to be forced in here by the Forester or by the President of the United States, although, in truth, it might seem just at this time as if we were moving a little bit fast in proposing such legislation in an appropriation bill. But there are some reasons why the President and those interested in the management of the Interior Department ought to ask Congress to settle the question.

For instance, there is a large part of the State I in part represent-and there are other States similarly situated-Congress provided railroad land grant subsidy to the Union Pacific, Central Pacific, and other railroads, alternate sections of land in a strip 40 miles wide, 20 miles on each side of the The railroads did not ask to have it in checkerboard form. The Congress granted it and forced them to accept it in that way. It has been largely sold to settlers and grazers. Much of it will never be available for anything but grazing. It was sold many years ago. There are innumerable inclosures on that land in which half of the land belongs to the men who bought of the railroad and the other half belongs to the These men fenced the land when there was no law against fencing. They are prepared, and always have been, to exchange; they are prepared to rent; they are prepared to do anything that will put an end to the confusion and the depressing and distressing circumstances existing. It is an anomalous condition.

When Congress passed the antifencing law, it took no notice of this peculiar situation, and the executive department has since been struggling with it. There have been lawsuits; there have been wrongs; there have been bankruptcies and no end of grief and trouble. Nevertheless, the law remaining unrepealed, it has come to a pass where the Interior Department and the President believe that the law must now be even more rigidly enforced, and without further delay, unless relief be afforded by Congress.

A proclamation or order has been issued which provides that after April 1, 1907, there will be no further notices to the owners of these fences, and that fences must come down instanter or the owners will be held liable both civilly and criminally on and after that date. It therefore occurred to those administering the affairs of the Government that if the Congress were ready to pass upon the question of grazing-land control, it would relieve those settlers in these checkerboard belts-mostly small stockmen with thoroughbred or high-bred stock, who are carrying on their business in inclosures, feeding over a part of the land in winter and the other part in summer. In this way the grasses are allowed to grow to maturity and scatter their seed, and reseed and reenforce the range in alternating years. If it were not the desire to afford them some early relief, this question might as well go over to another year as to receive consideration now.

Mr. President, this question, like every question, has at least two sides and sometimes many more. It is a question broad enough to discuss not for hours, but for days. I would not like to undertake to discuss this question and bring out all there is to say in and about it in the time that we have left of this week or at our disposal before the closing hour of the present Congress. Therefore I dislike to go into it at all, except to say that the President and the Forester have been brought to the condition of mind in which they now are, in my own judgment, the demands made upon them by different parties, settlers upon public lands, individual, corporate, and otherwise, from time to time in the last five years. The President has said to the committee over his signature that if they shall give him the authority he will, first, protect any and all settlers as against the grazers, whoever and wherever they may be.

Mr. PATTERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Colorado?

Mr. WARREN. Certainly.

Mr. PATTERSON. Let me ask the Senator from Wyoming if the men who have been importuning the President to favor a law of this character are not chiefly those who have fenced unlawfully great areas of the public domain and doing so in violation of the law, and if they have not been moved to the tremendous recent effort they have been making by notice from the President that their fences will have to be removed within a certain time? Is not that the impelling power that has brought this question so prominently before Congress

Mr. WARREN. I am glad the Senator has asked me that question. I desire to say to him that he never was farther away in his life from the true state of affairs than he is if he supposes that the fact is as indicated by his question and that it is the great fences of illegal holders for which protection is

sought.

Mr. PATTERSON. I know that Murdo McKenzie and others of the great stock growers were here.

Mr. WARREN. Murdo McKenzie was not here before the Committee on Agriculture, I beg to say,

Mr. PATTERSON. Murdo McKenzie called upon me person-

Mr. WARREN. He was not present surely at any of the meetings.

Mr. PATTERSON. No; but he had just left the powers that be

Mr. WARREN.

Mr. PATTERSON. He came to see me to induce me to give my influence toward putting through this particular scheme, and he assured me at the time that not only were the great stock owners behind it, but that the small ones were. I tried to find out what the facts were so far as that was concerned, and all the information that I got was that a general and almost intense feeling has been created among the average stock growers of the States in contemplation of that which they are attempting to impose.

Mr. WARREN. But the Senator now speaks of great stockmen and small stockmen, while a moment ago the question was whether the proposition was not confined to those men who had great areas illegally fenced in.

Mr. PATTERSON. It was Murdo McKenzie who represented that to me; but I found he was mistaken, greatly mistaken, and that he himself misrepresented the fact to me.

Mr. ALDRICH. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Rhode Island?

Mr. WARREN. I do. Mr. ALDRICH. The Senator from Colorado alluded to the powers that be" about this legislation. Who are they?

Mr. PATTERSON. Well, I am not required to furnish a bill of particulars.

Mr. WARREN. Now, Mr. President, I think it is due to Senators that I should say that there has been a disposition all through this land the past few years to assume that if a man had more than a milch cow and a horse he was a thief and a rascal and generally a lawbreaker. There have been bruited about throughout the press-and some of this yellow-journal news has originated in and been given out from one of the great Departments of this Government-charges against men in this body that they were lawbreakers because of fencing, etc.

Now, Mr. President, I think it is due to Senators that I should say that there has been a disposition all through this land the past few years to assume that if a man had more than a milch cow and a horse he was a thief and a rascal and generally a There have been bruited about throughout the lawbreaker. -and some of this yellow-journal news has originated in and been given out from one of the great Departments of this Government-charges against men in this body that they were lawbreakers because of fencing, etc.

Mr. President, so far as I am concerned, let me say that my own private interests are such that this legislation is exactly contrary to those interests, and to do nothing would best facilitate the interests that I have in the live-stock business. But I plead for the greatest good to the greatest number. We need more settlers and better protection for all. Let me say further that, as for myself, I have not directly or indirectly one foot of Government land illegally inclosed, nor have I one foot of illegal fence.

Now, as to the charges against men who have large inclosures, there is no one who has any sympathy for men who have large illegal inclosures out on the open public domain erected lately and since there was law against it; but when the Senate and House of Representatives have deliberately invited forces and placed a railroad grant 40 miles wide and 500 miles in length in a checkerboard form across a State, and then say to the men who have bought the odd or railroad sections in the country where there is nothing of value but grazing, "You shall pay the taxes upon the alternate sections—those black checks in that checkerboard—and still you shall keep it open for everybody to use and share equally with you, the owner," somebody is wronged. The Government has the other alternate sections—the white checks—and pays no tax. The man who owns nothing, who comes in like the grasshopper pest with his great flocks of sheep and cattle, thus has the benefit of what has cost the buyers of railroad land vast sums of money, and upon which they are daily paying taxes, while the interloper neither misses a meal nor pays a penny.

This is where the unfortunate situation comes in as to fenc-

ing; and you might as well cut out of this whole proposition the fact that there may be a few great illegally fenced areas in the United States. There is not one of them that I or anybody else but the owners themselves wish to protect. But when

you come down to the man who has bought two, four, or more sections of railroad land which he can not fence without fencing in two, three or more alternating sections of Government land, and you say that he shall open up the whole mass of broad prairie, his purchased land with the balance; that he can not keep his own stock upon his own land, but must contribute his all to the roving, pirate bands of vicious owners, who pay taxes nowhere and rob ranges everywhere; that an owner can not get any benefit from his own land that others do not get, and still he shall pay the taxes year after year, do you not place upon him a hardship?

Again, in this checkerboard belt, it matters not how a man undertakes to fence in his own land, if he has 4 miles square, 2 of the Government's and 2 of the railroads, and he fences them, a settler has only to go through one fence to settle upon that inclosed Government land; but you let a man who has, say, 10 miles square of such land, and he fences the railroad land, each black or alternate section by itself, and you have not only fenced every Government section, but you have put the Government sections where an incoming settler has to go through four or five fences to get into the center sections, and you have benefited nobody, but have brought illimitable harm to the man who is a true settler and who has his money invested and who ought to be protected.

Mr. TILLMAN. Will the Senator allow me to ask him a question?

Mr. WARREN. In just a moment. Again, in this checkerboard belt, it matters not how a man undertakes to fence in his own land, if he has 4 miles square, 2 of the Government's and 2 of the railroads, and he fences them, a settler has only to go through one fence to settle upon that inclosed Government land; but you let a man who has, say, 10 miles square of such land, and he fences the railroad land, each black or alternate section by itself, and you have not only fenced every Government section, but you have put the Government sections where an incoming settler has to go through four or five fences to get into the center sections, and you have benefited nobody, have brought illimitable harm to the man who is a true settler and who has his money invested and who ought to be protected.

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from South Carolina?

Mr. WARREN. Certainly. Mr. TILLMAN. I wish to I wish to ask a question for information because I am entirely ignorant on the subject. I just want to get at the status in the regions in the West where these landgrant roads were run and where there are the odd sections in checkerboard fashion the Senator has just spoken about. Of course as I get it now-I do not know, and I want the Senator to correct me if I am wrong-they are in about this condition: The railroads owning alternate sections, we will say, and having sold twenty or fifty of them consecutively to one man, the Government sections being between these, lying scattered and mixed up with it, are of course open to entry, if anybody wants to go in and enter that land; but owing to the fact that water is scarce and that it has probably all been preempted by somebody, are they not in a condition out there where a man who has bought the railroad land has practically confiscated the Government land, and there is no chance under the sun of anybody to utilize or to buy or to enter upon and get the Government land at all?

Mr. WARREN. May I ask the Senator from South Carolina a question? What would be the condition if there were no fences?

Mr. TILLMAN. That is not the point. I want the Senator to answer my question, and then I will answer any question he chooses to ask me.

Mr. WARREN. Let me answer the question. The man who has bought the railroad land and fenced it is flat on his back, figuratively speaking.

Mr. TILLMAN. I do not mean the Government land, but the railroad land.

The man who has bought the railroad land Mr. WARREN stands respectfully aside while any man on earth can come along with any kind or amount of live stock and open the fences and turn his stock inside on the railroad and Government lands, and he can say to the owner, "Order me off, if you dare; you have some Government land fenced in, and I will report you." Thus the outsider has the best protection in the world, be he either honest settler or scalawag

The real facts are that settlers who want to make claims inside such fences come in and make claims, and each one of such settlers gets the benefit of his own land and his land-owning neighbor's land and his neighbor's fences and his neighbor's water, as well. If you go out there in that country now

you will find more settlers who do not own anything but their homesteads, who are trying to have something of this kind done, to provide for grazing privileges, than of any other class. Then they can go on as they are now doing with their neighbors, who own the railroad land, and continue to enjoy the privileges, the fences, and the water of their neighbors.

Mr. TILLMAN. Mind you, I am not advocating this proposed legislation, and I am inclined to think that when we get through it will not go in. I hope we will get at some adjustment relative to the rights of the people that will be fair and honest to all concerned. I should like to get the Senator to illuminate and illustrate the situation as to the Government land. If the owner of the railroad land, the alternate sections, is fencing in the Government land along with his and is enjoying it all, there is no chance for anybody else, of course.

Mr. WARREN. What does the Senator mean by saying that there is no chance? Everybody who comes along has just as much right in there under the present condition as the man who owns the land.

Mr. TILLMAN. Do I understand the Senator is advocating that the system proposed in this bill shall become a law?

Mr. WARREN. I am stating what was the reason of its being put in here at this time; and if the Senator asks me whether I am advocating it, I want to say to him with all the emphasis I have that I am advocating it.

Mr. TILLMAN. The Senator then wants the man who owns the railroad land to pay the Government some little pittance for the privilege of fencing and pasturing the Government land. Is that it?

Mr. WARREN. I want the land rented to anybody who wants to rent it, and to the settler first. That is what this bill proposes

But what is the use of talking about some-Mr. TILLMAN. body settling on these odd sections that are fenced if there is no chance for him to get water, and you can not make a living there unless you can get water?

Mr. WARREN. Does the Senator suppose the water is all

in the railroad sections?

Mr. TILLMAN. No, indeed; but I will gamble that every particle of that water has been preempted and you can not get to it with your stock. If you attempt to take your cattle in there they will not allow you to get to the water, because the sections along the streams have already been taken up.

Mr. WARREN. It is always well when one contends against system to have something to propose in place of it. would the Senator propose to do?

Mr. TILLMAN. I am not proposing to do anything. I am trying to get information, so that I may be able to vote intelligently.

Mr. WARREN. If the Senator will desist for a moment and let me finish what I was saying when interrupted by the Senator from Colorado, then perhaps he will understand some of these points I am trying to make.

Mr. TILLMAN. I am not trying to make any point at all. I

am trying to get some light. I want to understand.

Mr. WARREN. As the Senator is doing all the talking, he must be getting light in the matter.

Mr. TILLMAN. If you have got any, please give me a little,

then. [Laughter.]

Mr. WARREN. Is the Senator through?

Mr. TILLMAN. Yes; I will sit down. Then the Senator may . illuminate the matter.

Mr. ALDRICH. I was about to appeal to the Senator from Wyoming to let this bill be read through. We have been discussing three days a proposition which everybody in the Senate

knows will go out upon a point of order as soon as it is raised.

Mr. WARREN. The Senator will understand that I rose to facilitate just what he asks. I desire to state the reason why this provision was inserted in the shape it is. I hope to do it, unless there is some reason why I should not occupy the floor. If there is, of course I will yield.

Mr. ALDRICH. The Senator from Vermont, in charge of the

bill, I am sure is very anxious to get action on it.

Mr. WARREN. Is he more anxious to get action when I am speaking on it than when anybody else is?

Mr. ALDRICH. No. I thought the Senator was only going to speak a few moments.

Mr. WARREN. The Senator knows I have been interrupted. The proposition, as it came to the committee, was that there would be a plan adopted, first, to protect every settler under every one of the laws now upon the statute books and on any part of the land upon which he saw fit to settle; that if he came where there happened to be an inclosure, he had the benefit of grazing his domestic stock free, and had the first chance to rent the land around him; second, the Government would only organize such grazing districts as it seemed necessary to organize from time to time, the other land remaining just as it now is, open public domain; third, the division of the ranges between different settlers was to be accomplished by local men interested and responsible to their neighbors; fourth, the charges were to be nominal-a fraction of a cent an acre in some cases, and from that up to a few cents an acre in the most favored spots-so that the amount collected presumably would cover only the expenses of administration; that if there were any surplus funds they should go to the States in which the amount was earned.

Mr. President, I am not going further into this, except to say again that the Forester, Mr. Pinchot, is in nowise responsible nor is the President as to the condition I have described; and it is their wish to aid the settlers in overcoming these difficulties and to prevent indiscriminate stamping out and ruination of the ranges. They are simply undertaking to disentangle a difficult and complicated condition, if it may meet the views of those interested in it to have them do so.

I want to say of the Forester that there has been nothing said here to his credit that I do not indorse. I want also to indorse in strongest terms Mr. Wilson, Secretary of Agriculture. I want to say, furthermore, that as to the amount appropriated for forestry we must increase it before we finish consideration of this bill, unless it is our desire to do away with our system of forestry. Having said this much, I will yield the

Mr. PROCTOR. Mr. President, in the interest of progress, I ask that this amendment go over until to-morrow. evident that a vote can not be reached on it to-night. I hope to go on with the reading of the bill and to dispose of most

of the amendments to-night.

The VICE-PRESIDENT. The amendment will be passed over. Mr. DUBOIS. Mr. President, I simply desire to say that what the Senator from Wyoming [Mr. Warren] has said in regard to the amendment about grazing, and giving the reasons why it was put in, induces me to make a few remarks, though I do not care particularly to make them now. He says was put in in order to provoke discussion. Everyone knows that it is going out on a point of order; but he wanted to get the opinion of Senators with regard to it. Before the bill is disposed of I want to give my opinion in regard to the grazing proposition.

Mr. PROCTOR. Mr. President, if the Senator will allow me, I can assure him that he will have an opportunity to-morrow when that matter is reached. It will be passed over to-night. I think the point of order will be raised; but the amendment will be held over until there is a reasonable opportunity given

Senators who desire to speak upon it.

Mr. WARREN. Either the Senator from Idaho misunder stood me or I did not state myself clearly. The proposition put by me was that if there were a unanimity of feeling about this amendment, then it would go in, but if it were to provoke discussion, it would of course have to go out on a point of order, which any one Senator could effectually make.

Mr. DUBOIS. He wanted to get the views of Senators. proposition is very different from the irrigation proposition to which the Senator from Wyoming has referred. the western Senators introduced bills in regard to irrigation, and finally the eastern and middle western Senators came to us and said, "If you will unite on a bill, we will be glad to pass a national bill for you." We were all pressing for this one thing, a national irrigation act, which would be effective. Senator from Wyoming used a very poor comparison, indeed.

I have been in the House and in the Senate practically for twenty years, and for twenty years the western representatives, with the exception, I think, of the Senator from Wyoming-I may do him an injustice, but my recollection is that he always favored the putting of these lands in the West in the hands of the Government, in order that they might be leased and to take them out of the hands of our people there—I think that the western Senators will express themselves with the same unanimity in regard to this grazing proposition that they always have for the last twenty years, and that they will not come to an agreement in favor of it, as they did to an agreement in favor of the act in regard to national irrigation.

Mr. WARREN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. DUBOIS. Yes.
Mr. WARREN. The Senator again misstates me, because the
RECORD will show that my early contention was that the States themselves should control the grazing lands. The first speech that I ever made here in the Senate was upon that side of the subject. The Senator is again mistaken when he assumes that I stand alone in this contention of the urgent necessity of some

kind of regulation for grazing lands.

Mr. DUBOIS. I have always been a strong advocate, Mr. President, of forestry and of the forest reserves. I have advocated that policy on the floor of the Senate. I have defended the head of the Forestry Division. I am a strong advocate of the forestry-reserve policy now. In the western country irrigation, in my judgment, can not continue successfully unless the forests are preserved at the heads of the streams. In my own State, for instance, there are some 2,000,000 acres of land now, under the Carey Act and the national reclamation act, and being made ready for settlers. We have to store water, and all the water is being utilized. There is scarcely any unused water left in any of the Western States. We must utilize every drop possible. We must resort to storage reservoirs as we are doing in the great Jackson Lake just below the Yellowstone Park. At this junction between Wyoming and Idaho and Montana we have built a reservoir which has been partially completed within the last three or four weeks. It adds, as it now built, 800,000 acre-feet of water to the Snake River. This will supply the Minidoka project in Idaho with sufficient water and leave a surplus which is much needed for other lands already under cultivation.

We shall store eventually in that lake the water to irrigate 1,500,000 acres of additional land. All that region is in a forest reserve. It should be, in order to preserve those waters. It

is so in regard to the other States.

The northern part of my State, where my colleague lives, has the finest timber land left in the United States. great belt of white-pine timber now standing is in north Idaho. One syndicate alone owns 500,000 acres of that white-pine timber. Without forest reserves, in my judgment, the syndicate would soon own it all. It is not a sufficient answer to say that when they cut this timber it goes into buildings and is made use of by the people of the United States, who enjoy its benefits. That is not a sufficient answer. When these syndicates get through cutting the timber, that is the end of it; the timber is destroyed. Under the forest-reserve policy, after they cut the timber the land is reforested and the timber will be there for the generations which are to come after us. The Government culls out what timber shall be cut, reserving the remainder, so that there is a constant and continuous growth, which will go on for years to come.

The benefits of forestry reserves need no defense, but unfortunately the Forestry Service have gone too fast. They have put too much land into forest reserves. In my own State, in one of their recent reservations they have taken large tracts of grazing land where there is no forest at all. They are stirring up the animosity of the West. Unless they call a halt, they will have the West almost opposed to the policy of forest re-They are not using good judgment. They should go Forest reserves is a new enterprise in our country.

The Forester now has over 100,000,000 acres under his control. He has to patrol them; he has all this force to look after, and it requires great executive ability. He ought to learn by experience. He ought not to add to his responsibilities. I am quite clear that unless a halt is called there will be a storm of protest around his ears from the home seekers, the homesteaders, and the settlers which may injure the whole policy of forest

reserves, if not destroy it.

Much less, Mr. President, ought he to attempt to add to his other cares and responsibilities all the grazing land of the West. There are many, many objections to it, in addition to that of putting this added responsibility on the head of the Forestry Bureau. Our people are opposed to it. We think we know if the Government has charge of those grazing lands they will quickly fall into the hands of the large stock owners. my friend from South Carolina [Mr. TILLMAN] said a moment ago, after confessing that he knew nothing about it and was asking for light, they will get control of the water, and thereby control over all the land. Our own people in the different States can take care of these grazing lands better than the United States Government can.

The cattlemen and sheepmen ought not to be compelled to go to-the employees of the Forestry Bureau in order to get permits to graze their herds on these lands. It is well enough for the Forester to regulate the grazing lands in forest reserves, but that Bureau ought to stop the creation of these needless forest reserves. When they create proper forest reserves, it is well for the Forester to regulate the grazing land within them in order to protect them from fire, in order to see that the timber is not destroyed, in order to provide pasturage properly; for a great many reasons it is well that he should take charge of it. I hardly think, however, that he should charge cattle and sheep men for the privilege of grazing on those lands.

Mr. President, I shall not discuss this subject any longer, as it is going out on a point of order; but I wanted to add my protest, as one of the representatives of the Western States, against this attempt which has been continuous in one form and another for twenty years, to get the privilege of leasing and controlling our lands in the West in the hands of the Department at Washington.

The VICE-PRESIDENT. The Secretary will resume the

reading of the bill.

The reading of the bill was resumed, beginning on page 42, line 17. The next amendment of the Committee on Agriculture and Forestry was, under the head of "Bureau of Chemistry," on page 42, line 19, to increase the appropriation for the salary of one chemist, who shall be Chief of Bureau, from \$3,500 to \$5,000.

The amendment was agreed to.

The next amendment was, on page 43, line 13, to increase the total appropriation for salaries, Bureau of Chemistry, from \$46,420 to \$47,920.

The amendment was agreed to.

The next amendment was, on page 44, line 13, after the word "foods," to insert "to enable the Secretary of Agriculture to investigate the character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the principles which should guide their use, and to publish the results of such investigations when thought advisable: Provided, That before any adverse publication is made notice shall be given to the owner or manufacturer of the articles in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture, or his representative, either in person or by agent, concerning the suitability of such articles for food, or as to false labeling or branding;" so as to read:

for food, or as to false labeling or branding;" so as to read:

To investigate the composition, adulteration, and false labeling or false branding of foods, drugs, beverages, condiments, and ingredients of such articles, when deemed by the Secretary of Agriculture advisable, and also the effect of cold storage upon the healthfulness of foods, to enable the Secretary of Agriculture to investigate the character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the principles which should guide their use, and to publish the results of such investigations when thought advisable: Provided, That before any adverse publication is made notice shall be given to the owner or manufacturer of the articles in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture, or his representative, either in person or by agent, concerning the suitability of such articles for food, or as to false labeling or branding.

Mr. PROCTOR Let that amondment he results.

Mr. PROCTOR. Let that amendment be passed over, Mr. President.

The VICE-PRESIDENT. The amendment will be passed

The next amendment was, on page 45, line 9, after the word "countries," to insert "to enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to ascertain the purity of food products and determine what are regarded as adulterations therein, and to establish standards therefor; " so as to read:

To enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries to enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to ascertain the purity of food products and determine what are regarded as adulterations therein, and to establish standards therefor.

Mr. PROCTOR. I ask also that that amendment go over. I wish to state that the committee proposes to modify that amendment by striking out the last five words, "and to establish standards therefor."

Mr. KEAN. That does not cure it. It is still subject to the

point of order.

Mr. LODGE. That does not alter it. I do not think we ought to insert a provision of this sort on an appropriation bill. is a matter of very great importance and ought to be embodied in a separate measure. Of course, if the Senator from Vermont wants to debate it, I shall not make a point of order; but the point of order is going to be made, and it will save time to take the amendment out.

Mr. PROCTOR. I wish to say something about it. Let the amendment go over

The VICE-PRESIDENT. The modification of the proposed amendment will be stated.

The Secretary. On page 45, line 13, afer the word "therein," it is proposed to strike out the words "and to establish standards therefor.'

The VICE-PRESIDENT. At the request of the Senator from Vermont, the amendment as modified will be passed over.

The reading of the bill was resumed. The next amendment The reading of the bill was resumed. The next amendment was, on page 46, line 14, after the word "elsewhere," to strike out the period and the word "Employing" and insert a semicolon and the word "employing;" and in line 17, after the word "named," to strike out the period and the word "And" and insert a semicolon and the word "and;" so as to read:

sert a semicolon and the word "and;" so as to read:

For all expenses necessary to carry into effect the provisions of the act of Congress of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for other purposes," including rent and the employment of labor in the city of Washington and elsewhere; employing such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purposes named; and the employees of the Bureau of Chemistry outside the city of Washington may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed fifteen days in any one year, which leave may, in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year, \$650,000.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was on page 46, line 25, after the word "Provided," to strike out "That no part of this sum shall be used for the payment of compensation or expenses to any officer or other person employed by any State, county, or municipal government" and insert "That any part of this sum used for compensation of or payment of expenses to any officer or other person employed by any State, county, or municipal government, shall be reported to Congress in detail, on the first Monday of December, 1908;" so as to make the proviso read:

Provided, That any part of this sum used for compensation of or payment of expenses to any officer or other person employed by any State, county, or municipal government, shall be reported to Congress in detail, on the first Monday of December, 1908.

Mr. PROCTOR. I wish to say that the committee modify that amendment by leaving out of line 3, on page 47, the words "part of this;" so that it will read: "That any sum used," etc.; and by striking out the words "nineteen hundred and eight," on page 47, line 7, and inserting the words "in each and every year." If there is to be any discussion in regard to that amendment, I will ask that it also may be passed over, as I wish to submit a statement of what has already been done in regard to that and what is likely to be done.

Mr. LODGE. There will be a good deal of discussion on that, for I think the House provision was a wise one, and ought not

The VICE-PRESIDENT. The modification of the amendment

proposed by the Senator from Vermont will be stated.

The Secretary. On page 47, line 3, after the word "any," it is proposed to strike out the words "part of this;" and on page 47, line 7, after the word "December," it is proposed to strike out "1908" and to insert "in each and every year."

The VICE-PRESIDENT. The amendment as modified will

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 47, line 8, to increase the total appropriation for the maintenance of the Bureau of Chemistry from \$696,420 to \$697,920.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Soils," on page 48, line 24, after the word "buildings," to strike out "not to exceed \$4,000 per annum" and insert "in the District of Columbia;" so as to read:

To investigate the soils and conditions of tobacco growth in Cuba, Sumatra, and other tobacco-competing countries; to investigate, in cooperation with the Bureau of Plant Industry, the methods of curing, with particular reference to fermentation; to investigate, with the view of improving, the conditions relating to the supply and sale of domestic tobacco to any foreign country or countries where the business of buying and selling tobacco is conducted by the government; the location of the stations; rent of buildings in the District of Columbia for office and laboratory purposes.

The amendment was agreed to.

The next amendment was, on page 49, line 10, to increase the appropriation for soil investigations from \$170,000 to \$200,000. The amendment was agreed to.

The next amendment was, on page 49, line 12, to increase the total appropriation for the maintenance of the Bureau of Soils from \$206,980 to \$236,980.

The amendment was agreed to.
Mr. SIMMONS. Mr. President, I should like to inquire whether it is now in order to offer an amendment.

The VICE-PRESIDENT. It is in order to offer an amendment to a committee amendment; but unless the amendment is to a committee amendment it is not in order until after the committee amendments are disposed of.

Mr. SIMMONS. It is not an amendment to a committee amendment; but I think the committee will accept it, and I should like to suggest it to the Senator from Vermont.

The VICE-PRESIDENT. The amendment will be in order after the committee amendments are disposed of.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, under the head of "Bureau of Entomology," on page 50, line 10, before the word "domestic," to insert "men and;" so as to read:

Entomological investigations: General expenses, Bureau of Entomology: Promotlon of economic entomology; investigating the history and habits of insects injurious and beneficial to agriculture, horticulture, and arboriculture; ascertaining the best means of destroying those found to be injurious, including an investigation into the ravages of insects affecting field crops; investigations of the insects affecting small fruit, shade trees, and truck crops, forests and forest products and stored products; investigation of insects in relation to diseases of men and domestic animals, and as animal parasites.

The amendment was agreed to.

The next amendment was, in the item of appropriation for "entomological investigations," on page 51, line 4, after the word "dollars," to insert "of which sum \$10,000, or so much thereof as may be necessary, may be used to enable the Secretary of Agriculture to continue the experiments looking to the eradication of the pest known as the 'white fly;'" so as to read:

Preparing, illustrating, and publishing the results of the work of the Bureau, \$113,800, of which sum \$10,000, or so much thereof as may be necessary, may be used to enable the Secretary of Agriculture to continue the experiments looking to the eradication of the pest known as the "white fly."

The amendment was agreed to.

The next amendment was, on page 51, after line 10, to insert: BUREAU OF BIOLOGICAL SURVEY.

Salaries, Bureau of Biological Survey: One Biologist, who shall be Chief of Bureau, \$3,000; two clerks, class 1, \$2,400; three clerks, at \$1,000 each, \$3,000; one clerk, \$900; one messenger or laborer, \$480; in all, \$9,780.

Mr. HEMENWAY. I should like to ask the Senator in charge of the bill whether this creates a new bureau in the Department of Agriculture?

Mr. LODGE. No. Mr. PROCTOR. Certainly not. It was omitted for some reason. It has been the law for some years—just the same pre-

The amendment was agreed to,

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 52, line 8, after the word "the," to strike out "department" and insert "Bureau;" so as to read:

For preparation and publication of reports, and for illustrations, field work, and traveling and other expenses in the practical work of the Bureau.

The amendment was agreed to.

The next amendment was, in the item of appropriation for biological investigations, on page 52, line 15, before the word "hundred," to strike out "forty-four thousand four" and insert "fifty-five thousand nine;" and in line 19, after the word "of," to strike out "Biology" and insert "Biological Survey;" so as to read:

And to enable the Secretary of Agriculture to carry into effect the provisions of an act approved May 25, 1900, entitled "An act to enlarge the powers of the Department of Agriculture, prohibiting the transportation by interstate commerce of game killed in violation of local laws, and for other purposes," \$55,920. And the Secretary of Agriculture is hereby directed to investigate and report to the next session of Congress to what extent, if any, the work now being done by the Bureau of Biological Survey is duplicated by any other Department of the Government, and to what extent the work of this Bureau is of practical value to the agricultural interests of the country.

The amendment was agreed to.

The next amendment was, on page 52, after line 22, to insert: Total for Bureau of Biological Survey, \$65,700.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the head of "Division of accounts and disbursements," on page 53, line 6, after the word "cashier," to insert "and chief clerk;" and in line 7, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand;" so as to read:

Salaries, Division of Accounts and Disbursements: Chief of division and disbursing clerk, \$2,750; one assistant chief of division, \$2,500; one auditor, \$2,000; one cashier and chief clerk, \$2,000.

The amendment was agreed to.

The next amendment was, on page 53, line 20, to increase the total appropriation for the maintenance of the Division of Accounts and Disbursements from \$41,590 to \$41,790.

The amendment was agreed to.

The next amendment was, on page 56, line 11, to increase the appropriation for general expenses, Division of Publications, from \$35,000 to \$40,000.

The amendment was agreed to.

The next amendment was, on page 56, line 12, to increase the total appropriation for the maintenance of the Division of Publications from \$161,550 to \$166,550.

The amendment was agreed to.

The next amendment was, on page 59, line 19, after the word "series," to strike out "for binding periodicals;" and in line 23, before the word "dollars," to strike out "ten thousand" and insert "twelve thousand five hundred;" so as to read:

Library, Department of Agriculture: General expenses, library: Purchase of technical books of reference, technical papers, and technical periodicals necessary for the work of the Department, and for expenses incurred in completing imperfect series, and for the employment of additional assistance in the city of Washington and elsewhere, when necessary; for traveling expenses, and for library fixtures, shelving, library cards, and other material, \$12,500.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 60, line 10, after the word "copies," to strike out "and he is hereby authorized to apply the money received toward the expense of the preparation of the index;" so as to make the proviso read:

And the Secretary of Agriculture is hereby authorized to furnish to such institutions or individuals as may care to buy them, copies of the card index of the publications of the Department and of other agricultural literature prepared by the library, and charge for the same a price covering the additional expense involved in the preparation of these copies.

The amendment was agreed to.

The next amendment was, on page 60, line 12, to increase the total appropriation for the maintenance of the library, Department of Agriculture, from \$25,880 to \$28,380.

The amendment was agreed to.

The next amendment was, on page 62, line 15, to increase the appropriation for agricultural experiment stations under the act approved July 2, 1862, and of the acts supplementary thereto, from \$827,000 to \$842,000.

The amendment was agreed to.

The next amendment was, on page 63, line 12, after the word "above," to strike out "act" and insert "acts;" so as to read:

And the Secretary of Agriculture is hereby authorized to rent offices and to employ such assistants, clerks, and other persons as he may deem necessary, in the city of Washington and elsewhere, and to incur such other expenses for office fixtures and supplies, stationery, traveling, freight, and express charges, illustration of the Experiment Station Record, bulletins, and reports as he may find essential in carrying out the objects of the above acts.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of agricultural experiment stations, on page 64, line 11, before the word "thousand," to strike out "twenty-seven" and insert "forty-two;" so as to make the proviso read:

The Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, and Porto Rico and to apply the money received from the sale of such products to the maintenance of said stations, and this fund shall be available until used; in all, \$842,000.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, on page 64, line 11, before the word "thousand," to strike out "five" and insert "twenty;" and in line 12, after the word "sum," to strike out "shall" and insert "may;" so as to make the proviso read:

Provided, That \$20,000 of this sum may be used by the Secretary of Agriculture to investigate and report upon the organization and progress of farmers' institutes and agricultural schools in the several States and Territories, etc.

The amendment was agreed to.

The next amendment was, on page 65, after line 3, to insert:

The next amendment was, on page 65, after line 3, to insert: Nutrition investigations: To enable the Secretary of Agriculture to investigate and report upon the nutritive value of the various articles and commodities used for human food, with special suggestions of full, wholesome, and edible rations less wasteful and more economical than those in common use, including special investigations on the nutritive value and economy of the diet in public institutions; and the Secretary of Agriculture is hereby authorized to employ such assistants, clerks, and other persons as he may deem necessary in the city of Washington and elsewhere; and the agricultural experiment stations are authorized and directed to cooperate with the Secretary of Agriculture in carrying out said investigations in such manner and to such extent as may be warranted by a due regard to the varying conditions and needs of the respective States and Territories, and as may be mutually agreed upon; and the Secretary of Agriculture is hereby authorized to require said stations to report to him the results of any such investigations which they may carry out, whether in cooperation with the said Secretary of Agriculture or otherwise, \$20,000.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 66, line 14, to increase the total appropriation for the maintenance of the Office of Experiment Stations from \$1,008,220 to \$1,043,220.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the head of "Office of Public Roads," on page 66, line 18, to increase the appropriation for the salary of one Director, who shall be a scientist and have charge of all scientific and technical work, from \$2,500 to \$2,750.

The amendment was agreed to.

The next amendment was agreed in the item of appropriation for salaries, Office of Public Roads, on page 66, line 22, before the word "clerks," to strike out "three" and insert "four;" in

the same line, before the word "thousand," to strike out "three" and insert "four;" and in line 23, after the word "dollars," to insert "one clerk, \$900;" so as to read:

Two clerks, class 1, \$2,400; four clerks, at \$1,000 each, \$4,000; one clerk, \$900.

The amendment was agreed to.

The next amendment was, on page 67, line 1, to increase the total appropriation for the maintenance of the Office of Public Roads from \$12,140 to \$14,290.

The amendment was agreed to.

The next amendment was, on page 67, line 20, to increase the total appropriation for the maintenance of public-road inquiries from \$57,660 to \$86,460.

The amendment was agreed to.

The next amendment was, on page 67, line 22, to increase the total appropriation for the maintenance of the Office of Public Roads from \$69,800 to \$100,750.

The amendment was agreed to.

The next amendment was, on page 68, line 2, to increase the total appropriation for the maintenance of the Department of Agriculture, for routine and ordinary work, from \$7,573,590 to \$8,302,190.

The amendment was agreed to.

The next amendment was, on page 68, line 5, before the word "the," to insert "hereafter;" so as to read:

And hereafter the Secretary of Agriculture is hereby authorized to make such appointments, promotions, and changes in salaries, to be paid out of the lump funds of the several bureaus, divisions, and offices of the Department, as may be for the best interests of the service.

The amendment was agreed to.

The next amendment was, on page 68, line 12, before the word "dollars," to insert "five hundred;" so as to make the proviso

Provided, That the maximum salary of any classified scientific investi-gator in the city of Washington, or other employee engaged in scientific work, shall not exceed \$3,500 per annum.

The amendment was agreed to.

The next amendment was, on page 69, line 9, after the word "necessary," to insert "of which sum \$40,000 shall be immediately available;" so as to make the clause read:

Cotton boll weevil investigations: For the Bureau of Plant Industry: To enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the Mexican cotton boll weevil in the Southern States by encouraging the diversification of crops, improved cultural methods, breeding of new cottons, and to study the diseases of cotton, \$150,000, or so much thereof as may be necessary, of which sum \$40,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 70, line 3, after the word "appropriated," to insert "and made immediately available;" so as to make the clause read:

Prevention of spread of moths: To enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the gypsy and brown-tail moths. \$150,000, or so much thereof as may be necessary, is hereby appropriated and made immediately available.

The amendment was agreed to.

The next amendment was, on page 70, line 14, after the word "dollars," to insert "of which sum \$25,000 shall be immediately available;" so as to make the clause read:

Eradicating cattle ticks: For Bureau of Animal Industry: To enable the Secretary of Agriculture to undertake experimental work in cooper-ation with State authorities in eradicating the ticks transmitting south-ern cattle fever, \$150,000, of which sum \$25,000 shall be immediately

The amendment was agreed to.

The next amendment was, on page 70, after line 17, to insert:

Survey of and report on Appalachian and White Mountain watersheds: To enable the Secretary of Agriculture to examine, survey, and ascertain the natural conditions of the watersheds at and near the sources of the various rivers having their sources in the Southern Appalachian Mountains and the White Mountains, and to report to Congress the area and natural conditions of said watersheds, the price at which the same can be purchased by the Government, and the advisability of the Government's purchasing and setting apart the same as a natural forest reserve for the purpose of conserving and regulating the water supply and flow of said streams in the interest of agriculture, water power, and navigation, \$25,000, to be immediately available.

Mr. PROCTOR. In line 2, page 71, I move to strike out "natural" and insert "national."

The amendment to the amendment was agreed to.

Mr. PROCTOR. I ask that the next amendment may be passed over.

The VICE-PRESIDENT. The question is on agreeing to the amendment just reported.

Mr. HEMENWAY. What has become of the amendment just

Mr. LODGE. It is open. The VICE-PRESIDENT. The amendment is open.

Mr. HEMENWAY. I think the amendment had better go

Mr. PATTERSON. Does the amendment that it is asked

shall be passed over relate to grazing lands?

The VICE-PRESIDENT. That has not yet been reached.

Mr. LODGE. We have not reached the grazing-land amendment. This is an amendment for the survey of the White Mountain and the Appalachian Mountain watersheds, \$25,000. It is a matter of great importance to both of those regions. can not conceive of any objection to it.

Mr. HEMENWAY. There are very serious objections.

Mr. LODGE. If there is objection, let the amendment go

Mr. PROCTOR. Let both of the amendments be passed over. The VICE-PRESIDENT. The amendment which has just been reported will be passed over, and the amendment beginning in line 7 on page 71 and ending in line 7 on page 73 will likewise be passed over.

Mr. PATTERSON. I desire to offer and have pending a point of order to the paragraph which has just been passed over, commencing in line 7 on page 71.

Mr. CARTER. That has been passed over for the evening, and I trust the Senator will not interpose a point of order at this time.

Mr. PATTERSON. I want to have the point of order pending, not to interfere with any discussion of the matter at all.

The point of order I make is that it is new legislation.

The VICE-PRESIDENT. To what does the Senator from

Colorado address his point of order Mr. PATTERSON. To the committee amendment on page 71, commencing in line 7, and extending to line 7 on page 73.

Mr. CARTER. As I understand, the Senator from Colorado merely gives notice that at the proper time he will make the

point of order against it.

The VICE-PRESIDENT. The Chair so understands.

Mr. PATTERSON. Let it be considered as pending, not to interfere with the discussion.

Mr. CLARK of Wyoming. I desire to add to the point of order suggested by the Senator from Colorado that the amend-

ment also proposes general legislation.

Mr. PATTERSON. General and new legislation.

The reading of the bill was resumed, commencing in line 8 on page 73. The next amendment of the Committee on Agriculture and Forestry was, on page 73, after line 14, to insert:

And hereafter the Secretary of Agriculture is authorized to sell as waste waste paper, or otherwise to dispose of the accumulation of Department files which do not constitute permanent records, and all other documents and publications which have become obsolete or worthless.

Mr. PROCTOR. In line 16 the word "waste" is repeated. move to strike it out where it occurs the first time.

Mr. CARTER. I submit to the chairman that the word should be retained. The word "waste" as used designates the class of property which may be sold in a given manner, and the repetition of the word "waste" is, I think, proper. It reads, "sell as waste, waste paper."

Mr. PROCTOR. It is my mistake. Seeing the word twice, I thought it a repetition. I withdraw the amendment to the

amendment.

The amendment was agreed to.

Mr. PROCTOR. I have a committee amendment to come in at the bottom of page 73, but at the request of the senior Senator from Iowa [Mr. Allison] I will simply offer it now and ask that it be printed and passed over.

The VICE-PRESIDENT. The amendment proposed by the

Senator from Vermont will be stated.

The Secretary. It is proposed to add at the bottom of page 73 the following:

That hereafter, on or before the 1st day of January of each year, the Secretary of Agriculture shall submit to Congress, in addition to the estimates now required by law, classified and detailed estimates of every subject of expenditure intended for the Agricultural Department for the next fiscal year and detailed reports of all expenditures under any appropriation for such service during the preceding fiscal year.

Mr. PROCTOR. I will say that that is designed to take the place of the amendment agreed to on page 42, at the close of the Forest Service provisions, and makes it apply to all bureaus.

Mr. President, returning to the first page of the bill, I move to strike out in line 11 the words "four thousand five hundred" and insert "five thousand." That is the salary of the Assistant Secretary. It has been discussed and understood that it should be the same as the others.

The amendment was agreed to.

Mr. PROCTOR. At the bottom of page 63, in line 24, I move to strike out the words "the Territories of." It now reads, "in the Territories of Alaska, Hawaii, and Porto Rico." They are not all strictly Territories. I move to strike out those words, and it will then read: "In Alaska, Hawaii, and Porto Rico."

The amendment was agreed to.

Mr. HANSBROUGH. I desire to have inserted in the RECORD. for the use of the conferees in case of any controversy, letter from the Secretary of Agriculture with respect to a provision in this bill relating to grain inspection.

The VICE-PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, December 8, 1996.

Hon. H. C. Hansbrough, United States Senate.

DEAR SENATOR HANSBROUGH: I have yours of December 4, asking for information as to the work that has been done by this Department under the item inserted by you last year in our appropriation bill, giving me authority to establish laboratories for the purpose of testing, weighing, sampling, and inspecting any samples of grain that might be submitted.

under the item inserted by you last year in our appropriation bill, giving me authority to establish laboratories for the purpose of testing, weighing, sampling, and inspecting any samples of grain that might be submitted.

Recognizing the importance of this work, the Chief of the Bureau of Plant Industry inaugurated a number of lines before the appropriation actually became available, so that by the 1st of July everything was in readiness to go ahead with the establishment of the laboratories. Owing to the many complaints which had been received from foreign buyers of the bad condition of our grain arriving at European ports, a critical study was made of grain cargoes at a number of European ports by an expert. This work was inaugurated early last winter and continued through the spring; in fact, during the entire shipping season. The expert had submitted an exceedingly interesting report, in which he sets forth, on a percentage basis, the condition of the grain reaching European ports. The principal work was done with corn, but there was also a number of cargoes of other grain laspected. In all cases a record was made of the point of shipment and the conditions under which the grain was inspected and handled on this side. The data thus secured, you will see, will be useful ingiving us information as to the value of the inspection service at different Atlantic and Guif ports in the United States. This work is still being continued, and we now have an expert abroad going over practically the same ground, following up and tracing the cargoes as they reach the European ports.

Prior to the 1st of July a careful study of the grain situation with reference to the establishment of the laboratories was made by the officers of the Bureau of Plant Industry. The funds at hand were only sufficient to enable me to establish two laboratories, and after careful consideration it was deemed best to place these at Baltimore and New Orleans, respectively. Baltimore has special advantages in that it is close to Washington and ca

proving to be a valuable addition to our force in guiding our scientific experts in the matter of working out details for the establishment of standards.

Recognizing further the necessity of securing as complete data as possible in regard to the methods of inspection and handling of grain at various interior points, the Chief of the Bureau of Plant Industry directed one of his experienced men to visit Chicago, Milwaukee, Superior, Duluth, Minneapolis, and St. Paul last season to make a thorough study of the systems of inspection, methods of handling grain, cost of inspection, etc. Mr. Estabrook has prepared and submitted a very valuable report, giving full details in regard to all these matters and setting forth the various systems followed, both where there is State inspection and where the inspection is otherwise.

As a further aid to the work several experts of the Bureau of Plant Industry have been engaged in devising apparatus which could be used in inspecting grain and the standardization of the same.

I wish to emphasize at this point the absolute necessity for some system of standardization in all this work. At present there is practically no standard. It has been well said that we are practically in the position, so far as our grain is concerned, that the cloth merchant would be if there were no yardstick or suitable device for measuring. Inspection is now largely a matter of personal judgment, and until it can be placed upon a more precise basis the difficulties arising will continue. It has been found impracticable for inspectors at various places to hold to any definite system for any length of time. Our energies, therefore, have been exerted in the direction of securing apparatus and devices, as already indicated, which would eliminate, to as great an extent as possible, the element of error in judgment.

One of the most important factors in connection with the inspecting and handling of grain is that of the moisture content. The carrying quality of the grain and many other things depend upon the

believe it would be highly desirable to extend this work to interior points, as you suggest, establishing four or five more of such laboratories next year. No one recognizes more fully than I do the great importance of this subject, especially to the people of the Northwestern States, and I am anxious to do everything that can be done to help

States, and I am anxious to do everything that can be done to help them.

It should be borne in mind, however, that we still have much to do in the way of establishing standards and that this is the first thing toward which our energies should be directed. The establishment of standards and the acceptance of the same by the grain trade will result in uniformity, and uniformity is bound to do away with a great many of the complaints that have arisen. You realize, of course, that in such a complicated question as this we must go forward with caution and conservatism. It would be unwise at this time for the Government to attempt to establish arbitrary standards which would not stand the test of actual practice. In fact, the Government would be placed in the same position as the State inspection service in many of the States is now placed, owing to the entire lack of anything like uniformity.

Th gradual establishment of laboratories working along the lines indicated will result in uniformity of grades, and this very uniformity will lift the handling and inspection of grain from its present very unsatisfactory state to one that will have the confidence of both producers and handlers of grain.

If I can furnish any additional information along the lines set forth, please command me.

Very sincerely,

James Wilson, Secretary.

Mr. PENROSE obtained the floor.

Mr. PENROSE obtained the floor.

Mr. NELSON. Mr. President-

The VICE-PRESIDENT: Does the Senator from Pennsylvania yield to the Senator from Minnesota?

Mr. PENROSE. I was about to move that the Senate pro-

ceed to the consideration of executive business, but I will with-

Mr. BEVERIDGE. I hope the Senator will press it.

Mr. PROCTOR. There are some amendments which will not lead to discussion, and I should be glad to have them disposed of to-night. It will take but a few minutes.

The VICE-PRESIDENT. The Chair will recognize the Sena-

tor from Pennsylvania when this matter shall have been disposed of.

Mr. NELSON. I offer an amendment to come in at the end

of page 73

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment, which will be stated.

The Secretary. At the bottom of page 73, it is proposed to

That there shall be, and hereby is, annually appropriated out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of agricultural colleges now established, or which may hereafter be established, in accordance with the act of Congress approved July 2, 1862, and the act of Congress approved August 30, 1890, the sum of \$5,000, in addition to the sums named in the said act, for the fiscal year ending June 30, 1908, and an annual increase of the amount of such appropriation thereafter for four years by an additional sum of \$5,000 over the preceding year, and the annual sum to be paid thereafter to each State and Territory shall be \$50,000, to be applied only for the purposes of the agricultural colleges as defined and limited in the act of Congress approved July 2, 1862, and the act of Congress approved August 30, 1890.

That the sum hereby appropriated to the States and Territories for the further endowment and support of the colleges shall be paid by, to, and in the manner prescribed by the act of Congress approved August 30, 1890, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of the said act of Congress approved July 2, 1862, and the expenditure of the said money shall be governed in all respects by the provisions of the said act of Congress approved July 2, 1862, and the expenditure of the said act of Congress approved July 2, 1862, and the expenditure of the said act of Congress approved July 2, 1862, and the expenditure of the said act of Congress approved July 2, 1862, and the said act of Congress approved July 2, 1862, and the expenditure of the said act of Congress approved July 2, 1862, and the expenditure of the said act of Congress approved July 2, 1862, and the expenditure of the said act of Congress approved July 2, 186

Mr. LODGE. I should like to ask the Senator from Minnesota how much the amendment carries?

Under existing law the agricultural colleges Mr. NELSON. in each of the States and Territories are entitled to an annual appropriation, and are receiving it, of \$30,000.

Mr. PROCTOR. That is under the Morrill law.
Mr. NELSON. This amendment proposes to add \$5,000 each year for four years, until the whole amount comes to \$50,000, and after the end of four years the appropriation is to remain at \$50,000. What induces me to present the amendment is that in a great many of the States, especially in the South, they are now establishing county and rural agricultural schools, and the object of the amendment is to enlarge the scope of our agricultural colleges so that they can fit teachers for these local agri-

cultural coneges so that they can in teachers for these local agricultural schools. It amounts to \$5,000 each year for four years, and every agricultural college and experimental station that I have been in communication with highly favors it.

Mr. BACON. I wish to suggest to the Senator from Minnesota, in view of the very great importance of the matter proposed, that the amount indicated by him is scarcely enough, and without detaining the Senate I want to state one fact.

In the State of Georgia there have been established within the past year eleven of these district colleges, supported in the manner indicated, not simply by this fund, but by local contributions; and while I have not had time to make the calculation, I am sure that the amount indicated by the Senator will not be sufficient to be of material benefit.

Mr. NELSON. I will state to the Senator from Georgia that I entirely concur with him, and I should be glad to make it more; but I feel satisfied that that is impossible. This will be a little help, and we had better take this if we can get it.

Mr. BACON. If the Senator is satisfied that that is all we

can get, of course I concur with him.

Mr. PROCTOR. I wish to say there has been no addition to the appropriation for agricultural colleges since the original act established them, under the bill introduced by Senator Morrill; and I happen to know that it was the Senator's intention the last year of his life to propose an amendment substantially like that of the Senator from Minnesota.

The VICE-PRESIDENT. The question is on agreeing to the

amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24925) making appropriations for the naval service for the fiscal year ending June 30, 1908, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Foss, Mr. Loudenslager, and Mr. Meyer managers at the conference on the part of the

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24991) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Burton of Ohio, Mr. Dovener, and Mr. Bankhead managers at the conference on the part of the House.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 22334) to amend an act to regulate the sitting of the United States courts

within the district of South Carolina.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the

H. R. 25190. An act to amend sections 1, 2, and 3 of an act entitled "An act to prohibit shanghaiing in the United States," approved June 28, 1906;

H. R. 25513. An act extending the time for making final proof

in certain desert-land entries;

H. R. 25629. An act to repeal the act of February 27, 1901, granting authority to the East St. Louis and St. Louis Bridge and Construction Company, of the city of East St. Louis, Ill., to build, own, operate, and maintain a bridge across the Mis-

H. R. 25672. An act to amend an act entitled "An act to authorize the Ox Bow Power Company, of South Dakota, to construct a dam across the Missouri River;" and

H. R. 25691. An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company.

#### RIVER AND HARBOR APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24991) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FRYE. I move that the Senate insist upon its amendments and agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. FRYE, Mr. ELKINS, and Mr. BERRY as the conferees on the part of the Senate.

AIDS TO NAVIGATION.

## Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25242) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2,

3, 4, 5, 6, 7, 8, 10, 13, and 14.

That the House recede from its disagreement to the amendments of the Senate numbered 11 and 12, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows. In lieu of the language proposed insert the following:

"A tender for use in Hawaiian waters and elsewhere as may be directed, at a cost not to exceed two hundred and fifteen thousand dollars."

And the Senate agree to the same.

S. B. ELKINS, GEO. C. PERKINS, LEE S. OVERMAN, Managers on the part of the Senate. JAMES R. MANN, F. C. Stevens, W. C. Adamson, Managers on the part of the House.

The report was agreed to.

LEGAL REPRESENTATIVES OF JOHN SMITH, DECEASED.

Mr. BEVERIDGE obtained the floor.

Mr. CARTER. Mr. President— Mr. BEVERIDGE. I yield to the Senator from Montana. I rose to move that the Senate proceed to the consideration of executive business, but before—

The VICE-PRESIDENT. The Chair announced that he would recognize the Senator from Pennsylvania [Mr. Penrose]

for that purpose.

Mr. PENROSE. I am content to have the Senator from Indiana make the motion-

Mr. BEVERIDGE. We had an understanding.
Mr. PENROSE. If I can get the result.
Mr. CARTER. I ask the Senator to yield to me for a moment.

Mr. BEVERIDGE. I withhold the motion for the moment. Mr. CARTER. During a recent evening session I objected to the passage of a bill because it proposed to determine the heirs at law of a certain deceased person. The bill is very meritorious. I regret that necessity compelled me to check its passage at that time. It is the bill (H. R. 2926) for the relief of the heirs of John Smith. There are certain amendments which I desire to propose. I ask unanimous consent for its present consideration.

Mr. BEVERIDGE. If it will not cause any discussion, I will yield.

Mr. CARTER. The bill will lead to no discussion.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The amendments proposed by the Senator from Montana will be stated.

The Secretary. On page 2, line 5, strike out the words "Charley J. Smith, Mary Ann Smith Carey, of 432 Backus street, Jackson, Mich., and Catherine Smith Schillings, of Valley City, N. Dak.," and insert in lieu thereof the words "the legal representatives of the estate of John Smith, deceased, late of the Soldiers' Home in Washington, D. C.;" in line 10, before the word "money," to strike out the word "said;" after the word "money," to strike out the word "so;" and at the end of the bill to strike out the words "and the use thereof" and insent "by said John Smith deceased during his lifetime." insert "by said John Smith, deceased, during his lifetime;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal representatives of the estate of John Smith, deceased, late of the Soldiers' Home, in Washington, D. C., in equal proportions, the sum of \$1,998.50, in full for money deposited with said Home and officers thereof by said John Smith, deceased, during his lifetime.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CARTER. I move to strike out the preamble. The motion was agreed to.

#### SAC AND FOX INDIAN CLAIMS.

Mr. WARNER. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 8533) to authorize the Court of Claims to hear, determine, and adjudicate the claims of the Sac and Fox Indians of the Mississippi in Iowa against the Sac and Fox Indians of the Mississippi in Oklahoma, and the United States, and for other purposes, to report it favorably without amendment, and I submit a report thereon. · I call the attention of the junior Senator from Iowa to the bill.

Mr. DOLLIVER. I ask unanimous consent that the bill may be considered at this time.

Mr. BEVERIDGE. If there is to be no discussion upon it, I will agree to its consideration.

The VICE-PRESIDENT. The bill will be read for the infor-

mation of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consider-

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ARMY AND NAVY UNION OF THE UNITED STATES.

Mr. BULKELEY. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 31) recognizing the change of name of the Regular Army and Navy Union of the United States to the Army and Navy Union of the United States of America, to report it favorably with an amendment. It will lead to no discussion, and I ask for its immediate consideration.

Mr. BEVERIDGE. The Senator does not ask to have it con-

sidered now?

Mr. BULKELEY. The amendment is a substitute comprising only four lines, and it will lead to no discussion what-

Mr. KEAN. Let it be read.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate, if there be no objection.

The Secretary read the amendment, which was to strike out all after the enacting clause and insert:

That the distinctive badge adopted by the Army and Navy Union of the United States may be worn, in their own right, upon all public oc-casions of ceremony by officers and enlisted men of the Army and Navy of the United States who are members of said organization.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed, Mr. SPOONER. I should like to hear the title read. The VICE-PRESIDENT. The title will be read.

The SECRETARY. "A joint resolution recognizing the change of name of the Regular Army and Navy Union of the United States to the Army and Navy Union of the United States of America.

Mr. SPOONER. Is it organized under an act of Congress?
Mr. BULKELEY. I think so.
Mr. SPOONER. If Congress has anything to do with it it ought to read "legalizing" in lieu of "recognizing."

Mr. BULKELEY. I think the title should be changed.

On motion of Mr. Spooner, the title was amended so as to

A joint resolution legalizing the change of name of the Regular Army and Navy Union of the United States to the Army and Navy Union of the United States of America.

#### SUPREME LODGE OF KNIGHTS OF PYTHIAS.

Mr. NELSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 17212) to amend an act to incorporate the Supreme Lodge of the Knights of Pythias, to report it favorably without amendment.

Mr. HEMENWAY. I ask for the present consideration of the bill just reported by the Senator from Minnesota.

Mr. BEVERIDGE. If it requires any discussion I shall in-

sist on my motion to proceed to the consideration of executive business

Mr. HEMENWAY. It will not lead to discussion. It is the unanimous report of the committee.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

## IMMIGRATION STATION AT NEW ORLEANS.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives to furnish a duplicate engrossed copy of the bill (8, 7247) to provide for the establishment of an immigration station at New Orleans, in the State of Louisiana, and the erection in said city, on a site to be

selected for said station, of a public building; and, on motion of Mr. Lodge, the request was ordered to be complied with.

#### HEZEKIAH DEZARN

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill (H. R. 830) entitled "An act granting an increase of pension to Hezekiah Dezarn."

#### TWIN CITY POWER COMPANY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 8182) authorizing the Twin City Power Company to build two dams across the Savannah River above the city of Augusta, in the State of Georgia; which was to strike out all after the enacting clause and insert:

That the Twin City Power Company, a corporation organized under the laws of the State of South Carolina, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a dam across the Savannah River, at or near where Dortons Creek, in the county of Edgefield, State of South Carolina, empties into the Savannah River, and also a dam across the said river at or near the southern end of Prices Island, in said river, and about 5 miles from the mouth of Dortons Creek, in the State of South Carolina, in accordance with the provisions of the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906: Provided, That one of said dams shall be completed within three years, and the other within five years from the passage of this act.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. CLAY. I move that the Senate concur in the amendment

Mr. CLAY. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

#### J. TENNANT STEEB.

The VICE-PRESIDENT laid before the Senate the amendment of the House to the amendment of the Senate to the bill (H. R. 1371) to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and thereafter returned; which was to strike out "thirty" and insert 'thirty-six."

Mr. PILES. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles,

and referred to the Committee on Commerce:
H. R. 25190. An act to amend sections 1, 2, and 3 of an act entitled "An act to prohibit shanghaing in the United States," approved June 28, 1906;

H. R. 25629. An act to repeal the act of February 27, 1901, granting authority to the East St. Louis and St. Louis Bridge and Construction Company, of the city of East St. Louis, Ill., to build, own, operate, and maintain a bridge across the Mississippi River;

H. R. 25672. An act to amend an act entitled "An act to au-

thorize the Ox Bow Power Company, of South Dakota, to construct a dam across the Missouri River;" and
H. R. 25691. An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company.

H. R. 25513. An act extending the time for making final proof in certain desert-land entries, was read twice by its title, and referred to the Committee on Public Lands.

#### ADDITIONAL REPORTS OF COMMITTEES.

Mr. HEMENWAY, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11279) to remove the charge of absence without

leave from the military record of Oscar O. Bowen; and A bill (H. R. 22210) to correct the military record of Homer

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 223) relating to the holders of medals of honor, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 19932) for the relief of John Lavine, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Finance, to whom was referred the bill (H. R. 16085) for the relief of Gordon, Ironsides & Fares Company (Limited), reported it without amendment.

He also, from the Committee on Public Lands, to whom was referred the bill (H. R. 21944) relating to the entry and disposition of certain lands in the State of Nebraska, reported it without amendment, and submitted a report thereon.

#### EXECUTIVE SESSION.

Mr. BEVERIDGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 6 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 22, 1907, at 11 o'clock a. m.

#### NOMINATIONS.

Executive nominations received by the Senate February 21, 1907. COLLECTORS OF CUSTOMS.

William H. Lucas, of Florida, to be collector of customs for the district of St. Johns, in the State of Florida. (Reappointment.)

Peter Dippel, of New York, to be collector of customs for the district of Sag Harbor, in the State of New York. (Reappointment.)

#### PROMOTIONS IN THE ARMY-INFANTRY ARM.

#### To be captains.

First Lieut. George W. Stuart, Seventh Infantry, from Janu ary 31, 1907, vice O'Neil, Twenty-fifth Infantry, promoted.
First Lieut. William T. Patten, Thirteenth Infantry, from February 1, 1907, vice Cabell, unassigned, detailed as quarter-

First Lieut, Duncan K. Major, jr., Fourteenth Infantry, from February 16, 1907, vice Keller, Twenty-seventh Infantry, resigned.

#### PROMOTIONS IN THE NAVY.

Commander Frank E. Sawyer to be a captain in the Navy from the 18th day of February, 1907, vice Capt. George H. Kearny, deceased.

Lieut. Commander Thomas Snowden to be a commander in the Navy from the 8th day of February, 1907, vice Commander Vincendon L. Cottman, promoted.

#### RECEIVER OF PUBLIC MONEY.

Harold Hurd, of Roswell, N. Mex., to be receiver of public moneys at Roswell, N. Mex., vice David L. Geyer, whose term will expire March 10, 1907.

#### REGISTERS OF LAND OFFICES.

Wesley F. Brittain, of Sheridan, Wyo., to be register of the land office at Buffalo, Wyo., vice Frederick W. Daniels, resigned.
M. H. Brennan, of Devils Lake, N. Dak., to be register of the land office at Devils Lake, N. Dak., vice Ole Serumgard, term expired.

#### POSTMASTERS.

#### ARKANSAS.

Wells F. Smith to be postmaster at Hartford, in the county of Sebastian and State of Arkansas, in place of James M. Hill ir., removed.

#### CALIFORNIA.

Frank B. Mackinder to be postmaster at St. Helena, in the county of Napa and State of California, in place of Frank B. Mackinder. Incumbent's commission expired February 9, 1907.

#### CONNECTICUT.

William B. Bristol to be postmaster at Stratford, in the county of Fairfield and State of Connecticut, in place of William Incumbent's commission expired February 13, 1907.

Leopold J. Curtis to be postmaster at Norfolk, in the county of Litchfield and State of Connecticut, in place of Leopold J. Curtis. Incumbent's commission expired February 4, 1907.

Charles C. Georgia to be postmaster at Unionville, in the county of Hartford and State of Connecticut, in place of Charles C. Georgia. Incumbent's commission expired February 11, 1907. Charles N. Hatch to be postmaster at Bridgewater, in the

county of Litchfield and State of Connecticut, in place of Charles . Hatch. Incumbent's commission expired February 11, 1907. Willis W. Mildrum to be postmaster at East Berlin, in the

county of Hartford and State of Connecticut, in place of Willis W. Mildrum. Incumbent's commission expired January 26, 1907.
Edwin F. Tomlinson to be postmaster at Plainville, in the

county of Hartford and State of Connecticut, in place of Edwin F. Tomlinson. Incumbent's commission expired January 19, 1907.

## FLORIDA.

John M. Jolley to be postmaster at Daytona, in the county of Velusia and State of Florida, in place of John M. Jolley. Incumbent's commission expired February 7, 1907.

#### GEORGIA.

William E. Dunham to be pastmaster at Cochran, in the county of Pulaski and State of Georgia, in place of Anna P. Grimsley, resigned.

#### IDAHO.

Burt Venable to be postmaster at Payette, in the county of Canyon and State of Idaho, in place of Burt Venable. Incumbent's commission expires February 26, 1907.

#### ILLINOIS.

John C. Beever to be postmaster at Coulterville, in the county of Randolph and State of Illinois, in place of Rufus East, de-

John W. Church to be postmaster at Marissa, in the county of St. Clair and State of Illinois, in place of John W. Church. Incumbent's commission expired January 23, 1907.

John Culbertson to be postmaster at Sumner, in the county of Lawrence and State of Illinois, in place of John Culbertson. Incumbent's commission expired May 21, 1906. Lester B. Knickerbocker to be postmaster at Bradley, in the

county of Kankakee and State of Illinois, in place of Lester B. Knickerbocker. Incumbent's commission expires March 11, 1907.

James McClintock to be postmaster at Hinsdale, in the county of Dupage and State of Illinois, in place of Welby B. Carleton,

Thomas H. Stokes to be postmaster at Lincoln, in the county of Logan and State of Illinois, in place of Lewis B. Davis. Incumbent's commission expires March 3, 1907.

#### INDIANA.

Alva M. Newcomer to be postmaster at Elwood, in the county of Madison and State of Indiana, in place of Weldon A. Finch, resigned.

#### INDIAN TERRITORY.

David C. Blossom to be postmaster at Atoka, District 23, Indian Territory, in place of David C. Blossom. Incumbent's commission expired February 12, 1907.

Samuel S. Cobb to be postmaster at Wagoner, District 7, In-

dian Territory, in place of Samuel S. Cobb. Incumbent's commission expired February 12, 1907.

Charles B. Ramsey to be postmaster at Davis, District 21, Indian Territory, in place of Charles B. Ramsey. Incumbent's commission expired February 12, 1907.

# IOWA.

Albert J. Enbody to be postmaster at Dunlap, in the county of Harrison and State of Iowa, in place of Albert J. Enbody. Incumbent's commission expired February 11, 1907.

C. H. Mendenhall to be postmaster at Buxton, in the county of Monroe and State of Iowa, in place of William Morgan, resigned.

George W. Metcalf to be postmaster at Lansing, in the county of Allamakee and State of Iowa, in place of George W. Met-Incumbent's commission expired February 9, 1907.

William N. Oursler to be postmaster at Odebolt, in the county of Sac and State of Iowa, in place of William N. Oursler. Incumbent's commission expired February 9, 1907.

Benjamin H. Tamplin to be postmaster at Hull, in the county of Sioux and State of Iowa, in place of Benjamin H. Tamplin. Incumbent's commission expired February 9, 1907.

# KENTUCKY.

William H. Turner to be postmaster at Middlesboro, in the county of Bell and State of Kentucky, in place of George W. Albrecht. Incumbent's commission expires March 11, 1907.

KANSAS.

Fred Hazleton to be postmaster at Norton, in the county of Norton and State of Kansas, in place of Elhanan V. Peterson. Incumbent's commission expires February 28, 1907.

W. P. Heichert to be postmaster at Howard, in the county of W. F. Hernert to be postmaster at Howard, in the county of Elk and State of Kansas, in place of Thomas E. Thompson. Incumbent's commission expired February 12, 1907. Walter L. Stocking to be postmaster at Goff, in the county of Nemaha and State of Kansas. Office became Presidential Janu-

ary 1, 1907.

#### LOUISIANA.

Henry C. Edwards to be postmaster at Marksville, in the parish of Avoyelles and State of Louisiana, in place of Henry C. Edwards. Incumbent's commission expires February 26, 1907.
Charlton Fort to be postmaster at Minden, in the parish of

Webster and State of Louisiana, in place of Edward E. Fitzgerald, resigned. Bernard Isaacs to be postmaster at Gueydan, in the parish of Vermilion and State of Louisiana, in place of Bernard Isaacs. Incumbent's commission expires February 26, 1907.

# MAINE.

Will I. Burrill to be postmaster at Corinna, in the county of Penobscot and State of Maine. Office became Presidential January 1, 1907.

#### MARYLAND.

Ulysses Hanna to be postmaster at Frostburg, in the county of Allegany and State of Maryland, in place of Ulysses Hanna. Incumbent's commission expired January 23, 1907.

William Pearre to be postmaster at Cumberland, in the county of Allegany and State of Maryland, in place of William Pearre. Incumbent's commission expires March 18, 1907.

#### MASSACHUSETTS.

Samuel R. Mosely to be postmaster at Hyde Park, in the county of Norfolk and State of Massachusetts, in place of Sam-Incumbent's commission expired January 22, uel R. Mosely.

Charles L. Scranton to be postmaster at Oak Bluffs (late Cettage City), in the county of Dukes and State of Massachusetts, in place of Charles L. Scranton, to change name of office.

John W. Sproul to be postmaster at Abington, in the county of Plymouth and State of Massachusetts, in place of John W. Sproul. Incumbent's commission expired February 4, 1907.

William H. Twiss to be postmaster at Ashland, in the county of Middlesex and State of Massachusetts, in place of William H. Twiss. Incumbent's commission expired February 11, 1907.

## MICHIGAN.

Charles H. Bostick to be postmaster at Manton, in the county of Wexford and State of Michigan, in place of Victor F. Hunt-ley. Incumbent's commission expired February 11, 1907.

Charles B. Collingwood to be postmaster at Agricultural College, in the county of Ingham and State of Michigan, in place of Charles B. Collingwood. Incumbent's commission expired April

Roland Franklin to be postmaster at Clio, in the county of Genesee and State of Michigan, in place of Roland Franklin. Incumbent's commission expired February 7, 1907.

George W. Freese to be postmaster at Clinton, in the county of Lenawee and State of Michigan, in place of Herbert E. Lindsley. Incumbent's commission expired February 19, 1907. Flora MacLachlan to be postmaster at Grand Marais, in the

county of Alger and State of Michigan, in place of John F. Chisholm, resigned.

Archie R. McKinnon to be postmaster at Shelby, in the county of Oceana and State of Michigan, in place of Archie R. McKin-Incumbent's commission expired February 11, 1907.

Benjamin F. Oakes to be postmaster at East Tawas, in the county of Iosco and State of Michigan, in place of Benjamin F. Incumbent's commission expired February 2, 1907.

Luther E. Sherman to be postmaster at Bessemer, in the county of Gogebic and State of Michigan, in place of Richard J. Bawden, removed.

#### MINNESOTA.

Samuel D. Dower to be postmaster at Wadena, in the county of Wadena and State of Minnesota, in place of Charles C. East-

George W. Kaupp to be postmaster at Blue Earth, in the counof Faribault and State of Minnesota, in place of George W. Buswell, Incumbent's commission expired April 5, 1906.

Albert E. Joslyn to be postmaster at Royalton, in the county of Morrison and State of Minnesota, in place of Albert W. Swanson, resigned.

Augustus Parish to be postmaster at Sandstone, in the county of Pine and State of Minnesota, in place of Angus Gunn. Incumbent's commission expires March 3, 1907.

Christian A. Rasmussen to be postmaster at Red Wing, in the county of Goodhue and State of Minnesota, in place of Christian A. Rasmussen. Incumbent's commission expired February 4, 1907.

Emma C. Taylor to be postmaster at Chaska, in the county of Carver and State of Minnesota, in place of Emma C. Taylor. Incumbent's commission expires March 2, 1907. Adolph J. Veigel to be postmaster at Mankato, in the county

of Blue Earth and State of Minnesota, in place of Clifford L. Benedict. Incumbent's commission expired December. 10, 1906. MISSISSIPPI.

# Robert Burns to be postmaster at Brandon, in the county of

Rankin and State of Mississippi. Office became Presidential January 1, 1907.

#### MISSOURI.

Thomas J. C. Fagg to be postmaster at Louisiana, in the county of Pike and State of Missouri, in place of Thomas J. C. Fagg. Incumbent's commission expires February 24, 1907.

Charles L. Harris to be postmaster at Harrisonville, in the county of Cass and State of Missouri, in place of Charles L. Harris. Incumbent's commission expired May 19, 1906.

Archie T. Hollenbeck to be postmaster at Westplains, in the county of Howell and State of Missouri, in place of Archie T.

Hollenbeck. Incumbent's commission expired January 22, 1907.

Leo W. McDavitt to be postmaster at La Plata, in the county of Macon and State of Missouri, in place of Leo W. McDavitt.

Incumbent's commission expired January 13, 1907.

David B. Ormiston to be postmaster at Linneus, in the county of Linn and State of Missouri, in place of David B. Ormiston. Incumbent's commission expired February 11, 1907.

James Tait, sr., to be postmaster at Polo, in the county of Caldwell and State of Missouri. Office became Presidential January 1, 1907.

#### NEBRASKA.

James N. Brooks to be postmaster at Rushville, in the county of Sheridan and State of Nebraska, in place of James N. Brooks. Incumbent's commission expired February 4, 1907.

Edward G. Hall to be postmaster at David City, in the county of Butler and State of Nebraska, in place of Edward G. Hall. Incumbent's commission expires March 19, 1907.

Lew E. Shelley to be postmaster at Fairbury, in the county of Jefferson and State of Nebraska, in place of Benjamin McLucas. Incumbent's commission expired February 13, 1907.

George W. Shreck to be postmaster at York, in the county of York and State of Nebraska, in place of Theron E. Sedgwick. Incumbent's commission expired April 10, 1906.

Chester H. Smith to be postmaster at Plattsmouth, in the county of Cass and State of Nebraska, in place of Chester H. Smith. Incumbent's commission expired June 12, 1906.

#### NEW JERSEY.

Walter Ball to be postmaster at Merchantville, in the county of Camden and State of New Jersey, in place of Maurice B. Rudderow, removed.

Joseph E. Fulper to be postmaster at Washington, in the county of Warren and State of New Jersey, in place of Oscar Jeffery. Incumbent's commission expires March 2, 1907.

Alfred M. Jones to be postmaster at Summit, in the county of Union and State of New Jersey, in place of Alfred M. Jones. Incumbent's commission expires March 13, 1907.

Frank D. Pedrick to be postmaster at Woodbury, in the county

of Gloucester and State of New Jersey, in place of Charles Walton. Incumbent's commission expires February 26, 1907.

#### NEW YORK.

Charles B. Ball, to be postmaster at Montour Falls, in the county of Schuyler and State of New York, in place of Charles B. Ball. Incumbent's commission expires February 26, 1907.

George R. Cornwell to be postmaster at Penn Yan, in the county of Yates and State of New York, in place of George Cornwell. Incumbent's commission expired February 12,

George N. Deyoe to be postmaster at Johnstown, in the county of Fulton and State of New York, in place of Cyrus Durey. Incumbent's commission expired January 7, 1907.

John L. Kyne to be postmaster at East Syracuse, in the county of Onondaga and State of New York, in place of John L. Kyne. Incumbent's commission expired February 4, 1907.

Adolph Lienhardt to be postmaster at Stapleton, in the county of Richmond and State of New York, in place of Charles

Schmeiser. Incumbent's commission expired February 4, 1907.

#### NORTH DAKOTA.

Roy P. Hubbard to be postmaster at Glen Ullin, in the county of Morton and State of North Dakota. Office became Presidential October 1, 1906.

Donald G. McIntosh to be postmaster at St. Thomas, in the county of Pembina and State of North Dakota, in place of Donald G. McIntosh. Incumbent's commission expired December 10, 1906.

Metzger to be postmaster at Williston, in the Gustave county of Williams and State of North Dakota, in place of Gustave B. Metzger. Incumbent's commission expired February 12, 1907.

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Charles E. Albright to be postmaster at Eaton, in the county of Preble and State of Ohio, in place of John W. Ammerman. Incumbent's commission expired February 2, 1907.

C. W. Coe to be postmaster at Centerburg, in the county of Knox and State of Ohio, in place of Clayton H. Bishop. Incumbent's commission expired January 14, 1907.

Ezra L. Gill to be postmaster at Sunbury, in the county of Delaware and State of Ohio, in place of Ezra L. Gill. Incum-

bent's commission expired January 19, 1907. Walter B. Johnson to be postmaster at Fredericktown, in the county of Knox and State of Ohio, in place of Walter B. John-Incumbent's commission expired February 4, 1907.

Otis T. Locke to be postmaster at Tiffin, in the county of Seneca and State of Ohio, in place of Otis T. Locke. Incumbent's commission expires February 26, 1907.

William H. Surles to be postmaster at East Liverpool, in the

county of Columbiana and State of Ohio, in place of William H. Surles. Incumbent's commission expired February 4, 1907. Cary A. Watts to be postmaster at Peebles, in the county of Adams and State of Ohio, in place of Edward L. Watts, resigned.

Henry B. Wisner to be postmaster at Berea, in the county of Cuyahoga and State of Ohio, in place of Henry B. Wisner. Incumbent's commission expired February 19, 1907.

OREGON.

John R. Casey to be postmaster at Ashland, in the county of Jackson and State of Oregon, in place of John R. Casey. Incumbent's commission expires March 18, 1907.

#### PENNSYLVANIA.

Samuel F. Booher to be postmaster at Kittanning, in the ccunty of Armstrong and State of Pennsylvania, in place of Frank A. Moesta. Incumbent's commission expires March 2,

Joseph H. Denning to be postmaster at St. Clair, in the county of Schuylkill and State of Pennsylvania, in place of Charles L. Ferrebee. Incumbent's commission expired January 26, 1907.

Samuel J. Evans to be postmaster at Slatington, in the county of Lehigh and State of Pennsylvania, in place of William W. Morgan. Incumbent's commission expired January 26, 1907.

Augustus M. High to be postmaster at Reading, in the county of Berks and State of Pennsylvania, in place of Augustus M. High. Incumbent's commission expires March 3, 1907.

William W. Kemble to be postmaster at Tidioute, in the county of Warren and State of Pennsylvania, in place of William W. Kemble. Incumbent's commission expired February 19, 1907.

Joseph I. Latimer to be postmaster at New Bethlehem, in the county of Clarion and State of Pennsylvania, in place of Joseph I. Latimer. Incumbent's commission expires February 26, 1907.
William D. McHenry to be postmaster at Big Run, in the

county of Jefferson and State of Pennsylvania. Office became Presidential January 1, 1907.

John S. Weaver to be postmaster at Mechanicsburg, in the county of Cumberland and State of Pennsylvania, in place of John S. Weaver. Incumbent's commission expires March 2, 1907

Alfred E. Williams to be postmaster at Plymouth, in the county of Luzerne and State of Pennsylvania, in place of Alfred E. Williams. Incumbent's commission expires March 2, 1907.

William W. Wren to be postmaster at Boyertown, in the county of Berks and State of Pennsylvania, in place of William W. Wren. Incumbent's commission expired February 19, 1907. RHODE ISLAND.

James E. Bowen to be postmaster at Central Falls, in the county of Providence and State of Rhode Island, in place of E. Bowen. Incumbent's commission expires February 28, 1907.

James T. Caswell to be postmaster at Narragansett Pier, in the county of Washington and State of Rhode Island, in place of James T. Caswell. Incumbent's commission expired February 11, 1907.

SOUTH CAROLINA.

Susan E. Morton to be postmaster at Due West, in the county of Abbeville and State of South Carolina. Office became Presidential January 1, 1907.

Landrum Padgett to be postmaster at Pelzer, in the county of Anderson and State of South Carolina, in place of Landrum' Padgett. Incumbent's commission expires March 18, 1907.

Alonzo D. Webster to be postmaster at Orangeburg, in the county of Orangeburg and State of South Carolina, in place of Alonzo D. Webster. Incumbent's commission expired February

Brosius to be postmaster at Vermilion, county of Clay and State of South Dakota, in place of Dalton A. Brosius. Incumbent's commission expired June 25, 1906.

Thomas A. Crisman to be postmaster at Redfield, in the county of Spink and State of South Dakota, in place of Frank S. Myers. Incumbent's commission expired June 30, 1906.

William T. Dale to be postmaster at Mellette, in the county of Spink and State of South Dakota. Office became Presidential January 1, 1907.

William W. Downie to be postmaster at Milbank, in the county of Grant and State of South Dakota, in place of William W. Downie. Incumbent's commission expired February 19, 1907.

George Reed to be postmaster at Arlington, in the county of Kingsbury and State of South Dakota, in place of George Reed. Incumbent's commission expired January 20, 1906.

Frank E. Saltmarsh to be postmaster at Miller, in the county of Hand and State of South Dakota, in place of John A. Bushfield. Incumbent's commission expired January 13, 1907.

Delbert W. Wilmarth to be postmaster at De Smet, in the county of Kingsbury and State of South Dakota, in place of Delbert W. Wilmarth. Incumbent's commission expired May 21, 1906.

TEXAS.

J. D. Anderson to be postmaster at Miles Station, in the county of Runnels and State of Texas. Office became Presidential January 1, 1906.

Francis M. Barton to be postmaster at Terrell, in the county of Kaufman and State of Texas, in place of Francis M. Barton. Incumbent's commission expired June 27, 1906.

Charles W. Burr to be postmaster at Eagle Pass, in the county of Maverick and State of Texas, in place of Erwin W. Owen. Incumbent's commission expires February 28, 1907.
W. H. Hoffman to be postmaster at Waco, in the county of

McLennan and State of Texas, in place of William A. Stoner. Incumbent's commission expired February 18, 1907.

Evert Johnson to be postmaster at Jacksboro, in the county of Jack and State of Texas, in place of Jeannette D. McConnell. Incumbent's commission expired January 23, 1904.

Allen Mills to be postmaster at Jewett, in the county of Leon and State of Texas. Office became Presidential January 1, 1907.

VERMONT.

Stanley R. Bryant to be postmaster at Windsor, in the county of Windsor and State of Vermont, in place of Stanley R. Bryant. Incumbent's commission expired February 12, 1907.

B. J. Derby to be postmaster at Burlington, in the county of Chittenden and State of Vermont, in place of B. J. Derby. Incumbent's commission expires March 2, 1907.

L. D. Hazen to be postmaster at St. Johnsbury, in the county of Caledonia and State of Vermont, in place of L. D. Hazen.

Incumbent's commission expired February 19, 1907.

WASHINGTON.

Dan W. Bush to be postmaster at Chehalis, in the county of Lewis and State of Washington, in place of Dan W. Bush. Incumbent's commission expired February 2, 1907.

WYOMING.

Cameron W. Garbutt to be postmaster at Sheridan, in the county of Sheridan and State of Wyoming, in place of William F. Brittain, resigned.

#### CONFIRMATIONS.

Executive nominations confirmed by the Senate February 21, 1907.

MARSHAL.

Charles K. Darling, of Massachusetts, to be United States marshal for the district of Massachusetts.

REGISTERS OF THE LAND OFFICE.

Wesley F. Brittain, of Sheridan, to be register of the land office at Buffalo, in the State of Wyoming.

William W. Wood, of Rushville, Nebr., to be register of the land office at Alliance, Nebr.

PROMOTIONS IN THE NAVY.

Asst. Surg. Harry Shaw to be a passed assistant surgeon in the Navy from the 28th day of October, 1906, upon the completoin of three years' service.

Asst. Surg. Burt F. Jenness to be a passed assistant surgeon in the Navy from the 11th day of November, 1906, upon the completion of three years' service.

POSTMASTERS.

CALIFORNIA.

W. H. Edwards to be postmaster at Vacaville, in the county of Solano and State of California.

HAWAII.

Frank Crawford to be postmaster at Lihue, in the county of Kauai and Territory of Hawaii.

NEW YORK.

Horace L. Burrill to be postmaster at Weedsport, in the county of Cayuga and State of New York.

David G. Montross to be postmaster at Peekskill, in the county of Westchester and State of New York.

George P. Nickels to be postmaster at Rye, in the county of Westchester and State of New York.

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Edmund F. Moore to be postmaster at Lisbon, in the county of Columbiana and State of Ohio.

Tanner R. Snowden to be postmaster at Wellsville, in the county of Columbiana and State of Ohio.

PENNSYLVANIA.

Samuel J. Evans to be postmaster at Slatington, in the county of Lehigh and State of Pennsylvania.

Allen C. W. Mathues to be postmaster at Media, in the county of Delaware and State of Pennsylvania.

Nathaniel B. Miller to be postmaster at North Clarendon, in the county of Warren and State of Pennsylvania.

James H. Wells to be postmaster at Wilcox, in the county of Elk and State of Pennsylvania.

G. Clinton Williams to be postmaster at Spring City, in the county of Chester and State of Pennsylvania.

#### TEXAS

Edward Blanchard to be postmaster at San Angelo, in the county of Tom Green and State of Texas.

George W. Burkitt, jr., to be postmaster at Palestine, in the county of Anderson and State of Texas.

J. J. Cypert to be postmaster at Hillsboro, in the county of Hill and State of Texas.

Harry Harris to be postmaster at Gatesville, in the county of Coryell and State of Texas.

W. H. Ingerton to be postmaster at Amarillo, in the county of Potter and State of Texas.

Johnnie J. Kelly to be postmaster at Eastland, in the county of Eastland and State of Texas.

J. A. Smith to be postmaster at El Paso, in the county of El Paso and State of Texas.

#### WYOMING.

Cameron W. Garbutt to be postmaster at Sheridan, in the State of Wyoming.

# HOUSE OF REPRESENTATIVES.

# Thursday, February 21, 1907.

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and

#### UNALLOTTED LANDS IN ROSEBUD RESERVATION.

The SPEAKER laid before the House the bill (H. R. 24987) to authorize the sale and disposition of a portion of the surplus or unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, with Senate amendments.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to nonconcur in the Senate amendments and ask for a conference,

Mr. WILLIAMS. What are the amendments?
Mr. SHERMAN. There are two main amendments. One is changing the rate of interest the United States is to pay on the fund which is to be put into the Treasury. The House fixes the rate of interest on such fund at 3 per cent. The Senate changed it to 5 per cent.

The other provision is an appropriation for \$15,000, which should be made reimbursable, but the Senate did not make it so.

The SPEAKER. Does the gentleman from New York offer an amendment?

Mr. SHERMAN. No; I ask unanimous consent to nonconcur and go to conference.

The SPEAKER. The gentleman from New York asks unanimous consent to nonconcur in the Senate amendments and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. Sherman, Mr. Burke of South Dakota, and Mr. STEPHENS of Texas.

#### HEZEKIAH DEZARN.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the Clerk's desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill H. R. 830, entitled "An act granting an increase of pension to Hezekiah Dezarn."

The resolution was agreed to.

# MAKING FINAL PROOF IN DESERT-LAND ENTRIES.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25513) extending the time for making final proof in certain desert-land entries.

The Clerk read the bill, as follows:

Be it enacted, etc., That all desert-land entrymen, under the Benton Water Company's canal, in Benton County; State of Washington, who would be required under existing law to make final proof during the year 1907, are hereby given an additional year in which to make such final proof.

The Clerk read the following amendment recommended by the committee:

Add at the end of the bill the following: "Provided, That each entryman claiming the benefits of this act shall, within ninety days after its passage and approval, file in the local land office of the district in which the lands embraced in his entry are located an affidavit describing his lands and stating that he expects to irrigate the same with water from the canal of said company."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time,

was read the third time, and passed.

On motion of Mr. Jones of Washington, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### LOBBYING AT NATIONAL CAPITOL.

Mr. LAMAR. Mr. Speaker, on the 12th day of February I introduced the bill H. R. 25617, a bill to prohibit lobbying at the National Capitol. I think the terms of the bill are more comprehensive than I intended; that they include a class or classes that I did not intend to include. The bill was almost literally from the Georgia statute and aimed at railway lobbying at the Georgia State capitol." It was my intent that the bill should effect that object here. If it is a proper parliamentary procedure, I should like, by unanimous consent, to withdraw the bill from the files of the House. If that is not correct, I would like to ask that the Committee on the Judiciary be discharged from the consideration of the bill and that the bill lie on the table. I will then reintroduce it.

The SPEAKER. The gentleman from Florida asks unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill indicated and that the

same do lie on the table.

Mr. GARRETT. Is it the desire of the gentleman from Florida simply to confine the provision of the bill against lobbying railroad companies?

Mr. LAMAR. It is, I will read the amendment.
Mr. MANN. Mr. Speaker, this does not seem to me to be a matter for debate.

The SPEAKER. Well, the gentleman asked unanimous consent, and, as usual, there is a little play to see whether he is going to get it or not. [Laughter.]

Mr. LAMAR. I will make the bill express what I intended in the first instance, and that is a bill to prohibit lobbying at the National Capitol in behalf of railroads or railway companies engaged in interstate commerce.

Mr. GARRETT. Why not forbid lobbying in regard to other things?

Mr. LAMAR. I am introducing my own bill. I haven't the slightest objection to the gentleman introduced his own bill
Mr. GARRETT. But the gentleman introduced his own bill

in the first instance.

Mr. LAMAR. I am asking to withdraw my own bill and substitute that which I intended and desired

Mr. GARRETT. Well, it is a personal matter, and I do not object.

The SPEAKER. If the Chair understands the request of the gentleman from Florida, it is to discharge the Committee on the Judiciary from the further consideration of the bill indicated and that the bill do lie on the table. Is that correct?

That is correct. Mr. LAMAR.

The SPEAKER. Is there objection?

There was no objection.

Mr. LAMAR. Now I will reintroduce the bill as amended. The SPEAKER. That will have to be done through the box. BRIDGE ACROSS MONONGAHELA RIVER AT PITTSBURG, PA.

Mr. BARCHFELD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25691) to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Liberty Bridge Company, a corporation created and organized under the laws of the State of Pennsylvania, its successors and assigns, be, and it is hereby, authorized to construct and maintain a bridge and approaches thereto over the Monongahela River, in the State of Pennsylvania, from a point of intersection by the center line of South Third street, in the city of Pittsburg, projected to and intersecting the United States harbor line at the south shore of said river, thence by a right line coincident with the center line of said street and being the proposed center line of said bridge, to a point of intersection with the United States harbor line at the north shore of said river.

SEC. 2. That said bridge shall be constructed for the passage of railway trains and for the use of the public as a highway bridge for vehicle and foot passengers, and shall be a lawful structure, and shall be recognized and known as a post route, upon which no higher charge shall be made for the transportation over the same of the mails, the

troops, and munitions of war of the United States than the rate per mile paid for the transportation over the railroads leading to the said bridge, and shall enjoy the rights and privileges of other post-roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraph and telephone purposes: \*Provided\*, That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges in the passage of railroad trains over-the same and the approaches thereto, and foot passengers and vehicles shall have the right of passage over said bridge, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies or others, or any one of them desiring such use, shall fail to agree upon the sum or sums to be paid and upon the rules and conditions to which each shall conform in the use of said bridge, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties.

SEC. 3. That said bridge shall be so built and located that navigation under it shall be reasonably free, easy, and unobstructed, and to secure this condition of navigation the company building the said bridge shall submit to the Secretary of War and the Chief of Engineers for their examination and approval a design and drawing of the bridge and a map of the location thereof, showing sufficient soundings to fully develop the river bed for one-quarter mile above and the sand distance below the bridge, and until the said plan and location are approved by the Secretary of War and unit the said plan and location are approved by the Secretary of War and unit the said company shall, at its own expense, make from time to time such changes shall have previously been submitted to and received the approval of the Secre

With the following amendments:

Strike out all of section 1, after the word "River," in line 7, page 1, and insert the following:
"in accordance with the provisions of the act of Congress approved March 23, 1906, entitled 'An act to regulate the construction of bridges over navigable waters."

Strike out all of sections 2 and 3.

Renumber sections 3 and 4 to sections 2 and 3.

Mr. BARCHFELD. Mr. Speaker, I offer the following additional amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

Page 4, line 10, strike out the word "two" and insert the word "three;" so it will read: "and completed within three years from the date of the approval of this act."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on the amendments.

The question was taken; and the amendments were agreed to. The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time; read the third time, and passed.

On motion of Mr. Barchfeld, a motion to reconsider the last vote was laid on the table.

DISPOSITION OF MINERAL LANDS, NEW MEXICO.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution 415, as amended, which I send to the desk and ask to have read: The Clerk read as follows:

House resolution 415.

Whereas on the 16th day of April, 1906, W. H. Andrews, Delegate to Congress from New Mexico, presented a petition to Congress signed by G. Hauser, H. R. Taylor, and 28 other citizens of said Territory, which petition is as follows, namely:

To the honorable Senate and House of Representatives of the United States in Congress assembled:

We, your petitioners, respectfully represent

That for many years last past the lands comprised in townships 10 north, range 11 west, and 11 north, range 12 west, New Mexico principal meridian, have been commonly known to contain large deposits of

cipal meridian, have been commonly known to contain large deposits of copper ores.

That said lands are within the area granted to the Atlantic and Pacific (now Santa Fe) Railroad Company; that the act of Congress granting said lands to said railroad company excluded and excepted from the terms of the transfer all mineral land, should any such be found to exist, excepting coal and iron.

That some fifteen years ago the railroad company sold a large tract of their lands in the vicinity of the aforesaid townships to Mitchell Brothers; that Mr. Spaulding, father-in-law of Mr. Mitchell, made an examination of the tracts of land to be purchased, and refused to advise the Mitchells to purchase the aforesaid townships, giving as a reason, as he stated on several occasions, that said townships contained copper in such quantities that the lands could not be held under the railroad grant; that at such time no patent had been issued to the railroad company for the lands in said townships; that mining and prospecting and the location of claims has been going on in said townships for many years, and about the year 1900 a large number of min-

ing claims were located in the aforesaid townships and mining has been actively prosecuted ever since.

That about the year 1902 a patent was issued conveying to the Santa Fe Railroad Company all odd-numbered sections of land in said townships; that said patent by its terms and its words excludes and excepts from the terms of the transfer all mineral lands, should any such be found to exist, except coal and iron.

That during the past year the Santa Fe Railroad Company, through its agents, has filed upon or pretended to file upon a number of legal subdivisions of the even-numbered sections of land in said townships, by virtue of forest lieu selections.

That the agents of the railway company who went out to post the notices of such selections on said lands in said townships misrepresented their mission by stating to several miners and prospectors that said agents were going into another neighborhood to look at some timber lands; that the notices of the selection of said lands were posted, if posted at all, in out-of-the-way places very near the ground, where it was only by accident that said notices were discovered at all.

That as the situation row is, those who have located mining claims on the public domain of the United States, and spent a number of years developing same, will now be compelled to yield up their property to the Santa Fe Railroad Company, or spend a great deal of time and money contesting in order to establish their legal rights.

Believing that when persons in good faith locate on the public domain their rights should be protected by the Government, we respectfully petition:

fully petition

That an examination of the lands in townships 10 north, range 11 west, and 11 north, range 12 west, New Mexico principal meridian, be made under authority of and at the expense of the Government; that after a full hearing such of said lands as are found to contain mineral be withdrawn from the grant to the railroad company and any patent covering such lands canceled, same having been issued either through mistake as to the character of said lands or procured by fraud and misrepresentation as to the character of the land.

II. That the laws requiring notices of selections of public lands be so amended as to require such notice to be posted on a board designated therefor at the post-office nearest the land so selected.

III.

That such other legislation be enacted as will make it forever impossible for any person, drm, or corporation to ever procure title to large areas of mineral lands in defiance of the rights of the real discoverers and of the actual settlers in said tract.

Respectfully,

G. HAUSER, H. R. TAYLOR, (And 28 others).

Therefore, be it

Resolved, That the Secretary of the Interior is hereby respectfully directed to advise the House of Representatives of the United States what, if any, disposition has been made of the lands comprised in townships 10 north, range 11 west, and 11 north, range 12 west, New Mexico principal meridian.

Second and whether any of said lands contain deposits of contains.

ico principal meridian.

Second. And whether any of said lands contain deposits of copper or any other minerals except coal and iron, and whether any mining or prospecting had been done on said lands or any location of mining claims made thereon prior to 1902, when patents were issued to the Santa Fe Railway Company for the odd-numbered sections in said town-

ships.

Third. And also whether said railroad company has, for either itself, its agents, or any assignee of any of its lieu forest-reserve land scrip, filed such scrip on any of the even-numbered sections of land in said townships; and if so, by whom and when were such filings made, and were they made on any mineral lands on which mining locations were previously made.

With the following amendments:

In line 2 strike out the word "advise" and insert the word "in-

sistent

orm."
In line 3, after the word "States," insert the words "if not inconstent with the public interests."
In line 12, after the word "patents," strike out the word "were" and insert "are alleged to have been."
In line 4, page 5, after the word "any," insert the words "of said;" that it will read "any of said mineral lands."
Strike out the preamble.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to have some explanation of this resolution.

Mr. STEPHENS of Texas. Mr. Speaker, I will state that in the reservation known as the Atlantic and Pacific Railroad Reservation, in New Mexico, there were certain township lands that mining prospectors had been on before the railroad company had had its grant extended over those lands. These prospectors have expended quite a lot of money in developing mines on this property. It seems that the railroad and the miners are contesting as to whether it is mineral land, and the question is to ascertain from the Secretary of the Interior what reports have been made. We are asking for information as to what reports he has on file relative to this being mineral or nonmineral land.

nonmineral land.

Mr. PAYNE. This is only to obtain information?

Mr. STEPHENS of Texas. Information strictly, that is all.

It comes from the Committee on Public Lands.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to. The SPEAKER. The question now is on agreeing to the resolution as amended.

The question was taken; and the resolution was agreed to.

The SPEAKER. Without objection, the preamble will be stricken ont.

There was no objection.

EXTENDING TIME FOR OX BOW POWER COMPANY TO CONSTRUCT DAM ACROSS MISSOURI RIVER.

Mr. DIXON of Montana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25672) to amend an act entitled "An act to authorize the Ox Bow Company, of South Dakota, to construct a dam across the Missouri River," which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 2 of chapter 1821 of the laws of 1894, approved April .28, 1904, is hereby amended to read as follows:

"Sec. 2. That this act shall be null and void unless the structures herein authorized shall be commenced within one year and completed within six years from the date of approval thereof."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third

reading of the bill.

The bill was ordered to be engrossed and read a third time. read the third time, and passed.

The title was amended.

TO RATIFY LEASE WITH SENECA INDIANS.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24125) to ratify a certain lease with the Seneca Nation of Indians, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That a lease bearing date September 21, 1906, between the Seneca Nation of Indians on the Cattaraugus and Allegany reservations, in the State of New York, and Charles M. L. Ashby, of Boston, Mass., is hereby ratified and confirmed.

With the following amendments:

In lines 6 and 7 strike out the words "Boston, Mass." and insert the words "Eric County, N. Y.," in lieu thereof.

The SPEAKER. Is there objection?
Mr. SULZER. Mr. Speaker, reserving the right to object, 1

would like to have some explanation regarding this bill.

Mr. SHERMAN. Mr. Speaker, this is a bill to ratify a lease made by the Seneca Nation of Indians to the man named therein, to be used mainly for the purpose of taking sand from that portion of the reservation which is not allotted, that por-tion of the reservation which is called "common." The lease The lease is made by the council of the nation in regular assembly, and its ratification is desired by the nation.

Mr. SULZER. Mr. Speaker, I would like to ask the gentleman a question. Has this resolution been favorably reported

by the committee?

The committee has reported it unanimously: Mr. SHERMAN. and there is provision in the lease, of course, for compensation, \$5 per acre for every acre used, plus 10 cents per yard for every yard of sand which is carried away from the reservation, plus 8 per cent in the net profits of the transaction.

Mr. SULZER. Then, as I understand the gentleman, this lease only refers to sand, not to oil or anything of that kind?

Mr. SHERMAN. It might refer to other things. The lease says "to enter thereon, dig thereon, excavate thereon, work thereon, and remove therefrom such sand, metal, or mineral products as he or they may see fit or not, etc.," but the expectation is, I understand, to remove sand. That is the prime object of the lease. There may be some others, but the lease provides that if other materials are found there is an additional royalty to be paid to the Indians thereon.

Mr. SULZER. I think this resolution ought to specify sand

and no other mineral.

Mr. SHERMAN. The resolution is simply to confirm the The lease is made by the Indians. Here is the original Now, this is a proposition to confirm the lease; that is all this resolution is.

Mr. STEPHENS of Texas. If the gentleman will permit me to ask this question, I think we may get at an explanation. I believe the Indian agent has agreed to this under the direction

of the Commissioner of Indian Affairs.

Mr. SHERMAN. The lease was made subject to the knowledge of the Indian Office, but these lands are not like ordinary Indian lands where the Department has the right to pass upon a lease to approve or disapprove of it. This is not land the title to which was in the United States. It is a peculiar situation, that the old colony of Massachusetts owned the land and it came into the possession of these Indian tribes, so that the Attorney-General has held that the Department has no right to act upon a lease as it has in other cases

Mr. SULZER. Mr. Speaker, I would like to ask the gentleman from New York if any oil or iron or other minerals have been found on this land of the Seneca Indians in the State of New York?

Mr. SHERMAN. Why, I think oil has been found on them. I do not know whether any other substance has been or not.

Mr. SULZER. Is not the real object of this resolution to get the oil and not the sand?

Mr. SHERMAN. I understand not. I understand this lease is not made for the purpose of procuring oil. I got that statement from the gentleman from New York [Mr. Alexander], who is not now in the Hall and who is the introducer of the bill.

When was this resolution favorably reported Mr. SULZER.

unanimously from your committee?

Mr. SHERMAN. January last—a few weeks ago.
Mr. SULZER. Mr. Speaker, I am in some doubt about this matter, and would like to have it go over for the present, so that I can investigate the subject.

The SPEAKER. The gentleman from New York objects.

PROHIBITING SHANGHAIING IN THE UNITED STATES.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25190) to amend sections 1, 2, and 3 of an act entitled "An act to prohibit shanghaiing in the United States," approved June 28, 1906.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of the bill, which

the Clerk will report.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That sections 1, 2, and 3 of an act entitled "An act to prohibit shanghaling in the United States," approved June 28, 1906, be amended so as to read as follows:

"Whoever, with intent that any person shall perform service or labor of any kind on board of any vessel engaged in trade and commerce among the several States or with foreign nations, or on board of any vessel of the United States engaged in navigating the high seas or any navigable water of the United States, shall procare or induce, or attempt to procure or induce, another, by force or threats or by representations which he knows or believes to be untrue, or while the person so procured or induced is intoxicated or under the influence of any drug, to go on board of any such vessel, or to sign or in any wise enter into any agreement to go on board of any such vessel to perform service or labor thereon, or whoever shall knowingly detain on board of any such vessel any person so procured to go on board thereof or to enter into any agreement to go on board thereof by any means herein defined, or whoever shall knowingly aid or abet in the doing of any of the things herein made unlawful shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

Sec. 2. That sections 1, 2, and 3 of the act hereby amended are repealed.

pealed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Sherley, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### U. S. S. LOUISIANA.

Mr. FOSS. Mr. Speaker, I submit a privileged report on House resolution 833, a resolution of inquiry, and I call for the reading of the resolution and the report.

The SPEAKER. Does the gentleman report the resolution

Mr. FOSS.

The SPEAKER. The gentleman from Illinois presents the following resolution, which the Clerk will report,

The Clerk read as follows:

The Clerk read as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to inform the House of Representatives of the nature, character, and extent of the work now being done upon the U. S. S. Louisiana at the navy-yard, New York; whether such work was originally required to be done by the contractors under the contract for the construction of said vessel; the estimated cost of said work; the amount, if any, deducted from the contract price and not paid to the contractors by reason of the said work not being done by them; the time that has elapsed since said work was begun and the additional time that will be required to complete said work; and the reasons for stating in the "Report of Progress of Naval Vessels," dated June 11, 1906, that the said U. S. S. Louisiana, as reported by the Navy Department, was 100 per cent completed.

Also the following report from the Committee on Naval Affairs

Also the following report from the Committee on Naval Affairs was read:

The Committee on Naval Affairs, to whom was referred House resolution No. 833, after a careful consideration beg to favorably report the same with the following amendments:

In line 2, after the word "directed," insert "if not incompatible with the public interest."

In line 3, after the word "work," insert the words "if any."

In line 7, after the word "vessel," insert the words "if so, why the contractors did not perform said work."

In line 16, after the word "completed," insert "if in fact said vessel was not completed on said day."

The SPEAKER The question is on account to the

The SPEAKER. The question is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to. The SPEAKER. The question is on agreeing to the resolution as amended.

The question was taken; and the resolution as amended was agreed to.

DAM ACROSS MISSISSIPPI RIVER, MORRISON COUNTY, MINN.

Mr. STEVENS of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 8377) to amend an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State approved June 4, 1906.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of a Senate bill, which the Clerk will report.

The Clerk read as follows:

which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That section 1 of an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906, be, and the same is hereby, amended so as to read as follows:

"Section 1. That the consent of Congress is hereby granted to the Pike Rapids Power Company, a Minnesota corporation, its successors or assigns, to construct and maintain across the Mississippi River a dam, canal, and works necessary incident thereto for water power and supply purposes at a point between sections 20, 29, and 32 in township 128 north, range 29 west of the fifth principal meridian, and sections 17 and 20, in township 39, range 32 west of the fourth principal meridian, in Morrison County, Minn.: Provided, That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of the same: And provided further, That the said the Pike Rapids Power Company, its successors or assigns, shall not deviate from such plans after such approval, either before or after the completion of said structures, unless the modifications of such plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: And provided further, That there shall be placed and maintained in connection with said dam a sluiceway so arranged as to permit logs, timber, and lumber to pass around, through, and over said dam without unreasonable delay or hindrance and without toll or charges: And provided further, That the dam shall be so constructed that the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes, and may at any time, without compensation, control the said dam so far as shall be necessary for the purposes of navigation, but shall not destroy the water power deve

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, for the present I object.

#### PUBLIC LANDS FOR CEMETERY PURPOSES.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6229) to authorize the sale of public lands for cemetery purposes, together with certain committee amendments and one amendment which I offer.

The SPEAKER. The gentleman from Idaho asks unanimous consent for the present consideration of a bill, which the Clerk

will report.

The Clerk read as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell and convey to any municipal corporation, religious or fraternal association, or private corporation, empowered by the laws under which such corporation or association is organized or incorporated to hold real estate for cemetery purposes, not to exceed 40 acres of any unappropriated nonmineral public lands of the United States for cemetery purposes, upon the payment therefor by such corporation or association of the sum of not less than \$1.25 per acre.

Also the following amendments, recommended by the committee, were read:

In line 4 strike out the words "municipal corporations." In line 8 strike out the word "forty" and insert the word "eighty."

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if he proposes to offer an amendment to the effect that the land shall revert to the United States in case it is not used?

Mr. FRENCH. The Clerk has my amendment to that effect;

Mr. FINLEY. Mr. Speaker, reserving the right to object, I

think this ought to be explained.

Mr. FRENCH. The bill is simply a general bill to obviate the necessity of passing numerous special bills granting a little tract of land to some church or some fraternal organization for cemetery purposes. The words "municipal organizations" the committee recommended should be stricken from the bill, because there is already a general law covering that. The bill simply extends this privilege to fraternal, charitable, and religious organizations, and organizations for cemetery purposes. have also offered an amendment that a good many seem to think should be offered, providing that the land should revert to the United States should the same cease to be used for the purposes granted in the bill.

Mr. FINLEY. Now, as to the price.

Mr. FRENCH. Not less than \$1.25 an acre, or at \$1.25, I believe.

Mr. FINLEY. Is it intended to fix that sum as the standard price of lands to any and all such corporations?

Mr. FRENCH. At not less than \$1.25 per acre, and the definite amount rests with the Department.

Mr. WILLIAMS. I would like to ask the gentleman this question: This is land taken by religious and charitable associations, but as I understand to be taken by them solely for cemetery purposes.

Mr. FRENCH. It must be used exclusively for cemetery purposes, and the amendment I propose to offer provides that if it should cease to be used for cemetery purposes it shall revert

to the Government.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding, after the word "acre," in line 2, page 2, the fol-

Amend by adding, and lowing:
"Provided, That title to any land disposed of under the provisions of this act shall revert to the United States should the land cease to be used for the purpose herein provided."

Describe gentleman mean by that amend-

Mr. FINLEY. Does the gentleman mean by that amendment all of the land or any part of it? Suppose this corporation should dispose of a part of the lands?

Mr. FRENCH. I would have no objection to saying "the land or any part thereof," if I may have the opportunity.

Mr. FINLEY. I think that should go in, at least.

Mr. LACEY. The difficulty of that, Mr. Speaker, I wish to

call to the attention-

The SPEAKER. The Clerk will read the amendment as proposed to be amended.

The Clerk read as follows:

Provided, That title to any lands, or any part thereof, disposed of under the provisions of this act shall revert to the United States should the lands cease to be used for the purpose herein provided.

The SPEAKER. Is there objection?

Mr. LACEY. Mr. Speaker, I will object to that amendment in that form. That amendment would practically nullify the bill, because it is only 80 acres anyhow, and suppose there was some one buried on 40 acres, and no one buried on the other 40,

then the other 40 would be forfeited.

Mr. FINLEY. Then, Mr. Speaker, I object to the bill.

The SPEAKER. Objection is heard.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT ST. LOUIS, MO.

Mr. MURPHY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk. The Clerk read as follows

A bill (H. R. 25629) to repeal the act of February 27, 1901, granting authority to the East St. Louis and St. Louis Bridge and Construction Company, of the city of East St. Louis, Ill., to build, own, operate, and maintain a bridge across the Mississippi River.

operate, and maintain a bridge across the Mississippi River.

Be it enacted, etc.. That the act approved February 27, 1901, entitled "An act amending an act entitled "An act authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county,' approved March 3, A. D. 1897," granting consent to the East St. Louis and St. Louis Bridge and Construction Company, of the city of East St. Louis, of the county of St. Clair and State of Illinois, a corporation organized under the laws of the State of Illinois, its assigns, successor, grantees, mortgagee, representatives, and successors in interest, to build, own, operate, and maintain a bridge and approaches thereto, as hereinafter described, across the Mississippi River from some point between the north line of St. Clair County, Ill., and the southwest line of said county to the city of St. Louis, State of Missouri, be, and the same is hereby, repealed.

The SPEAKER. Is there objection? [After a pause.] The

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MURPHY, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### REGISTRATION OF TRADE-MARKS.

Mr. BONYNGE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk. The Clerk read as follows:

A bill (H. R. 25474) to amend sections 5 and 6 of an act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same."

The Clerk proceeded to read the bill.

Mr. MANN. Mr. Speaker, to save time, for the present I shall object.

The SPEAKER. The gentleman from Illinois objects.

# LEAVE TO EXTEND REMARKS.

Mr. MORRELL. Mr. Speaker, I ask unanimous consent to extend remarks in the Record on the public schools of the District of Columbia.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve self into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 25745)sundry civil appropriation bill; and, pending that motion, I ask unanimous consent that general debate may be closed at the conclusion of the statement of myself and the gentleman from Alabama [Mr. TAYLOR], not to exceed an hour.

The SPEAKER. Is there objection?
Mr. WILLIAMS. Reserving the right to object-

Mr. BURKE of South Dakota. I would like the attention of the chairman of the committee. I desire to know if there would be given opportunity for debate on some of the questions that are in this bill. I refer particularly to the item that makes appropriation for the special service of the General Land Office.

Mr. TAWNEY. I would say to the gentleman from South Dakota that one reason why general debate is not extended or asked for any greater length of time is in view of that suggestion, that there are a number of items in the bill that will necessarily provoke a great deal of discussion under the five-minute rule. There will be no disposition on the part of myself to unreasonably curtail debate when those several items are reached in the reading of the bill. Another reason, Mr. Speaker, for making this request is that it is getting somewhat late in the session, the bill is a very large one, covering 200 pages, the reading of it will require a great deal of time, and we ought to pass it and send it to the Senate just as soon as we possibly It is for that reason, Mr. Speaker, that I ask unanimous consent that general debate may be closed with the statement of myself and the gentleman from Alabama [Mr. Taylob], which statements shall not exceed one hour.

Mr. TAYLOR of Alabama. Mr. Speaker, I am perfectly willing to give that unanimous consent so far as I am individually concerned; but since the chairman of the committee rose I have had several requests for time. Consulting only my personal feelings, individually, I would be perfectly willing, but there are

matters that gentlemen on this side wish to discuss.

Mr. TAWNEY, I think I know the items in the bill which the gentlemen wish to discuss who have requested time from the gentleman from Alabama. They can have ample opportunity for discussion when those items are reached in the bill. I have in mind what the gentleman refers to, something in connection with St. Elizabeth's Hospital.

Mr. TAYLOR of Alabama. I wish that time should be allowed on that proposition. The gentleman from Florida desires to discuss the report of the investigation of the Insane Asylum. I have requests from one or two on this side who

desire to discuss that proposition.

Mr. TAWNEY. Well, the gentleman from Alabama and other gentlemen can readily see that if time is given on one side for the discussion of that question it will necessarily require a like amount of time on this side. We will then get into a discussion between the minority and the majority members of the special committee appointed for the purpose of investigating the administration of St. Elizabeth's Hospital, and I hope the gentleman will not object to my request.

Mr. TAYLOR of Alabama. Individually, I have no objection. Mr. KEIFER. I have no objection to the question raised by the chairman of the Committee on Appropriations, but I wish to say that there are one or two important matters contained in the bill on which a liberal time for debate ought to be allowed, the time to be occupied to be pertinent to the question, as there are two or three matters proposed to be omitted from the bill

for the first time in the history of this country.

Mr. PRINCE. The gentleman from Ohio has asked the question that I desired to ask, whether there would be given a liberal time under the five-minute rule for the discussion of those questions

Mr. TAWNEY. I have already stated that there will be no attempt on my part to curtail the time for discussion pertinent

to the subject under the five-minute rule.

Mr. SULZER. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Clark] have half an hour.

Mr. TAWNEY. I can not consent to that.
The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. CLARK of Florida and Mr. SULZER. I object.

Mr. CLARK of Missouri. Mr. Speaker—
The SPEAKER. Does the gentleman from Missouri object? Mr. CLARK of Missouri. I will unless I can get a reply from the chairman of the committee. I have no doubt but what you

would carry out what you say in perfect good faith so far as you are concerned; but there are 385 other members, and any one of them can cut off any man from further debate after five minutes by objecting.

Mr. TAWNEY. . I want to make the further statement: This

Mr. SULZER. Mr. Speaker, I will object unless the gentle-man from Minnesota agrees that the gentleman from Florida [Mr. Clark] shall have half an hour.

The SPEAKER. Objection is made. Mr. TAWNEY. I give notice, Mr. Speaker, that upon going into the Committee of the Whole, after the statement, I shall move to rise and return to the House for the purpose of closing general debate.

The question is on the motion that the The SPEAKER. House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the sundry civil

appropriation bill.

The question was taken; and the motion was agreed to. Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 25745—the sundry civil appropriation bill with Mr. Watson in the chair.

Mr. TAWNEY. I ask unanimous consent that the first read-

ing of the bill be dispensed with.

Mr. SULZER. I object, unless the gentleman from Minnesota gives the gentleman from Florida half an hour. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. SULZER. I object.
The CHAIRMAN. The Clerk will read the bill.
The Clerk began the reading of the bill.
Mr. WILLIAMS. Mr. Chairman—
The CHAIRMAN. For what purpose does the gentleman from Mississippi rise?

Mr. WILLIAMS. I will ask what page is the Clerk reading from?

The CHAIRMAN. Page 26.
Mr. WILLIAMS. I should like to have the Chair ask the Clerk if he is skipping at all in his reading?

Mr. TAWNEY. Regular order, Mr. Chairman.
Mr. WILLIAMS. Oh, I have the right to make this inquiry.
The CHAIRMAN. The Chair can not inform the gentleman from Mississippi about that. The presumption is that every officer of the House is performing his duty in accordance with the rules of the House, and all that the Chair can do is to direct the Clerk to be very careful in turning the pages, which the Chair has no doubt the Clerk has already done.

Mr. WILLIAMS. I asked the question for the reason that I have just been informed by a Member of the House—a Republican—that the Clerk did skip about a page. I did not notice it myself, but I should like to have the Chair tell the Clerk that

the chair has already instructed the CHAIRMAN. The Chair has already instructed the Clerk.

The Clerk proceeded with the reading of the bill.

Mr. TAWNEY. I now renew my request that the further first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?
Mr. WILLIAMS. Mr. Chairman, when the request was made Mr. WILLIAMS. before there was objection made by a Member of the House who is not now in his seat.

Mr. CLARK of Florida. I object.

The CHAIRMAN. Objection is made. The Clerk will read. The Clerk proceeded with the reading of the bill.

Mr. GRIGGS. Mr. Chairman

The CHAIRMAN. For what purpose does the gentleman

Mr. GRIGGS. I rise to ask unanimous consent to suspend the further reading of the bill and give the gentleman from The CHAIRMAN. The gentleman from Georgia asks unani-

mous consent that the further first reading of the bill be dispensed with and that the gentleman from Florida [Mr. CLARK] be permitted to speak on the bill for a period of thirty minutes. Is there objection.

Mr. TAWNEY. I object.
Mr. SULZER. You take the responsibility. [Laughter.]

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Burke of Pennsylvania having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 24991. An act making appropriations for the construction, repair, and preservation of certain public works on rivers

and harbors, and for other purposes.

The message also announced that the Senate had passed without amendment bill (H. R. 14464) for the relief of Wiley Corbett.

#### RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON of Ohio. Mr. Speaker, I note that the river and harbor bill has just been reported from the Senate. I ask unanimous consent that the House nonconcur in the Senate amendments and ask for a conference.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that the House nonconcur in the Senate amendments and ask for a conference on the river and harbor bill. Is there objection?

Mr. MANN. Mr. Speaker, is that in order when the committee rises informally?

The SPEAKER pro tempore. By unanimous consent only. Is there objection.

There was no objection.

The SPEAKER pro tempore. If there be no objection, the Chair will appoint the conferees.

There was no objection.

The SPEAKER pro tempore appointed as conferees on the part of the House on the river and harbor bill Mr. Burton of Ohio, Mr. Dovener, and Mr. Bankhead.

## SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session,

Mr. SULZER (when the Clerk had reached page 116 of the bill). Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SULZER. I ask unanimous consent that the further reading of the bill be dispensed with, and that the gentleman from Florida [Mr. Clark] have thirty minutes to address the committee.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the further reading of the bill be dispensed with, and that the gentleman from Florida [Mr. Clark] have thirty minutes to address the committee. Is there objection?

Mr. TAWNEY. I object.

The Clerk proceeded and finished the reading of the bill.

Mr. TAWNEY. Mr. Chairman, in submitting the sundry civil appropriation bill to the House for its consideration and passage I feel that it is my duty to call attention to some facts which tend to indicate the probable aggregate appropriation which will be made at this session of Congress. I do this in the hope that from now until the close of the session each individual Member may feel and realize the necessity of exercising the utmost care in the discharge of his duty as a Representative in respect to appropriations, and also for the purpose of preventing—what is now threatened—a larger aggregate of appropriations at this session of Congress than at any previous session in the history of the Government.

The responsibility for the appropriations which are passed by Congress does not rest upon the Committee on Appropriations alone. Our responsibility in this respect is an individual as well as a collective responsibility. Nor is it a party responsibility, for in respect to the appropriation of money by Congress for the expenditures of the Government there can be but one policy regardless of which political party is in control of Congress or in control of the Government, and that policy is the policy of economical expenditure of the public funds which should at all times obtain. Therefore, the representatives of both parties, whichever may be in control, should so act as not to make unnecessary appropriations or enlarge necessary appropriations beyond reasonable demands of the public service.

It is not possible at this time in the closing hours of the session to forecast with accuracy the total aggregate appropriations for the fiscal year 1908. We have, however, sufficient information to enable us to predict with some certainty that unless proposed increases in appropriations are not checked this session of Congress will, in the aggregate amount appropriated, exceed the aggregate appropriations of any previous session. The facts upon which this statement is based are presented, as I have before said, in the hope that both branches of Congress, as well as the conference committees of the two Houses now considering appropriation bills, may scrutinize more closely the necessities of the public service and the necessity of appropriating for specific objects than has been done thus far during this session.

I do this, Mr. Chairman, not in any spirit of criticism, but for the purpose of appealing to the membership of this House to aid in every way possible in keeping down the appropriations and to keep out of the appropriation bills unnecessary amounts, so that the record of this session at the end may not be what it now gives promise of being.

The Government of the United States is expending altogether too much money in performing functions that do not belong to it, in the doing of that which it does not devolve upon the Federal Government to do, but upon the States. Congress at this time is altogether too anxious to accept from the States the voluntary surrender of the exercise of rights reserved to the States and the exercise of which involves the expenditure of money. To this, more than to any other one thing, may be attributed the rapidly increasing demands upon the Federal Treasury and the increase in the aggregate of appropriations for

civil expenses.

The total estimates for appropriations for all purposes for the fiscal year 1908, as submitted in the Book of Estimates at the beginning of this session, aggregate \$895,690,643.68. These regular estimates are exceeded in five of the annual supply bills which have passed the House, or have passed both Houses and are now in conference, by \$22,919,298.96. In addition to this the obligations created by legislation now pending between the two Houses in the river and harbor bill and the naval bill equal \$73,634,523. In addition to this we have supplemental estimates for the sundry civil expenses of the Government of \$13,000,000, making a total of \$1,005,244,468.64, which includes the amount of the annual estimates, or the permanent and annual appropriations, supplemental estimates, and obligations fixed by the river and harbor and naval bills, and by the supplemental sundry civil estimates. If we assume that the appropriations as finally passed will equal in the aggregate these estimates less 10 per cent, or if they carry only 90 per cent of the estimates, the amount appropriated would then be \$904,720,-021.78, which would be more than has ever been appropriated at any session of Congress, in war or peace, since the beginning of our Government.

It is not possible at this time to estimate with certainty the revenues of the Government for the fiscal year 1908, for which we are now making these large appropriations; but taking the revenues of the current year and the increase in these revenues over the revenues of the last fiscal year, which were greater than ever before in any fiscal year, as a basis, it is fair to estimate that the revenues of the Government during the fiscal year 1908 will not greatly, if at all, exceed the sum of \$804,573,246. It will be seen, therefore, that if the several appropriation bills now under consideration are not materially reduced before they are finally passed, we must expect, and will have to take the consequences for, a deficit in our public expenditures, which deficit, under the estimates which I have made, may reach the sum of \$100,000,000.

It may be said that a part of these appropriations are reimbursable to the Treasury, notably the \$25,000,000 appropriation to carry on the work of constructing the isthmian canal. This I grant you, sir, is true, and to that extent this deficit would be reduced; but I want to call the attention of every Member of this House the fact that in the statement I have just made I have not included appropriations which must be made, or that have been made, during this session for which no estimates have been submitted, but which appropriations are required and made necessary by the terms of the legislation which we have enacted at this session or will enact before the close of the session. There are several other reimbursable items, and there may be some permanent appropriations which may not be drawn upon during the next fiscal year; but, Mr. Chairman, the amount of the reimbursable items for which we are now appropriating may be offset by the additional amounts made necessary to meet the obligations created by laws which we have enacted and for which no estimates have been submitted at this session of Con-

I feel confident that I am not overdrawing the situation as it presents itself to both Houses of Congress to-day. In fact, I have eliminated many items which at the end of this session I fear will be found in some of the appropriation bills when they are approved by the Chief Executive. I therefore appeal to the patriotic sense of duty of every Member of this House to do what he can to aid in keeping down the aggregate of our appropriations to the extent that it is consistent with the best interests of the public service to do so.

In this connection I want to call attention to another fact. The aggregate amount carried by the regular annual appropriation bills coming from the Committee on Appropriation, namely, the District of Columbia appropriation bill, the fortifications, the legislative, the pension, and the sundry civil appropriation

bills, is \$228,330,021.66, as reported to the House. The regular estimates submitted to Congress at the beginning of the session for these various Departments and purposes, carried in these bills, was in the aggregate \$297,413,438.48. In other words, the bills as reported out of the Committee on Appropriations reduced the estimates \$9,083,416.74. The other eight regular annual appropriation bills, namely, the agricultural, Army, diplomatic and consular, Indian, Military Academy, naval, post-office, and river and harbor, as reported to the House from the committees having them in charge, carried appropriations aggregating \$434,634,340.02. The regular annual estimates for these bills as submitted to Congress at the beginning of the session aggregated \$448,390,825.28, or \$13,656,545.26 more than the amount the bills carried as they were reported to the House. So far as the House is concerned, in dealing with the estimates submitted to Congress, I maintain that we have a very creditable record. Most of the reductions, however, in the bills last named are on account of the large reduction in the naval appropriation bill and also a reduction in the Army appropriation bill, both of which bills notwithstanding carry very large authorizations for the expenditure of money, part of which must be met during the fiscal year 1908.

In conclusion, Mr. Chairman, let us hope that when the final record of this session is made up the appropriations will not aggregate the amount which present conditions indicate, and that they will be within the revenues of the Government.

In respect to the bill under consideration, the subcommittee has spent over four weeks in its consideration and in analyzing the estimates for the sundry civil expenses during the fiscal year 1908. The estimates submitted aggregate \$114,094,517. The bill carries \$103.872,540.63. This includes \$24,979,000 toward the construction of the Panama Canal and is reimbursable to the Treasury of the United States, so that the net amount carried which will be a charge against the revenues of the Government for the fiscal year 1908 aggregates \$78,993,540.23, which is very considerably less than the current sundry civil appropriation bill.

I shall not at this time occupy the time or attention of the House in discussing the details of the bill. The bill your committee has reported to the House we believe to be as free from objections as it is possible to make a bill of this magnitude. Your committee has given the utmost care and scrutiny to all of the estimates and the most careful consideration to every project proposed. The sundry civil bill, unlike all the other appropriation bills, except the river and harbor bill, is practically a new bill every year. It provides for new service, it provides for new projects, and therefore requires more time, more attention, more scrutiny in its consideration than does any of the great appropriation bills. We have provided amply, I think, for every branch of the public service, notwithstanding the fact that we have reduced the estimates and recommend far less than has been estimated for the sundry civil expenses during the next fiscal year.

Mr. Chairman, I do not care to occupy any more time, and I yield to my colleague on the committee, the gentleman from Alabama [Mr. Taylor], such time as he may desire for any personal statement he may wish to make, and reserve the balance of my time. [Applause.]
Mr. TAYLOR of Alabama rose,

The CHAIRMAN. The Chair will recognize the gentleman from Alabama.

Mr. Chairman-Mr. SULZER.

The CHAIRMAN. For what purpose does the gentleman rise? Mr. SULZER. I was going to ask for recognition. Nobody else seems to want to be recognized.

The CHAIRMAN. The gentleman from Alabama [Mr. Tay-LOR] has been recognized by the Chair, and has the floor.

Mr. TAWNEY. Mr. Chairman, I yielded such time as the gentleman may desire for his personal explanation, and reserve the balance of the time.

The Chair so understood. The CHAIRMAN.

Mr. TAYLOR of Alabama. Mr. Chairman, I shall not attempt to review with the chairman of the committee the expenditures of this Congress nor the actions of other committees in charge of appropriations other than those of the Committee on Appropriations, of which I am a member. My remarks shall be confined entirely to this bill and appropriations for the sundry civil expenses of the Government for the current fiscal year. It will be found by an examination into the history of this particular bill that in 1887 practically \$23,000,000 was the amount of this bill. Ten years later, in 1897, \$33,000,000 was the amount of the bill, an increase of some 50 per cent in the ten years from 1887 until 1897. In the ten years from 1897 until now you will find that this bill to-day carries \$104,000,000, which is about three times as much, or 300 per cent increase in

the last ten years. This bill is purely a business bill. There is not a particle of politics in the bill which is now before the House that I can find. It was practically agreed upon unanimously by the subcommittee, after a most careful investigation into every item of which it is composed. There were differences among us, but those differences simply inquired into what was the best to be done under the circumstances with every individual item, so when it was brought into the general, or full, committee the same almost practical unanimity was found there. There are not a half dozen points of difference between the subcommittee and the full committee on all the great and various items that are comprehended in this bill. For that reason, and because it comprehends such a variety of detail, I will not attempt to go into any of the questions that divided the committee, either in the subcommittee or in the whole committee, except to say that they are confined to three or four questions, such as the investigation of the conditions surrounding woman and child labor, the transportation of silver coin, and reductions in the work of the Geological Survey. I apprehend you will find that these reductions will be the most serious question debated in the further consideration of this bill. The size of this bill, so far as I can see, only demonstrates the size of this country and the great increase in our business.

I am ready, so far as I am personally concerned, Mr. Chairman, to proceed with the consideration of the bill under the five-minute rule.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Watson, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25745, and had directed him to report that it had come to no resolution thereon.

#### NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the naval appropriation bill with Senate amendments, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the naval appropriation bill, to disagree to the Senate amendments, and ask for conference

Mr. CLARK of Florida. What bill is that?

The SPEAKER. The naval appropriation bill.

Mr. WILLIAMS rose.

Mr. Speaker, I wish to say I have conferred with Mr. FOSS. the leading minority Member [Mr. MEYER], and this action is agreeable to him.

Mr. WILLIAMS. All right, I have no objection; but I did not happen to see any of the minority Members of the committee in their seats.

The SPEAKER. The Chair will announce the following con-

The Clerk read as follows:

Mr. Foss, Mr. Loudenslager, and Mr. Meyer.

UNITED STATES COURT, DISTRICT OF SOUTH CAROLINA.

The SPEAKER laid before the House the bill (H. R. 22334), to amend an act to regulate the sitting of the United States courts within the district of South Carolina, with Senate amendments.

The Senate amendments were read.

Mr. JENKINS. Mr. Speaker, I move that the House agree to the Senate amendments.

The question was taken; and the Senate amendments were agreed to.

# SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 25745) and pending that motion I move that general debate on the bill be closed, and upon that motion I ask for the previous question.

Mr. SULZER. I object, Mr. Speaker. The SPEAKER. The gentleman from Minnesota [Mr. Taw-NEY] moves the House resolve itself into the Committee of the Whole House on the state of the Union for the further con-sideration of the sundry civil appropriation bill, and, pending that motion, moves that general debate be closed on that bill, and demands the previous question.

The question was taken; and there were on a division (demanded by Mr. WILLIAMS)—ayes 161, noes 41.

So the previous question was ordered.

The SPEAKER. The question is on the motion that general debate on the bill be closed.

The question was taken: and there were on a division (demanded by Mr. Sulzer)—ayes 165, noes 47.

Mr. CLARK of Florida. Mr. Speaker, I demand the yeas

The question was taken on ordering the yeas and nays.

The SPEAKER. Fifteen gentlemen have arisen, not a sufficient number, and the yeas and nays are refused. The question is on the motion of the gentleman from Minnesota [Mr. Tawner] that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The question was taken; and the motion was agreed to.
Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, with Mr. WATson in the chair.

Mr. TAWNEY. Mr. Chairman, I ask that the Clerk proceed

with the reading of the bill.

The CHAIRMAN. General debate has been closed, and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Alexandria, Minn., post-office: For site and for completion of building under present limit, \$15,000.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman is recognized for five min-

Mr. SULZER. Mr. Chairman, my purpose in making this mo-AIT. SULZER. Mr. Chairman, my purpose in making this motion at this time is to call the attention of the House to the fact that this morning when this bill was taken up I asked that the gentleman from Florida [Mr. Clark] might have thirty minutes in which to discuss a question of great public moment concerning the long-delayed reports on the investigation of the St. Elizabeth Insane Asylum. The gentleman from Minnesota Mr. Elizabeth Insane Asylum. St. Elizabeth Insane Asylum. The gentleman from Minnesota [Mr. TAWNEY] in charge of the bill refused to grant my colleague on this side of the House the brief time of thirty minutes to discuss something he has been studying for over a year, and the reports regarding that investigation only came in the

Mr. PAYNE. Mr. Chairman, I make the point of order that the gentleman is not talking to his motion.

The CHAIRMAN. The Chair, up to this time, sustains the point of order. The gentleman will please confine himself to the paragraph.

Mr. SULZER. Mr. Chairman, how many more minutes have

I left?

The CHAIRMAN. The gentleman has four minutes remain-

The CHARMAN. The gentleman has four minutes remaining in which to discuss the paragraph.

Mr. SULZER. Mr. Chairman, I would like the gentleman from Minnesota [Mr. TAWNEY] to give me a little information regarding the paragraph under discussion, if he can.

Mr. TAWNEY. If the gentleman from New York is competent to state what information he wants, I can tell him whether

I can give it to him or not.

Mr. SULZER. I notice this post-office is in the gentleman's What I wish to know is this: For what purpose is this additional \$50,000 required?

Mr. TAWNEY. To build a post-office that Congress author-

ized at the last session of Congress.

Mr. SULZER. Exactly; and now I would like to inquire whether the gentleman has appropriated the necessary money in this bill to build all other post-offices in this country which the Congress has authorized?

Mr. TAWNEY. We have—
Mr. SULZER. I think the gentleman is in error. How about

Mr. TAWNEY. If Congress has authorized it. Mr. SULZER. Yes; Congress has authorized the new postoffice for New York City, and as yet not a dollar has been appropriated to begin putting up the building. It is the old story. The gentleman has been good to his own State [laughter], but has been very economical to other States, and has done nothing for New York City. By reason of the gentleman's obstinacy four hours of the time of the House have been wasted because the gentleman would not give a Member of this House thirty minutes on an important question.

Mr. PAYNE. I make the point of order—
Mr. SULZER (continuing). If the gentleman desires to continue, I doubt if he can get this bill through the House for several days to come. I think it is quite remarkable that the gentleman has, right at the very head [laughter] of this bill, an appropriation of \$15,000 for the completion of a post-office in Minnesota. But if you will turn over to New York, you will find there is nothing in it for New York City, and that city pays more money into the Post-Office Department every year than any other ten post-offices in the United States. no place in this country where post-office facilities have been so crippled by reason of the neglect of proper legislation as in the great city of New York. It is not fair; it is not just; and I want to call the attention of the House to the matter now, just as I did a few moments ago call the attention of the House to the fact that the gentleman from Minnesota has wasted four hours of our time here to-day simply because he would not consent to give one of our Members thirty minutes to discuss a most important question.

Now, Mr. Chairman, when we reach the city of New York I shall offer an amendment and have something more to say about the urgent needs of the post-office there, and I hope that gentlemen on that side of the House who represent the city of New York will stand up in their places and explain why in this appropriation bill there is no provision for building the new post-office in New York City heretofore authorized by Congress, whereas if you take this bill you will find that at the very head of the second page \$15,000 is appropriated to build a post-office away out in Minnesota. Now, what is sauce for the goose ought to be sauce for the gander—New York should be treated as fairly as Minnesota—and I am going to see to it if can that the gander gets as much of the sauce as the goose. [Laughter.]

The Clerk read as follows:

For rental of temporary quarters for the accommodation of certain Government officials at Cedar Rapids, Iowa, \$3,000; and the provision of the act approved June 30, 1906, making appropriations for the sundry civil expenses of the Government, which provides that all expenses incident to the occupancy of the building in question shall be paid from the sum of \$10,000 then appropriated for rent of temporary quarters at Cedar Rapids, Iowa, is hereby repealed.

Mr. CLARK of Florida. Mr. Chairman, I desire to make the point of order on page 5, beginning at line 5, down to and including line 13. I make the point of order that the whole paragraph is new legislation.

The CHAIRMAN. The gentleman makes the point of order that this paragraph is new legislation.

Mr. SMITH of Iowa. May I ask the gentleman whether he makes the point of order against the appropriation or the repealing clause?

Mr. CLARK of Florida. I make it as to the whole paragraph, from line 5 down to and including line 13. That certainly comes

within the rule.

Mr. SMITH of Iowa. Mr. Chairman, the committee concedes the point of order, and I offer the following amendment.

The CHAIRMAN. The Chair sustains the point of order, and the gentleman offers the following amendment.

The Clerk read as follows:

On page 5, after line 4, insert: . "For rental of temporary quarters for the accommodation of certain Government officials at Cedar Rapids, Iowa, \$3,000."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CLARK of Florida. I renew the point of order as to the amendment offered by the gentleman from Iowa, for the same

The CHAIRMAN. "For rental of temporary quarters for the accommodation of certain Government officials at Cedar Rapids, Iowa." Is there a previous authorization?

Mr. SMITH of Iowa. Mr. Chairman, I simply want to state the facts. The city of Cedar Rapids is in the district represented by my colleague [Mr. Cousins]. A bill was passed providing for the complete reconstruction of the Government building, and consequently the officers had to be moved out of the Government building. Last year the bill carried \$10,000 to pay for these temporary quarters that are occupied by the Government under a lease of this building furnished by these individuals, and this is simply a continuation of the appropriation for the current fiscal year.

The CHAIRMAN. Under the statement of the gentleman from Iowa the Chair is clearly of the opinion that this is not subject to the point of order, and therefore overrules the point of order. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

The Secretary of the Treasury is hereby authorized and directed to expend from the appropriation heretofore made for the United States post-office building at Clarinda, Iowa, not to exceed the sum of \$5,000 for the purpose of securing a suitable site for said building.

Mr. CLARK of Florida. Mr. Chairman, I make the point of order to the language on page 6, beginning with line 5, down to and including line 9. It is new legislation. It seeks to divert funds heretofore appropriated for the construction of a public building, or part of the fund, for the purchase of a site for the public building. It is entirely new legislation, and I make the

The CHAIRMAN. The gentleman from Florida makes the point of order as to all that portion of the bill on page 6 be-tween lines 5 and 9, inclusive. Does the gentleman from Iowa

desire to be heard on the point of order?

Mr. HEPBURN. Mr. Chairman, at the last session of Congress an appropriation of \$10,000 was made for the purpose of beginning the erection of a building at this place. This is simply a limitation upon that appropriation, no more. It is not a change of existing law, further than that it limits the use of that appropriation.

The CHAIRMAN. The Chair would like to ask the gentleman from Iowa what, if any, provision was made in regard to the purchase of a site in the authorization of a year ago?

Mr. HEPBURN. There was no provision made.
Mr. TAWNEY. The proposition is to divert \$5,000 of the aggregate amount authorized and make it applicable for the purchase of a site upon which the building is to be erected.

The CHAIRMAN. What was authorized a year ago?

Mr. TAWNEY. The construction of a post-office at this place,

at a limit of cost of \$40,000.

The CHAIRMAN. Including both building and site?

Mr. TAWNEY. There was nothing mentioned in regard to

The CHAIRMAN. Nothing whatever? Mr. TAWNEY. I understand from the gentleman from Iowa that the proposition was that the site was to be donated by the people in the city of Clarinda. That is not now possible, and this proposition involves the diversion of \$5,000 of the amount originally appropriated for the purchase of the site upon which to erect the building that has been authorized. It does not involve any increase in the appropriation at all. No site was included heretofore.

The Chair would like to ask the gentle-The CHAIRMAN. man from Iowa whether or not the Secretary of the Treasury is directed by this section to do something that he can not now do under existing law and under the present authorization?

Mr. HEPBURN. Yes, sir.

The CHAIRMAN. Does or does not the gentleman from Iowa regard that as a change of existing law?

Mr. HEPBURN. I think that it is a change of existing law and would be subject to this rule but for the fact that there has been an appropriation of money. Now, I understand that a direction as to the particular use of that appropriation is simply a limitation upon it and has not been under the ruling of the Chair heretofore regarded as obnoxious to this rule.

The CHAIRMAN. The Chair understands that in a negative direction this would undoubtedly be a limitation on the appropriation, but here seems to the Chair to be something of an affirmative direction to the Secretary of the Treasury to do something that he can not now do under existing law. However, the Chair thinks it is a very close question, having examined it in another matter on this bill.

Mr. CLARK of Florida. Mr. Chairman, just a word on the

point of order.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Florida, if the gentleman from Iowa has concluded.

Mr. CLARK of Florida. I just simply desire to say this: From the statement of the gentleman from Minnesota and of the gentleman from Iowa it appears that a previous Congress appropriated a sufficient amount of money for the construction appropriated a sufficient amount of money for the construction of a public building. The law making that appropriation is in force to-day. Now it is sought by this legislation to divert a part of that fund, created under this former act, from the purpose for which it was intended. Therefore it unquestionably becomes a change of existing law. As the Chair very properly remarked, the Secretary of the Treasury has not the power under the existing law to divert this sum for the purchase of a site, and it is essential that another act be passed so changing the law as to give him the power, and unquestionably it is a the law as to give him the power, and unquestionably it is a change of existing law.

The CHAIRMAN. Does the gentleman from Iowa desire to

be heard further?

Mr. HEPBURN. No, sir.

The CHAIRMAN. Or the chairman of the committee?

Mr. TAWNEY. I do not.
The CHAIRMAN. The authorization of a year ago contains the following language, in section 7:

Provided, That in each of the cities mentioned in this section a suitable site, satisfactory to the Secretary of the Treasury, is sold to the United States at a cost not to exceed the sum of \$1.

And then follows a list of the post-offices to be constructed under those circumstances, the sites being practically donated by the city. The United States post-office at Clarinda, Iowa, was

one of the post-offices to be constructed on a site to be donated

by the city of Clarinda, or to be obtained at the price of \$1.

Mr. CLARK of Florida. If the gentleman from Iowa will permit me just a moment, out of deference to my friend, I will withdraw the point of order in this case.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Howell having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 24925. An act making appropriation for the naval service for the fiscal year ending June 30, 1908, and for other pur-

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 22338. An act to bridge Bayou Bartholomew in Louisiana.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 5290) providing for the allotment and distribution of Indian tribal funds, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAPP, Mr. SUTHERLAND, and Mr. STONE as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment House concurrent resolution of the following

#### House concurrent resolution 56.

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House and the Secretary of the Senate are hereby authorized and directed to permit Jacob Ruppert, Jr., to affix his name as one of the managers of the conference on the disagreeing votes of the two Houses on the bill S. 4403, "An act to regulate the immigration of aliens into the United States," approved March 3, 1903.

#### SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Houston, Tex., post-office and court-house: For continuation of building under present limit, \$100,000; and the Secretary of the Treasury is hereby authorized to enter into contracts for the construction and completion of the building at a total cost not to exceed \$200,000, including the sums herein and heretofore appropriated, but exclusive of the cost of site.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment to that paragraph. It is a misprint. The word "including." in line 21, should read "in addition to."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 12, line 21, strike out the word "including" and insert the words "in addition to."

The amendment was agreed to.

The Clerk read as follows:

Mason City, Iowa, post-office: For completion of building under present limit, \$50,000.

Mr. HAUGEN. Mr. Chairman, I offer the following amendment

The Clerk read as follows:

Mason City, Iowa, post-office: For additional land, \$500.

The amendment was agreed to.

The Clerk read as follows:

New Orleans, La., post-office and court-house: For continuation of building under present limit, \$250,000; and the Secretary of the Treasury is hereby authorized to enter into contracts for the construction and completion of the building, at a total cost not to exceed \$850,000, exclusive of the sums herein and heretofore appropriated, but exclusive of the cost of site.

Mr. MANN. Mr. Chairman, I reserve the point of order to get an explanation. I notice a number of items of this kind where the bill authorizes the letting of contracts. Why is not this covered in the public-building bill?

Mr. TAWNEY. I will say to the gentleman that there are

just four cases.

Mr. MANN. This is the fourth case and there is another one. There are cases at Richmond, New Orleans, Houston, Atlanta,

and Johnson City. Mr. TAWNEY. Mr. TAWNEY. This is an authorization carried in the last public-building bill, but the limit of cost fixed by that bill in these cases was not specifically stated in all of the four cases. Perhaps the purpose was to make it appear that the public-building bill carried a less amount than appeared on the surface.

Mr. MANN. I would like to ask if this meets with the approval of the gentleman from Missouri, the chairman of the Committee on Public Buildings and Grounds, who announced a few days ago that he was not going to let the Committee on Ap-

propriations usurp the functions of his committee.

Mr. BARTHOLDT. Mr. Chairman, I wish to say that this paragraph is clearly in order, because it is authorized in the last public-building bill.

Mr. MANN. It is not in order as far as that is concerned.

If it is in order, it has no place in the bill.

Mr. BARTHOLDT. Yes; it has a place in the bill for this reason; because this is the only bill which makes appropriation, while the bill which the Committee on Public Buildings and Grounds prepares only authorizes expenditures. In that bill we carried a total amount of \$1,300,000 for New Orleans, and the exact amount was appropriated in the last sundry civil bill; and this is an additional amount, so that the Supervising Architect of the Treasury Department can go ahead and contract for the completion of the building.

Mr. MANN. The public-building bill is the bill that carries the authority to the Secretary of the Treasury to enter into contracts. This bill carries the appropriation, item it carries both the appropriation and the authority to enter into the contract. So I say that it is usurping the functions of the Committee on Public Buildings and Grounds, which the gentleman announced to us he would not permit the committee

to do.

BARTHOLDT. The authorization was carried in the Mr. last bill.

Mr. MANN. What is the object of putting it into this bill and leaving it out of the other item?

Mr. BARTHOLDT. It was necessary to repeat the phraseology of the bill providing for the public building passed at the

Mr. MANN. Does the gentleman mean to tell the committee that in this specific item it is necessary to repeat the phrase-ology of the public-building bill and is not necessary to repeat it on each of the other items identically alike as far as public buildings are concerned?

Mr. BARTHOLDT. No; but if the gentleman will investigate, he will find that they are not alike, for the reason that in all the other items the total amount, the total limited cost, was

fixed in the bill.

Mr. MANN. Mr. Chairman, in view of the lucid and clear explanation of the gentleman from Missouri, which nobody understands, I withdraw the point of order. [Laughter.]

The Clerk read as follows:

New York, N. Y., assay office: For continuation of the enlargement, extension, remodeling, or improvement of building under present limit, \$150,000.

Mr. SULZER. Mr. Chairman, I offer the following amendment, to come in immediately after that paragraph.

The Clerk read as follows:

New York, N. Y., post-office: For continuing building of new post-office on site at East Thirty-fourth street, in the city of New York, \$1,000,000.

Mr. TAWNEY. Mr. Chairman, to that I make the point of

order that the law does not authorize it.

Mr. SULZER. Mr. Chairman, I would like to be heard for a The point of order made by the gentleman from few moments. Minnesota may be correct, but I wish to call his attention to the fact that almost every one of the appropriations for these new post-office buildings, which I have not objected to, were also subject to a point of order.

Mr. TAWNEY. If the gentleman from New York will permit

Mr. SULZER. One moment. If the gentleman from Minnesota is going to insist on his point of order against the New York City post-office, the great distributing mail center of this country, the most important post-office in this country, then I shall be compelled to raise a point of order on every other single item in this bill. Now, Mr. Chairman—
Mr. TAWNEY. Mr. Chairman, will the gentleman now per-

mit an interruption?

The CHAIRMAN. Will the gentleman yield?

Mr. SULZER. Certainly. Mr. TAWNEY. What law is there that authorizes the construction of the post-office building in the city of New York?

Mr. SULZER. Mr. Chairman, I call the gentleman's attention to the act, which after years of struggle in the House we finally got through, to build the new post-office in the city of New York within the depot at the terminus of the Pennsylvania Railroad. We paid the Pennsylvania Railroad \$3,000,000 for the right in perpetuity to build this post-office within their new railroad depot, which is going to be the greatest depot in the world—
Mr. TAWNEY. Will the gentleman permit another interrup-

That authority was for the purchase of the site.

Mr. SULZER. The Government bought the site.
Mr. TAWNEY. I am asking the gentleman what legislative

authority there exists to-day for the construction of the build-

Mr. SULZER. Absolutely none. That is the reason I am offering this amendment.

Mr. TAWNEY. And that is the reason I make the point of

Mr. SULZER. I want to say that the Pennsylvania Railroad Company is now constructing this depot, and it is incumbent upon the Government to construct within the depot this new post-office

Mr. TAWNEY. Will the gentleman permit another interrup-

tion?

Mr. SULZER. Certainly. Mr. TAWNEY. Did the gentleman from New York call upon the committee or any member of the Committee on Appropria-

Mr. SULZER. I did not.

Mr. TAWNEY. And request that this or any other item in respect to the construction of the post-office in New York should

be carried in this bill? Mr. SULZER. I did not, because I knew it was useless, but I did think that certain Republican Members from the city of New York, especially a distinguished Republican [Mr. Lit-TAUER | on the committee from the State of New York, after all that has been printed in the newspapers concerning this new post-office, and after all the petitions which were poured into this House regarding the matter, would surely have seen to it that the money was appropriated for this new post-office; but be that as it may

Mr. TAWNEY. Will the gentleman permit another interrup-

tion?

Mr. SULZER. Certainly,
Mr. TAWNEY. In justice to his colleague on the Committee
on Appropriations, the gentleman ought also to state that the Committee on Appropriations is not a legislative committee.

Mr. SULZER. That is my point. Then why are we legislat-

ing in this bill?

Mr. TAWNEY. And had the gentleman's colleague on the committee secured the money for the construction of this building, it would have been in violation of law and would have gone out on a point of order.

The CHAIRMAN. A point of order has been made—
Mr. SULZER. This is a very important matter—not to me
personally, because I get my mail down town [laughter], but
I am talking now for the Representatives uptown and their

constituents.

The CHAIRMAN. The Chair desires to state to the gentleman from New York the parliamentary status. The point of order has been made.

Mr. SULZER. So I understand. The CHAIRMAN. And therefore it is incumbent on the Chair to rule

Mr. SULZER. I ask the gentleman to reserve his point of order for a minute

The CHAIRMAN. Does the gentleman consent to reserve his point of order?

Mr. TAWNEY. I have made the point of order.

The CHAIRMAN. The gentleman has made the point of order.

But he can reserve it.

The CHAIRMAN. And the Chair is compelled to rule, and the Chair sustains the point of order.

Mr. SULZER. But the gentleman can reserve his point of

Mr. TAWNEY. How much time does the gentleman want? Mr. SULZER. Oh, say two minutes. Mr. TAWNEY. I reserve the point of order in order that

the gentleman may speak for two minutes on the construction of the post-office in New York not authorized by law.

The CHAIRMAN. It is somewhat irregular, but the gentle-

man is recognized for two minutes.

Mr. Chairman, just a word in answer to what Mr. SULZER. the gentleman from Minnesota [Mr. TAWNEY] has said about an appropriation not authorized by law. No doubt he is aware of one hundred or more items in this bill which are subject to points of order and are not authorized by law.

Mr. TAWNEY. He is not aware of that, and it is not the fact.

Mr. SULZER. Now, I have only got two minutes. The gentleman gave me only two minutes, and I hope he will not deprive me of any of that time. I am talking here for the Government. The Government is interested in this matter. If the Pennsylvania Railroad Company goes on and builds the new depot and the Government does not build the new post-office within it while this other work is going on, it may cost the Government

three and maybe five times more money hereafter to do it than it would cost if we would appropriate it now. It was suggested on the floor of this House, and it was understood by Congress and the Secretary of the Treasury, that just as soon as the Pennsylvania Railroad began to construct its depot in the city of New York the Government would immediately begin the construction of the new post-office within that depot.

Now, Mr. Chairman, Congress is not keeping faith with the city of New York; it is not keeping faith with the Secretary of the Treasury; it is breaking faith under the act of this Congress with the Pennsylvania Railroad Company. Now, every Member from the city of New York is aware of the fact that there is nothing so important to the citizens of New York City and the people of this country as the quick distribution of the mails. Nearly all foreign mails come to New York City and are distributed from there. More than a quarter of all the mails of the United States in one way or the other come to New York and are distributed from there to the ends of the earth, and that can not be done expeditiously without proper facilities, and the post-office in New York City has not now the facilities to do it. That is all there is to it. The Republicans must take the responsibility for this delay, for this breach of faith, for this deplorable condition of postal affairs and facilities in the city of New York.

The CHAIRMAN. The time of the gentleman has expired. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

Niagara Falls, N. Y., post-office: For completion of building under present limit, \$36,250.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word for the purpose of making a very brief statement. My colleague from New York City [Mr. Sulzer] very correctly says that the completion of this new post-office is of great importance to those of us who live uptown in New York City. We paid \$1,660,000, not \$3,000,000, to the Pennsylvania Railroad for the site. If we have an appropriation this year of \$1,000,000, we could not use it, and I want to say to my friend from New York-

Mr. SULZER. My friend is mistaken about the price.

Mr. BENNET of New York. When we come here to Congress for an appropriation for that purpose we want a great deal more than a million dollars.

Mr. SULZER. What I am asking for now would be a good starter.

Mr. BENNET of New York. All we could use this year is \$100,000 for the supports on top of the work which the Pennsylvania Railroad Company is doing-

Mr. SULZER. Will the gentleman permit a question?

Mr. BENNET of New York. In just a moment. And before this Congress adjourns I think we will find a way to get that \$100,000, which is all the Treasury Department informs us we can use this year.

Mr. SULZER. I just want to ask my colleague, the gentle-man from New York, if he is opposed to an appropriation now

to begin the building of this new post-office?

Mr. BENNET of New York. When it is clearly insufficient; yes. I want \$5,000,000, not \$1,000,000.

Mr. SULZER. Does not my colleague think that one million now is enough with which to start? I understood him to say only \$100,000 can be spent this year, and that he wants \$5,000,000. My colleague is inconsistent.

Mr. BENNET of New York. We would like to get that and the five million afterwards.

Mr. SULZER. Does the gentleman think he can get five mil-

lion from this Congress?

Mr. BENNET of New York. We do not want it.
Mr. SULZER. Then I understand my friend does not want anything for the new post-office from this Congress?
Mr. BENNET of New York. We want \$100,000.
Mr. SULZER. What assurance can the gentleman give that

New York City will get even that \$100,000 for the new post-

Mr. BENNET of New York. You watch us. [Laughter.]

Mr. SULZER. You need watching. [Laughter.]

The CHAIRMAN. The pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

North Adams, Mass., post-office: For site and for continuation of building under present limit, \$50,000.

Mr. SULZER. Mr. Chairman, I make the point of order against that paragraph in regard to North Adams.

What is the point of order? The CHAIRMAN.

Mr. SULZER. That it is new legislation.
Mr. LAWRENCE. Mr. Chairman, the public-building bill passed at the last session of Congress contained an authorization | for all of the new buildings authorized in that act, and instead

of \$115,000 for a site and building at North Adams, Mass. The sundry civil bill passed during the same session appropriated \$40,000 under that authorization. The pending item appropriates \$50,000 more under the authorization contained in the public-building bill to which I have referred, and is clearly within the law.

Mr. SULZER. I would like to ask the gentleman if the site

has been purchased?
Mr. LAWRENCE. The Government has selected the site.

Mr. SULZER. But the site has not been purchased? Mr. LAWRENCE. The title has not been passed.

Mr. SULZER. That is the point I desire to make. Money is appropriated for a building long before a site for it has been

How intensely absurd it all is when we consider New York City has a site and can not get the money for the building.

Mr. LAWRENCE. I will say to the gentleman that the site has been selected, and all that remains to be done is to perfect the title. As soon as that is done the Government will go on with the construction of the building. An additional appropriation is therefore necessary. It is clearly within the existing law. I do not care to argue it further.

The CHAIRMAN. The Chair is prepared to rule.

Mr. SULZER. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Paris, Ill., post-office: For site, and for continuation of building der present limit, \$30,000.

Mr. SULZER. A point of order, Mr. Chairman. I desire to ask the chairman of the committee if this appropriation was authorized in the public-building bill?

authorized in the public to Mr. TAWNEY. What building is it?
Mr. TAWNEY. What building is it?
Mr. SULZER. The Clerk will inform the gentleman.
The CHAIRMAN. The point of order has been made by the gentleman from New York [Mr. SULZER] against lines 20 and 21 on page 20, the post-office at Paris, Ill.
Mr. TAWNEY. That building was authorized by the last

I would like to ask the gentleman if he knows Mr. SULZER. whether the site has been selected.

Mr. TAWNEY. I can tell the gentleman.
Mr. JAMES. What is the item that the point of order is made to—Paris, Ky.? [Laughter.]
The CHAIRMAN. Paris, Ill.

Mr. TAWNEY. The site had not been purchased at the time we had the hearings, but the Supervising Architect informed the committee that the negotiations were almost completed and will be before the expiration of this session of Congress.

Mr. SULZER. Mr. Chairman-Mr. TAWNEY. And the amou And the amount estimated is the amount that can be expended during the fiscal year 1908 in the construction of the building.

Mr. SULZER. Mr. Chairman, what the gentleman has just said bears out most conclusively all I have said in criticism of this kind of legislation. We are appropriating money here in every paragraph for new post-offices in cities, towns, and villages all over the country where the site has not even been selected, and in New York City, where the site was selected several years ago, we do not appropriate a dollar for the new postoffice building.

The CHAIRMAN. The Chair is ready to rule.

Mr. SULZER. That is the commentary I desire to make upon this matter, and I intend to go on making the same commentary, notwithstanding the assurance of my colleague from New York [Mr. Benner] that he is sure he is going to get a wee little bit of a hundred thousand dollars for a new post-office in the great city of New York. I withdraw the point of order. [Laughter.]

The Clerk read as follows:

Portland, Me., couft-house: For continuation of building under present limit, \$125,000; and the appropriation of \$25,000 for the post-office at Portland, Me., made in the sundry civil appropriation act for the fiscal year 1907, is hereby made available for the court-house in said

Mr. SULZER. A point of order, Mr. Chairman.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. SULZER. I make the point of order.

The CHAIRMAN. The Chair is ready to rule. Mr. SULZER. It is a change of existing law.

The CHAIRMAN. Does the gentleman from Minnesota [Mr. TAWNEY] desire to be heard on the point of order?

Mr. TAWNEY. I will state the facts to the Chair. The last public-building bill authorized the construction of a court-house at Portland, Me., fixing the limit of cost, and the Department sent the estimate up here at the closing hours of the session

of using the language of the act—that is, the word "court-house"—they used the word "post-office." The appropriation, therefore, is unavailable for the construction of the courthouse for the reason that the money was appropriated for a post-office. It is simply to change—

Mr. MANN. Is it the same authorization?

Mr. TAWNEY. Identically the same authorization.

Mr. MANN. The same building?

Mr. MANN. The same building:
Mr. TAWNEY. And it is the same building.
Mr. SULZER. I would like to say that under the rules the
paragraph is clearly subject to a point of order, as it changes existing law, which can not be done under the rule on an appropriation bill.

The CHAIRMAN. The Chair desires to ask the gentleman from Minnesota [Mr. TAWNEY] whether or not the post-office in

question was authorized by the act of a year ago?

Mr. TAWNEY. It was not. The authorization is for a court-house.

The CHAIRMAN. Was the court-house authorized?

Mr. TAWNEY. The court-house is authorized.
Mr. BARTHOLDT. If the gentleman will permit, I will say

that the authorization was for the court-house.

The CHAIRMAN. The Chair desires to ask this question, Whether or not this is a reappropriation of an unexpended balance of a sum that was appropriated for a lawful object?

Mr. BARTHOLDT. If the gentleman will permit me, I can

state the facts. The public-building act made an appropriation for a court-house, but in making the appropriations in the sundry civil bill the building was designated as a post-office instead as a court-house, and this is simply to correct the error.

The CHAIRMAN. Does the gentleman desire to be heard

further on the point of order?

Mr. SULZER. I trust the Chair is not in doubt about the

The CHAIRMAN. The Chair overrules the point of order. The Clerk read as follows:

Provo. Utah, post-office: For site and for completion of building under event limit, \$45,000.

Mr. SULZER. Mr. Chairman, I would like to ask the gentleman from Minnesota-

The CHAIRMAN. Does the gentleman move to strike out

I move to strike out the last word for the Mr. SULZER. purpose of making an inquiry. I desire to ask the gentleman from Minnesota if this post-office has been authorized by law?

Mr. SMITH of Iowa. It has been.

Mr. SULZER. Authorized?

Mr. SMITH of Iowa. Yes, sir.

The Clerk read as follows:

Rawlins, Wyo., post-office: For site and for continuation of building under present limit, \$40,000.

Mr. SULZER. I move to strike out the last word, for the purpose of making an inquiry. I would like to know from the gentleman from Minnesota if there is any law authorizing this appropriation?

The CHAIRMAN. The gentleman from New York moves to strike out the last word, and asks for information from the gentleman from Minnesota about line 14, page 22

Mr. TAWNEY. That is authorized by existing law.
Mr. SULZER. I would like to ask the gentleman, then, if this site has been selected?

Mr. TAWNEY. If the gentleman will turn to page 52 of the hearings he will find what the Supervising Architect said in regard to it:

The site has been selected, and in order that building operations may be prosecuted with dispatch it is desired that an appropriation in the limit be made of \$40,000 instead of \$20,000 asked for in the estimates.

Mr. SULZER. I withdraw the pro forma amendment.
Mr. NORRIS. Mr. Chairman, I desire to ask the chairman of
the committee a question that applies to the words that are here used and takes in nearly all of these items that we are considering for purchase of sites and continuation of buildings. I understand the sites have been purchased prior to this time, and why is it that the committee continues to use that language?

Mr. TAWNEY. Because it is the authorization in the public

building act.

Mr. NORRIS. As a matter of fact, you can not use that language here for the particular appropriation in this bill for the purchase of the site.

Mr. TAWNEY. The purchase of the site has already been made. The site has been purchased, and this is not an authorization for the purchase of the site.

Mr. NORRIS. That states that. Mr. TAWNEY. Site and building. Mr. NORRIS. The site has been purchased under a prior

appropriation, and as a matter of fact if we undertook to appropriate any more money for site it would be subject to the point of order, as I take it, because it has already been purchased.

Mr. PAYNE. They could purchase an addition to the site.
Mr. NORRIS. Not if they have used the appropriation.
Mr. PAYNE. If the law authorizes the use of it for the purchase of site and to complete the building they are following

the language of the original law

Mr. TAWNEY. It is a title that is carried on the Treasury

books in connection with every one of these public buildings: "For site and construction of buildings."

Mr. NORRIS. Even if that is true, it is not the intention to purchase any more site is it? Then if that is so, why should we appropriate money for the purpose of continuing purchases?

Mr. TAWNEY. We are not. The Clerk read as follows:

Rochester, N. Y., court-house and post-office: For completion of extension of building under present limit, \$70,000.

Mr. GAINES of Tennessee. I move to strike out the last word for the purpose of making an inquiry. I should like to ask the gentleman from Minnesota who fixes the plans of these various buildings that we are putting up all over the United States?

Mr. TAWNEY. The Supervising Architect, and there are a great many of them.

Mr. GAINES of Tennessee. They are under the practical control of the Supervising Architect; I understand that. know him very well, and I think very well of him; but my information has been-I can not just exactly tell where I it, possibly from the newspapers—that in addition to having this splendid corps of architects in the Department, paid full salaries, kept in office all the time, that we employ outside architects at a large expense to the Government. Now, I myself investigated for the purpose of finding out whether or not that was true to any extent, and the result of that investiga-tion, as well as I recollect, is that he did not have enough architects down there to do this immense work, and they did have a good deal of it done by outsiders at a large expense. Does the gentleman know about that; and if so, how much do we pay for architects outside of the regular architects we have?

There are no architects planning or con-TAWNEY. structing any public building unless express authority for such employment is given; and it is rarely given-only in such cases as the construction of the post-office in Chicago, which is a very large building; otherwise the work is done by the Supervising Architect and the force of draftsmen and architects he has in the Department.

Mr. GAINES of Tennessee. Now, was there not another architect used for the new improvements at Annapolis?

Well, that is true; but they are not being Mr. TAWNEY. constructed by the Treasury Department; and I do not suppose that the Navy Department has a sufficient organization of that kind to enable them to prepare plans for buildings of that magnitude.

Mr. GAINES of Tennessee. Well, now, are not the men grad-uated at Annapolis sufficiently learned in the art of construction to put up such a building as that without going to outside architects?

Mr. TAWNEY. That is a subject on which I am not able to answer the gentleman. I have never gone into the question, and I do not know whether these men are learned in this profession.

Mr. GAINES of Tennessee. My information is that they are. Mr. SMITH of Iowa. There is no course in architecture at Annapolis.

Mr. TAWNEY. I will ask the gentleman if he knows whether there is a course of architecture at Annapolis?

Mr. GAINES of Tennessee. Well, they know how to con-

struct a ship.

Mr. TAWNEY. That remains to be seen.

Mr. GAINES of Tennessee. They have done it. A young man of the Navy from my district, Mr. John Rhum, helped to build the Oregon, and I think men who can construct a man-ofwar like the Oregon can certainly construct a better building than we have at Annapolis.

Mr. CRUMPACKER. I understand the practice to be for the Supervising Architect to invite the submission of plans by local architects in the various parts of the country, because there is too much work for his office to do. I know that is the case in the district which I have the honor to represent, and these architects are paid such fees or compensation as the Supervising Architect designates. It is the common practice, because it is necessary. If the force in the office undertook to provide plans and to supervise the construction of all these buildings, it would require years and years to finish them.

Mr. GAINES of Tennessee. I agree with the gentleman on that. I was trying to get at the cost of these architects who

are employed on the outside.

Mr. CRUMPACKER. I do not know what the cost is, but I know what the practice is. In Hammond, Ind., a plan sub-mitted by a local architect was adopted and approved, and he has superintended the construction of the building, which cost

Mr. GAINES of Tennessee. My friend is a very versatile

man. Can he tell us whether or not—
The CHAIRMAN. The time of the gentleman has expired.
Mr. GAINES of Tennessee. I move to strike out the last two words.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. MADDEN. I want to say for the information of the gentleman that the usual compensation allowed architects is

5 per cent on the cost of the work.

Mr. GAINES of Tennessee. Yes; I am sadly aware of that fact, because I know some of the fees we have been paying in these large undertakings—Annapolis being one and the renova-tion of the White House another. Does the gentleman know whether or not they teach young men sufficiently in architecture at Annapolis and West Point to enable them to be competent for such work?

Mr. MADDEN: They do not teach them architecture at all.

They teach them engineering.

Mr. GAINES of Tennessee. I will tell you why I have asked I was told by a member of the Navy, a very you that question. accomplished gentleman, down at the hotel, when the question of paying these large fees to outside architects was up, I think, for the building of some structure at Annapolis or West Point, in the navy-yard at San Francisco, or one of our navy-yards—this gentleman said: "Mr. Gaines, our men are educated to do better work for the Government in erecting this building than any architect that ever lived. It is our business; we are taught that, and we know how to do it; but they will go along and put up these houses, and they will not do it as well or as cheaply as the very men the Government educates and maintains to do that business.'

Mr. MADDEN. The duty of an engineer is to figure out the

strength of a bridge or other structure.

Mr. GAINES of Tennessee. They do not stop at building bridges. Almost anybody can build a bridge. I have built them myself before I came to Congress and may have to do so again.

Mr. MADDEN. I have no doubt the gentleman built the

bridge over which he came to Congress. [Laughter.]

Mr. GAINES of Tennessee. I did, and I will tell you now that it was a good one, and there was no trust-made material went into it, and by the Eternal there never will be. made several journeys across it, and I dare say it will hold up the man who succeeds me.

Now, I thank the House. I was trying to get a little informa-

tion.

Mr. MADDEN. Did you make your bridge out of Tennessee lumber?

Mr. GAINES of Tennessee. Yes; and some hickory.

Mr. MADDEN. Will the gentleman tell us where the hickory came from? [Laughter.]

The CHAIRMAN. The time of the gentleman has expired. If there be no objection, the pro forma amendment will be considered as withdrawn and the Clerk will read.

The Clerk read as follows:

For rent of temporary quarters at Rochester, N. Y., including necessary moving expenses, \$8,000.

Mr. CLARK of Florida. Mr. Chairman, I make the point of order against lines 15 to 17, inclusive, on page 23, the paragraph just read by the Clerk, that it is new legislation.

The CHAIRMAN. The gentleman makes the point of order on the paragraph from lines 15 to 17, on page 23. The Chair would like to be informed in regard to that.

Mr. TAWNEY. Mr. Chairman, this appropriation is for making repairs to the post-office or public building in the city of Rochester, and the rent of temporary quarters is necessary on account of the work being done in the extension or repairs to the present building and is authorized by law.

The CHAIRMAN. That is the point. Does the gentleman

from Minnesota say that it is authorized by law?

Mr. CLARK of Florida. I would like to ask the gentleman if he means to say that the item "necessary moving expenses" is authorized by law?

Mr. TAWNEY. Yes; it is authorized by the general law. If it were not for the fact that this is a large amount to be expended in the repair of this building, much of it being made nec-

essary by the extension which has been practically completed, this item would have been carried under the general appropriation, and it would be entirely competent for the Department, under the existing law, to take so much of the appropriation as was necessary to defray the expenses of moving and also rent of quarters.

Mr. CLARK of Florida. The gentleman means that it is impliedly authorized; he does not mean to say it is expressly au-

The CHAIRMAN. The Chair desires to ask the gentleman from Minnesota whether or not the moving mentioned in the item is authorized?

Mr. TAWNEY. It is.

The CHAIRMAN. If the moving is authorized, in the opinion of the Chair, the necessity of it is authorized.

Mr. CLARK of Florida. I do not know myself, Mr. Chair-

man, what the law is.

Mr. TAWNEY. The reconstruction of the building, the extension of the building, was specifically authorized. Now, in consequence of making this extension, certain repairs of the old part of the building are necessary, which repairs could be paid for out of the general appropriation for repair and maintenance of public buildings.

Mr. CLARK of Florida. If the gentleman has the authoriza-

tion, will he be kind enough to read the language?

Mr. TAWNEY. I have not the statute by me authorizing the extension of this building.

Mr. CLARK of Florida. I have never seen the law and if the gentleman has it I wish he would read the exact language to the committee.

The CHAIRMAN. The Chair desires to ask the gentleman from Minnesota whether or not the temporary quarters mentioned in line 15 was authorized by law?

Mr. TAWNEY. It is; and I will say to the Chair

The CHAIRMAN. Does the gentleman know what year? Mr. TAWNEY. I do not know; but when the Supervising Architect was before the committee he was asked if the work could be done out of the general appropriation which is carried in this bill for repairs of all post-offices or public buildings, and he said it could. They had authority to expend the money and it was immaterial whether it was given in a lump sum or in the general appropriation, or segregated and appropriated for separately. So the committee, to avoid increasing the aggregate amount carried in the general appropriation, made specific appropriation for the repair of this building and the moving and rent of temporary quarters

I have here the appropriation for rent, light, and fuel for the first, second, and third class post-offices, \$3,000,000. That is the appropriation out of which these repairs could be made if we had included that amount in the aggregate of the general appropriation; but to avoid increasing that aggregate so that the next fiscal year we would not be accused of cutting down the ordinary appropriation for repairs of buildings, we made, as in the last session of Congress, a specific appropriation for this particular

item which is authorized under the general law.

The CHAIRMAN. The Chair is clearly of opinion that the point of order should be overruled, and the Clerk will read. The Clerk read as follows:

For special repairs to the post-office at Rochester, N. Y., made necessary because of and incident to the extension of said building authorized in an act approved June 30, 1906, \$40,000.

Mr. CLARK of Florida. Mr. Chairman, I make the point of order against the language contained on page 23, lines 18 to 21, inclusive.

What is the gentleman's point of order? The CHAIRMAN. Mr. CLARK of Florida. It is a change in existing law.

Mr. OLMSTED. Mr. Chairman, that point has been ruled over and over again. This is for repairs of an existing building, a continuation of Government work in progress. You will find on page 348 of the Manual half a dozen precedents. It was held that the repair of a bridge built at Government expense was a continuation of a public work. It was held in the Fifty-sixth Congress that the construction of a bridge on a road in the District of Columbia was a continuation of a public work. It was held again, in the Fifty-eighth Congress, that an appropriation for the rent and repairs of a building used for the public service was a continuation of a public work. In the Fiftysixth Congress an appropriation for the repairing of a sawmill was held to be in continuation of a public work. paragraph is clearly within the exception to the rule.

The CHAIRMAN. The Chair is well satisfied on the point,

and overrules the point of order.

The Clerk read as follows:

Rockford, Ill., post-office: For additional land and for the completion of the enlargement, extension, remodeling, or improvement of building under present limit, \$15,000.

Mr. SULZER. Mr. Chairman, I make the point of order against that paragraph.

The CHAIRMAN. What is the point of order?
Mr. SULZER. New legislation—not authorized by law.
The CHAIRMAN. The Chair asks the gentleman from Minnesota whether or not there is an authorization for that?

Mr. TAWNEY. It is authorized by law.
Mr. SULZER. I would like to ask the gentleman where the

law is authorizing the purchase of additional land?

Mr. TAWNEY. The gentleman will find it back there in the

Congressional law library. [Laughter.]

Mr. SULZER. Indeed, but I do not find anything in the book of hearings in regard to it. As far as I can ascertain there was never any law passed authorizing the purchase of additional land. The site has been purchased, and this is new legislation because it calls for the purchase of additional land. That might go on ad infinitum until they could take up 20 or 30 acres

The CHAIRMAN. The Chair calls the attention of the gentleman from New York to page 775 of the statutes of last year, section 3, "that the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire by purchase, condemnation, or otherwise such additional land as he may deem necessary for the enlargement of the present site, and to enter into contracts for enlargement, extension, remodeling, or improvement of the following-named buildings within the respective limits of cost hereby fixed," and that the second item mentioned under that general authorization is the United States post-office at Rockford, Ill., \$25,000. It is clearly within the language of the statute and the Chair overrules the point of

Mr. SULZER. I withdraw the point of order.

The Clerk read as follows:

St. Louis, Mo., post-office: For additional land and for continuation of building under present limit, \$250,000.

Mr. CLARK of Florida. Mr. Chairman, I would like to inquire of the Chair if under the act which was just read to the gentleman from New York by the Chairman the city of St. Louis

The CHAIRMAN. The Chair can tell by examination.

Mr. CLARK of Florida. I do not care to raise the point of order if it is included.

Mr. TAWNEY. I will say, Mr. Chairman, that it is authorized by law. The limit of cost is \$110,000. Five hundred and forty-seven thousand dollars has already been appropriated, and this is \$250,000 which is estimated can be expended in the next fiscal year on the building under the previous authorization.

Mr. CLARK of Florida. I am asking the chairman if there is any authorization for the purchase of more land for St. Louis, Mr. BARTHOLDT. Yes, Mr. Chairman; there is. The purchase of additional land has been authorized in the last publicbuilding act.

Mr. CLARK of Florida. If the chairman of the Public Building Committee makes that statement, I will not press the point

The CHAIRMAN. The Chair thinks that it would be good authority, inasmuch as the chairman of that committee lives in the city of St. Louis, and the Chair presumes looked after it.

[Laughter.]

Mr. PAYNE. Mr. Chairman, I want to say on this point of order that it is clearly the duty of the gentleman raising the point of order to show that there is no existing law. It is not the business of the chairman to inform gentlemen who make points of order as to what the law is. It simply is delaying the action of the committee and, in view of what the gentleman from New York [Mr. Sulzer] said a half hour ago, it looks a good deal like dilatory proceedings. I insist that the Chairman ought to overrule the points of order so long as the gentlemen fail to show that there is no authorization in the law for it. The presumption is in favor of the bill.

Mr. SULZER. Mr. Chairman, a parliamentary inquiry.

What is before the House?

The CHAIRMAN. The gentleman from New York. [Laugh-

Mr. PAYNE. My colleague is.

Mr. SULZER. Oh, everybody can see the gentleman from New York [Mr. PAYNE] when he arises. The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sharon, Pa., post-office: For site and continuation of building under present limit, \$30,000.

Mr. SULZER. Mr. Chairman, I move to strike out the last word. I would like to inquire of the gentleman from Minne-sota [Mr. Tawney] if this site for Sharon, Pa., has been pur-

Mr. TAWNEY. I do not know.
Mr. SULZER. Well, the gentleman ought to know as chairman of the committee. Before he appropriates money for a building he ought to at least secure the site.

Mr. TAWNEY. It is not necessary for me to know. The

purchase of the site was authorized and the construction of the

building was authorized,

Mr. SULZER. And the gentleman is appropriating money for a building before he knows the site has been purchased. No wonder the gentleman lectured the House this morning about a two-billion dollar Congress—a deficit of one hundred million of dollars-appropriating money in that way. [Laughter.

The Clerk read as follows:

Willimantic, Conn., post-office: For site and for completion of building under present limit, \$30,000.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York.

Mr. SULZER. Mr. Chairman, I would like to ask the gentleman from Minnesota if this site has been secured. I call the gentleman's attention to Willimantic post-office, Conn., line 12,

Mr. TAWNEY. What is the name of the place?
Mr. SULZER. Has the site been purchased?
Mr. TAWNEY. Where?
Mr. SULZER. Willimantic, Conn.
Mr. TAWNEY. For the information only of the gentleman from New York I will read:

An agent has inspected the site, and it is probable that it can be secured in the near future. In order that work on the building may not be then delayed it will be necessary that the balance up to the limit be appropriated, \$30,000.

Mr. SULZER. Mr. Chairman, just a few words. I have no disposition to delay the progress of this bill by captiously discussing these matters. My purpose is to enlighten the country. [Laughter.] I want it understood by the people, and hence I call the attention of the House to the fact that the Appropriations Committee find fault with their own work and call this a "two billion-dollar Congress," yet in this very bill, reported unanimously from the Appropriations Committee, they appropriate millions and millions of dollars for public buildings where the site has not even been purchased.

Now, how ridiculous that is, and what a commentary it is upon what I was speaking about a few moments ago with regard to the great city of New York, where the Government has purchased a site, where the railroad company is building the depot, and the post-office is to be in the center of that depot, and the Committee on Appropriations allows the railroad to go on and put up its building and does not build within it, as provided by law, its own post-office, so that next year it will cost twice as much as it will cost this year. I bring these facts to the attention of the country-

Mr. TAWNEY. Will the gentleman permit?
Mr. SULZER. In one moment, if the gentleman pleases.
So that when the newspapers ring the changes on this two-billiondollar Congress the day after we adjourn the Republicans will have no excuse to offer to the people, because the taxpayers will stand up and say the gentleman from New York [Mr. SULZER] called your attention to this extravagance and you would not listen to him and heed.

The Clerk read as follows:

For Treasury building at Washington, D. C.: For repairs to Treasury, Butler, and Winder buildings, including personal services of skilled mechanics, \$18,000.

Mr. CLARK of Florida. Mr. Chairman, I make the point against the language, page 30, beginning lines 14 to 17, inclusive.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CLARK of Florida. It is new legislation and not authorized by law. I make this point, Mr. Chairman, and call your attention particularly to it. This paragraph uses this language: "For Treasury building at Washington, D. C.; for repairs to Treasury, Butler, and Winder buildings—" and now repairs to Treasury, Butter, and Winder buildings—" and now this is the particular language—"including personal services of skilled mechanics, \$18,000." I do not think that is provided for by existing law.

The CHAIRMAN (Mr. LAWRENCE). The Chair will state the rulings are practically uniform that repairs to public buildings are authorized by existing law and services of skilled mechanics are of course simply incidental thereto. The Chair overrules the point of order.

The Clerk read as follows:

For repair of the east front of the Treasury building, including substitution of granite for the soft stone used in said east front of the

building, the unexpended balance of \$155,147.42 of the appropriation made for "Treasury building, Washington, D. C., ventilation," is hereby authorized to be expended, together with the further sum of \$204,852.58, which is hereby appropriated.

Mr. CLARK of Florida. Mr. Chairman, I make the point of order, page 30, line 18, down to and including line 2 on page 31, as being not authorized by law.

The CHAIRMAN. The Chair will hear the gentleman from

Mr. CLARK of Florida. This provision undertakes to substitute granite for soft stone used in the east front of the Treasury building. I take it that is not provided for by a provision of law; if so, there is no necessity of reenacting it here. Then, again, Mr. Chairman, the language following that undertakes to divert the unexpended balance of money appropriated for a particular purpose from that purpose to some other purpose. That is new law for which there is no provision, and I think clearly the point of order lies.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard upon the point of order?

Mr. TAWNEY. I do not.
The CHAIRMAN. The Chair overrules the point of order.
The Clerk read as follows:

For the construction of suitable fireproof steel files for the safe-keeping of official bonds of officers of the Treasury and other Executive Departments for which the Secretary of the Treasury is responsible as custodian, \$3,500.

Mr. CLARK of Florida. Mr. Chairman, I make the point of order to the language on page 31, beginning with line 3 and down to and including line 7, as being new legislation and not authorized by existing law. I do not care to discuss it.

The CHAIRMAN. The Chair would like to hear the gentle-

men from Minnesota [Mr. TAWNEY] on that point.

Mr. TAWNEY. These are files that are to take the place of the wooden files that are now in the Treasurer's office. It is a refurnishing. At the present time all the bonds in the office of the appointment division of the Treasury Department are filed in wooden cases, and it is to replace these for the purpose of giving greater security and greater protection, and also increasing the room for filing purposes.

On that statement the Chair overrules the The CHAIRMAN.

point of order.

The Clerk read as follows:

The Clerk read as follows:

For repairs and preservation of public buildings: Repairs, and preservation of custom-houses, court-houses, and post-offices, and quarantine stations, buildings and wharf at Sitka, Alaska, and the other public buildings and the grounds thereof, and of sites acquired for public buildings, under the control of the Treasury Department, and including not exceeding \$50,000 for marine hospitals, \$475,000 may be used, in the discretion of the Secretary of the Treasury, in the employment, outside of the District of Columbia, of superintendents and others, including mechanical labor force, at a rate of compensation not exceeding for any one person \$6 per day.

Mr. SULZER. Mr. Chairman, I move to strike out the last

The CHAIRMAN. The gentleman from New York.

Mr. SULZER. Mr. Chairman, Sitka was formerly the capital of the district of Alaska. Some time ago, however, Congress passed a law by which the capital of the district of Alaska could be removed at any time to Juneau, Alaska; and when a new governor was appointed recently by the President he moved the capital, in accordance with that provision of law, from Sitka to Juneau, and at the present time all the higher officials of the Government in Alaska are located at Juneau and not at Sitka, and Juneau is the capital of Alaska. I was at Sitka two years ago and looked over these buildings very carefully. They are a lot of old ramshackle buildings that no real-estate man, or no other purchaser, would pay \$500 for; and when the governor moved all the documents and papers from Sitka to Juneau he turned these old buildings over to the War Department to use for whatever purposes desired. And hence it is a waste of money now to repair or remodel or renovate those old buildings at Sitka, which have been there ever since the Government acquired title to the district of Alaska from Russia, away back in 1867. If this appropriation goes through, it is just so much money thrown away. These buildings, as I say, are not occupied to-day. The capital is no longer in Sitka, the buildings have been turned over to the War Department, and every dollar that this provision carries to repair them is just so much money wasted. The money should be spent for new Government buildings at Juneau. Sitka is dead. I trust that this paragraph will be stricken out, and I move, Mr. Chairman, to strike out the entire paragraph.

The CHAIRMAN. The gentleman from New York [Mr. Sul-

ZER] withdraws his pro forma amendment and moves that the paragraph be stricken out. The question is on the motion of the gentleman from New York.

The question was taken; and the amendment was rejected.

Mr. TAWNEY. Mr. Chairman, at this point I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 31, after line 25, insert:

"To enable the Secretary of the Treasury to acquire, by condemnation or otherwise, additional land adjoining the present site occupied by the Bureau of Engraving and Printing, and for the erection, completion, including heating and ventilating, of an addition to, or extension of, the buildings of the Bureau of Engraving and Printing, which shall conform architecturally in character and quality to the material used in the existing buildings of the said Bureau, \$150,000."

Mr. SULZER. Mr. Chairman, I make the point of order against that.

Mr. TAWNEY. Mr. Chairman, on the point of order I desire to say that this contemplates an enlargement of the Bureau of Engraving and Printing in the District of Columbia. The Bureau is very much crowded, and they are very much in need of room, as every Member of this House knows who has recently visited that building.

Mr. SULZER. Will the gentleman permit me to ask him a

question?

The CHAIRMAN. Will the gentleman from Minnesota yield to the gentleman from New York?

Mr. TAWNEY. In just one minute. It is a public work, and

think it is clearly in order.

Mr. SULZER. I am glad to hear the gentleman say that the Bureau of Printing and Engraving is very much cramped. think that was the word I used when talking about the postal facilities in the city of New York. It may be as the gentleman says, but I again recur to the New York City post-office and desire to inform the gentleman—

Mr. MANN. Mr. Chairman, I ask for a ruling.

Mr. SULZER. That the New York City post-office is also

very badly cramped.

Mr. MANN. Mr. Chairman, I ask for a ruling. Mr. SULZER. Mr. Chairman, I desire to say on the point of order that this is clearly new legislation and not authorized by law, and the gentleman should bring in the legislation in the proper way

The CHAIRMAN (Mr. LAWRENCE). The Chair finds that the proposed amendment is for the purchase of land adjoining the site occupied by the present building, and for the extension of the present building. The Chair overrules the point of order.

The question is on the amendment offered by the gentleman

from Minnesota.

The question was taken; and the amendment was agreed to. The Clerk read as follows:

The Clerk read as lonows:

That in all cases, during the fiscal years 1907 and 1908, where any building or buildings not reserved by the vender are on land heretofore acquired, or which may hereafter be acquired, for Federal building sites or for the enlargement of Federal building sites, the Secretary of the Treasury is hereby authorized, in his discretion, to rent such building or buildings until their removal becomes necessary and to make such repairs thereto as may be necessary to keep the buildings in tenantable condition, payment to be made from the proceeds derived from the rentals; the net proceeds to be deposited in the Treasury of the United States, and a report thereof to be submitted to Congress annually.

Mr. SHEBLEY, I desire to offer a new paragraph.

Mr. SHERLEY. I desire to offer a new paragraph. Mr. CLARK of Florida. I desire to make the point of order against the paragraph just read.

The CHAIRMAN. The gentleman from Florida makes the

point of order.

Mr. CLARK of Florida. Against the paragraph just read—line 1 down to 13, inclusive, on page 32.

The CHAIRMAN. Now the Chair will ask the gentleman from Kentucky if he intended his amendment as a substitute

for this paragraph, or does he wish to offer the amendment to be inserted at the end of page 31?

Mr. SHERLEY. I desire to insert that after the word "an-

nually," in line 13 on page 32.

The CHAIRMAN. The gentleman from Kentucky will then wait until the ruling upon the point of order. The Chair will

hear the gentleman from Florida. Mr. CLARK of Florida. I want to say simply, in reference to the point of order, that if the Chair will observe, in line 6, "the Secretary of the Treasury is hereby authorized." Now, they are authorizing the Secretary of the Treasury to do something that it is certain he is not authorized to do without this: therefore this is new legislation.

Mr. TAWNEY. Mr. Chairman, I do not care to discuss the point of order, if the gentleman insists upon it. But I will state the facts, however; that it is for the purpose of enabling the Secretary of the Treasury to rent buildings that the Government now owns in the District of Columbia and apply a part of the proceeds of the rent to the repair of those buildings. That is all this is for. The Government is now paying \$7,000 for rent of these buildings. It has no authority to make any repair—necessary repairs that are absolutely necessary to the occupation of the buildings.

The CHAIRMAN. The paragraph is legislation upon an appropriation bill, and the Chair sustains the point of order.

Mr. SHERLEY. I offer an amendment to come in after line 13 on page 32.

The CHAIRMAN. The gentleman from Kentucky offers the amendment which the Clerk will report.

The Clerk read as follows

Insert after line 13, page 32, the following:

"The Secretary of the Treasury is directed in designating any stone to be used in the public buildings for which appropriations are carried in this act to specify stone quarried in the State in which such building is to be erected, if stone suitable for such purposes be obtainable unless it be more expensive than stone of equal quality obtainable elsewhere."

Mr. TAWNEY. I reserve the point of order upon that. Mr. SHERLEY. Now, Mr. Chairman, I desire to say to the committee that the effect of this amendment, if adopted, will simply be to have stone—native stone—used in the various public buildings provided in this act to be erected in the different States, provided such stone be suitable for that purpose, and be not more expensive than stone of equal quality to be had elsewhere, a proposition against which there can be no valid objection. I believe in patronizing the home market whenever the thing obtainable in that market is as good as any other obtainable elsewhere and at as reasonable a price. That is all that this does. It simply indicates the will of the House that in the selection of building stone stone quarried in the State, native to the State, shall be used for this purpose if it be obtainable at a fair price. I trust that no gentleman will insist upon the I recognize the amendment is subject to the point of order. point of order, but I believe that it is legislation that a majority of this House favors.

Mr. TAWNEY. I insist upon the point of order. The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For salaries of 290 keepers of life-saving and lifeboat stations and of houses of refuge, \$249,600.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York.

Mr. SULZER. Mr. Chairman, in my judgment the poorest paid employees of the Government are the men in the life-I take a deep interest in their welfare, and in the future, as in the past, will do all I can to aid them. brave men perform the most arduous duties and heroic acts of any employees of the United States. I am in favor of economy along legitimate lines, but I am opposed to grinding down the poor, and hence I favor paying the life-savers along our coasts a little more money than they have been receiving. The small sum of \$65 a month which they receive as a stipend is scarcely enough to keep body and soul together. And now that there is a spirit abroad in favor of increasing salaries it seems to me that the Congress ought to increase the pay of the brave, overworked, and self-sacrificing life-savers of the country.

Any man who has ever witnessed the bravery, the hardihood, the dangerous and heroic performances of the life-savers along the Atlantic coast, when the storm roars and the waves beat high, will tell you that whenever there is a storm and a ship is on the rocks or strikes the bar, these men, taking their lives in their hands, go out in their lifeboats to save the ship and the human lives aboard; and when they go out in the breakers

they do not know that they will ever return alive.

Mr. Chairman, I trust that the gentleman from Minnesota, who has been extremely liberal in appropriations for almost every conceivable purpose, will do something to increase the salaries of the men employed in the life-saving stations along the coasts of the United States. It seems to me it would be only just and fair to give them an increase of at least 25 per They are entitled to more pay; they deserve it. are getting the same pay now that they got when the original act was passed over twenty years ago, while the price of the necessaries of life during that time has increased over 35 per cent. So while they are getting the same pay they got twenty years ago, they are paying for everything they have to buy for themselves and families over 35 per cent more than they did then. Hence their pay is now 35 per cent less than it was twenty years ago. What an anomaly! What a spectacle!

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For pay of crews of surfmen employed at the life-saving and lifeboat stations, including the old Chicago station, and at the building to be erected on the grounds of the Jamestown Tercentennial Exposition, near the waters of Hampton Roads, in the State of Virginia, under authority of section 10 of the act of Congress approved June 30, 1906, for an exhibit of the United States Life-Saving Service, at the uniform

rate of \$65 per month each during the period of actual employment, and \$3 per day for each occasion of service at other times; compensation of volunteers at life-saving and lifeboat stations for actual and deserving service rendered upon any occasion of disaster or in any effort to save persons from drowning, at such rate, not to exceed \$10 for each volunteer, as the Secretary of the Treasury may determine; pay of volunteer crews for drill and exercise; fuel for stations and houses of refuge; repairs and outfits for same; rebuilding and improvement of same, including use of additional land where necessary; supplies and provisions for houses of refuge and for shipwrecked persons succored at stations; traveling expenses of officers under orders from the Treasury Department; commutation of quarters and purchase of fuel in kind for officers of the Revenue-Cutter Service detailed for duty in the Life-Saving Service; for carrying out the provisions of sections 7 and 8 of the act approved May 4, 1882; for draft animals and their maintenance; for telephone lines and care of same; and contingent expenses, including freight, storage, rent, repairs to apparatus, labor, medals, stationery, newspapers for statistical purposes, advertising, and all other necessary expenses not included under any other head of life-saving stations on the coasts of the United States, \$1,729,110.

Mr. SULZER. Mr. Chairman, I move to amend, on page 37,

Mr. SULZER. Mr. Chairman, I move to amend, on page 37, line 17, by striking out "sixty-five" and inserting "seventy-

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 37, line 17, strike out "sixty-five" and insert "seventy-five." Mr. SMITH of Iowa. I make the point of order against this amendment.

Mr. SULZER. Mr. Chairman, I believe I have the floor.

The CHAIRMAN. But the gentleman from Iowa rises to make a point of order. Does the gentleman make the point of

Mr. SMITH of Iowa. I make the point of order against this amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SMITH of Iowa. The law fixes these salaries specifically. There has been no proposition to change that law, and this is an absolute attempt to change it on an appropriation

Mr. SULZER. Will the gentleman permit me to ask him a question?

Mr. SMITH of Iowa. Certainly.

Mr. SULZER. In your opinion do you think \$75 a month is too much pay for one of the hard-working, heroic life savers?

Mr. SMITH of Iowa. I decline to answer any such question as that. Mr. Chairman, the statute fixes these salaries, this amendment is not in order.

Mr. SULZER. Mr. Chairman, I am aware of the fact that

the law fixes the salaries of the men in the Life-Saving Service at \$65 a month; but when you have to buy the necessaries of life and have got to support a family, that is very little. Sixty-five dollars a month will not go as far now as it did a few years ago.

I do not believe the gentleman from Iowa has anybody working out in his State for \$65 a month. Out in Iowa, I understand, the lowest wages paid is \$100 a month. I hope the point of order will not be insisted upon. These life savers along our coast are compelled to do hard and continuous work all hours of the night and day, and I ask now that my amendment be agreed to, so that the salary be increased \$10 a month. That is very little.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Olcott, having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25242) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 24987) to authorize the sale and disposition of a portion of the surplus or unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GAMBLE, Mr. BRANDEGEE, and Mr. DUBOIS as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 24991) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Frye, Mr. Elkins, and Mr. Berry as the conferees on the part of the Senate.

The message also announced that the Senate had passed the

following resolution:

Resolved. That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 6906) to provide for the incorporation of banks within the District of Columbia.

The message also announced that the Senate had passed with amendments joint resolution and bill of the following titles; in which the concurrence of the House of Representatives was re-

H. J. Res. 246. Joint resolution authorizing the President to extend an invitation to the Twelfth International Congress of Hygiene and Demography to hold its thirteenth congress in the city of Washington.

H. R. 11040. An act to authorize the receivers of public moneys for land districts to deposit with the Treasurer of the United States certain sums embraced in their accounts of unearned fees and unofficial moneys.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

American ethnology: For continuing ethnological researches among the American Indians and the natives of Hawaii, under the direction of the Smithsonian Institution, including salaries or compensation of all necessary employees and the purchase of necessary books and periodicals, \$40,000, of which sum not exceeding \$1,500 may be used for rent of building.

Mr. MANN. Mr. Chairman, I move to strike out the last ord. This item carries \$40,000 for the Bureau of Ethnology. The Bureau of Ethnology is now devoting its attention very largely to bringing out the book which has been under preparation for some time, being a complete résumé and description of all the tribes of American Indians. It has been desired that the Bureau shall extend its work far enough to make an examination of Hawaiians and the Samoans, the aborigines in both cases almost having disappeared, and will very soon disappear. But with the amount as stated in this appropriation it will not be possible for the Bureau of Ethnology to make this examination in Hawaii and Samoa. It probably could be done in the course of a year if the committee would give the amount asked for this year, which I think was \$50,000 in the estimates. Would not the gentleman be willing to pass the item or to increase the amount from \$40,000 to \$50,000 under the special circumstances of the case?

Mr. Chairman, I may say that two Mr. SMITH of Iowa. years in succession the Department has sought to extend this investigation to Samoa and both years the committee has deemed it inadvisable to permit such extension. It has already been extended to Hawaii by the modification of this language.

Mr. MANN. Yes; but the money is not sufficient to carry

it out. Mr. SMITH of Iowa. I may say that that is a matter on which there may be a difference of opinion. This Bureau has been at work upon the study of American ethnology for a great many years, and it is the opinion of the committee that there must some time come an abatement of the quantity of new material upon this subject. I would not, so far as I am concerned, consent to consider any amendment favorably to increase this appropriation. The matter was quite fully considered in subcommittee and rejected. If the gentleman says that he has any express or implied understanding with the chairman of the committee, who is now absent for a few moments, I am

willing it should be passed. Mr. MANN. I have no implied or express understanding. I endeavored a while ago to get the attention of the chairman in the hope that I might have an implied or express understanding, but as yet I have none. It is a fact that the Bureau of Ethnology is working on this book, which will not be large in size probably, but which requires great study in reference to every tribe of Indians, both of the past and of the present. This requires an enormous amount of research and work.

While the authority has been given to make the examination of the Hawaiians, the money has not been provided, and it does seem to me that we should have some authentic statement in reference to the aborigines of the Hawaiian Islands, who have almost disappeared, so as to preserve in the archives of the Government that information. I dare say if the appropriation be not increased this year that it will never be obtained.

Mr. SMITH of Iowa. Mr. Chairman, I should greatly regret to have information of so much importance to the world lost, but this Bureau was founded in 1879. It has been receiving appropriations of \$40,000 and upward for the last sixteen years. It does seem to the committee that there ought to be some points at which the original sources of information upon the American

aborigines would approach exhaustion. But apparently this Bureau every year can find an opportunity here at home to spend just as much money upon that old subject as ever it could. We believe that the amount of money heretofore given is available now for the study of the aborigines in Hawaii, because we believe that certainly such progress has been made in the investigation here at home as would warrant a reduction of the expenditure here.

Mr. MANN. My friend from Iowa suggests that the sources of information in reference to the aborigines in America ought to have been exhausted at this time. If he was investigating the source of the information on the subject, I believe it would have been exhausted long ago.

Mr. SMITH of Iowa. about that. [Laughter.] The gentleman is certainly correct

The Clerk read as follows:

For protection of Casa Grande Ruin, in Pinal County, near Florence, Ariz., and for excavation on the reservation, to be expended under the supervision of the Secretary of the Smithsonian Institution, \$3,000.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York.

Mr. SULZER. Mr. Chairman, I am informed that this appropriation is for the purpose of making excavations in some old ruins in Arizona, to dig up the bones of prehistoric people who died long before the Paleozoic age. [Laughter.] The item expends \$3,000 to dig up the moldy and crumbling remains of people who died thousands of years ago and bring them to Washington to be exhibited in the Smithsonian Institution. I am opposed to legislating away the people's money for these dead and decaying bones while we deny the living a decent livelihood. [Laughter and applause.] If we offer an amendment here increasing the salary of a poor workman \$10 a month, some Republican on the other side gets up and raises the point of order. If we try to get the life savers enough to keep body and soul together and take care of their little families, some Republican on the other side gets up and raises a point of order. And here we see in this bill \$3,000 of the people's money appropriated to be wasted in digging up the remains of people who died thousands and thousands of years ago and who care nothing about what is going on here now or what becomes of their bones. [Laughter.] It reminds me very much of a stanza in a poem that Bret Harte wrote a good many years ago—thesc objections by the Republicans do. I can not remember all of the poem, but I recollect one stanza in it pertinent to this discussion, which goes about as follows:

Then Abner Dean, of Angels, raised a point of order, when A chunk of old red sandstone struck him in the abdomen. [Laughter.]

He smiled a kind of sickly smile, and curled up on the floor; And subsequent proceedings interested him no more.

[Laughter and applause.]

The Clerk read as follows:

Astrophysical Observatory: For maintenance of Astrophysical Observatory, under the direction of the Smithsonian Institution, including salaries of assistants, the purchase of necessary books and periodicals, apparatus, making necessary observations in high altitudes, repairs and alterations of buildings, and miscellaneous expenses, \$13,000.

Mr. SULZER. Mr. Chairman, I move to strike out the last word for the purpose of getting some information regarding this astrophysical matter. I would like to know from the gentleman from Minnesota for what purpose this appropriation is made?

Mr. TAWNEY. The purpose is expressed in the language in which the appropriation is made.

Mr. SULZER. Has it anything to do with the sun spots? [Laughter.]

Mr. TAWNEY. I can not inform the gentleman.
Mr. SULZER. Mr. Chairman, such ignorance is bliss. But being the chairman of the committee, it seems to me the gentle-man ought to know something about what the appropriation is

Mr. TAWNEY. I will state to the gentleman that if he wishes to enlighten himself on the subject, and will turn to the hearings before the Committee on Appropriations, he will have a full explanation of that service.

Mr SULZER. I understand, Mr. Chairman, that this appropriation of \$13,000 is for the purpose of ascertaining just what the sun spots mean—just what is going to happen on account of them-

Mr. TAWNEY. Well, the Committee on Appropriations is not responsible for the understanding of the gentleman from New York.

Mr. SULZER. I asked what the gentleman's understanding was in regard to this matter and he was unable to give it. is responsible for that?

Mr. TAWNEY. I said if the gentleman would turn to the hearings he would see.
The CHAIRMAN. The Clerk will read.

Mr. SULZER. One moment, Mr. Chairman. I have the floor. The CHAIRMAN. The Chair thought the gentleman had con-

Mr. SULZER. Not yet. Mr. Chairman, it seems to me that this is an unnecessary appropriation of the large sum of \$13,000 for the purpose of ascertaining, if such a thing be possible, the relations of the sun spots to the solar universe. [Laughter, ] Well, now, how did it all come about? A scientist in Pittsburg, when he first observed these sun apots—and he didn't see them in the first place, because some humble person looking through a piece of darkened glass saw these spots on the sun and called somebody's attention to it, and finally it got to the knowledge of the old professor, who got out his telescope and saw the spots, and viewed them with alarm. After carefully considering the phenomenon he deliberately declared that they portended evil; that there would be the greatest electrical disturbances in Pittsburg, Washington, and New York the next day that ever was known in the history of the world. The declaration impressed known in the history of the world. The declaration impressed me. I watched very carefully for these electrical disturbances all that day in Washington, and I was disappointed. I saw nothing and I heard nothing unusual. I can truthfully testify here that during that whole day we had the most calm and peaceful day in the House of Representatives I have ever observed here during my experience. The sun shone as ever, old mother earth looked the same, and there was the same bland and childlike smile on the countenance of dear old Uncle Joe. [Laughter.] No electrical disturbance anywhere, just the same old sun and same old earth. [Laughter.]

Mr. TAWNEY. Well, he made a mistake in the day. He

meant to-day

Mr. SULZER. Mr. Chairman, just a few words more and I shall conclude. Seriously, I have been fighting here to the best of my ability to get a little increase of pay for some poor people working for the Government, and I think it is a waste of the people's money to appropriate \$13,000 to ascertain what the sun spots are going to do to us now or hereafter.

[Laughter.]

So far as I am personally concerned, I am not worried. They do not trouble me a bit. I do not think they are going to trouble anybody on this little planet. The other day, in looking up what they portended, going back to the days of the Ptolemys, I found out that these sun spots meant much or absolutely nothing, according to the superstition of the age, because every man who has ever written about them, from the ancient days down to the present time, has differed with everybody else who has written about them—no two astronomers have ever agreed about them—so I take nobody's opinion concerning the matter but my own, and my own opinion is they are there, and that they will stay there until they go away. [Laughter and applause.] And while they are there they are not going to hurt auybody down here; and if they do, then it is time enough for us to appropriate money, and not to find out what these sun spots are, but to take care of the maimed and the injured and the stricken caused by the calamity. [Laughter and applause.] Mr. Chairman, I now move to strike out the paragraph.

The question was taken; and the Chairman announced that

the "noes" appeared to have it.

On a division (demanded by Mr. Sulzer) there were-ayes 24, noes 72

Mr. CLARK of Florida. Mr. Chairman, I make the point that

there is no quorum present.

The CHAIRMAN. The gentleman from Florida makes the bint of no quorum. The Chair will count. [After counting.] point of no quorum. [After counting.] The Chair finds 122 Members present, and the amendment is rejected.

The Clerk read as follows:

Building for National Museum: For completing the construction of the building for the National Museum, and for each and every purpose connected with the same, \$1.250,000: Provided, That if the superintendent of buildings and grounds, Library of Congress, now in charge of the construction of the new Museum building and the disbursing of all appropriations made for the work, be at any time incapacitated to continue in such charge, the Board of Regents of the Smithsonian Institution is hereby empowered to take charge of the construction and to disburse appropriations made for the same.

Mr. CLARK of Florida. Mr. Chairman, I make the point of order against the paragraph beginning on line 23, page 43, down to line 5, page 44, as being new legislation.

Mr. MANN. Will the gentleman reserve his point of order for a moment?

Mr. CLARK of Florida. I will reserve it; yes.

Mr. MANN. I ask the gentleman to do that in order that I

may make a statement. The proviso is subject to the point of order. The present National Museum is being constructed under an appropriation which provides that all of the disbursements shall be made on the order of Mr. Green, who is the architect in charge of the Congressional Library, and who has charge of the construction of the building. Mr. Green's health is not of the best, and he may be required to be absent from the city, and it may be impossible for him to O. K. the vouchers for disbursements. The Board of Regents includes the gentleman from Georgia, Mr. Howard, the gentleman from Pennsylvania, Mr. Dalzell, and myself, from the House.

Mr. SHACKLEFORD. How is Mr. Green employed, on a

commission or on a salary

Mr. MANN. I am unable to inform the gentleman.

Mr. TAWNEY. He is employed on a salary.

Mr. SHACKLEFORD. At how much?

Mr. TAWNEY. At \$2,000 a year.
Mr. MANN. Now, Mr. Chairman, I hope in view of the statement the gentleman will withdraw his point of order.

Mr. CLARK of Florida. On the statement made by the gentheman from Illinois I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn, and the

lerk will read.

The Clerk read as follows:

The unexpended balance of the sum of \$10,000 appropriated for the fiscal year 1899 by the "Act concerning carriers engaged in interstate commerce and their employees," approved June 1, 1898, which was reappropriated by the act of June 30, 1906, is hereby reappropriated and made available for expenses that may be incurred under said act during the fiscal year 1908.

Mr. MANN. Mr. Chairman, I offer the following amendment. The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert at the end of line 18:

"To enable the Interstate Commerce Commission to investigate in regard to the use and necessity for block-signal system and appliances for the automatic control of railway trains, including experimental tests, at the discretion of the Commission, of said signal system and appliances only as may be furnished in connection with such investigation free of cost to the Government, in accordance with the provisions of the joint resolution approved June 30, 1906, \$500,000."

Mr. CRUMPACKER. Mr. Chairman, I believe this to be a very important piece of legislation. I am of the opinion that the amendment is too narrow. It limits the inquiry by providing that the Interstate Commerce Commission shall make an investigation of the block-signal system and appliances for the automatic control of railway trains. I think the whole subject, if we have power, of safety devices, of inventions calculated to promote the safety of railroad travel, should be covered by the bill.

Now, I suggest this-and I think it can be done and not make the amendment out of order—eliminate the word "automatic," in the third line, so that it would read: "The use and necessity for block-signal systems and appliances for the control of railway trains." I believe it would broaden the power of the railway trains." I believe it would broaden the power of the Interstate Commerce Commission if the word "automatic" were omitted. As it is now, there are only two classes of safety devices that the Interstate Commerce Commission will be permitted to investigate, and those are block-signal systems and devices for the automatic control of railway trains. There may be many small devices in existence that, if they were brought to notice, would greatly promote the safety of railway travel, and I wish the gentleman would consent to the striking out of the word "automatic" and allow the Commission to investigate all appliances for the control of railway trains. would cover automatic control as well.

Mr. MANN. Mr. Chairman, if it were a new proposition I might be willing to consent to what the gentleman suggests; but the amendment which I have offered is in accordance with the joint resolution already enacted into the law, is not subject to a point of order, and I have presented the amendment to the members of the Committee on Appropriations, who have made no objection to it. Therefore I would not feel that I had the right under the circumstances, having called the attention of the Committee on Appropriations to this subject, to widen the scope of this amendment. Hence I would be compelled to make a point of order on any change in the provision.

Mr. CRUMPACKER. Mr. Chairman, I desire to move to amend the amendment by striking out the word "automatic,"

in the third line. Mr. MANN. Mr. Chairman, I make the point of order on the amendment.

Mr. CRUMPACKER. Mr. Chairman, I desire to be heard on the point of order. I believe the amendment to the amend-ment does not violate any rule of the House, and the amendment proposed by the gentleman from Illinois [Mr. Maxx], that the word "automatic" be eliminated, would be in order and would be within the resolution that the amendment refers to. The provision would then provide for the investigation of block-signal systems and appliances for the control of railway trains, and under the resolution that is referred to in the amendment I am confident a provision with the word "automatic" out would be in order. I have no doubt about it. It is not necessary that an amendment be in the exact words of the statute if it comes within the scope of the statute. That is all the rules of the House require.

The CHAIRMAN. Will the Clerk report the amendment of-

fered by the gentleman from Indiana? The Clerk read as follows:

In line 3 of the amendment strike out the word "automatic;" so as to read: "For the control of railway trains."

The CHAIRMAN. Does the gentleman from Illinois desire

to be heard on the point of order?

Mr. Chairman, the joint resolution provides for the investigation, etc., of block-signal systems and appliances for the automatic control of railway trains. That means the automatic control. If the word "automatic" is stricken out and "control" is left, that would include many things which are not included by the provisions of the joint resolution. And it seems to me that if—although it is in accordance with the provisions of the joint resolution, etc.—the word "automatic" were stricken out, the amendment would be subject to a point of order; and if the amendment with the word "automatic" out has been subject to a point of order, I take it that striking the word out is subject to a point of order.

Mr. CRUMPACKER. I believe that is the proper test. pose the amendment had been offered by the gentleman from Illinois [Mr. Mann], in the first instance, with the word "auto-matic" out; would it have been subject to a point of order? I do not think it would under the resolution which he read. I repeat that it is not necessary that a resolution or a provision be in the exact terms of the authorizing statute, so that it comes within the general terms of the statute, and the construction that would be given the provision would be in the light of the

resolution originally authorizing the investigation.

The CHAIRMAN. I would like to ask the gentleman from Indiana [Mr. Crumpacker] whether or not his description, by striking out the word "automatic" here, would not let in a great many things? That is, would not the scope of the investigation be much wider and more extended than if the term "automatic" is included?

Mr. CRUMPACKER. If the Chair please, the resolution or

amendment says it shall be in accordance with the resolution that the gentleman read. That resolution is a part of the amendment, so that the investigation of appliances for the control of railroad trains would be construed to be the appliances provided for in the resolution conferring authority upon the Interstate Commerce Commission to make the investigation in

the first place and for which this appropriation is to be made.

Mr. TAWNEY. Will the gentleman from Indiana permit an

interruption for a question?

Mr. CRUMPACKER. I will. Mr. TAWNEY. I would like to ask the gentleman from Indiana [Mr. Crumpacker] if it is not a fact that this amendment changes entirely the character and extent of the investigation which the joint resolution authorizes the Interstate Commerce Commission to make-changing it from a limited investigation to an unlimited one.

Mr. MANN. Before the gentleman answers that question, I will be glad if he will answer another with it. Does the gentleman believe that striking out the word "automatic" and inserting the rest would permit the investigation of headlights?

Mr. CRUMPACKER. I do not know; I think it would. That is, if the original law were broad enough, but we are discussing this point of order.

Mr. MANN. I understand. That is on the point of order I

Mr. CRUMPACKER. Striking out the word "automatic," it would authorize the investigation of the subject of headlights unless it be limited by other provisions of the amendment. Now, the amendment provides for an investigation in accordance with the provisions of joint resolution approved June 30, 1906. So the kind of appliances that might be investigated would be the kind of appliances described in the resolution of June 30,

1906, because the amendment expressly so provides.

Mr. MANN. Now, Mr. Chairman, it is perfectly clear that under the original resolution the Commission would have no authority, for instance, to investigate headlights, which can not be automatic appliances for the control of railway trains. Thus far I know of no way of making an automatic headlight, so that I think the striking out of the word "automatic" would per-

mit an investigation of headlights. It would make the amendment subject to the point of order. Now, what does the amendment which I offer propose? It follows the language of the resolution except as to experimental tests. It is limited to those which are furnished free of cost to the Government, and then, as a mere matter of reference, refers to the joint resolution. I take it that it is merely descriptive, often inserted in statutes for the purpose of directing attention of the parties to the place where the authority came from, and the appropriation here is described at the head of the amendment.

The CHAIRMAN. The Chair thinks the matter is not entirely free from doubt, but is inclined to sustain the point of

order.

Mr. KENNEDY of Nebraska. Mr. Chairman, I ask to have the amendment reported again.

The CHAIRMAN. Without objection, the Clerk will again

report the amendment.

The amendment was again reported.

Mr. CRUMPACKER. Mr. Chairman, the amendment is debatable. I only want to say a word or two upon it. I simply want to express my disappointment because the investigation is limited to only two particular subjects—the investigation of block-signal systems and devices for the automatic control of railroad trains. The question of adopting safety appliances for the promotion of the safety of travelers on the railways is a vital question, one that interests every person in the Republic; and I believe the Interstate Commerce Commission ought to be authorized to make a careful, a scientific, and a thorough investigation of all devices that may seem to possess any merit that may possibly add to the safety of the railroad service and pro-

mote the safety of travel on railroad trains.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Illinois.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

To enable the Interstate Commerce Commission to keep informed regarding compliance with the act to promote the safety of employees and travelers upon railroads, approved March 2, 1893, including the employment of inspectors to execute and enforce the requirements of the said act, \$100,000; said inspectors shall also be required to make examination of the construction, adaptability, design, and condition of all mail cars used on any railroad in the United States and make report thereon, a copy of which report shall be transmitted to the Postmaster-General.

Mr. PERKINS. I move to strike out the last word,

I reserve the point of order. Mr. MANN.

Mr. PERKINS. The point of order is reserved; so that I make the motion in order to get some information in reference to the clause.

Mr. Chairman, just a moment ago we adopted an amendment appropriating \$50,000 to investigate certain safety appliances. It was said, and justly said, that the prevalence of accidents upon our railroads seems to increase instead of diminish. Now, I would like to ask the gentleman in charge of the bill in reference to this appropriation. As I understand, since 1893, for fourteen years, there has been an annual appropriation of \$100,000 which has been paid for the employ of men whose duty it has been to see whether the railroads complied with the act to promote the safety of employees and travelers. Does the gentleman think that the results of the investigation as to the safety of employees and travelers have been such as to lead us to believe that this great appropriation during the long period of years has been accompanied by any useful results? Why is it, after all these years, they have this very day made a special appropriation of \$50,000 to investigate one thing that

might increase the safety of travelers and employees?

Mr. SMITH of Iowa. While it may not be material, the gentleman is in error as to the magnitude of the appropriation in

prior years

Mr. PERKINS. It is a hundred thousand dollars this year. Mr. SMITH of Iowa. The appropriations have been rising and the force increasing, and it has not been, as the gentleman

Suggests, \$100,000 during past years.

Mr. PERKINS. Will the gentleman allow me one question, if it will not interrupt him? The gentleman says the appropriations have been increasing. Has there been any increased safety either to employees or travelers that has accompanied the increase in the amount paid for inspectors whose duty has been, as prescribed by the act, to bring about that result?

Mr. SMITH of Iowa. I will answer the gentleman with pleasure. The law referred to in this appropriation is the law

providing for automatic couplings and air brakes.

Mr. PERKINS. Is that all that is provided by the law?

Mr. SMITH of Iowa. That is substantially all that is covered by the law. Mr. MANN.

And handholds, and everything of that kind. Mr. SMITH of Iowa. That is substantially what is covered by the statute referred to in this section. If the gentleman now asks me whether or not the enforcement of the law for automatic couplings and air brakes has had any effect to increase the safety of employees or travelers, I answer him that the record shows that it has enormously decreased the injuries

Mr. PERKINS. I do not question that statement for a moment.

Mr. SMITH of Iowa. And this is an appropriation for the necessary inspectors to see that those laws, which primarily require the automatic coupling and the air brake and some minor matters, as suggested by the gentleman from Illinois, are enforced and obeyed; and no money has been more wisely invested by the Government, if human life and human blood are to be estimated of any worth. Now, the law is being fairly well enforced with reference to those types of safety appliances. The vast increase in travel and in the transportation of freight has brought about other dangers and many disasters. We seek by the resolution that has been heretofore passed, and by the amendment which has just been put into the bill on the motion of the gentleman from Illinois [Mr. Mann], to avoid other dangers to the public which are of the utmost importance to be While these laws heretofore passed have proven highly effective and these means of enforcing these laws have been excellent, new questions have arisen. The crowded condition of the railway tracks imperils the lives of our people, and we now want something that, unlike the human mind, will never flag, will never become dazed, will never fail to act, but something which automatically and mechanically will protect the safety of our people. That is what we are in search of now, and this has no relation to the appropriation covered by the item to which the gentleman has just referred.

Mr. PERKINS. I entirely sympathize, as every Member of the House sympathizes, with the objects that we all seek to obtain; but still I am desirous of a little information as to how far the money that we are spending is judiciously spent with a profitable result, and so I would ask the gentleman, who says that the act of 1893 prescribes the use of only two appliances

Mr. SMITH of Iowa. And some minor ones.

Mr. PERKINS. Which I suppose have been adopted by every railroad system in the United States, have they not?

Mr. SMITH of Iowa. In general; yes.
Mr. PERKINS. I ask the gentleman how many employees are paid under this provision for which we appropriate \$100,000 a year?

Mr. OLMSTED. And what they do? Mr. SMITH of Iowa. There are in the neighborhood of

twenty of these employees.

Mr. PERKINS. Twenty, at \$5,000 apiece?

Mr. SMITH of Iowa. Oh, no; this includes their traveling You understand that even if the Government could have obtained free transportation in years gone by it was not deemed desirable to give notice to railway employees that "here comes the inspector"—

Mr. TAWNEY. Or to railway officials either.

Mr. SMITH of Iowa. And so perhaps defeat the very pur-pose of the inspection, and it has always been the practice, therefore, to pay the full fare of all these inspectors, as well as their salaries and their subsistence.

That is entirely proper. I would like to ask Mr. PERKINS. the gentleman if he thinks it is necessary, with reference to improvements that have come into general use, to keep twenty men in constant employ to see whether or not such things as these couplers, which every man can see are used, are being

used by the railroads?

Mr. SMITH of Iowa. I will say that twenty men to cover the United States and see that these automatic couplers are kept in repair and are actually used as automatic couplers, to see that the requisite percentage of cars is equipped with the air brake, and that the air brake is actually used, is indeed a

scanty force for this country.

Mr. MANN. Last year I tried to get the number increased.

Mr. CLARK of Florida. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Florida. I make the point of order that there is no quorum present.

Mr. PERKINS. Mr. Chairman, I think the gentleman from Florida can not take me off my feet.

The CHAIRMAN. The point of no quorum can be raised at any time. The Chair will count. [After counting.] The Chair feels sure that all the Members in the House have been counted, and eighty-six are present.

Mr. WILLIAMS. I suggest that the chairman move that the committee rise.

Mr. TAWNEY. I will say to the gentleman from Mississippi that it was the desire of the committee to continue reading this bill until 7 o'clock in the hope of getting through it as fast as we possibly can. The bill is a very large one and will take considerable time. There are important items in it that will have to be discussed, and in the next hour we can pass over in the neighborhood of forty or fifty pages before reaching those items upon which there will be very much controversy.

Mr. GAINES of Tennessee. Why not have a night session?

Mr. TAWNEY. It is impossible under the present condition

to have a night session. If we were to rise and take a recess it would be impossible to get back into Committee of the Whole,

because we would not have a quorum.

Mr. GAINES of Tennessee. Oh, certainly there would be a quorum.

Mr. TAWNEY. We would not have a quorum of the House, and it requires a quorum of the House to go into Committee of the Whole. I hope the gentleman from Florida will withdraw his point of no quorum and let us go on for an hour at least.

Mr. WILLIAMS. Mr. Chairman, I merely rise for the purpose of requesting the gentleman from Minnesota to move that the committee do now rise.

The CHAIRMAN. Enough Members have come into the Hall so that the Chair has been able to count 101 present. A quorum

is present, and the Clerk will read.

Mr. WILLIAMS. Mr. Chairman, I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr.

WILLIAMS) there were—ayes 13, noes 90.
Mr. WILLIAMS and Mr. CLARK of Florida demanded tellers. The CHAIRMAN. Fourteen gentlemen have risen, not a suffi-cient number, and tellers are refused. Does the gentleman from

Illinois press his point of order? Mr. MANN. I will withdraw the point of order and move to strike out the last word. As to this portion of the item pro-viding for the examination by safety-appliance inspectors of railway mail cars, what is the purpose, and has the appropriation been increased somewhat this year, so that there will be an in-

crease to provide for this matter?

Mr. SMTTH of Iowa. I may say, Mr. Chairman, that under the law, as the gentleman is aware, the railway mail clerks do not have the protection and rights of passengers. They are subject to more hazards than the ordinary passenger, without his rights. It is strenuously contended by the railway mail clerks that many dangerous mail cars are operated in the United States. A movement has been started to secure a distinct force of inspectors for the purpose of investigating the safety and adaptability of these cars and to look after the safety of the railway mail clerks. It seemed to the committee that as the Government already had a force of skilled inspectors-mechanical inspectors-that possibly if they as they travel about the country could inspect these mail cars and their reports were then forwarded by the Interstate Commerce Commission to the Post-Office Department, the entire control of the situation remaining in the Post-Office Department, it simply availing itself of the information furnished, the great expense to the Govern-ment of appointing a new force of mechanical inspectors might be saved.

Mr. MANN. The gentleman refers in the bill to the adaptability. Does the gentleman think that these safety-appliance inspectors are the proper persons to judge of the adaptability of the inside of a car for postal service, or is it simply intended to cover the construction of the car?

Mr. SMITH of Iowa. In the first place, these inspectors are not to judge of anything. They are to report conditions.

Mr. MANN. Well, that means judgment.

Mr. SMITH of Iowa. The Post-Office Department will judge of the adaptability of the interior arrangement, but the purpose is simply to have these mechanical experts report as to the adaptability, as to the strength, and like things, in order that the Post-Office Department may utilize that information without additional cost to the Government.

Mr. MANN. I withdraw the pro forma amendment.

The Clerk read as follows:

Contingent expenses, Independent Treasury: For contingent expenses under the requirements of section 3653 of the Revised Statutes of the United States, for the collection, safe-keeping, transfer, and disbursement of the public money, and for transportation of notes, bonds, and other securities of the United States, \$240,000.

Mr. KEIFER. Mr. Chairman, there has been an understanding here for some time with a number of gentlemen that the next paragraph should be passed over without prejudice. refer to the paragraph relating to the transportation of silver coin. I ask unanimous consent that it be passed without prej-

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the next paragraph may be passed without prejudice. Is there objection?

Mr. CLARK of Florida. I object.

The CHAIRMAN. The gentleman from Florida objects. Mr. KEIFER. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman

Mr. WILLIAMS. Mr. Chairman, I suggest the absence of a

The CHAIRMAN. The Chair has recognized the gentleman from Ohio. He asked for what purposes the gentleman from Ohio rose.

Mr. WILLIAMS. Mr. Chairman, it is always in order to suggest the absence of a quorum, because if we have no quorum we can not do business, not even to listen to the gentleman from

The CHAIRMAN. The gentleman from Mississippi is quite

right, and the Chair will again count.

Mr. TAWNEY. Mr. Chairman, before the announcement of the result I desire to make a parliamentary inquiry. Is it not competent for the Chair to count Members who are in the cloakrooms?

The CHAIRMAN. The Chair has counted the head of every Member looking out of the cloakrooms that is visible, and the

Chair finds eighty Members present; not a quorum.

Mr. WILLIAMS. Mr. Chairman, I demand the regular order. Mr. PAYNE. The regular order is to count, and I hope the Chair will keep on counting.

Mr. WILLIAMS. The Chair has announced the count. The CHAIRMAN. The Chair will state to the gentleman from Mississippi that the regular order would be to call the roll to ascertain the absentees and to compel the absentees to come into the House. That is the regular order, if the gentleman demands it.

Mr. CAPRON. But I do not understand that we can call the

roll in the Committee of the Whole.

Mr. WILLIAMS. The Chair has announced the result: therefore, there is no quorum.

Mr. CLARK of Florida. Mr. Chairman-

The CHAIRMAN. Too many gentleman are seeking to address the House at once.

Mr. CLARK of Florida. Mr. Chairman, I rise to a parliamentary inquiry

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Florida. How many does it take to constitute a quorum in Committee of the Whole?

The CHAIRMAN. One hundred.

Mr. CLARK of Florida. Then there is not a quorum present. The CHAIRMAN. There is not a quorum present. The gentleman from Mississippi has demanded the regular order, which will be to call the roll and bring in the absentees.

Mr. FITZGERALD. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.
Mr. FITZGERALD. Is not the roll call for the purpose of ascertaining the names of the Members not present?

The CHAIRMAN. That is right. If the gentleman insists on the regular order, the Chair will order the roll to be called.

Mr. WILLIAMS. Is the Chairman going to call the roll in Committee of the Whole?

The CHAIRMAN. We do that in order to ascertain the absentees, in order that they may be reported to the House, under the rules of the House.

Mr. WILLIAMS. Mr. Chairman, I would suggest to the gentleman from Minnesota that the committee do now rise.

I do not see the necessity of that. Mr. TAWNEY.

Mr. WILLIAMS. Then, Mr. Chairman, I call for the regular order.

Mr. OLMSTED. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it. Mr. OLMSTED. I would like to know whether any point of no quorum has yet been made. I have heard it only suggested.
Mr. WILLIAMS. Oh, yes; the point of no quorum has been made.

The CHAIRMAN. The point of no quorum was made, as the Chair understood, by the gentleman from Mississippi. The Chair has counted eighty Members present. The gentleman from Mississippi has called for the regular order, and the Clerk will call the roll.

The roll was called.

The SPEAKER took the chair.
The CHAIRMAN. Mr. Speaker, the Committee of the Whole
House on the state of the Union, finding itself without a quo-

rum, caused the roll to be called. There were ascertained to be present 116, and I am directed by the committee to report to you the following absentees:

Acheson Alexander Ellerbe Klepper Rhinock Kline Knopf Knowland Lacey Rhodes Richardson, Ala. Richardson, Ky. Riordan Fassett Field Allen, Me. Allen, N. J. Fletcher Flood Floyd Ames Babcock Lamar Rives Roberts
Robertson, La.
Rodenberg
Rucker
Ruppert Landis, Frederick Foster, Ind. Foster, Vt. Fowler Fulkerson Fuller Bartholdt Law
Lawrence
Le Fevre
Lewis
Lilley, Conn.
Lilley, Pa.
Lindsay
Livingston
Lloyd
Longworth Law Bartlett Bartlett
Bates
Bede
Beidler
Beil, Ga.
Bingham
Birdsall
Blackburn
Boutell
Bowers
Eowersock Ryan Gaines, W. Va. Saunders Schneebeli Scott Scroggy Shackleford Gardner, Mass. Gardner, Mich. Gardner, N. J. Longworth Lorimer Garner Gilbert Gilhams Shartel Shartel Sheppard Sherman Sibley Slayden Slemp Small Bowersock Loud
Lovering
Lowden
McCall
McCarthy
McCreary, Pa.
McDermott
McGavin
McKinlay, Cal.
McKinley, Ill.
McKinney
McLachlan
McLachlan
McLach Loud Bowie Bradley
Brantley
Broocks, Tex.
Brooks, Colo.
Broussard Gillett Glass Goebel Goldfogle Smatt Smith, Ky. Smith, Mich. Smith, Pa. Smyser Southwick Brown Goulden Graff Granger Brumm Brundidge Gregg Griggs Gronna Buckman Burke, Pa. Sparkman Sperry Spight Stanley Steenerson Steyhens, Tex. Stevens, Minn. Sulloway Sulzer Talbott Taylor, Ohio Thomas, Ohio Threll Sparkman McLachian McLain McNarran McNary Madden Mahon Martin Burleigh Gudger Hale Hamilton Hardwick Barnett Burton, Del. Burton, Ohio Butler, Tenn. Haugen Martin Maynard Meyer Michalek Minor Moon, Pa. Moore, Tex. Morrell Mouser Mudd Nelson Nevin Norris Haugen Hay Hearst Hedge Heffin Henry, Conn. Henry, Tex. Hepburn Hermann Calderhead Campbell, Kans. Campbell, Ohio Thomas, Oh Tirrell Townse Townsend Trimble Tyndall Underwood Van Duzer Van Winkle Volstead Wachter Wallace Wanger Watkins Campbel Clayton Cockran Cole Hill, Conn. Hill, Miss. Hinshaw Conner Cooper, Pa. Cooper, Wis. Condrey Consins Norris Otjen Overstreet, Ga. Overstreet, Ind. Page Palmer Parsons Hogg Holliday Hollday Hopkins Houston Howard Howell, N. J. Howell, Utah Hubbard Cromer Currier Dalzell Darragh Davey, La. Davis, Minn. Davis, W. Va. Wanger Watkins Webb Webber Weems Weisse Welborn Patterson, N. C. Patterson, S. C. Huff Dawes Denby Dixon, Ind. Hughes Humphrey, Wash. Humphreys, Miss. Pou Powers Prince Pujo Rainey Randell, Tex. Ransdell, La. Reeder Wharton Wiley, Ala. Wilson Woodyard Dovener Hunt Jenkins Draper Johnson Jones, Va. Keliher Kinkaid Driscoll Dunwell Edwards Young Reid

The SPEAKER. The gentleman from Indiana [Mr. WATSON]. chairman of the Committee of the Whole House on the state of the Union, reports that the committee, having found itself without a quorum, directed the roll to be called, and reports the absentees. It appears that a quorum of the Committee of the Whole House on the state of the Union is present, namely, 116, and therefore, under the rule, the committee will resume its session.

The committee resumed its session, Mr. Watson in the chair, The Clerk read as follows:

Transportation of minor coin: For transportation of minor coin, \$18,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, minor coin when requested to do so: Provided, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

Mr. KEIFER. Mr. Chairman, I wish to resume my application that this paragraph in the bill be passed over without prejudice. I want to say to the gentlemen on both sides of the House, so far as they could be consulted in connection with the committee, this was understood sometime ago in connection with another matter. It is a very important one, and it would take but a very short time to discuss it.

The CHAIRMAN. The gentleman from Ohio [Mr. Keifer] asks unanimous consent that the second section, on page 48, be passed without prejudice, the section having reference to the transportation of minor coins. Is there objection?

Mr. CLARK of Florida. Mr. Chairman, I object.

Mr. KEIFER. I hope the gentleman will withdraw his objection in view of the importance of the matter and of the situation. The whole committee, so far as I know, understand it in that way.

Mr. CLARK of Florida. Mr. Chairman, I will state to the gentleman from Ohio [Mr. Keifer] that from now on until the 4th of March there will not be another unanimous consent granted in this House.

The CHAIRMAN. Does the gentleman from Ohio desire to

discuss the section?

Mr. KEIFER. I desire to discuss the section and make several amendments. Mr. Chairman, I offer the following amend-

The Clerk read as follows:

Amend by inserting after the word "transportation," in line 8, page 48, the following: "of silver coin, including fractional silver coin, by registered mail or otherwise, \$120,000, and."

Mr. KEIFER. Now, Mr. Chairman, this proposition, I submit, if adopted, will be in precise accordance with the legislation in the sundry civil bill for the present fiscal year. It will be in substantial accordance with the sundry civil bills commencing with the year 1881 until this Congress; and I believe it has never been proposed to completely withdraw the patronage of the United States over the distribution of fractional currency or minor silver coin until this year. This is the first year in the history of the coinage of fractional silver that I believe it was even proposed that the Government of the United States should not be instrumental in some way, and in the way of transportation, in distributing fractional silver all over this country. Last year the Committee on Appropriations were good enough to unanimously decide that they were still in favor of the distribution at the Government expense of fractional silver coin. This year they are opposed to it. Some say it is unconstitutional to do this thing. I know no provision of the Constitution that affects it.

Mr. FITZGERALD. Who says so?

Mr. KEIFER. Well, the gentleman asked the question. I will be glad to let the gentleman from Massachusetts answer.

Mr. FITZGERALD. I am asking for information.

Mr. KEIFER. You ask him. Mr. FITZGERALD. I have not the floor.

Mr. KEIFER. He made that statement, I undertake to say, and I think in your presence.

I think not. Mr. FITZGERALD.

Mr. KEIFER. And standing by your side.

Mr. FITZGERALD. He did not make such a statement as

Mr. SULLIVAN. Well, now— Mr. KEIFER. You suggested it was unconstitutional to carry silver, did you not?

Mr. SULLIVAN. I do not know whether it is unconstitu-tional for the Government to carry coin at the expense of the Government to the bankers, but it is highly immoral.

Mr. KEIFER. The gentleman is a little evasive in his answer; but let me say Mr. Chairman, that we have been discovering recently that there are a great many immoral things that have gone on from the beginning of this Government up to the present time.

Mr. KENNEDY of Nebraska. Especially in New York.

[Laughter.

Mr. KEIFER. It is said by the gentlemen who live at the side of one of the subtreasuries of this country that they do not want the distribution of fractional silver coin or silver dollars because they can get silver by going across the street, or near by, in their own cities. But over the great territory of the West and the great territory of the South, most of which is remote from the subtreasuries where silver dollars and fractional currency can be obtained, they are cut off absolutely and entirely if we are going to pass this bill in the form it is reported here.

Mr. GAINES of Tennessee. Will the gentleman permit me to

interrupt him?

Mr. KEIFER. Certainly.

Mr. GAINES of Tennessee. I helped the gentleman discuss this question a year ago, and I agree with him. Is it proposed as an amendment to the pending bill?

Mr. KEIFER. An amendment is pending now which if adopted will simply continue a condition which has been going on in this country ever since 1881, perpetuated through civil sundry bills passed by Congress.

Mr. GAINES of Tennessee. Payment for the shipment?

Mr. KEIFER. Payment for the shipment of fractional silver and silver dollars.

Mr. GAINES of Tennessee. Now, your amendment is pending? Mr. KEIFER. It is exactly the same as was contained in the

sundry civil bill of last year.

Mr. CLARK of Florida. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CLARK of Florida. I raise the point of order of no quorum.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. Keifer] has expired.

Mr. KEIFER. I ask unanimous consent to be allowed to

Mr. GAINES of Tennessee. I ask unanimous consent that the

gentleman's time be extended five minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Ohio be extended five minutes. Is there objection?

There was no objection.

Mr. KEIFER. Mr. Chairman, there was a very full discus-

sion of the matter

The CHAIRMAN. The gentleman from Florida [Mr. CLARK] raises the point of no quorum. The Chair will state that the roll, just called within the last ten minutes, disclosed the presence of a quorum.

Mr. TAWNEY. I make the point, Mr. Chairman, that the point of no quorum made by the gentleman is dilatory.

The CHAIRMAN. The Chair at this time sustains the point made by the gentleman from Minnesota that it is dilatory, be-

cause in the opinion of the Chair at this time, so recently after the roll has been called, it is dilatory.

Mr. CLARK of Florida. A parliamentary inquiry.
The CHAIRMAN. The gentleman will state it.
Mr. CLARK of Florida. How long after a roll call before it is in order to call the attention of the Chair to the absence of quorum?

The CHAIRMAN. Well, that depends on circumstances, and the Chair will deal with that question when it comes up. For the present the Chair sustains the point of order made by the gentleman from Minnesota. The gentleman from Ohio [Mr. Keiferl is recognized.

Mr. KEIFER. Mr. Chairman, I regret to allude to a matter that is purely personal. About a month ago I agreed to go at this hour to the Georgetown University to attend to an important matter in connection with an oratorical contest, and they will very soon be waiting. That is the reason I was very anxious personally that this matter should be passed over. I have no means of notifying them. But I regard the pending question as of the gravest importance to this country. suggestion has been made before that the Government should not be put to the expense of paying for the keeping out of silver, and when that suggestion was made it was answered. By reason of this provision we are now keeping in circulation about \$85,000,000 of the \$560,000,000 silver that the Government has coined. At the last report, on the 1st of February, 1907, we had about \$5,000,000 more in circulation than we had one year before. We have been able from year to year to utilize the silver, and there is a disposition which shows clearly that the silver of this country is demanded.

At this very hour, everywhere in the money centers of this country, they are appealing to Congress and to various schemes of the Treasury to get out some smaller currency—something with which to make change, something for convenience, one and two dollar bills, and the silver is the cheapest thing that we Gentlemen talk about paying the expense of transportahave. Why, we pay the expense of transporting gold from mint tion. to subtreasury. According to the provisions of this very bill, we are providing to pay for carrying paper currency; but when we come to silver coin people seem to have the idea that there is some strange reason why it should be struck down. It is a most important thing to this country that we should maintain our silver dollars on a parity with our gold dollars, and if we are going to lock the silver coin up in the Treasury, it will be disparaged to that extent and will be withdrawn from the useful circulating medium of this country.

Now, as to the fractional silver. We had in circulation in fractional currency, called "subsidiary silver," belonging to the Government, under date of January 1, 1907, \$127,841,368. We had on February 1 in circulation \$124,120,938, and by reason of the deficiency in the appropriation, which they were fearing would come, we went down in the distribution of subsidiary silver coin between January 1, 1907, and February 1, 1907, nearly \$4,000,000 in its circulation. If we now say that henceforth the subsidiary silver coin of this country is to be transported from the custom-houses by the people by whatever means they can get it, within a year we will hear a cry that our subsidiary silver coin has practically gone out of circulation, and we will hear an answering cry.

So that we are to-day not attempting to do only what we attempted in the last sundry civil bill, to wit, to depreciate the usefulness of the silver dollars, but we are proposing to wipe out practically \$127,000,000 more of the subsidiary coin, so far as

getting it to the people is concerned. My amendment, I repeat again, as offered simply puts into the bill that which the law for this year has, and does not increase the amount proposed to

be appropriated by a single dollar.

Mr. TAWNEY. Mr. Chairman, I wish to say at the outset that the failure to carry the appropriation for the transportation of fractional silver is the result of inadvertence in making up the bill. I have the original bill from which it was made up, and the committee intended and supposed until now that that item was carried in this bill. It was the purpose of the committee, and no one thought otherwise until now to omit the appropriation of \$125,000 for the transportation of silver dollars. f the amendment of the gentleman from Ohio is voted down, I propose to offer an amendment restoring the item for the transportation of fractional currency.

Now, Mr. Chairman, when this matter was before the committee a year ago the Secretary of the Treasury was interrogated upon the question of the continuance of this practice of paying the expense of transporting the money from the subtreasury to the banks. The Secretary said: "I do not see the occasion for the Government paying for the transportation of silver any more. The reasons that existed in that provision do not exist now."

Now this transportation of silver dollars is primarily, Mr. Chairman, for the benefit of the express companies. It was demonstrated in the hearings and in the debate on this proposition at the last session that the abuses that have grown up under this provision in an appropriation bill has cost the Government thousands upon thousands of dollars every year. The House appropriated \$120,000 for this service in the last sundry civil appropriation act. There was a deficiency of \$10,000 which Congress had previously refused to grant. There is a deficiency estimated now, although we gave them \$130,000 last year. There is an item of deficiency of \$10,000 for the current year, and they estimate for the service \$125,000 for next fiscal year.

Mr. MONDELL. Will the gentleman yield for a question? Mr. TAWNEY. Certainly.

Mr. MONDELL. If the Department used this sum and asked for more, why is it not given? Does not that indicate that there is a use for this appropriation and that there is a demand for it?

Mr. TAWNEY. There is certainly a demand for it. Government of the United States were to furnish clothing to the people of this country, there would be an enormous demand for an appropriation to pay the expenses of giving it to them, and there would be Representatives on this floor to defend the proposition. The service is a service that the Government is per-forming for the benefit of the banks of this country. Now the banks pay the cost of transporting the currency. There is no reason why the Government should continue longer the transportation of the silver dollars. At the hearings before the committee at the last session of Congress it was shown that there were cases where a great abuse occurred. One particular case was cited where a bank at Yonkers wanted several thousand They were shipped by the United States exsilver dollars. press up to Binghamton, 250 miles. Then they were transferred to another express company and shipped 240 miles farther, and then they were transferred to another express company and shipped to Yonkers, traveling a distance of over 500 miles, although the actual distance from the subtreasury in New

Mr. GAINES of Tennessee. Does the gentleman think it is fair to punish the whole United States because they rob the Government in New York City?

Mr. TAWNEY. We are not punishing anybody by omitting this appropriation. If a bank in the city represented so ably by the gentleman from Tennessee [Mr. Gaines] desires to get \$5,000 from the subtreasury, that bank can obtain the money by paying the expense. That is a convenience to the bank. Why should the Government pay for that convenience any more than it should pay for any other convenience enjoyed by any other individual?

Mr. GAINES of Tennessee. A citizen goes to the bank, the receptacle for the money in the city and the country, and asks for silver money to pay—to whom? The negroes down South, the laboring people down South, who think first of God Almighty, then the Constitution, and then the silver dollar of the daddies.

daddies.

The CHAIRMAN. The time of the gentleman has expired. Mr. TAWNEY. I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for two minutes. Is there objection?
Mr. CLARK of Florida. I object.

The CHAIRMAN. The gentleman from Florida objects.

Mr. TAWNEY. I move to strike out the last word. The CHAIRMAN. The gentleman from Minnesota moves to strike out the last word, and the Chair will recognize the gentleman.

Mr. TAWNEY. Mr. Chairman, we have here the recommendation of the Secretary of the Treasury, a man charged with the responsibility of administration, a man who knows more about the practical operation of this law or the necessity for this appropriation than any man on the floor of this House.

Mr. MONDELL. What does he say?
Mr. TAWNEY. He recommends it.
Mr. KEIFER. Oh, no.

Mr. TAWNEY. At the last session of Congress, Mr. KEIFER. Oh, no, no. Mr. TAWNEY. Well, I have the hearings right here. I

I do not see the occasion for the Government to pay transportation silver any more. The reasons that existed for that previously do of silver any more, not exist to-day.

And the hearing proceeds for four pages.

Mr. BURLESON. Will the gentleman yield?

I yield to the gentleman from Texas. Mr. TAWNEY.

Mr. BURLESON. I would like to ask the gentleman if this is not the true state of affairs: Do we not have a subtreasury in the city of New York; also one at Boston, one at Baltimore, and one at Philadelphia? Is it not true that every bank in those sections of the country, being in close proximity to a subtreasury, can secure silver coin at comparatively little expense? In the South and in the West we have no subtreasuries, the banks there being far removed from the subtreasuries, and consequently the burden is much greater on the banks in those sections of the country that want silver coin than upon banks closer to a subtreasury. Is it not unjust and unfair to those sections of the country—the South and West—where we do not have so many subtreasuries, to keep out this provision that was stricken from this bill last year, and not only subject the people

there to great inconvenience, but an unjust expense?

Mr. TAWNEY. Why, Mr. Chairman, the logic of that contention would necessarily lead to the Government transporting everything—all classes of money for the banks—because some banks are farther removed from the subtreasury than other

Mr. SULLIVAN. Or of establishing a subtreasury in every village of the United States.

Mr. TAWNEY. Yes.

Mr. BURLESON. Mr. Chairman, that is the very contingency that I predicted a year ago would arise—that is, if this provision went out there would be immediately an increased demand for the establishment of subtreasuries, and the South, or rather the southeastern section of our country, is clamoring for the establishment of a subtreasury.

Mr. TAWNEY. Yes; and have been for fourteen years-ever

since I have been in Congress.

Mr. BURLESON. Yes; and their demand ought to be met. The South ought to have another subtreasury.

Mr. TAWNEY. That may be true.

Mr. BURLESON. And, Mr. Chairman, Texas, for the Southwest, is also clamoring for a subtreasury at this very time, and it ought to have one, and I believe she will get it, unless this provision is again inserted in this bill.

Mr. TAWNEY. But it is not in consequence of a failure to secure a deficiency of \$10,000 during the last year that this demand for a subtreasury is coming up here from the South. The conditions that are demanding that are not related in the least to the proposition of the transportation of silver dollars.

Mr. BURLESON. But I do not agree with the gentleman. Mr. TAWNEY. It is simply a gratuity to every bank in the United States, and the gentleman from Texas [Mr. Burleson], as every other man who proposes it, knows that that is the fact, and that is why I believe we should cease appropriating \$135, 000 every year for the transportation of silver dollars for the

benefit of the banks of this country.

Mr. GAINES of Tennessee. Mr. Chairman, for ten years L have steadily in this House fought for the perpetuation of this appropriation to pay for transporting silver coin, etc. For a number of Congresses we were successful. For the last two or three Congresses we have failed. Why, Mr. Chairman, was it ever inserted in an appropriation or elsewhere? Why was it ever the law? For the reason that the silver dollar, being heavy, it was claimed that it would not actually circulate and help to transact the financial business of the country. We all know to a large extent that was the fact before we substituted the silver certificate to represent the heavy silver dollar. I want the gentleman from Minnesota particularly to listen now to a few things I am going to tell him. Mr. Chairman, his

party-and I am not going to make a party question or a silver issue here. The subject is way above either; it involves the welfare of a large portion of this country-South and Westwhich can not get the silver dollar to use in the transaction of their business. The people of the South and West are particularly devoted to the silver dollar as a piece of money for the transaction of business and as a circulating medium. They can not get it under the present law unless, Mr. Chairman, they send away off to some subtreasury for the purpose of getting it, and pay the express charges on it. Recently Secretary Shaw has been South and has been West, and voluntarily said to the people in the Southwestern portion of this country: "If you will get together and agree on a suitable location or city where we can build a subtreasury, I will recommend it." That was done, and Birmingham selected; but the matter was carried before the Ways and Means Committee, and by a nonpartisan vote of 7 to 6, or something like that, it was defeated; so we have only one subtreasury in the South, and that is at New Orleans. The people of Kentucky, Tennessee, and Arkansas, and the whole Southeast must send to New Orleans, where possibly they may get it. The Middle West is in about the same

Mr. GROSVENOR. I want to ask the gentleman who is the authority for saying Secretary Shaw recommended the estab-

Ishment of another subtreasury?

Mr. GAINES of Tennessee. Well, it was pretty hard to get at exactly what he did say, I will say to my friend from Ohio.

Mr. GROSVENOR. The committee understood from his letter that he thought it was advisable, so far as the interests of the Government were concerned-

Mr. GAINES of Tennessee. I did not catch what the gentleman said.

Mr. GROSVENOR. We construed his letter as undertaking to say, and did say, that, so far as the interests of the Government were concerned, he did not think it was necessary to establish another subtreasury; but then he went on to say that if we did establish one in the Southeast, he thought we ought to establish one or two more in the Northwest.

Mr. BURLESON. I want to ask the gentleman before he takes his seat did he not also say that there ought to be two or

three treasuries in the East abolished?

Mr. GROSVENOR. He said if we established any more in the South and Northwest we might with great propriety do

away with some of those already existing. Mr. GAINES of Tennessee. I thank the gentleman from Ohio for the statement he has made. Now, my information, and I have a letter written to me in which Secretary Shaw said—

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. I have been interrupted and I am much interested in this. I ask for five minutes more.

The gentleman from Tennessee asks unan-The CHAIRMAN. imous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

[After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Now, the Secretary, whom we are always glad to hear and entertain royally, went down South. He saw the need of a subtreasury, not for the benefit of the Government possibly, but for the benefit of the commerce of this country, the people who after all in this great Republic are the Government.

Now, then, suppose a subtreasury had been established at Birmingham, where he agreed to establish it, or at Atlanta, which fought so vigorously for it. The people in that section of the country, if they must pay the freight-I want to say to the gentleman from Minnesota [Mr. TAWNEY], who is close to the doors of Chicago-could get the silver at less freight than sending away off to Philadelphia, or to Baltimore, or to the city of Washington, or to Cincinnati, or to St. Louis. As it is, we have no subtreasury where they can even get cheap freight rates to haul these dollars to the people that want to transact their business with them.

Now, then, there is the distinguished gentleman from Ohio [Mr. Grosvenor] who frequents—and I am glad he does—the He has been a great friend, I know, for years in this House of the southern people, their institutions, their wants, and their petitions. I bear personal witness to the fact. to establish a subtreasury in the South. Why? Not because the Government, as such, needed it, but because the people of that country want it, people who are entitled to some of the conveniences and to some of the pleasures of not being oppressed. They have protested against the highway robbery imposed by the express companies, that great monster that has been robbing the Government and robbing the people. In face of this want and this robbery the people ask this pittance, and yet it is denied.

Another distinguished son of Ohio [Mr. Keifer] favors this appropriation. The laboring people of the South, the negroes of the South, who believe in the silver dollar and want that and nothing else, and the white people of the South and the people of the West want it. And yet in this day of liberal appropriations to do this, that, and the other the commerce of the country is to be curtailed, the people are to be denied the money they want and that they are entitled to have because express companies charge too much for hauling it. And yet the committee comes along and omits the usual appropriation, and now, I believe, goes a step further in this bill and says that if the bank puts so much money in the treasury or treasuries the Government will haul the small silver coins only. How can they do so in Nashville? There is no treasury or subtreasury there. How can they do it in Memphis? There are none there. How can they do it in Atlanta? There are none there. How can they do so in Florida? There are none there. How in Alabama? There are none there. How in Louisiana? There are none there. How in Arkansas? None there. How in the Middle West? None there. Where are we going to find a treasury or subtreasury in these sections South and West, I will ask my friend from Minnesota [Mr. TAWNEY]? There are no treasury conveniences there. And yet you would have the people, before they could get the benefits of the hauling of even these little silver coins, put them in a place that the gentleman himself knows does not exist in these sections, thus requiring them to meet an impossible condition and without the people's fault.

Mr. KEIFER. Mr. Chairman, I understand that the gentleman who has made the objection to letting this paragraph go over withdraws his objection. I renew the motion that it go over.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. Gaines] yield to the gentleman from Ohio [Mr. Keifer]?

Mr. GAINES of Tennessee. I yield the floor to the gentleman from Ohio [Mr. KEIFER].
Mr. KEIFER. Mr. Chairman, I make the motion that it go

over.

The CHAIRMAN. The gentleman from Ohio moves that the paragraph go over without prejudice until to-morrow, and that his amendment be pending when the paragraph is again called Is there objection?

There was no objection.

Mr. WILLIAMS. Mr. Chairman, I now suggest, but in no dilatory spirit, but because my eyes seem to convince me, that

there is no quorum present.

The CHAIRMAN. The gentleman from Mississippi makes the point of no quorum. Does the gentleman state that he does this sincerely and not in a dilatory spirit?

Mr. WILLIAMS. I say it because after an effort to count

the membership present I can not count a quorum.

Mr. TAWNEY. I desire to say that there is a quorum, not on the floor, but that the gentlemen are down in the restaurant getting their dinners.

Mr. WILLIAMS. I never yet heard the quorum in the restaurant being counted.

Mr. TAWNEY. And we will have a quorum inside of five

minutes Mr. WILLIAMS. They ought to be here to listen to this bill.

and listen to what is going on, if they are in the restaurant now.

The CHAIRMAN. The gentleman says he makes the motion in sincerity and not in a dilatory spirit, so the Chair will count. [After counting.] The Chair has counted 104 gentlemen; a quorum is present. The Clerk will read.

The Clerk read as follows:

General inspector of supplies for public buildings: For one general inspector, under the direction of the Secretary of the Treasury, to be appointed by the President, by and with the advice and consent of the Senate, who may be required to inspect public buildings under the control of the Treasury Department, and report on the efficiency of the custodians' forces, and the use of fuel, lights, water, miscellaneous supplies, and so forth, \$3.000; and for actual necessary traveling expenses, not exceeding \$2,000; in all, \$5,000.

Mr. PERKINS. I reserve the point of order on the section last read. I reserve it from the fact that on the face it seems that the point of order ought to be good. It is on page 50, for inspector.

The CHAIRMAN. What is the point of order?

Mr. PERKINS. The point of order is that it is new legislation, and the reason I make it, I will state to the gentleman from Minnesota, is this: Here is a provision that, Mr. Chairman, provides for a general inspector to be appointed by the President to inspect public buildings, to ascertain in reference to the custodians' force, the use of fuel, light, water, etc., at an expense not to exceed \$5,000. Now, the next paragraph in the bill authorizes the employment of another person to inspect public buildings, to examine into their requirements for fur-

niture and other furnishings, including fuel, light, personal service, at an expense of \$5,500 a year. So far as I am able to see, Mr. Chairman, it would appear on its face; apparently and avowedly, it is not in order, if he is to be appointed by the President. Then we have two sections providing for the employment of two Government employees whose duties are almost exactly identical. I reserve the point of order in order that the gentleman in charge of the bill may tell us something about this provision. On the face of it it is a double provision for the same work

Mr. TAWNEY. I think the gentleman from New York is mistaken about that. The duties of the first position relate entirely to inspecting buildings and the appliances; the other relates more especially to the inspection of furniture, supplies, etc. will say, further, Mr. Chairman, that when the sundry civil bill in the last session of Congress was reported the first item was omitted entirely. I do not pretend to defend it, although we have tried to put it in a shape so that part of the duty here-tofore performed by the man under the second paragraph shall be put on the man who is appointed under the first paragraph, and hope to make the place of some use to the Government. The item has been carried for a great many years in the sundry civil bill. It has been knocked out in the House; it has been omitted when reported from the committee; but it always comes back with that item, and the conferees on the part of the House have never yet been able to keep that item out

Mr. LITTLEFIELD. I would like to inquire why one inspector can not do both things?

Mr. PERKINS. That is just what I wanted to know. Mr. TAWNEY. One, the inspector of furniture, does not in-Mr. TAWNEY. One, the inspector of furniture, does not inspect the furniture in the buildings. He is at the factory where the furniture is manufactured. Of course one inspector can not do this. It is impossible, I will say, for one inspector to inspect all the Government buildings in this country. It can not be done with one man. There is, in addition to this, a further inspection force in the Department, under the Supervising Architect; but this man has a roving commission, and is under the direction of the Secretary of the Treasury, and is the only employee of the Government receiving a salary such as he does whose appointment must be confirmed by the Senate of the United States

Mr. LITTLEFIELD. I would like to inquire why it is—
The CHAIRMAN. The discussion is proceeding in the time of

The CHARMAN. The discussion is proceeding in the time of the gentleman from New York.

Mr. LITTLEFIELD. I so understand. I would like to inquire why it is that he is to report on the efficiency of the custodian's force. There is only one that has power to do that all over the country. The second man does not have any such I assume that one of the men will travel all over the United States inspecting. Now, while he is traveling, why not inspect the others?

Mr. TAWNEY. He could, and he should.

Mr. PERKINS. I think the chairman of the committee agrees with me in the construction put on the paragraph.

Mr. TAWNEY. I do not think the paragraph is subject to the point of order.

The CHAIRMAN. What authority of law is there for it? Mr. LITTLEFIELD. Nothing except in the annual appropriation bills

Mr. TAWNEY. It is an established service, provided for in the appropriations of previous Congresses, and for a great

many years.

Mr. PERKINS. I understand that the gentleman in charge of the bill concedes that this point of order has been sustained. Furthermore, let me call attention to the fact that in this section additional duties are imposed, which in itself is new legislation, even if the other were not, and therefore the entire section is subject to the point of order.

The CHAIRMAN. In the absence of special authorization, which has not been produced, the Chair is clearly of the opinion that it is obnoxious to the rule, and the Chair sustains the point of order.

Mr. TAWNEY. That is, to the first paragraph.
Mr. PERKINS. I only made it to the first paragraph.

The CHAIRMAN. The one to which the point of order was

Mr. TAWNEY. I understood the point of order was made only to the first paragraph.

Mr. PERKINS. Beginning at line 18, page 50, and ending

at line 2, page 51.

The CHAIRMAN. As to that paragraph, the point of order is sustained. The Clerk will read.

The Clerk read as follows:

Inspector of furniture and other furnishings for public buildings: To enable the Secretary of the Treasury to employ a suitable person to

inspect all public buildings and examine into their requirements for furniture and other furnishings, including fuel, lights, personal services, and other current expenses, \$2,500; and for actual necessary traveling expenses, including actual traveling expenses of assistant, not exceeding \$3,000; in all, \$5,500.

Mr. CLARK of Florida. Mr. Chairman-

The CHAIRMAN. For what purpose does the gentleman

Mr. CLARK of Florida. I make the point of order against the paragraph just read, from line 3 down to and including line 11, on page 51

The CHAIRMAN (Mr. Lattlefield). The Chair understands that this is situated precisely as the other paragraph was with

reference to the point of new legislation. Mr. TAWNEY. No; the situation is not the same, Mr. Chair-This is an office made necessary by reason of the service incident to the inspection of furniture and furnishings for public buildings which are constructed in accordance with law

The CHAIRMAN. Is it an office created by law, other than the annual appropriation bill?

Mr. TAWNEY. I do not think it is.
The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For assistant inspector of furniture and other furnishings for public buildings, \$1,600.

Mr. CLARK of Florida. I make the point of order against lines 12 and 13, on page 51.

The CHAIRMAN. The Chair will inquire of the chairman of the committee whether it is subject to the same legal construction?

Mr. TAWNEY. It is. The CHAIRMAN. T The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Furniture and repairs of furniture: For furniture and repairs of same, carpets, and gas and electric-light fixtures for all public buildings, exclusive of marine hospitals, mints, branch mints, and assay offices, under the control of the Treasury Department, and for furniture, carpets, gas and electric-light fixtures for new buildings, exclusive of personal services, except for work done by contract, \$352,500. And all furniture now owned by the United States in other public buildings and in buildings rented by the United States shall be used, so far as practicable, whether it corresponds with the present regulation plan for furniture or not.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. How did the committee arrive at the conclusion that it would take

\$352,500 to do this particular thing?

Mr. TAWNEY. This is an appropriation for the furnishing of new public buildings, and the appropriation for the furnishing of new public buildings, and the appropriation is made upon a careful estimate of the Department.

Mr. CLARK of Missouri. You have an itemized account

somewhere, have you?

Mr. TAWNEY. I can not say that we have the statements specifically itemized, but we had the Supervising Architect before us and he gave us this information:

The CHAIRMAN. The next item is on page S8, "Furniture and repairs of furniture," and I observe that the estimate for 1908 is \$352,500, as against \$495,400.

Mr. LUDLOW. Yes, sir.
The CHAIRMAN. A material reduction in the appropriation?
Mr. LUDLOW. Yes, sir: we have been informed by the Supervising Architect's office that there will be only two buildings that will be furnished this year, and those are the buildings at Baltimore and Southle.

Seattle.

The Chairman. Only two buildings to be furnished this year?

Mr. LUDLOW. Yes, sir.

The Chairman. In the fiscal year 1908?

Mr. LUDLOW. Yes, sir; that is all we have an estimate for. There will be eight buildings, but I did not change the estimate.

The Chief Clerk of the Treasury Department is the man who has supervision of the purchase of furniture, and also of the repairs to furniture, and it is upon the information that he furnishes in regard to the matter that we have made this recommendation.

Mr. CLARK of Missouri. I withdraw the point of order. The CHAIRMAN. The point of order is withdrawn, and the Clerk will read,

The Clerk read as follows:

The Clerk read as 1010ws:

Fuel, lights, and water for public buildings: For the purchase of fuel, steam, light, water, water meters, ice, lighting supplies, electric current for light and power purposes, and miscellaneous items for the use of the custodian's forces in the care of the buildings, furniture, and heating, hoisting, and ventilating apparatus, and electric-light plants, exclusive of personal service, and for expenses of installing electric-light plants, electric-light wiring, and repairs thereto, in such buildings completed and occupied as may be designated by the Secretary of the Treasury, for all public buildings, exclusive of marine hospitals, mints, branch mints, and assay offices, under the control of the Treasury Department, inclusive of new buildings, \$1,350,000. And the appropriation herein made for gas shall include the rental and use of gas governors, when ordered by the Secretary of the Treasury in writing:

Provided. That no sum shall be paid as rental for such gas governors greater than 35 per cent of the actual value of the gas saved thereby, which saving shall be determined by such tests as the Secretary of the Treasury shall direct. No portion of the amount herein appropriated shall be used for operating a system of pneumatic tubes for the transmission of postal matter.

Mr. MANN. Mr. Chairman, I reserve a point of order on the last sentence. I want to ask the chairman of the committee what is the purpose of making a positive statement here that no portion of the amount appropriated shall be used for operating a system of pneumatic tubes for the transmission of postal

Mr. TAWNEY. The purpose of this is to prevent the making of contracts for pneumatic-tube service that properly belongs to the Post-Office Department. That should be made out of the post-office appropriation.

Mr. MANN. I thought that possibly the Department might conclude, when putting in conduits for other things, to put in a

conduit for pneumatic-tube service. Mr. TAWNEY. I will say to the gentleman that the committee has recommended to the House a provision authorizing an investigation of the advisability of a pneumatic-tube service between the Capitol and the Government Printing Office and other Departments and to report at the next session of Congress.

Mr. MANN. I withdraw the point of order. Mr. CLARK of Florida. Mr. Chairman, I renew the point of order.

Mr. TAWNEY. What is the gentleman's point of order? Mr. CLARK of Florida. That it is new legislation, as I understand it

Mr. TAWNEY. It is not new legislation; it is a limitation upon the appropriation.

The CHAIRMAN (Mr. Littlefield). Does the gentleman from Florida wish to be heard upon the point of order?

Mr. CLARK of Florida. I do not.
The CHAIRMAN. The Chair is of opinion that it is a limitation, and overrules the point of order.
The Clerk read as follows:

Hen and Chickens light vessel, Buzzards Bay, Massachusetts: For completing the construction, equipping, and outfitting complete for servece, a steel, steam, self-propelling light vessel, with a steam fog signal,

Mr. MANN. Mr. Chairman, I move to strike out the words "Hen and Chickens." The authorization is for a light vessel at the entrance to Buzzards Bay to take the place of the Hen and Chickens light vessel. It might not be located at that exact

Mr. SMITH of Iowa. I see no objection, Mr. Chairman, to the proposed amendment, but I want to say that the language of the item is that proposed by the Department.

Mr. MANN. I understand.

The amendment was agreed to.

The Clerk read as follows:

Milwaukee breakwater and harbor of refuge, Wisconsin: For establishing a light and fog signal on the Milwaukee breakwater, Lake Michigan, Wisconsin, \$50,000.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend by adding after the word "dollars," in line 17, page 61, the following: "Provided, That this amount and that hereafter appropriated and the authorization to contract therefor is hereby made available, applicable, and in force for the establishment of said light and fog-signal station on the south end of the proposed extension of the breakwater, harbor of refuge."

Mr. SMITH of Iowa. Mr. Chairman, I have no objection to the adoption of the amendment.

The question was taken; and the amendment was agreed to. Mr. CLARK of Florida. Mr. Chairman, I would like to inquire of the chairman of the committee if establishing a light and fog-signal station on the Milwaukee breakwater, Lake Michigan, is for the initial establishment of that station?

Mr. SMITH of Iowa. It was authorized by the act of Congress last year.

Mr. CLARK of Florida. Authorized by existing law? Mr. SMITH of Iowa. Yes. If the gentleman had observed the language of the amendment just adopted be would see that it slightly changes this location.

Mr. CLARK of Florida. I gathered from the reading of the amendment that there had been some legislation on the matter.

Mr. SMITH of Iowa. It has been authorized.

Mr. STAFFORD. The reason for the amendment is a provision in this year's river and harbor bill extending the breakwater a thousand feet southerly. This light and fog-signal sta-tion was authorized last year to be located on the present southerly end of the breakwater. The location having been defined, and a change in the breakwater and the site of the proposed light having been decided upon, it is necessary to make available

and effective the authorization and the appropriation for the new site that this amendment be adopted, else the light would not be erected, as the present end of the breakwater would be entirely unsuitable to the needs of navigation after it will be extended 1,000 feet. No more money will be needed by virtue of the changed location, merely a new site made necessary by the extension of the breakwater.

The Clerk read as follows:

Martins Reef light vessel, northwestern end of Lake Michigan, Michigan: For completing the construction, equipping, and outfitting, complete for service, of a steel, steam self-propelling light vessel, with a steam fog signal, \$20,000.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 62, lines 14 and 15, strike out the words "steel, steam self-propelling;" and before the word "fog," strike out the word "steam."

Mr. MANN. Mr. Chairman, the reason of this is that since the estimates came in some information has come to the Light-House Board which I think renders this necessary. This is for a light vessel which costs \$45,000, much less than the usual light vessel would cost. There is already an appropriation for a light vessel on the Lakes that is to cost \$60,000, and it was provided in that act that it should be a steam vessel. The Light-House Board recently called the attention of the Committee on Interstate and Foreign Commerce to the fact that they might want to substitute some other motive power, and we included in the bill that has passed Congress as to the other vessels the authority to substitute some other motive power, and this would leave it in their discretion, as it left in the original authoriza-

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Pay of office force: For one disbursing agent, \$2,500.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. What about this disbursing agent? What necessity is there for a disbursing agent in every separate division in every Department of the Government? What is the reason that they can not keep the accounts in the Treasury?

Mr. SMITH of Iowa. Well, as I understand that work, this branch of the service is entirely away from the departmental buildings, where it constitutes in effect a separate and distinct office. It is quite customary to have a separate disbursing branch of this kind, and this has long existed.

Mr. CLARK of Missouri. How much money does this Geodetic Survey, or whatever it is, expend altogether—the sum

total of it?

Mr. SMITH of Iowa. About a million dollars a year.

Mr. CLARK of Missouri. The other day in some bill they provided for a disbursing agent to disburse \$75,000.

Mr. SMITH of Iowa. I would regard that as a very liberal allowance, to allow a disbursing agent for that amount of

Mr. CLARK of Missouri. It would not take me very long to disburse \$75,000 myself, if I had it. I do not see much sense in this business.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

Inquiry respecting food-fishes: For expenses of the inquiry into the causes of the decrease of food-fishes in the lakes, rivers, and coast waters of the United States, and for the study of the waters of the interior, the Atlantic, Gulf, and Pacific coasts in the interest of fish culture and the commercial fisheries, expenses of travel and preparation of reports, and for all other necessary expenses in connection therewith, \$20,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 88, line 8, strike out the word "twenty" and insert in lieu thereof the word "twenty-five."

Mr. TAWNEY. Mr. Chairman, I will state that this restores the appropriation that has been heretofore appropriated for this particular branch of the service and has been carried for many Since the bill has been reported to the House the comvears. mittee has had information which has led the committee in charge of this bill to believe it was necessary to restore the amount.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Enforcement of the Chinese-exclusion act: To prevent unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and for expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, \$500,000, which shall be paid from the permanent appropriation for expenses of regulating immigration, and of said sum \$1,000 per annum shall be paid to the Commissioner-General of Immigration as additional compensation.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. Last year, Mr. Chairman, it was disclosed that orders had been given to the Commissioner-General of Immigration not to be particularly active in the enforcement of the Chinese-exclusion act. I desire to ask the chairman of the Committee on Appropriations if he has any knowledge as to whether that order has been withdrawn?

Mr. TAWNEY. I do not understand the order the gentle-

man refers to.

Mr. FITZGERALD. Last year it was made known that the Commissioner of Immigration had been instructed not to be particularly active in the enforcement of the Chinese-exclusion

act. That was very apparent from the hearings.

Mr. TAWNEY. I would say to the gentleman from New York that the subcommittee did not go into the question at all at this session as to the enforcement or nonenforcement of the Chinese-exclusion act. I have no information at all as to what has been done since the hearings.

Mr. FITZGERALD. I assume it was not because the gentleman feared that perhaps the same situation might be disclosed. Mr. TAWNEY. No; it was not because of any fears, but for

lack of time.

seemed a very extraordinary thing that any official should be instructed not to enforce the law. Mr. FITZGERALD. At that time the gentleman recollects it

Mr. TAWNEY. As I now recall, the Commissioner of Immigration, when before the committee a year ago, did not state he had been instructed not to enforce it.

Mr. FITZGERALD. It was not to make himself particularly obnoxious by deporting the Chinamen who were apprehended, and he admitted he had acted upon the suggestion. I have not had the chance to look at the hearings on the question.

Mr. TAWNEY. There is nothing in the hearings on the sub-

ject at all.

The Clerk read as follows:

Bureau of Immigration and Naturalization: For the purpose of carrying into effect the provisions of the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," namely: For chief of division of naturalization, \$3,000; assistant chief of division, \$2,500; two clerks of class 4; two clerks of class 3; four clerks of class 2; six clerks of class 1; four clerks, at \$1,000 each; two copyists, at \$900 each; one messenger; one assistant messenger; and for rent, \$4,000; in all, \$36,460. each; one mess in all, \$36,460.

Mr. SULLIVAN. Mr. Chairman—
The CHAIRMAN. The Clerk had not concluded reading the paragraph.

Mr. SULLIVAN. I thought the Clerk had finished reading the paragraph which ends on line 2, page 91. I desire to strike out the last word.

The CHAIRMAN. Does the gentleman from Massachusetts desire to call attention to the paragraph in regard to the Bureau of Immigration and Naturalization?

Mr. SULLIVAN. Yes, sir.

The CHAIRMAN. The Chair will recognize the gentleman, because he was seeking recognition. Does the gentleman move to strike out the last word?

Mr. SULLIVAN. Yes; I move to strike out the last word. I should like to have the attention of the chairman of the com-Was it not the purpose, I would like to ask the chairman, to offer an amendment to this paragraph to restore the salary of the Chief of the Division of Naturalization to \$3,500 instead of \$3,000? I had supposed an amendment would be offered to that effect.

Mr. TAWNEY. I have no objection to the amendment, Since the bill has been reported the Commissioner-General of Immigration has called my attention and the attention of other members of the committee to the fact that this division chief is now performing some very important service. He is a very capable man, and I have no objection to the gentleman from Massachusetts, if he desires, offering an amendment increasing the salary to \$3,500.

I want to know if the gentleman's under-Mr. SULLIVAN. standing of the case is the same as mine; that is to say, that the work of this division is of such importance that it requires a very competent man and that the particular chief is a very

competent man and is actually worth \$3,500? The Immigration Commissioner, who is the superior of this division chief, recommends that he receive \$3,500.

Mr. TAWNEY. I think that is the fact. The work is per-haps more important there now because the division is going through a formative period at present, and the salary which he is receiving under the lump-sum appropriation is \$3,600, but I would not consent to making it \$3,000 in the case of this chief of division, because it would be a greater salary than that paid to any other chief of division in the public service.

Mr. SULLIVAN. Mr. Chairman, I withdraw the pro forma amendment and offer another amendment, in line 19, page 90, insert the word "five" after the word "thousand" and before the word "dollars;" so as to read "\$3,500."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 19, page 20, after the word "thousand" insert "five hundred;" so as to read " $\$3,\!500."$ 

Mr. CLARK of Florida. Mr. Chairman, I make the point of order to the amendment.

The CHAIRMAN. Does the gentleman make it or reserve it? Mr. CLARK of Florida. I make it.
The CHAIRMAN. Does the gentleman from Massachusetts

desire to be heard on the point? Mr. SULLIVAN. I would like to have the gentleman from Florida be heard as to the grounds upon which he makes his

point of order. Mr. CLARK of Florida. It is either an increase of salary, or

is a new salary. Mr. TAWNEY. The point of order comes too late. There has been an amendment offered and debate has already been had on the paragraph.

Mr. CLARK of Florida. I make the point of order, Mr. Chairman.

Mr. TAWNEY. The point of order does not lie even against the amendment to the paragraph after it has been debated.

The CHAIRMAN. The Chair understands that the gentleman from Massachusetts [Mr. Sullivan] offered an amendment to this paragraph, and that the

Mr. TAWNEY. He offers an amendment which increases the salary of the chief of this division. The item itself is subject

The CHAIRMAN. The Clair thinks so.

Mr. TAWNEY. But a point of order was not made. Debate had been had on this particular item on the pro forma amendment, and amendment had been offered.

The CHAIRMAN. The suggestion of the gentleman from Minnesota [Mr. TAWNEY] is correct, that the paragraph is subject to the point of order.

The paragraph is subject to the point of Mr. TAWNEY.

order, because this item is not a statutory position.

The CHAIRMAN. That had not been suggested before, and if the gentleman insists that it is subject to a point of order, then the point of order of the gentleman from Florida [Mr. Clark] against the amendment of the gentleman from Massachusetts [Mr. Sullivan] does not lie and is not well taken.

Mr. CLARK of Missouri. A parliamentary inquiry, Mr.

Chairman.

The CHAIRMAN. The gentleman will state it.
Mr. CLARK of Missouri. Suppose the amendment of the gentleman from Massachusetts were adopted or defeated, it does not make any difference which, then has not the gentleman from Florida the right-

The CHAIRMAN. Not at this time, the Chair will state to the gentleman from Missouri [Mr. Clark], because debate has been had on the paragraph, and the point of order comes too late.

Mr. CLARK of Missouri. Suppose somebody would hop up here and commence debating a paragraph before the fellow that wanted to offer a point of order had a chance to get it out.

The CHAIRMAN. The point of order must also be ready to

Mr. CLARK of Missouri. That would resolve itself simply

into an activity of the legs.

The CHAIRMAN. The Chair will state to the gentleman from Missouri [Mr. CLARK] that every presiding officer will give ample opportunity for any Member to reserve the point of order or to make it; but considerable discussion was had on this paragraph before the gentleman from Massachusetts had offered his amendment, and it was not until then that the gentleman from Florida [Mr. CLARK] sought to raise the point of order. Much debate had been had on the paragraph itself before a point of order was raised, and it is a well-known rule that where the paragraph itself is obnoxious to the rule the

point of order will not lie on an amendment which is obnoxious also. Therefore the Chair overruled the point of order made by

the gentleman from Florida [Mr. Clark].

The gentleman from Massachusetts moved to strike out the last word and much debate was had on the original paragraph before he withdrew the pro forma amendment and offered the other amendment. The other amendment, even though it be out of order, is made to a paragraph which of itself is out of order. The Chair overrules the point of order made by the gentleman from Florida [Mr. CLARK]. The question is on the amendment offered by the gentleman from Massachusetts [Mr. SULLIVAN

Mr. TAWNEY. Mr. Chairman, I accept the amendment. Mr. SULLIVAN. Mr. Chairman, the officer in this case, while performing other duties, was in receipt of \$3,000 per year, and now the adoption of this amendment will result in giving him \$3,500 a year, which is the largest he could receive as chief of division—that is to say, comparing it with other chiefs of division. The gentleman himself is a lawyer and he is about to inaugurate this new system which has been created under the law passed last year establishing a Bureau of Immigration and Naturalization. There is no question but that the service demands a man capable of earning this salary, and this man is one entirely competent to earn the salary. on its merits it is a proposition the House ought to adopt.

Mr. CLARK of Florida. Mr. Chairman, I now make the point of order to the paragraph as amended.

The CHAIRMAN. The paragraph has not yet been amended. Mr. CLARK of Florida. I understood the chairman of the committee to accept the amendment.

The CHAIRMAN. The Chair has not so understood. The Chair is about to put the question. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and the amendment was agreed to. Mr. CLARK of Florida. Now, Mr. Chairman, I make the point of order against the paragraph as amended.

Mr. TAWNEY. I make the point of order that that point of order comes too late.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Minnesota that the point of order made by the gentleman from Florida comes too late.

The Clerk read as follows:

Census Office: To carry out under the Census Office the provisions of the act to authorize the Secretary of Commerce and Labor to investigate and report upon the industrial, social, moral, educational, and physical condition of woman and child workers in the United States, approved January 29, 1907, \$150,000, to be immediately available.

Mr. CRUMPACKER. I desire to move an amendment to the paragraph, by striking out the words "Census Office," in lines 9 and 10, on page 91, and inserting in lieu thereof "Bureau of Labor;" and also strike out the subtitle "Census Office" and insert "Bureau of Labor."

The Clerk read as follows:

In line 9 strike out "Census Office" and insert "Bureau of Labor;" and at the end of line 9, and beginning of line 10, strike out "Census Office" and insert "Bureau of Labor."

Mr. CRUMPACKER. Mr. Chairman, this amendment may take some little time in its consideration, and I would like to have it carried over. I ask, therefore, unanimous consent that

the paragraph be passed without prejudice.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the pending paragraph be passed without

prejudice.

Mr. CLARK of Florida. I object.

The CHAIRMAN. The gentleman from Florida sees fit to object. Does the gentleman desire to be heard on his amendment?

Mr. CRUMPACKER. I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for five min-

Mr. CRUMPACKER. This is quite an important proposition. A month or two ago Congress passed a law authorizing the Secretary of Commerce and Labor to make an exhaustive investigation into the industrial, social, moral, and physical condition of woman and child workers in the United States. The investigation is one of a great deal of importance—one that has excited much interest throughout the country-and the investigation ought to be thoroughly made. It ought to be made by the Bureau of the Government that is particularly identified with the subject of labor. The investigation is not statistical or economic; it is rather a sociological, a moral investigation. It contemplates the investigation of the sanitary and the moral and the physical conditions of women and children in the fac-tories and the mines of the country. The Census Office is not adapted to that kind of investigation. The Census Office is essentially a statistical office. It makes census investigations,

census examinations, and reports its conclusions. They are colorless in that they are absolutely free from recommendation, free from bias, and they are valuable only for those who have use for statistics. Now, the labor organizations of the country are insisting that this investigation shall be made by the Bureau of Labor. The President of the United States, my recollection is, some few months ago—I think perhaps during the last term of Congress-addressed a special message to the Congress, asking that this investigation be authorized, and that it be made by the Bureau of Labor because of the fact that the Bureau of Labor is in sympathy with labor.

Mr. TAWNEY. If this will be of any service to the gentle-

man, I would suggest that he read the letter of the President, recommending that this investigation be made by the Bureau of

Labor.

Mr. CRUMPACKER. I thank the gentleman. I had not read the letter published in this evening's paper. It is a letter addressed to the Secretary of Commerce and Labor; and, Mr. Chairman, I will send the letter to the Clerk's desk and have it read in my time.

The Clerk read as follows:

FEBRUARY 20, 1907.

MY DEAR Mr. STRAUS: The investigation into the conditions of woman and child labor should. In my judgment, unquestionably be made by the Bureau of Labor. This is not merely a statistical investigation, If it were, it would be eminently proper to have the Census Bureau conduct it; but as it is, the Census Bureau strongly objects to undertaking the work. Director North has protested before the committee dealing with the sundry civil appropriation bill against having to undertake this work, saying that he did not regard himself as in any way competent to carry on the work because of its being of a kind in which he had no experience whatever, adding: "It is a kind of work which is foreign to the whole theory of a census office, and it belongs to the Bureau of Labor." In short, to intrust the work to the Census office instead of to the Bureau of Labor is to frustrate the entire purpose of undertaking the investigation. The proposed investigation is to bear fruit in legislation, if possible, by the National Congress: if not, then by the State legislatures, in consequence of the publication of the facts produced by the Bureau of Labor—always provided, of course, that the investigation shows the necessity of any legislation whatever.

PRAISES LABOR BUREAU.

I can not too strongly state that, in my judgment, the investigation will be shorn of a very large part of the good results we have a right to expect from it if it is not confided to the Bureau of Labor. Matters concerning labor conditions should properly be investigated by the Bureau of Labor. Any effort to minimize the functions of the Bureau by taking away from it these investigations should not succeed, especially when the real objection to the Bureau is that it has done the work allotted to it in first-rate shape; as, for instanse, in the case of the packing-house investigation last spring. It seems to me inadvisable, for every reason, to penalize the Bureau of Labor for the excellent investigations it has made—as, for instance, in this packing-house matter—by taking away from it the right to make such investigations in the future. The Bureau was organized to advance the legitimate interests of labor. I would not for one moment tolerate its acting in a demagogic spirit or its failing to pay just as much heed to the rights and interests of the capitalist who is acting decently as to those of the wage-worker who is acting decently; but I have not seen the slightest symptom of any dereliction of duty by the Bureau or its Chief, Mr. Neill, and it does not seem wise to give the impression that we are penalizing the Bureau because it has in proper fashion sought to represent the labor interests of the country.

Sincerely, yours, THEODORE ROOSEVELT.

Sincerely, yours, The CHAIRMAN. The time of the gentleman has expired. Mr. CRUMPACKER. I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for five minutes. Is there objection?

Mr. CLARK of Florida. I object.

The CHAIRMAN. The gentleman from Florida objects. Mr. CRUMPACKER. I move to strike out the last word. The CHAIRMAN. The gentleman from Indiana moves to strike out the last word, and is recognized for five minutes.

Mr. CRUMPACKER. Mr. Chairman, I desire to call the at-

tention of the committee to a statement made by the Director of the Census in the hearings before the Committee on Appropriations on this particular proposition. Commissioner North said:

The work which the Census Office has published in this bulletin-That is, the recent bulletin upon child labor, a statistical bulletin, of great interest and value, recently published by the Census

Office—

The work which the Census Office has published in this bulletin, and is about to publish in the bulletin regarding women, completes the investigation of this subject so far as the census methods are concerned. You can readily understand that I mean by that that the census method deals only with the statistics on any given subject and presents its reports without drawing conclusions as to what ought to be done; and the value of a census report depends, in my judgment, upon the success of the compilation in making it absolutely colorless, so far as the expression of any political or religious or any other judgment in regard to what those figures show is concerned. They can only be analyzed from the economic and statistical point of view, if the Census Office is to command the confidence of people of all opinions.

Mr. North further says:

Mr. North further says:

I am speaking about the Census Office, Mr. Chairman. The Department of Labor, or the Bureau of Labor, is, as I understand it, a bureau

established for investigating and reporting upon the welfare of employees of the laboring classes of this country, and the method of that Bureau is partly statistical and partly intensive, as the word has been used. They do go into many phases of investigation which are foreign to census work. They would go into a mine and report the conditions, the atmosphere, the temperature, and other conditions of health, which prevail in that mine.

Mr. TAYLOR. The physical situation.

Mr. NORTH. Yes; and those are phases of work with which the Census Office has nothing to do.

Mr. TAYLOR. And ought not to have anything to do with.

Mr. NORTH. And ought not to have anything to do with. And that is, as I understand it, the phase of this investigation of women and child labor which remains to be done in addition to the publication of these two census bulletins, and it is a phase of the question with which we have nothing to do. Therefore, since we have completed our share of the work, I regret to see that the Census Office has been included in the law just enacted on the subject of women and child labor.

In the law authorizing this investigation it was provided that the Secretary of the Department of Commerce and Labor might utilize the Census Office in making the investigation, and the Director regrets that the Census Office is connected with the subject at all. Further:

The CHAIRMAN. Nevertheless it would be entirely competent for Congress, under this law, and for this committee, in recommending an appropriation for this investigation, to confine it exclusively to your Burean, would it not?

Mr. North. Congress has power to do almost anything.

The CHAIRMAN. If it did, you have the organization now with which to make the investigation, have you not?

Mr. North. We have, undoubtedly.

The CHAIRMAN and it does not involve or necessitate the forming of a new organization. You have your organization perfectly formed, and you can work under your present plan and go on with the investigation?

and you can work under your present plan and go on with the investigation?

Mr. North. I do not regard myself as in any way competent to direct it, Mr. Chairman, because it is a kind of work with which I have had no experience whatever. It is a kind of work which is foreign to the whole theory of a census office, and it belongs to the Bureau of Labor

I repeat, Mr. Chairman, if we are to make an investigation of this subject at all, we ought to make an investigation that will be worth something to the country, and the investigation ought to be made under the direction of one who is personally familiar with the subject and who knows the character of investigation that the subject demands. We are not making this investigation simply for the purpose of investigating; we are making it for the purpose of obtaining valuable information in order that the States throughout the country may be advised, so as to direct legislation along proper lines and protect women and children from imposition and abuse in the industries.

Mr. GAINES of Tennessee. Will the gentleman yield? Mr. CRUMPACKER. I yield to the gentleman.

Mr. GAINES of Tennessee. I quite agree with you and indorse what you say. I would make it complete, and I am anxious about it. I believe the women and children are suffering; but where have we the power to make a complete investi-I have asked you that question once before, and I know you conceded-

Mr. CRUMPACKER. The gentleman asked me that question when the original bill was up in the House for consideration.

Mr. GAINES of Tennessee. Yes; I remember I did.

Mr. CRUMPACKER. And I said to him that I did not believe there was any constitutional authority for the investigation; but it is in line with numerous other investigations that the Federal Government is conducting at this time. Now, after that bill was up in the House, the Committee on the Judiciary gave an opinion upon the power of Congress to legislate in relation to women and children in industries, and in that opinion the committee declared that Congress had no power to legislate, but that it did have authority to investigate the subject. I think the investigation is peculiarly important and ought to be made by the Federal Government, because all of the facts in all of the States can be collected and coordinated into something like a systematic whole and they can be of use to the

Mr. GAINES of Tennessee. I remember I asked the gentleman this question—and I have been away ill, as the gentleman knows, and do not know what the committee has done or what it has reported on in this matter-if a manufacturer (I believe I said a cotton manufacturer) should shut his door in the face of a Government officer, what authority would that Government officer have to make him open that door and to get all the facts about the women and the children who were working in

that factory

Mr. CRUMPACKER. My personal judgment is that he would have no legal authority to compel him to do it.

Mr. GAINES of Tennessee. Then how can he make a com-

plete report?

in the many investigations in which the Government has been engaged where a manufacturer has refused to answer proper questions, in a proper investigation, in relation to his business.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I will yield three minutes of that time to the gentleman from Indiana. The gentleman had not finished his speech when I interrupted him

and took his time

Mr. CRUMPACKER. Mr. Chairman, in relation to the right or the power to make this investigation, I simply repeat what I said to the gentleman before, that there is no constitutional authority that I know of for making the investigation, but the force of universal public opinion is so strong that no manufacturer, no proprietor of any industry, could afford to refuse a Government officer information or refuse to answer proper questions on the subject of his employees.

Mr. GAINES of Tennessee. How does the Bureau of Labor make its investigation? You know they give us books full of

figures

Mr. CRUMPACKER. Under authority that is conferred by the same kind of law. The information is voluntary, and I repeat that no proprietor of any industry has ever refused to give information. It is all voluntary. All of our statistical investi-gations and information is based upon the same authority. If there is no authority to make this investigation, there is no authority to make any investigation. All of this information is voluntary except the statistical information of population for the purpose of apportioning representation and a capitation tax. I do not think there will be any trouble at all in securing correct data or in making a thorough and correct investigation of the subject, and I do think that the whole investigation ought to be under the control of the Bureau of Labor.
Mr. WILLIAMS and Mr. TAWNEY rose.

The CHAIRMAN. Under the rule the Chair is inclined to recognize some one in opposition to the amendment offered by the gentleman from Indiana.

Mr. TAWNEY. I rose for that purpose, Mr. Chairman, and addressed the Chair before anyone

The CHAIRMAN. The Chair will recognize the gentleman

from Minnesota, the chairman of the committee.

Mr. TAWNEY. Mr. Chairman, in consideration of this question in the committee we have presented to us this situation: Congress has specifically authorized the investigation into the condition of woman and child labor in this country. Congress, in its wisdom, vested in the Secretary of Commerce and Labor the discretion of having that investigation made under one of three different agencies, or under two of the three combined. He may utilize the Bureau of Labor or the Census Bureau, and then there is something that I do not think any Member of this House knew at the time that we passed the bill-that the law contained language that the Department has construed vests in the head of the Department the power of employing outside agents for the purpose of conducting this intense investigation, as it is called.

Now, it is impracticable to attempt to have this investigation conducted by two bureaus. I do not think it ought to be the policy of Congress to invest the discretion or power to make this investigation in any outside agency. Therefore, as a matter of policy—and it is for Congress to determine the policy under which the new law is to be carried out, making the provision, we have not only the power, but it is our duty to do it—it is impracticable to place that investigation under both the Department of Labor and the Census Bureau. Therefore we selected the Census Bureau, notwithstanding the statement made by the Director of the Census that it does not properly belong to his Bureau. Congress has said that it can be placed under this Bureau. It to-day has an organization, an army of inspectors who are traveling over the country investigating manufacturing establishments. Therefore the investigation by his own men into the conditions of female and child labor employed in these factories comes properly under the jurisdiction of these men and under the Bureau of the Census. True, it is not statistical, but that does not make it impossible for the representatives of the Bureau of the Census to gather the information which the law says shall be gathered or may be gathered in the Bureau of the Census.

Another reason that actuated the committee is the fact that to-day the Census Bureau has all the data in its office respecting the employment of women in this country, except the physical conditions surrounding their employment. Only recently the Bureau of the Census issued a bulletin on child labor, which Mr. GAINES of Tennessee. Then how can he make a com-lete report?
Mr. CRUMPACKER. There is the moral power.
Mr. GAINES of Tennessee. I grant you that.
Mr. CRUMPACKER. I do not know of any single instance on the farm. In view of the fact that they have this statistical information, in view of the fact that they have a force of agents out in the field now gathering statistics concerning manufacturing industries, it was the judgment of your committee that this investigation can be done just as efficiently and done far more economically and with less intensity, perhaps, and less sensationalism, perhaps, than it would be done if it were done by agencies outside of the Government or if it were done by the other Bureau. For that reason we have made the recommendation we have, that this investigation be conducted by the

Mr. GROSVENOR. Will the gentleman yield?

Mr. TAWNEY.

Mr. GROSVENOR: Is it not a fact that the Bureau of Labor, representing, as it does, labor organizations and the labor of the country, would be more inclined to be partisan in the taking of these facts and making this report than an independent

bureau that is in no wise connected with labor?

Mr. TAWNEY. I think so. I think, Mr. Chairman, that it is in the interests of the women and children who are employed in the factories of this country to have an impartial, fair, and candid investigation made—one that will disclose the facts without the intensity with which the Director of the Bureau of the Census says it is the purpose to make this investi-

Mr. WILLIAMS. Mr. Chairman, I merely want to make this suggestion, that it seems to me that this being purely a labor problem, the investigation ought to be made by the

Labor Bureau.

Mr. TAWNEY. But it is not a labor proposition. problem at all affecting labor. It is a social and physical condition surrounding the employment of certain people, and all that is necessary on the part of the man charged with the responsibility of making this investigation is to exercise the intelligence which God Almighty gave him, and he will be able to make an investigation as the law contemplates it should be

The CHAIRMAN. The time of the gentleman has expired. Mr. WILLIAMS. Mr. Chairman, it is true that this is a social problem, a problem of suffering, and a problem to some of something worse than that, because it not only kills the little child that is working at an unripe and immature age, intellectually and physically, but it renders those children unfit to become the progenitors of the next generation. is nothing under the sun that is so saddening to the heart, even of an ordinary man of the world not easily saddened, as to see these poor little listless, vacant-eyed working children sitting around inanely in what ought to be their playtime. But it is a labor problem after all-labor performed by those who ought not to be compelled to labor.

I understand, of course, that the Federal Government has no jurisdiction to correct these ills. All that is purported to be done is to present to the country—to the citizens of the several States-a picture of the evil as it really exists, and in that way to arraign the conscience—the moral consciousness—of the citizens of the several States, and thus have them remedied in the proper forum—the State legislatures—whatever evils may exist. The gentleman has given as a reason why the work should go to the Census Bureau that the Census Bureau would report nothing but the age and the number and the hours-the age of the children and the number of them and the hours of work to be performed by them—the cold statistical facts, in a word.

Mr. TAWNEY. I made no such statement as that. I know

the gentleman does not wish to misquote me.

Mr. WILLIAMS. Oh, I am not trying to quote the gentleman literally.

Mr. TAWNEY. But I made no such statement.

Mr. WILLIAMS. But the gentleman made the statement that one reason why the Census Bureau ought to be charged with the investigation was because it would be cold, impartial, statistical statement, if I understood him.

Mr. TAWNEY. I did not say statistical, because the Census Bureau now has all the statistical information that can be obtained. I said it would be an impartial report as to the physical conditions surrounding the employment of these people.

Mr. WILLIAMS. Everybody wants an impartial report. In other words, everybody wants a truthful report.

Mr. TAWNEY. Yes.

Mr. WILLIAMS. And every truthful report will be impartial, but I do not conceive that it is an objection to lodging this power in the Labor Bureau that the Labor Bureau would report something more than the bare, cold, statistical facts, but might report the condition of suffering that exists, the condition of wearing away the young child's life before it has become hardly a life at all.

We want to know the things that would be well to be known, in order to bring about a reform everywhere in the country Now, I did not have where reform needs to be brought about. the happiness of sitting upon the committee and did not hear the facts as the members of the committee did, and I may be totally wrong about this, but it does seem to me that, being a labor problem, affecting the laboring men not of this generation alone, but of the next, because the children of the poor of this generation are the fathers and mothers of the labor of the next, the investigation ought to go to the Labor Bureau.

Mr. FITZGERALD. Mr. Chairman, I think if the committee is informed of the facts, there will not be much misunderstanding nor difficulty in settling this question. I have in my hand a report just issued by the Census Bureau on child labor in the United States, and gentlemen can see it is a somewhat bulky report and contains some 200 pages of printed matter. It contains the information which the Bureau was directed to compile in the act directing the taking of the Twelfth Census. directed that in the taking of the Twelfth Census the enumerators should report the occupation of every child 10 years of age and over who was "earning money regularly by labor, contributing to the family support, or appreciably assisting in mechanical or agricultural industry." That is all the Bureau of Census undertook to do. It has done that much, as is apparent from this report, and it is clear that, despite the protest of the Director of the Census, his Bureau is well equipped to obtain and compile the information it is directed to compile by Congress by this provison, and that it can do it in a satisfactory manner.

Mr. CRUMPACKER rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from Indiana?

Mr. FITZGERALD. Yes.

Mr. CRUMPACKER. The investigation he has used as the basis for the recent bulletin issued by the Census Office was The gentleman has in mind, no taken seven years ago. doubt-

Mr. FITZGERALD. I am not so sure it was taken-yes; the report states it is based on unpublished information derived from the schedules of the Twelfth Census.

Mr. CRUMPACKER. That they made up in 1900. Mr. FITZGERALD. That is true.

Mr. CRUMPACKER. And there have been labor laws enacted since then, and conditions may be materially different.

Mr. FITZGERALD. I am simply exhibiting this document to the House to show that, despite the protest of the Director of the Census, his Bureau is competent to obtain whatever character of information he is directed to obtain by law.

Mr. CRUMPACKER. That is purely statistical, however.
Mr. FITZGERALD. If the gentleman will permit me to complete the statement I am trying to make, then perhaps he will

be better satisfied. Mr. SMITH of Kentucky. I would like to ask the gentleman from New York how well equipped the Bureau of Labor is for

the work that is proposed under this provision of the bill? Mr. FITZGERALD. My opinion is that the Bureau of Labor has no organization and no competent force to obtain informa-

tion of any character.

Mr. TAWNEY. If the gentleman will permit, I will say the Commissioner of Labor himself stated to me that if this was put under the Department of Labor they would have to organize their force entirely anew, and he would have to spend at least six months in going out all over the country to map out the plans of this investigation, so that the work would have to begin at the very foundation of the Bureau of Labor. have no inspectors for this purpose. They have only two inspectors in the Bureau of Labor, and the work would have to commence from the very beginning, whereas if it was carried on in the Bureau of the Census, they have an organization

there now, an organization that keeps the head of the Bureau and the other officials busy trying to get appropriations to keep them in work until time to take the next census. Mr. FITZGERALD. The act under which it is proposed to make the investigation for which the appropriation is con-

tained in this bill provides for the gathering of other and additional information.

It directs that a report upon the industrial, social, moral, educational, and physical conditions of woman and child workers in the United States be made. That imposes additional labor upon whoever undertakes the work to that imposed upon the Census Bureau in the Twelfth Census. It will have to be obtained by sending enumerators or special agents or inspectors to the places where the women and children are employed, and the information gathered in that way will be compiled and pub-lished. The Census Bureau has the force; the Labor Bureau has not the force. Now, I wish to say just a word regarding this evil.

Mr. SMITH of Kentucky. Now, Mr. Chairman, I would like to ask the gentleman from New York an additional question.

The CHAIRMAN. Does the gentleman from New

Mr. FITZGERALD. I do.

Mr. SMITH of Kentucky. Did the committee have an estimate as to how much money would be required to equip the Bureau of Labor for this work?

Mr. FITZGERALD. No information, as far as I am in-

formed.

The report upon which this document has been compiled shows that there were 1,750,178 children between the ages of 10 and 15 engaged in some kind of employment; 1,061,971 of those children were engaged in agricultural occupations, and it is not intended to investigate the condition of children so employed; 688,270 were in all other occupations. Of those, 310,826, or nearly one-half, were 15 years of age; 501,849, or over two-thirds, were 14 or 15 years of age, and 186,358 were between the ages of 10 and 13.

Of course, it must be borne in mind, and I desire to state, that there are no statistics compiled here, because the law did not contemplate it, of the number of children under 10 years of age so employed. But it seemed to the committee, with the information before it, that the Census Bureau, well equipped, with no desire to conceal anything, organized for the purpose of collecting all kinds of information of a similar character, could more economically and more efficiently do this work. There is no difference of opinion as to the desirability of preventing child and woman labor under well-known and abhorrent conditions. That question is not before us now. There is only to be determined whether one bureau or another shall collect certain information.

I wish to call attention to the very extraordinary letter which has been read here to-night. It is addressed by the President to the Secretary of Commerce and Labor, but it really is intended for this House. It was issued or given to the public from the White House to-day. In it the President, departing from his hitherto known methods, has attempted to wave in a more direct and open manner the "big stick" and coerce this House into doing his will rather than to have it exercise its own will. He states in that letter that he would not permit the Bureau of Labor to act in a demagogic spirit in conducting this investigation, or tolerate its failing to see that the rights of capital would be equally guarded with those of the wage

Mr. Chairman, the rights of capitalists are not involved in this investigation. It is designed in order to obtain information regarding the condition of women and children engaged in labor under conditions universally condemned, and the best proof to my mind that the Bureau of Labor would not make an investigation and report that would be impartial and fair is the fact that the President feels it necessary to warn the House that he would not permit it to do anything that would be improper in He says that it would not be wise in his this investigation. opinion to give the impression that we are penalizing the Bureau

The CHAIRMAN. The time of the gentleman has expired.
Mr. FITZGERALD. I ask unanimous consent to proceed for five minutes.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman be given five minutes in which to finish his speech.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from New York may proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. The President speaks of "we," giving the impression that "we" are penalizing the Bureau of Labor. Whom does he mean by "we?" I submit most respectfully that the legislative branch of the Government is the proper branch to determine at this time and upon this bill which particular bureau shall perform this particular work.

The President has his rights. He can communicate his views and opinions upon this matter in a proper or in a more orderly way to this House. If he be not satisfied with the bureau upon which Congress imposes this duty, he can refuse to permit the bureau that Congress will impose the work upon to perform it by vetoing the bill. So far as I am concerned, without any particular resentment against this attempt to shake the "big stick" in my face, I propose to act according to what I believe, with the information before the committee, the best interests of the Government and of the investigation itself. The committee has endeavored to impartially ascertain which particular bureau was best

equipped to do this work-which bureau can do it most effectively, which bureau can do it most economically-which is a matter of some consequence, although it may not appeal to some people in other departments of the Government. tee has decided this question in favor of the Census Office. have the confidence that I know other members of this committee have in the integrity and efficiency of the Census Office, and I believe that this committee will give to that Office the work.

How easy it is to understand the protest of the Director of the Census against doing this work when he knew that the Chief Executive was determined to have some other bureau do it if he could have his way. I am not responsible for what the majority of this House will do. I do not know how susceptible it is to the influence of this stick when it is waved so emphatically over their heads; but I trust, for the sake of ourselves and for the dignity of the House, and in order to justify our right to legislate, that we will sustain the committee; that we will determine this question according to our own judgment and at the proper time let the President perform his duty in the manner he deems proper.

I had occasion last year to say that we were coming to that condition when Congress consisted no longer of the two Houses the Senate and the House of Representatives-but consisted of three Houses-the Senate, the House of Representatives, and the White House. I am inclined to review that opinion. If I were asked to give an opinion now as to what constituted Congress, in the light of this letter I would say that it would appear to consist of one House, and that House was the White House. I hope that this committee will emphatically stop legislation by coercion from the Executive, that it will exercise its own rights and judgment. For once at least let us act truly and without fear. If this investigation is to be conducted, let it be conducted where the work will unquestionably be fairly and impartially done, and whatever the report be it will be a report that will be received with confidence by the country, without the slightest ground for the belief that it has been colored to meet the particular desires or wishes of some person or group of persons.

Mr. TAWNEY. Mr. Chairman, I move that debate on this paragraph be closed in ten minutes, five minutes to be given to the gentleman from Missouri [Mr. Bartholdt] and five minutes to the gentleman from Massachusetts, a member of the committee.

Mr. CLARK of Missouri. I believe I would like to have five minutes in this "shindy" myself.

The CHAIRMAN. The Chair will put the motion. The gentleman from Minnesota moves that all debate be closed in ten minutes, five minutes to be given to the gentleman from Missouri [Mr. Bartholdt]

Mr. JAMES. I move to amend that by making it fifteen minutes.

The CHAIRMAN. The Chair has not yet stated the question Five minutes to be given to the gentleman from Missouri | Mr. BARTHOLDT] and the other five minutes to the gentleman from Massachusetts, a member of the committee.

Mr. JAMES. I move to amend by making it fifteen minutes, and let the gentleman from Kentucky [Mr. Stanley] have five minutes.

Mr. TAWNEY. I accept the amendment.

The CHAIRMAN. The motion is to close debate in fifteen minutes, five minutes to be given to the gentleman from Missouri [Mr. Bartholdt], five minutes to the gentleman from Massachusetts [Mr. Sullivan], a member of the committee, and five minutes to the gentleman from Kentucky [Mr. Stanley].

Mr. MANN. A parliamentary inquiry. I have no objection to the motion nor to asking unanimous consent, but I raise the point of order that in making a limit for debate you can not couple with it a distribution of the time.

The CHAIRMAN. The Chair is inclined to the opinion that the point is well taken, and that it should be done by unanimous consent.

Mr. MANN. I ask unanimous consent that that proposition may be adopted.

The CHAIRMAN. The Chair hears no objection.

Mr. BARTHOLDT. Mr. Chairman, I merely desire to call attention to the fact that the legislation for which this appropriation is made was passed here a few weeks ago. It was considered in the Committee of Labor, and if I remember right

the bill provided that the Secretary of the Department of Commerce and Labor should make this investigation.

I should like to know from my friend, the chairman of the committee, whether the Secretary of Commerce and Labor under this legislation has exercised his judgment in recommending the selection of either the Census Bureau or the Bureau of Labor to make this investigation?

Mr. TAWNEY. I will say to the gentleman from Missouri that the Secretary of Commerce and Labor, or the Department of Commerce and Labor, has not indicated to the committee which of the two bureaus they would prefer to have this work done under, except in so far as the Director of the Census said he did not want it and the Commissioner of Labor said that he did want it. The head of the Department has not made any selection so far as the committee knows.

Mr. BARTHOLDT. I will state for the committee which considered this matter that we never contemplated this work to be done by the Census, because we believed that a Census official merely collects statistics, figures, facts; but he does not go into an investigation of the sociological and economic condi-

tions of women and child workers.

Will the gentleman from Missouri permit an Mr. TAWNEY. interruption?

Mr. BARTHOLDT. Yes.

Mr. TAWNEY. Why, then, did you advocate the bill with this provision in it, giving express authority to the Department to have the work done by the Census Bureau?

Mr. BARTHOLDT. The bill does not say so.

Mr. TAWNEY. I beg the gentleman's pardon. The bill does say so in express terms.

Mr. BARTHOLDT. The bill leaves it discretionary with the Secretary of Commerce and Labor either to select the Bureau of Labor or the Census.

If it had been contemplated that this Mr. CRUMPACKER. work was to be done by the Census Office, the law never would have been enacted, because the Census Office has recently issued a bulletin on this identical subject, covering as large a scope as the Census Bureau is competent to do. It would be merely a

Mr. LITTLEFIELD. I understood the gentleman to take the

ground that this work was out of date.

Mr. CRUMPACKER. Partly out of date.
Mr. BARTHOLDT. Investigations of this kind are being conducted by the Bureau of Labor all the year round, and into all kinds of branches of knowledge, and it comes clearly and particularly within the scope of the activities of that Bureau, and in my judgment and in the judgment of the members of the Committee on Labor, the work should be done by that Bureau

and not by the census officials.

Mr. SULLIVAN. Mr. Chairman, the Director of the Census gave to the committee as his reason for not wishing to undertake this work that he has been engaged heretofore in the collection and compilation of statistics; that that work has received the careful scrutiny of political economists and statesmen, and has received their approval. He does not wish to have the value of his work impaired by a work such as this provision contemplates, because of his fear that he will be compelled to leave the region of fact and go to some extent at least into the region of deduction, if not into the realms of fancy. that very reason itself presents to the Congress the strongest motive for intrusting the duty of collecting the statistics upon this question to the Director of the Census, even against his personal wishes. The country does not wish to be thrilled each day or each week with a new sensation. The country would relish a calm, lucid, sober presentation of facts, if only for a The Bureau of the Census would give us that orderly and methodical statement which would furnish a solid foundation for legislative action much better indeed than the work of dreamers and poets, who would prefer to write fiction than to record facts.

Now, the Congress does not need to learn that there are children at work in the factories and mines of the country. We know that. It will always continue so long as human greed continues, unless the strong arm of the law intervenes. Child labor is no new thing, nor is it confined to the Southern or Western States. The State which I have the honor in part to represent had to grapple in its day with the problem of child labor, just as the men of England had to grapple in their day with the problem of child labor and the proper regulation of factories, their sanitation, and other conditions. Human greed causes some employers to make little children work. I regret to say that some of the men who fought most bitterly in the Massachusetts legislature against the reduction of the hours of labor in that State have sent their capital into the Southern States, and paid their lobbies to prevent the enactment of laws to reduce the hours of labor of women and children there.

Avarice is one of the motives which calls for this investigation. The Southern States and the Western States will have to solve this problem themselves. All that we can legally do is to present to the Congress information. Unless we are pre-pared to take away the reserved powers of the States we must

leave the States themselves, through local legislatures, to deal with the hours of labor of women and children.

I know a gentleman in the other body has said that the re-

port of the House Judiciary Committee is absurd and ridiculous, because it does not happen to agree with the labor. I wish wish that we could have laws regulating child labor. I wish wish that we could have laws regulating child labor. I wish I think it might operate to reduce the hours of labor and

the length of speeches. [Renewed laughter.]

Now, we have heard it stated recently that if the States fail to exercise the power reserved to them under the Constitution, that a way will be found of having the National Government discharge the functions of the State. That proposition was submitted to us from a very high officer—a Cabinet minister in this

Administration.

What is sought to be done now? A moral atmosphere is sought to be created by the presentation of a highly colored and dramatic report which may contain much truth and perhaps much that is not true, and that sensational report will be submitted to this Congress, and it will be confidently expected that Congress will be swept off its feet; that it will disregard its. constitutional limitations and will pass a law regulating labor in the States.

There is no question but that a report made by the Bureau of Labor would go a long way in that direction. Some gentlemen may say that Congress will not violate its oath. But let me point out to the Congress that only recently we passed, with hardly a dissenting vote, a law fixing the liability of interstate carriers to their employees, and that since that law was passed Federal judge has decided it to be unconstitutional.

[The time of Mr. Sullivan having expired, by unanimous

consent, the time was extended five minutes.]

Now, I submit that there were many Members of this House when that law regulating the liability of interstate-commerce carriers to their employees was passed who must have felt when they voted for it that it would be declared unconstitutional; and I believe that history will repeat itself and that later a child-labor law may be submitted here, and that men in this body rather than stand up against the clamor created by men and women in this land will again vote for a measure which in their hearts they believe to be unconstitutional.

It is for the purpose of avoiding that situation that this work is sought to be intrusted to a bureau that will simply present the facts of the case. This is a question whether the facts shall be reported by a man of common sense without much imagination or by another agent of another bureau with a very fertile imagination. What the country needs is the facts and not the imagination of the gentlemen who are sent out to collect these

Now, I submit that the work can be better done by the Bureau of the Census; they are equipped for just this kind of work. submit that you can not collect statistics in a strict sense of moral and social conditions, but you can collect statistics from which deductions may be made which have a bearing upon moral and social conditions, and that is all we ask for.

The Census Bureau is equipped for that kind of work. Its report will be of great value to the country and will help the States to legislate upon this subject. Congress ought to decide this question, and I trust this House will decide it in the interest

of good legislation here to-day. [Applause.]

Mr. STANLEY. Mr. Chairman, this bill emanated from the Committee on Labor. The great difficulty with those who were upon that committee and who were attempting as best they could to obtain that information which justified them in bringing that bill into this House was not so much a lack of figures, was not that we did not know how many women were employed in making their own living, how many children were to be found in field or factory, but in ascertaining the conditions under which they labored, the conditions that brought them there, and the result of their being there upon the future happiness and prosperity of the whole country. The gentleman from Massahusetts [Mr. Sullivan] has said that he wants nothing brought into this House in the way of a report, tabulated or otherwise, that shall disturb its fixed tranquillity. I pray the time may never come when there shall be a majority of this House who can see a woman in poverty and in rags driven to drudgery, and childhood robbed of everything save its helplessness, and turn from the scene tranquil as a column of figures or the page of a ledger

Mr. SULLIVAN. Why, Mr. Chairman, I trust the gentle-man does not imagine that I would ever with tranquillity view such a shocking condition as he depicts, and I also assert there was nothing in my statement which would give him the right to make any such assumption.

Mr. STANLEY. He would, as I understand the gentleman from Massachusetts, view one or two in that condition with emotion; but if the agent of this Government was called upon to describe the condition of an army of the miserable ones, he would want to rob him of sentiment and chain his fancy. want no prose poems here; we want, of course, no fanciful pictures; but I do not see by what foresight, I do not see by what gift of prophecy we can tell how fanciful the report will be be-fore it is received. This much we do know, that the Department of Commerce and Labor is prepared not only to give us the figures, but to investigate the conditions; to tell us not only how many women are engaged in manual labor in factories, in mills, or in mines, but what conditions made it necessary; what is the effect upon the women; what the effect upon society, for all that affects her who is to be wife or mother, morally, mentally, or physically, touches the base of the race and the future of the nation. [Applause.]

It will do us but very little good, Mr. Chairman, it will be of no benefit either to this House or to this country to be wisely and tranquilly and coolly and deliberately informed by the Bureau of the Census that there are so many children of such and such an age engaged in such and such work. Why, we know, and we knew one hundred years ago, that so many women were employed in the mines of Pittsfield, but it remained for indignant humanity to learn that those women labored with an iron chain between their limbs and a leather thong about their necks, that their bodies were torn and mangled, and that the hideous laceration resulting from drawing a coal cart through a subterranean passage ended in their degradation,

deformity, and ruin.

We want to know more than the bare facts. I for one want a picture, if I can get it, sir, of the bowed form and the features pinched and drawn; I want the United States, I want this Congress, I want this world to know not only how many children are there, but whether they are thinly or well clad, whether they are healthy or weaklings, whether they are developing into the promise of manhood and womanhood, or whether early broken by poverty, hunger, want, toil, and despair they are sinking into untimely graves. All this I want to know. There is one thing more important, far more important than the prosperity of mills and mines, and that is the welfare of those who operate them; there is one thing more important than that there shall be a wholesome balance upon the right side of the ledger of these great institutions that have made us prosperous and powerful, and that is that the unknown and unseen thousands whose sweat and toil have gone to add to their prestige and their power shall receive a share of that prosperity, that their children shall be protected, and that their women, as far as possible, shall be saved from unwomanly toil.

When we have sought a nearer view of this nether world of want and toil, the Census has answered with numbers, numbers, nothing but numbers. This legislation is in the interest of ten thousand times ten thousand who have lived and died and are only known by numbers. They are numbered in the factory; they are numbered in the census; they are numbered in the potter's field. I will rejoice to find any department of this Government which could give a living picture of these people. For one, I am willing to look at their rags; I am willing to hear their wail of anguish or of despair, and there is nothing, however sensational it may be, if it is a true story of human want, of wrong to the helpless, wrong especially to women and to children, to the helpess, wrong especially to women and to children, that I am not willing to know, though it should move the whole continent to indignation or to tears. [Applause.]

Mr. TAWNEY. Mr. Chairman, I make the point of order that debate is closed on this amendment and paragraph.

The CHAIRMAN. The Chair would state to the gentleman

that debate has been proceeding by unanimous consent. Of course the Chair has no power to regulate that, because by unanimous consent anything may be done.

Mr. TAWNEY. But the committee has voted to close debate, and I shall object to any further extension of it. I ask unant-mous consent that the amendment be reported, so that the House may know exactly what it is voting for.

The CHAIRMAN. Without objection, the amendment will be

again reported.

The amendment was again reported.

Mr. DE ARMOND. Mr. Chairman, I would like to submit a request that five minutes time may be accorded to me.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five minutes. Is there objection?

Mr. TAWNEY. Mr. Chairman, we have now discussed this question almost an hour. The question of the employment of women and children is not involved; it is only a practical question as to where this investigation shall be made, and the committee has already decided to close debate, and the affirmative of this proposition has consumed more time than the negative side

The Chair has no power whatever over de-The CHAIRMAN.

bate; the committee has absolute power.

Mr. TAWNEY. I move, then, Mr. Chairman, that debate on the pending amendment and paragraph be closed at ten minutes to 10 o'clock, and the time, five minutes, be now allowed to the gentleman from Missouri [Mr. DE ARMOND].

The CHAIRMAN. The gentleman from Minnesota moves that all debate be closed in five minutes. Is there objection? [After

a pause 1 The Chair hears none.

a pause. I The Chair hears none.

Mr. TAWNEY. I serve notice, Mr. Chairman, that I shall object to any further extension.

Mr. DE ARMOND. Mr. Chairman, the general subject-matter is certainly a very important one. As for a choice of these bureaus, without assuming to know very much about it, it seems to me that for the purposes of this investigation the Bureau of Labor is the preferable one. I do not understand where is the foundation for the fear or supposition that dangerous, sensational reports will emanate from that Bureau. Upon the other hand, I do not see just where is the desirability of having anything so cold and so unemotional and so unattractive and so uninteresting and so uninforming that it would be worth nothing to the country or to the Congress, unless we are trying to guard ourselves against some dangers which do not exist and protect ourselves from some evils which are not by any means impending.

I wish to call attention to another matter, Mr. Chairman. As an argument against conferring this power upon the Bureau of Labor the suggestion is made that an act was passed a short time since with reference to the liability of employers of labor, and that a judge somewhere, upon some pretext or for some reason or no reason, has declared it unconstitutional. Then the assumption seems to follow, without ground for it, I think, that the dictum of this judge is law and that it is unconstitutional, and that the Congress lost its head, and is liable to do it again unless we take great care as to where the duty of this investigation shall go. Now, I would hardly like to have it understood, as a matter of course, and would hardly like to have the sanction of the House of Representatives given to-night to the proposition that, because of the decision of that judge overturning a law pretty carefully considered and certainly designed to accomplish a useful purpose, it is an unconstitutional law and of no value at all, and that Congress lost its head when

it passed it. Another thing. I understand perfectly well, or I think I do, that Congress has no power to legislate upon the subject of child labor in the States. I believe, however, that there is power in Congress to legislate with regard to the transmission in the mails or in interstate commerce of various products. have believed, and believe yet, that Congress could legislate constitutionally with regard to the transmission in interstate and foreign commerce of trust-made goods. If that is true, I do not know whether Congress could not also legislate upon the sub-ject of goods manufactured by child labor, by the labor of children who ought to be in school, by the labor of children who ought to be treated as human beings and not merely as animated machines for the making of money, when those goods are offered for shipment by mail or as articles of interstate commerce. believe, too, it is possible for Congress to legislate within con-

stitutional limits upon prison-made goods,
My object in making these remarks, Mr. Chairman, is not to influence legislation here now and upon this subject particularly, but that it may not go without challenge that here a law upon a most important subject is to be held unconstitutional, because some judge has said that it is unconstitutional. Neither do I wish it to go without challenge that because we can not legislate directly upon child labor in the States, we can not legislate at all with reference to the products of that kind of labor. And as to the choice of bureaus, as I said before, I think we need not guard ourselves so carefully against the supposed sensational results that may follow the committing of this work to the Bureau of Labor. The Bureau of Labor was organized, among other things, for the purpose of correcting labor conditions, of lessening labor abuses, and of bringing about a better condition of things in the general field of labor; and does seem to me that logically and naturally and properly this investigation would fall to the lot of that Bureau.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. CRUMPACKER].

The question was taken; and the Chair announced that the

noes seem to have it.

Mr. CRUMPACKER. Division, Mr. Chairman.

The committee divided; and there were—ayes 38, noes 96.

So the amendment was rejected.

The Clerk read as follows:

Elevator, old Post-Office Department building: For the construction of an elevator in the F street wing of the old Post-Office Department building, occupied by the Department of the Interior, \$6,000.

Mr. CLARK of Florida. Mr. Chairman, I make the point of order against the paragraph just read on page 92, line 1, down to and including line 4.

Mr. TAWNEY. This is not subject to the point of order. The CHAIRMAN. What is the point of order made by What is the point of order made by the gentleman from Florida?

Mr. CLARK of Florida. That it is new legislation.
Mr. TAWNEY. This is providing for the improvement and necessary repairs to a building now in use by the Government. It is for an elevator in the old Post-Office building or the building that used to be occupied by the Post-Office Department, and is now occupied by the Land Office.

The CHAIRMAN. Is it a Government building?
Mr. TAWNEY. It is a matter of common utility in the use of that building-a necessary utility.

The CHAIRMAN. Is it a Government building? Mr. TAWNEY. It is a Government building—the old Post-

Office building.

Mr. CLARK of Florida. I submit, Mr. Chairman, it is not an appropriation for the repair of a Government building. It is an appropriation for the installation of something in a Government building that never has been there before. It is not to repair an elevator, but it is to construct an elevator and place it in a certain building.

The CHAIRMAN. Does the gentleman desire to be heard

further?

Mr. TAWNEY. I do not, Mr. Chairman. The building is a Government building and owned by the Government. This is a necessary utility for the use of the building.

The CHAIRMAN. The gentleman from Florida makes the

point of order

Mr. TAWNEY. It would be just as necessary

The CHAIRMAN. The Chair desires to ask the gentleman from Minnesota if he understands the point made by the gen-The Chair desires to ask the gentleman tleman from Florida, which is that it is not for the repair, but for the construction of something entirely new in the building?

Mr. TAWNEY. Well, assuming that it is an addition, it has

been ruled this evening that an amendment which I offered for the purchase of additional lands and for the provision of an addition to the Bureau of Printing and Engraving was in order, and it is in the same category exactly.

Mr. GROSVENOR. Suppose that in one of these Government

buildings you undertook to add one door or put in another door; that would be a new door. Are we estopped from making a

door?

The CHAIRMAN. The Chair is well satisfied. The Chair overrules the point of order.

The Clerk read as follows:

The Capitol building shall hereafter be open to visitors from 9 o'clock a.m. until 4 o'clock p.m. on Sundays and holidays.

Mr. CLARK of Florida. I make the point of order on page

92, line 12, down to and including line 14.

The CHAIRMAN. The gentleman from Florida makes the point of order to the paragraph just read, from line 12 to line 14, inclusive, on page 92. What is the point of order?

Mr. CLARK of Florida. It changes existing law.

The CHAIRMAN. It changes existing law, the gentleman

Mr. TAWNEY. Will the gentleman state what law it changes? There is no law fixing the time, the days, or the hours the Capitol shall be open.

Mr. CLARK of Florida. Then it is the enactment of new

Mr. GROSVENOR. Why, it is a regulation or care of a public

building.

Mr. TAWNEY. Yes, sir; it relates entirely to the care or regulation of the Capitol building in which Congress performs its functions

Mr. CLARK of Florida. If in fact there be no law now to regulate the hours that this building shall be open, and you pass a regulation of this kind, is that not an enactment of a law on the proposition? Therefore is it not new legislation? Mr. GROSVENOR. It is carrying out the general power of

the Government to regulate the control and the management of its public buildings—the general law of ownership, which car-ries with it the inevitable inference of the power to regulate. That is all.

The CHAIRMAN. But, after all, if the Government has not

seen fit to make a regulation and makes it by legislation, is it not new?

Mr. GROSVENOR. Perhaps they have not heretofore had a regulation, or, perhaps, some other and different regulation. The law of control is the law that gives the Government this right to control and manage its own public building. It is Inci-

dent to its ownership. Mr. TAWNEY. Mr. Chairman, I want to call attention to the fact of the order that is issued to the employees of this Capitol. They come here and can not get in on a Sunday with a member of their family. An order is issued, perhaps, closing the Capitol entirely, not only to the public, but to those who have the right to be here on Sunday or any other day. Now, it certainly is in the power of Congress, that has absolute control over this building, to remodel or modify or change or entirely repeal a regulation of that kind.

The CHAIRMAN. Can it be done on an appropriation bill? In other words, the Chair will ask the gentleman from Minne-sota after this shall have been passed, if it is really passed, will it not then have all the binding force and effect of law?

Mr. TAWNEY. It will.

The CHAIRMAN. And in that respect, is it not legislation on a proposition where no law exists?

Mr. OLMSTED. Mr. Chairman, it is an exercise of power that comes through an act of Congress, which is legislation.
The CHAIRMAN. The Chair thinks there can be no doubt

about it. Does the gentleman from Illinois desire to be heard?

Mr. MANN. I desire to be heard on the side I think the Chair has indicated.

The CHAIRMAN. The Chair thinks it is clearly obnoxious to the rule, and sustains the point of order.

The Clerk read as follows:

To complete the construction of the fireproof building for committee rooms and offices for the House of Representatives, provided for in the sundry civil appropriation act approved March 3, 1903, including not exceeding \$500 for the purchase of necessary technical and other books, \$1,050,000, to continue available until expended.

Mr. CLARK of Missouri. I move to strike out the last word. I would like to ask the chairman of the Committee on Appropriations for information on lines 18 and 19, "including not exceeding \$500 for the purchase of necessary technical and other books," for the fellows who are building that house over

Mr. TAWNEY. For the Superintendent of the Capitol and his office force.

Mr. CLARK of Missouri. Why doesn't he buy his own books? Mr. TAWNEY. These are books that are used in connection with his service—drafting books, technical works relating to

engineering and to architecture—purely technical books.

Mr. CLARK of Missouri. I would not have any objection to furnishing him with books if he needs them, but that is a curious

clause to put in there.

Mr. TAWNEY. I will say to the gentleman from Missouri that nearly every appropriation that is carried in an appropriation bill for any Department has language similar to this for the purchase of books. Heretofore the language has been much broader than it is to-day, as carried in the appropriation bills at this session, for the reason that the Committee on Appropriations has discovered that under the language heretofore employed the Departments have maintained a large fiction library; and we have therefore cut down or reduced that authority for the purchase of books to those that are needed only in the technical work of the Department.

Mr. CLARK of Missouri. If that is true, why does not your committee take it in hand and shut off the fiction books?

Mr. TAWNEY. I will say to the gentleman that the Committee on Appropriations reported a provision in the legislative bill at this session for that very purpose, but it did not meet with the unanimous approval of the House, and it went out on a point of order. I hope, however, before this session ends, that we may be able to satisfy the gentleman who made the point of order that we have sufficiently investigated this question to determine that it is not necessary for the good of the service nor of the employees in any of these Departments for the Government to maintain a fiction or belles-lettres library in the Departments

Mr. CLARK of Missouri. I should think you would not have any trouble in convincing anybody that had any sense of the

correctness of that proposition.

Mr. MANN. It was I who made the point of order to which the gentleman refers [laughter], and I wish to call the gentleman's attention to the fact that under the item that he has now under consideration the Superintendent of the Capitol could expend \$500 in the purchase of novels. The gentleman made a proposition in the legislative appropriation bill, which went cut on a point of order made by me, restricting the books bought in each Department to technical books, and if I may have the attention of the gentleman, the item now under consideration is-

For the purchase of necessary technical and other books. "Other books" includes all books, to the extent of \$500, and under this appropriation it is not necessary to spend a cent for technical books. For aught the appropriation provides, the Superintendent of the Capitol may purchase and read, the day after this bill becomes a law, a book on The Quick and the Dead.

Mr. TAWNEY. I intend to offer an amendment striking out the words "and other."

Mr. MANN. I am very glad I have called the gentleman's attention to a flaw in his bill.

Mr. OLMSTED. It is not a very serious one. Mr. TAWNEY. I move as an amendment, in line 20, page 92, to strike out the word "and other."

Mr. SHACKLEFORD. I should like to ask the gentleman what becomes of these books after they are bought? property are they?

Mr. TAWNEY. They belong to the Government.
The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Minnesota.

The Clerk read as follows:

On page 92, line 20, strike out "and other."

Mr. WADSWORTH. I should like to ask the gentleman what objection there is to the general library buying these books and then the Superintendent of the Capitol drawing them?

Mr. TAWNEY. Do you mean the Library of Congress?

Mr. WADSWORTH. The Library of Congress.

Mr. TAWNEY. Well, they are books that are in constant use. Of course, under the regulations of the Library of Congress, they would have to be taken from the Library all the time, and I suppose that for reference some of the books are bought by the Library, and can be obtained there; but these books referred to here are a part of the tools used by the Superintendent of the Capitol and those charged with the responsibility of the construction of these buildings. They are using them daily in the work, and are just as essential as drawing instruments are.

Mr. GAINES of Tennessee. Does the Superintendent of the

Capitol have to buy \$500 worth of books?
Mr. WADSWORTH. We found in the Department of Agriculture the same trouble. Every bureau was inclined to build up its own library. We put a stop to it; and made all the books purchasable on estimates by the general librarian in the Department of Agriculture, and each bureau chief draws out such books as he desires. In other words, you will have here another library started in a few months.

Mr. GAINES of Tennessee. Will the gentleman tell us how

much it allows for the purchase each year?

Mr. WADSWORTH. In the Agricultural library? About \$12,500 a year; but that library would not be accessible to the

Superintendent of the Capitol, I suppose.

Mr. GAINES of Tennessee. Well, that amount shocks me. I was just going to ask the gentleman from Iowa why they wanted as much as \$500 worth of books called for in this item. [Laughter.]

Mr. LACEY. Would not the books when purchased belong to the Congressional Library? All the books that we have in the committee room are cared for by the Congressional Library.

Mr. TAWNEY. I do not know that they would belong to the Congressional Library. They are bought under a specific appropriation, for a specific purpose, and for a specific officer.

Mr. LACEY. The books, as the gentleman knows, in the committee rooms are marked as the property of the United

States and belong to the Library.

Mr. TAWNEY. That may be; I do not know what the law is.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For furnishing the office building, House of Representatives, including furniture for office rooms, furniture for caucus and retiring rooms, and for kitchen and restaurant equipment, \$300,500, to be immediately available and to remain available until expended; said appropriation to be expended by the Superintendent of the United States Capitol Building and Grounds, under the direction of the Commission of the House of Representatives designated by law to supervise the construction of said office building.

Mr. CLARK of Florida. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee who is the consulting architect for the House office building, if

Mr. TAWNEY. Mr. Hastings.

Mr. CLARK of Florida. Does the chairman know who is the consulting architect for the Senate office building?

Mr. TAWNEY. I am not able to answer that question.

Mr. CLARK of Florida. Is it not the other member of the same firm of which Mr. Hastings is a member?

Mr. TAWNEY. I do not know.

Mr. CLARK of Florida. Is it not true that that gentleman receives a salary of \$10,000 a year?

Mr. TAWNEY. The House has nothing to do with the con-

struction of the Senate office building.

Mr. CLARK of Florida. I understand that, but is it not true that that firm is the firm of consulting architects for the extension of the Capitol? Mr. Chairman, I withdraw the pro forma amendment and offer this amendment.

The Clerk read as follows:

Amend by adding at the end of line 6 on page 93 the following: "Provided, That no portion of the sums appropriated by these paragraphs shall be expended in the payment of services of architects rendered after September 1, 1907."

Mr. TAWNEY. Mr. Chairman, I reserve a point of order on that on the ground that it changes existing law. Although it is a limitation on an appropriation, it does change the law which authorizes the contract which has been made for the services of this man in connection with the construction of this building. The term of that service is to conclude in three years from the date of his first employment and has very nearly expired.

The CHAIRMAN. A contract heretofore made?

Mr. TAWNEY. Heretofore made under authority of law.

Mr. SHACKLEFORD. Mr. Chairman, I think it has been a frequent ruling of the Chair that an appropriation that is offered to be made for a lawful purpose may be limited. For instance, where the salary of an officer under the law is entitled to draw four or five thousand dollars a year, a limitation may be made in the amount appropriated. I think this is what is attempted to be done here. I would like to ask the gentleman, in this connection, how much that architect for the House

building gets; what is his annual salary? Mr. TAWNEY. Ten thousand dollars a year instead of 5

per cent, which is the usual fee of a consulting architect.

Mr. SHACKLEFORD. It seems to me that this House building has been about two years longer in construction than we were told it would take when the first appropriation was made. I am one of those who believe that as long as these men have \$10,000 a year as consulting architects for the House building and \$10,000 for the Senate building, making \$20,000 a year, besides the Capitol extension, that having control of that work they are not liable to hasten the completion of the buildings.

Mr. TAWNEY. Will the gentleman permit an interruption? Is the gentleman aware of the fact that this man is only a consulting architect, that he has no control whatever over the construction of the building or its superintendents? He can not delay it a minute if he wanted to.

Mr. SHACKLEFORD. How often does he visit the building?

Mr. TAWNEY. I do not know.
Mr. SHACKLEFORD. About how often?
Mr. TAWNEY. He is consulted, He is merely employed as a consulting architect, and passes upon the plans and details and the specifications. The construction of the building is under the control and superintendency of the Superintendent of the Capitol.

Mr. SHACKLEFORD. Mr. Chairman, I think it is altogether probable that the delay in the completion of this building has resulted because the consulting architect has some plans over in New York that he has not worked out yet, and I for one think that the amendment is in order—not only in order, but I think it ought to be adopted for the purpose of hurrying along this It is two years behind now. Baltimore has been burned down and built up since this post-office building was commenced, and yet it looks to me.like it is not more than half I am afraid that the architects who are drawing \$10,000 a year salary are lingering and loitering over the plans in their office and in New York, and thereby retarding the com-

pletion of that building.

Mr. TAWNEY. Mr. Chairman, I would not detain the committee one moment if it were not for the statements made by the gentleman from Missouri [Mr. Shackleford], which are not borne out by the facts. The building has not been delayed. I will assert on this floor that that building will be completed from the time they commenced breaking ground for the foundation in less time than any other building that has ever been erected of its kind and character and cost in the District of Columbia.

Mr. SHACKLEFORD. Have any of them ever been completed within the time they ought to have been completed?

Mr. TAWNEY.

Mr. SHACKLEFORD. Which?
Mr. TAWNEY. The Congressional Library building was, and it was completed within the limit of cost.

Mr. GAINES of Tennessee. Will the gentleman tell the committee when we are going to get this building to use?

Mr. TAWNEY. This building was commenced two years ago. Mr. SHACKLEFORD. There was no consulting engineer of the Congressional Library. That was done under the War De-

Mr. TAWNEY. The delay, if there was any delay, was due to the litigation necessary in order to obtain the title to this ground, the site. There is where the delay was. By the 1st of December, when the Sixtieth Congress convenes, that building will be ready for occupancy, and it is for that reason that this appropriation is carried. [Applause.]

Mr. SIMS. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. SIMS. The gentleman stated that this is being constructed in less time than any other building of the sort ever I want to cite to the gentleman from Minnesota the gentleman from Illinois [Mr. Madden], who occupies a seat on that side of the Chamber, and who is a contractor, who erected a building costing \$5,000,000 in Chicago in one year, and had to excavate a concrete foundation 100 feet to begin, and yet completed it perfectly in one year. That was a larger building than this.

Mr. TAWNEY. I stated what is the fact, and my comparison was made with other buildings erected in the District of Co-

Mr. SIMS. Oh, the District of Columbia buildings, and not in Chicago, where they do things.

Mr. JAMES. The gentleman's statement did not apply to a

Member of Congress, did it?

Mr. SMITH of Iowa. Mr. Chairman, there are two paragraphs in this bill with reference to the House office building, one an appropriation for the building and the other an appropriation for the furniture. The amendment offered by the gentleman is to the paragraph with reference to the furniture. provides that we shall not pay the architect out of the appropriation for the furniture. That is not germane to that parapriation for the furniture. That is not germane to that graph, and if it is adopted it will not mean anything at all. gentleman allowed the paragraph to pass with reference to the building, and has failed to offer any amendment to that section. The amendment is offered to this section and is absolutely senseless and will have no effect if enacted.

Mr. CLARK of Florida. Mr. Chairman, the gentleman from

Iowa [Mr. Smith] has discovered something most remarkable. He can not split up a paragraph in that sort of style. Now, I want to show, Mr. Chairman, only one paragraph here. just how much this gentleman, who is a member of the commit-

tee, knows about it.

For furnishing the office building, House of Representatives, including furniture for office rooms, furniture for caucus and retiring rooms, and for kitchen and restaurant equipment, \$300,500, to be immediately available and to remain available until expended; the said appropriation to be expended by the Superintendent of the United States Capitol building and grounds, under the direction of the Commission of the House of Representatives designated by law to supervise the construction of said office building.

Now, Mr. Chairman, that is a part of the preceding appropriation, and, as I understand the rule, I could wait until the end of that section before I offered my amendment. I am offering it, Mr., Chairman, to the subject-matter here. I am undertaking to limit the purpose of this appropriation. It is not an enactment of new law, it is not a creation of a new law. It is not an abrogation of present law at all, but it is simply a limitation upon this appropriation made for this office building, and I submit, Mr. Chairman, that the distinguished chairman of the committee says that they have made a contract with the supervising architect for three years. I presume they have made this contract with him for three years, regardless of when the build-ing is finished. In other words, if that building is finished within one year, they go on and pay the salary of the architect for two years longer when every duty of his has expired and he has none whatever.

Is that what the gentleman means? Why, gentlemen, they make a contract for the construction of a building whether it is one, two, three, four, or five years. I think, Mr. Chairman, that if there is such a contract as that that that contract ought to be sumitted to this House, and this House ought to know what officers of the Government are engaged in contracts like that and by what authority of law they are making such contracts.

The CHAIRMAN. The gentleman from Florida has offered

an amendment and the gentleman from Minnesota made a point of order on the amendment, as the Chair remembers the par-

liamentary status. We are reading the bill by paragraph. If the committee will notice the paragraph passed on page 92, it referred to "the construction of the fireproof building for committee rooms and offices for the House of Representatives, provided for in the sundry civil appropriation act approved March 3, 1903, etc." That paragraph is a complete paragraph, and 4f anyone had sought to amend that paragraph the amendment must have been offered at the end of line 21, and any amendment to that paragraph comes in too late. If the members of the committee will read the other paragraph, beginning at the bottom of page 42 and line 22 of the page, it reads: "For furnishing the office building, House of Representatives, including furniture for office rooms, furniture for caucus and retiring rooms, and for kitchin and restaurant equipment, \$300,500, etc."

"Said appropriation—that is, for furnishing—to be expended by the Superintendent of the United States Capitol Building and Grounds under the direction of the Commission of the House of Representatives," etc.; which paragraph has reference solely to appropriations for furnishing the House of Representatives office building. The gentleman now seeks to amend here by this amendment: "Provided, That no portion of the sums appropriated in this paragraph shall be expended in payment for services of architect rendered after September 1, 1907." The Chair thinks that the amendment is not at all germane to the paragraph that is being considered, and therefore sustains the point of order made by the gentleman from Minnesota.

Mr. CLARK of Missouri. Mr. Chairman, the gentleman from

Minnesota never made any such point of order. from Minnesota made the point of order that it was out of order because it undertook to restrict this appropriation.

The CHAIRMAN. But the gentleman from Iowa made the point of order that it is not germane.

Mr. CLARK of Missouri. You could not have two points of order pending at once.

The CHAIRMAN. The Chair was not considering the point of order made by the gentleman from Minnesota. [Laughter.] Mr. CLARK of Missouri. Well, that is all right.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment to the paragraph in regard to furniture.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 93, after line 6, insert:

"House of Representatives office building: For maintenance, including heating, lighting, and ventilation, miscellaneous items, and for all necessary services, \$30,000. And the said office building and the employment of all service, other than officers and privates of the Capitol police, that may be appropriated for by Congress, necessary for its protection, care, and occupancy, shall be under the control and supervision of the Superintendent of the Capitol Building and Grounds, subject, until said building is completed, to the approval and direction of the Commission appointed under the sundry civil appropriation act approved March 3, 1903, to supervise the construction of said building; and such control and supervision by the Superintendent of the Capitol Building and Grounds shall be and continue after the completion of said building, and not later than after July 1, 1908, subject to the approval and direction of a Commission consisting of the Speaker of the House of Representatives and two Representatives in Congress, to be appointed by the Speaker. Vacancies occurring by resignation, termination of service as Representative in Congress, or otherwise in the membership of said Commission shall be filled by the Speaker, and any two members of said Commission shall constitute a quorum to do business. The Superintendent of the Capitol Building and Grounds shall submit annually to Congress estimates in detail for all services, other than officers and privates of the Capitol Building and Grounds shall submit annually to Congress estimates in detail for all services, other than officers and privates of the Capitol Building and necessary for its protection, care, and occupancy; and said Commission to govern said Superintendent in making all such employments, together with rules and regulations governing the use and occupancy of all rooms and space in said building."

Mr. SHACKLEFORD. Mr. Chairman, I reserve the point of

Mr. SHACKLEFORD. Mr. Chairman, I reserve the point of order on that amendment

Mr. TAWNEY. Mr. Chairman, there is no question but that the amendment is subject to a point of order, but I want to make a statement.

Mr. SHACKLEFORD. Mr. Chairman, just one word. I have no notion or desire to press the point of order, but in the hurried reading of it I did not catch just what it was. is the reference to July, 1908?

Mr. TAWNEY. I will say, as I stated a moment ago, that the Superintendent of the Capitol, who has control of the construction of that building, states to the Committee on Appropriations that it will be complete and ready for occupancy at the beginning of the Sixtieth Congress.

Mr. SHACKLEFORD. That is good.

Mr. MANN. I would like to ask the gentleman a question in that connection. What time is fixed when the gentleman says in his amendment "not later than July 30, 1908?"

Mr. TAWNEY. If the gentleman will wait I will explain the amendment. If the language is there that the gentleman mentions, it is a mistake in writing. Now, we have got to pro-

vide for some form of government over there in that building, and if the building is to be ready for occupancy by the 1st of December we must make some provision for it at this session of Congress. Therefore, Mr. Chairman, the attention of the Commission under whose general supervision this building is being constructed was called to this fact, and the Commission concluded, after consideration of the whole subject, that they would recommend to the House an appropriation for lighting and heating and for services to the amount of \$30,000, which will carry us over to the beginning of next fiscal year, and thus enable us at the next session of Congress, when we once get into the building and have more information in regard to the rules and regulations of how it should be governed, to act upon that later and better information.

Mr. SHACKLEFORD. This is not intended to postpone the completion of the building until July 8, 1908?

Mr. TAWNEY. This is intended to enable the Superintendent to arrange for the purchase of the fuel he will have to have in order to heat the building next fall before the meeting of the

Mr. SHACKLEFORD. Mr. Chairman, I withdraw

Mr. TAWNEY. It is also for the purpose of employing such personal services in the care of the building as may be necessary until July 1, 1908. Mr. SHACKLEFORD.

I withdraw the point of order.

Mr. SHERLEY. Mr. Chairman, I reserve the point of order. Mr. CRUMPACKER. Mr. Chairman, I renew the point of order until I can secure some information. This is quite an important amendment. And if it be done it ought to be printed in the Record and the matter go over until to-morrow. This Commission is authorized to assign rooms in the building, and that is quite an important matter to every Member of the House. We ought to know something about the power of the Commission, and I therefore ask unanimous consent that the paragraph and amendment with the point of order pending be

passed without prejudice.

The CHAIRMAN (Mr. Littlefield in the chair). The gentleman from Indiana [Mr. Crumpacker] asks unanimous consent that the paragraph, the amendment, and the point of order

reserved be passed for the time being.

Mr. CRUMPACKER. For the time being, without prejudice.

The CHAIRMAN. Is there objection?

Mr. CLARK of Missouri. Mr. Chairman, I would like to add to it that it be placed in the Record, so that we can get it.
Mr. CLARK of Florida. I object, Mr. Chairman.
The CHAIRMAN. Does the gentleman from Indiana [Mr. CRUMPACKER] insist upon his point of order?
Mr. CRUMPACKER. I do not want to insist upon the point

of order; no.

The CHAIRMAN. Then let the gentleman from Indiana withdraw his point of order.

Mr. SHERLEY. I renew the point of order. The CHAIRMAN. Does the gentleman from Florida insist on the point of order?
Mr. CLARK of Florida. I do.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk will read.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Minnesota [Mr. Tawney] a question. I wish to say that this morning I received notice that had some reference to sixteen hours, and I desire to ask the chairman of this committee if that notice was intended to give us notice that we will be held here to-day for sixteen hours continuously without

Mr. TAWNEY. I will say to the gentleman from South Dakota that it had no reference to the labor of the House to-day. The CHAIRMAN. The gentleman withdraws the pro forma

amendment.

The Clerk read as follows:

For furnishing the office building, House of Representatives, including furniture for office rooms, furniture for caucus and retiring rooms, and for kitchen and restaurant equipment, \$300,500, to be immediately available and to remain available until expended; said appropriation to be expended by the Superintendent of the United States Capitol Building and Grounds, under the direction of the Commission of the House of Representatives designated by law to supervise the construction of said office building.

Mr. CLARK of Florida. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding, after line 5, page 93, the following: "Provided, That none of the money herein appropriated shall be paid to any consulting architect for services rendered after September 1, 1907."

Mr. TAWNEY. Mr. Chairman, I make the point of order upon that amendment. It is not germane to the paragraph to

which the amendment has been offered. And I will say further, Mr. Chairman, that another ground upon which the point of order can be made is that it may contravene the provisions of the contract made in accordance with the law out of which the appropriation is to be made and from which the obligations under the contract must be met.

The CHAIRMAN. The Chair understands the gentleman from Minnesota to state that the Government has already made

a contract?

Mr. TAWNEY. It has made a contract covering this build-

ing and the heating plant.

The CHAIRMAN. That this appropriation is for the purpose of carrying out the provisions of that contract, that this limitation would defeat the provisions of the contract, and prevent the Government from carrying out its obligations?

Mr. TAWNEY. For all the purposes of the construction of

this building and this heating plant, including the services of a

consulting architect.

The CHAIRMAN. Does the gentleman from Florida controvert that?

Mr. CLARK of Florida. Mr. Chairman, I think that this House ought to be permitted to see that contract, and know if the contract is in such form, and determine whether or not the terms are proper.

The CHAIRMAN. Well, the Chair inquires of the gentleman from Florida whether he controverts the statement of fact

made by the chairman of the committee?

Mr. CLARK of Florida. I will state to the Chair that I am not in position to do that. Mr. Chairman, I do not know whether the gentleman from Minnesota has stated the fact or simply his conclusions as to what the contract is. The House might put a different construction upon the contract if the gentleman were to produce it.

The CHAIRMAN. Well, the statement of the gentleman from

Minnesota is the only information the Chair has as to the contract, and in the absence of that being controverted the Chair

sustains the point of order.

Mr. CLARK of Missouri. I want to ask the chairman of the Committee on Appropriations about this amendment that he had up here. I want to know what there is in it to determine how each man is going to get his own room.

Mr. TAWNEY. I will state to the gentleman from Missouri the amendment will be printed in the Record to-morrow morn-

ig. It has been ruled out on a point of order.

Mr. CLARK of Missouri. Well, we may get in a better humor to-morrow and let it in.

Mr. TAWNEY. The Commission will control the assignment

Mr. WILLIAMS. I suggest to the gentleman from Minnesota that it is now half past 10 o'clock. You have got down to the improvement of the Capitol grounds. You seem to have reached the point where the committee could rise. I guess the committee had better rise.

Mr. TAWNEY, I would say to the gentleman that I would

like to continue until 11 o'clock.

Mr. WILLIAMS. Well, Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Mississippi moves that the committee do now rise.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WILLIAMS. Division, Mr. Chairman. The committee divided; and there were—ayes 36, noes 83. Mr. HEFLIN. Tellers, Mr. Chairman.

The question was taken on ordering tellers.

The CHAIRMAN. Twenty-eight gentlemen have arisen in support of the demand for tellers. Tellers are ordered. The gentleman from Alabama [Mr. HEFLIN] and the gentleman from Minnesota [Mr. TAWNEY] will take their places as tellers.

The committee again divided; and the tellers reported-ayes

22. noes 89.

So the motion was lost.

The Clerk read as follows:

Depredations on public timber, protecting public lands, and settlement of claims for swamp land and swamp-land indemnity: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudalent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, \$250,000: Provided, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding \$3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares.

Mr. BURKE of South Dakota. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from South Dakota offers an amendment which will be reported by the Clerk.

The Clerk read as follows:

On page 96, line 15, after the word "dollars," insert:

"Provided, That no portion of the amount herein appropriated shall be used in examining or investigating any entry or final proof heretofore made under the homestead laws upon which final receipt has been issued unless there shall have been filed against said entry some charge of fraud or noncompliance with the law."

Mr. TAWNEY. I reserve the point of order on the amend-

Mr. MONDELL. I offer the following as a substitute for the amendment.

Mr. TAWNEY. I also reserve a point of order on the sub-

Mr. BURKE of South Dakota. I want it understood that I wish to be heard on the amendment which I offer.

If there be no objection, the substitute The CHAIRMAN. will be reported by the Clerk.

The Clerk read as follows:

At the end of line 21, page 96, insert:
"Provided, That no part of this appropriation shall be used for the examination of the lands embraced in any entry upon which final proof has been made in accordance with law and against which no contest, protest, complaint, or information alleging specific violation of the law has been filed."

The CHAIRMAN. By unanimous consent the gentleman from Minnesota may reserve a point of order against both proposi-

Mr. CLARK of Florida. Mr. Chairman-

Mr. MANN. What is it that is sought to be done by unanimous consent?

The CHAIRMAN. Unless unanimous consent is granted, the gentleman could not reserve points of order against two amendments at the same time.

Mr. MANN. Oh, he desires to reserve points of order!

Mr. TAWNEY. I want to make a statement to the committee, and then

Mr. CLARK of Florida. Mr. Chairman, a parliamentary in-tiry. What is the request for unanimous consent?

The CHAIRMAN. The gentleman from Minnesota desires to reserve points of order against both amendments.

Mr. CLARK of Florida. I object to the request for unanimous consent.

The CHAIRMAN. The gentleman from Florida objects to the request for unanimous consent to have both points of order pending at the same time.

Mr. CLARK of Florida. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.
Mr. CLARK of Florida. Do I understand the Chair to say that it requires unanimous consent to enable the gentleman from Minnesota to reserve points of order?

Mr. TAWNEY. I desire to make a statement— Mr. GAINES of Tennessee. Mr. Chairman, I do not want the gentleman to do that until I know whether points of order have been reserved against these two amendments, so that they can go out if there is no law for them.

Mr. TAWNEY. Yes.

Mr. GAINES of Tennessee. That is all right.

Mr. TAWNEY. It is only fair to state to the committee—
The CHAIRMAN. The Chair is advised that except by unanimous consent the first point of order must be disposed of before another amendment can be pending.

Mr. CLARK of Florida. Then I object.

The CHAIRMAN. Before entertaining the second amendment the first point of order must be disposed of, except by unanimous consent.

Mr. CLARK of Florida. I object to unanimous consent.

Mr. TAWNEY. Mr. Chairman, pending that point of order, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Littlefield, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25745, the sundry civil appropriation bill, and had come to no resolution thereon.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 24887. An act providing for a United States judge for the northern judicial district of Alabama;

H. R. 9298. An act for the relief of the heirs at law of David C. Haynes, deceased;

H. R. 9976. An act to provide for the appointment of an addi-

tional district judge in and for the southern district of the State of Ohio;

H. R. 23324. An act authorizing the sale of certain lands to

the city of Buffalo, Wyo.;
H. R. 24284. An act for the opening of Warren and Forty-sixth streets NW., in the District of Columbia;

H. R. 9841. An act to correct the military record of James H Davis

H. R. 25013. An act granting to the regents of the University of Oklahoma section No. 36, in township No. 9 north, of range No. 3 west of the Indian meridian, in Cleveland County, Okla.;

H. R. 11273. An act to incorporate the National German-Amer-

ican Alliance;

H. R. 18854. An act providing for sittings of the United States circuit and district courts of the southern district of Ohio at the city of Dayton, in said district;

H. R. 25234. An act permitting the building of a dam across Rock River at Lyndon, Ill.;

H. R. 5666. An act for the relief of L. L. Arrington and L. S. Arrington:

H. R. 2324. An act granting a pension to Christina Vetter:

H. R. 5497. An act granting a pension to Cora Allie Booth; H. R. 5774. An act granting a pension to Cornelia Mitchell;

H. R. 5926. An act granting a pension to Sarah C. Pitman; H. R. 7255. An act granting a pension to Christopher Horn;

H. R. 9445. An act granting a pension to Ida E. G. Pierce; H. R. 10023. An act granting a pension to Martha J. Lewis;

H. R. 10164. An act granting a pension to Emma L. Beatty H. R. 13163. An act granting a pension to Rittie Blackwell;

H. R. 15492. An act granting a pension to William L. Tyler;

H. R. 16819. An act granting a pension to John V. Sumner; H. R. 16905. An act granting a pension to Anna E. Marble;

H. R. 16925. An act granting a pension to Johanne Lange H. R. 18519. An act granting a pension to Benjamin W. Mc-

H. R. 18874. An act granting a pension to Nannie T. Johnson;

H. R. 19079. An act granting a pension to Phoebe Templeton;

H. R. 20148. An act granting a pension to Flora Fenzl;

H. R. 20352. An act granting a pension to Martha Stevens;

H. R. 21038. An act granting a pension to Lucy A. Gaylord; H. R. 21130. An act granting a pension to Margaret McNally;

H. R. 21352. An act granting a pension to Hester A. Parrish,

The SPEAKER announced his signature to enrolled bills of the following titles: S. 1160. An act to correct the naval record of John McKinnon,

alias John Mack; and

S. 2769. An act to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:
H. R. 17875. An act waiving the age limit for admission to the

Pay Corps of the United States Navy in the case of W. W. Peirce

H. R. 25366. An act to authorize the New Orleans and Great Northern Railroad Company to construct a bridge across Pearl River, in the State of Mississippi;

H. R. 14361. An act granting an honorable discharge to David Harrington:

H. R. 25046. An act to authorize the construction of a bridge

across the Mississippi River at Louisiana, Mo.; H. R. 24989. An act to provide for the commutation for townsite purposes of homestead entries in certain portions of Okla-

H. R. 24821. An act to authorize the Georgia Southwestern and Gulf Railroad Company to construct a bridge across the Chattahoochee River between the States of Alabama and

Georgia: H. R. 23384. An act to amend an act entitled "An act to amend

an act entitled 'An act to establish a code of law for the District of Columbia,' regulating proceedings for condemnation of lands for streets;

II. R. 18924. An act for the relief of George M. Esterly; II. R. 21684. An act to amend section 2 of the act entitled "An

act regulating the retent on contracts with the District of Columbia," approved March 31, 1906; and

H. R. 21579. An act granting an increase of pension to Sarah R. Harrington.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted-To Mr. Lowden, for four days, on account of sickness in his To Mr. Boutell, for to-day, on account of sickness.

To Mr. Livingston, for to-day, on account of sickness, Mr. TAWNEY. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 10 o'clock and 48 minutes p. m.) the House adjourned until Friday, February 22, 1907, at 11 o'clock a. m.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as

A letter from the Secretary of War, transmitting a cablegram from the president of the Economic Association of the Philippines relating to duties on sugar and hemp—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting an estimate of appropriation for carrying out the provisions of the act for the relief of the Gurley Memorial Presbyterian Church, etc.-to the Committee on Appropriations, and or-

dered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the president of the Board of Commissioners of the District of Columbia submitting an estimate of deficiency in appropriation for support of the insane of the District-to the Committee on Appropriations, and ordered to be

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of deficiency in appropriation for prevention of deposits in New York Harbor—to the Committee on Appropria-

tions, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmit-ting, in response to the inquiry of the House, statements relative to lands and buildings leased to the Government in the District of Columbia-to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Plymouth Frazier, jr., against The United States-to the Com-

mittee on War Claims, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BABCOCK, from the Committee on the District of Co-lumbia, to which was referred the bill of the Senate (S. 6147) authorizing changes in certain street railway tracks within the District of Columbia, and for other purposes, reported the same with amendment, accompanied by a report (No. 8049); which said bill and report were referred to the Committee of the

Whole House on the state of the Union.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the bill of the Senate (S. 8189) granting to the St. Louis, Iron Mountain and Southern Railway Company, a corporation, the right to construct, maintain, and operate a single track railway across the lands of the United States in the southeast quarter of the northeast quarter of section 21, township 14 north, range 6 west of the fifth principal meridian, in the county of Independence and State of Arkansas, reserved for use in connection with the construction of Lock No. 1. Upper White River, Arkansas, reported the same with amendment, accompanied by a report (No. 8053); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JENKINS, from the Committee on the Judiciary,

which was referred the resolution of the House (H. Res. 659) relative to pay of Members elected to fill vacancies, reported the same without amendment, accompanied by a report (No. 8043); which said resolution and report were referred to the

House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 25671) to authorize the construction of a bridge across the Grand Calumet River, State of Illinois, reported the same without amendment, accompanied by a report (No. 8048); which said bill and report were referred to the House Calendar.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 6993) to create the Barnaby road, from its intersection with the Livingston road to the District line, a public highway in the

District of Columbia, reported the same without amendment, accompanied by a report (No. 8051); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 8208) authorizing the extension of Park place NW., reported the same without amendment, accompanied by a report (No. 8054); which said bill and report were referred to the House Calendar.

Mr. CAMPBELL of Kansas, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 4506) to provide for the better registration of births in the District of Columbia, and for other purposes, reported the same without amendment, accompanied by a report (No. 8056); which said bill and report were referred to the House Calendar.

Mr. ROBINSON of Arkansas, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6498) to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Ark.," approved April 20, 1904, reported the same with amendment, accompanied by a report (No. 8057); which said bill and report were referred to the Horse Calendar report were referred to the House Calendar.

Mr. CHARLES B. LANDIS, from the Committee on Printing. to which was referred the bill of the House (H. R. 25736) to amend an act providing for the public printing and binding and the distribution of public documents, reported the same with amendment, accompanied by a report (No. 8058); which said bill and report were referred to the House Calendar,

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 15434) to regulate appeals in criminal prosecutions, with Senate amendments thereto, reported the same, accompanied by a report (No. 8060); which said report was referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows

Mr. ROBINSON of Arkansas, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 23988) to authorize a patent to be issued to Martha Sanders, widow of Levi B. Sanders, for certain lands therein described, reported the same with amendment, accompanied by a report (No. 8046); which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 24390) to correct the military record of Charles H. Kellen, reported the same without amendment, accompanied by a report (No. 8047); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4964) for the relief of Thomas F. Walter, reported the same without amendment, accompanied by a report (No. 8050); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 7903) granting an increase of pension to Catherine De Rosset Meares, reported the same without amendment, accompanied by a report (No. 8052); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (8, 8511) granting a pension to George L. Dancy, reported the same without amendment, accompanied by a report (No. 8055); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Montana, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 25697) granting land to Anna Johnson, reported the same with amendment, accompanied by a report (No. 8059); which said bill and report were referred to the Private Calendar.

# ADVERSE REPORT.

Under clause 2 of Rule XIII, adverse report was delivered to the Clerk and laid on the table as follows:

"r. HOLLIDAY, from the Committee on Military Affairs, to w...ch was referred the bill of the House (H. R. 1519) to correct the military record of Henry Myers, reported the same adversely, accompanied by a report (No. 8045); which said bill and report were laid on the table.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred

By Mr. LAMAR: A bill (H. R. 25767) to prohibit lobbying at the national capital in behalf of railroad or railway companies engaged in interstate commerce—to the Committee on the Ju-

By Mr. MONDELL: A bill (H. R. 25768) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof-to the Committee on the Public Lands.

By Mr. COOPER of Pennsylvania: A bill (H. R. 25769) to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906—to the Commit-

Washington County, approved April 23, 1900—to the Commit-tee on Interstate and Foreign Commerce. By Mr. ENGLEBRIGHT: A bill (H. R. 25770) to create the Calaveras Bigtree National Forest, and for other purposes— to the Committee on the Public Lands.

By Mr. POLLARD: A bill (H. R. 25771) to authorize the Treasurer of the United States to receive \$1,861.84 from Ernest M. Pollard, a Member of Congress from Nebraska, for salary paid him without authority of law-to the Committee on Ways and Means.

By Mr. SMITH of Arizona: A bill (H. R. 25772) authorizing the county of Gila, Ariz., to issue bonds for the completion of the court-house and jail—to the Committee on the Territories.

By Mr. AIKEN: A bill (H. R. 25773) permitting the building of a dam across the Savannah River at McDaniel shoals—to

the Committee on Interstate and Foreign Commerce

Also, a bill (H. R. 25774) permitting the building of a dam across the Savannah River at Turner shoals—to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER: A bill (H. R. 25775) to amend an act approved June 28, 1906, to authorize the city of Buffalo, N. Y., to construct a tunnel under Lake Erie for the purpose of supply ing said city with pure water-to the Committee on Rivers and

By Mr. AIKEN: A bill (H. R. 25776) permitting the building of a dam across the Savannah River at Middleton shoals—to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELLi: A resolution (H. Res. 876) requesting the Secretary of the Interior to send to the House information concerning certain public lands in the United States—to the Committee on the Public Lands.

By Mr. GROSVENOR: A resolution (H. Res. 877) providing for night session on Friday, February 22, 1907, for consideration of Senate bill 529, etc.—to the Committee on Rules.

By Mr. BENNET of New York: A resolution (H. Res. 878) providing for the printing of 5,000 extra copies of public act 96, concerning immigration of aliens into the United States-to the Committee on Printing.

By Mr. OVERSTREET of Indiana: Memorial of the legislature of Indiana, concerning the Pacific coast trade and commerce—to the Select Committee on Industrial Arts and Expositions.

By the SPEAKER: Memorial of the legislature of Indiana, favoring an Alaska, Yukon, and Pacific exposition-to the Select

Committee on Industrial Arts and Expositions.

By Mr. BURTON of Delaware: Memorial of the legislature of Delaware, proposing an amendment of the United States Constitution prohibiting polygamy and polygamous cohabita-tion—to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following

titles were introduced and severally referred as follows:
By Mr. BURTON of Obio: A bill (H. R. 25777) granting a pension to Elizabeth P. Boggis-to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 25778) to correct the military record of William T. Rea-to the Committee on Military Affairs. Also, a bill (H. R. 25779) to correct the military record of

James H. Cowan—to the Committee on Military Affairs.

By Mr. GARDNER of New Jersey: A bill (H. R. 25780)
granting a pension to Elmira H. Ludlam—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25781) granting an increase of pension to John Jones-to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 25782) for the relief of Mrs.

Amanda M. Brown—to the Committee on War Claims.

By Mr. McGUIRE: A bill (H. R. 25783) granting an increase of pension to James H. Williams—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and pa-

pers were laid on the Clerk's desk and referred as follows: By the SPEAKER: Petition of Takonm Park Citizens' Association, for the bill granting charter for the Baltimore and Wash-

ington Transit Company in the form in which it passed the Senate—to the Committee on the District of Columbia.

Also, petitions of various organizations of citizens in the States and the District of Columbia, against the Littlefield bill-to-the Committee on the Judiciary

By Mr. ACHESON: Paper to accompany bill for relief of David G. Roney—to the Committee on Invalid Pensions.

Also, petition of the United Commercial Travelers of America. for an interchangeable system of mileage books for the railways of the United States-to the Committee on Interstate and Foreign Commerce.

Mr. BURLEIGH: Petition of the United Commercial Travelers of America, for the Sherman mileage-rate bill-to the Committee on Interstate and Foreign Commerce.

By Mr. BURNETT: Paper to accompany bill for relief of John H. Wisdom—to the Committee on War Claims.

By Mr. BURTON of Delaware: Petition of the Methodist Min-isters' Association of Wilmington, Del., for the Littlefield bill to the Committee on the Judiciary.

Also, petition of the Pomona Grange, of Sussex County, Del., against the ship subsidy-to the Committee on the Merchant Marine and Fisheries.

By Mr. CALDER: Petition of the United Commercial Travelers of America, for the Sherman mileage-rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Florida: Petition of the United Commercial Travelers of America, for an interchangeable mileage system for the railways of the United States-to the Committee on Interstate and Foreign Commerce.

By Mr. CROMER: Petition of the Alliance of German Societies of Alexandria, Ind., against further restriction of immigration-to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Lewis Mack—to the Committee on Military Affairs.

By Mr. DALE: Petition of the National Institute of Arts and Letters, for a liberal copyright law—to the Committee on Patents.

Also, petition of the Pennsylvania Association of the State of Washington, for \$75,000 for the Alaska-Yukon-Pacific Exposition-to the Select Committee on Industrial Arts and Expo-

Also, petition of the California State Federation of Labor, for increase of salaries of clerks in first and second class post-

offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of the California State Federation of Labor, against the position of the President relative to Japanese in San Francisco—to the Committee on Foreign Affairs.

By Mr. DAWSON: Petition of the German-American Central Association of Scott County, Iowa, against passage of bill H. R. 13655 (the Littlefield bill)—to the Committee on the Judiciary.

Also, petition of the Independent Liberal Citizens' tion of Iowa, against passage of bill H. R. 13655-to the Com-

mittee on the Judiciary.

By Mr. DOVENER: Papers to accompany bills for relief of John F. Starcher and Edgar D. Musgrave—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of the United Commercial Travelers of America, for a system of mileage books for all the railways in the United States-to the Committee on Interstate and Foreign Commerce.

By Mr. DUNWELL: Petition of the United Commercial Travelers of America, for a system of mileage books for all the railways of the United States-to the Committee on Interstate and Foreign Commerce.

Also, petition of the California State Federation of Labor, against the petition of the President relative to the Japanese in San Francisco-to the Committee on Foreign Affairs

Also, petition of the California State Federation of Labor, for increase of salaries of post-office clerks (H. R. 9754)-to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Petition of the United Commercial Travelers of America, for legislation for a system of mileage books on all the railways of the United States-to the Committee on Interstate and Foreign Commerce.

By Mr. FLOYD: Papers to accompany bills for relief of James H. Cowan and William F. Rea—to the Committee on Military Affairs

By Mr. FRENCH: Petition of Boise City Typographical Union, No. 271, for the new copyright bills (S. 6330 and H. R. 19853)—to the Committee on Patents.

By Mr. FULKERSON: Petition of civil war veterans of St.

Joseph, Mo., for bill H. R. 24544—to the Committee on Military

By Mr. FULLER: Petition of the United Commercial Travelers' Association, for a system of interchangeable mileage books for the railways of the United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles S. Croney, Hoopeston, Ill., for an appropriation for a steel dry dock—to the Committee on Naval Af-

·Also, petition of composers of music, for the copyright bills

(S. 6330 and H. R. 19853)—to the Committee on Patents By Mr. GOULDEN: Paper to accompany bill for relief of Thomas Allen—to the Committee on Pensions.

Also, paper to accompany bill for relief of Alfred Miller—to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of the United Commercial Travelers of America, for the Sherman mileage-rate bill—to the Com-

mittee on Interstate and Foreign Commerce. Also, petition of Francis A. Howard, for an appropriation for experimental tests of signograph and semaphore safety devices—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Institute of Arts and Letters, for a liberal copyright law—to the Committee on Patents.

Also, petition of J. W. Vickerman, for the Garrett bill for

right of railways to exchange transportation for advertising—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Petition of the United Commercial Travelers of America, for the Sherman mileage-rate bill—to the

Committee on Interstate and Foreign Commerce.

By Mr. HUFF: Petition of the United Commercial Travelers, for the Sherman interstate mileage bill—to the Committee on

Interstate and Foreign Commerce.

By Mr. KELIHER: Petition of the Springfield (Mass.) Board of Trade, for the Appalachian and White Mountains forest reservation—to the Committee on Agriculture.

Also, petition of the Springfield (Mass.) Board of Trade, for a uniform bill of lading—to the Committee on Interstate and

Foreign Commerce.

By Mr. LAMB: Petition of the United Commercial Travelers of America, for the Sherman mileage-rate bill-to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of the United Commercial Travelers of America, for an interchangeable system of mileage books for the railways of the United States—to the Committee

on Interstate and Foreign Commerce. Also, petition of the German-American Peace Society, for an appropriation of \$1,000 in aid of the International Peace Bureau in Berne-to the Committee on Foreign Affairs.

Also, petition of McLaughlin Brothers, for an amendment in the copyright bill favoring the lithographic trade-to the Committee on Patents.

By Mr. McCALL: Petition of the Boston Wholesale Oyster Dealers' Association, against restriction of the oyster trade by provisions of the pure-food law-to the Committee on Agricul-

By Mr. McNARY: Paper to accompany bill for relief of Ed ward H. Emerson—to the Committee on Invalid Pensions.

Also, petition of the Springfield (Mass.) Board of Trade, for a uniform bill of lading—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Springfield (Mass.) Board of Trade, for the Appalachian and White Mountain forest reserves—to the Committee on Agriculture.

By Mr. MOORE of Pennsylvania: Petition of Liberty Centennial Lodge, No. 76, Independent Order of Free Sons of Israel, for a full inquiry into the status of the immigration questionto the Committee on Immigration and Naturalization.

Also, petition of the National Institute of Arts and Letters, for the copyright law-to the Committee on Patents.

Also, petition of William R. Rau, against the clause in the copyright bill inimical to American photography—to the Committee on Patents.

By Mr. NORRIS: Petition of voters and residents of Wood River, Nebr., against reduction of allowance to railways for carrying the mails—to the Committee on the Post-Office and Post-Roads

By Mr. OVERSTREET of Indiana: Petition of the United

Commercial Travelers of America, for a system of mileage books for all the railways of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. RIORDAN: Petition of the German-American Peace Society, for an appropriation for an international peace bu-

reau in Berne—to the Committee on Foreign Affairs.

By Mr. ROBINSON of Arkansas: Petition of the Board of Trade of Pine Bluff, Ark., in favor of reciprocal demurrage to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of Bookbinders' Local Union No. 17.

International Brotherhood of Bookbinders, for bills S. 5469 and H. R. 17502, for investigation of the condition of woman and child workers in the United States—to the Committee on Labor.

By Mr. SCHNEEBELI: Petition of E. T. Conner Post, No. 177, Grand Army of the Republic, Department of Pennsylvania, against abolition of the pension agencies—to the Committee on Appropriations.

Also, petition of the United Commercial Travelers, for the Sherman mileage-rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of the United Commercial Travelers of America, for a system of mileage books for all the railways in the United States-to the Committee on Interstate and Foreign Commerce.

Also, petition of the German-American Peace Society, for an appropriation of \$1,000 for the support of the International Peace Bureau in Berne—to the Committee on Foreign Affairs. · Also, petition of members of the National Institute of Arts and Letters, for a liberal copyright law—to the Committee on Patents.

By Mr. UNDERWOOD: Petition of the grand officers of the Brotherhood of Railway Employees of the United States, for the adoption of a safer and better mail crane—to the Committee on the Post-Office and Post-Roads.

#### SENATE.

## FRIDAY, February 22, 1907.

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Edward E. Hale, offered the following prayer:

Let us now praise famous men and our fathers that begat us. Leaders of the people by their counsel, wise were they; their words were for the instruction of the people; their glory shall never be blotted out; their bodies were buried in peace, and their names live for all generations.

The Lord God gave him commandments face to face, even the

law of life and knowledge.

Let us pray. Father, here are our prayers for ourselves, for our homes, for this Congress, for the nation, and for the world, That these memories of the past may not be in vain as we look forward to to-day and to-morrow and the future. That this people of America may know what gift Thou wast pleased to give them when Thou didst send to be Thy servant here him who was first in war, first in peace, and first in the hearts of his countrymen. And that for to-day and to-morrow and for the days that are to come, each of us—we are all Thy children—shall seek to enter into Thy work; yes, as the Father of his Country entered into his to lift up that that has fallen down, to open eyes that have been blind and ears that have been deaf, and to live in the service of the living God, that we may do justly, that we may love mercy, and that we may walk humbly with our God.

Here is our prayer. Answer us and bless us as Thine own children, in Christ Jesus.

Our Father who art in heaven, hallowed be Thy name. kingdom come; Thy will be done on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. For Thine is the kingdom, and the power, and the glory for ever and ever. Amen.

## THE JOURNAL.

On request of Mr. Burrows, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with, and the Journal was approved.

## READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE-PRESIDENT. The Farewell Address of George Washington will be read, under the order of the Senate, by the junior Senator from Nebraska [Mr. Burkett].

Mr. BURKETT (at the Secretary's desk) read the address, as follows:

An address of George Washington to the people of the United States September 19, 1796.

To the people of the United States:

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation night imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution which is the your hands may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the ap-

plause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget as an encouragement to it your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment,

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cor-dial, habitual, and immovable attachment to it, accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated, and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvements of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. tenure by which the West can hold this essential advantage. whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater

strength, greater resource, proportionately greater security from external danger, a less frequent interruption of their peace by foreign nations, and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same governments, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop to your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations-Northern and Southern, Atlantic and Westernwhence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of a party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be The inhabitants of our bound together by fraternal affection. western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire in respect to our foreign relations toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerts. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their continuous contractions. stitutions of government. But the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destruc-

tive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community, and according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction rather than the organ of consistent and wholesome plans, digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which may impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially that for the efficient management of your common interests in a country so extensive as ours a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

The spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischief of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose, and there being constant

danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. cessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against inva-sion by others, has been evinced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duty of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instru-ments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can

prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion it is essential that

public opinion should be enlightened.

As a very important source of strength and security, cherish One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursement to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belongs to your representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any tem-

porary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature.

Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation prompted by ill will and resentment sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason At other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the

victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from which equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation a commendable deference for public opinion or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they af-ford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect

Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vieissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not legally hazard the giving us provocation; when we may choose peace or war, as our interests, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition,

rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. an illusion which experience must cure, which a just pride ought

In offering to you, my countrymen, these counsels of an old and affectionate friend I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take and was bound in duty and interest to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to

our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes,

Though in reviewing the incidents of my Administration I am unconscious of intentional error, I am, nevertheless, too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently be seech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views it in the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow-citizens the benign influence of good laws under a free government—the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

Go: Washington.

United States, September 19, 1796.

## CONSTRUCTION OF BATTLE SHIP.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, requesting that the plans and specifications of the 20,000-ton battle ship be returned to the Department for the use of the Bureaus concerned with the construction of vessels; which was ordered to lie on the table.

#### FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of the Trustees of the Big Bethel African Methodist Episcopal Church, of Atlanta, Ga., v. The United States; and

In the cause of Louise P. Seaman, widow of Stephen Seaman, deceased, v. The United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5119) authorizing the extension of W and Adams streets NW.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25242) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 1160. An act to correct the naval record of John McKinnon, alias John Mack;

S. 2769. An act to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district;

H. R. 526. An act granting an increase of pension to Robert Cole:

H. R. 560. An act granting an increase of pension to Wilson M. Holmes;

H. R. 561. An act granting an increase of pension to Giles Townsend;

H. R. 654. An act granting an increase of pension to Amos J. Loranger;

H. R. 1171. An act granting an increase of pension to Alfred Nichols:

H. R. 1223. An act granting an increase of pension to Andrew Jarvis;

H. R. 1232. An act granting an increase of pension to John V. Buskirk;

H. R. 1242. An act granting an increase of pension to Luke Reynolds;

H. R. 1377. An act granting an increase of pension to Thomas G. Dallman; H. R. 1474. An act granting an increase of pension to Thomas C. Fisher;

H. R. 1574. An act granting an increase of pension to Franklin Sampson;

H. R. 1665. An act granting an increase of pension to Frederick E. Hayward;

H. R. 1728. An act granting an increase of pension to George C. Vance;

H. R. 1767. An act granting an increase of pension to James H. Marcum;

H. R. 1838. An act granting an increase of pension to Asa J. Clother;

H. R. 1851. An act granting an increase of pension to Ralph D. Parsons;

H. R. 1890. An act granting an increase of pension to Adam Leak;

H. R. 2064. An act granting an increase of pension to Daniel Sullivan;

H. R. 2270. An act granting an increase of pension to John Lehn;

H. R. 2324. An act granting a pension to Christina Vetter;

H. R. 2821. An act granting an increase of pension to Turner J. Preble;

H. R. 2905. An act granting an increase of pension to Burr Clark;

H. R. 3239. An act granting an increase of pension to George W. Stewart;

H. R. 3785. An act granting an increase of pension to Frederick W. Wagner;

H. R. 4150. An act granting an increase of pension to John C. McGinis:

H. R. 4553. An act granting an increase of pension to William R. Wilkins;

H. R. 4757. An act granting an increase of pension to Edward Willis:

H. R. 5020. An act granting an increase of pension to Beverly W. Sullivan:

H. R. 5050. An act granting an increase of pension to Ephraim M. Boltz:

H. R. 5162. An act granting an increase of pension to James F. Travis;  $\cdot$ 

H. R. 5202. An act granting an increase of pension to Jennie R. Hunt;

H. R. 5388. An act granting an increase of pension to Silas Garrison;

H. R. 5497. An act granting a pension to Cora Allie Booth; H. R. 5627. An act granting an increase of pension to John C. L. Hargis;

H. R. 5634. An act granting an increase of pension to John Redding;

H. R. 5774. An act granting a pension to Cornelia Mitchell; H. R. 5666. An act for the relief of L. L. Arrington and L. S.

H. R. 5800. An act granting an increase of pension to Joseph G. Maddocks;

H. R. 5926. An act granting a pension to Sarah C. Pitman; H. R. 6206. An act granting an increase of pension to Stephen

J. Henning; H. R. 6237. An act granting an increase of pension to David

Bethurum; H. R. 6353. An act granting an increase of pension to John

Shobert; H. R. 6767. An act granting an increase of pension to Hobart

H. R. 7242. An act granting an increase of pension to Marcus

H. R. 7255. An act granting a pension to Christopher Horn; H. R. 7374. An act granting an increase of pension to Elijah

H. R. 7574. An act granting an increase of pension to Elijah C. Adelotte; H. R. 7554. An act granting an increase of pension to Andrew

Cramer;
H. R. 7565. An act granting an increase of pension to Andrew
H. R. 7565. An act granting an increase of pension to Orville

Dickinson; H. R. 7578. An act granting an increase of pension to Levi

HOSKINS; H. R. 7634. An act granting an increase of pension to Martha

H. R. 8408. An act granting an increase of pension to Richard

Prost;
.H. R. 8503. An act granting an increase of pension to David

C. May;
H. R. 8682. An act granting an increase of pension to James P. Bledsoe:

H. R. 8775. An act granting an increase of pension to Carrie Diefenbach:

H. R. 8785. An act granting an increase of pension to John Finch:

H. R. 8770. An act granting an increase of pension to Charles W. Burgess;

H. R. 9256. An act granting an increase of pension to Martha E. Sanford;

H. R. 9298. An act for the relief of the heirs at law of David C. Haynes, deceased;

H. R. 9445. An act granting a pension to Ida E. G. Pierce; H. R. 9448. An act granting an increase of pension to Thomas

B. Hockley;
 H. R. 9664. An act granting an increase of pension to Edwin
 C. Durfey;

H. R. 9785. An act granting an increase of pension to William A. Lyon.

liam A. Lyon;
H. R. 9838. An act granting an increase of pension to Joseph Fergerson:

H. R. 9841. An act to correct the military record of James H. Davis:

H. R. 9850. An act granting an increase of pension to Benjamin F. Williams;

H. R. 9976. An act to provide for the appointment of an additional district judge in and for the southern district of the State of Ohio;

H. R. 10023. An act granting a pension to Martha J. Lewis; H. R. 10164. An act granting a pension to Emma L. Beatty;

H. R. 10212. An act granting an increase of pension to Charles M. Arnold;

H. R. 10241. An act granting an increase of pension to Joseph M. Parish;

H. R. 10301. An act granting an increase of pension to George N. Beymer;

H. R. 10431. An act granting an increase of pension to Charles W. Kenisston;

H. R. 10739. An act granting an increase of pension to N. Delmont McReynolds;

H. R. 10889. An act granting an increase of pension to William H. Garrison;

H. R. 10935. An act granting an increase of pension to Annie L. Boone;

 $\rm H.\ R.\ 11198.$  An act granting an increase of pension to Emanuel Sandusky;

H. R. 11273. An act to incorporate the National German-American Alliance; H. R. 11285. An act granting an increase of pension to Wil-

liam Kirkpatrick;
H. R. 11621. An act granting an increase of pension to Hollis

Smith; H. R. 11845. An act granting an increase of pension to Holis Wil-

liam J. Clark;
H. R. 11848. An act granting an increase of pension to George

E. York; H. R. 11995. An act granting an increase of pension to Wes-

ley Layton;
H. R. 12240. An act granting an increase of pension to Albert
J. Ackerley;

H. R. 12344. An act granting an increase of pension to Andrew J. Sproul;

H. R. 12346. An act granting an increase of pension to Abraham D. Stouffer;

H. R. 12349. An act granting an increase of pension to Edgar M. Barber;

 H. R. 12353. An act granting an increase of pension to Jacob Little;
 H. R. 12563. An act granting an increase of pension to An-

drew L. Hook;
H. R. 12580. An act granting an increase of pension to Charles

E. Youtt; H. R. 12631. An act granting an increase of pension to James

E. Leslie; H. R. 12969. An act granting an increase of pension to Alexander Buck;

H. R. 13012. An act granting an increase of pension to Charles L. Cole;

H. R. 13133. An act granting an increase of pension to Gilbert W. Clark;

H.R. 13163. An act granting a pension to Rittie Blackwell; H.R. 13334. An act granting an increase of pension to Eras-

tus A. Doe;
H. R. 13810. An act granting an increase of pension to Abraham J. Simmons;

H. R. 13816. An act granting an increase of pension to Thomas McPeek:

H. R. 13963. An act granting an increase of pension to William H. Turner;

H. R. 14104. An act granting an increase of pension to Milton Brown;

H. R. 14228. An act granting an increase of pension to Abram Nussbaum:

H. R. 14244. An act granting an increase of pension to Edwin R. Phillins

H. R. 14779. An act granting an increase of pension to Willard Wheeler:

H. R. 15241. An act granting an increase of pension to Samuel De Haven

H. R. 15452. An act granting an increase of pension to Solomon Stanfield;

H. R. 15492. An act granting a pension to William L. Tyler; H. R. 15543. An act granting an increase of pension to George W. Maynard;

H. R. 15688. An act granting an increase of pension to Esther C. Kelly

H. R. 15879. An act granting an increase of pension to Jacob

H. R. 16192. An act granting an increase of pension to Charles

H. R. 16221. An act granting an increase of pension to Job Clark

H. R. 16261. An act granting an increase of pension to John P. Bare

H. R. 16343. An act granting an increase of pension to Francis D. Matheny

H. R. 16439. An act granting an increase of pension to Patrick

H. R. 16607. An act granting an increase of pension to Mary

Denny : H. R. 16608. An act granting an increase of pension to Catharine McNamee;

H. R. 16687. An act granting an increase of pension to Jeffer-

H. R. 16718. An act granting an increase of pension to James

Miltimore H. R. 16819. An act granting a pension to John V. Sumner;

H. R. 16834. An act granting an increase of pension to Allan

S. Rose H. R. 16839. An act granting an increase of pension to Benjamin F. Johnson;

H. R. 16905. An act granting a pension to Anna E. Marble;

H. R. 16925. An act granting a pension to Johanne Lange H. R. 16939. An act granting an increase of pension to Pat-

terson Reese H. R. 17002. An act granting an increase of pension to Levi

Deater; H. R. 17091. An act granting an increase of pension to George Myers:

H. R. 17245. An act granting an increase of pension to Joseph

H. R. 17307. An act granting an increase of pension to John A Baker

H. R. 17394. An act granting an increase of pension to Albert W. Boggs

H. R. 17655. An act granting an increase of pension to Fritz Dittmann ;

H. R. 18040. An act granting an increase of pension to Thomas

. H. R. 18110. An act granting an increase of pension to Asail

H. R. 18396. An act granting an increase of pension to John Nix:

H. R. 18515. An act granting an increase of pension to Martin Johnson:

H. R. 18518. An act granting an increase of pension to William W. Wertman;

H. R. 18519. An act granting a pension to Benjamin W. Mc-Cray

H. R. 18556. An act granting an increase of pension to William H. De Bruler;

H. R. 18571. An act granting an increase of pension to Ann O'Neil:

H. R. 18604. An act granting an increase of pension to Thomas M. Luman :

H. R. 18653. An act granting an increase of pension to Richard Limbird:

H. R. 18814. An act granting an increase of pension to Francis G. Knapp :

H. R. 18831. An act granting an increase of pension to James R. Wilson

H. R. 18854. An act providing for sittings of the United States circuit and district courts of the southern district of Ohio at the city of Dayton in said district;

H. R. 18874. An act granting a pension to Nannie T. Johnson; H. R. 18993. An act granting an increase of pension to James Shaw

H. R. 19065. An act granting an increase of pension to William R. Rodenberger

H. R. 19009. An act granting an increase of pension to Cornelins A. Willis:

H. R. 19079. An act granting a pension to Phoebe Templeton; H. R. 19106. An act granting an increase of pension to Margaret Epperson:

H. R. 19125. An act granting an increase of pension to Mary W. Humphreys

H. R. 19291. An act granting an increase of pension to Charles Bachman

H. R. 19421. An act granting an increase of pension to Ella A. Hodges

H. R. 19580. An act granting an increase of pension to Jane Williamson H. R. 19594. An act granting an increase of pension to Hosea

Hudson H. R. 19599. An act granting an increase of pension to William

H. R. 19658. An act granting an increase of pension to Ary S.

Bennett H. R. 19739. An act granting an increase of pension to Henry

D. Miner H. R. 19794. An act granting an increase of pension to Henry C. Jewett

H. R. 19937. An act granting an increase of pension to Mildred L. Allee

H. R. 20003. An act granting an increase of pension to William

H. R. 20004. An act granting an increase of pension to Isaiah Perkins

H. R. 20057. An act granting an increase of pension to Cynthia

H. R. 20062. An act granting an increase of pension to Philip

H. R. 20082. An act granting an increase of pension to William Van Alst; H. R. 20148. An act granting a pension to Flora Fenzl;

H. R. 20155. An act granting an increase of pension to Frank

L. Weiss, alias Louis Weiss; H. R. 20170. An act granting an increase of pension to Mathias

H. R. 20183. An act granting an increase of pension to Cath-

H. R. 20217. An act granting an increase of pension to Ferdi-

nand Kunkel; H. R. 20270. An act granting an increase of pension to Michael

Dunn H. R. 20209. An act granting an increase of pension to Lizzie

E. Enright : H. R. 20352. An act granting a pension to Martha Stevens:

H. R. 20414. An act granting an increase of pension to Albert Launt H. R. 20588. An act granting an increase of pension to Nich-

H. R. 20590. An act granting an increase of pension to Hannah O. Reynolds;

H. R. 20622. An act granting an increase of pension to Samuel Shoener

H. R. 20840. An act granting an increase of pension to Thomas M. Lord

H. R. 20886. An act granting an increase of pension to William W. Bell;

H. R. 20890. An act granting an increase of pension to Lafayette Doughty;

H. R. 20952. An act granting an increase of pension to John W. Howe

H. R. 20954. An act granting an increase of pension to Henry McDevitt

H. R. 20956. An act granting an increase of pension to James Kenney

H. R. 20959. An act granting an increase of pension to Wil-

liam G. Dickey; H. R. 20961. An act granting an increase of pension to George F. Fogg

H. R. 20963. An act granting an increase of pension to Rianzo

H. R. 20972. An act granting an increase of pension to George . Rothrock : H. R. 20999. An act granting an increase of pension to John

H. Simmons H. R. 21038. An act granting a pension to Lucy A. Gaylord; H. R. 21040. An act granting an increase of pension to Ella C.

H. R. 21052. An act granting an increase of pension to Edmund A. Locker; H. R. 21055. An act granting an increase of pension to Archi-

bald Bates:

H. R. 21073. An act granting an increase of pension to Michael Harman:

H. R. 21085. An act granting an increase of pension to Anthony Patterson;

H. R. 21130. An act granting a pension to Margaret McNally; H. R. 21131. An act granting an increase of pension to Cornelius Shen :

H. R. 21141. An act granting an increase of pension to George E. Castor, alias George E. Custer :

H. R. 21244. An act granting an increase of pension to Levi E. Eldred;

H. R. 21262. An act granting an increase of pension to Margaret Adams

H. R. 21267. An act granting an increase of pension to Jerome B. Clark

H. R. 21284. An act granting an increase of pension to William Earnest;

H. R. 21306. An act granting an increase of pension to James Pool:

H. R. 21336. An act granting an increase of pension to Hermann Hoffmeister;

H. R. 21337. An act granting an increase of pension to Henry J. Barrows

H. R. 21342. An act granting an increase of pension to Charles

H. R. 21348. An act granting an increase of pension to William Seymour Alden;

H. R. 21352. An act granting a pension to Hester A. Parrish;

H. R. 21430. An act granting an increase of pension to Alonzo

H. R. 21525. An act granting an increase of pension to John Short

H. R. 21559. An act granting an increase of pension to William Ivers

H. R. 21562. An act granting an increase of pension to Val-

H. R. 21608. An act granting an increase of pension to Louis

H. R. 21659. An act granting an increase of pension to Rose

H. R. 21711. An act granting an increase of pension to Thor Nelson

H. R. 21734. An act granting an increase of pension to Stephen B. H. Shanks;

H. R. 21746. An act granting an increase of pension to William N. Carlisle;

H. R. 21784. An act granting an increase of pension to William Hall;

H. R. 23235. An act granting an increase of pension to James

L. Barney; H. R. 23324. An act authorizing the sale of certain lands to

the city of Buffalo, Wyo.; H. R. 24284. An act for the opening of Warren and Fortysixth streets NW., in the District of Columbia;

H. R. 24358. An act granting an increase of pension to John R. Cauley

H. R. 24887. An act providing for a United States judge for the northern judicial district of Alabama;

H. R. 25013. An act granting to the regents of the University of Oklahoma section No. 36, township No. 9 north, of range No. 3 west, of the Indian meridian, in Cleveland County, Okla.; and

H. R. 25234. An act permitting the building of a dam across Rock River at Lyndon, Ill.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Rock River conference of the Methodist Episcopal Church, of Galena, Ill., praying for the enactment of legislation to provide for an inquiry into the extent of lynchings and the causes which lead to them; which was referred to the Committee on the Judiciary.

Mr. CULLOM presented petitions of sundry citizens of Potomac and Princeton, in the State of Illinois, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Sullivan County, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary

He also presented a petition of the Anacostia Citizens' Association, of the District of Columbia, praying for the enactment of legislation providing for the construction of a road along the south bank of the Anacostia River, in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the memorial of Debbert E. Wood, of Binghamton, N. Y., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Business Men's Association of Washington, D. C., remonstrating against the enactment of legislation to change the names of certain streets and avenues in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Fruitdale Grange, Patrons of Husbandry, of Mason, N. H., praying that an appropriation be made for the extermination of the gypsy and brown-tail moths; which was ordered to lie on the table.

He also presented a petition of the Business Men's Association of Washington, D. C., praying for the passage of the so-called "antitipping bill" relative to the tipping of employees of hotels, cafés, etc., in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Chamber of Commerce of Baltimore, Md., praying that an appropriation be made for a scientific investigation into the industrial condition of woman and child workers in the United States; which was ordered to lie on the table.

Mr. PLATT presented petitions of sundry citizens of Brooklyn, N. Y., praying for the enactment of legislation to amend and consolidate the acts respecting copyrights; which were ordered to lie on the table.

He also presented petitions of sundry citizens of New York City, N. Y., praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented memorials of Seth N. Hedges Post, No. 216, of Dansville; of C. E. Mills Post, No. 491, of Fort Edward, and of Harry Lee Post, No. 21, of Brooklyn, all of the Department of New York, Grand Army of the Republic, in the State of New York, remonstrating against the enactment of legislation abolishing the pension agencies throughout the country; which were ordered to lie on the table.

Mr. FULTON. I present a joint memorial of the legislature of the State of Oregon, which I ask may be read, and referred to the Committee on Privileges and Elections.

There being no objection, the joint memorial was read, and referred to the Committee on Privileges and Elections, as follows:

### House joint memorial No. 2.

House joint memorial No. 2.

Whereas there is a general demand by the people of the United States and of the State of Oregon for the election of United States Senators by the direct vote of the people: Therefore, be it \*\*Resolved by the house of representatives of the State of Oregon (the senate concurring), That it is the sense of the people of this State that United States Senators should be elected by the direct vote of the people, and that the Congress of the United States is hereby memorialized to propose an amendment to the Constitution of the United States providing for the election of United States Senators by the direct vote of the people, and to submit the same to conventions in the several States of the United States, called for the purpose, for ratification; be it \*Further resolved, That a copy of this memorial be sent to the Senate and House of Representatives of the United States in Congress assembled and to the legislatures of the several States of the Union by the secretary of state.

Adopted by the house January 28, 1907.

FRANK DAVEY.

FRANK DAVEY.
Speaker of the House.

Concurred in by the senate February 4, 1907. E. W. HAINES, President of the Senate. W. LAIR THOMPSON, Chief Clerk.

Filed February 5, 1907.

F. W. BENSON. Secretary of State.

United States of America, State of Oregon, Office of the Secretary of State.

OFFICE OF THE SECRETARY OF STATE.

J. F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that the annexed page contains a full, true, and complete copy of house joint memorial No. 2, adopted by the house of representatives of the State of Oregon January 28, 1907, and concurred in by the senate of the State of Oregon February 4, 1907, original of which memorial was filed in this office February 5, 1907.

In witness whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 5th day of February, A. D. 1907.

F. W. BENSON, Secretary of State.

Mr. FULTON presented petitions of sundry citizens of Junction City, Corvallis, and Benton County, all in the State of Oregon, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. McCREARY presented petitions of sundry citizens of Vanceburg and Middlesboro, in the State of Kentucky, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to

the Committee on the Judiciary.

Mr. BRANDEGEE presented petitions of sundry citizens of Danbury, Bridgeport, Norwalk, Milford, Bethel, Meriden, and Hartford, all in the State of Connecticut, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. DOLLIVER presented a petition of the congregation of the First Presbyterian Church of Burlington, Iowa, praying for the enactment of legislation to regulate the employment of child

labor; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Terril, Legrand, and Oelwein, all in the State of Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. ANKENY presented a petition of sundry citizens of Mason County, Wash., praying for the enactment of legislation to regulate the inferstate transportation of intoxicating liquors; which

was referred to the Committee on the Judiciary.

Mr. DU PONT presented a petition of the congregation of the Methodist Episcopal Church of Cheswold, Del., and a petition of Harmony Council, No. 23, Junior Order of United American Mechanics, of Cheswold, Del., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. LODGE presented a petition of the Board of Trade of Springfield, Mass., praying for the enactment of legislation providing for a uniform bill of lading; which was referred to

the Committee on Interstate Commerce.

He also presented a petition of the Board of Trade of Springfield, Mass., praying for the enactment of legislation to establish a forest reserve in the White Mountains of New Hampshire; which was ordered to lie on the table.

He also presented the petition of Frank H. Webb, of Haverhill, Mass., praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the

Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of Whitman, Mass., and a petition of sundry citizens of Boston, Mass., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a memorial of the Turn Verein Vorwaerts of Webster, Mass., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Boston Dry Goods Company, of Boston, Mass., praying for the enactment of legislation providing for the better protection of packages sent through the mails: which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAPP presented a memorial of the Goodhue County Press Association, of Red Wing, Minn., remonstrating against the enactment of legislation to exclude from second-class mail matter publications not paid for in advance; which was re ferred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the congregations of the First Congregational and First Presbyterian churches of Owatonna; of sundry citizens of Rochester, Le Roy, Chatfield, Minneapolis, Cannon Falls, Verona, and Olmsted County, all in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Stillwater, Minn., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Re-

lations.

He also presented petitions of sundry citizens of Minneapolis and Adrian, in the State of Minnesota, praying for the adoption certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. FRYE presented a petition of the Chamber of Commerce and Board of Trade of Porto Rico, praying that an appropria-

tion be made for the improvement of the harbor of San Juan. P. I.; which was referred to the Committee on Commerce.

Mr. PENROSE presented a petition of the Central Labor Union of Scranton, Pa., praying for the ratification of international arbitration treaties; which was referred to the Com-

mittee on Foreign Relations.

He also presented memorials of Gilmour Post, Ulster; of Colonel Ulric Dahlgren Post, No. 14, of Philadelphia; of Lieutenant William H. Child Post, No. 226, of Marietta, and of Ellis Post, No. 6, of Philadelphia, all of the Department of Pennsylvania, Grand Army of the Republic, in the State of Pennsylvania, remonstrating against the enactment of legislation abolishing the pension agencies throughout the country;

which were ordered to lie on the table.

He also presented petitions of the Weeks Photo-Engraving Company, of Philadelphia; G. Buehler & Co., of Allentown; Smith, Kline & French Company, of Philadelphia; Quaker City Metallic Bedstead Company, of Philadelphia; Robert Rawsthorne Engraving Company, of Pittsburg; the Westinghouse Machine Company, of East Pittsburg; Globe Varnish Manufacturing Company, of Pittsburg; the Chaplin-Fulton Manufacturing Company; H. S. Echels, of Philadelphia; Harrison Brothers & Co. (Incorporated); H. Kleber & Bro. Company, of Greensburg; Deubleday-Hill Electric Company, of Pittsburg; James O. Handy, chief chemist Pittsburg Testing Laboratory, of Pittsburg; George C. Davis, of Philadelphia; Charles B. Dudley, chemist, Pennsylvania Railroad Company, of Altoona; John Marshall, professor of chemistry, University of Pennsylvania, of Philadelphia; Ralph E. Myers, State College; American Chair Manufacturing Company; John Howard Graham, of Philadelphia, and of the John B. Stetson Company, of Philadelphia, all of the State of Pennsylvania, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. OVERMAN presented a petition of sundry citizens of North Carolina, praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the

Committee on Finance.

Mr. SPOONER presented a petition of the Woman's Christian Temperance Union of Crandon, Wis., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Lyra Male Chorus, of Milwaukee, Wis., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

### GOUVERNEUR V. PACKER.

Mr. FORAKER. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 17285) for the relief of Second Lieut. Gouverneur V. Packer, Twenty-fourth United States Infantry, to report it favorably without amendment, and to submit a report thereon.

Mr. KEAN. That is a very short bill, Mr. President, and I

ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to cause to be credited to Second Lieut. Gouverneur V. Packer, battalion quartermaster and commissary, Twenty-fourth Regiment United States Infantry, on his accounts as acting commissary of subsistence of the post of Fort Missoula, Mont., with \$48.89, the amount of subsistence funds, for which he was responsible, stolen by Commissary-Sergt. Walter E. Smith, United States Army, who deserted from the service September 1, 1903.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### INTERMARRIED WHITE PERSONS.

Mr. CURTIS. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 8535) for the relief of certain white persons who intermarried with Cherokee citizens, to report it with an amendment and to submit a report thereon. ask unanimous consent for the present consideration of the

The VICE-PRESIDENT. The bill will be read at length for

the information of the Senate, subject to objection.

The bill was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. The amendment reported by the Committee on Indian Affairs was, on page 1, in line 4, after the words "prior to," to strike out the words "July 1, 1902," and to insert "December 16, 1895;" so as to make the bill read:

Be it enacted, etc., That for sixty days after the approval of this act white persons who intermarried with Cherokee citizens prior to Decem-

ber 16, 1895, and made permanent and valuable improvements on lands belonging to the Cherokee Nation prior to the decision of the Supreme Court of the United States in the case of Daniel Red Bird, the Cherokee Nation, and others, against The United States (203 U. S., p. 76), shall have the right to sell such improvements to citizens of the Cherokee Nation entitled to select allotments at a valuation to be approved by an official to be designated by the Secretary of the Interior for that purpose; and the vendor shall have a lien on the rents and profits of the land on which the improvements are located for the purchase money remaining unpaid and shall have the right to enforce such lien in any court of competent jurisdiction.

The amendment was agreed to

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### FINAL PROOF IN DESERT-LAND ENTRIES.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 25513) extending the time for making final proof in certain desert-land entries, to report it favorably without amendment. I ask unani-

mons consent for its present consideration.

The VICE-PRESIDENT. The bill will be read at length for

the information of the Senate.

The bill was read; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes that all desert-land entrymen, under the Benton Water Company's canal, in Benton County, State of Washington, who would be required under existing law to make final proof during the year 1907 shall be given an additional year in which to make such final proof; but each entryman claiming the benefits of this act shall, within ninety days after its passage and approval, file in the local land office of the district in which the lands embraced in his entry are located an affidavit describing his lands and stating that he expects to irrigate the same with water from the canal of said company.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### REPORTS OF COMMITTEES.

Mr. SCOTT. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 24537) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1908, and for other purposes, to report it with amendments, and I submit a report thereon.

As I understand there will be a night session to-night. I shall then ask the privilege of having this bill taken up. I make that announcement in order that Senators may have notice of my

intention in that regard.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. SCOTT, from the Committee on Military Affairs, submitted a report to accompany the bill (S. 7921) for the relief of George A. Armstrong, heretofore reported.

Mr. PLATT, from the Committee on Printing, to whom was referred the bill (S. 8510) to amend an act providing for the public printing and binding and the distribution of public documents, reported it with amendments, and submitted a report

thereon. Mr. CURTIS, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 25570) to amend an act approved May 8, 1906, entitled "An act to amend section 6 of the act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," reported it without amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (S. 32) for the relief of the State of New Hampshire, reported it with an amendment, and submitted a

report thereon.

Mr. STONE, from the Committee on Commerce, to whom was referred the bill (S. 8507) to authorize the construction of a bridge across the Grand Calumet River, State of Illinois, reported it without amendment, and submitted a report thereon.

Mr. FRAZIER, from the Committee on Territories, to whom

was referred the bill (H. R. 25184) to relieve the Tanana Mines Railroad in Alaska from taxation, reported it without amend-

ment, and submitted a report thereon.

Mr. OVERMAN (for Mr. FOSTER), from the Committee on Military Affairs, to whom was referred the bill (S. 3627) removing the charges of desertion and granting an honorable discharge to Benjamin Warner, reported it with amendments, and submitted a report thereon.

Mr. SMOOT, from the Committee on Pensions, to whom was

referred the bill (H. R. 14322) granting a pension to Abbie L.

Hanford, reported it without amendment, and submitted a report thereon

Mr. WARREN, from the Committee on Military Affairs, reported an amendment proposing to appropriate \$175,000 for the purchase of Constitution Island, intended to be proposed to the sundry civil appropriation bill, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

#### BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 8547) for the relief of George F. Schayer; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 8548) to authorize the purchase of a portrait of Henry Clay; which was read twice by its title, and referred to the Committee on the Library.

Mr. MALLORY. In behalf of my colleague [Mr. Taliaferro], who is unavoidably detained from the Senate, I introduce two bills.

The bill (S. 8549) for the relief of C. W. Moffatt; was read twice by its title, and referred to the Committee on Claims.

The bill (S. 8550) for the relief of Samuel G. Searing; read twice by its title, and referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 8551) for the relief of the estate of Capt. John Belino, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. DEPEW introduced a bill (S. 8552) for the relief of the National Automatic Fire Alarm Company, of Washington, D. C.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CLAPP introduced a joint resolution (S. R. 95) relating to proceedings to set aside deeds alleged to have been made by Mexican Kickapoos; which was read twice by its title, and ordered to lie on the table.

## AMENDMENTS TO APPROPRIATION BILLS.

Mr. PERKINS submitted an amendment authorizing the Secretary of the Treasury to expend the entire sum of \$375,000, authorized by act of June 30, 1906, for the purchase of a site for a subtreasury at San Francisco, Cal., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McCREARY submitted an amendment proposing to appropriate \$40,000 for the payment of claims for property taken from Confederate officers and soldiers after surrender, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appro-

priations, and ordered to be printed.

Mr. SCOTT submitted an amendment providing that the compensation to assistant postmasters in first and second class post-offices where the receipts are above \$30,000 a year shall be 65 per cent of the postmaster's salary, intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

He also submitted an amendment proposing to increase the number of post-office inspectors at \$1,800 each from ten to twenty and to reduce the number of post-office inspectors at \$1,600 each from 130 to 120, etc., intended to be proposed by him to the postoffice appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to

be printed.

He also submitted an amendment proposing to increase the salaries of clerks of class 5 in the Railway Mail Service from \$1,500 each to \$1,600 each, etc., intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

He also submitted an amendment relative to the promotion of clerks from the sixth grade in offices of the first and second class where the annual gross receipts shall be in excess of \$150,000, etc., intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. CULLOM submitted an amendment proposing to appropriate \$100,000 for the purchase for the National Museum of

the Ward-Coonley collection of meteorites, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate \$100,000 for the commencement of the preparation of plans for a suitable building for a post-office to be constructed on property now owned by the United States in the city of New

York, known as the "Pennsylvania Railroad site," etc., intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-

Roads, and ordered to be printed.

Mr. PILES submitted an amendment providing that the leaves of absence authorized by law to clerks in post-offices shall be construed exclusive of Sundays and holidays, intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. BURNHAM submitted an amendment proposing to increase the pay of any rural carrier on a water route who furnishes his own power boat and is employed during the summer months from \$720 to \$840, intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be

printed.

EXTENSION OF W AND ADAMS STREETS.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5119) authorizing the extension of W and Adams streets NW., having met, after full and free conference have agreed to recommend

and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment; and on page 1, line 13, and page 2, lines 3 and 16, of the bill strike out the word "five" and insert in lieu thereof the word "four;" and the House agree to the same.

J. H. GALLINGER. H. C. HANSBROUGH, Managers on the part of the Senate.
J. W. Babcock,
S. W. Smith, T. W. SIMS, Managers on the part of the House.

The report was agreed to.

## PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On February 21:

S. 1726. An act making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as "The Lines," for school purposes, to the board of public instruction

of St. Johns County, Fla.; S. 7879. An act granting to the Los Angeles Inter-Urban Railway Company a right of way for railroad purposes through the United States military reservation at San Pedro, Cal.; and

S. 7372. An act to authorize the acceptance by the Secretary of the Navy, as a gift, of a sailboat for use of the midshipmen at the Naval Academy.

### ELASTICITY OF THE CURRENCY.

Mr. DEPEW. I desire to give notice that on Monday morning, immediately after the morning business, I shall make some remarks upon the resolution introduced by me yesterday, which is now on the table.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows

That the Senate recede from its amendments numbered 13, 14, 15, 23, 24, 25, 27, 28, 20, 41, 47, 50, 56, 57, 69, 70, 84, 90, 94, 100, 101, 104, 105, 106, 107, 115, 117, 118, 119, 137, 138, 139, 140, 141, 149, 150, 155, 156, 158, 159, 161, 162, 163, 164, 165, 166, 173, 174, 175, 176, 177, 183, 184, 186, 192, 193, 194, 195, 196, 197, 199,

and 202

That the House recede from its disagreement to the amend-That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 18, 19, 20, 21, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 42, 43, 44, 45, 46, 49, 51, 53, 54, 55, 58, 59, 60, 62, 64, 65, 66, 67, 68, 71, 72, 76, 77, 78, 79, 80, 81, 82, 86, 87, 88, 89, 91, 92, 93, 96, 97, 98, 99, 102, 103, 108, 110, 111, 112, 113, 114, 116, 121, 122, 123, 124, 125, 126, 127, 128, 129, 133, 134, 135, 136, 142, 143, 144, 145, 146, 147, 148,

151, 152, 157, 160, 168, 169, 170, 171, 172, 178, 179, 180, 181, 182, 185, 187, 198, 200, 201, 204, 205, 206, 207, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, and 223, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an

amendment as follows

On page 1 of the bill, in line 10, strike out the words "four hundred and fifty" and insert in lieu thereof the words "six hundred and seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amend-

ment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert two million nine hundred and seventy-four thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert \$5,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$24,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an

amendment, as follows:

In lieu of the matter stricken out by said amendment insert

the following:

"Indexes, digests, and compilations of law: To continue the preparation of the new index to the Statutes at Large, in accordance with a plan to be previously approved by the Judiciary Committees of both Houses of Congress, and to prepare such other law indexes, digests, and compilations of law as may be required by Congress for official use, namely: For one assistant, one thousand eight hundred dollars; one assistant, one thousand two hundred dollars; one assistant, nine hundred dollars; two assistants, at seven hundred and twenty dollars each; and five hundred dollars as additional compensation to the law librarian; in all, five thousand eight hundred and forty dollars; and authority is hereby given to pay the persons appointed under the act of June 13, 1906."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$2,250;" and the Senate agree to the same. That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an

amendment as follows: In lieu of the sum proposed insert

\$234,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "assistant messenger;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$23,780;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "compositor and pressman, and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$433,480;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert

\$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert \$8,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$72,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: After the word "governor," in line 2 of said amendment, insert the following words: "while absent from Juneau;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$142,660;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the words "one messenger;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the number proposed insert "11;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$164,506;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the sum proposed insert

"\$357,890;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: Strike out the word "four," inserted by said amendment, and insert in lieu thereof the word "six;" and on page 108 of the bill, in line 16, after the word "Engineer," insert the words "and electrician;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$969,150;" and on page 118 of the bill, in line 18, after the word "each," insert the following: "; and for the following to be employed exclusively in connection with the model exhibit, namely, one machinist, one thousand six hundred dollars; one assistant, nine hundred dollars; one assistant, seven hundred and twenty dollars, and two charwomen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$232,860;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three;" and the Sénate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: In lieu of the sum proposed insert \$706,860;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: On page 150 of the bill, in line 14, strike out the word "three" and insert in lieu thereof the word and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment as follows: In lieu of the sum proposed insert \$32.260;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said Senate amendment amended by adding at the end thereof the words "; and section 765 of the Revised Statutes and section 3 of the act of June 20, 1874, shall not be applied to this provision;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with an amendment as follows:

Omit the word proposed to be inserted by said amendment, and on page 160 of the bill, in line 24, before the word "for," insert the words "otherwise than temporarily;" and the Senate agree to the same.

That the House recede from its disagreement to the amend-

ment of the Senate numbered 224, and agree to the same with an amendment as follows:

In lieu of the number proposed insert "5;" and insert the words "Sec. 4" before the matter substituted for the amendment of the Senate numbered 222; and the Senate agree to the same.

S. M. CULLOM, F. E. WARREN, Managers on the part of the Senate. LUCIUS N. LITTAUER, L. F. LIVINGSTON, Managers on the part of the House.

The VICE-PRESIDENT. The question is on agreeing to the

conference report.

Mr. BACON. Mr. President, I have confidence that the action of the conference committee on this bill will be approved, but at the same time, if any important changes have been made, think we ought to know something more than we can ascertain simply by a designation of these amendments by number. Of course, there are always a number of minor matters which it is not necessary to bring to the attention of the Senate, and I myself would be satisfied with the assurance of the Senator from Illinois that there are no matters of material importance which are disposed of otherwise than they were passed upon by

Mr. CULLOM. I will say to the Senator from Georgia that there are but two or three amendments involved in the conference report besides the one in relation to the salary question, which we all know was settled in the Senate itself, which I suppose neither the Senator nor anybody else would feel interested in having an explanation of. One is the index provision. Another is the provision in reference to the appropriation of \$20,000 for the investigation of cotton, etc. Those two, I think, are practically all which are of special interest to the Senate.

The index question was settled, and I think it would be just as well for the Secretary to read the provision that the conferees finally agreed upon in order that Senators may see exactly what it is.

Mr. BACON. Yes The VICE-PRESIDENT. The Secretary will read the provision in the conference report, as requested by the Senator from Illinois.

The Secretary read as follows:

Amendment No. 40. In lieu of the matter stricken out by said amendment insert the following:

"Indexes, digests, and compilations of law: To continue the preparation of the new index to the Statutes at Large, in accordance with a plan to be previously approved by the Judiclary Committees of both Houses of Congress, and to prepare such other law indexes, digests, and compilations of law as may be required by Congress for official use—namely, for one assistant, \$1,800; one assistant, \$1,200; one assistant, \$900; two assistants at \$720 each, and \$500 as additional compensation to the law librarian; in all, \$5,840; and authority is hereby given to pay the persons appointed under the act of June 13, 1906."

Mr. CULLOM. The original proposition, as it appeared in the bill which came to us from the House of Representatives, declared that an agreement had already been entered into by the House Judiciary Committee and the Senate Judiciary Committee. That turned out, however, to be untrue so far as the Senate Judiciary Committee was concerned, and it appeared that no consideration of the subject had ever been given by the Judiciary Committee of the Senate at all. That was one of the things that was objected to by the Senate. The Senate will observe that in this agreement we have provided that nothing shall be done until it has been first agreed to by the Judiciary Committees of both Houses, and then after that the indexing shall be controlled not by Cabinet officers or the Departments or Bureaus or anything of that kind, but be absolutely in the control of the Congress of the United States; and that we finally consented to.

Mr. BACON. I should like to have the Senator ask for the reading of the amendment in reference to the cotton reports.

Mr. CULLOM. I can make a statement, without reading the provision, so that the Senator will understand exactly what

The original provision with reference to investigations abroad provided that \$30,000 should be expended, without specifying what particular thing it should be expended upon. Some Senators objected to that and desired that \$20,000 or \$50,000 should be appropriated for the investigation of cotton and cotton-seed The House conferees objected very strenuously, not against the appropriation of \$50,000, but against the designa-tion of any particular thing to be investigated. After long discussion and delay and attempts to get together, we could not do so except upon striking out everything pertaining to any particular manufacture or product that should be investi-

To tell the whole story, after we found that we could not get to an agreement without striking out those words, we called up the Secretary of Commerce and Labor and informed him that we were going to strike those words out, but we wished to have a distinct understanding on his part that the investigation of cotton should go on just exactly as though those words were left in.

Mr. BACON. Mr. President, I desire to say that my object in asking for a statement with reference to this amendment was to have the Senator make the statement which he has just The fact was within my knowledge, and I desired the public to know that in this change there was not an abandonment of the design of Congress that there should be an investigation of cotton products.

Mr. CULLOM. Not in the slightest degree. The Secretary of Commerce and Labor pledged himself to us that it should not interfere with the investigation of the cotton interests.

Mr. OVERMAN. I want to state, if the Senator will allow

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from North Carolina?

Mr. CULLOM. Certainly.
Mr. OVERMAN. I desire to state that I have seen the Secretary of Commerce and Labor, and his understanding is as expressed by the Senator from Illinois. He has a memorandum in writing to the effect that there is to be no abandonment of the investigation of cotton and cotton products at all.

Mr. CULLOM. Mr. President, I do not think there is anything else in the conference report that needs explanation or discussion.

The VICE-PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

#### NOTICE OF MEMORIAL ADDRESSES.

Mr. BURROWS. Mr. President, owing to the pressure of public business and the necessity of adjournment immediately after the eulogies to-morrow, I suggest that the services con-templated be set for 2 o'clock.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Michigan? The Chair hears none, and that

order is made.

# CONSTITUTIONAL AMENDMENT AGAINST POLYGAMY.

The VICE-PRESIDENT. If there be no concurrent or other resolutions, morning business is closed, and the Chair lays before the Senate a resolution coming over from yesterday, which will be stated:

The Secretary read the resolution submitted by Mr. Dubois on February 21, as follows:

February 21, as follows:

Resolved, That the Committee on the Judiciary be, and it is hereby, authorized and instructed to prepare and report to the Senate, within thirty days after the beginning of the next session of Congress, a joint resolution of the two Houses of Congress, proposing to the several States amendments to the Constitution of the United States which shall provide, in substance, for the prohibition and punishment of polygamous marriages and plural cohabitation, contracted or practiced within the United States; and which shall, in substance, also require all persons taking office under the Constitution or laws of the United States, or of any State, to take and subscribe an oath that he or she is not, and will not be, a member or adherent of any organization whatever the laws, rules, or nature of which organization require him or her to disregard his or her duty to support and maintain the Constitution and laws of the United States and of the several States.

Mr. DUBOIS. Mr. President, I am not going to take any time.

Mr. DUBOIS. Mr. President, I am not going to take any time The resolution in reference to the proposed constitutional amendment will, of course, be referred to the Judiciary Committee, and it seemed to me it would be better to refer the subject to the Judiciary Committee for a report. It will save the Judiciary Committee from examining a multitude of bills, perhaps, on the same subject, and power, of course, will be lodged in them finally to pass on what legislation, if any, they may deem necessary on the subject.

The VICE-PRESIDENT. The resolution will be printed and

referred to the Committee on the Judiciary.

Mr. DUBOIS. I should like to have the resolution passed now.

Mr. SPOONER. Mr. President, I did not hear all of the resolution read, but as I heard it it leaves nothing to the Judiciary Committee except to draft a constitutional amendment in accordance with the terms of the resolution. I hardly think the Senate is prepared to take so long a step, without consideration, as that proposed, and I move that the resolution be referred to the Judicia: y Committee.

The VICE-PRESIDENT. The Senator from Wisconsin moves that the resolution be referred to the Judiciary Committee.

Mr. SPOONER. I want to say that I am not hostile at all to an amendment of the Constitution prohibiting polygamy and polygamous cohabitation. On the contrary, I am myself in favor of making that a subject of Federal cognizance, and I do not make the motion in hostility to the principle at all.

Mr. DUBOIS. I trust, in addition to that, the Senator from Wisconsin is opposed to anyone exercising the rights of citizenship in the United States who belongs to an organization which puts the laws of that organization above the law of the United States. I trust that in considering this resolution the Senator from Wisconsin, who is a member of the Judiciary Committee, will also take that part of the resolution into consideration.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Wisconsin to refer the resolution to the Committee on the Judiciary.

The motion was agreed to.

#### AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I move that the Senate proceed to the con-

sideration of the agricultural appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908.

Mr. PROCTOR. Mr. President, I propose, on behalf of the committee, the amendment which I send to the desk, and which has been printed. It is in regard to estimates in detail and reports in detail. It is to be added at the bottom of page 73. I would say that it has passed the scrutiny of the senior Senator

from Iowa [Mr. ALLISON].
The VICE-PRESIDENT. The Chair would call the attention of the Senator from Vermont to the fact that there is an amendwent offered by him which is pending. It is on page 41. Secretary will report the amendment.

The Secretary. On page 41, line 12, before the words "seven hundred," it is proposed to insert the words "one million."

Mr. PROCTOR. I ask that that be laid aside until two or

three minor amendments can be acted upon, and also until the grazing amendment can be taken up, as it may have some bearing on this.

The VICE-PRESIDENT. Without objection, it is so ordered. The amendment proposed by the Senator from Vermont will be stated.

The Secretary. On page 73, after line 24, it is proposed to insert:

That hereafter on or before the 1st day of January of each year the Secretary of Agriculture shall submit to Congress, in addition to the estimates now required by law, classified and detailed estimates of every subject of expenditure intended for the Agricultural Department for the next fiscal year, and detailed reports of all expenditures under any appropriation for such service during the preceding fiscal year.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. HEYBURN. Mr. President, I feel admonished that I have already occupied so much of the time of the Senate in discussing the question involved in the part of the agricultural appropriation bill under consideration that I would not be justified in doing more than replying to those matters that have arisen or been presented to the Senate since I had occasion to submit my previous remarks. Preliminary to what I wish to say, I desire to look at the amendment just submitted, which, for the first time, I have had an opportunity to see in print, though I heard it read yesterday. I am led to inquire whether or not it will accomplish exactly what the Senator introducing it intends, or rather the full measure of his intention?

Mr. PROCTOR. Mr. President, the best answer I can make to that is to say that it was first proposed by the senior Senator from Rhode Island [Mr. Aldrich]; that it afterwards had very critical examination yesterday and this morning by the senior Senator from Iowa [Mr. Allison]; and that a very prominent Member of the other body, who has been especially interested in this subject, also examined it, and it received the united ap-proval of them all. We have adopted at the end of the forestry provision an amendment substantially like this, applying to for-estry alone. This is to apply that principle to the entire Department and all branches of it, and, of course, will include the amendment we have already adopted in regard to forestry. It will make that unnecessary, and I shall ask to have that stricken out, as the amendment I have now introduced covers it.

Mr. GALLINGER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?
Mr. HEYBURN. Certainly.

Mr. GALLINGER. Mr. President, having been engaged in conference work-and I have considerable of it yet to do-I was not present yesterday when the amendment on page 70 was reached, and I observe that it had some consideration and was As I may not be able to be here later in the day, will ask the Senator from Vermont if he will not withdraw the pending amendment and let us go along with the bill.

Mr. HEYBURN. We have finished the reading of the bill. Mr. GALLINGER. Finished the reading of the bill? As I understand, the Appalachian Mountain amendment was passed

over, and it is on page 70. The amendment of the Senator from Vermont comes a little later than that. Could he not waive it for the time being and let us take up the Appalachian Mountain matter and dispose of it now?

Mr. PROCTOR. This is a very minor thing. Mr. GALLINGER. But it looks to me as though there would be discussion on it, as there has been on every other feature of

Mr. PROCTOR. The Senator from Idaho will discover that there are other points to come up which will give him an ample opportunity and he will be speaking directly to the question before the Senate.

Mr. HEYBURN. I think there is some misapprehension in regard to the purpose I have in merely mentioning at this time the amendment just presented in a form in which Senators can see it. It was not my intention and I do not ask the privilege of the floor for the purpose of discussing the amendment, but to consider the question that we had up yesterday, and as to which I yielded the floor with the understanding that I would resume this morning.

Mr. PROCTOR. Certainly. I understood you very well, and

that matter will come up again in a short time.

Mr. HEYBURN. I am glad to have elicited the explanation from the Senator from Vermont in regard to the relation between the amendment read this morning and the one pertaining especially to the Forestry Service. It was because of the existence of the two amendments that I was led to inquire what interpretation would be placed upon an amendment so comprehensive as to include another amendment and something more. I am entirely satisfied as to the purpose of the amendment. presume the Senator in charge of the bill will withdraw the other amendment at the proper time, and this will be the completed measure.

Mr. PROCTOR. I will ask immediately to have it recon-

sidered and disagreed to.

The VICE-PRESIDENT. What is the request of the Senator

from Vermont'

Mr. PROCTOR. The question is on the amendment which offered.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has just been reported. Without objection,

the amendment is agreed to.

On page 42, lines 7 to 14, there are two Mr. PROCTOR. amendments. I think the first one was agreed to and the second one disagreed to, and a substitute was offered covering both and was agreed to. I move to reconsider the vote by which the substitute amendment was agreed to and then I ask

that it be disagreed to.

Mr. HEMENWAY. The amendment the Senator from Vermont asks to have reconsidered is not the amendment requiring

that all receipts shall be put into the Treasury?

Mr. PROCTOR. I ask to have it reconsidered because we have just adopted an amendment at the close of the bill, drawn by the Senator from Rhode Island and the senior Senator from Iowa, which covers that.

Mr. LODGE. Let the amendment that is proposed to be I think it covers matter that is not in the disagreed to be read.

general amendment.

The VICE-PRESIDENT. The Secretary will read the amendment as requested by the Senator from Massachusetts.

After the word "available," on page 42, line The SECRETARY. 7, the Committee of the Whole inserted the following:

Provided, That hereafter, on or before the 1st day of January of each year, the Secretary of Agriculture shall submit to Congress detailed estimates of all expenditures intended for this service for the next fiscal year, and detailed reports of all expenditures under any appropriation for such service during the preceding fiscal year: Provided further, That all money received after July 1, 1907, by or on account of forest reservation revenue shall be covered into the Treasury of the United States as a miscellaneous receipt.

Mr. LODGE. That is enough. I recall it. The second proviso covers something which is not covered by the general

amendment and which ought to remain in the bill Mr. PROCTOR. Let it stand then. I will withdraw the mo-

The VICE-PRESIDENT. The motion to reconsider is withdrawn.

Mr. PROCTOR. I wish to call the attention of the Secretary to a correction which should be made in the total on page 74, to cover the amendment adopted in regard to agricultural colleges, adding \$240,000.

I ask that the grazing amendment on pages 71 and 72 be considered next; and I wish to say in regard to that as a reason for its being put into the bill, that the bill was all ready to be reported two weeks ago yesterday, when I was informed for the first time that there was a large delegation from the cattle association and from the sheep association of the ex-treme West, with a committee appointed by the president, who had already started on their way to Washington, and that it would be a discourtesy to them not to see them and to con-

sider what they had to lay before us.

I will say that it was the most interesting committee hearing ever attended. They were men of large affairs, men who do things, men who understood what they were talking about, and they presented it very forcibly. They insisted that it was to they presented it very forcibly. They insisted that it was to their interest and to the general interest that their boundaries should be defined; that they might be forced to keep less cattle, but they could have better ones; and another thing especially that it would end the long period of lawlessness and crime that has prevailed in those cattle and sheep districts; that it had become a necessity to have some system. This amendment was prepared by members of the committee who were familiar with that interest, with a view of putting the matter before the public, and not with an expectation that it would be adopted.

Mr. HEYBURN. Mr. President, I desire to submit some rearks in regard to this measure. It seems to me we can not marks in regard to this measure. pass over or avoid the consideration of a question raised yes-terday by the Senator from Wisconsin [Mr. Spooner]. I do not think it should go out from this body to the country that the relation of the State and of the laws of the State to the public domain of the United States lying within the State is as stated by the Senator from Wisconsin. As was stated by the Senator from Wyoming [Mr. CLARK], basing his remarks, I believe, upon a decision by Judge Sawyer, then United States circuit judge for the eighth circuit, except as to property in the actual use of the Government for governmental purposes, the Government as proprietor of lands within a State occupies exactly the same relation that an individual does.

Let me repeat that statement. It was held by Judge Sawyer that the United States, outside of lands required for the pur-poses of the Government, occupied exactly the same relation toward its holding within the State as any citizen holding a toward its non-title of like quality.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly. Mr. CARTER. To the end that the law upon this subject may be clearly understood, I think the statement of the Senator from Idaho is subject to another qualification. It is not sufficient that the Government occupy land for its own purpose to give it jurisdiction within the State. As to such land it is essential that the State shall cede to the General Government exclusive jurisdiction.

Mr. HEYBURN. I was coming to that.
Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield

to the Senator from Oregon?

Mr. HEYBURN. In a moment. In the admission act of every State so far as I have examined those acts it is provided that as a condition precedent to the operation of the law the State shall cede or resign its claim as against the United States to all lands within its borders that are necessary to the use of the United States.

I do not intend to read authorities or decisions of the courts in discussing this question, but propose rather to state the con-clusions arrived at by the courts and leave the matter subject to such investigation as Senators may desire to give it based upon the authorities.

It is not true as I see it that the United States in regard to its proprietorship of lands within a State occupies any different relation toward those lands under the laws of the State than an individual proprietor.

Mr. CARTER. Except as to exemption from taxation. Mr. HEYBURN. Except in the exemptions and exceptions already stated. I yesterday called the attention of the Senate, during an interruption of the Senator from Wisconsin, to a decision rendered during the present month, which was not new law, but only an affirmance of the principle that has always been enunciated by the Supreme Court upon that question. Were the law different the conditions would be intolerable. There would be within a State a sovereignty greater than the State, exercising rights beyond the control of the State, and yet receiving the protection and the administration of the State government. Such a condition was never contemplated by the Constitution or by any laws that have been made pursuant to the Constitution concerning this question. It is most important to consider that in connection with the subject under discussion at this time.

It was a most hasty proceeding, to denominate it mildly, on the part of Congress to have enacted the provision under which these reservations are created. It must be evident at this day, in the light of all that has transpired, that Congress never was

guilty of so great a lapse in the consideration of its duty.

When I first came to this body I was in some doubt as to the wisdom of the rule which prevents general legislation being enacted as a part of a general appropriation bill; but as I have observed the danger emanating from that practice in the past and proposed in the present, I am convinced that no wiser rule could possibly exist. That is illustrated by an inspection of this provision of seven lines, attached to a general appropriation bill in the hurry that surrounds the consideration of appropriation bills in this body, where we receive them so late in the session, with the insufficient opportunity and disposition to discuss them. That Congress should have enacted on an appropriation bill a provision which created a new bureau that should control a portion of the public lands of the United States almost equal in area to the original thirteen States, and with a tendency to further grow, seems almost incomprehensible.

The provision itself is so disconnected, so inadequately expressed, as to challenge the attention of anyone who reads it. It means nothing; it says nothing; and it had to be interpreted with the most liberal spirit in order to be placed in operation at all. I call the Senate's attention to the language of these seven lines that commence nowhere and end nowhere, Section 24 of the act of March 3, 1891, is as follows.

That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.

Set apart what? It does not say what the President may set apart, whether it is land or animals or private privileges. The act does not say that he may set apart lands or forests. It simply says he may set apart and reserve. That is the end of the declaration as to what the President may do. That act had no vitality in it. It conferred no right or power upon the President. It did not authorize him to set apart lands of any character.

Mr. SPOONER. Read it again. Mr. HEYBURN (reading):

That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.

What is he to set aside? Lands? It does not say so. Forests? It does not say so. "Set aside a day for thanksgiving" could just as well be read into the section as lands or anything That is the kind of legislation which results from the consideration of questions of that vast importance as a rider upon a general appropriation bill.

Before this act became a law the Government of the United States was a landed proprietor within the boundaries of probably all of the States, outside of the original thirteen States, under some reservation or provision of law. It was not there as a superior member of the household of the State, with exceptional rights. When it created a State it was simply a land-owner within the State, subject to the control of the State as other fee-simple titles are controlled in a State.

Mr. SPOONER. Will the Senator allow me to ask him a question

Mr. HEYBURN. Certainly. Mr. SPOONER. Is it not a cardinal rule of statutory construction that even if the language of an act be inartistic, it shall be construed to mean something?

Mr. HEYBURN. I will answer that by inquiring of the Senator if he has discovered that this language is inartistic?

Mr. SPOONER. The section is not exactly as I should have drawn it, but it bears but one construction-

That the President of the United States may, from time to time, set apart and reserve-

Mr. HEYBURN. What? Mr. SPOONER. I will get to that—

in any State or Territory having public land-

And the veriest tyro who ever read an act or a decision would know that that did not mean the public lands of the

State, and he would know that there is no such thing as the

public lands of a Territory.

Mr. HEYBURN. No; but how about a right of way? The Government might have been reserving a right of way.

Mr. SPOONER. I am talking about the substance, not the shadow.

In any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth—

"Public lands." That has been construed by the Supreme Court of the United States, as the Senator well knows, in Newhall v. Sanger and other cases, for it appears in all of the public-land laws as meaning lands owned by the United States subject, but for the passage of this act, to entry under the laws of the United States

with timber or undergrowth, whether of commercial value or not, as public reservations—

"Public reservations;" any kind of a public reservation that would mean. Is not a forest reservation a public reserva-

Mr. HEYBURN. I think the Senator-Mr. SPOONER. I am not through.

And the President shall, by public proclamation, declare the establishment—

That is mandatory-

of such reservations and the limits thereof.

Now, if the Senator will read along down the page to what is quoted from the act of June 4, 1897, he will find a construction by Congress of the act, the language of which he criticises, and a ratification by Congress, to all intents and purposes,

of the action of the President under the act of 1891, will be not?
Mr. HEYBURN. Yes. I have failed to make myself understood in regard to the criticism. I am not attacking the va-lidity of this law for any purpose whatever. I was merely illustrating the inadvisability of this class of legislation being put as a rider upon an appropriation bill.

Mr. SPOONER. I agree to that.
Mr. HEYBURN. But I have failed to direct the Senator's attention to the point of the criticism. It is the omission in the second line of the original act of the word "lands." am not distinguishing between State lands and public lands

Mr. SPOONER. The President-

Mr. HEYBURN. There is no subject to the sentence; that is all.

Mr. SPOONER. The President could not withdraw the atmosphere.

Mr. HEYBURN. He might have withdrawn bodies of water, and you could read "bodies of water, lakes, rivers" in there as well as "lands."

Mr. SPOONER. He could not withdraw a body of water bearing forests, could be?
Mr. HEYBURN. It need not bear forests.
Mr. SPOONER. But the law says so.
Mr. HEYBURN. I am merely suggesting—

Mr. SPOONER (reading):

Any part of the public land wholly or in part covered with timber or undergrowth.

I hardly think that could have been applicable to a body of of water.

Mr. HEYBURN. The Senator is not in the right line.
Mr. SPOONER. No man is who differs with my friend.
Mr. HEYBURN. I do not want to spend much time on this.
But it must be so obvious to the Senator that the words "pub-

lic lands" were omitted in the second line, that if I have not made myself plain I would despair of being able to do so.

Mr. SPOONER. That is not the Senator's fault. It is my

misfortune. I never have had much experience with the construction of statutes, but I was taught by a fairly good law-yer that it was a cardinal rule of statutory construction that if the language of a statute was not perfect it was the function of the court to seek the intent and to be governed by it.

Mr. HEYBURN. Certainly.

Mr. SPOONER. Now, it is impossible to construe this statute as meaning anything at all, except as authorizing the President not to withdraw lakes and bodies of water unless they bear forests and underbrush and all that, but to withdraw public lands not of the States, but of the United States.

Mr. HEYBURN. Oh, Mr. President, I entirely agree with

Mr. HEBURN. On, Mr. Fresident, I entirely agree with the Senator on that.

Mr. SPOONER. Very well.

Mr. HEYBURN. I was raising the question as an illustration of the system of legislation and not as an interpretation of the act of Congress. It could avail us nothing to discuss the

validity of this act of Congress at the present time, and I have no intention of entering upon it at all.

Mr. SPOONER. I understood the Senator to say that it began nowhere and ended nowhere-

Mr. HEYBURN. I shall have to adhere to that, Mr. SPOONER. And covered nothing.

Mr. HEYBURN. Yes.

Mr. SPOONER. Now, I find that the Senator and I are in entire accord as to the construction of it, and I withdraw what said about my misfortune and will relieve the Senator from further interruption.

Mr. HEYBURN. I would not agree with the Senator that

he was unfortunate in that regard at all.

Mr. SPOONER. It looked so.
Mr. HEYBURN. I merely desire to direct the attention of
the Senate to the system of legislation. It is true that six years later Congress did repeal this provision of the act of 1891; that is to say, it vacated all Executive orders creating forest reserves under it. Pursuant to that action of Congress those reserves were re-created, I presume, to cover the acknowledged defects in the law. But that is not material to what I am going

Mr. SPOONER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. Certainly.

If my friend will permit me, I do not in-Mr. SPOONER. tend to interrupt him, as I allowed him to interrupt me, ad libitum, but does he mean to say to the Senate that the act of June 4, 1897, in any wise revoked or even suspended the orders of the President made under the act of 1891?

Mr. HEYBURN. Well, the act can speak for itself. It

reads-

Mr. SPOONER. Yes; it reads. Mr. HEYBURN. It reads—

All public lands heretofore designated and reserved by the President of the United States under the provisions of the act approved March 3, 1891, the orders for which shall be and remain in full force and effect, unsuspended and unrevoked, and all public lands that may hereafter be set aside and reserved as public forest reserves under said act, shall be as far as practicable controlled and administered in accordance with the following provisions.

There is another portion of the act that is not in the little

handbook I have here.

Mr. SPOONER. Right here, if the Senator will permit me, does not that explicitly recognize as in force and validate every Executive order reserving public land under the act of 1891 not theretofore unrevoked or suspended by the President, and also authorize a continuance of that policy? I speak with the language before me here.

Mr. HEYBURN. The purpose of this recital—
Mr. SPOONER. Will the Senator agree with me?
Mr. HEYBURN. I will answer the Senator I I will answer the Senator. I think the Senator was reading from the same book I have in my hand, and it does not contain another provision of the statute that made this recital necessary. But that is immaterial to the question.

Mr. SPOONER. My friend will see that this is not a recital.

It is an absolute, positive, statutory declaration. Mr. HEYBURN. An affirmation.

Mr. SPOONER. An affirmation.

Yes. Mr. HEYBURN.

Mr. SPOONER. Both an affirmation as to the past and

power as to the future.

Mr. HEYBURN. Yes; and a previous section pointed out the reason for doing it. But that is not material. We are taking the time of the morning in discussing matters that arise incidental or preliminary to the presentation of the main question which I desire to discuss, and which the Senator discussed yesterday, and that is the relation which the State holds to the lands of the United States within its borders. You can not deal with the question before the Senate in this agricultural appropriation bill fairly without dealing with that subject and with-out considering it, because some of the amendments to the bill under consideration attempt to deal with the lands within the States as though the States had no rights at all over them and might not legislate for their use and control. It was stated in the Senate yesterday by a Member—I am not certain that I could designate the Senator accurately—it was stated, how-ever, that the United States holds such absolute dominion and control that it might disregard the existence of a State. is not the law. It is neither the letter nor the spirit of the law, nor the intention of the lawmakers. The Supreme Court of the United States evidently intended to settle that question, so far as a decision might settle it, in the case decided during the present month.

Mr. President, it would be a very grave mistake should the Senate by its legislation attempt to establish or recognize such a relationship between the General Government and the States as to the lands of the United States within a State as would interfere with the laws of the State that had been enacted for the control of those lands in the hands of the proprietor, subject to the same proprietary rights that an individual has. the proposed legislation in this bill goes away beyond the line limiting the power of the Government over these lands.

Mr. President, we are told that the forestry policy has come to stay. That is stated in some messages that have been reto stay. That is stated in some messages that have been received and in some communications that have passed from the Executive Department of the Government. "Forestry policy" is such a general term that it is almost impossible to deal with it. In the first place, "policy" is an entirely inappropriate term. This is not a government of policy. This is a government of law. The people would not be able to define the lines of a collier but that the people would not be able to define the lines of a policy, but they are able to define the lines of a law. Kings and emperors rule by policy. The policy of this or that auto-cratic rule is understood to be the will and pleasure of the ruler. But we have no corresponding element of power in this ruler. But we have no corresponding element or power in this country. The requisites of a law are that it must be certain in its provisions, so that the citizen, not the subject, may know the limit and lines of his rights. Policy pertains to subjects, and a subject at his peril estimates his privileges under a government by policy. A citizen estimates his rights under a law. That distinction between a government that is based upon a law. policy or a ruler and a government that is based upon a law made by the people themselves marks the distinction between the forest-reserve policy and its attributes under the rules and regulations of the Forester and the rights of the people to the free use and participation in the use of these public lands belonging to themselves.

Now, the courts have recognized that distinction. sion to which I referred, which is reported in the United States Supreme Court Reports, volume 114, in 1884, in the case of the Fort Leavenworth Railroad Company v. Lowe, lays down the

following doctrine relative to this question:

following doctrine relative to this question:

When the United States acquire lands within the limits of a State by purchase, with the consent of the legislature of the State, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, the Constitution confers upon them exclusive jurisdiction of the tract so acquired; but when they acquire such lands in any other way than by purchase with the consent of the legislature, their exclusive jurisdiction is confined to the erections, buildings, and land used for the public purposes of the Federal Government.

A State may, for such purpose, cede to the United States exclusive jurisdiction over a tract of land within its limits in a manner not provided for in the Constitution of the United States and may prescribe conditions to the esssion, if they are not inconsistent with the effective use of the property for the purposes intended.

If a State, thus cedling to the United States exclusive jurisdiction over a tract within its limits, reserves to itself the right to tax private property therein, and the United States do not dissent, their acceptance of the grant with the reservation will be presumed.

In the act admitting Kansas as a State there was no reservation of Federal jurisdiction over the Fort Leavenworth Military Reservation. The State of Kansas subsequently ceded to the United States exclusive jurisdiction over the same, "saving further to said State the right to tax rallroad, bridge, or other corporations, their franchises and property, on said reservation." Held, That the property and franchises in the State of Kansas imposed according to its laws.

Now, there is the fullest measure of the exception to the principal of the content of the exception to the principal of the content of the exception to the principal of the content of the exception to the principal of the content of the exception to the principal of the exception to th

Now, there is the fullest measure of the exception to the principle I have stated that has been stated by any court at any time, and that is the fullest measure of the rights of the United States Government to any land within any State. It is a limitation of their rights that leaves no room for doubt or controversy. That rule leaves, so far as the right of the State to regulate and control by legislation the occupancy and enjoyment of open commons of the public lands of the United States within its boundaries is concerned, a free hand to the legislature.

The legislature of Idaho enacted a law regulating the use, occupancy, and enjoyment of the public lands of the United States within that State by citizens of the State of Idaho for grazing purposes. A controversy arose as to whether or not the State might so legislate. There are two points presented. One of them involved the right of a State to exercise a police power through its legislature. The Supreme Court passed upon that question, and then they proceeded to say:

Is it true, therefore, even if it be conceded that there is right or license to pasture upon the public domain, that the State may not limit or regulate the right or license?

That is the inquiry the Supreme Court put. They answer it

Defendants in error have an equal right with plaintiff in error, and the State has an interest in the accommodation of those rights.

There is the explicit declaration that individuals have a right, because of the enactment of a law by the State, to enjoy the lands of this proprietor within the State. It was suggested yesterday that it would be competent for the Government to

fence those lands or to enact a statute; that it would be competent for Congress to enact a statute saying that no man should set his foot upon these lands of the Government that lie within the State. It would not be competent for Congress to do anything of the kind. The Supreme Court said—
Mr. BEVERIDGE. Will the Senator repeat that statement?

I did not hear it distinctly.

Mr. HEYBURN. It would not be competent for Congress to say that no man should set his foot upon the lands of the United States within a sovereign State. That is a regulation that can only be made by the legislature of a State, that is vested with the power to grant easements, rights of way, for ingress and egress over lands, and to exercise that general control. It is not a police power in any sense of the word, but it is a regulation of the relative rights of the citizens of the States to exercise those rights incident and necessary to their full enjoyment as such citizens,

The Supreme Court of the United States says that there are three parties to this consideration, and does not name the

United States as one of them.

Defendants in error have an equal right with the plaintiff in error-That is, on the public lands, an equal right with the plaintiff

Mr. BEVERIDGE. Who is the plaintiff? Mr. HEYBURN. The parties named here. It is Bacon v. Walker et al. :

And the State has an interest in the accommodation of those rights. What does the word "accommodation" mean? It means the balancing and the harmonizing of the rights of parties upon something that belongs to neither of them, upon lands the title of which is in neither of them, as in this case.

Mr. BEVERIDGE. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana? Mr. HEYBURN. Certainly.

Mr. BEVERIDGE. I would not do it except the Senator invited the interruption by addressing his question to me.

Mr. HEYBURN. It does not interrupt me at all.
Mr. BEVERIDGE. Does the Senator claim that the right of control by the Nation over lands belonging exclusively to it is the same as that of an individual over lands belonging exclusively to him?

Mr. HEYBURN. The Supreme Court has said so. willing to take the voice of the Supreme Court as the ultimate

wisdom on that question.

Mr. SPOONER. Will the Senator allow me?

Mr. BEVERIDGE. May I pursue this line with just one or two more questions?

Mr. SPOONER. Then will both Senators allow me to interrupt both of them?

Mr. BEVERIDGE. All right.

Mr. HEYBURN. I will join in that consent.
Mr. SPOONER. The Supreme Court say in this case, which has nothing whatever to do, as I read it, with this question, the following:

We speak only of the right to pasture, because plaintiff in error does not show that he is the owner of the land upon which his sheep grazed, and what rights owners of land may have to attack the statute we put out of consideration.

Mr. BEVERIDGE. I thought the Supreme Court could not have said anything else than that. Now, may I pursue my

Mr. HEYBURN. I will throw some enlightenment on that suggestion, and I think I should do it in connection with the Senator's remarks. The Supreme Court said in effect that they were considering this question as to the right of parties on the public domain and not on their own individual and private That is the effect of that portion of the opinion. property. That is the effect of that portion Mr. SPOONER. The court said further

The PRESIDING OFFICER (Mr. Kean in the chair). Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. Certainly.

Mr. SPOONER. There is nothing in connection with this case which raised the question, if I am capable of reading aright the decision, as to what power, if any, police power, the State has in respect to grazing upon the public domain of the United States against the will of the United States. The conflict was

between two citizens, but the court say—
The VICE-PRESIDENT. The Senator from Wisconsin will suspend. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated. The Secretary. A bill (H. R. 13566) to amend sections 6 and

12 of the currency act, approved March 14, 1900.

Mr. ALDRICH. I ask that the bill be temporarily laid aside. The VICE-PRESIDENT. The Senator from Rhode Island

asks that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

Mr. SPOONER. I call the attention of the Senator from Indiana to this. The court say:

Is it true, therefore, even if it be conceded that there is right or license to pasture upon the public domain—  $\,$ 

It was a case where the Government did not object, and no question was raised about it; it was a conflict between two citizens-

that the State may not limit or regulate the right or license?

Now, the law was passed to operate upon and restrict citizens. Of course where the Government does not object citizens pasture their sheep and cattle on the public domain, and they are liable to the regulation made by the State, if it is made to operate upon them as citizens of the State, not upon the land. But the question here is whether they could pasture upon the public domain their cattle and their sheep if the Government of the United States said they should not and chose to fence it.

Mr. BEVERIDGE. That is it.

Mr. SPOONER. This case does not and could not touch that question.

Mr. BEVERIDGE. Of course not. Mr. HEYBURN. That is an interesting question. I will agree with the Senator that the property of the Government may not be taken against its consent, and that to pasture on the public lands, should the Government forbid it, would be a violation of a just provision of the law and a violation of the rights of the Government. I was not discussing that question. I was discussing the question of the right to occupy and pass over and enjoy in common the public lands of the United States within a State and of the right of a State to provide by legislation for that enjoyment.

Mr. SPOONER. That is, where the Government consents? Mr. BEVERIDGE. Yes; where the Government consents; not otherwise.

Mr. HEYBURN. The Government is consenting.
Mr. SPOONER. So the Senator and I are not in disagreement.

Mr. BEVERIDGE. When I yielded to the Senator from Wisconsin I was asking a line of questions which the Senator from Idaho invited. I felt quite sure, although I had not seen this recent decision of the court, that precisely what the Senator from Wisconsin read must be in it, and my questions were designed to show it. However, in view of the Senator's admission, I will, with his permission, pursue my questions one or two questions further. Does the Senator say that the power of the Nation over lands belonging to it within a State is as great at least as that of an individual?

Mr. HEYBURN. Just the same.
Mr. BEVERIDGE. They are jus
Mr. HEYBURN. No more.

They are just the same; no less?

Mr. BEVERIDGE. No less, at least?

Mr. HEYBURN. And no less. Mr. BEVERIDGE. Then, if they are no less, can the State pass a law which compels the individual to surrender control over his land?

Mr. HEYBURN. No. Mr. BEVERIDGE. Then the State can not pass such a law compelling the Nation to surrender its control over its land?

Mr. HEYBURN. No. Mr. BEVERIDGE. T

That is all I want to ask.

Mr. HEYBURN. That question is not involved in this consideration, and I was not discussing it except as incident to the consideration of the general power.

Mr. BEVERIDGE. The Senator will find, when he reads his remarks, that he had gone so far as to insist that the State could pass laws controlling the authority of the nation over its own land.

Mr. HEYBURN. That is where the Senator misunderstood my position. I was discussing sections 1210 and 1211 of the Statutes of Idaho, and I will read them so that the Senator may understand to what this opinion was directed.

Mr. BEVERIDGE. I am satisfied the Senator will find on reading his remarks that I interpreted his remarks exactly cor-

rectly.

Mr. HEYBURN. I was discussing the question as a right existing between two individuals, one against the other, and that is the only question involved in this decision.

Mr. BEVERIDGE. Yes, Mr. President, that may be true as to what the Senator was discussing; but the Senator had gone into a very broad discussion of the relations of the State's authority to control the land of the nation, in which he made some very sweeping statements, and I think he will find that he went too far.

Mr. HEYBURN. If I did I think I can very soon make the

record speak the truth, because I say now that my remarks were directed to the question involved in this case, and I will, of course, be controlled by the subject-matter of the decision and the consideration of it.

Mr. BEVERIDGE. Very well.
Mr. HEYBURN. The statute under consideration is comprised in two short sections:

prised in two short sections:

SEC. 1210. It is not lawful for any person owning or having charge of the sheep to herd the same, or permit them to be herded on the land or possessory claims of other persons, or to berd the same or permit them to graze within 2 miles of the dwelling house of the owner or owners of said possessory claim.

SEC. 1211. The owner or agent of such owner of sheep violating the provisions of the last section, on complaint of the party or parties injured before any justice of the peace for the precinct where either of the interested parties may reside, is liable to the party injured for all damages sustained; and if the trespass be repeated, is liable to the amount of damages sustained.

The Suppose Conet says in stating the feats:

The Supreme Court says, in stating the facts:

Defendants in error under the provision of those sections brought this action in the justice's court of Little Camas precinct, Elmore County, State of Idaho, for the recovery of \$100 damages alleged to have accrued to them by the violation by plaintiff in error of the statutes, and obtained judgment for that sum. The judgment was successively affirmed by the district court for the country of Elmore and the supreme court of the State. (81 Pac., 155.) The case was then brought been

sively affirmed by the district court for the county of Elmore and the supreme court of the State. (SI Pac., 155.) The case was then brought here.

It was alleged in the complaint of defendants in error, who were plaintiffs in the trial court, that plaintiff in error caused his sheep, about 3,000 in number, to be herded upon the public lands within 2 miles of the dwelling house of defendant in error. The answer set up that the complaint did "not state a cause of action other than the violation of sections 1210 and 1211 of the revised statzies of the State of Idaho," and that said sections were in violation of the fourteenth amendment of the Constitution, of the Unite. States. The specifications of the grounds of the unconstitutionality of those sections were in the courts below and are in this court (1) that plaintiff in error has an equal right to pasture with other citizens upon the public domain, and that by imposing damages on him for exercising that right he is deprived of his property without due process of law.

Now, that raises the question squarely as to whether or not the legislature may enact a statute regulating the occupation and use of the public domain of the United States, and while the question of police power was discussed the court dismissed it and referred to this as the question upon which the rights of the parties must be determined.

Mr. BEVERIDGE. Will the Senator permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Certainly.

Mr. BEVERIDGE. This was a case involving the conflicting desires of two citizens to pasture on the public domain, which the Nation had not objected to?

Mr. HEYBURN. Yes. Mr. BEVERIDGE. Now, could the case have arisen at all if the Nation had objected?

Mr. HEYBURN. No; the United States is in the same position as any other proprietor of land. I have said it over and over again.

Mr. BEVERIDGE. So the legislature could pass no law respecting the Nation's land over the objection of the Nation?

Mr. HEYBURN. I have not contended that it could, nor is it a part of the subject-matter that I am discussing. The question might be raised upon this decision, but it is not necessary to raise it in considering the question I have been addressing myself upon.

I merely wanted to premise my statement by defining what, in my judgment, is the relation between the Government and the people of a State in regard to the use of the public lands. shall proceed briefly to some other suggestion made by the Senator from Wisconsin, who came into the Senate after the major portion of the discussion had passed and took up the question of the wisdom of the forest-reserve policy, and in an eloquent and able manner presented his views in support of what he calls the policy of the Department.

I would call the attention of the Senator from Wisconsin to the question of policy and to the propriety of considering the question of policy in determining the question before us at this time. I do not take the question of policy or the principle of policy into consideration at all. I am discussing the legal of policy into consideration at all. rights of the States. I would submit this inquiry for considera-tion. With lands of the United States, having a legal status, subject to certain laws and rules as to the manner in which they may be acquired within a Territory, the Government making that Territory a State, upon the assumption that the natural resources undeveloped taken in connection with those developed will constitute the basis of the future growth and prosperity of the State, has the Government a right-and when I use the term right I mean the moral right—has the Govern-

ment the moral right to so change the status of those public lands as to frustrate the purpose for which the State was Ought it to do it?

I will instance a case. Suppose the Government, immediately upon the admission of this State, had withdrawn all lands permanently from settlement or sale under any law. Would it have been within the spirit of the act creating the State on an equal footing with the other States that the Government should have done that; that it should have said by that act, "You will never grow larger than you are, and if you increase in population it shall be only through the medium of a division of existing holdings?" Would the Government of the United States Would the Government of the United States have a right to do that after having created a State?

Did not the Government say to the State when it created it: "We give you the benefit of our cooperation through development, whether by sale or otherwise, under the existing laws or the laws that shall be an improvement upon them and that shall not repeal them; we give you the right and the opportunity of growing in population, in wealth, and in greatness? Is not that the spirit of the law which creates a State? seems to me when a State is to be created upon an equal footing with the original States, upon which there were no restrictions, that must be true. Then, Mr. President, if it be not true, the State might be confined to the limit of its condition at the time of its admission?

The Senator from Wisconsin speaks of his experience in the State of Wisconsin in dealing with forests. How would it strike the Senator if it were proposed to retake possession of these forest lands that have been denuded and create forest reserves, cover them with the restrictions that are thrown around the forest reserves under existing laws, reforest them by planting trees upon them, and let Wisconsin wait for the further development that would naturally result from the settlement and development of those lands until the trees grew? I wonder if that would meet with the approval of the Senator from Wisconsin. There are vast areas of land—for I have seen them—in the State of Wisconsin that were formerly heavily covered with timber. The trees were converted into farmhouses and barns and fences and railroads and cities, and you You can not have those things and have the trees, too, any more than you can have the cake and the penny at same time. That has been true from the beginning

I wonder what would have happened had the Chief Forester of to-day been one of the Pilgrim Fathers when the Mayflower landed on the coast of New England. The first thing he would have done, or old Governor Carver, who, I believe, was the leading spirit at that time, would have done, would have been to create a forest reserve covering New England, have forbidden anyone to acquire title to the land, and have said: "You can live in the regions adjacent to this timber, and we will sell you what timber you want; we will give you free timber up to a certain extent, but you must not hope to become the owners of the soil." What would have happened? Because we know that What would have happened? Because we know that New England, as the historian tells us, was one unbroken forest, and we have only to look at it to-day to ascertain that.

Mr. BEVERIDGE. Mr. President, will the Senator from Idaho permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Certainly.

Mr. BEVERIDGE. I have been pretty thoroughly over the State which the Senator from Idaho refers to-the State of Wisconsin-and in answer to the Senator's question to the Senator from Wisconsin, which, of course, the Senator from Wissin is much more able to answer than I am, I can state from my own personal observation that all the farmhouses and all the towns and all the cities of that magnificent American Commonwealth could have been built with a small fraction of the timber that has been ruthlessly taken from those now almost desolate places; and if the Senator states that that forest, consisting now of those almost limitless acres of melancholy spaces, has gone into the farmhouses and towns of Wisconsin, I can tell him that I think the Senator from Wiconsin will agree that it has gone all over the country and all over the world, and the results of it have gone into the pockets of some men who are enormously rich.

Mr. HEYBURN. Mr. President, I am obliged to the Senator from Indiana for the suggestion, because the idea carries further, goes perhaps beyond the limits of the State of Wisconsin, and, perhaps, had it not been for those forests, that great city of Chicago, at the foot of the Lake, might not have been built. There must be great cities built outside of the forests and outside of the timber limits of the country, that must draw upon those forests for that purpose, and there are

untold millions of feet of lumber from the forests of Wisconsin and Michigan and Minnesota, and perhaps Canada, and Indiana and Illinois in the great buildings of Chicago.

Mr. BEVERIDGE. Mr. President, Chicago is built of stone and steel and brick.

Mr. HEYBURN. Mr. President, I am astonished that the Senator should interpose such an objection as that. I knew Chicago when it was built of wood.

Mr. BEVERIDGE. But that Chicago was burned down. Mr. HEYBURN. That was burned down, but it does not alter the fact that there must have been a Chicago to burn and that there were people who lived there and made their homes there and reared their families there for half a century before it was burned. Simply because the city was burned down does not change the argument or the conclusion; and even in the iron and brick city of Chicago there is to day used over a hundred million feet of lumber. The suburbs of Chicago are built of lumber. The interior of the buildings, as suggested to me by the Senator from New Hampshire [Mr. Gallinger] are built of lumber. I only give Chicago, however, as an instance. All up and down that section of the United States the towns and hamlets and villages and farms represent what were once trees and forests that have left their unsightly stumps upon the ground. The other day I passed through a city in the State of Wisconsin bearing the name of the distinguished Senator from that State, and I saw all around it the remnants of what had recently been a forest, and I saw amid these remnants little gardens, with green vegetables growing, and little farms and little orchards and prosperous homes, with houses painted white and blue and green, and looking as cheerful and promising for a great civilization as this section of country looked in the days when they first undertook to lay out the city of

Mr. SPOONER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. Certainly.

Washington.

Mr. HEYBURN.
Mr. SPOONER.
How recently was that?
Mr. HEYBURN.
Mr. SPOONER.
Before the snow?
Mr. HEYBURN.
Oh, yes; I have been here since the snow.
Mr. SPOONER.
I wondered if the snow had gone.
Mr. HEYBURN.
No, no, Mr. President, I think that statement will have to stand. The Senator has not interposed a I have been through the place often and always looked at it with interest because of the distinguished name it bears. [Laughter.]

Mr. SPOONER.

Mr. SPOONER. I am glad, Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. Certainly, Mr. SPOONER. I am glad that I have been of any benefit whatever to the little town which bears my name, with the

naming of which, however, I had nothing to do.

Mr. President, if the Senator will permit me, I understand him to have abandoned his contention that the Government of the United States as the proprietor of land in a State has not the same right as an individual proprietor to sell it, to lease it, or to refuse to sell it or to lease it, and that his argument now is based—and upon that we are in accord—upon a moral proposition, and that having created the Territory of Idaho into a State, as Wisconsin Territory was created into a State, the Government is under moral obligation to treat its lands in Idaho as it treated its lands in other States. That is not what is meant by equality among the States or their being upon the same footing as the other States. What is meant by that—and it is a customary formula—is not to minimize the power of the Government or its discretion and policy as to the disposition of its lands within a State, but it is to secure equality in law and in its relation to the Union with each of the States. It is to imply that no State in its sovereignty, a sister member of the Union, shall be below any other State. That is all, if the Senator will permit me a moment

Mr. HEYBURN. Certainly. Mr. SPOONER. That is all it means. It does not touch the

question which the Senator is discussing.

Mr. President, it would have been infinitely better for the State of Wisconsin and for the people of Wisconsin if the Government of the United States in the old days had withheld from sale the large tracts of Government land bearing forests. The Senator from Idaho speaks of that little town. Forest fires, that to-day as to Government land would not occur, destroyed the timber for miles around that little town. Once a forest fire in Wisconsin was so frightful in its devastation, so akin to the common notion of hell in its destruction of men,

women, and children, and homes, so costly in life and property as to stagger almost the sense of humanity because of careless ness and neglect in the cutting of timber. To-day our forests are denuded. Your State has been treated as my State was treated as to the public lands. The Government may learn something in the management and administration of its property, as individuals learn something, by the lapse of years and with observation and experience.

Idaho was not forced into the Union by Congress; Idaho asked to come into the Union—her people did—as the other States have petitioned to come into the Union. Has the Congress of the United States, in admitting Idaho into the Union, been less generous to Idaho in grants out of the public domain than she was to Wisconsin or Michigan or any of the older States? You have, how many millions of acres in the heart of

this forest reserve in Idaho-1,000,000 acres?

Mr. HEYBURN. Yes.

Mr. SPOONER. Where did you get it?
Mr. HEYBURN. The land was there.
Mr. SPOONER. Of course the land was there.
Mr. HEYBURN. And the people found it there, and people constitute a State and not land.

Mr. SPOONER. But the people of Idaho did not own that nd. That land was owned by the people of Wisconsin, the people of New York, the people of all the States, and the Government of the United States, represented by Congress, gave that land to the State of Idaho.

Mr. HEYBURN. The people of Idaho were a part of the

Government that did it.

Mr. SPOONER. Did the people of Idaho give it to them-

Mr. HEYBURN. They were a part of the Government that gave the land to the State of Idaho, because the people constitute the country.

Mr. SPOONER. Yes; but the people were not represented in Congress with votes until Idaho was admitted into the Union

as a State

Mr. HEYBURN. They were represented—Mr. SPOONER. By a Delegate.
Mr. HEYBURN. Yes.

Mr. SPOONER. With no vote. Mr. HEYBURN. With no vote.

Mr. SPOONER. That Delegate could not vote to dispose of an acre of public land, but the Government of the United States, representing all of the States, with Senators and Members of the House of Representatives who had votes when Idaho was admitted into the Union, carved out of the public domain belonging to all the people this million acres of land and gave it, as it had been given to other States in lesser quantities, to the State of Idaho.

Mr. HEYBURN. Mr. President—
Mr. SPOONER. Now Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Wisconsin?

Mr. SPOONER, I will be through in a moment. I am going

Mr. HEYBURN. I am sorry for that.

Mr. SPOONER. I love to hear the Senator speak, but I do not intend to be beguiled into interrupting him again. But, Mr. President, does the fact that the Congress of the United States granted the petition of Idaho to be admitted into the sisterhood of States bestow upon her this million acres of land out of the public domain, owned by all the people, constitute a moral obligation upon the part of the Government to turn over eighteen million or more acres of the public domain covered by forests to spoliation?

Mr. HEYBURN. No.
Mr. SPOONER. To the destruction of the water supply; to the interruption of the great work of irrigation. If it were not for Jacksons Lake and Buffalo Creek and Atlantic Creek and other streams of the sort, fed by the snows, protected on the hills by the trees, 1,200,000 acres in Idaho would not be susceptible of irrigation. That water supply, a good part of which comes there from the conservation of the water supply of the surrounding country, keeping the snow under the trees as long as possible, helps Idaho.

This matter of forest reserves, while it is of great benefit in the long run to Idaho, helps other States; helps even remote The destruction of the timber at the headwaters of the Mississippi River, in the State of Minnesota, had such an effect upon the water supply for the Mississippi that the Government appropriated millions of dollars to establish a reservoir system up in that region, which proved a failure and had to be abandoned. Of course, I can understand the point of the Senator from Idaho. You want taxable values in your State, Mr. HEYBURN. And people.

Mr. SPOONER. And you want people in your State; but is there not, my good friend, a little danger, if this policy were abandoned as to Idaho, that in more ways than one you would sacrifice the future to the present?

Mr. HEYBURN. Now, Mr. President-

Mr. SPOONER. I will not interrupt the Senator again.
Mr. HEYBURN. At the price, I would rather be interru At the price, I would rather be interrupted than to have the Senator leave the Chamber, as he suggested, because it has been my misfortune on occasions that the Senator was only here a part of the time and only heard a part of the presentation of the ideas which I have undertaken to make to the Senate. Of course I realize that the Senator can not always be here, but I do not like to have him make so strong a presentation of his view in the case, as he has made in the last few minutes, and go away with it unanswered, because—
Mr. SPOONER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. Yes. Mr. SPOONER. Let me say two things to the Senator. First, I have never left the Chamber when the Senator was speaking unless I was obliged to do so.

Mr. HEYBURN. I have no doubt of that.
Mr. SPOONER. I have been a fairly good listener.
Mr. HEYBURN. I was not complaining about the

I was not complaining about the Senator. Mr. SPOONER. I am obliged to leave in a moment; but I want to state to the Senator that in my absence, if there was anything of argument in my observations, he can answer it and convince the Senate. I speak only my own view, and if I remained in the Senate the Senator from Idaho would not expect to change my views.

Mr. HEYBURN. Well, I am not presumptuous enough to expect to change the Senator's view based upon a complete un-

derstanding of the matter.

Mr. SPOONER. The Senator often has changed my view. Mr. HEYBURN. That is a very great compliment to myself. I am discussing something that I might say, without fear of being thought presumptuous, I know more about than does the Senator from Wisconsin, because I know more of Idaho and of the conditions there, and of its timber and of its streams and its climate and its possibilities and its people, than any man who knows it only as he sees it on a pleasure trip or a hunting trip or passing through it for business purposes. I have studied every feature of it.

Mr. SPOONER. Mr. President-

Mr. HEYBURN. If the Senator will pardon me just a moment, I desire to say a word in regard to the question of the water supply. To a man who knows it as I know the Snake River and its tributaries—talk about Jacksons Lake being the source of the water supply, talk about the conservation for the arid regions of water by forest reserves, when the very first reserve that was created, and, I think, perhaps the largest in area in the State, does not cover an inch of water that flows into an arid region at all, but covers a region that has more snow than the people want. If you can devise a plan to get the snow out of there thirty days earlier in the spring, you will add immensely to the wealth and welfare of the country.

Mr. President, I have often heard these theories in regard to the conservation of the water supply. I have lived too long in the forests and among them not to know the conditions. I know it is written in the books, and it is believed by those who have no opportunity to know better, that the trees are great Mr. President, the flowers are bloomconservers of the snows. ing in the spring in the forests when the bare mountains are covered with glaciers of ice and snow. The snow amid trees falls, sifting lightly down through the branches and lies lightly on the ground, and when the rains come, as they always come along in the spring, and drop from the trees, they honeycomb the snow, and you get up some morning and it is gone, swept down the valley out of the forests; and then you can go up onto the bald mountain tops and walk over solid glaciers of ice and snow that will remain there, some of them, the year around, and some until the dog days of August. I am speaking from experience, and I know.

In 1884, when I was living in a camp down on the foothills, covered with fine timber in those days, on the 3d day of July the gardens were growing, vegetables were fit to eat, and I started for Murray, where I then got my mail and the Congressional RECORD, because it was during the days when the Congress held that famous special session; and, Mr. President, when I went up onto that ridge and followed it up and up and up, I traveled for miles over glaciers that remained there until the snow came again in the fall. I went down the other side into the head of Cedar and Granite Creek and saw the flowers blooming all

around me and down to the town of Murray, then the center of that great mining country, which is the greatest in the

Mr. CARTER. Be careful there.

Mr. HEYBURN. Which is the greatest in the world, because it produces more than half the lead in the United States and Which is the greatest in the world, because one-third of the lead of the world. I went down into that valley, and I found them enjoying summer time, and that was one of the most densely wooded countries I ever saw in my life, with cedar trees from 8 to 12 and 13 feet in diameter.

Mr. PERKINS. Not so big as the California trees. Mr. HEYBURN. No. You have big trees in California. The Senator knows about that. I except California. Besides, I am speaking of conditions as I know those conditions, and it does sometimes stir me up when I hear men talking about the necessity for preserving the forests in order to conserve the water. If the forests and water were recent inventions, there might be something in it; but the forests have been there since the dawn of creation, and they will be there, subject to the necessities and use of man—they will be there when the memories of this generation will be very dim on the pages of history. But in their place

Mr. SPOONER. Mr. President-

Mr. HEYBURN. Just one moment, until I finish a thought in my mind—but in their place will be those great concentrating mills, those splendid cities and homes, not only in and among the forests, but out on the neighboring plains, in the wheat fields, and the orchards—they will be there and the new growth of timber will be there.

In our country timber adds 8 per cent every year to its volume. That is the estimate of forestry in our country. Every year it has grown and added to its growth one-eighth. So that the age of the growth of trees has not passed, and when we have used the timber of this day we need not despair that there will not be other timber. I am not in favor of denuding the forests, but I would trade the best tree on earth for one onehundredth part of a man; I would trade the best hundred acres of the best timber in the world for one farm, with its buildings and its orchards and its family. When the Government sells timber, that is the end of the bargain, but civilization is a growing proposition. Each generation adds to the one before it. That is the difference.

What we want in Idaho is to reserve the timber. citizenship in Idaho that is better capable of doing it than you can select from the best centers of the East. Tell me that a young man fresh from college, with a diploma in his hand that says he excels in the classics and in literature and in mathematics, knows more about the growth and preservation of timber than that stalwart citizenship that has lived among the tim-ber all of its life and has preserved it and has not destroyed it.

I know from experience that they are the best guardians and protectors against fire in the world. I have seen those old frontiersmen go into the timber when the fire started and put it out according to their rules, not the rules written in this Use Book, but according to the rules of common sensethey put the fire out. They do not want to burn up the forests. do not want to cut a tree. They are not so fond of work that they want to cut a tree for the purpose of destroying it. They will cut it for the purpose of making a fence or a house or for some useful purpose or to build fires in their homes, but they do not go out like a lot of brigands and cut the trees down for the fun of it. You might imagine that they are outlaws; that they have no regard for the rights of other people. You forget that they are citizens of this country, and that many of them went from the East to that land.

They did not go there for the purpose of destroying it; they went there for the purpose of inhabiting it and making it a rival of this land.

There are better homes in that country on the average than in any other frontier country that ever existed. They do not build them the day they go there. They will go to a cedar tree at the season when they may do so and skin the bark off of it and make themselves a shack and occupy it until they have time to build themselves a house. I have slept under the bark of a cedar tree, because it was more convenient to do it than it was to build a house until I had determined where I wanted to build a house. Under this regulation a man may not use the forest for that purpose. He may not inhabit it at all, except by the grace of a forester.

Who are these foresters? I will not deal in names, but I saw them last summer-foresters on the pay roll of the Government, living at one of the hotels in one of the big cities in our country; a forester with a uniform peculiar to his occupation. It was stated in the paper that it was contemplated, and the rules formulated for, uniforming the foresters all over the country with a pale-green uniform, like those that you see in the forests of Germany, with a hat pinned up at one side, with a bugle as they have in Germany, that he might wind it and call to himself other foresters with the hounds and the dogs. Is there anything American about that kind of a system? That is what it will come to. Mark my words, inside of the next five years they will uniform those foresters, if Congress continues to forget itself, because I heard it discussed among them, and I know what their idea was. I think.

Mr. President, I merely wanted to call attention to the relation which these forests bear to the people, and I want Congress to forget the idea which they seem to entertain that we are not competent for self-government. In the name of all that is sacred, why did you create the State of Idaho if it was not competent for State government? Did you create it as a plaything for Congress? Suppose the same rule had been applied to the State of Indiana or Illinois in regard to their timber lands, and you had made permanent forest reserves. Man has always settled in the forests in every new land on earth. He seeks the trees and their shelter and the opportunity for fuel and for home making always. The plains are the last part of the earth settled. That has been true since the beginning of time.

Lowell, speaking of it from a New England standpoint, having in his mind the conditions that have always existed, states it "The settler's ax and the builder's trowel are seldom wielded by the selfsame hand."

The pioneers of the frontier, as a rule, have not been young They have been old men or men past the prime of life, men who had failed somewhere and who went there to start again. The life of those old ploneers covered a short period only, but the sturdy sons who followed them built the homes that marked the country for civilization. I remember when I was a small boy hearing it said that Iowa would be a splendid State if they could only raise corn in it. The early settlers in Iowa were forced to the conclusion that the country would not permit the growth of corn because of the frost that happened to be there at that particular season early in its settlement.

Let the people of the State estimate it and estimate its pos-Let the people of the State have a voice in these things. If you want to make forest reserves in California, I will vote with the Senators from California and every other Senator who will support it to make as many forest reserves as the Senators from California think should be made. Senators from Montana, knowing the State as they do, want forest reserves, I will support them. But when the Senators from Idaho tell you, as my colleague told you last evening, that they are making forest reserves where there are no forests, when I speak as I do the sentiment of the people of the -because the house of representatives of the legislature of Idaho during this week passed a resolution, with only four dissenting votes, indorsing, with a full knowledge of what it was, my course upon this question in the United States Senate—I say when we come to you for relief against this op-pression, this blight, we are entitled to it. We are entitled to be heard.

When the State of New York comes to the Senate and says they need a harbor 40 feet deep at some particular point, the western Senators do not quibble and say, "Well, it may be that this ought to be 30 or 29 or 15." We say the Senators from New York represent the people of that State, and we take their judgment. Or in regard to any other question affecting the use and development of the natural resources of a State we stand and should stand for the sentiment as represented by those who express it.

I have here, as I stated the other day in my remarks, the sworn statement of the Chief Forester that he has included within the forest reserves 30,000,000 acres which have no forests on them. Thirty million acres! It is a State; it is an empire; it is bigger than half the kingdoms and empires in Thirty million acres with no timber, but grazing land, and without Congress ever having authorized it. I find this Use Book full of rules and regulations in reference to grazing. For whom are you preserving these things in Idaho? The future generations, the Senator from Wisconsin says. There will be no future generations if you starve the present generation. There will be no future growth if you stop the settle-ment of the land. It will only remain for those who are there to divide up their holdings and divide them up again, which adds but little to the growth and prosperity of a State

During the last decade Idaho gained more in population than any other State in the Union in per cent. The people had settled right up to the margin and over into what are now forest reserves, and were pushing their lines forward, not to steal the land. I get tired of hearing this talk about graft and the stealing of public land. It is the individual effort to find a home and settle there, and they call that stealing it. He may not proceed according to the rule and the letter of the law in his attempt to acquire title; perhaps he does not; but that is a matter for correction and not punishment. They have indicted a half a dozen men in Idaho for unlawfully acquiring public lands or for acts in connection with the acquiring of public A half a dozen men out of 300,000 good citizens! yet they would say this is a reason why we should stop the settlement of these lands.

The pioneers are of a high average of integrity and honesty, and always have been. They were in Illinois. Men boast of their descent from the pioneers. They were in New York. The men who settled on Manhattan Island are the boast of those who have descended from them. They were honest men. They were not all honest men. They had their stocks and their gallows and their whipping post in those days and in larger measure and larger percentage than they do now. You might imagine from the discussion you have heard of this question and from what we read in the papers that there was never any necessity for a prosecuting attorney or for a jail or for gallows until the new States were created in the West. Those instrumentalities have existed all the way from the plains of Asia through to the Pacific Ocean on the march of civilization.

The percentage of good men now is greater than it ever was before. The men of the West are picked men. The drones do not reach that country. The men who have settled those new States are distinguished for their energy and their probity. They leave their doors unlocked at night and in daytime out there, and they are not troubled as to the honesty of their neighbors; and yet because forsooth a few men without conscience have violated or attempted to violate the law, all of that great citizenship is to be condemned and branded as incapable of self-government, not to be trusted in the performance of the duties that devolve upon it, not to be believed under oath.

A new rule for the establishment of facts must be adoptedthat of inspection; inspection by men not under oath; inspection by men who make unsworn reports against the testimony under oath of citizens who are up to the highest standard of American citizenship. That is the condition we are confronting. It is because we are up against these things that we presume to occupy the floor of the Senate and its time and attention during the discussion of these measures that dare not come into the Senate openly. These measures for further encroaching upon the rights, hampering the growth, stifling the industries, dare not come up here by the way of that desk, open and aboveboard. Of course I do not mean by this to imply any wrong motive or action on the part of any Senator in charge of a bill or any committee, but I am speaking of the system and of a method, and in the exercise of the high duties which devolve upon us in this body it behooves us at times to take stock of ourselves and of our methods.

I say if this legislation had come before us as an independent measure proposing to do what it has done from time to time it never would be enacted into law. It was dragooned through because it was a part of a general appropriation bill, and when you oppose it you are met with the sentiment, Would you stop the wheels of Government merely because this little provision does not please you?" So we claim the indulgence of the Senate for what may seem an overpersistence in pressing these objections upon its attention.

I regret that it is necessary to take up the time of the Senate and delay the final consideration of the appropriation bill in order that we may enter our final and strong protest against the class of legislation which is represented by the forestry provisions of this bill.

Mr. McCUMBER. Mr. President-

The PRESIDING OFFICER (Mr. CLARKE of Arkansas in the chair). Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. HEYBURN. Certainly.

Mr. McCUMBER. Before the Senator from Idaho takes his seat I wish to ask him a question merely for information.

The Senator has made a statement to me very startling. statement, if I understood him correctly, was that the tracts held as forest reserves would, if they were denuded of their timber, reforest at the rate of about 8 per cent a year. In other words, if to-day all of the available timber was taken from those forest reserves, in twelve and a half years there would be the same number of millions of feet of lumber in trees upon the tract as there is to-day. If that is true, it certainly puts an entirely different phase upon this whole question.

The Senator's argument also, it seems to me, if it establishes anything, establishes the fact that it is absolutely unnecessary to have a forest reserve in the State of Idaho for the purpose of conserving the water supply; that there would be no conservation of the water supply by reason of the conservation of

Right here is the other proposition I wish to submit to the Senator, if I may put the three propositions to him. He said about 30,000,000 acres which are not actually forest lands are held under the forest-reserve proposition. If that is true, and if we come to the conclusion that it is necessary to have forest reserves, then why should not this whole bill be so amended that we would absolutely cut out every acre of land that will not of itself make a forest and a forest necessary for the preservation of the water supply?

So there are the three propositions: First, whether the forests, if denuded, will in twelve and a half years be reforested; secondly, whether it is necessary at all to have a forest reserve in order to conserve the water supply, and third, whether or not this bill could not and should not be so amended as to absolutely exclude all agricultural lands.

Mr. HEYBURN. The Senator from North Dakota lays down rather an extensive subject for consideration, but I will try to answer it fully and yet briefly.

In the first place, the Senator from North Dakota misapprehended the statement that the accretion or growth of timber was 8 per cent a year. That is the growth in each tree. In other words, a tree will have 8 per cent more lumber next year than That is the growth in each tree. In other it has this. That does not mean that a tree growing out of

the ground would grow to maturity in eight years.

The growth of a tree in my immediate section of the Stateand I have had excellent opportunity to observe it-is illustrated by this instance.

In 1883 the mountains lying back of Wallace were burned so that when you walked over the ground, as I did that fall and winter, the ashes would stick to your shoes. The next year that ground was covered with little trees coming up. They are red firs, tamaracks-what they call larches in the East-and pine trees. In 1884 that growth started. It is now a thick, well-set growth of trees running from 40 to 80 feet in height. You can estimate the growth of a tree from that instance. But the Sena-tor misapprehended the application of my statement as to the 8 per cent. Those estimates are made by men thoroughly acquainted with the process and the facts relative to the growth That is the first proposition.

The second proposition submitted by the Senator is as to the necessity of forest reserves to conserve water. of the conservation of water of course is emphasized because of the existence of the reclamation act. The reclamation act depends more upon water than it does upon money. It depends upon both of them, but water without money defeats the purpose of the act, and money without water would render the bill of no effect. You have to take both of those elements into con-If you should withdraw the land from settlement, sideration. when the fund is derived only from the sale of the lands, you If you destroy the water supply, which would starve the fund. is not possible, then the fund would be of no use.

North Idaho is not an arid country, and it is as big as several States in the Union. I live in that part of the State. North Idaho is in the humid region, where we need no irrigation, where we have too much water, where we have to-day on the level from 4 to 6 feet of snow; and yet they selected that as their first victim in the creation of forest reserves.

In south Idaho they have created forest reserves around the head of Lost River. Now I am talking about something in which my colleague is particularly interested. There is a reclamation withdrawal called the "Dubois tract" down there.

The forest reserves are over in north Idaho. The Salmon River flows down through the lower part of this heavy forest reserve, and the streams flow from the south into the Snake River. There is no land needing irrigation in that country. There is a natural rainfall quite sufficient for all purposes, and we raise from 30 to 50 bushels of wheat to the acre, averaging over immense areas every year. There are fine orchards, and the products of the vine and the soil are found in great quantities, and we have no reason to complain of the bounty of nature in any degree.

In south Idaho, in the section of country from which my colleague comes, they have created forest reserves largely on the headwaters of Lost River. Lost River never reaches any other river so far as we know. It is comprised of two branches Big Lost River and Little Lost River—and they flow through a beautiful country. The waters are taken out along the banks, to be used for local irrigation, and the result is that nice communities have grown up there. The water facilities can be immensely enlarged by damming and preserving that water. But the water does not go into the Snake River. Of course there are all sorts of theories as to where the water goes. It flows into a broken lava formation and disappears. You can hear it

going down indefinitely. It may come out anywhere. It does not feed any river that flows into any reclamation project of the United States at all.

Now, the streams referred to by the Senator from Wisconsin exist more in the poetry of imagination than they do in practical every-day application. It is true that Henrys Lake is a splendid reservoir. Others could be created at the head of Snake River. But you will observe that the only forest reserve they have made up in that country is insignificant in size and area. It is the little forest reserve appearing here [exhibiting on map]. It is not as big as an ordinary township. they needed it they have not made it, and where they do not need it, they have made it. That is the condition. That answers the second problem.

We in Idaho are not in danger of drought. Under the Carey Act we have brought under cultivation two immense tracts of land which three years ago did not have an inhabitant on them, but were sagebrush plains, and to-day they resemble the old settled valleys of this country, with their good homes and farms. They raise wheat and vegetables and crops of every kind, and people have built a railroad 72 miles in length since two years and a half ago, because the country justified it, and they are extending the railroad and extending the reclamation project under the Carey Act, which, in my judgment, is quite as beneficent a law in its purpose and effect as the reclamation act.

Both of them are good. Mr. President, we have a vast quantity of water. As my colleague said yesterday, it is all in use. That is, he meant to say that wherever the lands have been prepared for its use and the canals constructed we are using it, but the water can be used over and over again, and we all know from experience that after three or four years of irrigation the land sends its

waters back to the streams from which it came. We know that by experience. We have seen new country that would absorb a vast quantity of water for the first few years, and then after the ground became saturated and the surface covered with grass, trees growing, conditions changed, the land seemed no longer to be thirsty.

While we still use it in lesser quantities for irrigation, yet the quantity grows less and less. I know upon the banks of the Delaware River when I was a boy there were remnants of the old irrigation ditches that were taken out by the Swedes when they settled on the Delaware and they thought they had to irrigate the land, and those ditches remained there; growing more indistinct every year, until probably now they have been plowed up and passed out.

But this country changed—vegetation changed conditions, changed soil, and the necessity passed away. It will in that country. The great Twin Falls enterprise, which has created a city that has just been made the county seat of a new county and that has from three to five thousand inhabitants, is not three years old. There are other towns all along the line of the railroad. Those are settlements that have resulted from the use of the water, and that water passes back into the Snake River and is taken up farther down, and new communities grow, and thus it will ever be. But the forest reserves did not do that or have anything to do with it.

Mr. President, for whom are we saving this timber in Idaho, I repeat? Let this generation legislate for this generation and have some confidence in the generation to come being able to legislate for that generation. It reminds me of something we often see in life, a man wearing his life out in order that he may bequeath his sons a fortune ready made. It carries with it the implication that he has no confidence in his sons being able to take care of themselves. So it is with this proposition. This generation stands on the floor of the Senate and overlooks the members of this generation and their interest in this new country; it looks beyond them and sees only the generations of the future. Let us legislate for this generation.

Mr. President, I have said all I intend to say upon this question. I shall oppose this grazing proposition because it will re-It will result in the building up of the bigsult in a monopoly. gest and most vicious trust that ever existed in the United It will place one man in dominion over the largest area of land over which any single man ever ruled in what claimed to be a republic. It will give power and create expense and absorb the interests that belong to the public, and it will accomplish no good purpose.

I believe in free pasturage upon the public domain. in the homestead settler, whether it be under irrigation, under natural climatic conditions that need no irrigation, under dry farming, or under whatever conditions the settler chooses to submit himself to, being the final arbiter as to the choice and his election. I would give no man the right either to compel a settler to settle upon a given piece of land or to prevent him

from doing so. I would punish the man who dares to violate the law in any regard in connection with obtaining title to the public domain or to the timber. I would punish in the criminal courts the man who would take advantage of the homestead law for the purpose of accumulating an undue proportion or something beyond that which the law gives him. I would punish the man who would violate the spirit and the letter of the stone and timber act or the desert-land act.

I have no sympathy with those who accumulate vast tracts of the public domain. I do not believe that any man should own a very large portion of that which should be held for the benefit of all the people. I believe in enforcing the law, but I do not believe in enforcing it by excluding that great population on the frontier from the benefits of and the right to use the public domain within the law and within the rights which the law has given them.

So I hope that the appropriation for the expanding of this system will not be included within the pending bill. I do not want to see such an appropriation of money as will enable the Forestry Service to further spread its blight upon that country. I do not want to see this appropriation increased so that they may carry out new plans of conquest, draw to themselves new sources of power, draw to themselves further rights to oppress and harass and defeat the just purposes and intent of the law in giving this bounty and this benefit to the people on the frontier.

Mr. BURKETT obtained the floor.

Mr. PROCTOR. Will the Senator from Nebraska yield to me for a notice?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Vermont?

Mr. BURKETT. Certainly. Mr. PROCTOR. I do not wish to check a reasonable discussion of this subject, but there are many others to come up on the bill, and I wish merely to state that if the bill is not completed by 6 o'clock it will be my duty to ask for a night session to continue its consideration until it is completed. To-morrow, as Senators are aware, is to be devoted to other matters

Mr. BURKETT. Mr. President, I wish to say in the beginning to the chairman of the Committee on Agriculture and Forestry that I appreciate very keenly the position he is in with reference to this bill and the anxiety he must have to reach its final passage. I should not but for one reason, which I think will be apparent to every Senator here, take a single moment of the Senate's time. I would not do so if it were not for the fact that the amendment we are now considering to the bill as attached to it and brought in by the committee with some slight modification was originally introduced by me.

A year ago I introduced in the Senate a bill more in detail, but providing for the same ultimate object that this so-called "grazing amendment" to the pending appropriation bill proposes. About thirty days ago I recast somewhat that original bill and introduced it, and I also introduced a shorter bill, which is for practical purposes in identical words the amendment which we are now considering.

Inasmuch as for four or five days the proposition to undertake in some way under the law to handle the grazing lands of our country has been assaulted so vociferously by several distinguished Senators, it has occurred to me that it might not seem inappropriate to all Senators if I should consume a few minutes in trying to voice the ground of my faith in support of the measure which I introduced.

Let me say just a word in the beginning in response to the remarks the Senator from Idaho [Mr. Heyburn] made in closing, that they preferred not to be interfered with in handling the grazing lands or the timber lands, and also as to the theory which he advanced with reference to the control of these lands. This is a practical question and we must meet it as such. understand that no State, neither Idaho, nor Nebraska, nor Wisconsin, nor Iowa, nor any other State wants to have any considerable territory within its bounds that is not entirely under the jurisdiction of the State authorities, and is not contributing to the State and county and municipal treasury for the maintenance of government. Yet we know as a practical fact that almost every State has more or less of just such land as that. In my own State we have two or three Indian reservations. They are in the richest portion of the State of Nebraska; and one of the things we have contended with there has been the criticism and the complaint of the people in general in the vicinity of those Indian reservations that those Indian lands can not be taxed for the benefit of the State, the county, and the municipality adjacent to and in which they lie, notwithstanding they are the cause of a great deal of expense and litigation and some crime. But it is a practical fact. Complain of it as we will, find fault with it as much as we may, those Indian reservations are there and we must take care of them and meet

the question in the best way that we can, and so we must approach this grazing-land problem.

I appreciate, as the Senator from Idaho and Senators from other States have said, that it is not a preferable thing, that it is not one of the things we desire, to have great tracts of land anywhere that are not under State control. And yet those mountains and those trees and those dry and arid lands are there, and the question is a practical one. How we are going to handle them to get the most benefit to the most people is the practical question that confronts the Senate.

In the State of Nebraska there are about 4,000,000 acres of these grazing lands, arid and semiarid, and in the whole United States it is estimated-I think the figures were given here before—that there are about 356,000,000 acres of them to-day scattered in the various States in the western part of the Republic. The question that confronts us is not altogether what Idaho wants or what Nebraska wants or what Montana wants or what any particular State wants, but, standing here as the arbiter for all those Western States, what we can do that will be for the highest welfare and the best use of that public domain to the people of the whole United States. So this grazing bill has been introduced, as I suggested.

Let me say also in passing that this is not a new proposition. It may seem to the Senate that suddenly, without warning, this matter of forest reserves and grazing lands has blown up and exploded itself right here on the Senate floor for the first time. But let me say that it is in the Senate to-day simply because it has been the subject of a mighty warfare that has been waged in the last seven or eight years throughout the Western States. Aye, it has been a warfare that has meant death to individuals, destruction to property and property rights, and the eternal ruination of men and the blasting of men's reputations throughout those Western States. It is here to-day not unexpectedly, but only as the legitimate result of the Government having three hundred and odd million acres of land out there over which it has exercised practically no control whatsoever, and has left it, so to speak, to be grabbed or to be appropriated by men out there who are just like men everywhere else, men who will grab and take that which is lying around loose unprotected and unguarded in any particular.

Let me say that when I came to Congress in 1898 I represented the southeastern seven counties of the State of Nebraska next to the Missouri River. There are not seven counties of better land anywhere in the world. It is just across the river from Iowa and Missouri. There is abundance of rain. The soil is rich and the land is all individually owned. There is not anything of this question pertaining to that district nor to the eastern portion of the State. Yet when we go one hundred miles or so farther west we also go almost half a mile up into the air, and we get into a portion of country where not alone on account of its longitude, but on account of its latitude, there is not enough rainfall to make it the agricultural land that prevails down in eastern Nebraska. It is not so desirable for homesteads; it is not so valuable for agricultural purposes or for anything as the eastern portion of the State; and there it has remained, a great public domain unasked for and uncalled for and unprotected from the onslaughts of the public as they might

want to use it.

To show the Senate that this question has been before Congress and has been appreciated by the representatives from the western portion of the country for a long time let me call attention to this fact: During the last seven years I find that more than twenty bills have been introduced by representatives of Western States in Congress in some way or other trying to adjust and to get a method for handling the western grazing lands. I have in my hands fifteen different bills introduced by the representatives of eight different States of the Union trying to adjust the grazing-land proposition of the United States. One was introduced by a Representative from Texas, another was introduced by a Representative from Kansas, another was introduced by a former Senator from Nebraska, another was introduced by a Representative from Iowa, another was introduced by a Representative from one of the Dakotas, another was introduced by a Representative from California, another by another Representative from Nebraska, another by another Representative from Texas, another by another Representative from Iowa, in short representatives from eight different States; and I have been able to collect here fifteen bills that the representatives from those eight different States have introduced in Congress within the last six years to try to adjust the handling and the disposition of the grazing lands.

Mr. DUBOIS. Mr. President—
The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. BURKETT. Certainly.

Mr. DUBOIS. The Senator from Nebraska refers to bills introduced by Representatives who did not come from States where the grazing lands are located. I think he will admit that they did not come from the Representatives of the States containing the great majority of acres of the grazing lands. I simply interject that to show that no such effort has come from

those where the grazing lands lie.

Mr. BURKETT. That is a very legitimate interjection, but let me make a suggestion to the Senator from Idaho. to that in just a minute with reference to my own State. I do not know that I blame a Senator from Idaho or a Representative from Idaho or any of these States for not introducing a bill here, and yet there is not anyone from any of those States who does not know that the present method of handling the grazing lands in every single one of those States is not satisfactory. In Idaho, in Montana, in Colorado, in Wyoming, in every one of those States there are almost as many different notions as to how you should handle them as there are big cat-tlemen and little cattlemen and sheepmen and homesteaders, and all other classes of people. It is a risky matter for any Representative of a State, divided in opinion as the people of all those grazing-land States are, according to the interests of the people, to undertake to be responsible for any particular kind of legislation; and yet the Senator will agree, just as the Senator's colleague [Mr. Heyburn] has stated, that the condition of the management of the grazing lands is very unsatisfactory to all the people in the State of Idaho.

Mr. DUBOIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nebraska yield further to the Senator from Idaho?

Mr. BURKETT. Certainly; for a question. I want to get

through as quickly as I can.

Mr. DUBOIS. I do not want to disturb the Senator at all, and I merely wish to state further that with the exception, I think, of the Senator from Wyoming, the representatives of all those States have been opposed even to the turning of these lands over to the States, and if conditions are unsatisfactory they dread to have the power over these lands placed even in our own States by reason of fear of large ownership chiefly, and for other reasons, which I will not state.

Mr. BURKETT. I do not care to discuss particularly the wants of the sheepman or the wants of the cattleman or the wants of the little stockman or the big stockman or the homesteader, except just to show how men will differ and how they

may change their opinions.

I remember six years ago sitting with a committee of which some Senators who are here present were members, to whom I am now looking, when the stockmen, the great cattlemen, the big cattlemen opposed any proposition looking to Government control of those grazing lands which charged them for the use of the land. To-day I think I can show that the great cattlemen are ready, willing, and anxious to have some sort of Government control. Now, why that change in six years? I will tell you. Six years ago those men had practically the entire range fenced up. They did not want any trouble made about the use of the grazing lands then. But in the last six years the Administration has waged an unrelenting war against the fencing of the great public domain; and to-day those cattlemen see exactly why the representatives from all over the West said six years ago, "You had better get yourselves into a condition where you can use those public lands within the law and not as outlaws."

Now, what is the result? Within my own State and within every other State in the West men who are as good as any men under the sun, men whose reputations have hitherto been unsullied, are to-day bowed down under the weight of an indictment, because they have been using these public lands outside of the letter of the law. They are criminals in the face of the

Mr. PATTERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. BURKETT. I do.

Mr. PATTERSON. Do I understand the Senator from Nebraska to say that the demand for legislation for the leasing of the grazing lands has grown up among the great cattlemen within the past six years?

Mr. BURKETT. I undertook to say and intended to say that six years ago (I will not be certain whether it was six, or seven, or five—in there somewhere) the cattlemen were opposed to the leasing proposition, and that to-day I thought the cattlemen's organizations were in favor of some sort of Government control, not leasing necessarily, but some control by the

so far as the great cattlemen of my State are concerned, there has not been an hour in the last twenty-five years when they were not demanding a law that would lease to them or lease to cattlemen generally the public domain, demanding the right to put up fences in order that they might have the exclusive control over certain territorial areas that such a law would give them; and those who have been resisting their efforts have been the ranchmen, the men who combined farming with a little stock raising, as well as those who are denominated stockmen and those who are getting a start in the stock business and who realize and always realized that they would be driven out of business if such a system as this was inaugurated, as it would be impossible to prevent practically all of the lands within a reasonable space of time from falling under the control of a comparatively few great stock companies.

Mr. BURKETT. Mr. President, I do not think that is a very material point, whatever it may be. However, I made the statement, and of course it is entirely proper for the Senator to contradict it. If I had known that it would have raised any discussion I would not have made it, because I do not think it material in this particular. This amendment is to prevent a few men from getting control of that great domain. They had it a few years ago, and we want to prevent it now if we can. It is not material whether they did or did not want a leasing bill, or whether they changed their mind so far as the few words I am going to say are concerned. I want to say to the Senate I am not going to take long, because I am physically not able, having quite a severe cold, as well as on account of the

State of business.

Now, Mr. President, I go on to finish my statement. That being not material, I will say, however, that I presume that the Senator from Colorado is correct in one way. I am very certain that I am correct still in another way. I think the cattlemen of the West did want and have wanted a leasing bill, but they never have wanted a leasing bill with the provisions in it that the present bill has and the bill I introduced in this body a year ago and another one a month ago, protecting absolutely, as it does, and saving unto the homesteader and the small cattleman the

first right to use the public domain.

I think they would have been satisfied with some sort of a bill which would have allowed them, under the color of law, to have corralled within their fences these great tracts of western land unhampered and unassailed by the homestead law and the other laws that give individuals the right to go to that country and settle. We had the matter up a few years ago. Let me say that every time I have ever had anything to do with this sort of legislation I have contended and insisted that one of the things that must be in such a bill was, first, a provision to protect the working of the homestead law and to save to the homesteader the first right to the public commons. I appreciate just as much as the Senator from Idaho appreciates and just as much as all the people in every State appreciate that we want settlement; we want men and women; we want people in our States, and we had rather have that land settled up with homesteaders than to have it settled up with cattle grazing in great herds. But if we don't have homesteaders enough to use it all, then we want the rest cared for and used for the best interests of the most people. So it has been always difficult to get up any kind of a law looking to the control of these great tracts of grazing land, simply because the people were so solicitous and so fearful that something was going to be placed on the statute books that would retard immigration to their particular locality and that would in some wise interfere with the settle-ment and development of that State. They have also been They have also been solicitous lest a law should be made in the interest of the great cattle kings of the country.

Now let me say, Mr. President, there is another reason. noticed yesterday that some Senators introduced certain letters and telegrams from particular localities opposing this sort of legislation, yet I have telegrams and letters from only a short distance away from there indorsing in the most enthusiastic terms just exactly this kind of legislation, and we wonder why. Conditions are different. I have a letter from a western county of my State, a county through which flows the Platte River, a county every acre of which practically is susceptible of irriga-

tion.

They are to-day building a great irrigating ditch; they know they are going to reclaim that land, and they know in that particular county they are going to settle a family on every forty acres of it. They write to me, and they say, "We do not want that sort of legislation; we are going to bring men and women in here, and settle that locality;" and there is not a word in this legislation—not one word—which does not permit a homeovernment.

Mr. PATTERSON. I simply want to say, Mr. President, that

them. They do not need it, but there are other localities that So from one county and from another county, from one locality and another locality as the land differs-in one place it is sand hills, in some places it is level valleys, and all that sort of thing—they will object from this view point or that view point; but in this bill, if Senators will take it and read it, they will notice that there is every provision in it throughout the entire amendment to protect the homesteaders. Notice this provision on page 72:

Provided, That all leases or permits to graze issued under this provision shall be subject to the right of homestead or other settlement, location, entry, patent, or any other disposal of public lands under the public-land laws, and any appropriation so made shall operate as a cancellation of said lease or permit as to the land so appropriated.

Notice the next provision:

Provided further, That bona fide homestead settlers or residents shall be permitted to graze free of charge their stock used for necessary domestic purposes on the public lands affected hereby.

I have contended earnestly that the homesteader ought not to have to ask anybody's permission or to pay anybody for the use of the public domain. It is the cattleman, the man who is making that his business, that is contemplated in the provision

Now notice the next provise of the bill. Even if the land is taken by cattlemen this next section provides for taking it away from them as needed by the homestead settler:

And provided also, That preference shall be given to bona fide home-steaders and settlers in the allotment of an equitable proportion of range adjacent to their homes not later than the beginning of the next annual grazing period.

So that if a man goes and locates a homestead any time this year not later than the beginning of next year, the Department has got to reallot the grazing territory and give that homesteader as much land as he needs adjacent to his

Every provision in this bill specifically guards the right of the homesteader. The man we most want out on that land is first protected, and he is given the first opportunity to secure the lands.

As I said a moment ago, for six years this warfare has been waged out there. Aye, let me tell you it has been waged since longer ago than that. Senators will recall that there was a time when the great stories that were printed of the western country were stories of the cowboy and the outlaw, and those States grew up in the minds of a lot of people in the East as a wild, western, weird, outlaw country. Why? Because now and then there would come floating back some story, exaggerated usually, of the raids of the cowboys and the fights and the warfare that those cowboys had made on settlers. boys of one great cattle king were continually at war with the cowboys of another cattleman. You have not seen one of those when the man invented the barbed wire and when they began to make it at 3 or 4 cents a pound, and less than 3 or 4 cents, the barbed-wire fence drove the cowboy out of business on the western plains, and accordingly there has been none of the outlawry out there that we used to hear of. And let me say, as a matter of fact, that they never were as bad as they were pictured and painted. But there is nothing of that kind now.

What did that fencing do? It drove out the cowboy. But let me tell you it went there in the face of the law, because it was unlawful to fence up any of the public domain. It was tolcrated for a few years—for a dozen years, perhaps—but about six years ago the Administration said, "We are going to have the law obeyed; the mandate of the law must be fulfilled," and it said to those stockmen, "Yoù must take down your fences out on the public domain." The President was right, of course; the law should be obeyed, and he would be derelict in his duty if he did not enforce all the laws. The fences must come down unless the President's recommendations are enacted into law.

What will be the result? It means less cattle and poorer I did not intend to go into this sort of a speech, but let me tell you what it means and the effect it has had. Senators present can remember that formerly when they saw a train load of western cattle they saw more horns than they did cattle and that the horns were longer than the body of the animal. Now all that kind of cattle have been driven off the western plains. Do you know why? After the barbed-wire fence came out West they were able to take care of their cattle and grade them up better, to take care of the grass and feed them better, and to-day they have a grade of cattle out there equal to the grade of cattle raised in any State of the Union. But those fences have had to come down. As a result that great tract of almost 400,000,000 acres of land is lying there once more a prey to everybody who wants to grab onto it. Men are going to grab onto it. If somebody would go out here

and scatter dollars in the plaza, you would find a lot of men here in Washington who would try to grab one of those dollars, some of them would try to grab two dollars, and some of them as many as they could. As long as that land lies there open to the grabbing of whoever may be able to get it, there will be grabbers out West who will take it; and there are men who will get it in the grabbing process who ought not to have it. It has been a long, hard effort for the President to get those fences down and to get the land restored once more to the public common; but it will not stay that way long unless this bill or some bill be passed putting somebody in authority over those lands to control their use and appropriation.

When you trust to the grabbing process there are going to be some men out there who will get more of it than they ought to have. Do you know, sir, that one man was punished under the grabbing process for having got his fences around a tract of country extending, as I remember, from the Northwestern Railroad on the north to the Burlington Railroad on the south, and from a town on the east to a place on the west about 55 miles? Under the grabbing process that individual became the absolute monarch, by the wire fence around it, of a part of the public domain 75 miles one way and 55 miles another.

The Senator from Idaho [Mr. HEYBURN] draws a pathetic picture and holds up his hands in horror for fear that we will create a great giant who will control the public domain of the United States, who will be more powerful than any king or potentate. But let me say that when he is doing it this officer that we create is our giant; he is acting for 80,000,000 people; he is acting under the direction of the law; he is drawing a salary from the United States to control that country; and I would rather have him the dictator over 400,000,000 acres of land than to have another man, working for his own selfish interest, prompted by his own selfish motives, control the land and put a barbed-wire fence around it, as was done in my State, 75 miles one way and 55 miles another way.

Sirs, it is not that somebody is going to control those lands; they are bound to do it. You can not put anything in this world anywhere that somebody will not control it and manage it and run it. The question with me is, am I going to advocate a proposition that will put a man representing the Government of the United States to run that public land and control it, or turn it loose, open to the grabbing, grasping, selfish hands of the men out there. You and I know that in the West, as in the East, it is the man with the most power; it is the man that has got the most money; it is the man who has got the greatest influence who will be able to control the largest portion of the public domain of the United States,

Mr. PATTERSON. Mr. President The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. BURKETT. Certainly, I yield for a question. Mr. PATTERSON. Mr. President, I want to ask the Senator a question. First, what would be the difference between having a lawless tract 50 miles in one direction and 50 miles in another, and having one under the authority of the law? Then, there is one other question I should like to direct to the attention of the Senator from Nebraska, and that is whether or not, if the Government pursues the policy that it is now ostensibly pur-suing, of forcing the great cattle barons to take down their fences, and if one-half of the eighty men in Nebraska who are now under indictment shall be sent to jail for unlawfully inclosing the public lands, does the Senator have any idea that any further efforts will be made in that direction? You can not fence the public lands and conceal it. It is not like stealing goods and then pawning or hiding them. All that has to be done in order to give big and little, rich and poor the same rights upon the public domain is in a dozen or more instances to enforce the law which punishes men for unlawfully fencing the public domain.

Mr. BURKETT. Mr. President, after all, I surmise that the Senator is not advecating a proposition or opposing a proposition simply because it will put us in a position to send somebody, either a citizen of his State or mine, to the penitentiary. The first man whom we convicted out there, let me say to the Senator, was a citizen of Colorado and a constituent of the distinguished Senator who has just spoken. But that is neither here nor there.

Mr. PATTERSON. Just one moment, Mr. President. The only reason for that, if he was a citizen of Colorado—and I accept the Senator's word upon that proposition-was because the cattlemen in my State, as a rule, frown down on the inclosing of the public domain, although the law has been violated in some few instances, while the reverse seems to have been the general rule with the cattlemen in Nebraska. Of course they desired to go where they would be received with open arms and where they naturally supposed they would take the immunity

Mr. BURKETT. I will say to the Senator from Colorado that he is not right in either proposition he has made. His constituent came over to Nebraska because he could get better lands there than he could in Colorado. If the Senator wants me to be plain about it and tell him in public why the man came to Ne-braska, I will reply to him by giving a quotation from the chief justice of his own supreme court, to the effect that there were places in Colorado where they did not fence lands for the purpose of keeping anything in, but they fenced it to keep cows out, to keep them from starving to death. [Laughter.]

Mr. PATTERSON. The Senator is mistaken in the State. That was up in the State of Vermont, and it is too great a jump for the Senator to take from the far East to the Middle West.

Mr. BURKETT. I quote it from Judge Elliott, of your own State supreme court, and I supposed it happened in Colorado.

But we are not advocating a proposition or opposing one, as I was about to say, either to send people to the penitentiary or to keep from sending them to the penitentiary. The facts are that the people of the West are going to use the public domain, and every man that is here, or anywhere else in the United States, ought to want the people to use the public domain to get homes out of it. That is proper; that is economical. We want them to do the best they can with it, and raise the most cattle they can, and to raise them the cheapest they can, because that is for the welfare of all of us who have to live down here in the East a while and buy beefsteak.

So we are not contending here for a proposition whether one man will be convicted and another turned loose. We are trying to pass through Congress a law that will permit those men legally to use the public domain in the most economical way and get the best results from it to the welfare and happiness of all the people of America. They may get a few of the people of Nebraska and Colorado into the penitentiary, but that does not adjust the more important question that we ought as a Congress, the guardian of those public lands, to institute some sort of legislation whereby the people can use those lands

to the welfare of all the people of America.

As I was saying, this matter has gone on for years and years. Bills have been introduced. That it is important is indicated by the fact that every irrigation congress, every trans-Mississippi congress, every cattlemen's convention, every sheepmen's convention, every meeting of any considerable number of people in the Western States, have considered as one of the most important questions the proposition of how to handle these grazing lands.

The question came up when the original leasing bill was introduced. Go back six years and you will find it was a straight leasing bill at so much per acre. There were many difficulties in the way of that. One acre is not worth as much as another and could not be leased for as much. So there are inequalities in the system of leasing at so much an acre. In some places it takes 30 acres to feed one animal through a year and in other places it only takes 3. There were so many different conditions that you could not draw a specific piece of legisla-tion and make it fit all over that great public domain. So, as the result of the six or eight years of consideration of this question, it has finally been determined that if you do legislate, you have got to put it into somebody's hands to exercise a discretion, to regulate one community as that community ought to be handled and to handle another community as that particular community ought to be handled, and only placing in the law the more salient and important matters. So this bill was drawn, as I say, with the view of putting into the hands of somebody authority to go out there and control that western land.

Let me say when men were permitted to fence the public domain, or when they were permitted to herd their great droves of thousands and tens of thousands of cattle without any control, there was no chance for the small cattleman. There was little chance there for the homesteader who went out and settled on a piece of land in the midst of that prairie. A great reving herd of 25,000 cattle could sweep him down and eat him up as would a herd of locusts or grasshoppers. That was the condition before the fences came. The fences did not improve the condition much—in fact they were worse in some localities. The homesteader then was likely to be inside the fence and nobody to protect his interests. Those fences were there against the law. The builders of the fences were outlaws, so to speak. There was nobody out there to protect either them or the homesteader, and they could drive Mr. Homesteader out, and of course he did not find it practical or congenial to settle within one of those great pastures.

What is the object of this bill? It is the object to put some

man with the authority of Uncle Sam, strong and as powerful as Uncle Sam's Army—and Navy, too, if he could get it out there in that country—to go out there as a great national arbiter to stand between the big man and the little, between the cowman and the sheepman, between the cattleman and the home-steader, and to say what is right between man and man, and to see that individual rights are recognized. That is what the people of those communities want and ought to have.

I am not quarreling whether it shall be the Forester or not. I am not quarreling whether it will be Mr. Pinchot or not, but let me tell you why I did put the control in the Department of Agriculture. Six years ago they made 90,000 acres in Nebraska into a forest reserve. They are growing pine trees on it. Two years ago I visited that little forest reserve of 90,000 acres. It was right in the midst of the row at the time when they were convicting somebody for illegally fencing part of the public domain within 20 miles of where I then stood. That forest reserve of 90,000 acres was being handled as smoothly and as expeditiously and as judiciously, I may say, and so fairly as to meet with the approval of everybody in that community, so far as I could find out. I asked the man there in charge of the forest reserve, "How is it that you do it? How can you handle these 90,000 acres, while right over across the way they are having trouble and lawsuits and criminal prosecutions?" He explained to me the procedure, which was that of the Forestry Service of the Agricultural Department, and from that time on I began to wonder why it was not possible to handle the grazing lands of this country just as nicely and as harmoniously as they have handled these 90,000 acres within that timber reserve. The result was that last year I was glad to introduce this bill providing for that.

I am not haggling over the control going to the Agricultural Department. I think that the Secretary of Agriculture and his assistants will always be more solicitous than the employees of any other Department about the development of agriculture and of the homestead settlement of the lands of that country. The men under the direction of the Secretary of Agriculture, in my judgment, will be always a little more solicitous for the homesteading and settlement of the public domain than the men in any other Department. So, in my judgment, it is better to have the handling of these grazing lands under some bureau of the Agricultural Department than to handle them through any other Department of the Government. But let us go a step further in the development of this subject. After all these years of discussion and after all the abuses that have grown up under "no administration" of those lands, it is apparent to everyone that something should be done. There have been all sorts of meetings held to formulate plans and, as I have shown, there have been all sorts of bills introduced into Congress. In short, there has been plenty of fault-finding, plenty of talking, but no results. The importance of the question and the necessity that something must be done has impressed the present distinguished occupant of the White House until it has called from him two recent communications to Congress. In his message of last December he called attention to the facts and the conditions and recommended that a bill be enacted which would provide for Govmended that a bill be enacted which would provide for covernment control of the public range through the Department of Agriculture., I will not read it all, but will ask permission to incorporate it as part of my remarks.

The VICE-PRESIDENT. In the absence of objection, per-

mission is granted.

The matter read and referred to is as follows:

GOVERNMENT CONTROL OF GRAZING.

The matter read and reterred to is as follows:

Government control of grazing in the national forests is an assured success. The condition of the range is improving rapidly, water is being developed, much feed formerly wasted is now saved and used, range controversies are settled, opposition to the grazing fee is practically at an end, and the stockmen are earnestly supporting the Forest Service and cooperating with it effectively for the improvement of the range.

The situation on the open Government range is strikingly different. Its carrying capacity has probably been reduced one-half by overgrazing and is still falling. Range controversies in many places are active and bitter, and life and property are often in danger. The interests both of the live-stock industry and of the Government are needlessly impaired. The present situation is indefensible from any point of view, and it should be ended.

I recommend that a bill be enacted which will provide for Government control of the public range through the Department of Agriculture, which alone is equipped for that work. Such a bill should insure to each locality rules for grazing specially adapted to its needs and should authorize the collection of a reasonable grazing fee. Above all, the rights of the settler and home maker should be absolutely guaranteed.

Much of the public land can only be used to advantage for grazing when fenced. Much fencing has been done for that reason, and also to prevent other stock owners from using land to which they have an equal right under the law. Reasonable fencing, which promotes the use of the range and yet interferes neither with settlement nor with other range rights, would be thoroughly desirable if it were legal. Yet the law forbids it, and the law must and will be enforced. I will see to it

that the illegal fences are removed unless Congress at the present session takes steps to legalize proper fencing by Government control of the range. THEODORE ROOSEVELT.

THE WHITE HOUSE, December 17, 1906.

Mr. BURKETT. And also, Mr. President, I want to read and incorporate a portion of the message which the President sent to us on the 13th of February last upon the same subject. Only ten days ago the President has again called the matter to our attention.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to from the President's message is as follows:

PUBLIC-LAND SITUATION IN THE UNITED STATES.

The matter referred to from the President's message is as follows:

PUBLIC-LAND SITUATION IN THE UNITED STATES.

Let me also again urge that legislation be passed to provide for Government control of the public pasture lands of the West on the same general principles which now apply in the Government control of the forest reserves. The local control of the range should be in the hands of western men familiar with stock raising, and there should be full local participation in the management of the range; for cooperation between the stockmen and the Government officers is absolutely essential. The grazing fee should be small and at first almost nominal. There is no need at present that the Government should get an et revenue from grazing on the public range, but only enough to pay for administration and improvement, and it may be wise to provide that any surplus shall go to the States and Territories in which the fees are collected. If a law for the control of the range should, as I request, be enacted, such control would not be taken hurriedly, but gradually, as grazing districts can be organized. The one prime essential in the policy of range control must be to protect the homestender in his right to create a home for his family. The right of the homestender, of the home maker, of the actual settler on the land, must always be paramount, and he must have whatever range privileges are necessary to his purpose. At present it is unlawfull to fence the public domain. All fences unlawfully maintained will have to be taken down. Unless Congress takes action to legalize reasonable and necessary fencing through Government control of the range, there will be serious loss to stockmen throughout the West, and this loss will often fall hardest on the small man; for in many cases the stock business can not be conducted without fences. Yet it would be grossly improper to provide for the continuance of all fencing; whether beneficial or harmful, but a proper discrimination between the two classes, a discrimination to be exerc

Mr. BURKETT. So, as I say, the matter has reached the President. The President, acting in conjunction with live-stock associations and agricultural associations, some time ago appointed a commission to consider this entire subject and to report and recommend proper legislation. I have here, Mr. President, the report of the commission that was sent to the President of the United States only a few days ago, and I ask that the Secretary may read that report of the commission, composed of representatives of these various organizations, together with three men appointed by the President himself, to take up this whole matter and make some recommendation to him as to the sort of legislation which should be had.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

To the PRESIDENT

We, your special committee appointed to meet and confer with the Public Lands Commission regarding the questions relating to the most equitable and effective method of controlling, protecting, and improving the public range, beg leave to report that in accordance with your request we have met with the Public Lands Commission and also have appeared before the Senate Committees of Agriculture and Public

That as a result of the deliberations and discussions we have unani-mously approved and do support the attached measure, which will be reported by said Senate committee to the United States Senate for its

action.
We believe, without a dissenting voice, that the passage by Congress of this measure will be of the greatest possible benefit to the live-stock interests, the bona fide homesteaders and settlers, and the entire country covered by the public lands of the United States.

We desire to thank you most sincerely, on behalf of the live-stock raising industry, which we represent, for your unwavering loyalty to us and our needs, and can assure you that in you the stockmen of the West feel they have a friend who is a friend indeed.

We thank you heartily for the honor you have conferred upon us by the appointment on this committee, and desire to say that we will do our utmost to secure the passage of this measure in Congress, as well as to aid and assist in the carrying out of its provisions in the event of its becoming a law.

F. E. Warren; H. A. Jastro, Bakersfield, Cal.; Martin Garn, Sugar, Idaho; Dan P. Smithe, Pendleton, Oreg.; Wm. C. Barnes, Las Vegas, N. Mex.; F. M. Stewart, South Dakota.

Mr. BURKETT. Now, Mr. President, I have had that read so that the Senate may know and the country may understand the situation. I may say that those men, as I understand, represent all the conflicting interests among the stockmen in the They represent, as I understand, the homesteader and the cattlemen and the sheepmen. I have only the pleasure of knowing one of them. I never met but one of them, so far as I know, and his name, of course, is familiar to every man on this floor; but after giving the matter full discussion they have indorsed, in general, the proposition that is embodied in this amendment and that is now a part of the agricultural appropriation bill, the original of which I have heretofore introduced into the Senate.

I am not contending that this proposition is entirely perfect or that it will suit everybody. No legislation on this subject or any other subject will suit everybody or every interest. But I have introduced it with the belief that it is the best remedy for the existing evils and that it will suit more people than any legislation that has so far been proposed. Let me also state to the Senate that when I introduced this bill in the Senate I took occasion to write a letter to every newspaper man in the State of Nebraska-over 500 of them, Democrats and Republicans, big papers and little papers—to every newspaper man in my State I wrote a letter, and I inclosed him a copy of this bill, and I asked him to read the bill and then to give me his ideas upon it. I also added that I did not want to have any part in this character of legislation unless I believed it was right and would work for the interest of the country. I have received a good many replies.

I am not going to have them all read, but I received hundreds of replies from newspaper men and others who have read the bill, and some of the papers published the bill in full, and many people read it in that way, and in about seven-eighthsyes, nine-tenths—of the letters that I have received the writers indorse most enthusiastically this plan of handling the grazing lands of the West. Of the other eighth or tenth there is a portion that evidently, from their letters, had not read the bill when they wrote condemning the bill, because in their references to it they had not touched the bill from end to end or any of its provisions. So, I may say, that of all the newspaper men that have answered me only a very small proportion, indeed, have done other than speak of the bill in the most complimentary and satisfactory way.

Mr. President, I want to have read to the Senate a short let-ter from the president of the Nebraska Stock Growers' Association, who, by the way, is the State auditor of Nebraska and also secretary of the National Stock Growers' Association. His association considered the proposition. I ask the Secretary to read his letter.

The VICE-PRESIDENT. Without objection, the Secretary will read, as requested.

The Secretary read as follows:

NEBRASKA STOCK GROWERS' ASSOCIATION, OFFICE OF SECRETARY-TREASURER, Lincoln, Nebr., January 26, 1907.

Hon. E. J. BURKETT, Washington, D. C.

Washington, D. C.

Dear Sir: I have just returned from the annual meeting of the American National Live Stock Association at Denver. The association passed a resolution without a dissenting vote indorsing your bill; while your special bill was not mentioned, yet every feature in the same was indorsed. There were representatives at the meeting from every State having grazing lands, who made talks favoring your disposition of the public domain. I am instructed by the executive committee of the Nebraska Stock Growers' Association to indorse your bill in every particular. This committee represents the largest association of stockmen in Nebraska. Later on, if you wish to meet any of the committee regarding this bill, advise me and we will be glad to meet with you. Please let me know if there is a possibility of your bill getting through Congress at this session.

Yours, very truly,

E. M. Searle, Jr.,

Secretary-Treasurer.

E. M. SEARLE, Jr., Secretary-Treasurer.

Mr. BURKETT. I desire to have read now a communication signed by a great many citizens of Grand Island, Nebr., and sent to me, with reference to this proposition. I desire to say that I shall introduce a few of these letters and petitions, just as briefly as I can, so as to show to the Senate that while there may have been some letters sent here against this proposition, the great overwhelming sentiment of the people is in favor of

and demands some kind of legislation. I ask the Secretary to read.

The VICE-PRESIDENT. The Secretary will read, in the absence of objection.

The Secretary read as follows:

Hon. E. J. Burkett,

United States Senate, Washington, D. C.:

The undersigned residents of Nebraska contiguous to the range country, while not directly interested in any part of the range country as owners or occupants of range lands, are familiar with the situation in the range districts, and favor some lease law that will enable stockmen to utilize the range country under such regulations as will prevent overstocking, keep out fires, and at the same time preserve such lands for future homestead settlers should they ever become fit for such use, and thus avoid the conflicts that have kept the country in a turmoil for years.

future homestead settlers should they ever become lit for such use, and thus avoid the conflicts that have kept the country in a turmoil for years.

Dated Grand Island, Nebr., February 15, 1907.

A. O. Abbott, Grand Island, Nebr., attorney; Wm. McLellan, Grand Island, Nebr., stockman; Oscar Reimers, Grand Island, Nebr., stockman; John Hettrich, Grand Island, Nebr., stockman; L. F. Farnsworth, Grand Island, Nebr., druggist; Geo. D. Hetzel, Grand Island, Nebr., real estate; J. N. Woodsteinholm, Grand Island, Nebr., merchant; Sam Hexter, Grand Island, Nebr., merchant; C. H. Willman, Grand Island, Nebr., salesman; Geo. Loan, jr., Grand Island, Nebr., salesman; A. L. Beegle, Grand Island, Nebr., merchant; R. J. Barr, Grand Island, Nebr., secretary West Grand Island, Nebr., secretary Max J. Egge. Grand Island, Nebr., sheriff; J. W. Wolbout, Grand Island, Nebr., sheriff; J. W. Wolbout, Grand Island, Nebr., stockman; John W. Orick, Grand Island, Nebr., stockman; F. C. Dryer, Grand Island, Nebr., stockman; F. C. Dryer, Grand Island, Nebr., stockman; F. C. Bryer, Grand Island, Nebr., stockman; F. C. Bryer, Grand Island, Nebr., stockman; F. C. Bryer, Grand Island, Nebr., stockman; S. B. Bell, Grand Island, Nebr., banker; E. M. Brass, Grand Island, Nebr., ranchman.

Mr. BURKETT, I now introduce and ask to have read a

Mr. BURKETT. I now introduce and ask to have read a letter of three lines, signed by some forty citizens of Cherry County, Nebr., right in the midst of the grazing-land district.

The Secretary read as follows:

Hon. E. J. BURKETT, Washington, D. C.

Washington, D. C.

We the undersigned, representative stockmen, farmers, and citizens of Cherry County, Nebr., do hereby indorse your efforts in securing the passage of your bill to lease the public lands.

R. S. Lee, J. W. King, J. R. Lee, Wm. M. Lee, J. H. Salzmann, O. M. Enpyeart, W. C. Montgomery, R. A. Fry, C. H. Fry, J. J. Antes, C. M. Moody, D. H. White, George Hohstatt, W. L. Merz, Glen Long, Clint Long, B. J. McGuire, J. A. Anderson, B. W. Pearson, Chas. Eatinger, Chas. White, James Shanley, Barny McNitt, L. H. Heckman, Julius Heckman.

Mr. BURKETT. I ask to have read a short letter from the general manager of the Journal-Stockman, published in South Omaha, Nebr. The writer is in direct touch with more stockmen and farmers generally than any other one man in the West, I presume, and whose paper is probably in the homes of more people throughout the western country than any other paper of a similar nature.

The Secretary read as follows:

SOUTH OMAHA, NEBR., January 26, 1907.

Hon. E. J. Burkett, United States Senate, Washington, D. C.

Dear Sir: I am sending you to-day under separate cover a marked copy of the Dally Journal-Stockman, containing the full text of the bill which you have introduced creating grazing districts, and editorial comment on the same. Your bill meets with my most unqualified approval, and I trust that you will succeed in making it a law, but I realize as well as you that it is a difficult matter to suit all parties

concerned.

Thanking you for having sent me a copy of the bill, I remain, yours

JOURNAL-STOCKMAN COMPANY,
A. C. DAYENPORT,
Secretary-Treasurer and General Manager.

Mr. BURKETT. I wish to have read a short clipping from the Omaha Bee, one of the great papers of the continent. This item reports a meeting of men of all parties, as those familiar This with the names of the editors of the great papers there will see, and gives the result of that meeting, which was held in Omaha almost a year ago.

The Secretary read as follows:

[Omaha Bee, February 8, 1906.]

BOOST FOR THE LEASE BILL-OMAHA COMMERCIAL CLUB PASSES RESOLU-TIONS PROPOSED BY CATTLEMEN OF WESTERN NEBRASKA.

A boost was given the movement for a proposed national leasing law Wednesday, when the executive committee of the Commercial Club passed these resolutions favoring leasing or sale of the public domain to the western cattlemen:

"Resolved, That the Commercial Club of Omaha, at a meeting called to consider the serious conditions confronting the cattle interests of the State, indorses the principle of disposing of the unoccupied public lands of northwestern Nebraska, popularly known as the "sand hills," by lease or sale, for cattle raising and grazing purposes; be it further "Resolved, That the need of some measure of this sort is urgent, and early action is most earnestly urged upon our representatives in Congress; be it further "Resolved. That such a measure, properly framed, will be in the interest not alone of the cattle industry of this State, which is now imperiled, but will bring relief to a large number of settlers in the region affected, in which confusion and uncertainty now prevall; be it further "Resolved. That it is the sense of this organization that a bill making provision for this emergency will not only greatly benefit the State, but will yield considerable revenue to the Government upon lands otherwise unoccupied and unmarketable."

State Representative Frank Currie and State Senator Reynolds appeared before a special joint session of the public affairs committee and the executive committee. They laid before the members the woes of the western Nebraska cattlemen under the present system and asked that the club take some action showing its sympathy with the cattle raisers. John Steel, A. C. Smith, E. Rosewater, G. M. Hitchcock, William A. Paxton, G. W. Holdrege, and C. F. Mctirew spoke on the subject, all of them favoring leasing except Mr. Rosewater, who thought it would be more practical for the Government to sell to the cattlemen land which is only fit for grazing.

A motion to send a representative to Washington to help the cattlemen was not received with favor. The committee was unanimous in its sympathy with Mr. Currie and his associates, and resolutions were drawn favoring leasing or sale of the public domain.

Mr. BURKETT. I wish to say in conjunction with that article that I presume it would satisfy more people and distinguished editor of that plant is a practically every man from the West does, and as I believe Mr. Rosewater did, the impossibility of getting through Congress a law to dispose of those lands by sale. I do not know, either, that I am one of those who agree with the proposition that it is best to sell them. In my judgment if they were to be sold, as much of them as there are, they would have to be sold very cheaply; and in my opinion it is better, perhaps, that the Government should hold the title to these 400,000,000 acres for future generations, controlling it in some other way, than to part with the title at present as cheaply as the Government would have to do under present conditions.

I ask to have read a short letter from the editor of the Trib-

une, at Crawford, Nebr., in the extreme western portion of the State, almost to the Wyoming line and in the midst of the grazing district. The writer has lived there a long time. He knows the country and he knows the conditions. Coming in contact as he does with all classes of people, his word is worth con-

The Secretary read as follows:

[Crawford Tribune, established in 1887, William H. Ketcham, manager.] CRAWFORD, NEBR., January 26, 1967.

Dear Sir: I send you under separate cover a copy of the Tribune with your bill published therein in relation to the grazing lands.

I consider the measure about as near the proper thing as can be arranged to make it satisfactory to the varied interests. I can not see where it can be improved.

Yours, etc.,

WM. H. KETCHAM.

Mr. BURKETT. I now ask to have read a short letter from the editor of the Enterprise, at Curtis, out in the grazing district also.

The Secretary read as follows:

CURTIS, NEBR., January 22, 1907.

Hon. E. J. Burkett, Washington, D. C.

Dear Sir: Your letter at hand; also grazing bill before Congress. See nothing in it detrimental; all right. Section is all right leaving the power hereafter at the discretion of President.

Yours, truly,

B. K. Schaeffer.

Mr. BURKETT. I ask to have read a short letter from another editor, farther east in the State.

The Secretary read as follows:

RISING CITY, NEBR., February 18, 1907.

RISING CITY, NEBR., February 18, 1967.

Hon. E. J. Burkett, United States Senator, Washington, D. C.

Dear Sir: This answer in reply to your letter of January 18 may come too late, but permit me to say I heartily agree with your bill "providing for the control of grazing upon the public lands in the arid States and Territories of the United States," and trust it will be enacted into law.

Yours, very truly,

Mr. BURKETT. I desire to have read a letter from the editor of the St. Paul Republican, and I do so because he is in about the middle portion of the State and also because he is recognized in the State as one of the very strongest men of the State and the editor of one of the most important papers of State and the editor of one of the most important papers of the State.

The Secretary read as follows:

Hon. E. J. Burkett, Washington, D. C.

Dear Senator: I have your favor of the 18th instant, also a copy of your bill creating grazing districts. While I am just outside of the "cat-

tle country," and therefore not as familiar with conditions as others whose opinions you will doubtless receive, I have long recognized the need of a law which would permit the stockmen to graze their herds on the public lands without laying themselves liable to Federal punishment. From a hasty reading of your bill, I am inclined to believe that it covers the ground with a reasonable degree of thoroughness, and that its passage will benefit the cattle interests of this State. I shall watch its progress through Congress with interest,

Very truly, yours,

CLARK PERKINS.

Mr. BURKETT. I am not going to detain the Senate with reading any more letters. I think there may be some more letters which I should like to publish in my speech. They are all short. I ask unanimous consent that when I look over these papers if there are three or four or half a dozen others which I wish to print, I may have the privilege of handing them to the reporters and adding them to the ones I have had read. I have scores of letters from good men and very able newspaper edi-tors—men who have no interest in this more than I have and that only to help in some way to straighten out our unsatisfactory condition of affairs.

Mr. CARTER. It is understood that the letters are all

friendly to the Senator's proposition?

Mr. BURKETT. I will say to the Senator from Montana, as Mr. BURKETT. I will say to the Senator from Montana, as I said before, I have twenty or thirty letters from those who do not like the bill, but if he is not entirely satisfied yet, I have a few here from his own State, which are very friendly to the proposition. I may say also to any other Senator from the western portion of the country that I have a few letters from all the States which are very friendly to this bill.

Mr. CARTER. We have a few men who go wrong now and

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and permission is granted.

The letters referred to are as follows:

CLEARWATER, NEBR., January 21, 1907.

Hon. E. J. BURKETT.

Hon. E. J. Burkett,

Washingon, D. C.

Dear Sir: Your letter of 16th and a copy of the bill received. It seems to cover the ground fully and will doubtless improve the conditions regarding the United States public lands if passed. I assure you of whatever feeble support the Record may be able to give you in this matter.

Respectfully, yours,

Elmer L. Howell,

Editor Record Clearington Nebr

ELMER L. HOWELL, Editor Record, Clearwater, Nebr.

CROFTON, NEBR., January 30, 1907.

Hon. E. J. BURKETT, Washington, D. C.

My Dear Senator: I am in receipt of your recent letter and copy of your bill, S. 7618, which I have read, and I wish to assure you that I appreciate the honor you do by asking for an opinion as to the enactment of such a law.

I am heartily in favor of the enactment of the provisions as set forth in your bill. I think it is time that some measures were taken to regulate the public lands mentioned, and I believe your bill fully covers all the requirements. I am,

Yours, truly,

O. R. Robinson.

DORCHESTER, NEBR., January 24, 1967.

DORCHESTER, NEDR., January 24, 1907.

Hon. E. J. Burkett,
Washington, D. C.

Dear Sir: I received a copy of S. 7618, and I consider it as a bill filling a long-felt want in legislation on this subject.

It is O. K., and I hope you succeed in passing it. Thanking you for calling our attention to the subject,
I am,

J. Frank Longanecker.

BENSON, NEBR., January 31, 1907.

Hon. E. J. Burkett, Chairman Committee on Indian Depredations, Washington, D. C.

DEAR SIR: Your letter of January 16 came duly to hand; also copy of Senate bill 7618, providing for the control of grazing upon the public lands in the arid States and Territories. I have read the bill over carefully, and I personally think that it is just about right. I can see no flaw in it.

Respectfully, yours,

Dear I. M. S. Raber,

LEW. W. RABER, Per L. M. S.

GOTHENBURG, NEBR., January 28, 1907.

Gothenburg, Nebr., January 28, 1907.

Hon. Elmer J. Burkett,
United States Senator, Nebraska.

My Dear Sir: I have received Senate file No. 7618, providing for the leasing of the public domain in the arid States and Territories, and after reading same carefully I think that it is a very good bill and covers the essential points necessary to make the law of value in case it passes both Houses. There should be some provisions made whereby the Government should derive a benefit from the vast range now owned by it and pastured or used yearly by others without any revenue whatever to the Government. I do not believe that the Government should be compelled to let this land lie idle when it might receive thousands of dollars for the lease of same. A bill of this kind would put the man who owns his land and grows stock on a better equality to compete with his competitor on the range, providing he has to pay a reasonable sum for his pasture lands, and thus tend to keep up the prices of stock for both. I shall do all I can to popularize it and hope you will be able to make it a law.

Very respectfully,

H. C. BOOKER.

HYANNIS, NEBR., April 4, 1906.

Hon. E, J. BURKETT. Dean Sir. I see in to-day's papers extracts from your new lease bill. I believe you have about the right plan, and think it will be satisfactory here, and no doubt in other localities which its provisions affect.

If I can be of any use to you in getting at conditions here, etc., please write me.

write me. Very respectfully and truly,

L. B. UNKEFER.

HYANNIS, NEBR., April 5, 1906.

Hon. E. J. BURKETT, Washington, D. C.

Washington, D. C.

My Dear Sir: I just noticed in the State Journal land-leasing bill that you introduced, which I think is all right. I think it would be the best thing to solve the grazing problem, as the cattle interests in the sand hills are in bad shape. Much of the land that is not fit for anything but grazing can not be used without fence. Fences are being taken down and many stockmen forced out of business, especially the small stockmen that can not afford to run small bunches on an open range. By giving a man a lease or grazing permit he can fence it and make the best use of it by putting wells where needed, and twice the number of cattle could be produced and the land would be better taken care of and the homesteader not injured in the least, but would be beneficial to them, as there will be more work and a better market for their produce. I think your bill the nearest right to suit everyone concerned than any bill introduced yet. Wishing you the best success with your bill, I am,

Very truly, yours,

E. T. Meyers.

FIRST NATIONAL BANK, Alliance, Nebr., April 18, 1906.

Hon. E. J. Burkett,

Washington, D. C.

Dear Sir: We are very much pleased to see that you have introduced a bill disposing of the grazing lands in western Nebraska. Our stock association, some months ago, drafted a bill along the lines recommended by the commission appointed by President Roosevelt. This bill was never presented from the fact that Congressman Kinkaid had already introduced a bill prepared by Mr. Cornell, of Valentine. We believe the bill introduced by you will meet the approval of practically all the western people.

Personally, myself, I have favored sale of these lands. I believe that the country can not be advanced and the lands protected only by private ownership. However, that seems to be an unpopular view at this particular time, and that a leasing bill would be much better for the people and the General Government until some future time at least.

We hope that you will push the bill and secure its passage. Any action that you think that our stock association should take up, and any matters with our western people, we will be glad to assist you in. Yours, very truly,

R. M. Hampton.

R. M. HAMPTON.

ALLIANCE, NEBR., January 16, 1907.

Hon. E. J. BURKETT, Washington, D. C.

Washington, D. C.

Dear Sir: I wish to heartily indorse your bill relative to the change in the handling of the remaining vacant Government land.

Would be glad to render any service possible to forward its passage to the end that it may become a law.

Would be glad to have your opinion of what this session of Congress may do with it.

Yours, truly,

W. F. Black.

LINCOLN, NEBR., April 10, 1906.

LINCOLN, NEBR., April 10, 1906.

Hon. E. J. Burkett, Washington, D. C.

Dear Sexator: I am just home from an extended trip in the cattle country, and by request of a great many small cattle and ranch men I write you at this time. Everyone interested in the cattle business, especially the small ranchmen, are very much interested in your lease bill, and are very desirous that it shall pass. They claim that if the fences are all taken down, as it now seems they will be, they will be at the mercy of the large cattlemen. They can fence their hay ground and protect that, but they can not afford, where they only have a very small herd, to put a man with their stock. As a consequence their cattle would be scattered and the milk industry, from which source so many of them are at the present time making their living, would be ruined, as it would be impossible to get their cows home each night.

Then their grazing lands would be overrun by the herds of the large dealers. Outside of the homesteaders that have already taken advantage of the Kinkaid Act and picked up what few sections of land 2 here was some hay on, the balance of the land now open is strictly sand hills, and, as you are fully aware, no one could afford to attempt to live on this land, as it means simply starvation, while on the other hand, if a lease law is enacted, they can afford to lease the land at a low rental to run their cattle on. If a lease law is enacted, small men can then afford to go into that country and buy a quarter or half section of hay land and lease adjoining range land and make a good living, and these are the people that we are interested in and in whose interest I am writing this letter.

I have been over this territory so many times and am acquainted with so many of these people, and on this trip especially they have said to me, "Can not you write to our Senator and say to him that we are interested in this measure and hope that he will be able to get this law passed?" I would very much appreciate a copy of this bill. Thanking you fo

WESTFALL, MALHEUR COUNTY, OREG., February 4, 1907.

Senator Burkett, Washington, D. C.

DEAR SIR: I read in the daily Drovers' Journal Stockman a copy of your bill, Senate bill No. 7618, and must congratulate you on getting up this bill for the regulation of the public grazing lands of the arid West. This is the only system, if enacted into a law, that will do justice to all, small individual stockmen as well as large companies. The only system under which small owners of live stock and home-

steaders will have a fair show to maintain themselves as against large companies. It is the only way by which our public grazing lands can be used to much better advantage and more profit to the users thereof, and at the same time protect them from entire annihilation, which is going on under the present system of grazing. Not only that, but with proper application of the system set forth in this bill it can be greatly improved, to the great benefit of coming generations. I am unalterably opposed to leasing the public ranges, as, in my opinion, based on fifty years' experience in handling live stock on the western ranges, any lease law, no matter how it be framed, would in a very short time put our whole public domain under the control of big corporations, who would soon find ways and means to exclude individual stock raisers and homesteaders. I have been engaged in the raising of live stock in this county for thirty-seven years. I commenced the business in 1857, when I herded cattle for Gen. Sidney Johnston at Fort Bridger, Wyo., and have followed it ever since with varying success, and I think I know what I am talking about.

Hoping that your bill, gotten up with much ability and a superior knowledge of conditions prevailing on our public ranges, will be promptly passed into a law,

I am, most respectfully, yours,

Charles Becker,

Westfall, Malheur County, Orea.

CHARLES BECKER, Westfall, Malheur County, Oreg.

IRONSIDE, OREG., February 12, 1967.

Senator BURKETT.

DEAR SIR: I have been requested to write you in regard to Senate bill 7618. All whom I have interviewed on the subject most heartily indorse the bill, and hope it may become a law. I shall endeavor to send you some petitions soon.

I remain, yours, very respectfully,

C. Tr. LOCEY.

Mr. BURKETT. I will say just a few words in conclusion. I realize that a point of order can be raised against this legislation, and if so, it must go out. I have not made this speech with the vain hope that I might persuade everybody to desist from raising the point of order, nor with any hope that it might be decided otherwise than to strike it out, because I believe, and I acknowledge it on this occasion, although I did not on another amendment on another occasion—that it is subject to the point of order. But I have felt that I ought, in justice to myself, in view of the fact that it had been so criticised, to show to the Senate that it is not simply a wild and undigested proposition which the Committee on Agriculture has brought before the Senate. The Committee on Agriculture, in my judgment, were justified in bringing it before the Senate. It was not possible to get it before the Senate except as a part of the pending appropriation bill. That committee listened for three days to men who were better posted on this question than I am, more interested than I am, because I have not a foot of land in that section of the country. I have not a single hoof of any sort of live stock in the world except a Shetland pony, and I believe my children claim that. I am not interested, directly or indirectly, nor are any of my relations in any legis-lation of this kind. But I am interested, like the Senators from Colorado and Wyoming and Idaho and Montana and every other State, Iowa and all the Eastern States, in meeting these questions in a way that seems to us the best, and handling the Government's property in the best manner.

This may not be the best thing. It may not seem best to the Senator who has just interrupted me and whose judgment is better than mine on everything in this world-I will not except anything—because his is a riper judgment. He has lived more years. He has had more experience. He has met more people. His information is larger. But I felt that since I had introduced the bill I ought in justice to myself, aye, in justice to the great Committee on Agriculture which recommended this section as a portion of the bill, show to the Senate and to the country that there was a demand all over the country for some kind of legislation. And while it is not unanimous on the particular method of handling the lands, I do believe, and I doubt if any man will contradict me here, that the demand is more universal for this method of handling the grazing district than any other method which has been

suggested.

Let me say that by next year, if it shall not pass this year, in my judgment the same Senators from those States who have here belaboring this proposition as they have, back here, urged on and impelled by the overwhelming influence of the constituency they represent and that they want to represent and will represent, and will get behind some kind of legislation which will adjust and determine the handling of this great grazing land section of the United States.

INDIAN APPROPRIATION BILL.

During Mr. Burkett's speech,

Mr. CLAPP. Mr. President—
The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. BURKETT. Certainly.

I beg leave to submit a conference report on the Indian appropriation bill, which I ask to have printed and lie on the table.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 12, 15, 17, 39, 47, 54, 55, 62, 63, 87, 88, 112, 113, 114, 115, 116, 124,

125, 126, 127, 171.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 16, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 43, 46, 48, 56, 57, 58, 59, 60, 61, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 90, 91, 93, 94, 95, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 117, 118, 119, 120, 121, 122, 123, 128, 129, 130, 121, 132, 124, 125, 128, 127, 138, 140, 141, 142, 142, 144, 145 131, 133, 134, 135, 136, 137, 138, 140, 141, 142, 143, 144, 145, 146, 148, 149, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 172, 173, 174, 175, 176, 177, 179, 180, 181, 182, 183, 184, 185, 186, and agree to the

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert the following: ": Provided, That while thus absent from Washington under such detail they shall receive a per diem of three dollars to cover all expenses exclusive of transportation and sleeping-car fares;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 2, after the word "authorized," strike out the words "to proceed and continue;" and the Sen-

ate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In line 2, after the word "thousand," strike out "seven" and insert "five;" in line 2, after the word hundred," strike out "and fifty;" and the Senate agree to the

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In line 2, after the word "thousand," strike out "two" and insert "five;" in line 2, after the word "hundred," strike out "and fifty;" and the Senate agree to the

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 18, after the word "at," strike out the words "not exceeding;" and the Senate agree to the

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Line 4, after the word "a," strike out the word "sufficient;" and the Senate agree to the same.

That the House recede from its disagreement to the amend-

ment of the Senate numbered 42, and agree to the same with an amendment as follows: In line 3, after the word "children," strike out the words "at the Whittaker Home, Pryor Creek," and insert "in the;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Transpose the same, inserting on page 26, after line 2; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In line 8 strike out the word "five and insert "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In line 5, after the word "six," strike out the words "hundred and three" and insert "thousand nine hundred and thirty-four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That William Brown and Levi B. Gritts, on their own behalf and on behalf of all other Cherokee citizens, having like in-terests in the property allotted under the act of July 1, 1902, entitled "An act to provide for the allotment of lands of the

Cherokee Nation, for the disposition of town sites therein, and for other purposes," and David Muskrat and J. Henry Dick, on their behalf and on behalf of all Cherokee citizens enrolled as such for allotment as of September 1, 1902, be, and they are hereby, authorized and empowered to institute their suits in the Court of Claims to determine the validity of any acts of Congress passed since the said act of July 1, 1902, in so far as said acts, or any of them, attempt to increase or extend the restrictions upon alienation, incumbrance, or the right to lease the allotments of lands of Cherokee citizens, or to increase the number of persons entitled to share in the final distribution of lands and funds of the Cherokees beyond those enrolled for allotment as of September 1, 1902, and provided for in the said act of July 1, 1902."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: Strike out all of said amendment and insert: "And jurisdiction is hereby conferred upon the Court of Claims, with the right of appeal by either party to the Supreme Court of the United States, to hear, determine, and adjudicate each of said suits;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: Strike out all of said amendment and

"The suits brought hereunder shall be brought on or before September 1, 1907, against the United States as a party defend-ant, and for the speedy disposition of the questions involved preference shall be given to the same by said courts and by the Attorney-General, who is hereby charged with the defense of said suits.'

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: Strike out all of said amendment and

insert:
"Upon the rendition of final judgment by the Court of Claims or the Supreme Court of the United States, denying the validity of any portion of the said acts, authorized to be brought into question, in either or both of said cases, the Court of Claims shall determine the amount to be paid the attorneys employed by the above-named parties in the prosecution thereof for services and expenses, and shall render judgment therefor, which shall be paid out of the funds in the United States Treasury belonging to the beneficiaries under the said act of July 1, 1902."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: Strike out all of lines 8 and 9 and in-'in addition to the fees and charges now authorized by law, to pay a pro rata charge for the examination and investigation of the swampy and overflowed character of the land, and for the drainage and reclamation thereof;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In line 2 strike out the word "advance' and insert the word "pay;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an ment of the Senate Intimeted 96, and agree to the same with an amendment as follows: In line 60, after the word "granted," strike out "two" and insert "three;" in line 60, after the word "and," strike out "eighty" and insert "twenty;" in line 60, after the word "each," strike out "to" and insert "for;" in line 61, after the word "Creek," insert "to the Bureau of Catholic Indian Missions;" in line 61, after the word "and," insert "also to;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In line 2, after the word "authorized" strike out ", with the consent of the Indians to be obtained in such manner as he may deem best;" and the Senate

agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In line 5, strike out the word "of" and insert "to;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: Strike out of said amendment the first five words thereof, "including Alaskan natives and Esquiand the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with

an amendment as follows: Strike out all of said amendment and

"For buildings and repairs of buildings at agencies and for water supply at agencies, \$10,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In line 2, after the word "authorized," strike out ", with the consent of the Indians of the respective reservations, to be obtained in such manner as he may deem best;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an

amendment as follows:

In line 1, after the word "In," insert "part."
In line 1, after the word "payment," strike out "of" and in-'to." sert '

In line 7, after the word "being," insert "a part of."
In line 12, after the word "ninety-one," strike out "one million five" and insert "three."

In line 13, after the word "dollars," insert "Said sum of three hundred thousand dollars to be paid to or expended for the benefit of said Indians under the direction of the Secretary of the Interior."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: In line 2, after the word "authorized," strike out "with the consent of the Indians of the Shoshone Reservation, Wyoming, to be obtained in such manner as he may deem best;" and the Senate agree to the same.

MOSES E. CLAPP, P. J. McCumber, FRED T. DUBOIS, Managers on the part of the Senate. J. S. SHERMAN, JOHN F. LACEY. JOHN H. STEPHENS, Managers on the part of the House.

Mr. CULBERSON. I suggest to the Senator in charge of the report not to insist upon its adoption now. It is impossible for the Senate to understand it. There is really no opportunity for the Senator to explain it. Unless there is some urgency about it, I suggest that it be printed and go over.

Mr. CLAPP. I will say that when I offered the report I did not intend to interrupt the Senator from Nebraska by asking for its consideration, but simply that it might be printed in the RECORD; and I have no objection to its going over.

Mr. CULBERSON. The Senator from Minnesota, I understood, suggested that it be printed and lie on the table.

The VICE-PRESIDENT. It will be printed and lie on the table.

INDIAN TRIBAL FUNDS.

Mr. CLAPP. I submit another conference report. As with the other, I suggest that it be printed in the Record and go

The Secretary proceeded to read the report.

Mr. BEVERIDGE. I understand the request to be that the report be printed without being read. I do not think it entirely fair to the Senator from Nebraska to be interrupted further in this way.

The VICE-PRESIDENT. It is a privileged report. Does the Senator from Minnesota desire to have it printed without being read?

I did not intend to interrupt the Senator from Nebraska by having the report read. I simply offer it that it may be printed and be before the Senate.

The VICE-PRESIDENT. The report will be printed and go

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5290) providing for the allotment and distribution of Indian tribal funds, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, and 8, and agree

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter proposed to be

stricken out insert the following:

"Provided further, That the Secretaries of the Interior and of the Treasury are hereby directed to withhold from such apportionment and allotment a sufficient sum of the said Indian funds as may be necessary or required to pay any existing claims against said Indians that may be pending for settlement by judicial determination in the Court of Claims or in the Ex-ecutive Departments of the Government at time of such apportionment and allotment."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter inserted by said

amendment insert the following:

"Sec. 2. That the Secretary of the Interior is hereby authorized to pay any Indian who is blind, crippled, decrepit, or helpless from old age, disease, or accident his or her share, or any por-tion thereof, of the tribal trust funds in the United States Treasury belonging to the tribe of which such Indian is a member, and of any other money which may hereafter be placed in the Treasury for the credit of such tribe and susceptible of division among its members, under such rules, regulations, and conditions as he may prescribe."

And the Senate agree to the same.

Moses E. Clapp, GEO. SUTHERLAND, W. J. STONE Managers on the part of the Senate. JOHN F. LACEY, CHARLES H. BURKE,

WM. T. ZENOR.

Managers on the part of the House.

APPEALS IN CRIMINAL PROSECUTIONS.

After the conclusion of Mr. Burkett's speech,

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 15434) to regulate appeals in criminal prosecutions, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NELSON. I move that the Senate insist upon its amendment and agree to the conference asked for by the House, the Chair to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. NELSON, Mr. KNOX, and Mr. BACON.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills and joint

H. R. 5971. An act authorizing the extension of T street

(formerly W street) NW.;

H. R. 17011. An act granting an increase of pension to Mary E. Brown

H. R. 21639. An act granting a pension to Nannie E. Hayes; H. R. 17956. An act granting an increase of pension to John

Shinolt:

H. R. 20223. An act granting an increase of pension to William F. Clendening;

H. R. 20718. An act granting an increase of pension to Anne B. Whitcomb;

H. R. 21415. An act granting an increase of pension to Casper W. Tyler

H. R. 21447. An act granting a pension to William W. Sparks; H. R. 23860. An act granting an increase of pension to William G. Cummings;

H. R. 23367. An act granting an increase of pension to Asa A. Gardner:

H. R. 23576. An act to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other

H. J. Res. 246. Joint resolution authorizing the President to extend an invitation to the Twelfth International Congress of Hygiene and Demography to hold its thirteenth congress in the city of Washington.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15434) to regulate appeals in criminal prosecutions, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Jenkins, Mr. Birdsall, and Mr. De Armond, managers at the conference on the part of the House.

The message further returned to the Senate, in compliance

with its request, the bill (S. 6906) to provide for the incorpora-tion of banks within the District of Columbia.

The message also announced that the House had passed the following bills:

S. 7. An act granting an increase of pension to Edwin B. Lufkin;

S. 12. An act granting an increase of pension to Nancy Littlefield:

S. 161. An act granting an increase of pension to Ruth E. Rogers

S. 177. An act granting an increase of pension to Alvah D. Wilson;

S. 435. An act granting an increase of pension to Luther H. Canfield;

S. 463. An act granting an increase of pension to Justin C. Kennedy

S. 496. An act granting an increase of pension to Lewis Young:

S. 570. An act granting an increase of pension to John W. Crane:

S. 588. An act granting an increase of pension to Priscilla L. Hamill;

S. 883. An act granting an increase of pension to Thomas A. Willson;

S. 913. An act granting an increase of pension to Charles E.

S. 990. An act granting an increase of pension to Relf Bled-

S. 1136. An act granting an increase of pension to Warren W. Whipple;

S. 1261. An act granting an increase of pension to Edwin P. Richardson:

S. 1299. An act granting an increase of pension to Ludwig Schultz:

S. 1350. An act granting an increase of pension to Michael Cullen;

S. 1515. An act granting an increase of pension to Elizabeth S. 1520. An act granting an increase of pension to Laura M.

Freeman;

S. 1526. An act granting an increase of pension to Theodore W. Gates;
S. 1622. An act granting a pension to Jane Agnew;

S. 1896. An act granting a pension to Smith Bledsoe;

S. 1935. An act granting an increase of pension to Charles Church:

S. 1980. An act granting an increase of pension to Mary O. Foster: S. 2083. An act granting an increase of pension to Asa K.

Harbert: S. 2109. An act granting an increase of pension to Elisha T.

Arnold; S. 2181. An act granting an increase of pension to Mary G.

Pofter; S. 2285. An act granting an increase of pension to William W. Herrick :

S. 2315. An act granting an increase of pension to William T. Graffan, alias William Rivers;

S. 2336. An act granting an increase of pension to Annie E. Smith:

S. 2387. An act granting an increase of pension to Harvey Smith;

S. 2394. An act granting an increase of pension to John A. J. Taylor:

S. 2502. An act granting an increase of pension to Stephen M. Fitzwater

S. 2729. An act granting an increase of pension to Robert J. Henry S. 2743. An act granting an increase of pension to Daniel B.

Morehead; S. 2748. An act granting an increase of pension to Joel R.

Smith S. 2792. An act granting an increase of pension to John W.

Ogan ; S. 2954. An act granting an increase of pension to Hannah

Welch: S. 2971. An act granting an increase of pension to Henry O. Bennum:

S. 3197. An act granting an increase of pension to Hiram Focht:

S. 3266. An act granting an increase of pension to William P. McKeever

S. 3267. An act granting an increase of pension to George C. Veile;

S. 3268. An act granting an increase of pension to Jacob A. Ward:

S. 3275. An act granting an increase of pension to Thomas J. Harrison;

S. 3432. An act granting an increase of pension to Samuel Ellis;

S. 3434. An act granting an increase of pension to Charles M. Canfield:

S. 3435. An act granting an increase of pension to Rowland Saunders:

S. 3446. An act granting an increase of pension to Anna M. Woodbury

S. 3495. An act granting a pension to Joseph H. Boucher; S. 3527. An act granting an increase of pension to Samuel S.

Watson: S. 3552. An act granting an increase of pension to Joseph P.

S. 3563. An act granting an increase of pension to Orin D.

Sisco: S. 3652. An act granting an increase of pension to Sallie

8.3672. An act granting an increase of pension to Daniel R.

Emery; S. 3852. An act granting an increase of pension to Levi W.

Curtis: S. 3929. An act granting an increase of pension to Ellen L.

Stoughton; S. 3997. An act granting an increase of pension to Jacob

S. 3998. An act granting an increase of pension to Thomas Warner:

S. 4008. An act granting an increase of pension to Charles B. Saunders; S. 4028. An act granting an increase of pension to Ann H.

S. 4208. An act granting an increase of pension to Charles V.

S. 4461. An act granting an increase of pension to Thomas S.

Elsberry;

S. 4501. An act granting an increase of pension to Horatio S.

S. 4559. An act granting an increase of pension to John A. Wagner

S. 4531. An act granting an increase of pension to Levi M. Stephenson;

S. 4562. An act granting an increase of pension to Henry Stegman:

S. 4580. An act granting an increase of pension to William

S. 4629. An act granting an increase of pension to Mary Jane Miller

S. 4693. An act granting an increase of pension to Irvin M. Hill:

S. 4762. An act granting a pension to Mary A. Brady;

S. 4865. An act granting an increase of pension to James W.

S. 4873. An act granting an increase of pension to D. Laning

S. 4875. An act granting an increase of pension to Nathan S. Wood:

S. 4890. An act granting an increase of pension to Lorin N.

S. 4936. An act granting an increase of pension to Jacob Grell:

S. 4958. An act granting an increase of pension to William W. Duffield:

8. 5125. An act granting an increase of pension to Nancy A. E. Hoffman:

S. 5144. An act granting an increase of pension to Morgan H.

S. 5171. An act granting an increase of pension to Jennie H. Marshall:

S. 5191. An act granting an increase of pension to Robert 1.

S. 5261. An act granting an increase of pension to Stephen A. Barker:

S. 5361. An act granting an increase of pension to John H.

S. 5380. An act granting an increase of pension to Richard Jones

S. 5383. An act granting an increase of pension to Greenberry B. Patterson;

S. 5400. An act granting an increase of pension to John A. Chase;

S. 5420. An act granting an increase of pension to Thomas W. Gilpatrick :

S. 5423. An act granting an increase of pension to William M. Tinsley

S. 5456. An act granting an increase of pension to Marcellus

S. 5457. An act granting an increase of pension to Albert Teets

S. 5558. An act granting an increase of pension to George Payne:

S. 5578. An act granting an increase of pension to Sheffield L. Sherman, jr.;

S. 5621. An act granting an increase of pension to Frederick Buehrle;

An act granting an increase of pension to Nicholas S. 5623. M. Hawkins;

S. 5681. An act granting an increase of pension to William Grant;

S. 5692. An act granting an increase of pension to Margaret E. Craigo:

S. 5718. An act granting an increase of pension to William D. Hoff:

S. 5724. An act granting an increase of pension to George C. Saul;

S. 5730. An act granting an increase of pension to William O. Spelman:

S. 5752. An act granting an increase of pension to Ruth M. Hoag

S. 5756. An act granting an increase of pension to Charles A. Bell

S. 5782. An act granting an increase of pension to Octave L. F. E. Fariola; S. 5813. An act granting an increase of pension to Marshall

T. Kennan

S. 5884. An act granting an increase of pension to Cyrus

S. 5940. An act granting an increase of pension to Henry Bittleston

S. 5970. An act granting an increase of pension to Julia A. Horton: S. 5981. An act granting an increase of pension to John H.

La Vaque S. 5992. An act granting an increase of pension to Franklin

Craig:

S. 6044. An act granting an increase of pension to John H.

S. 6076. An act granting an increase of pension to John Mc-Knight:

S. 6078. An act granting an increase of pension to Elijah B. Hudson:

S. 6093. An act granting a pension to Hester A. Coller

S. 6103. An act granting an increase of pension to William P. Visgar

S. 6127. An act granting an increase of pension to John R. Callender;

S. 6140. An act granting an increase of pension to Julia A. Birge

S. 6177. An act granting an increase of pension to Louisa Anne Morton;

S. 6245. An act granting an increase of pension to Susan Mahany S. 6281. An act granting an increase of pension to Joseph C.

Bowker S. 6319. An act granting an increase of pension to Angus

Fraser S. 6380. An act granting an increase of pension to Josiah B.

Kinsman: S. 6467. An act granting an increase of pension to John M.

Smith: S. 6475. An act granting an increase of pension to Harvey

S. 6518. An act granting an increase of pension to William H.

Stiles S. 6531. An act granting an increase of pension to Francis A.

Dory S. 6567. An act granting an increase of pension to George C.

Gibson : S. 6570. An act granting an increase of pension to George W.

Cole: S. 6606. An act granting an increase of pension to Alexander

Sholl: S. 6609. An act granting an increase of pension to John

S. 6610. An act granting an increase of pension to Isaac Johnson;

S. 6612. An act granting an increase of pension to George H. McClung;

S. 6616. An act granting an increase of pension to Jacob P. Crooker;

S. 6634. An act granting an increase of pension to John P. Murray;

S. 6635. An act granting an increase of pension to John A. Morris;

S. 6652. An act granting an increase of pension to Hiram H. Lockwood;

S. 6663. An act granting an increase of pension to Thomas M. Chase;

S. 6665. An act granting an increase of pension to Samuel B. T. Goodrich;

S. 6669. An act granting an increase of pension to Timothy B. Lewis;

S. 6672. An act granting an increase of pension to Hannah Peavey;

S. 6702. An act granting an increase of pension to Charles E. Du Bois;

S. 6711. An act granting an increase of pension to Harvey B. F. Keller;

S. 6713. An act granting an increase of pension to James L. Short;

S. 6724. An act granting a pension to Mary W. Granniss;

S. 6726. An act granting an increase of pension to Mary A. Jackson;

S. 6731. An act granting an increase of pension to Elizabeth H. Rice;

S. 6734. An act granting an increase of pension to John C. Snell:

S. 6768. An act granting an increase of pension to John E. Haves:

S. 6774. An act granting an increase of pension to James B. Hackett:

S. 6818. An act granting an increase of pension to John E. Anthony:

S. 6838. An act granting an increase of pension to Samuel Shepherd;

S. 6899. An act granting an increase of pension to George H. Nye;

S. 6909. An act granting an increase of pension to William H. Adams;

S. 6910. An act granting an increase of pension to George

F. Chamberlin;
S. 6911. An act granting an increase of pension to George

A. Boyle; S. 6912. An act granting an increase of pension to James G. Harvey;

S. 6913. An act granting an increase of pension to Samuel C. Murdough:

S. 6952. An act granting an increase of pension to Martin A. Rubert:

No. 6954. An act granting an increase of pension to Henry Matter:

S. 6955. An act granting an increase of pension to Abram W. Vandel:

S. 6956. An act granting an increase of pension to Eli Ford, alias Jacob Butler:

S. 6962. An act granting an increase of pension to Franklin

S. 6970. An act granting an increase of pension to Alonzo W. Fuller;

S. 6996. An act granting an increase of pension to John Snyder;

S. 7004. An act granting an increase of pension to Edward G. Burnet;

S. 7021. An act granting an increase of pension to Hugh K.
 McJunkin;
 S. 7038. An act granting an increase of pension to William

S. 7038. An act granting an increase of pension to William Curran;

S. 7039. An act granting an increase of pension to Robert Hamilton;

S. 7044. An act granting an increase of pension to Sylvester O. Pevear;

S. 7054. An act granting an increase of pension to Charles H. Clapp;

S. 7058. An act granting an increase of pension to Gilbert

Bailie; S. 7061. An act granting an increase of pension to Hugh

McNaughton; S. 7063. An act granting an increase of pension to William T. Hastings:

S. 7064. An act granting a pension to Edward T. Blodgett;

S. 7068. An act granting an increase of pension to Richard B. Hall;

S. 7078. An act granting a pension to Daniel Schaffner;

S. 7098. An act granting an increase of pension to Henrietta Teague;

S. 7129. An act granting a pension to Susan J. Chandler; S. 7136. An act granting an increase of pension to Cornelia

W. Clay; S. 7138. An act granting an increase of pension to George H. Allen;

S. 7150. An act granting an increase of pension to John Bell; S. 7154. An act granting an increase of pension to Samuel A. Miller;

S. 7168. An act granting an increase of pension to Edward B. Shepherd;

S.7171. An act granting an increase of pension to Margaret Holden:

S. 7194. An act granting an increase of pension to Lawrence Over:

S. 7196. An act granting an increase of pension to William H. Hubbard;

S. 7218. An act granting an increase of pension to Samuel D. Thompson;

S. 7222. An act granting an increase of pension to Sylvester Byrne;

S. 7223. An act granting an increase of pension to Joseph W. Little:

S. 7231. An act granting an increase of pension to Oscar F. Richards;

S. 7237. An act granting an increase of pension to Daniel McConnell;

S. 7244. An act granting an increase of pension to Bessie Sharp Pettit; S. 7268. An act granting an increase of pension to Dewayne

W. Suydam; S. 7272. An act granting an increase of pension to George W.

Cook; S. 7283. An act granting an increase of pension to William T.

Cooper; S. 7305. An act granting an increase of pension to Robert K.

Leech; S. 7329. An act granting an increase of pension to Nathaniel

Lewis Turner; S. 7334. An act granting an increase of pension to Joshua T.

Jellison; S. 7341. An act granting an increase of pension to Menzo S. Bishop;

S. 7344. An act granting an increase of pension to Clara P. Coleman;

S. 7355. An act granting an increase of pension to William McHenry Plotner;

S. 7357. An act granting an increase of pension to Levi S. Bailey:

S. 7373. An act granting an increase of pension to Jeremiah Thomas;

S. 7379. An act granting an increase of pension to Mary E. Dougherty;

S. 7380. An act granting an increase of pension to Andrew J. Harris;

S. 7394. An act granting an increase of pension to Henrietta C. Cooley;

S. 7420. An act granting a pension to Eleanor N. Sherman; S. 7427. An act granting an increase of pension to George L. Danforth;

S. 7429. An act granting a pension to Caroline A. Gilmore; S. 7430. An act granting a pension to Mary F. Johnson;

S. 7452. An act granting an increase of pension to Thomas Harrop;

S. 7470. An act granting an increase of pension to William F. Burnett:

S. 7473. An act granting an increase of pension to John M. Gilliland;

S. 7476. An act granting an increase of pension to Oliver S. Boggs;

S. 7477. An act granting an increase of pension to Patrick Cooney;

S. 7478. An act granting an increase of pension to William H. Brown;

S. 7479. An act granting an increase of pension to George L. Corey:

Corey; S. 7480. An act granting an increase of pension to John Bowen;

S. 7481. An act granting an increase of pension to Alanson W. Edwards;

S. 7482. An act granting an increase of pension to Wilford Herrick

S. 7483. An act granting an increase of pension to Marinda D. Beery

S. 7485. An act granting an increase of pension to Lester M. P. Griswold:

S. 7491. An act granting an increase of pension to Anna V. Blaney:

S. 7493. An act granting an increase of pension to George Arthur Tappan;

S. 7503. An act granting an increase of pension to George W.

S. 7504. An act granting an increase of pension to David Decker:

S. 7509. An act granting an increase of pension to William T. Rennett:

S. 7531. An act granting an increase of pension to William F. Letts:

S. 7532. An act granting an increase of pension to Joseph Kiichli:

S. 7533. An act granting an increase of pension to Orvil

Dodge; S. 7553. An act granting an increase of pension to Adolphus P. Clark;

S. 7555. An act granting an increase of pension to James T. Piggott:

S. 7567. An act granting an increase of pension to William Booth:

S. 7570. An act granting an increase of pension to George W. Hapgood:

S. 7561. An act granting an increase of pension to Charles A. Woodward:

S. 7572. An act granting an increase of pension to Warren M.

S. 7574. An act granting an increase of pension to Emily J. Larkham;

S. 7598. An act granting an increase of pension to Jesse C. Newell:

S. 7604. An act granting an increase of pension to John M.

Morgan; S. 7605. An act granting an increase of pension to Judiah B. Smithson:

S. 7606. An act granting an increase of pension to Samuel Reeves

S. 7609. An act granting an increase of pension to Thomas Strong

S. 7610. An act granting an increase of pension to Frederick

S. 7616. An act granting an increase of pension to Ezekiel C. Ford;

S. 7622. An act granting an increase of pension to George K. Taylor:

S. 7628. An act granting an increase of pension to John P. Wildman;

S. 7632. An act granting an increase of pension to Elias W. Garrett;

S. 7634. An act granting an increase of pension to Charles Shattuck :

An act granting an increase of pension to Samuel M. S. 7636. Breckenridge:

S. 7642. An act granting an increase of pension to Oliver H. P. Rhoads: S. 7655. An act granting an increase of pension to Francis G.

Brown: S. 7657. An act granting an increase of pension to Harman

Grass S. 7666. An act granting an increase of pension to True San-

born. jr. : S. 7667. An act granting a pension to Henry Lunn;

S. 7668. An act granting an increase of pension to Henry H. Buzzell:

S. 7670. An act granting a pension to Sarah E. Lungren; S. 7671. An act granting an increase of pension to Charles H. Alden:

S. 7678. An act granting an increase of pension to Joseph Kennedy;

S. 7679. An act granting an increase of pension to George M. Shaffer:

S. 7683. An act granting an increase of pension to William Wakefield;

S. 7685. An act granting an increase of pension to Albion W. Tebbetts:

S. 7696. An act granting an increase of pension to Zadok K. Judd:

S. 7698. An act granting a pension to Fannie S. Grant;

S. 7708. An act granting an increase of pension to Sue A. Brockway

S. 7722. An act granting an increase of pension to Henderson Stanley

S. 7745. An act granting an increase of pension to Frederick Wood:

S. 7763. An act granting an increase of pension to Jacob S. Hawkins:

S. 7764. An act granting an increase of pension to Davis Gilborne;

S. 7768. An act granting an increase of pension to Alonzo P. Mann:

S. 7772. An act granting a pension to Ellen Dougherty:

S. 7782. An act granting an increase of pension to Henry F. Renter:

S. 7785. An act granting an increase of pension to Carlo J. Emerson;

S. 7786. An act granting an increase of pension to Chauncey M. Snow;

S. 7803. An act granting an increase of pension to William H. Long;

S. 7818. An act granting an increase of pension to Edward Bird: S. 7820. An act granting an increase of pension to Benjamin

B. Cravens; S. 7822. An act granting an increase of pension to William

N. Bronson:

S. 7825. An act granting an increase of pension to Garret P. Rockwell;

S. 7830. An act granting an increase of pension to Wilbur A. S. 7831. An act granting an increase of pension to William H.

Grandaw ; S. 7838. An act granting an increase of pension to Ole Gun-

derson: S. 7841. An act granting an increase of pension to Frank De Nover

S. 7842. An act granting an increase of pension to Evarts C. Stevens

S. 7843. An act granting an increase of pension to Isaac Oakman:

S. 7862. An act granting an increase of pension to Elias Laughner;

S. 7870. An act granting an increase of pension to Albert Ben-

S. 7871. An act granting a pension to Catharine Hayes; S. 7872. An act granting an increase of pension to Gilbert H.

Keck: S. 7877. An act granting an increase of pension to Thomas D. Marsh:

S. 7878. An act granting an increase of pension to Richard J. Gibbs:

S. 7880. An act granting an increase of pension to Sarah E. Stockton;

S. 7890. An act granting an increase of pension to Henry Zacher, alias Charles Stein;

S. 7895. An act granting an increase of pension to William Wallace;

S. 7903. An act granting an increase of pension to Catherine De Rosset Meares

S. 7907. An act granting an increase of pension to Wilkison B. Ross S. 7915. An act granting an increase of pension to Mary M.

Howell; S. 7918. An act granting an increase of pension to Royal T.

S. 7923. An act granting an increase of pension to William H.

S. 7912. An act granting an increase of pension to Eleanor P. Bigler:

S. 7930. An act granting an increase of pension to Joseph Hare, jr.;

S. 7936. An act granting an increase of pension to Liberty W. Foskett;

S. 7938. An act granting an increase of pension to John W. Messick:

S. 7947. An act granting an increase of pension to Charles G.

S. 7948. An act granting an increase of pension to Jane Tate; S. 7968. An act granting an increase of pension to James

Slater: S. 7983. An act granting an increase of pension to Samuel Dubois;

S. 7993. An act granting an increase of pension to George E.

8.7995. An act granting an increase of pension to Ashley White:

 S. 7996. An act granting an increase of pension to Robert B. Lucas;

S. 8005. An act granting an increase of pension to Garrett F. Cowan;

S. 8006. An act granting an increase of pension to Epaminondas P. Thurston;

S. 8015. An act granting an increase of pension to Samuel B, Hunter;

S. 8017. An act granting an increase of pension to Watson L. Corner;

S. 8023. An act granting an increase of pension to Harry N. Medbury;

S. 8024. An act granting a pension to Susan J. Rogers;

S. 8034. An act granting an increase of pension to Jacob M. F. Roberts;

S. 8038. An act granting an increase of pension to John F. Ackley;

S. 8049. An act granting an increase of pension to Daniel C. Swartz;

S. 8056. An act granting an increase of pension to William H. Fountain;

S. 8064. An act granting an increase of pension to Carloss Trowbridge;

S. 8079. An act granting an increase of pension to Joseph Ickstadt;

S. 8081. An act granting an increase of pension to William H.

Cochran; S. 8084. An act granting an increase of pension to John

Hazen;
S. 8089. An act granting an increase of pension to Mary E. Jacobs:

S. 8090. An act granting an increase of pension to Inger A. Steensrud:

S. 8101. An act granting an increase of pension to Jacob B. Getter:

S. 8104. An act granting an increase of pension to Henry Shellev:

S. 8105. An act granting an increase of pension to Anna Arnold;

S. 8107. An act granting an increase of pension to Leonidas Obenshain;

S. 8120. An act granting an increase of pension to Benjamin T. Woods;

S. 8125. An act granting an increase of pension to Mary O. Cherry;

S. 8144. An act granting an increase of pension to Elizabeth A. Bonner:

S. 8147. An act granting an increase of pension to Ann E. Macy:

S. 8153. An act granting an increase of pension to Henry B. Johnson;

S. 8195. An act granting an increase of pension to Asa E. Swasey;

S. 8196. An act granting an increase of pension to Michael J. Geary; S. 8197. An act granting an increase of pension to Arabella

J. Farrell; S. 8201. An act granting an increase of pension to Clara A.

S. 8201. An act granting an increase of pension to Clara A. Keeting;

S. 8207. An act granting an increase of pension to Peter Wedeman;

S. 8212. An act granting a pension to Azelia Mittag;

S. S214. An act granting a pension to Jeremiah Bowman;

S. 8215. An act granting an increase of pension to James W. Lendsay;

8. 8225. An act granting an increase of pension to Elizabeth P. Hargrave;

S. 8235. An act granting a pension to James H. Huntington; S. 8237. An act granting an increase of pension to Lydia Irvine;

S. 8258. An act granting a pension to Mary B. Yerington; S. 8259. An act granting an increase of pension to Henry B.

Love; S. 8263. An act granting an increase of pension to Martha L. Bohannan;

S. S278. An act granting an increase of pension to Calvin Herring;

S. 8279. An act granting a pension to Edward Dunscomb;

S. 8302. An act granting a pension to Ella B. Morrow;

S. 8314. An act granting an increase of pension to James P. Worrell:

S. 8317. An act granting an increase of pension to Annie C. Stephens;

S. 8340. An act granting an increase of pension to Maria L. Philbrick;

S. 8345. An act granting an increase of pension to Frank Holderby, alias Frank Giles;

S. 8347. An act granting an increase of pension to Ervin F. Mann:

S. 8348. An act granting an increase of pension to Cornelius E. Bliss:

S. 8349. An act granting a pension to Mary Ellen Van Arminge:

S. 8378. An act granting an increase of pension to Eli B. Woodard;

S. 8379. An act granting an increase of pension to Bertha Maria Johnson;

S. 8390. An act granting an increase of pension to Joseph H. Kinsman;
S. 8397. An act granting an increase of pension to Martin

Peacock; S. 8404. An act granting an increase of pension to Nelson W.

Jameson; S. 8407. An act granting an increase of pension to Reuben C.

Webb;

S 8422 An act granting an increase of pension to Overton E

8.8422. An act granting an increase of pension to Overton E. Harris;

8.8443. An act granting a pension to Fanny M. Grant;

S. 8456. An act granting an increase of pension to Margaret Baber;

S. 8469. An act granting an increase of pension to Thomas L. Hewitt; S. 8485. An act granting an increase of pension to Ann Hud-

son; S. 8508. An act granting an increase of pension to Miranda

W. Howard; and S. 8511. An act granting a pension to George L. Dancy.

ARMY AND NAVY UNION OF THE UNITED STATES.

Mr. BULKELEY. I move to reconsider the vote by which the Senate yesterday amended the title of the joint resolution (H. J. Res. 31) legalizing the change of name of the Regular Army and Navy Union of the United States to the Army and Navy

Union of the United States of America.

The motion to reconsider was agreed to.

Mr. BULKELEY. I move to amend the title so as to read: "A joint resolution authorizing the wearing of the distinctive badge adopted by the Army and Navy Union upon all occasions of ceremony."

This amendment of the title agrees with the joint resolution as passed.

The amendment of the title was agreed to.

INCORPORATION OF BANKS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask the Chair to lay before the Senate the bill S. 6906, just returned from the House.

The VICE-PRESIDENT laid before the Senate the bill (S. 6906) to provide for the incorporation of banks within the District of Columbia, returned to the Senate in compliance with its request.

Mr. GALLINGER. I move that the votes preceding the passage of the bill and by which it was passed be reconsidered.

The motion to reconsider was agreed to.

Mr. GALLINGER. I move that the bill be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

# AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908.

Mr. SIMMONS. Mr. President, are amendments in order? The VICE-PRESIDENT. Amendments to committee amendments only.

Mr. SIMMONS. I wish to introduce a general amendment. The VICE-PRESIDENT. The bill is not open to general amendments. Under the agreement committee amendments are to be first considered.

Mr. SIMMONS. I should like to offer the amendment at the present time.

The VICE-PRESIDENT. It is in order to propose it, and it will lie on the table.

Mr. SIMMONS. I think the chairman of the committee will accept the amendment.

Mr. PROCTOR. I feel it my duty, in the interest of the dispatch of business, to ask that the pending amendment be temporarily laid aside and that we proceed with some other amendments which I think can be rapidly disposed of. I hope we shall very soon be able to take up the pending amendment again.

Mr. KEAN. May I ask the Senator from Vermont if it would not be just as well to interpose the point of order now and let the amendment go out, and let us proceed with the consideration of the bill?

Mr. PROCTOR. That is not for me to pass upon.
Mr. CARTER. If the Senator from New Jersey will permit me

Mr. KEAN. Certainly.

Mr. CARTER. In that behalf permit me to suggest that while the point of order could be interposed by anyone at any time, it would not abridge the discussion of the subject, because Senators desiring to express themselves with reference to the matter will take occasion to address the Senate on other amend-

Mr. KEAN. I will say to the Senator from Montana that my only object was to try to abridge the discussion, and if that would not do it, I certainly would not insist upon the point of

Mr. CARTER. This discussion can not be abridged at the present time.

The VICE-PRESIDENT. Without objection, the amendment

will be passed over.

Mr. PROCTOR. I ask that the amendment on page 41, line 12, adding \$1,000,000 to the general appropriation for the Bureau of Forestry be taken up. I have myself no desire to discuss it at all. It has been discussed considerably. I think it is admitted by all that there should be some substantial addition, and the Secretary has gone over the matter carefully with me this morning, and says that will leave them less than they would have had if they had retained the right to use the receipts as was provided originally, the receipts now being required to be turned into the Treasury.

Mr. DEPEW. Mr. President, I hope the amendment will be adopted. I will not detain the Senate more than a few minutes

in giving my reasons

have listened with the utmost interest to the debate, and while it has taken a wide range it nevertheless has been instructive in the elucidation of the question which has been raised by the effort to add this provision to the pending bill. Some three years ago I had occasion to study the forestry policy upon a question then pending in relation to the Appalachian Mountains. Since then to the Appalachian proposition has been added an amendment covering the White Mountains. Here we have the direct reverse of the question which has received so much attention and excited so much opposition from the western Senators. Here is the East, the older States, asking that the Government policy of forest reserves may be applied within their borders, the forests they have left, preserved, and the regions laid waste by ruthless destruction reforested.

The discussion has tended to prove, if it has proved anything, from the standpoint of Senators who have talked so ably and so eloquently, that the whole forest-reserve system as now administered is a great mistake. But, Mr. President, this forest-reserve system is now only about fifteen years old. If I remember rightly, it was begun in its present form only about ten years ago, and it has already accomplished extraordinary

results.

One would think, to hear the speeches of Senators, that forestry was an innovation in our country and that it has never been practiced anywhere else. There is no system for the benefit of a country and its people which has been better thought out and more practically demonstrated than this in the older countries of the world. It began in Switzerland a thousand years ago. Five hundred years ago Switzerland had a scientific method of forest reserves. Except for what that Government did so intelligently, Switzerland would be to-day practically depopulated. As you go in the railways through the valleys of Switzerland, the most attractive thing is the scene presented by the Swiss cottages up as high as the eye can see on farms which are upon the almost perpendicular slopes of mountains. They are held there and populations are supported by reason of a systematic and scientific system of forest reserves. Under it you will see at once that all that mountain country is so dotted with forests, large and small, that they catch the snow and hold the rainfall and prevent the mountains from being de-nuded of their soil and the farms in the valleys from being carried off into the rivers.

It is the same in Germany. As you go through Germany and look out of the car windows or make excursions by automobile through the territory you find the beneficent results of a scientific system of forestry which has been in existence for hundreds of years.

The attack has been specially made here upon the college man and the man educated for this particular purpose who is exploiting our reserves, and it is said the conditions in the West

can only be known by the settler and the hard-headed man upon the soil, who has never given a moment's attention to the study

Sir, in Germany they have had for numberless years schools of forestry the same as they have their famous universities for the education of their professional and scientific men, and no man there can enter upon the forest occupation under the Government until he has won his diploma and is certified by the schools of forestry for his occupation.

We have in this country about one-fifth of the forest lands owned by the Government. In Germany 26 per cent of the forest lands are owned by the Government, and not only that, but every individual owner is compelled by rigid government laws and government inspection, under the direction of this criticised body of foresters, to look after his own trees upon

his own land.

But we have another lesson from those countries, sir, and that is the reforestation of the land. Italy found that she was losing her soil and productiveness and injuring her people because of conditions which had arisen from the deforest-ing of the land in the centuries which had gone by, and poor as Italy is to-day—and her taxes are, I think, greater than those of any other country in the world—she is spending \$12,000,000 now to reforest the lands and to bring back those trees and groves which inspired the genius of Horace and of Virgil and the poets whom we studied in our youth in the colleges

In France they established a scientific system of forestry in the time of Louis XIV. But the destruction of the forests had gone to such an extent that shortly afterwards it was discovered that they must not only preserve the forests that were in existence, but that they must reforest, as far as possible, vast sections of land. Within the last twenty-five years there has been spent in France in reforestation \$18,000,000, and \$24,-000,000 has been appropriated for the continuation of the process of foresting under scientific rules all over the country.

This reforesting is costing in Italy \$20 an acre; it is costing in France \$34 an acre, and we are securing now, where the forest still exists, forest reserves without costing anything in taxation upon the people except their preservation by a proper

system.

The system of making money out of these forests has been assailed. The forests of Germany yield an income to the Government of from \$1 to \$5 an acre, and the older and more scientific methods in Switzerland yield an income to the Government of \$8 an acre. We have here the report of the Chief Forester that within two years our own forests will be selfsustaining. Why should not the Government derive an income from this system when the purpose of the income is to preserve the sources of the water supply and to preserve for the people of this country what is equally as important, the wood, with all that that means?

Now, take the conditions in the Appalachian regions, which I have had occasion to study. There is the only territory with hard wood upon it which exists in this country in any consid-Hard wood is becoming so scarce and at the same erable area. time so valuable they are running light railways up into those mountains, and with the indiscriminate manner in which the lumberman cuts his wood they devastate the whole country. The big trees and the little trees all come down, and then when

they are cut off the farmer has his opportunity.

We have here in perfection exactly the system which my eloquent friend from Idaho [Mr. Heyburn] was so admirably advocating a few minutes ago—that the present generation and the present time shall enjoy the benefits of the soil and of the After the lumberman has swept off the forests from the Appalachian Mountains, then comes the farmer. There is under those trees a humus several feet in thickness, the accumulation of centuries, which acts as a sponge. There is a greater rainfall in the Appalachian Mountains than there is in any other part of the country, and that rainfall is held in that sponge and percolates out into the streams and into the rivers for the preservation of agriculture in the valleys of seven rivers and of six States.

What have been the results from practical experience of deforesting that region as far as it has gone? These results I state from study and observation. For the first three years the farmer from this rich soil gathers an abundant harvest, a harvest which enables him probably to pay for his farm. with the floods carrying off his farm into the valleys he has three years more in which the grass will grow, and nothing else, where he can graze his stock. Then the rocks are bare, and he has to move on after the lumberman for new farms, until they also have disappeared in the valleys.

But there is another result which has come from the defor-

esting first and then the denuding of the mountain sides. The waters not being held pour down in floods into the valleys and tear great gullies through the valley farms and run them off into the rivers and out toward the ocean.

Four years ago one flood in the Catawba Valley cost that valley a million and three-quarters of dollars, and within the whole area three years ago of those six States there were \$18,000,000 in value of farm lands wiped out of existence by the floods, which came from this inexpert, unwise, and unscientific method of deforesting.

Mr. President, not only are the people of certain States, as has been claimed here, interested in this matter, but the people of all the States, the whole people of the United States are interested. They are interested in keeping the wood so that we shall have a wood supply forever. They are interested in keeping the farms so that the product shall feed our Eastern and Middle States, where we can raise only about one-tenth enough

from the farms to feed our population.

In regard to the administration of the forest reserve and the attack which has been made in a good-natured way upon the Forester, and in a way the opposite of good nature upon the Secretary of the Interior, that seems to me to require only a word. If forestry is scientific, it needs a scientific man and an educated man to be at the head of it. If the forestry department is a scientific department, it requires trained men to manage it. It certainly is to the credit of the Chief Forester that out of this chaos he should have brought a system under which he has persuaded succeeding Presidents of the United States, and the different Secretaries of Agriculture while he has been in office, to recommend to Congress, and has persuaded Congress to make the legislation by which we have the forest reserves, by which we have their administration, and by which we have the continuance of the system.

Senators speak about him as if he were an autocrat, acting alone upon his individual judgment. But it must be remembered that the recommendations which come here in regard to forestry come from the Secretary of Agriculture, and in regard to other lands in the forestry division from the Secretary of the Interior, and all of them from the President of the United States, so that before the matter of administration is acted upon it always has the approval of not only the Chief Forester, but also of the men who stand at the head of these great Departments in the Cabinet of the President, and of the President of

the United States.

I know the feeling there is against the Secretary of the Interior, and I think that feeling in its geographical division marks the sentiment in the East and in the West in regard to this forestry question. In the East the Secretary of the Interior is regarded as one of the most courageous and high-minded public officials the country has ever had, and west of the Missouri River apparently the sentiment, at least in some of the States, is voiced by the remark of the witty Congressman who said that if the Secretary of the Interior retired, as was expected, on the 4th of March, there would not be a dry throat from the Missouri River to the Pacific Ocean. [Laughter.]

But, Mr. President, it seems to me that we are acting most unwisely in cutting down, as we shall do, unless this amendment is adopted, the appropriations for the continuance of this work. The experiment has gone on for ten years. The experiment has produced wonderful results, which have received the approbation of every man who has studied and become familiar with this question. It has produced results which have placed us in the line of the older countries with their experience in the conservation and preservation for all posterity of this mag-

nificent heritage.

The Forester says that in two years these vast domains will become self-supporting and in five years they will give a large revenue to the Government. He is justified in saying that by the results which have come during the ten years of administration and segregation, and he is justified in saying it from the results of hundreds of years in the older countries where from necessity this system has been practiced and these wise meas-

ures have been adopted.

So I say it is both good legislation and wise administration to permit the President, the Secretary of Agriculture, and the Chief Forester to continue and complete this plan, and then see whether the results which they promise and prophesy come about. If they do, then these criticisms are a mistake. If they do not, we have lost nothing in the two years; we have lost nothing in the five years; instead we have preserved for all the people of the United States, instead of giving them up to great combinations of lumbermen, this magnificent heritage of the forests of our country.

In our own State of New York we have felt the unwisdom of our forefathers in grasping for their generation and for im-

mediate profit the woods. As soon as we began to enlarge our canal we found that the water had to be supplied which would give the depth necessary for the navigation which was desired, and then a diligent study showed that we must preserve, as far as possible now, the sources of the water supply. The State entered into a plan of forestry in the Adirondack region based upon that of the General Government, in which they have already spent millions of dollars and will spend millions more. The experience of New York will be the experience of every one of these States if, now while we have the opportunity, the Government is permitted to carry on this system wisely and efficiently.

Mr. BEVERIDGE obtained the floor.

Mr. PROCTOR. I wish merely to state that I believe the amendment before the Senate is the one on page 41, line 12, after the word "expenses," to insert the words "one million." As I said, I have nothing to say upon that amendment. It has been already pretty fully discussed.

The VICE-PRESIDENT. The question is on agreeing to the

amendment on page 41.

Mr. BEVERIDGE. Mr. President, the question immediately before the Senate is whether or not the appropriation for the Forest Service, which the other day, perhaps without full information, was reduced, is to be restored. After the very long attack upon the Government's policy, I may be permitted some time to explain and defend it. No debate which has occurred this session has been so useful as this in informing both the Senate and the country on a policy of such high importance.

There are those of us who were deeply interested in this question and yet who were not informed about what this Service meant and about the priceless work for the whole country which it was doing. There have been in the course of this debate some points made, charges made, and various statements made which require some attention; and it is to do this that I rise to address the Senate before we take any vote, if a vote, indeed, shall be necessary upon this amendment.

### SIGNIFICANCE OF RESERVE POLICY.

The Senator from Wyoming [Mr. Clark] the other day began his remarks by asking the question, "What does this great forest-reserve system," which he said included some 200,000 square miles, "mean?" Since then, Mr. President, the question has been pretty fully answered. It means, perhaps, a wiser piece of public policy, so far as the present and future prosperity of this people is concerned, than any one single other piece of public policy affecting our lands. It means, Mr. President, at the bottom the conservation and the distribution of the waters, upon which agriculture depends, and upon which the population of the Senator's State and of other States similarly situated depend for its growth more than upon any one other single element that can be named.

### RESERVES THE MAINSTAY OF IRRIGATION.

Mr. President, we are spending now, or arranging to spend, some \$50,000,000 for the irrigation of what was once thought was the "arid West." I remember very well the great fight which was made for the irrigation law. It was finally put through the Senate and the House against the counsel of some of the most conservative members of each body, but I think its wisdom now is universally recognized by men of all parties and men of all sections.

But, Mr. President, you can not irrigate with a word—you have to irrigate with water. You can not irrigate merely by digging a hole in the desert; not enough water is supplied. In the last analysis it must come from rainfall in the mountains. The Senator knows better, no doubt, than I do that unless the forests on those mountains are conserved irrigation is impossible. Because if the forests are felled the rain which falls in equal abundance sweeps down in torrential floods and either takes away the reservoirs or fills them up with silt. So the basis of the whole irrigation system, which means so much to the western country, and therefore to the whole country, rests upon the foundation of the forest-reserve system.

Mr. F. H. Newell, Chief of the Reclamation Service, has repeatedly emphasized the very great importance of forest reserves in connection with the Government's irrigation work. In the second annual report of the Reclamation Service (1902–3) Mr. Newell stated: "One of the most important matters in connection with the permanent development of the water resources of the country is the protection of the catchment basins from destructive influences. It is essential to preserve in such locations a certain amount of forest cover, and to prevent the destruction of these by fire or by overgrazing. The headwaters of many of the important streams are already included within forest reserves, and some of the important reservoir sites are thus guarded from injury. In other localities the

forest reserve boundaries should be extended to include the country from which comes the greatest part of the run-off. This land usually has no value for cultivation, is rugged, and suitable only for the production of trees. Grazing to a limited extent is practicable and will not interfere with the best use of the waters, but if unrestricted the number of cattle and sheep may be increased to such an extent that the grass is destroyed and the bare soil is washed by storms.'

Again, at the hearing before the Committee on the Public Lands of the House of Representatives (January 11 to 30, 1901),

Mr. Newell explained himself as follows:

"As Mr. Walcott has outlined, the great undertaking of national importance is first to hold the timber-clad mountains of arid country from which the water comes in forest reserves, not keeping the timber from use, but letting it be cut under such restrictions as will enable the matured timber to be taken and keep the forest itself as a perpetual crop. This has already been entered upon by the National Government."

In the course of an address before the Society of American

Foresters (March 19, 1903) Mr. Newell said:

"The future of these reclamation projects is dependent largely upon the keeping of the forest areas in good condition. All of these rivers whose waters are to be utilized issue from forests. We are vitally interested in the preservation and proper control of the forest reserves. Much has been written of the theoretical influence of forests upon the rivers, and it is evident that in the planning of these reclamation works it is to their advantage that the forest reserves be extended to take in as far as possible the catchment areas of the streams. This work of the Government is not a tentative experiment, and every condition must be kept as favorable as possible for the future maintenance of these great works."

ALL RESERVES CONSERVE TIMBER OR WATER.

Forest reserves are created for these main objects: To conserve and regulate stream flow, and to maintain a permanent supply of timber. Some forest reserves are valuable for both these purposes; others are valuable mainly for their effect upon stream flow. In southern California, for example, forest reserves have been created in the San Gabriel Mountains, not with the chief purpose of the production of timber, because these mountains are largely covered with brush known as chaparral and have few trees growing upon them. But these southern California reserves serve a most valuable purpose in maintaining the flow of streams rising in them, which supply important cities, such as Los Angeles, and are essential for the development of water power, and, above all, in the conservation of streams used in the irrigation of arid lands. Again, areas in these reserves are capable of growing trees, although no trees are growing upon them at present. As rapidly as its funds permit, and conditions warrant, the Forest Service is planting up these areas.

To make the boundaries of forest reserves conform exactly to the boundaries of existing forests would be to leave out of these reserves large areas which are of immense value as a protection to the water flow, and which have grown trees and will grow trees again under proper methods. Obviously the boundaries of forest reserves must be drawn not to conform to the boundaries of existing forests, but based on the actual character of the country in its relation to the objects for which reserves are created. Brush and grass covered areas of natural forest land in the mountains, even if they do not now produce trees, ought to be given exactly the same protection as existing forests receive, because they often exercise a not less important effect in

conserving and regulating stream flow.

The Forest Service has never recommended the creation of a single reserve the land inclosed in which can not serve its main purpose either by the regulation of stream flow or by the production of timber. No considerable bodies of open range are included in forest reserves. So far as open range is included, it has been included not as range land, but because it is necessary to the protection of stream flow or because it is suitable for forest planting.

RESERVES BASED ON THOROUGH EXAMINATION OF LANDS,

Mr. President, the Senator from Wyoming [Mr. Clark] said further-and it was a most important charge, one that we should carefully consider, one that the country should know the truth about—that the reserves had been created without knowledge of actual conditions upon the ground. So far from that being accurate (and I am satisfied that neither the Senator nor any other Senator who spoke meant to make an inaccurate statement) perhaps as much as in the case of any other scientific department of the Government the most careful, detailed, painstaking, and scientifically accurate examinations were made.

Mr. CLARK of Wyoming. Will the Senator allow an inter-

ruption?

Mr. BEVERIDGE. Certainly.

Mr. CLARK of Wyoming. I ask the Senator if he refers to my statement—the only time I remember to have referred to it—when I spoke of the effort to create the forest reserves under the appropriation made by Congress of \$25,000 when a special committee went out to make an examination?

Mr. BEVERIDGE. I will state to the Senator that I do not know whether that was what he referred to at the time.

Mr. CLARK of Wyoming. I made that statement, and my information was from the chairman of the special committee appointed, after he returned to Washington and the reservaons were made.

Mr. BEVERIDGE. I do not know whether the Senator was referring to that or not. That was some time ago-in 1896, to be exact. That was before the Government division of forestry had anything to do with examining land for forest reserves.

Mr. CLARK of Wyoming. That is the only one I remember. Mr. BEVERIDGE. I am not so particularly referring to the Senator's being accurate as I am to the general impression which was produced by that and similar statements, I frankly say to the Senator, produced upon my own mind and which has not yet been by authority denied-not denied to any extent-because we are not concerned with denying; we are trying to get the truth.

These reserves, I say, are created after the most painstaking, comprehensive, and scientific examination of conditions on the ground. If it were earlier in the day, I should stop here first to read to the Senate the details of the plan upon which information is gathered for determining whether or not a forest reserve shall be made. None of us could have more valuable information upon that subject, which is quite as important as any other subject we now have before us, than the method by which this vast reserved forest system, which is the heart and source of all the water for the great irrigation system, is made.

I hold in my hand, and I shall ask to have entirely inserted in the Record in my remarks, the instructions to the field men who make the examinations. I want to read two or three of these instructions—I will not read them all, they are too voluminous—but from the two or three I do read the Senate can see the minute care taken in ascertaining knowledge upon which to

make the reserves.

Eight or ten pages are almost entirely devoted to giving painstaking directions to the men who are to make the physical examination of the ground in order to collect the information for the making of these reserves. I shall ask that a portion of this which I have not read be inserted in my remarks.

The VICE-PRESIDENT. In the absence of objection, it will

be so ordered.

The matter referred to is as follows:

The following outline must be considered in the examination and used in writing the full report, or it will be returned for correction:

1. Location and area.

2. Description of topography.

3. Climate, showing any difference between the reserve and adjacent agricultural regions. Precipitation, prevailing rain-laden winds, etc.

4. The forest.

5. Paracter of the cover (to be compiled by the distribution and character of the cover (to be compiled by the distribution and character of the cover (to be compiled by the distribution and character of the cover (to be compiled by the distribution and character of the cover (to be compiled by the distribution of the cover should be disintguished and mapped:

1. Commercial forest.—Actual saw, stull, or tie timber, irrespective of its accessibility. A merchantable forest.

2. Timber land.—Land-bearing commercial species, either reproduction under 20 feet high or too scattering to be a merchantable forest. Potential forest land capable of producing merchantable timber.

3. Woodland.—Juniper, piñon, oak, aspen, etc., without mixture of commercial species. It may be a cord-wood forest.

4. Cut-over land.—Wherever logging has been carried on, whether stripped or merely culled.

5. Burns.—Where the cover has been totally destroyed.

6. Chaparral.

7. Open grass land.—Parks or open range.

8. Sagebrush.

9. Cultivated land.

10. Cultivable land.

11. Barren land.—Above timber line, slide rock, cliffs, etc.

(b) A brief description of the various silvicultural types of forest cover; reproduction.

(c) A rough estimate of the amount of merchantable timber, according to watersheds or logging with.

(b) A brief description of the various silvicultural types of forest cover; reproduction.

(c) A rough estimate of the amount of merchantable timber, according to watersheds or logging units; its accessibility, and means of logging that must be used, and prevailing stumpage price. Definite recommendations as to stumpage prices and method of sale to be pursued in the event of creation of the reserve.

5. The forest as a protection cover: Its effect on the regulation of the water flow. Use of water for irrigation and power at present and possible acreage and value of Irrigated and irrigable lands dependent on the reserve for water supply. Location of reservoir sites and possibility of ditch applications. Any areas or slopes from which timber should not be sold.

6. Industries: Nature, relative importance, dependence on water and timber in proposed reserve and adjacent affected regions. Extent and value of most important interests.

7. Settlements: Location, size, importance, and industry. Table of allenated lands, showing area in acres of each class and per cent of recommended reserve.

8. Roads, trails, and railroads.

9. Lumbering: Extent of lumbering in the past and at present. Its effect upon the forest. The condition of cut-over lands. Effect which creation of reserve would have upon lumbering. Need for reserve timber. Means of supplying it from elsewhere. Standing and retail prices of different species in the local market.

10. Grazing: To what extent the prosperity of the local residents depends upon live stock, and to what extent is the stock dependent on this range. How many stock now using reserve and how distributed. Where owned. Whether stockmen own ranches or reside in reserve. To what extent as a summer range proposed reserve limits use outside range. Whether it includes lambing grounds. Conflicting interests, such as between sheep and cattle, local and outside stock, etc. Merits of the controversy.

Description of pasture lands, their nature, brush, grass, etc. Extent of open parks and pasture in timber. To what extent grazing has injured the range or forest. Manner of handling. Size of herds.

Areas, if any, from which stock should be excluded. Division of pasture lands. Give plan, number to be allowed, length of season, any special regulation necessary. Practicability of a division of range into individual ranges. Necessity for counting wings, drift fences, dipping vats, windmills, etc. Cost and location.

11. Fire: Damage from fire; usual causes. Threatened points. Season. History of burns, Prevention. Area burned. Outline a definite plan of protection and patrol. Are fire lines feasible?

12. Situation. A brief description of the political and economic stuation of the locality (settlements, county, or State) in its bearing on the reserve question. From whom will opposition come and why? Attitude and motives of influential men or corporations. Any illegal settlements or operations. And concessions that the Forest Service shoulanke. Labor prices and cost of living in the surrounding communities.

13. Local sentiment in regard to the creation of a forest reserve: A special effort should be made to obtain all ar

Mr. BEVERIDGE. Furthermore, I have here, and will exhibit that the Senate may see it, a map of the Shoshone or Coeur d'Alene Reserve in Idaho. The Senate will notice the various colors. This deep green here [indicating] in the south-west portion is the heavily forested portion of this reservation. These brown patches [indicating] throughout that reservation are the burnt-over districts, where millions of dollars, the property of the United States, has been destroyed by forest fires. The lighter portions here [indicating] are the young timber. There are other portions that represent sagebrush.

With reference to this green portion here [indicating], within these lines, heavily wooded, it is nearly all taken up by the State or by settlers. That is the "ruthless" and "infamous" way in which the Government of the United States has destroyed the resources of the State, as Senators have charged.

Here [exhibiting] is another map of the same region which I exhibit in order that the Senate may see the accurate and scientific care taken in ascertaining the facts by the men on the ground. This map shows the lands which are patented. They are these [indicating]. They are the lands which are patented, where people have gone in. These [indicating] are the approved railroad lieu selections—and I am going to have some thing to say upon that subject, I will say to the Senator from Montana, pretty soon. The unapproved selections are these [indicating]. The approved State selections are in blue, which Senators can see here [indicating]. The school lands are here [indicating]. So I might go on. I am exhibiting this map to the Senate in connection with the other one, to show Senators the extreme care with which not only the work is mapped out, but with which the work is executed.

TIMBER FREE TO SMALL USERS FOR HOME BUILDING AND OTHER NEEDS. Mr. President, having located a reserve, what occurs? In the first place, it is again carefully mapped, classified, and examined. The Department knows just exactly what kind of timber is in every part of the reserve. What is done with that timber? Two things are done with it. It is given away by the Government to the small users without charge—to the settler, to the homesteader, to those men that we have been led to believe were so badly treated by this "tyrannical" Government—and who with this timber build their homes. Lumber and timber are given free of charge. Not only is the place to build their homes given them, but all the timber they need.

In order to show how fairly and with what careful detail the law providing for the free use of timber and stone is applied, I will quote the regulation in this respect:

"Regulation 10. The free-use privilege may be granted to set-tlers, farmers, prospectors, or similar persons who may not reasonably be required to purchase, and who have not on their own lands or claims, or on lands controlled by them, a sufficient or practicably accessible supply of timber or stone for the purposes named in the law. It may also be granted to school and road districts, churches, or cooperative organizations of settlers desiring to construct roads, ditches, reservoirs, or similar improvements, for mutual or public benefit. Free use of material to be used in any business will be refused, as, for example, to saw-mill proprietors, owners of large establishments or commercial enterprises, and companies or corporations. The free-use privilege will not be given to any trespasser."

To what extent this free-use privilege was actually availed of last year, the following statement shows:

Free-use statement for 1906.

FEBRUARY 6, 1907.

State.	Total value.	Number of permits issued.
Alaska Arizona California Colorado Idaho Montana Nevada New Mexico Oklahoma Oregon South Dakota Utah Washington Wyoming	\$3, 807, 79 5, 880, 53 10, 432, 33 10, 804, 90 12, 089, 77 2, 950, 24 147, 67 8, 609, 56 2, 545, 18 8, 593, 28 291, 89 2, 394, 27	401 1, 106 2, 196 2, 448 1, 414 781 7 890 758 3, 253 61 260
Total	68, 547. 41	13,575

Approximately, 35,000,000 feet.

TIMBER SOLD SO THAT FOREST IS CONSERVED.

Next certain timber is sold, and to whom? To those who wish it, whether in small or in large quantities; not for their own use, but for commercial purposes. Ought the Government give it to them? Heretofore men have made millions sawing into lumber the timber that belonged to the people of this Nation. Shall we return to that policy?

Now, then, what timber is sold?

I will come in a moment to the question of policy that was

I will come in a moment to the question of pointy that was raised as to "the Government being a merchant."

Not only is what is known as "down" timber, to which the Senator from Wisconsin [Mr. Spooner] referred yesterday, sold, but what is called "ripe" timber is sold.

Mr. SPOONER. I said that.

Mr. BEVERIDGE. I did not hear the Senator when he said it. Perhaps I had been called out of the Chamber. Then the Senator did cover that. The truth about it is that these forest reserves are merely great natural wood factories, and unless reserves are so treated, and trees cut that should be cut and when they should be cut the result is bad to the forest itself. It is blown down, it rots, and is itself a source of decay. What shall the Government do? Let it fall and let it rot? It is the Government's property, just as much as the chairs in this Chamber; just as much as the money we seem to be so afraid to appropriate is Government property.

The prime object of the forest reserves is use. While the forest and its dependent interests must be made permanent and safe in preventing overcutting or injuring the every reasonable effort is made to satisfy legitimate demands. Timber cut from forest reserves may be handled and shipped like any other timber, except that it is not sold for shipment in regions where local construction requires the entire supply, or is certain to do so in the future. Anyone may purchase timber except trespassers. Forest rangers are authorized to sell timber in amounts not exceeding \$20 in value; forest super-

visors not more than \$100 worth, and the Forester larger sales.

We talk about "economy." Economy of what? Of the Government's resources, and those resources consist in eash, in land, in trees, in ships, in anything else that the Government So, if we are conserving these trees, and derive revenue from them, we are practicing the highest economy just as much as if we are careful—and we should be careful—of the actual dollars appropriated.

In all, over 300,000,000 board feet of this timber was sold during the last fiscal year. Of the benefits which flow to the community from the administration of the National forests the Secretary of Agriculture, in his last annual report, truly said:

These National forests are being made useful now. The benefits which they are to secure are not deferred benefits. Through Government control the interests of the future are safeguarded, but not by sacrificing those of the present. Far from handicapping the development of the States in which they lie, the reserves will powerfully promote development. They work counter to the prosecution of no industry, and retard the beneficial use of no resource.

And again:

And again:
Finally, Forest Service administration of the reserves is beneficial alike to the lumber industry and to the timber-consuming public. There is now standing on the reserves not less than 300,000,000,000,000 board feet of merchantable timber. This is not locked up from present use as a hoarded supply against future needs; it is ready for the immediate demands of a developing country. It will not be rushed upon the wholesale market in competition with the cheap stumpage prices of private owners anxious for ready money, and it will not be disposed of under a shortsighted policy of utilization which would leave a gap between the end of the present supply and the oncoming of the second crop; but it is and will continue to be available, first for the small user—homebuilder, rancher, or miner—and then for the needs of lumber concerns, large miners, and railroads for which a timber supply is indispensable, and which, in turn, are indispensable to the prosperity of the West.

So that, Mr. President, is what is done with that wood, and

So that, Mr. President, is what is done with that wood, and that is not only bringing a revenue into the Treasury, but it is creating a continuous revenue from the same source for the future. I ask any Senator who objects to the Government being a "merchant," as we have heard, whether or not any Administration could be justified in not saving to the people of the United States the revenue that comes from the sale of this tim-What else would you do with it?

Would you give to one man to receive freely and sell for his own profit the timber for which another man stands ready to pay two or three or five dollars a thousand feet-millions upon millions of feet of it? For there is no other choice than this either some favored individual or the people of the United States must receive the benefit. Under sales already made the Government will receive hundreds of thousands of dollars. The timber sold can not be removed except in large quantities; expensive plants must be provided to make it possible to utilize the timber at all. Should the Government abstain from receiving this revenue that some private individual may gratuitously reap a fortune? If so, on what principle shall selection of the person to receive this princely favor be made?

TECHNICAL INVESTIGATIONS ADD TO COUNTRY'S WEALTH.

But that is not all, Mr. President, nor is it perhaps the most important thing. We are developing this country, developing its resources. I very greatly doubt whether we have had any source of tangible wealth to the people so great as the aid that has been given the people in information, scientific direction, and help by the Department of Agriculture. An entire day might be most usefully spent, both so far as the people and the Senate are concerned, in reviewing the actual practical help to the people by the information that is gathered and given to the farmers of the country by the Department of Agriculture.

So the next thing the Forest Service does is to constantly test the trees and the various kinds of wood for new uses. that some woods which formerly were supposed to be worthless are most valuable; so that, as one kind of timber is cut off and the lumber disappears another kind of timber is found.

I cite as examples of that two trees with which some Senators here will be especially familiar. One is the western hem-lock and the other is the southern gum. The southern gum was a tree which afforded excellent lumber, but which immediately warped, so that the stock expression of a lumberman was that if you were to go to sleep on one side of a southern gum board you would wake up next morning on the other side of it, because it would warp so. But the Department has found a method of cutting and treating it so that it has become one of the considerable resources of the States where it grows. It has taken the place of wood which heretofore was used al most exclusively, but which now has become practically exhausted, just because we did not have such forest preservation as is now proposed.

Another is the western hemlock. Up to a few years ago the western hemlock was supposed to be unfit for lumber. Department has developed the fact that it makes an admirable lumber; and now it constitutes a source of real revenue to the States where it grows.

The Forest Service is active in finding new uses for sawmill waste; testing new woods to be used for paper in place of those which are becoming exhausted or too expensive; testing new woods for mine props, railroad ties, box boards, vehicle woods, wooden pavements, cooperage, and many other uses. It is studying methods of preserving woods against decay, and is thus increasing enormously the service that can be got out of wood in some of its commonest uses. In this one field its work is equiv-

alent to increasing the timber resources of the country by creating out of nothing thousands and hundreds of thousands of acres of standing forest. Both by promoting economy in the use of wood and by preventing waste in harvesting the forest crop it has added millions of dollars' worth of material to the national wealth in private ownership.

Mr. President, that is not only creating wealth for the Government as such, but it is creating wealth for the people, because, of course, most everybody knows that most of the forest land of the United States is held by private owners. I think perhaps less than one-fifth—the Senator from Wyoming may know about that, and I want to be corrected if the statement is wrong, and it is too high, if anything-is held in Government

Mr. CLARK of Wyoming. It is very much too low.

Mr. BEVERIDGE. You mean that much more than the amount I named is held by private owners?

Mr. CLARK of Wyoming. Yes. Mr. BEVERIDGE. I think that very much more than I have stated is held by private individuals, but the private owners do not and can not, unless they operate upon a scale almost as great as the Government itself, make these scientific examinations which discover the unknown properties of their wood. in this one way the Department is creating enormous wealth for

the American people.

Mr. CLARK of Wyoming. Right on that point, will the Senator allow me a question as to the scientific work of the

Bureau?

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Wyoming?

Mr. BEVERIDGE. Certainly.

Mr. CLARK of Wyoming. Is it not a fact that nearly all of the scientific experiments of the kind to which the Senator is referring are conducted by the private owners, and that nearly all these experiments are made upon private timber lands? ask him if that is not the general fact.

Mr. BEVERIDGE. No; not all of them by any manner of

I understand the fact to be

Mr. CLARK of Wyoming. I did not say all of them; I said pretty generally the experiment was not a united experiment between the private owner of the timber and the Government. COOPERATION WITH PRIVATE OWNERS AND INDUSTRIES

Mr. BEVERIDGE. I understand the fact to be—and I desire to get it right and I will put it in the Record right if I do not get it correct now, because we are trying to get information and we have no pride of opinion, and if any of us find that we have made a mistake we are all equally willing to admit it-I understand the fact to be about these experiments that they are conducted to ascertain the best uses of timber on the Government's forest lands, and also the best uses of timber on the lands of private owners. Where any private owner of forest land desires to test his wood, the Government cooperates very cheerfully, and even invites such cooperation. I am sure that every Senator here, no matter what may be his opinion upon any other subject, would approve that plan as a wise and common-sense thing.

In addition to cooperative work in timber tests, the Forest Service gives advice and assistance to private owners of timber lands all over the country. Unless these forests also are preserved, a timber famine not less dangerous than a coal famine is in sight. Applications for help of this kind come from both owners of small wood lots and holders of large timber tracts. What are called "working plans" are made; that is, certain rules are recommended for the proper protection, management, and utilization of the timber, to the end that the owner may be assured of a continuous supply of wood, at the same time cutting what is necessary for present needs.

The object of the wood-lot work is to give, free of cost to farmers and other small owners, advice and assistance in the improvement and use of their woodlands. The cooperative work on large timber tracts embraces the whole country, and in many cases the plans recommended by the Forest Service are now actually being carried out very successfully.

Cooperative work is also undertaken with the various States, and this branch of the work has been taken up with the greatest

detail in California.

EXPLOITATION VERSUS DEVELOPMENT.

So, Mr. President, we see what the Department is doing. I am trying to forward the work as much as possible. Of course there is a tremendous and far-reaching and deeply founded policy beneath it which I stated in the beginning, and that is the prevention of that portion of this country—and, if we could, of every portion of this country—from continuing a desert or being made into one if it is not one already. We are in a great work—and how characteristically American it is—the work of reclaiming, of saving, of developing, of making two blades of grass grow where none grew before. We have passed the period of destruction. We have abandoned that ruinous exploitation which was called "development," but was the reverse. We are replacing as fast as we can those gigantic resources which, in the strength and in consequence of our national youth, we so ruthlessly and thoughtlessly destroyed. It is a great constructive policy designed to create conditions that will supply homes for hundreds of thousands and millions in the near future and even a denser population in the more distant future.

I have described some of them. One part of it is the conservation of the water. That is a subject which ought to be spoken of perhaps for ten or fifteen minutes by itself, but I am not going to take two minutes with it. I think we all now pretty well understand the methods by which these waters are conserved. The rain falls on the mountains, and the leaves—not the trees—and the leaves and the leaf soil hold it like a sponge. The great reservoir of nature is the forested mountain, from which water is distributed over the surrounding country. This provision and plan of nature with reference to the conservation and the distribution of waters is as wise as it is beautiful.

It is to restore that condition that the Forest Service is laboring, not only with fidelity, but with intelligence that is not surpassed by any other Department of the Government, to put the statement very mildly indeed.

#### GAME PROTECTION IN ACCORDANCE WITH STATE LAWS.

Now I come to a point that I see I have jotted down concerning the creation of game preserves. I have looked into that matter, and I find that no game preserves have been created except by Congress itself, and, of course, if we ever have acted unwisely in allowing the animals which nature placed there to be preserved there, the way is open to us, without any objection from the Department, or the right of any objection from the Department, to repeal our own acts. But this is what the Department has done. I find upon examination with reference to the laws of the States concerning game that where a forest reservation exists within the limits of a State the forest reservation is patrolled, guarded, and cared for by the foresters and forest rangers of the Nation. And the Nation's Forest Service, taking care of the Government forest reserves, cooperates with the States in the execution of the States' game laws even in those reserves. Mr. President, that ought to be satisfactory—

Mr. CLARK of Wyoming. It is.

Mr. BEVERIDGE. To the most extreme State rights man. I regretted when the question of State rights was interjected here. It has nothing to do with this question. No friend of forest reserves would destroy the rights of a State, his own or any other, and I am sure, on the contrary, no rational believer in that doctrine would deny that it was not only the right, but the duty of the Nation to preserve its great forests for the large public purposes I have described, as much as it possibly could.

public purposes I have described, as much as it possibly could.

The Senator from Wyoming [Mr. Clark] said that that was what he wanted them to do. He was glad of that. My own sincere belief is that when we examine one by one the points that have been made, and gather information upon them from the original source, every one of the Senators who have spoken against, not the forest-reserve system itself, but its administration, will be entirely satisfied—yes, and even pleased, as much pleased as those of us who, on account of the exigencies of the debate were compelled to examine into those facts.

debate, were compelled to examine into those facts.

The regulation of the Forest Service in reference to the protection of game and stock is as follows:

Regulation 70: All forest officers will cooperate with State or Territorial officials, so far as they can without undue interference with their regular reserve work, to enforce local laws for the protection of game and stock. When authorized to do so by the proper State officers they will, without additional pay, act as game wardens and stock inspectors, with full power to enforce the local laws. If not so authorized they will promptly inform the State officials of all violations discovered.

discovered.

All supervisors will communicate at once with the State or Territorial game warden and request appointment for themselves and all the rangers under their supervision as deputy State game wardens. This appointment is sufficient warrant to arrest for offenses against the State and Territorial game laws.

## RESERVES NATURAL FOREST LAND.

I come now to a statement made—and it was an illustrative statement—yesterday afternoon by the Senator from Colorado [Mr. Patterson]—and I am sorry that he is not in his seat. But the Senate has heard him—and I think possibly one or two other statements were made like it. The Senator from Colorado

yesterday described, with that vigorous eloquence which so characterizes him and charms us all, the establishment in Colorado of a great reserve, larger, he said, than some States, without a single tree upon it or any tree ever having grown upon it. I took pains to look up the *facts* as to that statement; and what are the facts?

It is true, in part, Mr. President, that such a reserve has been taken up so far as the existing trees are concerned. But it was originally land every foot of which was covered with magnificent woods, which have long since been burned away until parts of the mountains—and it is a mountain region—where that reserve is are as bare of trees as three mountains I saw in the States of Colorado and California—though they were bare from a different cause—as the surface of this desk. But it is natural forest land. It is ideal for reforesting; it is being reforested. But the reforesting is impossible if all the herds and all the flocks of Colorado belonging to her great cattle and sheep kings and princes—and I have no objection to them; I should like to be a king of that kind myself,—are allowed to pasture their countless herds over that reserve at will and without control as well as without charge.

Mr. President, it was held out by intimation, if not by direct statement, that this land was fit for agricultural purposes and that the policy of the Department, therefore, had been to despotically take a principality in size, where no trees grew, and keep off the "sweeping tide of immigrants" from "founding homes." The fact is that it is above the agricultural line where homes are not "founded," and "immigrants" do not "pour in tides" or "pour" in any other way. Most of it is over 8,000 feet above the sea level, where farms are not practicable, except, I believe, a certain kind of farming, which is not worth taking into account. It is one of nature's natural forest reservoirs of water for the purpose of distributing that water for the uses of the people where the land farther down is agricultural.

What exists with reference to that land now is this: It is grown over with grasses; those grasses are good for grazing, and over that great extent, which belongs to the Government of the United States, the stockmen and the sheep men of Colorado have been fattening their herds. And they ask to do it still more—and that, too, without paying the Government a dollar.

## RESERVES NOT UNPEOPLED SOLITUDES.

Let us bear in mind the actual conditions. A forest reserve contains lands "chiefly valuable for timber." Yet if the farmer finds up and down some valley that creeps back into these mountains a site for settlement, it is open to him as much as any other part of the public domain, if he enters in good faith. The reserves have been pictured as vast stretches of unbroken wilderness, empty solitudes trod only by the forester. In point of fact, they contain thousands of ranches; they contain hamlets, villages, and towns, to say nothing of lumber camps and railroad construction camps and mining camps. Wherever signs of mineral can be found the prospector stakes out his claim. In summer they are alive with those who resort thither for health and recreation—50,000 of them in one season in southern California alone—and with the cowboys and sheep herders, who guard and care for the 7,000,000 head of animals that last year grazed in the forest reserves.

## BENEFITS OF REGULATED GRAZING.

These forests of the West are unlike those of the East. They are often open and park like, with forage plants growing beneath the trees. These grasses, like the trees themselves, will be wasted if they are not used. For this reason the Forest Service permits grazing in the reserves, but in every case is careful to exclude grazing from areas in which it has been found harmful. For example, grazing is not permitted in forests "under reproduction," as the Forester speaks of it—that is, forests in which cuttings are in progress to invite young growth. Forest reserves have never been created out of lands which are merely grazing lands. Yet this resource is like the forest in that it may be greatly impaired and even destroyed by unwise use. Unrestricted admittance of all stock would bring, and in many cases has brought, a decline in the number which the range would support. By licensing only so many head as the range can well support the Forest Service has proved to the satisfaction of the stockmen themselves that the carrying power of the range season after season is actually increased.

range season after season is actually increased.

It was said that this was the crowning "infamy" of the Department, that the Department actually charged a "license fee" before any of these men were permitted to graze their cattle. I ask the Senate what else could the Government do? Ought the Government give that privilege to the cattle and the sheep men,

and if the Government ought not to give it to them can anybody imagine a safer or more practicable system of charging than the permit system? The legality of the regulations under which the permit is required, resting upon the act of June 4, 1897 (30 Stat. L., 34-36), has never been questioned by any court. It was established by the decision of the United States circuit court of appeals at San Francisco in 1903, in the case of Dastervignes against the United States (122 Fed. Rep., 30), in which that court affirmed a decree granting an injunction to prevent unper-The district courts of Utah, southern California, mitted grazing. and the Eastern District of Washington have, it is true, decided that unpermitted grazing is not punishable as a crime—that the act of June 4, 1897, in so far as it provides for criminal punishment is unconstitutional. But Judge De Haven, of the Northern District of California, in the cases of United States against Daguerre and the United States against Urarti, held that the criminal provisions of the statute are constitutional, though in so doing he overruled a decision to the contrary made by him before the Dastervignes case was decided by the circuit court of appeals. The supreme court of Arizona, a court coordinate with the district courts, also held, in the criminal case of Dent against United States (76 Pac. Rep., 455), relying on the authority of the Dastervignes case, and overruling its earlier decision, that the statute is constitutional in making violation of the regulations a criminal offense.

#### RESPONSIBILITY FOR LIEU LAND ABUSES.

Now I come to the question of lieu land. I thought when I heard the Senator from Oregon make his charge the other day that he made a very serious charge, and when it was re-newed by the Senator from Montana it appeared to me even grave. I knew that neither one of those Senators would make such a charge as that thoughtlessly. I have looked it up, and, in my opinion, that charge is entirely true.

I think it is entirely well founded, and after my investigation I think the language of the Senator from Montana, which I thought at the time was severe, is entirely justified, when he said that the relations of the Department at one time with the

land-grant railroads would bear looking into.

I find that it is true, as the Senator from Oregon described, that large tracts of land in Washington which were worthless had been released and lieu lands taken up in valuable portions of Oregon. But what has this Bureau to do with that? What are the facts? Let us be just to everybody. Nobody intends to accuse any man falsely nor condemn any man unjustly. The truth is that was done under a construction of the law by the Land Office some years ago, and one of the first objections to it that was made within the Government itself was made by the Bureau of Forestry and personally by Gifford Pinchot, the Chief Forester

The Senator from Minnesota, who was most active in repealing that law to which a false meaning had been given by this construction of the Land Office will bear me out in that. Mr. Pinchot from first to last was active not only in suggesting in his report, which I will ask to have inserted in my remarks, but in every other way, that that thing which he himself characterized as a wrong should be undone and that the impossibility of a repetition of that wrong should be absolutely assured.

The VICE-PRESIDENT. Without objection, permission is

Mr. President-

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from California?

Mr. BEVERIDGE. Certainly.

Mr. FLINT. I should like to ask the Senator from Indiana

the date of that report?

Mr. BEVERIDGE. Nineteen hundred and four. I have written out a statement about this matter, because I wanted it to be

accurate, and I will read it.

The so-called "lieu land law," which permitted the exchange of lands in forest reserves for lands outside, was passed June 4, 1807, before Pinchot, the Forester, came into the Government service as Chief Forester. Whether or not its meaning was erroneously interpreted by the Secretary of the Interior, so as to extend its action to railroad and other lands not contemplated by Congress, is not the question. Without doubt the law was a by Congress, is not the question. Without doubt the law was a bad one and worked great injury to the Government. It was recommended for repeal February 13, 1905 (the Senator from Minnesota had charge of that), by the Public Lands Commission—and I hold in my hand the report—of which this man Pinchot, the Chief Forester, was a member, and it is my understanding that it was some his intitution that the Commission. standing that it was upon his initiative that the Commission

Mr. CARTER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Montana?

Mr. BEVERIDGE. I do.

Mr. CARTER. The Senator from Indiana will do me the justice to bear witness that in no word or suggestion have I intimated, directly or indirectly, any responsibility of Mr. Pinchot for the law or its erroneous construction.

Mr. BEVERIDGE. I do indeed so recognize. I desire to say to the Senator from Montana and the Senator from Oregon that I am making my remarks at this point rather as an extension of the remarks of those two Senators. I do this because I thought, and I think the Senator thought, that a very great wrong had been done, and it was connected in my mind, I will say to the Senator-as an impression such as we gather in debate, until I examined it—with the Forestry Bureau. But when I looked up the Senator's remarks I find that he is entirely right in what he says, and so is the Senator from Oregon in what he says.

Mr. CLARK of Wyoming. Will the Senator from Indiana permit me to make a suggestion in connection with the point

he is now discussing?

Mr. BEVERIDGE. Let me read this first, so that it will not be broken into.

Mr. CLARK of Wyoming. I am afraid we will pass away from the point.

Mr. BEVERIDGE. I will be through in a moment.

I think, perhaps, the first man in the whole Department who recognized the bad features of this law, and did it quickly, and who immediately took steps, as he always does, to correct a wrong whether he committed it or not—and in this instance we all know it was committed in the Land Office-to immediately correct it was Mr. Pinchot. The Forestry Service never did have anything to do with the wrongs of which you so justly complain, except to suggest and help in correcting them.

I hold in my hand the report of the Land Commission, made in 1904, upon which the President recommended the repeal of this law, and of this Commission the man who is now Chief Forester, at the head of this Bureau, was a member. I hold in my hand—I will not stop to read it, but the Senate can see where the blue pencil mark is, and I shall ask leave to insert in my remarks—the recommendation of this Commission, more the recommendation of this Commission, upon

which the remedial action of Congress was taken.

The matter referred to is as follows:

## LIEU LANDS.

Careful study has been given by your Commission to the subject of forest-reserve lieu-land selections. These selections have given rise to great scandal, and have led to the acquisition by speculators of much valuable timber and agricultural land and its consolidation into large holdings. Furthermore, the money loss to the Government and the people from the selection of valuable lands in lieu of worthless areas has been very great. There has been no commensurate return in the way of increased settlement and business activity. Public opinion concerning lieu-land selections, by rallroads in particular, has reached an acute stage. The situation is in urgent need of a remedy, and your Commission recommends the repeal of the laws providing for lieu-land selections.

stage. The situation is in urgent need of a remedy, and your Commission recommends the repeal of the laws providing for lieu-land selections.

A partial remedy by Executive action has already been applied by carefully locating the boundaries of new forest reserves, and thus limiting lieu-land selections to comparatively insignificant areas. The last annual message to Congress declares definitely that—

"The making of forest reserves within railroad and wagon-road landgrant limits will hereafter, as for the past three years, be so managed as to prevent the issue, under the act of June 4, 1897, of base for exchange or lieu selection (usually called scrip). In all cases where forest reserves within areas covered by land grants appear to be essential to the prosperity of settlers, miners, or others the Government lands within such proposed forest reserves will, as in the recent past, be withdrawn from sale or entry pending the completion of such negotiations with the owners of the land grants as will prevent the creation of so-called scrip."

There are now lands in private ownership within existing forest reserves, and similar lands must to a limited extent be included in new reserves. Therefore, a method is required by which the Government may obtain control of nonagricultural holdings within the boundaries of these reserves. Your Commission recommends the following flexible plan: Upon the recommendation of the Secretary of Agriculture, when the public interest so demands, the Secretary of the Interior should be authorized, in his discretion, to accept the relinquishment to the United States of any tract of land within a forest reserve covered by an unperfected bona fide claim lawfully initiated or by a patent, and to grant to the owner in lieu thereof a tract of unappropriated, vacant, surveyed, nonmineral public land in the same State or Territory and of approximately equal area and value as determined by an examination, report, and specific description by public surveys of both tracts, to be made on the ground

Mr. BEVERIDGE. I now yield to the Senator from Wyo-

Mr. CLARK of Wyoming. I think the opportune moment has gone by, but still I will put it in.

Mr. BEVERIDGE. Go right ahead.

Mr. CLARK of Wyoming. The Senator has spoken of the fact that he is convinced that a great amount of worthless land within the reserves was by operation of the lieu-land law ex-changed for a very large amount of valuable timber land out-I would ask him if he does not believe that that emphasizes the righteousness of the contention of those who have opposed the administration of the forestry policy, that many of the reserves were improvidently created? In other words, that much land has been included within them which ought not to have been included? And, further, I ask the Senator if this worthless land had not been included improvidently in reserves as timber land, would it have been possible for the railroad companies to have exchanged that land for valuable land outside, thus giving rise to these great timber scandals?

Mr. BEVERIDGE. No; I will say to the Senator exactly

But so far as concerns this Bureau and its work, and that is the subject we are now considering, what I have read, what we all agree to, is that all of the establishment of the reserves that may have been bad, was before the scientific

system that is now being practiced came into use.

Mr. CLARK of Wyoming. With all due respect to the Senator's logic, we can not accept that premise. The complaint that is made is made against the administration of the forest reserves

Mr. BEVERIDGE. I will come to that.

Mr. CLARK of Wyoming. Whether it has been under the Interior Department or under the Agricultural Department, or under Mr. Pinchot or whoever it has been under. This dissatisfaction is not aimed at Gifford Pinchot. make that perfectly plain and clear now. It is aimed at the policy which has prevailed since the establishment of forest reserves

Mr. CARTER. Mr. President—
Mr. BEVERIDGE. Now pardon me, before the Senator asks
me a question. Right there, I went over in some detail, notwithstanding the lateness of the hour, and I am not going over it again, on account of that, the actual administration, just what the Department does, to answer, without getting into any controversy, the suggestion which has been made that the tangible administration of the Bureau is in any wise imperfect even.

We can not attack the creation of reserves to-day, which everybody admits are faithfully, carefully, and with scientific accuracy created, and whose administration is as perfect as knowledge and integrity can make it, merely because in the past some person else, before this administration had anything to do with it, may have done wrong, one of which wrongs this very man himself, as I have shown, helped to correct.

Mr. CARTER. Will the Senator permit an interruption?

Mr. BEVERIDGE. I will.

Mr. CARTER. The situation of which complaint is made presented this aspect, to wit: This Government owned large areas of very valuable timber land. The ownership of the Government over the land was undisputed. The superb character of the timber growing upon the land no one questioned and everybody knew. That character of land was not included in forest reservations until a lot of destitute, barren land in Arizona and elsewhere had been included in forest reserves—land which at the time of such inclusion was largely in the ownership of railroad companies, and that private ownership of these barren lands gave to the railroad companies the right to exchange the barren lands for the superb timber lands to which I referred.

Now permit me to ask why these great, superb, and valuable timber lands were not first withdrawn as forest reservation, so to be protected from the rapacious grasp of the land-grant railroad, seeking lieu land for its trifling land in Arizona and

elsewhere?

Mr. BEVERIDGE. The original fault was in Congress, which made the law capable of the construction the Land Department put upon it.

Mr. President-

Mr. BEVERIDGE. Let me answer your question. The secondary fault was in the Land Department for putting that construction upon it and the remedy for which—and let us spend no more time on that point, because the Senator ought generously to admit it—was suggested by the present Chief of the Bureau. So the fault, whatever there is, lies with us.

Mr. CARTER. Will the Senator inform us now why it was, when this great body of splendid timber land was in peril, the power of the Government was not exercised to protect it by withdrawing it and putting it in a forest reserve, and thus

beyond the grasp of the lieu-land speculator?

Mr. BEVERIDGE, That has been a long time ago, and was

because of the law which we ourselves had passed——
Mr. CARTER. Mr. President——
Mr. BEVERIDGE. Now pardon me. I have gone over this
two or three times—and which this Bureau, and the head of this Bureau as one of this Commission, was the first to suggest the

Mr. CARTER. But the law which allowed poor land to be withdrawn certainly allowed good timber land to be likewise withdrawn. Why was not the good land withdrawn first?

Mr. FLINT. Mr. President-

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from California?

Mr. BEVERIDGE. Certainly.

Mr. FLINT. I would like to ask a question of the Senator from Montana. How long was it after the Secretary of the Interior had made the ruling he has mentioned before Congress acted and repealed the statute permitting the selection of good lands for the bad lands surrendered?

Mr. CARTER. From the very beginning it was within the power of the Interior Department to protect all the valuable timber land in the United States by including it in a forest reserve before any barren land at all was put in a forest reserve. The policy pursued was to put the barren land in forest reservations first and leave the superb timber land open, to be taken in exchange for the base lands in the forest re-

Mr. BEVERIDGE. If that was the policy, it never has been the policy under the present administration of the office.

Mr. CARTER. I refer to things done and not to policy. refer to accomplished facts and public records and not to chi-

merical policies or uncertain data.

Mr. BEVERIDGE. That is rhetoric, but as a matter of fact the Senator must be as fair to me as I was to him and admit, and not only admit, but gladly assert, and I know the Senator will, that none of the things of which the Senator complains had its source in the present administration of the Forestry Bureau.

Mr. CARTER. I admit that Mr. Pinchot complained early and earnestly of the law.
Mr. BEVERIDGE. Yes.

Mr. CARTER. I place the responsibility where I think it belongs

Mr. BEVERIDGE. That is right.

Mr. CARTER. On the shoulders of those who so connived with the construction of this law as to pass to the land-grant railroads the splendid timber lands of Washington, Idaho, and western Montana in exchange for chaparral land in Arizona.

EFFECTIVE ADMINISTRATION OF THE NATIONAL FORESTS.

Mr. BEVERIDGE. I heartily agree with the Senator.

Mr. President, I have examined briefly the policy, the three grounds of public good upon which this whole forest-reserve system rests. Now, as to the question of administration, by which we mean the management of the reserves, it includes several things. After the reserves have been located in the pains-taking way they are, as I have shown here by these maps and by the instructions to the locators of reserves, they are remapped. They are classified as to trees. There is now under the actual practical administration of this Bureau 128,000,000 acres, I believe. The Senator from Montana will correct me if I am

wrong.

Mr. CARTER. One hundred and twenty-seven million acres. Mr. BEVERIDGE. One hundred and twenty-seven million Now, through that runs a great system of forest paacres. trol. It is policed by a network of forest rangers. One Senator yesterday referred to the fact that the examination of the land could not have been thorough, because one man had gone over 4,000,000 acres in two weeks. Was it not that? It was something like that, in any event, Mr. President. What does that mean? Merely that instead of cutting down the appropriation for the proper care of the reserves it ought to be increased. As a matter of fact, the forest policing is very careful, thorough, systematic. They police the forests, and I will tell in a minute what that means. If any man thinks that a forest police is not valuable, I shall show in a moment that there is no individual service in this Government that is more valuable or more delicate.

This policing is done by the rangers-900 of them employed last year to patrol 100,000,000 acres of land-one ranger to 110,000 acres, or 172 square miles. In the highly profitable forests of Prussia there is one forest guard on the average to every 1.7 square miles. Small wonder that the cost of administration in the United States in spite of the higher scale of wages has been kept below that of any other European country except Russia. The cost of administration has been officially reported for various countries as follows:

Year,	State.	Govern- ment forests,	Actual expendi- ture on manage- ment of State forests.		Percent- age of gross in-
			Total.	Per acre.	come ex- pended.
1898 1895 1899 1895 1900 1898 1874-1893 1885-1894 1899 1899 1898	Baden	Acres. 231, 082 2, 350, 193 94, 280 6, 846, 783 2, 691, 581 62, 551 2, 573, 100 3, 512, 700 51, 192, 000 18, 640, 300 643, 087, 880	\$685, 972 3, 701, 000 124, 740 8, 408, 000 2, 801, 949 43, 597 1, 434, 000 1, 690, 385 3, 450, 000 358, 600 5, 086, 181	\$2.97 1.50 1.32 1.23 1.04 .68 .56 .34 .07 .02 .008	43 50 50 22 72 61 59 18 18

The Forest Service is now expending annually, in administering the reserves, 1.6 cents per acre. Doubtless it should spend more, and must spend more as use of the reserves increases, for wise use means supervision and supervision means expense. Every live tree that is cut on the reserves is first marked by the forest ranger's axe; every log that is sold is scaled; and this is but one of their many duties, which include guarding the range against trespass and the forests against fire. And all this with one ranger to 172 square miles! It needs no further evidence to show that these are not invalids, or Eastern tenderfeet, or college-bred impractical theorists. They are men of the West, woodsmen, cowboys, lumberjacks—men who can ride the mountain trails and live a frontiersman's life. As to their efficiency, the record of forest fires throws some illumination on that point. I shall have something to say on that subject presently.

The next thing that the Forest Service does in the actual administration, after the test of the trees, after the marking of the "ripe" or mature timber, after arranging for the sale of that and the "down" timber, is to make trails and build roads, so that it is possible to communicate with one part of the reservation from another, and, further, so that if any agricultural lands are taken up by homesteaders there is a system of communication.

Then along this road there are built telephone lines, so that if in one portion of the forest a fire starts a ranger who finds himself unable to put it out may instantly telephone for help, so that men may be sent there and extinguish the fire while it is still young. Also, they build bridges, so that instead of a wild, ruinous, and rotting tangle of forest land you have a forest land which is woven together by trails, by a network of roads, and by telephones. You have the "ripe" timber cut and taken off so as to increase the growth of that which is left. You have the "down" timber disposed of by selling it instead of permitting it to rot. You create a natural and healthy and perpetual forest, and therefore a profitable forest.

# SUCCESS OF PROTECTION AGAINST FOREST FIRES.

Mr. President, about the question of fires. In conversation yesterday I said that one of the most valuable services the Forest Service does was to preserve the forests from fires. I myself have had a little experience with forest fires and considerable observation about them, and there are Senators here from the West who have had a great deal more. It was suggested to me that the men who put out the fires are not the foresters, but really farmers. But that shows that there is still not as much knowledge in the Senate or the country as there ought to be as to what this Bureau is doing in the way of practical administration; because nearly all the fires that are now started in these mighty western forests are extinguished before they are old fires.

When a forest fire gets under way hardly all the farmers in a State could stop it; and I, in common with other Senators, have seen great areas of forest land, where millions—and I might also be accurate in saying tens of millions—of dollars' worth of Government property has been destroyed in less than two weeks' time. Then this is another part of its administration, and so excellent has it been—and I call the attention of the Senator from Montana to this, because he will know better than I—so excellent has this fire protection been that the entire West has been practically clear of smoke during the summer time for the last two years.

Mr. President, that last circumstance is something which, to those who live near great forest districts, is of absolutely incalculable consequence. I myself have seen in the forests of the Northeast mighty conflagrations raging which swept away villages and towns; and in one such fire, I remember, more than a

hundred human beings lost their lives. I have seen, and the Senator from Montana has seen much more than I, the whole atmosphere clouded for weeks with smoke from these criminal acts of negligence—because that is what they are. When the Forest Service of the United States stops one of these fires they have saved more money to the Government than ten appropriations like this. We speak of economy, but we mean economy of resources, and trees are resources and soil is a resource as much as actual dollars.

The Forest Service keeps careful records of all fires on the reserves. These include even the smallest fires, which are put out before they have covered more than a few square rods—fires which, but for the vigilance of the forest officers, might become great conflagrations, but which are extinguished without cost beyond the salary of the rangers who patrol these forests as a part of their regular duties. During the year 1906, out of a total of 97,000,000 acres under administration, one-eighth of 1 per cent was burned over, and three one-hundredths of 1 per cent of the estimated standing timber was destroyed. Out of over 1,100 fires reported, 450 were extinguished without one cent of extra cost to the Government. Nearly 700 large fires were fought, at a total cost of less than \$9,000 for extra labor and supplies. That is pretty good evidence of the efficiency of the protection which the Forest Service gives, at a lower cost per acre, as I have already shown, than any European country except Russia—and Russia's figure is so low because the greater part of her forests are not under administration at all.

#### INCREASE IN THE FLOW OF STREAMS.

The next thing is the exactly opposite thing, and yet closely connected with it—I am now talking about the actual tangible administration of this Service. The next thing which shows how completely the Service is practical and results in a definite and tangible benefit to the people is whether or not, as a matter of fact, it increases the waterflow in the streams. If we can show that it has kept the West, that mighty area of imperial forests, clear of smoke for two summers, we have vindicated it. But now if we can show, as a matter of fact, it has kept the streams' banks full, we have done more than that.

As a matter of fact, actual stream measurements made in southern California show an increase of 25 per cent in the flow of water since the reserves were created. No wonder the two Senators from California are hearty supporters of this policy. That means life to the people of California. That means prosperity to the people of that region. That means happy homes for hundreds and thousands of people. And so the Senators from California, speaking from actual experience, can testify, as they have so repeatedly testified, to the practical excellence of the tangible administration of these reserves. The same is true eisewhere.

So we see that in all the details of actual administration the Bureau is well-nigh perfect. I do not use that adjective unwittingly or lightly. I do not use it without having something of an official nature to support it. It is my purpose in the Senate to make no statement that I can not substantiate by something recognized as authoritative. I myself have never been greatly impressed by statements, however powerful they may seem, which could not be sustained by authorities.

## BUSINESS METHODS OF THE FOREST SERVICE.

The Department's conduct of these reserves has been criticised, even as to its administration here in Washington. This Department and all of the Executive Departments were examined by a commission called "the Keep Commission." I do not know whether that Commission is very popular or not, and the question is not whether it is. The question is whether what that Commission found of this Department is true. I wish to state in the beginning that a member of that Commission was Mr. Pinchot. But the man who testified before the House Committee on the Expenditures of the Agricultural Department was not Mr. Pinchot. It was Mr. Garfield, who is about to be the Secretary of the Interior. They went through all the Departments and one model department was found as to its actual administration, and particularly as to its system of auditing accounts, particularly as to the extreme care it took of the people's money. And so admirable was this Bureau found to be that it has been taken as an example upon which to recast and remodel other Departments and bureaus of the Government.

Mr. PERKINS. The Senator refers to the Keep Commission.
Mr. BEVERIDGE. This statement was given to me by the chairman of the House Committee on the Expenditures of the Agricultural Department, Mr. LITTLEFIELD, of Maine. His committee has had hearings on this very question; and it is from the testimony of Mr. Garfield I am now going to read; and then I will repeat what the chairman of the House committee

authorized me to quote on this floor as to what his report

The CHAIRMAN. State what you found with reference to the relative efficiency of the Forest Service as a whole as compared with other bureaus that you examined.

Mr. GARFIELD. The committee were unanimous in the belief that the efficiency in the Service was so much greater than we found in the other offices that we used many of the methods we found in vogue there as a basis for recommendations for changes in other branches of the Government service, believing that if they were put in vogue generally throughout the service there would be an enormous increase in efficiency in the other offices where it was adopted

There are for many pages of this for me to read to the Service

There are too many pages of this for me to read to the Senate at this late hour, but I will ask permission to insert it in my

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

[Extracts from statement of Hon. James R. Garfield, Commissioner of Corporations, Department of Commerce and Labor, before the House Committee on Expenditures in the Agricultural Department, Saturday, February 16, 1907.]

[Extracts from statement of Hon. James R. Garfield, Commissioner of Corporations, Department of Commerce and Labor, before the House Committee on Expenditures in the Agricultural Department, Saturday, February 16, 1907.]

The CIMIRMAN, Did the Commission (on Department methods) examine the Bureau of Forestry in the Department of Agriculture?

Mr. GARPIELD. It did.

The CIMIRMAN Will you be kind enough to state what they found with reference to its organization and its efficiency as a Bureau?

Mr. GARPIELD. As a member of the Commission I personally methods of accounting, the methods of bookkeeping, the method of safeguarding the supplies and the issue of supplies, the system of handling correspondence and vouchers, the system of filing, the methods in vogue for attending to the work of the aforesaid Service, so far as the methods of the office were concerned—that is, the reports of the agents who were the general inspectors in the different districts, examining the reports sent in by these officers, and following through the actions by the Forest Service upon those reports or recommendations. The general result of this investigation was that the committee unanimously of the action of the committee and system in force in the Forest Service was one of the compart of the system of, first, the arrangement of salaries, the classes and grades of employees, and the methods of promotion seem to afford the opportunity for the selection of the most efficient cumployees tail the records of the various employees and the suggestions made by subordinate orders to their superior officers in many matters connected with administration of the personnel question. There had been in the Forest Service a remarkable movement in the personnel matters. I mean that it was evident from the records that employees were reduced as shown by their records, had been promoted when opportunity afforded and when it was for the best interest of the Service.

The organization of the file service was at that time undergoing revision. There were some

The CHAIRMAN. The committee must have spent some time examining

The CHARMAN, The Countries of the Charman and the Charman and

The CHAIEMAN. What is your judgment as to the lump-sum method? Mr. GARFIELD. I think it is very much the more satisfactory method of appropriation. It of course requires a very much greater degree of inspection and care on the part of the head of the bureau, but with that inspection and care a man can accomplish very much more work with the same amount of money and get very much better results from the clerks under that system.

The CHAIRMAN. Did you see any indications of that kind of inspection and care in the Forestry Bureau?

Mr. GARFIELD. I did.

Mr. Garfield. Yes; we found conditions of that character in the Forest Service. Up until that time there had been the general supposition that cost keeping could only be successfully applied to those bureaus or Departments that engaged in manufacturing. That is not true. Cost keeping can be applied equally well to clerical work, and the system of the Forest Service was at that time being worked out for the determination accurately of the cost of the Service, both outside and inside.

The CHAIRMAN. If you have an inefficient man that discloses it?

Mr. GARFIELD. It discloses it instantly. And in regard to the Forest Service, we found that same method of handling their business was being installed there, and had been in great measure carried on there before. At the end of each month, by a system of accounting which was exceedingly simple and had been worked out on the very best of accurate and looseleaf ledger methods, the Forester was able to tell exactly what his general balance was, all the moneys expended, all outstanding liabilities, and the allotments made to carry on the various characters of work in the different reserves; and there were shown on this balance sheet not only the expenditures that had been made, but those that had been authorized, and the details of the appropriations, so that at the end of each month the Forester was able to tell whether or not his orders had been carried out and his subordinates were keeping within the allotments, and that the total was within the appropriations made by Congress for the work. The CHAIRMAN. It would be impossible to have a deficiency of any consequence if all the Departments of the Government were conducted on this plan?

Mr. GARFIELD. Absolutely impossible.

The CHAIRMAN. State what you found with reference to the relative efficiency of the Forest Service as a whole, as compared with other Bureaus that you examined.

Mr. GARFIELD. The committee were unanimous in the belief that the efficiency in that service was so much greater than we found in the other offices that we used many of the methods we found in vogue there as a basis for recommendations for changes in other branches of the Government service, believing that if that was put in vogue generally throughout the service there would be an enormous increase in efficiency in the other offices where it was adopted.

The CHAIRMAN. You say you stayed about two weeks there. Did you do that work personally, or were the whole commission there for the two weeks?

you do that work personally, or were the whole commission there for the two weeks?

Mr. Garfield. Yes; we spent one, two, or three hours a day, as the case might be, and the members of that commission went personally through every division of the office, and all the files of the office. I personally went over these records in detail, and the office accounts in detail. I called for various cases to see what the conditions of the files were. I called for letters on subjects that I knew nothing of except in a general way, connected with forestry, and the files would be handed to me and I would look through the files in these special cases to see what condition they were in, and to see whether the system as adopted actually worked out.

The Chairman. To see if it gave concrete results?

Mr. Garfield. Yes, sir; to see if it gave concrete results. I found that it did.

Mr. BEVERIDGE. This is not the report of the Commission. This is the testimony before the House committee of one of the principal members of the Keep Commission, who in a few days will be the Secretary of the Interior of the Government of the United States.

Now, I am permitted by the chairman of the House committee [Mr. LITTLEFIELD] to state with his express authority that after his committee had fairly heard all of the testimony which anybody chose to give on this subject, and the usual notices had been sent out and opportunity had been given to those who complained to appear before them; and after one of the Senators from this Chamber had appeared before them, he, the chairman of the House committee, is now completing his report. He has it entirely finished, I think, and it will be printed by Monday. The chairman of the House committee specifically authorized me to state that the report of his committee without a single dissent would substantiate in the fullest degree the testimony of Mr. Garfield, which is only a summary of all the evidence given before it.

Mr. President, in view of this showing, more formal and complete than any similar showing that I in my short public experience remember, I think the Senators who have suggested that the administration of the office might not be wholly admirable will do us all the credit to suggest that it was not with reference to the administration, but to the original policy, of these reserves in which the wrong was committed, and to correct which this Chief Forester was the speediest as well as the most vigilant man.

THE GOVERNMENT A "MERCHANT."

The next question was, and it was urged repeatedly, that the "Government ought not to become a merchant." Oh, that is merely a catch word. "The Government become a merchant." Mr. President, why should not the Government charge for the grasses growing on the great ranges which are in these reserves

as much as it eught to charge for the wood, the "ripe" and 'down" timber on them?

Mr. SPOONER. That argument-

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. BEVERIDGE. Of course. Mr. SPOONER. That argument proves too much, because it would prevent the Government from selling its lands.

Mr. BEVERIDGE. To be sure it would; one could say "The Government ought not become a real-estate dealer." And here is another thought that suggests itself. If the Government ought to give the stockmen of the West land upon which to fatten their cattle, for instance, then why should not the Gov-ernment furnish hay to the farmers in the East? The analogy

is complete.

THE ALTERNATIVE.

I do not think that any tangible criticism can be made upon the selling of timber instead of allowing what has occurred in the past to occur again—the thefts of the vast areas of timber lands belonging to the Government; the sawing of that timber up into lumber; the putting of the proceeds of that transaction into the pockets of men who became the great timber barons of the West.

An extract from a published letter of the President written to Senator Heyburn under date of June 13, 1905, illustrates this

matter:

One specially interesting article contains an interview in which the opinion is expressed that the recent temporary withdrawal in the Coeur d'Alene and Lewiston districts was encouraged by certain large corporations, which corporations already hold large bodies of timber land in Idaho and adjacent States. It is argued that if this temporary withdrawal is made permanent these corporations will be the only people who can purchase the timber from the Government, and that they will be able to make purchases at a very low figure and in that way stiffe competition. As the gentleman who advances this opinion is expecting to locate, by means of so-called "scrip," large areas of timber lands in northern Idaho in the interest of certain eastern capitalists, it is obvious that he himself, at least, stands in no great fear of the competition of those corporations. But the fear expressed in the article is chimerical. In reality, in such cases as this, the establishment of a forest reserve offers the fairest possible solution of the questions at issue. At present, since by far the greater part of the lands are unsurveyed, the timber can not be lawfully disposed of. Just as soon as a forest reserve is established the mature timber is for sale, and for sale to the settler, the miner, and the stockman, to individuals, companies, and corporations. It is for sale in small or large amounts. Moreover, the Government is at liberty to sell as much or as little as conditions may warrant, and at such a price as circumstances may call for. But it is for sale; it is not to be stolen, and this simple fact accounts for much of the hostility to our policy. No one can force the Government to sell as lingle stick of timber from a national forest reserve if by so doing the best interests of all the people would be injured. What better guaranty is possible against unjust competition?

Mr. President, I myself within the last five years have been convertives of the contains and corporations. There were the contained and the contains the

Mr. President, I myself within the last five years have been over three mountains in Colorado and in California. They had been at no distant date heavily timbered to their tops. But when I rode over them they were as bare of a tree as the wall of this Senate Chamber, every stick of it having been cut off, every stick of it belonging to the Government, and every stick of it taken by some man or some company, upon the proceeds of which they became enormously wealthy, and for which the Government of the United States never got a dollar or a cent. think it far better to preserve that forest, to sell off the down and the ripe timber, than to continue a policy that has devastated so much of the country as that policy devastated.

That was not all of that damage; for after those monarchs of the early western lumber camps had stripped the natural cloth-ing from the mountains, and the rains descended, they swept off in torrential floods, filling the valleys and washing them out, whereas hereafter when retimbered the rain will go out grad-

ually into the streams of the valleys.

Mr. ALDRICH. I should like to ask the Senator a question.

Mr. BEVERIDGE. Certainly.

Mr. ALDRICH. Do I understand the Senator to say that timber from an entire section, including three mountains, had

been taken by somebody without authority of law?

Mr. BEVERIDGE. I say I myself have been over three mountains in Colorado and in California altogether, separate peaks. I have one of them in my mind quite as plainly as I see the Senator now, from which the timber had been stripped utterly, and I was informed-

Mr. ALDRICH. Without authority of law?

Mr. BEVERIDGE. The old stumpages looked as if it had been cut some years before. It was six years ago that I saw it. I was informed on authority sufficient for me to make the state-

munity. It was partially to correct such things as this that the forest-reserve system was established, and the result of the destruction of the forest-reserve system will be to restore such a condition.

Mr. CARTER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Montana?

Mr. BEVERIDGE. Certainly.
Mr. CARTER. I think I can throw some light on the legality of the proceedings referred to. More than twenty years ago Congress passed a law, which remains on the statute books to this day, authorizing the cutting of timber upon mineral lands of the United States for mining and milling purposes. No doubt the mountain peaks referred to by the Senator from Indiana are classified as mineral lands, and, no doubt, further, the timber was cut for mining and milling purposes. The peaks have not been named nor have they been closely identified, but I venture the assertion that they are in a mineral belt and classified as mineral lands and lands of no value for

any other purpose.

Mr. BEVERIDGE. I think quite likely they are in the minhave been under color of that that it was done. I know that the act of June 3, 1878, to which the Senator refers, has been used as a cloak for denuding nonmineral lands of the United States, and I have in mind a decision from the Senator's own State (Lynch v. United States, 138 Fed. Rep., 535) where damages were recovered by the Government because of such a fraud. The State referred to is no exception. The mineral land laws are, themselves, made the means of defrauding the United States of its timbered and nonmineral lands, and I am informed that at this time an association of sixteen persons, controlled by one of its members, is asserting a claim under such laws for approximately 250,000 acres of heavily timbered land in the State of California under the guise of compliance with the mineral land laws and that no mines exist upon such lands. Government geologists have examined a large part of this land and the investigation is being continued at great ex-California does not present an exception to conditions existing in other States. Numerous frauds of similar character explain the disappearance of timber from the Government's lands. I do not know whether those lands which I saw had been cut over as mineral lands, but one thing I do know—there were not any mines near them and not any mills near them, nor the remains of any. As a matter of fact, we know that before the establishment of this Service what very naturally occurs, because human beings are the same every place and at all times, did occur, and shamefully occur, and not only in the far West, but as the Senator from Wisconsin said, in his own State. I refer to what I saw myself in his own State, which he will confirm—a thing that shocked me and every other man who learns about it.

I spent many weeks in the very heart of what was once a State reserve—there is not much of it left now—and I was informed by those on the ground who knew, that after the great lumber companies had stripped the State as the Senator from Wisconsin described, and in the manner he described, and had run out of forests upon which to pursue their further slaughter, they went to the legislature (this was many years ago) and by some means or other the legislature repealed the law creating that reserve, and the magnificent forest reserve, though it was conserving the water sources that supply Wisconsin on both sides of the water divide, will within a year or two see the last of its existence.

Mr. President, it has been stated several times that this policy was preventing the settlement of these lands and the development of these States by homesteaders. A rather pathetic and vivid picture was drawn by the Senator from Idaho [Mr. HEYBURN] of the prairie schooners, the white-covered wagons, sweeping through in great trains, finding nowhere to deposit emigrants that they might build homes.

ALL AGRICULTURAL LAND OPEN TO SETTLEMENT,

The truth is, Mr.-President, that there is not a foot of these forest reserves that are fit for agriculture that are not open to entry under the act of June 11, 1906. There is not a bit of mineral land that is not subject to entry under the proper law. Where minerals exist and where the land is suitable for agriculture it is open to entry; but it can not be entered for the purpose of taking off wood and stone and mineral except by

ment here that every stick of it had been taken without authority of law and that every stick of it actually belonged to the Government of the United States.

Mr. ALDRICH. That is a very singular condition of affairs to exist in any community.

Mr. BEVERIDGE. It is, and it did not exist in the com-

1906, the number is exactly 180 for all of Idaho, and the applications for entries in the Shoshone Reserve reach the magnificent The total number of applications in those forest reserves of the entire State of Idaho is only 180. That is how many people have been made "homeless" by preserving the In one reserve there were only four applications, and those, Mr. President, are being examined as to whether, first, they are really agricultural lands, and to know, second, whether or not the entries are genuine.

Applications under the act of June 11, 1906.

Arizona	
California	
'olorado	
daho	
fontana	
Vevada	
lew Mexico	
Oklahoma	2000
regon	
outh Dakota	
Itah	
Vashington	
Vyoming	
lorida	

Now, Mr. President, I wish it was earlier in the day, because I have here, and if it becomes necessary hereafter I will exhibit to the Senate, a very thorough book of photographs, showing what kind of land these reserves cover, showing the barren land, the partly barren land, the woodland, and generally the tremendously mountainous character of the country. There are perhaps more than a score, perhaps two score, of these photographs, so that Senators can see by the testimony of the photographic lens, which falsifies not, just what kind of land the settlers are being kept off of, even if they were being kept off at all.

Mr. PROCTOR rose.

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Vermont?

Mr. BEVERIDGE. I yield. Mr. PROCTOR. No; I will wait until the Senator gets through.

Mr. BEVERIDGE. I will say to the Senator that I will get through when I have completed the examination of the subject in hand.

Mr. PROCTOR. I understand.

Mr. BEVERIDGE. I will say to the Senator, further, that days have been taken here with an attack upon the general policy, and very little time has been taken up by those who have studied it, in an attempt to lay before the Senate and the country the real conditions of things. I shall be through in a few minutes.

Mr. GALLINGER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. I do. Mr. GALLINGER. I thank the Senator for his courtesy. rose simply to say that the chairman of the committee has suggested to me that he is going to ask for an evening session to further discuss this amendment and the Appalachian and White Mountain amendment. I wish now to enter a protest against any special consideration of the Appalachian and White Mountain amendment at the evening session. I shall not be able to be here, and I have been waiting all day to reach it. I have been waiting for three days to reach that amendment. I hope the Senator will not include it in his request. If he wishes an evening session to further discuss this amendment, which I understand is going out on a point of order and has been discussed for three or four days, I have no objection; but I think he ought not to compel those of us who have been patiently waiting here to discuss a question which is of great interest to a large number of States of the American Union to have it discussed when there are simply a handful of Senators present at an evening session.

Mr. ALDRICH. I hope The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Rhode Island?

Mr. BEVERIDGE. I yield.

Mr. ALDRICH. I hope there will be no limitation upon what shall be done at the evening session. I hope we shall simply take a recess for the purpose of finishing this bill. The discussion has gone on for four or five days upon a matter which everybody in this Chamber understands will go out immediately

upon a point of order.

Mr. BEVERIDGE. Not the appropriation. I am not talking about the thing that will go out on a point of order, I will say

to the Senator from Rhode Island.

Mr. ALDRICH. The chairman of the committee has already notified the Senate that there is no special objection to the So we are discussing things that are practically, agreed upon already. I hope we will be able to close that discussion in a reasonable length of time. In any event, I hope there will be no limitation upon what shall be done this evening. I hope that simply a recess will be taken, with a view of concluding the consideration of this bill.

Mr. BEVERIDGE. The bill can not be concluded this even-

ing unless a quorum of the Senate is present.

Mr. GALLINGER. Will the Senator permit me? Mr. ALDRICH. I trust there will be a quorum present.

Mr. GALLINGER. I was going to state, in the way of reply to what the Senator said, that there can be no forcing process at

the evening session unless there is a quorum here.

Mr. ALDRICH. There can be no forcing process of any kind in the Senate, so far as I know. We are not obliged to listen to gentlemen if we do not want to do so; and if there is a quorum here to do whatever business is to be done, that is all any

of us have a right to expect.

Mr. GALLINGER. That is all. The Senator does not ex-

pect that there will be a quorum?

Mr. ALDRICH. I think there will be a quorum. Mr. PROCTOR. Will the Senator from Indiana allow me? Mr. BEVERIDGE. I yield to the Senator from Vermont.

Mr. PROCTOR. I ask unanimous consent that at 6 o'clock the Senate shall take a recess until 8.15, the evening to be devoted to the further discussion of the grazing amendment and this pending amendment, unless we can reach a vote before 6 upon it.

In regard to the Appalachian amendment, there are some Senators who are willing to speak upon it this evening, and I suppose, although the Senator from New Hampshire may not wish to speak this evening, he will have an opportunity to do The request I make will be with the understanding that the evening is to be for discussion and that no vote will be taken.

Mr. ALDRICH. I think that is a mistake. It seems to me so. I see no reason for having an evening session unless we

are going to go on with the real consideration of this bill.

Mr. KEAN. I will say to the Senator from Vermont that the Senator from West Virginia [Mr. Scorr], who to-day reported the Military Academy appropriation bill, gave notice that he would try to call it up this evening. I do not think he ought to be precluded from doing that.

Mr. LODGE rose.

Mr. BEVERIDGE. I do not yield the floor, and I decline to yield further until I have concluded my remarks

The VICE-PRESIDENT. The Senator from Indiana has the

Mr. PROCTOR I do not understand-

The VICE-PRESIDENT. Does the Senator from Indiana yield further to the Senator from Vermont?

Mr. BEVERIDGE. For what purpose?

Mr. PROCTOR. I do not understand that there is any ob-

jection to the amendment that is being discussed.

Mr. BEVERIDGE. I understand that also. I understand it as thoroughly as the Senator from Vermont understands it. am speaking precisely to that, and I understand why I am speaking precisely to that. I wish to say further that it will not avail to in any wise attempt to prevent a presentation at this conclusion, immediately before we vote on the whole forest subject, because it is important that not only the Senate but the country should get this whole business before it. It will not avail anything. I understand perfectly well what is before the Senate. I understand perfectly well that we are agreed, and I am glad that this discussion has brought on an agreement.

intend to finish my remarks.

Mr. PROCTOR. With reference to what the Senator from Rhode Island [Mr. Aldrich] and the Senator from New Jersey [Mr. Kean] have said, I am just as anxious as they are to go on this evening, and I should like to have it understood that we meet at 8.15 and remain in session until the bill is completed and passed, but I did not suppose that I could get that agree-

ment. Mr. LODGE. Mr. President-

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Massachusetts?

Mr. BEVERIDGE. I do; yes.
Mr. LODGE. Mr. President, I hope we shall simply take a recess until 8.15. We can not make any arrangement, under our rules, to close debate out in a specified time, or to say when a vote on an amendment shall be taken, but it is very important in the present condition of public business that we shall press forward as much as we can to a conclusion. I think we ought to go on with this bill to-night and try to finish it and get it out of the way. A week from Monday Congress adjourns by law,

and there are a great many important matters that are pressing for consideration. Therefore we ought to occupy all the time in trying to get legislation advanced, and I hope that we shall simply agree for a recess until 8.15, to go on with the business of the Senate, whatever it may be.

Mr. BEVERIDGE. I decline to yield further. Senators can conduct this interesting conversation after I get through my remarks, which will not be long; that is, after the Senator from Massachusetts gets through, for I do not desire to interfere

with the Senator.

· The VICE-PRESIDENT. The Senator from Indiana declines

to vield.

Mr. LODGE. I only wanted to get an agreement for a re-The Senator, of course, can hold the floor and prevent

Mr. BEVERIDGE. I will say that I would have concluded

by now if I had not been interrupted.

Mr. PROCTOR. At the conclusion of the Senator's remarks I will ask that the Chair state the request for an agreement, and I also ask that the pending amendment be passed over until we can close some committee amendments that will lead to no discussion. I want to get them out of the way.

JUSTICE OF CHARGE FOR WATER CONSERVATION.

Mr. BEVERIDGE. Now, Mr. President, there is just one further point that I want to make as to this forest reserve, and I make it in order that I may sum up in a compact fashion what would be the result if the Forest Service were destroyed, or even impaired, and I am sure that nobody really wants that to be done. But the discussion has taken a scope and there has been a great deal said and a great deal of instantaneous and uninformed alarm-I have observed that Senators come into the Chamber sometimes when a subject is being discussed, and it takes on to them a formidable aspect merely because they have not been informed. So Senators were alarmed the other day when it was stated that this Forest Service con-

trolled the distribution of water after it left the reserve.

Of course, we all know now that it does nothing of the kind. But here is what does occur, Mr. President, and this is what the Department was criticised for: The great water companies want to take water located within these forest reserves. come into the Government forest land and get the exclusive use of the ground through which they run their pipes to their water, and they have that use. The Government charges them for that. Mr. President, what is the basis of that charge? Not only the

exclusive use of the land for their pipes, but this:

The Government does not propose to charge for the water used. That is granted directly by the State. It charges only for the resources, opportunities, and services which it furnishes to the power company. These are of a twofold nature: First, the great storage reservoir formed by the maintenance of the forest cover which holds back the water so that it will flow during the dry season. Without this sponge reservoir the companies must spend millions in the construction of dams. Second, the Government furnishes in that part of the forest reserve traversed by the company's water conduits a fall, without which the water granted by the State and conserved by the forest reserve could not produce electrical energy. The Government proposes to charge for this conservation and this fall such reasonable amount only as can not make the prudent business man hesitate about carrying out his proposed water-power project.

These water companies now want these Government services

for nothing? When that statement was made here the other day the Senator from California [Mr. Perkins], who is sitting on my left, said, "If that is done—these charges now made by the Department abolished—it will create one of the most enormous monopolies in all the West." No Senator on this floor more than another would want any great interest to be bene-

fited that ought not to be.

RESULTS THAT WOULD FOLLOW ABANDONMENT OF RESERVES.

The result of destroying the forest-reserve system or of impairing it would be to benefit temporarily just three classes of

The first are the water companies last named, who, instead of paying for the privilege of taking over the forest lands and the waters which the Forest Service conserves, want it exclusively Their benefit would last just so long as it would take for the effects of forest destruction to become operative upon the flow of their dwindling streams.

The second class of men who would be benefited would be the sheep men and the cattlemen, who heretofore have fattened their flocks and their herds upon Government land and given the Government no pay for it. Yet progressive deterioration of the range under unrestricted competition would soon work to their loss

The third would be the great timber firms which character-

ized a former but recent period of our history in the West and Northwest and in the northern portion of our country, who cut off the magnificent forests, the proceeds of which to-day constitute some of the greatest fortunes of the country, and who, if this Service, which prevents the ravaging of the Nation's forests, is destroyed or is impaired, would do exactly the same thing, to the ultimate ruin of their own industry.

Mr. President, there is the net result of either the destruction

or the impairment of the Forest Service.

Mr. President, I think that we have gone pretty thoroughly into this thing. I have tried to do it briefly, and still I have tried not to forget anything. I have here some other data which I shall ask the permission of the Senate to insert in my remarks without reading

The VICE-PRESIDENT. Without objection, permission to

do so is granted.

The matter referred to is as follows:

The administrative policy under which the forest reserves are managed was laid down by the Secretary of Agriculture in his letter to the Forester dated February 1, 1905:

his letter to the Forester dated February 1, 1905:

In the administration of the forest reserves it must be clearly borne in mind that all land is to be devoted to its most productive use for the permanent good of the whole people, and not for the temporary benefit of individuals or companies. All the resources of forest reserves are for use, and this use must be brought about in a thoroughly prompt and businesslike manner, under such restrictions only as will insure the permanence of these resources. The vital importance of forest reserves to the great industries of the Western States will be largely increased in the near future by the continued steady advance in settlement and development. The permanence of the resources of the reserves is therefore indispensable to continued prosperity, and the policy of this Department for their protection and use will invariably be guided by this fact, always bearing in mind that the conservative use of these resources in no way conflicts with their permanent value.

You will see to it that the water, wood, and forage of the reserves are conserved and wisely used for the benefit of the home builder first of all, upon whom depends the best permanent use of lands and resources alike. The continued prosperity of the agricultural, lumbering, mining, and live-stock interests is directly dependent upon a permanent and accessible supply of water, wood, and forage, as well as upon the present and future use of these resources under businesslike regulations, enforced with promptness, effectiveness, and common sense. In the management of each reserve local questions will be decided upon local grounds; the dominant industry will be considered first, but with as little restriction to minor industries as may be possible; sudden changes in industrial conditions will be avoided by gradual adjustment after due notice, and where conflicting interests must be reconciled the question will always be decided from the standpoint of the greatest good of the greatest number in the long run.

Mr.

BEVERIDGE. Mr. President, I do not know that I should have gone so much into the discussion-but I am glad I have gone into it-if it had not been for the original question of the character of the services rendered by that remarkable public servant, the Chief Forester of the United States, who I have known intimately since I was chairman of the Forestry Committee of the Senate years ago, and whose work I have observed with increasing wonder and admiration—a man who never spares himself mental or physical fatigue. Mr. President, when that man shall have completed his work on earth his monument will be no shaft of stone or image of brass. No! it will be the great and splendid forest reserves reclothed with nature's garment. It will be mighty mountain peaks now bare, then covered with the noble woods Nature once put there and which he has restored. It will be the streams now dry, running bank full for the welfare of the people. It will be human welfare and human happiness.

Mr. PROCTOR. I ask that the pending amendment be temporarily laid aside, and I would ask the attention—

Mr. BEVERIDGE. May I suggest to the Senator, why not

ote on the amendment?

wote on the amendment?

Mr. PROCTOR. It is impossible. I would ask attention to the amendment of the committee at the top of page 47. As I understand, the proposed amendment, beginning at line 25, on page 46, has been agreed to, and I suggested a modification of the amendment on page 47. I wish to withdraw that suggestion and let the amendment stand as it is in print, with the exception of striking out the word "December," in line 7, and inserting the word "March."

The VICE-PRESIDENT. The Senator from Vermont pro-

The VICE-PRESIDENT. The Senator from Vermont proposes an amendment to the amendment of the committee, which

vill be stated by the Secretary.

The Secretary. On page 46, line 25, after the word "Provided," the committee propose to strike out all down to and including the words "municipal government," in line 3, page 47, and to insert: "That any part of this sum used for compensation of or payment of expenses to any officer or other person employed by any State, county, or municipal government shall be reported to Congress in detail on the first Monday of December, 1908."

It is now proposed to strike out the word "December," in line 7 of the amendment, and to insert the word "March."

The VICE-PRESIDENT. Without objection, the amendment

to the amendment is agreed to, and the amendment as amended

Mr. KEAN. I ask the Senator what became of the amendment on pages 44 and 45?

Mr. PROCTOR. We will reach that in a moment. To the amendment on page 44, so far as I know, there is no objection.

Mr. ALDRICH. Is that a part of the present law?

Mr. PROCTOR. That is exactly the present law.

The VICE-PRESIDENT. The question is on agreeing to the amendment on page 44, line 13, after the word "foods."

The amendment was agreed to.
Mr. PROCTOR. Mr. President, I am aware that the amend-

Mr. PROCTOR. Mr. President, I am aware that the amendment on page 45 is subject to a point of order.

Mr. KEAN. I propose to make the point of order.

Mr. PROCTOR. And I think the point of order will be sustained. I asked yesterday to modify that amendment by striking out the last five words, "and to establish standards therefor," hoping it might leave the amendment not subject to the point of order; but, as I am satisfied that the modification makes no difference, I should like to withdraw the modification and let the amendment stand as originally reported. I do so for this reason, that, as it makes no difference in the result, I should like to have printed two or three articles that refer to this question of standards, and the reply of Doctor Wiley to some questions I put to him in writing, asking for a little explanation of what standards meant. I merely ask that so that if the matter should ever come up again we shall be able to have access to it. that can be assented to, I will ask somebody disinterested to kindly raise the point of order.

Mr. LODGE. I make the point of order.

Mr. McCUMBER. Before the Chair rules on that point of order I should like to know on what it is based?

Mr. LODGE. The point of order is that it is obviously gen-

eral legislation.

Mr. McCUMBER. I will ask the Senator if it is not exactly the legislation that is now existing law under the last agricultural appropriation bill?

Mr. LODGE. No, Mr. President. Mr. McCUMBER. In what respect has the law been changed which in every appropriation bill heretofore has allowed the Secretary of Agriculture to fix standards?

Mr. LODGE. It went out of the last appropriation bill. Mr. GALLINGER. It went out last year on a point of order. Mr. McCUMBER. If it went out last year, that may change

its status.

The VICE-PRESIDENT. The Chair sustains the point of order. The amendment clearly proposes general legislation.

Mr. PROCTOR. Now, Mr. President, I ask to have printed in a document, rather in the Record, some reports from the State officials. Some of them were made at a hearing of the Committee on Interstate and Foreign Commerce, and some of them have appeared recently in official reports that have not been printed.

The VICE-PRESIDENT. Without objection, the reports referred to by the Senator from Vermont will be printed as a

public document.

Mr. SPOONER. I should like to inquire what has become of

the amendment on page 47?

The VICE-PRESIDENT. The amendment to the amendment was agreed to and the amendment as amended was agreed to.

Mr. SPOONER. That will be open to amendment and discussion when the bill gets into the Senate.

The VICE-PRESIDENT. It will be open when the bill

reaches the Senate. Mr. ALDRICH. I suggest to the chairman of the committee

that we might dispose of the amendment on page 71, line 7.
Mr. BEVERIDGE. With the Senator's permission, may I ask whether any agreement has yet been reached as to what we

are going to do to-night? Mr. ALDRICH. Not yet.

Mr. BEVERIDGE. I suggest to the Senator he was rather anxious a moment ago to reach such an agreement.

Mr. ALDRICH. I should like to have the chairman suggest that we take a recess from 6 o'clock to a quarter past 8 to proceed to the consideration of public business.

Mr. PROCTOR. I had proposed to do that in some form. I thought that perhaps at 6 o'clock I would move to take a

Mr. HEYBURN. I should like——
Mr. BEVERIDGE. Make the motion now.
The VICE-PRESIDENT. The Chair would suggest to Sen-Senators occupy the floor. The Chair would suggest to Senators occupy the floor. The Chair will recognize Senators each in turn. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. HEYBURN. I want to inquire in regard to an amendment on page 47.
Mr. PROCTOR.

Mr. PROCTOR. I yield to the Senator.
Mr. HEYBURN. Mr. President, I understood amid some confusion that the amendment on page 47, commencing in line 3, down to and including line 7, was passed over.

Mr. LODGE. No.
Mr. HEYBURN. I desire to raise the point of order to that amendment. I will state, with the permission of the Senate, that that amendment is obnoxious to the laws of many States, my own included. Our State officials could not receive any compensation from the Government for their cooperation. They cooperate without any compensation. I raise the point of order against the amendment.

The VICE-PRESIDENT. The amendment has been agreed to, and it would require a vote of the Senate to reconsider it.

Mr. LODGE. Mr. President, I preferred very much the re-tention of the House provision, but I agreed, with some reluctance, to the compromise that has been made in order to save There is no question that the House provision is of such

a nature that striking it out is in order.

Mr. HEYBURN. I insist on my point of order—

Mr. LODGE. I looked into that, and hoped the point of order would lie.

The VICE-PRESIDENT. It certainly does not lie in the present parliamentary stage of the amendment, it having been agreed to by the Senate.

Mr. ALDRICH. The Senator can make the point of order in the Senate.

Mr. HEYBURN. I make it now. My point of order is not to the House provision, but to the Senate amendment.
The VICE-PRESIDENT. That amendment has been agreed to.

Mr. HEYBURN. I raise the point of order against it.
The VICE-PRESIDENT. The point of order can be raised

in the Senate.

Mr. KEAN. The Senator can raise the point of order in the Senate.

Mr. HEYBURN. The confusion was such-

The VICE-PRESIDENT. The amendment will be open to a point of order when the bill reaches the Senate, and the amendment will be reserved, so that the Senator may interpose his point of order.

Mr. PROCTOR. Mr. President, in connection with this matter I ask to have inserted in the Record, without reading, a letter from the Secretary of Agriculture.

The VICE-PRESIDENT. In the absence of objection, it is so

ordered.

The letter referred to is as follows:

DEPARTMENT OF AGRICULTURE, OFFICE OF THE SECRETARY, Washington, February 22, 1907.

Hon. REDFIELD PROCTOR, United States Senate.

Hon. Redfield Proctor,

United States Senate.

Dear Sir: In answer to your inquiry concerning the desirability of retaining the present Senate amendment permitting cooperation with the State authorities, I have to say:

There will doubtless be many cases where State officers will secure samples of goods manufactured without the State and transported in interstate commerce in violation of the food and drugs act. It is highly desirable from an administrative and economic point of view that this Department should be able to pay these State officers for continuing the examination of these food products instead of being forced to bring a Department official into each such case, for the reason that such Department official would not have the necessary collateral information regarding the particular case which is possessed by the State official.

If this Department were required to begin anew the investigation, all the expenses of inspection, analysis, etc., would have to be repeated at a very much larger cost than would possibly be the case if we can have the cooperation of the State authorities.

Another point in which great good would come in economy and efficiency would be the opportunities of employing experts in the States to do special work coming under their immediate supervision and avoiding the necessity of sending a special agent or inspector of customs to do the same work.

These are instances of the ways in which economy and efficiency would be promoted by proper cooperation between the State and national authorities.

James Wilson, Secretary.

JAMES WILSON, Secretary.

Mr. ALDRICH. I suggest to the chairman of the committee that the amendment on page 71, commencing in line 7, be taken up and disposed of.

Mr. BEVERIDGE and Mr. SPOONER. What amendment is that?

Mr. ALDRICH. The amendment on page 71, commencing in line 7.

Mr. CARTER. Before that is disposed of I think some Senators desire to submit a few observations. [Laughter.]
Mr. ALDRICH. I suppose the observations can just as well

be made after it has been disposed of. I make a point of or-

der against the amendment that it is general legislation. I think we might as well have that decided now.

The VICE-PRESIDENT. The Senator from Rhode Island raises a point of order. What is the point of order?

Mr. BEVERIDGE. We have not reached the amendment

Mr. ALDRICH. We reached it and passed it over. We have passed through the whole bill. Mr. KEAN.

The VICE-PRESIDENT. The Senator from Rhode Island

will state his point of order.

Mr. ALDRICH. It is that the amendment commencing in

line 7, page 71, is general legislation.

The VICE-PRESIDENT. The Chair is of the opinion that the amendment to which the point of order is addressed is clearly in the nature of general legislation, and he therefore

sustains the point of order.

Mr. McCUMBER. When the point of order was made as to the amendment on page 45, I asked a question of Senators generally as to whether that was not in fact the same as the law of last year. It was immediately answered in the negative; it was stated that it was not the existing law, and not in the appropriation bill of last year. I have here the law of last year, on page 19 of the pamphlet copy of the appropriations act. It reads as follows:

To enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to ascertain the purity of food products and determine what are regarded as adulterations therein. To investigate, in collaboration with the Bureau of Animal Industry, the chemistry of dairy products and of adulterants used therein, and of the adulterated products, etc.

I do not say that differs materially.

Mr. LODGE. It contains the essential phrase "to establish standards therefor."

Mr. McCUMBER. But we have in here, I think, a provision for establishing a standard.

Mr. GALLINGER. We never have had such a provision. Mr. ALDRICH. If it was in the law of last year, it was clearly legislation and would have then been subject to a point

Mr. HANSBROUGH. Mr. President—
The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from North Dakota?

Mr. PROCTOR. Yes.

Mr. HANSBROUGH. The proposition of the Senator to strike out the last five words of that committee amendment-

Mr. ALDRICH. It is too late.
Mr. LODGE. That is withdrawn.
Mr. HANSBROUGH. Should be insisted upon and that would leave the provision, if it is adopted, precisely as the law stands now

Mr. LODGE. The point of order was made, and the amend-

ment was ruled out by the Chair.

Mr. HANSBROUGH. And I suggest that that be done when

the amendment is reached in the Senate.

Mr. PROCTOR. If Senators will allow me, I will try to make myself understood. I satisfied myself fully that with these five words stricken out the amendment was still subject to a point of order, and that the modification did not help us any. If the Senator from North Dakota [Mr. McCumber] had been correct, and if I had not satisfied myself fully that the remaining part of the amendment was just as much subject to a point of order, I should have insisted upon striking out those words; but, as it made no difference, I moved to restore them merely for the sake of submitting some documents, possibly for future use, in regard to the matter. I can say that I do not believe, Mr. President, the question of standards will ever come up again. I think the pure-food law will be administered in a way that will answer every purpose that could be reached by the establishment of standards.

ALDRICH. I should like to ask the chairman of the committee whether there are any committee amendments which have not been acted upon and which have been passed over? would suggst, if there are, that we take them up in order and

dispose of them

Mr. BEVERIDGE. Dispose of what?

Mr. ALDRICH. Any amendments not disposed of.
Mr. PROCTOR. The committee amendment that was under discussion, adding \$1,000,000 to the appropriation for the general expenses of the Department of Agriculture, was passed over, and I am now ready

Mr. SPOONER. I desire, if I may be permitted, to ask a

question.
The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Wisconsin?

Mr. PROCTOR. Certainly.
Mr. SPOONER. The pure-food law, as I understand, gave to the Secretary of Agriculture, in collaboration with such chemists and other experts as he deemed necessary to employ, the power, and made it his duty, to ascertain the purity of food products and to determine what should be regarded as adulterations, I Am I wrong about that?

Mr. McCUMBER. The Senator is right about it. Mr. SPOONER. My inquiry is this: How many different acts are required at the same time to vest in a Department officer the same power?

Mr. PROCTOR. The pure-food law specifies no machinery or method. It leaves with the Secretary the right to establish rules and regulations, and I think probably the object might be reached under that general provision. It is not specific at all. I think myself it would have been wise to leave in this provision on page 45, but it was clearly subject to the point of order, and

I had the best authority for saying it would be so held. Mr. SPOONER. I think it is very important to the pure-food law that the power to establish standards be in it, if it is not. I should like to ask the Senator who had charge of the purefood bill whether it contains a provision authorizing the establishment of standards?

Mr. HEYBURN. It specifically did not. One of the most prolonged controversies that we had was related to it, and the Senate decided that there should be no standards established and was successful in keeping that provision out of the law as

Mr. SPOONER. I think the last observations I had the honor to address to the Senate on the pure-food law were in support of a proposition that without power to establish standards or without fixing standards in the act it would be very, very difficult of enforcement in the courts.

Mr. HEYBURN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Vermont

yield to the Senator from Idaho?

Mr. PROCTOR. Certainly.
Mr. HEYBURN. To reopen the discussion of that question would result in somewhat prolonged debate, as it did on that occasion.

Mr. SPOONER. This amendment was intended to supply that?

Mr. HEYBURN. It was intended to do what the Senate refused to do in enacting that law.

Mr. SPOONER. Yes. Does the Senator regard it as impor-

Mr. HEYBURN. I regard it as very important, because in the pure-food law we defined what should constitute adulteration and left it to the courts, where it belongs, to say whether or not the facts of each particular case brought it within the rule.

Mr. SPOONER. Not to the courts, but to the jury.
Mr. HEYBURN. The jury is a part of the court.
Mr. SPOONER. In a sense, and yet it has been decided that that is not a standard which can be administered by the court.

Mr. HEYBURN. I should like to say, if the Senator will permit me, that the pure-food law was framed upon the idea that by defining what should constitute adulteration the courts would be able to apply that rule which we established specifically to the facts in each particular case, and we thought that

the safer rule.

Mr. SPOONER. I think there is no rule at all. I am glad to know it was considered of some consequence in the pure-food law that the power to establish standards be given; and I think it is. I think it ought to be adopted if the Senate is in favor of that law.

Mr. ALDRICH. I suggest, as a matter of procedure, that we commence at the beginning of the bill and act upon such committee amendments as have not already been acted upon.

Mr. PROCTOR. Directly. I wish to say, in connection with what the Senator from Wisconsin has said, that I was just as earnest as he could be to try to retain this clause as to standards, but when I became satisfied that the point of order would lie against the amendment with that clause in, and equally against it with that clause out, I concluded to make no further contest upon it. I will say that the liquor interest has been especially active against it. They have had their lobby and lawyers here this winter, and some of their publications—and I shall ask consent to have two extracts printed in the Record-especially Mida's Criterion and Journal, of Chicago, had articles upon the necessity of opposing that very amendment.

The matter referred to is as follows:

In Mida's Criterion and Journal, devoted to the wholesale liquor and wine interests, at Chicago, issue of February 16, 1907, on page 31, is the following:

"The agricultural appropriation bill as prepared this year contained the usual provision for the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists and such other experts as he might deem necessary, to ascertain the purity of food products and determine what are regarded as adulterations therein and to establish standards therefor. When this provision was reached in considering the bill, however, on January 29, Congressman Bartlett, of Georgia, and Congressman Crumpacker, of Indiana, each raised the point of order that there is no law to authorize the Secretary of Agriculture to establish a standard, and the provision was therefore stricken out of the bill.

"Unless the item is restored in the Senate by legerdemain on the part of lobbyists and then agreed to by the House, the authority of the Secretary of Agriculture to fix standards is terminated, and no standards of any kind can be fixed by him."

The Grocery World, of Philadelphia, in its issue for February 18, 1907, has an article with headlines as follows:

"Extract manufacturers are fighting power to fix standards. Get clause stricken out of appropriation bill which gives Secretary of Agriculture right to fix standards of purity. Doctor Stearns, well-known chemist and agent of the American Extract Manufacturers' Association, says standards already promulgated have no validity."

The article goes on to say:

"Under the rules of the national House of Representatives such a clause as this can be stricken out of the appropriation bill on a point of order. Doctor Stearns had the point of order made and the clause dropped out."

Mr. SPOONER. I care nothing about it, except for one

Mr. SPOONER. I care nothing about it, except for one thing. I endeavored, as did other Senators—notably the Senator from Connecticut, Mr. Platt, who is now dead—to perfect by various suggestions the pure-food law. I endeavored to do so because I thought it was vital to that law that some standard be fixed by the law itself or provided for in order to make it of efficacy. I was advertised throughout the nation as an enemy, opponent, industrious and infamous, of the pure-food law; and I am not surprised, having read to the Senate the decision which I did just before the bill passed the Senate, that it has been thought necessary, which I believe it is, that the power to establish standards be included in the law.

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Massachusetts?

Mr. PROCTOR. Certainly.

Mr. LODGE. Mr. President, as I was one of the Senators who made the point of order, I wish to say a word. I was heartily in favor of the pure-food law, but this is an attempt in this amendment to establish a maker of standards.

an enormous power to put in the hands of one man.

Mr. SPOONER. The whole thing is an enormous power.

Mr. LODGE. Well, I know it is, Mr. President. It is an enormous power. If we are going to give a governmental board the power to establish standards, we ought to do it by very careful legislation and not by a paragraph in an appropriation bill in the last days of a short session. It is one of the greatest powers that can be conferred. It affects hundreds and thousands of people and industries throughout the country. That there ought to be a bureau of standards I have no doubt; but I think it ought to be done by a well-considered piece of legislation and not by a loose paragraph in an appropriation bill which puts the power to make the standards in the hands of one man.

Mr. PROCTOR. I beg the Senator's pardon. I do not think it places it in the hands of one man by any means.

Mr. SPOONER. It does not.

Mr. LODGE. It places it in the hands of one man.
Mr. PROCTOR. Allow me to finish a sentence. A board
was established, with Mr. Freer, of the University of Pennsylvania, at the head of it, and that board, composed of very able chemists, established the standards. Those standards have no force whatever only as definitions and as being advisory. They have no force in court. No complaints can be made on

I must appeal to the Senator from Vermont and all other Senators, if they expect to pass this bill, not to discuss matters which are not before the Senate and can not be before the Senate in any form. If we expect to pass this bill, let us go ahead and decide the questions which are now

Mr. LODGE. I had no desire to discuss the pure-food law or this amendment, but the discussion had been opened, and as I was one of those who made the point of order I did not desire to be put in any false position in regard to it. The clause here provides for the collaboration of a committee of the association of chemists. They have no authority. The power is given to the Secretary of Agriculture to determine the standards. They are simply put in as an advisory board, and I think before we pass legislation of that sort we ought to consider it very carefully. It ought to go to the appropria reported here on a well-considered scheme, Mr. McCUMBER. Mr. President— It ought to go to the appropriate committee and be

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from North Dakota?

Mr. PROCTOR. I do. Mr. McCUMBER. I want to explain simply one thing about which there seems to be a misunderstanding with respect to these standards. There were but one or two standards fixed in the pure-food law itself, and those were the standards which were to determine the definitions of "adulteration" and "mis-It allowed everything to go into the market which branding." would measure up to those definitions and everything was to be kept out of the market which did not measure up to those particular standards. Why was there no mention of any standard in the pure-food bill? For this reason: We already had upon the statute books a law which had been enacted year after year authorizing the Secretary of Agriculture to fix standards, and the Secretary of Agriculture had been fixing standards for years under that law, and we did not interfere with it in the pure-food law. But what were those standards? Not for the purpose of guiding the courts. That is what was sought to be interjected into the pure-food law-a standard which would control the court-and it was thought best not to allow the Secretary or anyone else to fix standards at the present time. But it has been the law for a good many years, until it was taken out, as it appears, last year, that the Secretary could fix standards which would guide him in determining first, what was adulteration, and secondly, what things could be considered as injurious to any food products and what was the highest standard of food products, simply for the informa-

tion of the public. He has done that right along.

I do not know for how many years this appeared in the appropriation bill, but it appeared in it for a number of consecutive years, and no harm has followed it. No possible harm could follow if the Secretary was allowed to say to-day what, in his opinion, were the highest standards of any food products;

and that authority ought to be granted him.

Mr. SPOONER. Certainly no harm followed it. It was advisory

Mr. McCUMBER. That is all. Mr. SPOONER. It did not make a rule the violation of which subjected a citizen to prosecution and punishment.

Mr. McCUMBER. No; and it could not now.
Mr. SPOONER. The pure-food act does.
Mr. McCUMBER. The pure-food act does not adopt any standard by the Secretary of Agriculture.

Mr. SPOONER. I say it does not, but it is full of penalties

and provisions for prosecutions.

Mr. McCUMBER. Yes; but the penalties apply to the violation of the provisions contained in the law itself and the definitions, and not to any standards that may be fixed by the Secretary of Agriculture.

Mr. SPOONER. Does not that ex necessitate rei involve a standard?

Mr. McCUMBER. No. It involves no other standard than that fixed in the law itself, and whether we grant or withhold the right to fix a standard of purity by the Secretary of Agriculture would not affect the pure-food law one way or the other. The standards fixed by the Secretary of Agriculture, if this should become a law, would not be standards which would govern the courts in determining what are adulterations and what are misbrandings, because that is all that is legislated against.

Mr. SPOONER. I agree to that. Did not the pure-food bill, as it came from the House, contain a provision for standards?

Mr. McCUMBER. It did, and we struck them out.

Mr. PROCTOR. If anything could convince me that we ought to adopt standards, it would be the nature of the objections that were raised in committee. The representatives of blended whisky and neutral whisky were particularly active with a lawyer here. I had in two days from one Senator referred to me twenty-six letters from manufacturers of candythose who used improper coloring matter-and I had a great many others, nearly fifty in all; but I considered the matter as disposed of by the point of order, and I did not wish to oc-cupy any more time in regard to it. The discussion was started by somebody else.

I move that the Senate take a recess until 8.15 o'clock p. m., for the further consideration of this measure.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Vermont, that the Senate take a recess until 8.15 o'clock this evening.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate took a recess until 8.15 o'clock p. m.

#### EVENING SESSION.

At the expiration of the recess the Senate reassembled.

#### IMMIGRATION COMMISSION.

The VICE-PRESIDENT. Under the provisions of the immigration act approved February 20, 1907, the Chair appoints as the members on the part of the Senate of the commission created by that law the Senator from Vermont [Mr. DILLINGHAM], the Senator from Massachusetts [Mr. Longe], and the Senator from Mississippi [Mr. McLaurin].

#### DUTY ON SUGAR FROM THE PHILIPPINES.

Mr. CLARK of Wyoming. I present a memorial of the legislature of Wyoming, which I ask to have read and referred to the Committee on the Philippines.

The memorial was read, and referred to the Committee on the Philippines, as follows:

THE STATE OF WYOMING, OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, STATE OF WYOMING, 88:

I, William B. Schnitger, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with the original senate joint memorial No. 1, of the ninth State legislature of Wyoming, and is a full, true, and correct copy of same and of the whole thereof.

whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 19th day of February, A. D. 1907.

[SEAL.]

WM. R. SCHNITGER,

Secretary of State.

Senate joint memorial No. 1.

Memorial to the Senate and House of Representatives of the United States, Washington, D. C.

Be it resolved by the senate (the house of representatives con-

Be it resolved by the senate (the house of representatives concurring).

Whereas a bill is now pending in the Senate of the United States which proposes to allow the importation into the United States of the sugar of the Philippine Islands upon the payment of only 25 per cent of the regular duty on sugar, and for the importation into the United States of sugar from the Philippine Islands without the payment of any duty whatever after the 11th of April, 1909; and

Whereas the sugar of the Philippine Islands is now given entrance into our markets at a reduction of 25 per cent from the regular tariff rate, which reduction places them in fully as advantageous a position considering the differing conditions and cost of production as that enjoyed by the beet-sugar producers of the United States; and

Whereas the beet-sugar industry can not be sustained or carried on in free competition with the tropical cane-sugar countries, and the Philippine Islands are capable of producing an almost limitless amount of sugar; and

Phinppine islands are capable of proteining an of sugar; and
of sugar; and
Whereas the beet sugar industry is an industry peculiarly adapted to
the conditions of soil and climate existing throughout the arid West,
and especially in the State of Wyoming, and the growth and development of the industry promises the establishment and maintenance of
many populous and prosperous communities in our State, and the opening of almost limitless opportunities to the farmer and the homecocker; and

ing of almost limitless opportunities to the farmer and the home-seeker; and

Whereas the tariff policy of the Republican party is founded on the basic principle of fair and reasonable protection of all legitimate industries, the carrying out and maintenance of that policy demands protection for the West, as well as for those of the East: Therefore, be it Resolved, That we are unalterably opposed to, and hereby express our condemnation of, any and all legislation proposing a further reduction of the tariff duty on Philippine sugar, or on sugar from any other part of the world, and that we deplore the continual agitation of proposed reductions in the tariff on sugar, all of which have a tendency to discourage and retard the development of the beet-sugar industry in our State and throughout the West.

Approved February 15, 1907.

# INTERMARRIED WHITE CITIZENS OF CHEROKEE NATION.

Mr. CLARK of Wyoming. I present a memorial of intermar-ried white citizens of the Cherokee Nation; which I ask may be printed in the Record, printed as a document, and referred to the Committee on Indian Affairs.

The memorial was referred to the Committee on Indian Affairs, and ordered to be printed as a document and printed in the RECORD, as follows:

MEMORIAL OF THE INTERMARRIED WHITE CITIZENS OF THE CHEROKEE NATION.

NATION.

Your memorialists respectfully represent:
That the Supreme Court of the United States in its decision of November 5, 1906, in the case of Daniel Red Bird, The Cherokee Nation, et al. v. The United States, held that—
The rights and privileges of those white citizens who intermarried with Cherokee citizens subsequent to the 1st day of November, 1875, do not extend to the right of soil or interest in any of the vested funds of the Cherokee Nation, and such intermarried persons are not entitled to share in the allotment of the lands or in the distribution of any of the funds belonging to said nation, and are not entitled to be enrolled for such purpose; that those white persons who intermarried with Delaware or Shawnee citizens of the Cherokee Nation, either prior or subsequent to November 1, 1875, and those who intermarried with Cherokees by blood and subsequently, being left a widow or widower, by the death of the Cherokee wife or husband, intermarried with persons not of Cherokee blood, and those white men who having married Cherokee women and subsequently abandoned their Cherokee wives have no part or share in the Cherokee property and are not entitled to participate in the allotment of the lands or in the distribution of the funds of the Cherokee Nation or people and are not entitled to be enrolled for such purpose.

Your memorialists further represent that there are on the approved rolls of the Cherokee Nation 35,949 citizens entitled to enrollment

under the act of July 1, 1902, and pending applications for 1,178, making a total of 37,127 persons who might be entitled to take allotments under the act of July 1, 1902.

That there would remain lands of the Cherokee Nation unallotted, after all of said persons had taken their allotments, sufficient to equal about 2,000 additional allotments.

That there are of the intermarried white persons affected by the decision of the Supreme Court, as above referred to, about 3,000 in number.

decision of the Supreme Court, as above referred to, about 3,000 in number.

That said enrolled white persons desire to purchase allotments from the Cherokee Nation so as to include the lands on which they have erected or acquired improvements prior to the institution of the said suit in the Court of Claims above referred to.

That the business committee of the Delaware Indians, on the 21st day of December, 1906, sent a memorial to the President of the United States containing the following:

"And in addition to the above request, we most respectfully submit that as a result of a law and custom of our people forbidding the intermarriage of persons of the same clan (there being only three clans in our tribe) many of our people were required to intermarry with white people. These white people, husbands or wives of Delaware women or men, until the recent Supreme Court decision, supposed, and had a right to suppose, they had an allotment of land coming to them, on which they have placed, many times with the funds of Delaware Indians, valuable improvements. These white people have helped to rear and support many of our families and are now as endeared to us as our own people.

which they have placed, many times with the funds of Delaware Indians, valuable improvements. These white people have helped to rear and support many of our families and are now as endeared to us as our own people.

"Therefore we most respectfully request that some fair and reasonable legislation be enacted that will enable the said white people to purchase from the Cherokee Nation the allotments they had a right to expect. This, we think, would be fair and just and tend to the betterment of the peace and prosperity of our country."

Therefore William P. McClellan, representing the intermarried white citizens, does hereby petition the Congress of the United States that legislation be enacted that will give equitable relief to the said intermarried whites in so far as they may avail themselves of the same on or before four months from the date of the passage of this act, by paying into the Treasury of the United States, to the credit of the Cherokee Nation, the sum of \$650 for each allotment on which said intermarried whites have valuable improvements, provided, that this right shall be limited to take allotments under the act of July 1, 1902, or as many thereof as are found entitled to allotments, have been provided for.

W. P. McCuellan,

W. P. McClellan, Representing the Intermarried White Citizens of the Cherokee Nation.

# PRACTICE OF PHARMACY, ETC., IN THE DISTRICT.

Mr. GALLINGER. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 25475) to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, to report it favorably without amendment. It is important that it should be passed, and as it is a brief bill I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# BRIDGE AT FLORENCE, ARIZ.

Mr. KEAN. I am directed by the Committee on Territories, to whom was referred the bill (S. 8451) ratifying and confirming chapter 58 of the twenty-third legislative assembly of the Territory of Arizona, providing for repair of the Territorial bridge at Florence, Pinal County, Ariz., to report it favorably without amendment. It is a very brief bill, consisting of but a few lines, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## MRS. R. E. MILLER.

Mr. FULTON. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 4586) for the relief of Mrs. R. E. Miller, to report it favorably without amendment. As it is a short bill, I ask for its immediate consideration, and call the attention of the Senator from Texas [Mr. Culberson] to it.

By unanimous consent, the Senate, as in Committee of the

Whole, proceeded to consider the bill. It proposes to pay to Mrs. R. E. Miller \$400 to reimburse her for money paid by her to the Government in lieu of money belonging to the Government stolen from her possession, she being at the time of the theft an employee of the post-office at Dallas, Tex.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## BILL INTRODUCED.

Mr. GALLINGER introduced a bill (S. 8553) to amend an act approved March 19, 1906, entitled "An act to create a juvenile court in and for the District of Columbia;" which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

# HOLDERS OF MEDALS OF HONOR.

Mr. WARREN. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 223) relating to the holders of medals of honor. It is a short joint resolu-

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that holders of medals of honor under the act approved July 12, 1862, and section 6 of the act approved March 3, 1863, shall not be required to surrender such medals in case such medals are replaced, in pursuance of the provisions of the act of Congress approved April 23, 1904; and that wherever the holders of such medals of honor have surrendered them, in order to receive the medals provided for by the act approved April 23, 1904, such medals shall be returned to them: *Provided*, That no recipient of both medals shall wear both medals at the same time.

The joint resolution was reported to the Senate without

amendment, ordered to a third reading, read the third time, and

W. B. SUTTER.

Mr. KNOX. I ask unanimous consent for the present consideration of the bill (H. R. 5169) for the relief of W. B. Sutter. It is a little matter, involving two hundred dollars or so, for a village postmaster.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Postmaster-General to allow on the accounts of W. B. Sutter, postmaster at Lindsey, Pa., a credit of \$218.19, for postage stamps and money stolen from that post-office by burglars March 15-16, 1898.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MILITARY ACADEMY APPROPRIATION BILL

Mr. SCOTT. I move that the Senate proceed to the consideration of the bill (H. R. 24537) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1908, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amend-

Mr. SCOTT. I ask that the first reading of the bill may be dispensed with, that it may be read for amendment, and that the committee amendments be first considered.

The VICE-PRESIDENT. The Senator from West Virginia

asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Without objection, it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, under the subhead "Permanent establishment," on page 2,

after line 16, to strike out:

For pay of one instructor of ordnance and science of gunnery (major), in addition to pay as captain mounted, \$500.

And insert:

For pay of one professor of ordnance and science of gunnery (lieutenant-colonel), in addition to pay as major: Provided, That the position shall be filled by the detail of an officer of the Army, who, while so serving, shall have the title and status of other professors: Provided further, That the appropriation shall be immediately available, \$500.

The amendment was agreed to.

The next amendment was, on page 3, after line 2, to strike

That the Secretary of War may detail an officer of the Medical Corps of the Army to the Military Academy as professor of military hygiene. And insert:

For pay of one professor of military hygiene (lieutenant-colonel), in addition to pay as major, \$500.

The amendment was agreed to.

The next amendment was, on page 3, line 9, before the word "mounted," to insert "not;" and in the same line, before the word "hundred," to strike out "five" and insert "seven;" so as to make the clause read:

For pay of one associate professor of mathematics (major), in addition to pay as captain not mounted, \$700.

The amendment was agreed to.

The next amendment was, on page 3, line 19, after the word "of," where it occurs the second time, to strike out "cavalry;" so as to make the clause read:

For pay of four senior assistant instructors of artillery and infantry tactics and ordnance and gunnery and practical engineering (captains), in addition to pay as first lieutenants not mounted, \$2,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 8, to insert:

For pay of one constructing quartermaster in addition to pay as major, \$1,000.

The amendment was agreed to.

The next amendment was, on page 4, line 12, to increase the appropriation for additional pay of professors and officers (and officers in increased rank) for length of service from \$8,800 to

The amendment was agreed to.

The next amendment was, on page 4, line 15, to increase the total appropriation for extra pay of officers of Army on detached service at the Military Academy from \$25,400 to \$27,600. The amendment was agreed to.

The next amendment was, on page 4, line 18, after the word "artillery," to strike out "detachment" and insert "detachments;" so as to make clause read:

For pay of the Military Academy band, field musicians, general Army service, cavalry and artillery detachments, and enlisted men on detached service, and extra pay for enlisted men on special duty.

The amendment was agreed to.

The next amendment was, on page 4, line 21, after the word "band," to strike out ", one" and insert ": One;" so as to make the clause read:

For pay of military band: One band sergeant and assistant leader, \$600.

The amendment was agreed to.

The next amendment was, on page 9, line 15, after the word "cents," to insert "each;" so as to make the clause read:

For extra pay of two enlisted men employed in the chemical department, at 50 cents each per day, \$313.

The amendment was agreed to:

The next amendment was, on page 16, after line 3, to insert: For pay of one mechanic and attendant skilled in the operation necessary for the preparation of lectures and of material in the department of drawing, to be selected and appointed by the Superintendent,

The amendment was agreed to.

The next amendment was, on page 16, line 9, after the word "quarters," to insert "to be selected and appointed by the Superintendent;" so as to make the clause read:

For pay of janitor for bachelor officers' quarters, to be selected and appointed by the Superintendent, \$600.

The amendment was agreed to.

The next amendment was, on page 16, line 13, to reduce the appropriation for civilians employed at the Military Academy from \$62,340 to \$62,060.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous items and incidental expenses," on page 26, after line 13, to

For maintaining the children's school, the Superintendent of the Military Academy being authorized to employ the necessary teachers, \$3,520.

The amendment was agreed to.

The next amendment was, at the top of page 27, to insert:

For expense of subsistence of cadets while attending the Jamestown Tercentennial Exposition, at the rate of \$1.50 per day for each cadet in attendance, \$6,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 27, line 6, to increase the total appropriation for miscellaneous items and incidental expenses from \$48,935 to \$58,455.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds," on page 29, line 7, to increase the appropriation for maintaining and improving the grounds of the post cemetery from \$1,000 to \$1,500.

The amendment was agreed to.

The next amendment was, on page 30, line 5, before the word "quarters," to strike out "frame," so as to make the clause read:

For one double set of quarters for civilian employees, to be built in the vicinity of the workshops and storehouses, \$6,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 2, to insert: For construction of typical fire-control stations, searchlight station, and telephone booths, and purchase of searchlight, \$12,960.

The amendment was agreed to.

The next amendment was, on page 31, after line 5, to insert: For the construction of emplacements for two 6-inch breech-loading rifles on disappearing carriages, \$7,000.

The amendment was agreed to.

The next amendment was, on page 31, line 10, to increase the total appropriation for buildings and grounds from \$1,236,025 to \$1,256,485.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I ask that House bill 24815, the agricultural appropriation bill, be now taken up.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908

Mr. PROCTOR. Before the recess we were discussing the addition to the general expenses of the Forestry Service, the amendment on page 41. I hope the Senate is ready for a vote

The VICE-PRESIDENT. The Secretary will state the pending amendment.

The Secretary. On page 41, line 12, before the words "seven hundred," insert the words "one million."

The VICE-PRESIDENT. The question is on agreeing to the

amendment. [Putting the question.] The ayes seem to have it. The ayes have it; and the amendment is agreed to.

Mr. HEYBURN. I ask for the yeas and nays on the amend-

ment.

The yeas and nays were not ordered.

The amendment was agreed to.
Mr. HEYBURN. I will call for the yeas and nays on the

amendment to-morrow.

The VICE-PRESIDENT. The Chair calls the attention of the Senator from Vermont to the fact that the vote by which the amendment on line 13, page 41, was agreed to was reconthe amendment on the 13, page 41, was agreed to was reconsidered, so that the question is on agreeing to the amendment of the committee, in line 13, to strike out the words "fifty-seven thousand three" and insert "fifty-six thousand eight."

The amendment was agreed to.

Mr. HEMENWAY. Mr. President, I rise to a parliamentary inquiry. How are we proceeding with the bill? Are we considering the amendments in their order, or are we just jumping

The VICE-PRESIDENT. The bill was read through for action on the committee amendments. In the course of the reading certain committee amendments were passed over by request. The Senate is now considering the amendments which were passed over.

passed over.

Mr. HEMENWAY. Are they being considered in the order in which they appear in the bill?

The VICE-PRESIDENT. They are considered in the order in which they appear in the bill.

Mr. PROCTOR. I understand that it is the minor amendment on page 41, striking out "fifty-seven thousand three" and inserting "fifty-six thousand eight," that is first under consideration. sideration.

The VICE-PRESIDENT. That amendment is now under consideration. The question is on agreeing to the amendment.
Mr. GALLINGER. What is the amendment?

What is the amendment?

The VICE-PRESIDENT. The amendment is on line 13, page 41. The committee amendment strikes out "fifty-seven thousand three" and inserts "fifty-six thousand eight," correcting the total.

The amendment was agreed to.
The VICE-PRESIDENT. The Chair calls the attention of the Senator from Vermont to the fact that the total in lines 15 and 16 on page 42 has not been agreed to. The amendment will be stated.

The Secretary. On page 42, lines 15 and 16, in the total for Forest Service, strike out "three hundred and ninety-nine" and insert "nine hundred;" so as to read:

Total for Forest Service, \$1,900,000.

Mr. PROCTOR. I understand the addition of \$1,000,000 has been agreed to. I suppose the Secretary can correct the totals.

Mr. HEYBURN. Mr. President—

Does the Senator from Vermont The VICE-PRESIDENT. yield to the Senator from Idaho?

Mr. HEYBURN. I rise to the last amendment that has not yet been announced by the Chair, on page 42, lines 15 and 16.

The VICE-PRESIDENT. That is the pending amendment. The question is on agreeing to the amendment.

Mr. HEYBURN. Mr. President, this amendment relates to the one that was just passed upon and upon which I called for the yeas and nays. I desire to give notice that before any vote is taken upon the amendment adding \$1,000,000 to the amount stated in lines 12 and 13, on page 41, I shall ask that the Senate shall be present and that a vote by year and nays shall be taken on that amendment, because we have not been discussing this question for several days here in vain or merely for the purpose of talking. We desire that the Senate shall pass upon that amendment, and that the Senate shall be present when it does pass upon it.

Mr. PROCTOR. This is a committee amendment, and of course it can come up in the Senate.
Mr. HEMENWAY. Mr. President

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Indiana?

Mr. PROCTOR.

The VICE-PRESIDENT. Does the Senator from Indiana rise to the amendment on page 42?

Mr. HEMENWAY. I rise to make an inquiry. On line 24, page 41, I understand \$1,000,000 has been added to the appropriation.

The VICE-PRESIDENT. One million was added in line 12,

page 41.

Mr. HEMENWAY. On page 42, in lines 2 and 3, the appropriation of \$1,000,000 recommended by the committee was stricken out by action of the Senate, and the House provision appropriating \$500,000 was restored. Has any change been made in that?

The VICE-PRESIDENT. No change has been made.

Mr. PROCTOR. Not any; there is not any proposed.
Mr. HEYBURN. The Senate added it on and doubled the appropriation in another place.

The VICE-PRESIDENT. The question is on agreeing to the

amendment in lines 15 and 16 on page 42.

Mr. CLAY. I do not know that I exactly understand these amendments. On page 41, line 12, before the words "seven hundred and fifty-six thousand eight," we have inserted "one million." Is that correct?

Mr. PROCTOR. That is correct.

Mr. CLAY. Then on line 24 of the same page the appropriation still stands at \$900,000?

Mr. PROCTOR. I understand that the total there for salaries and general expenses is to be corrected by the Secretary. Am I right about that?

The VICE-PRESIDENT. The Secretary has no authority to make the change. It is an amendment that must be moved and voted upon in the Senate.

Mr. PROCTOR. I move, then, to make it conform to the amendment in line 24 and that "one million" be inserted.

Mr. HEYBURN. On what page is that?

Mr. CLAY. Page 41.
Mr. PROCTOR. Line 24.
The Secretary. Before the words "nine hundred" in the committee amendment on page 41, line 24—
Mr. CLAY. With the chairman's permission, I do not catch

exactly what we are doing. If that amendment is adopted, I desire to ask the Chair whether the appropriation on page 42, line 3, will stand at \$1,000,000 or \$500,000?

Mr. PROCTOR. It stands at \$500,000.

Mr. CLAY. I wish to ask if we are adding \$1,000,000 to this appropriation. I was not present the entire session this even-ing while the discussion was going on. I should like to ask the chairman what becomes of the money realized from the sale of timber, etc.

Mr. PROCTOR. After the 1st day of July it all goes into the

Mr. CLAY. I presume, then, this appropriation of \$1,000,000 is added for the purpose of taking its place?

Mr. PROCTOR. It is.
Mr. CLAY. I think I catch the idea of the amendment.

The VICE-PRESIDENT. The Senator from Vermont proposes an amendment changing the total in line 24, page 41,

which will be stated.

Mr. HEYBURN. Mr. President, if these large gross sums are to be insisted upon I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators

answered to their names:

Bacon	Dolliver	Heyburn	Proctor
Beveridge	Dubois	Kean	Rayner
Burkett	Frazier	Kittredge	Scott
Carter	Fulton	Knox	Simmons
Clark, Wyo.	Gallinger	Lodge	Stone
Clay	Gamble	Long	Warren
Culberson	Hansbrough	Patterson	
Curtie	Hemenway	Piles	000

The VICE-PRESIDENT. Thirty Senators have answered to their names. A quorum is not present.

Mr. LODGE. I ask that the absentees be called.

The VICE-PRESIDENT. The Senator from Massachusetts requests that the absentees be called.

The Secretary called the names of the absent Senators. Mr. DOLLIVER. I wish to state that my colleague [Mr. Allison] is necessarily detained from the Senate this evening.

Mr. LODGE. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE-PRESIDENT. The Sergeant-at-Arms will execute

the order of the Senate.

Mr. SCOTT. I think it is only proper to state that there are Senators detained at home who are sick. The Senator from Illinois [Mr. Hopkins] is at my hotel, and I know he is not able to come out, and I know the Senator from Nebraska [Mr. MILLARD] is not able to be here.

Mr. LODGE. The Sergeant-at-Arms is, of course, aware of

that.

Mr. GALLINGER. And the Senator from Colorado [Mr. TELLER].

.Mr. SCOTT. Yes; the Senator from Colorado [Mr. Teller].

After a delay of several minutes,

Mr. GALLINGER. Mr. President, it is now almost 9 o'clock, and sixteen Senators would have to be added to the list to make a quorum. I move that the Senate adjourn.

Mr. KEAN. I trust the Senator will not insist on that

motion.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 8 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 23, 1907, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

Friday, February 22, 1907.

The House met at 11 o'clock a.m.
The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

We bless Thee, Infinite Spirit, our Heavenly Father, for all the manifestations of Thy wisdom, power, and goodness round about us, but especially for those qualities of mind and soul which in great crises lift men above the sordid, above the selfish, and make them Godlike; that such a man was our revered Washington; strong in his intellectual gifts, strong in his moral character, strong in his fidelity to truth and justice, pure in his religious aspirations; a soldier, a statesman, a high-minded Christian gentleman whom we delight to call the "Father of his Country." He lived well, wrought well, and died beloved by a nation and respected and honored by all the world. Shine on, O soul divine, in thine immortal glory, that generations to come may copy thy virtues and emulate thy example. Hear us, our Father, for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and

approved.

QUESTION OF PERSONAL PRIVILEGE.

Mr. CLARK of Florida. Mr. Speaker, I rise to a question of

personal privilege.

The SPEAKER. There are some conference reports and matters on the Speaker's table that are of the highest privilege. If the gentleman from Florida will withhold his question of privilege temporarily, the Chair will recognize him later.

APPEALS IN CRIMINAL PROSECUTIONS.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent to call up House bill 15434, with Senate amendments, and ask that the House disagree to the amendments of the Senate and ask for a

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to call up the bill of which the Clerk will read the title, disagree to the amendments of the Senate, and ask for a conference.

The Clerk read as follows:

H. R. 15434. An act to regulate appeals in criminal prosecutions.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER appointed as conferees on the part of the House Mr. Jenkins, Mr. Birdsall, and Mr. De Armond.

EXTENSION OF T STREET.

The SPEAKER laid before the House the bill (H. R. 5971) authorizing the extension of T street (formerly W street) NW., with a Senate amendment.

The Senate amendment was read.

Mr. BABCOCK. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

EXTENSION OF NEW HAMPSHIRE AVENUE, DISTRICT OF COLUMBIA. The SPEAKER also laid before the House the bill (H. R. 23576) to provide for the extension of New Hampshire avenue,

in the District of Columbia, and for other purposes, with a Senate amendment.

The Senate amendment was read.

Mr. BABCOCK. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

INTERNATIONAL CONGRESS OF HYGIENE AND DEMOGRAPHY.

The SPEAKER laid before the House House joint resolution 246, authorizing the President to extend an invitation to the Twelfth International Congress of Hygiene and Demography to hold its thirteenth congress in the city of Washington, with Senate amendments.

The Senate amendments were read.

Mr. SULLIVAN. Mr. Speaker, I move that the House concur in the amendments of the Senate.

The motion was agreed to.

INCORPORATION OF BANKS IN THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the following request of the Senate.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 6906) to provide for the incorporation of banks within the District of Columbia.

The request of the Senate was agreed to.

EXTENSION OF W AND ADAMS STREETS NW.

Mr. BABCOCK. Mr. Speaker, I desire to call up the conference report on the bill (S. 5119) authorizing the extension of W and Adams streets NW., and I ask that the statement be

read in lieu of the report.

The SPEAKER. The gentleman from Wisconsin calls up the conference report on the bill S. 5119, and asks that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 5119, "An act authorizing the extension of W and Adams streets northwest," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment

as follows:

Strike out the matter inserted by said amendment, and on page 1, line 13, of the bill strike out the word "five" and insert in lieu thereof the word "four;" and the House agree to the same.

J. W. BABCOCK, S. W. SMITH, T. W. SIMS,

Managers on the part of the House.

J. H. GALLINGER, H. C. HANSBROUGH, Managers on the part of the Senate.

The statement was read, as follows:

# STATEMENT.

The result of the conference report herewith submitted is that the House recedes from its amendment to the Senate bill and agrees to the same with an amendment cutting down the amount carried in the bill to be paid to the Prospect Hill Cemetery for the land taken to open the streets mentioned through the property of said cemetery. Under the terms of the bill neither the District of Columbia nor the United States will bear any portion of the expense involved, as the amount to be paid for the land taken will be assessed as benefits on property in that locality which will derive an advantage by reason of the improvement provided for in this measure.

J. W. BABCOCK. S. W. SMITH, T. W. SIMS, Managers on the part of the House,

The conference report was agreed to.

# MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 2926. An act for the relief of the heirs of John Smith.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 8533. An act to authorize the Court of Claims to hear, determine, and adjudicate the claims of the Sac and Fox Indians of the Mississippi in Iowa against the Sac and Fox Indians of the Mississippi in Oklahoma and the United States, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 17212. An act to amend an act to incorporate the Supreme Lodge of the Knights of Pythias; and

H. R. 14464. An act for the relief of Wiley Corbett.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring). That the President be requested to return the bill H. R. 830, an act granting an increase of pension to Hezekiah Dezarn.

The message also announced that the Senate had agreed to amendment of the House to the amendment of the Senate to the bill (H, R, 1371) to refund to J. Tennant Steeb certain duties erroneously paid by him without protest on goods of domestic production shipped from the United States to Hawaii and thereafter returned.

The message also announced that the Senate had passed the following resolution:

Resolved. That the Secretary be directed to furnish to the House of Representatives a duplicate engrossed copy of the bill (S. 7247) to provide for the establishment of an immigrant station at New Orleans, in the State of Louisiana, and the erection in said city, on a site to be selected for said station, of a public building.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 526. An act granting an increase of pension to Robert

H. R. 560. An act granting an increase of pension to Wilson

H. R. 561. An act granting an increase of pension to Giles Townsend:

H.R. 654. An act granting an increase of pension to Amos J.

H. R. 1171. An act granting an increase of pension to Alfred

Nichols; H. R. 1223. An act granting an increase of pension to Andrew

Jarvis;
H. R. 1232. An act granting an increase of pension to John V.

Buskirk; H. R. 1242. An act granting an increase of pension to Luke

Reynolds; H. R. 1377. An act granting an increase of pension to Thomas

G. Dallman; H. R. 1474. An act granting an increase of pension to Thomas

C. Fisher; H. R. 1574. An act granting an increase of pension to Franklin Sampson:

H. R. 1665. An act granting an increase of pension to Frederick E. Hayward:

H. R. 1728. An act granting an increase of pension to George C. Vance:

H. R. 1767. An act granting an increase of pension to James H. Marcum;

H. R. 1838. An act granting an increase of pension to Asa J. Clother:

H. R. 1851. An act granting an increase of pension to Ralph D. Parsons;

H. R. 1890. An act granting an increase of pension to Adam Leak:

H. R. 2064. An act granting an increase of pension to Daniel Sullivan;

H. R. 2270. An act granting an increase of pension to John Lehn;
H. R. 2821. An act granting an increase of pension to Turner

J. Preble;

H. R. 2905. An act granting an increase of pension to Burr Clark;

H. R. 3239. An act granting an increase of pension to George W. Stewart;

H. R. 3785. An act granting an increase of pension to Frederick W. Wagner;

H. R. 4150. An act granting an increase of pension to John C. McGinis:

H. R. 4553. An act granting an increase of pension to William R. Wilkins;

 $H.\ R.\ 4757.$  An act granting an increase of pension to Edward Willis;

H. R. 5029. An act granting an increase of pension to Beverly W. Sullivan;

H. R. 5050. An act granting an increase of pension to Ephraim M. Boltz;

H. R. 5162. An act granting an increase of pension to James F. Travis;

 $H.\ R.\ 5202.$  An act granting an increase of pension to Jennie R. Hunt;

H. R. 5388. An act granting an increase of pension to Silas Garrison;

H. R. 5627. An act granting an increase of pension to John C. L. Hargis;

H. R. 5634. An act granting an increase of pension to John Redding;

H. R. 5800. An act granting an increase of pension to Joseph G. Maddocks:

H. R. 6206. An act granting an increase of pension to Stephen J. Henning;

H. R. 6237. An act granting an increase of pension to David Bethurum;

H. R. 6353. An act granting an increase of pension to John Shobert;
 H. R. 6767. An act granting an increase of pension to Hobart

P. Sweet;
H. R. 7242. An act granting an increase of pension to Marcus

H. R. 7242. An act granting an increase of pension to Marcus Davis;

H. R. 7374. An act granting an increase of pension to Elijah C. Adelotte:

H. R. 7554. An act granting an increase of pension to Andrew Cramer:

 H. R. 7565. An act granting an increase of pension to Orville Dickinson;
 H. R. 7578. An act granting an increase of pension to Levi

Hoskins;
H. R. 7634. An act granting an increase of pension to Martha

G. Matlack;
H. R. 8408. An act granting an increase of pension to Richard

Prost;
H. R. 8503. An act granting an increase of pension to David C. May;

H. R. 8682. An act granting an increase of pension to James P. Bledsoe;

H. R. 8770. An act granting an increase of pension to Charles W. Burgess;

H. R. 8775. An act granting an increase of pension to Carrie Diefenbach; H. R. 8785. An act granting an increase of pension to John

Finch;
H. R. 9256. An act granting an increase of pension to Martha

E. Sanford;
H. R. 9448. An act granting an increase of pension to Thomas

B. Hockley; H. R. 9664. An act granting an increase of pension to Edwin

H. R. 9785. An act granting an increase of pension to William A. Lyon;

H. R. 9838. An act granting an increase of pension to Joseph Fergerson:

H. R. 9850. An act granting an increase of pension to Benjamin F. Williams;

H. R. 10212. An act granting an increase of pension to Charles M. Arnold;

H. R. 10241. An act granting an increase of pension to Joseph M. Parish;

H. R. 10301. An act granting an increase of pension to George
 N. Beymer;
 H. R. 10431. An act granting an increase of pension to Charles

W. Kenisston;
H. R. 10739. An act granting an increase of pension to N. Del-

mont McReynolds;
H. R. 10889. An act granting an increase of pension to William H. Garrison;

H. Garrison;
H. R. 10935. An act granting an increase of pension to Annie

L. Boone; H. R. 11198. An act granting an increase of pension to Emanuel Sandusky;

H. R. 11285. An act granting an increase of pension to William Kirkpatrick;

H. R. 11621. An act granting an increase of pension to Hollis Smith:

 $\mathbf{H},\,\mathbf{R},\,\mathbf{11845}.$  An act granting an increase of pension to William J. Clark;

H. R. 11848. An act granting an increase of pension to George E. York

H. R. 11995. An act granting an increase of pension to Wesley Layton:

H. R. 12240. An act granting an increase of pension to Albert J. Ackerley

H. R. 12344. An act granting an increase of pension to Andrew J. Sproul;

H. R. 12346. An act granting an increase of pension to Abraham D. Stouffer:

H. R. 12349. An act granting an increase of pension to Edgar M. Barber

H. R. 12353. An act granting an increase of pension to Jacob Little:

H. R. 12563. An act granting an increase of pension to Andrew L. Hook

H. R. 12580. An act granting an increase of pension to Charles E. Youtt

H. R. 12631. An act granting an increase of pension to James E. Leslie; H. R. 12969. An act granting an increase of pension to Alex-

ander Buck

H. R. 13012. An act granting an increase of pension to Charles L. Cole

H. R. 13133. An act granting an increase of pension to Gilbert W. Clark;

H. R. 13334. An act granting an increase of pension to Erastus A. Doe:

H. R. 13810. An act granting an increase of pension to Abraham J. Simmons;

H. R. 13816. An act granting an increase of pension to Thomas McPeek

H. R. 13963. An act granting an increase of pension to William H. Turner

H. R. 14104. An act granting an increase of pension to Milton Brown:

H. R. 14228. An act granting an increase of pension to Abram

Nussbaum; H. R. 14244. An act granting an increase of pension to Edwin

R. Phillips H. R. 14779. An act granting an increase of pension to Willard

Wheeler H. R. 15241. An act granting an increase of pension to Samuel

De Haven; H. R. 15452. An act granting an increase of pension to Solo-

mon Stanfield: H. R. 15543. An act granting an increase of pension to George

W. Maynard; H. R. 15688. An act granting an increase of pension to Esther

H. R. 15879. An act granting an increase of pension to Jacob

H. R. 16192. An act granting an increase of pension to Charles Reed:

H. R. 16221. An act granting an increase of pension to Job Clark

H. R. 16261. An act granting an increase of pension to John P. Bare;

H. R. 16343. An act granting an increase of pension to Francis D. Matheny

H. R. 16439. An act granting an increase of pension to Patrick

H. R. 16607. An act granting an increase of pension to Mary Denny; H. R. 16608. An act granting an increase of pension to Catha-

rine McNamee H. R. 16687. An act granting an increase of pension to Jeffer-

son G. Turner; H. R. 16718. An act granting an increase of pension to James

Miltimore H. R. 16834. An act granting an increase of pension to Allan

S. Rose H. R. 16839. An act granting an increase of pension to Ben-

jamin F. Johnson; H. R. 16939. An act granting an increase of pension to Pat-

terson Reese H. R. 17002. An act granting an increase of pension to Levi

Deater H. R. 17091. An act granting an increase of pension to George

Myers H. R. 17245. An act granting an increase of pension to Joseph Bateman:

H. R. 17307. An act granting an increase of pension to John A. Baker;

H. R. 17394. An act granting an increase of pension to Albert W. Boggs

H. R. 17655. An act granting an increase of pension to Fritz

H. R. 18040. An act granting an increase of pension to Thomas Akin

H. R. 18110. An act granting an increase of pension to Asail Brown

H. R. 18396. An act granting an increase of pension to John Nix:

H. R. 18515. An act granting an increase of pension to Martin Johnson:

H. R. 18518. An act granting an increase of pension to William W. Wertman;

H. R. 18556. An act granting an increase of pension to William H. De Bruler

H. R. 18571. An act granting an increase of pension to Ann O'Neil:

H. R. 18604. An act granting an increase of pension to Thomas M. Luman :

H. R. 18653. An act granting an increase of pension to Richard Limbird;

H. R. 18814. An act granting an increase of pension to Francis G. Knapp;

H. R. 18831. An act granting an increase of pension to James

H. R. 18993. An act granting an increase of pension to James Shaw

H. R. 19065. An act granting an increase of pension to William R. Rodenberger :

H. R. 19069. An act granting an increase of pension to Cornelius A. Willis:

H. R. 19106. An act granting an increase of pension to Margaret Epperson;

H. R. 19125. An act granting an increase of pension to Mary W. Humphreys

H. R. 19291. An act granting an increase of pension to Charles Bachman

H. R. 19421. An act granting an increase of pension to Ella A. Hodges

H. R. 19580. An act granting an increase of pension to Jane Williamson

H. R. 19594. An act granting an increase of pension to Hosea Hudson

H. R. 19599. An act granting an increase of pension to William J. Large;

H. R. 19658. An act granting an increase of pension to Ary S.

H. R. 19739. An act granting an increase of pension to Henry D. Miner

H. R. 19794. An act granting an increase of pension to Henry C. Jewett

H. R. 19937. An act granting an increase of pension to Mildred L. Allee H. R. 20003. An act granting an increase of pension to Wil-

liam Yahn:

H. R. 20004. An act granting an increase of pension to Isaiah Perkins;

H. R. 20057. An act granting an increase of pension to Cynthia Marsh:

H. R. 20062. An act granting an increase of pension to Philip Lape:

H. R. 20082. An act granting an increase of pension to William Van Alst;

H. R. 20155. An act granting an increase of pension to Frank L. Weiss, alias Louis Weiss; H. R. 20170. An act granting an increase of pension to Ma-

thias Mannes

H. R. 20183. An act granting an increase of pension to Catherine Way H. R. 20217. An act granting an increase of pension to Ferdi-

nand Kunkel:

H. R. 20270. An act granting an increase of pension to Michael Dunn

H. R. 20299. An act granting an increase of pension to Lizzie E. Enright:

H. R. 20414. An act granting an increase of pension to Albert Launt:

H. R. 20588. An act granting an increase of pension to Nicholas S. Cantine:

H. R. 20590. An act granting an increase of pension to Hannah O. Reynolds;

H. R. 20622. An act granting an increase of pension to Samuel Shoener;

H. R. 20840. An act granting an increase of pension to Thomas M. Lord;

H. R. 20886. An act granting an increase of pension to William W. Bell;

H. R. 20890. An act granting an increase of pension to Lafayette Doughty

H. R. 20052. An act granting an increase of pension to John W. Howe:

H. R. 20954. An act granting an increase of pension to Henry McDevitt:

H. R. 20956. An act granting an increase of pension to James Kenney

H. R. 20959. An act granting an increase of pension to William G. Dickey;

H. R. 20961. An act granting an increase of pension to George F. Fogg

H. R. 20963. An act granting an increase of pension to Rianzo M. Norton

H. R. 20972. An act granting an increase of pension to George W. Rothrock

H. R. 20999. An act granting an increase of pension to John H. Simmons

H. R. 21040. An act granting an increase of pension to Ella C. Washburn:

H. R. 21052. An act granting an increase of pension to Edmund A. Locker;

H. R. 21055. An act granting an increase of pension to Archibald Bates:

H. R. 21073. An act granting an increase of pension to Michael Harman:

H. R. 21085. An act granting an increase of pension to Anthony Patterson;

H. R. 21131. An act granting an increase of pension to Cornelius Shea:

H. R. 21141. An act granting an increase of pension to George E. Castor, alias George E. Custer;

H. R. 21244. An act granting an increase of pension to Levi E. Eldred:

H. R. 21262. An act granting an increase of pension to Mar-

garet Adams; H. R. 21267. An act granting an increase of pension to Jerome

B. Clark: H. R. 21284. An act granting an increase of pension to Wil-

liam Earnest: H. R. 21306. An act granting an increase of pension to James

Pool; H. R. 21336. An act granting an increase of pension to Hermann Hoffmeister;

H. R. 21337. An act granting an increase of pension to Henry J. Barrows

H. R. 21342. An act granting an increase of pension to Charles A. Parker

H. R. 21348. An act granting an increase of pension to William Seymour Alden;

H. R. 21430. An act granting an increase of pension to Alonzo Foster

H. R. 21525. An act granting an increase of pension to John

H. R. 21559. An act granting an increase of pension to William H. R. 21562. An act granting an increase of pension to Valen-

tine Goebel;

H. R. 21608. An act granting an increase of pension to Louis Green:

H. R. 21659. An act granting an increase of pension to Rose

H. R. 21711. An act granting an increase of pension to Thor Nelson:

H. R. 21734. An act granting an increase of pension to Stephen B. H. Shanks;

H. R. 21746. An act granting an increase of pension to William N. Carlisle;

H. R. 21784. An act granting an increase of pension to William Hall:

H. R. 23235. An act granting an increase of pension to James L. Barney

H. R. 24358. An act granting an increase of pension to John

R. Cauley; H. R. 14464. An act for the relief of Wiley Corbett;

H. R. 25482. An act to amend section 878 of the Code of Law for the District of Columbia;

H. R. 24875. An act authorizing the extension of Forty-fifth

street NW.; H. R. 23218. An act to authorize the Kentucky and West Virginia Bridge Company to construct a bridge across the Tug Fork of Big Sandy River, at or near Williamson, in Mingo County, W. Va., to a point on the east side of said river in Pike County, Ky.

H. R. 23201. An act to amend the act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia, approved February 28, 1901;

H. R. 22350. An act to authorize the recorder of deeds of the District of Columbia to recopy old records in his office, and for

other purposes

H. R. 19493. An act to reimburse Oscar Fulgham, ex-sheriff of Madison County, Ala., for judgment and costs rendered against him when acting in the service of the United States;

H. R. 19312. An act to authorize the Mingo-Martin Coal Land Company to construct a bridge across Tug Fork of Big Sandy River at or near mouth of Wolf Creek

H. R. 18865. An act for the relief of John and David West; H. R. 18020. An act for the relief of the Snare & Triest Com-

H. R. 14381. An act authorizing and directing the Secretary of the Treasury to pay to the Holtzer-Cabot Electric Company the amount due said company from the Post-Office Department;

H. R. 13367. An act to amend section 13 of an act of March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California;"

H. R. 12686. An act for the relief of Edwin T. Hayward, executor of Columbus F. Hayward, and the administrator of Charlotte G. Hayward;

H. R. 12009. An act for the relief of the heirs at law of M. A.

Phelps and the heirs at law of John W. Renner; H. R. 11676. An act for the relief of persons who sustained

property damage caused by fire at the Rock Island Arsenal; H. R. 9877. An act for the relief of James P. Barney; H. R. 9289. An act for the relief of the Mitsui Bussan Kaisha;

H. R. 8078. An act for the relief of Miss Bernice Farrell; H. R. 7960. An act for the relief of John C. Ray, assignee of John Gafford, of Arkansas;

H. R. 7746. An act for the relief of Columbia Hospital and Dr. A. E. Boozer;

H. R. 7741. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Pay Clerk Walter Delafield Bollard, United States Navy; H. R. 5622. An act for the relief of M. D. Wright and Robert

Neill:

H. R. 5195. An act for the relief of the Milburn Wagon Company, of Toledo, Ohio;

H. R. 4271. An act for the relief of Patrick J. Madden;

H. R. 4233. An act to reimburse the Harpswell Steamboat Company, of Portland, Me., for expenses incurred and for repairing damages sustained by its steamer Sebascodegan in collision with the United States steamer Woodbury;

H. R. 3577. An act for the relief of Barclay H. Warburton; H. R. 1078. An act for the relief of Hamilton D. South, second lieutenant, United States Marine Corps; and

H. R. 129. An act for the opening of a connecting parkway along Piney Branch between Sixteenth street and Rock Creek Park, District of Columbia.

### AIDS TO NAVIGATION.

Mr. MANN. Mr. Speaker, I call up the conference report on the bill (H. R. 25242) to authorize additional aids to naviga-tion in the Light-House Establishment, and for other purposes, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Illinois calls up a con-The SPEAKER. The gentieman from that the statement ference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection? pause.] The Chair hears none, and the Clerk will read.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25242) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2,

3, 4, 5, 6, 7, 8, 10, 13, and 14.

That the House recede from its disagreement to the amendments of the Senate numbered 11 and 12, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and

agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"A tender for use in Hawaiian waters and elsewhere as may

be directed, at a cost not to exceed two hundred and fifteen thousand dollars."

And the Senate agree to the same.

JAMES R. MANN, F. C. STEVENS, W. C. ADAMSON, Managers on the part of the House. S. B. ELKINS. GEO. C. PERKINS, LEE S. OVERMAN, For S. R. MALLORY, Managers on the part of the Senate.

The Clerk read the statement, as follows:

#### STATEMENT.

The result of the conference is that the Senate recedes from its amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 13, and 14. These include the additional aids proposed by the Senate at Greenville, New Jersey; Ohio Shoal, Rhode Island; Gull Island, Wisconsin; new tender in the twelfth district; Pigeon Point, California; Red Rock, California; Cape Spencer, Alaska; Eliza Island, Bellingham Bay, Washington; Orford Reef, Cape Blanco, Oregon.

And also recedes from its amendments striking out of the House bill beacon lights at La Trappe River, Maryland, and post lights on Fox River, etc., Wisconsin.

The House recedes from its disagreement to amendments numbered 11 and 12. Amendment number 11 is purely a verbal amendment, and number 12 provides for rebuilding, etc., of light and fog-signal station at Cape Arago, Oregon.

The House recedes from its disagreement to amendment num-

bered 9, and agrees to the same with an amendment as follows: Strike out all of the Senate amendment numbered 9 and in-

sert in lieu thereof the following:

"A tender for use in Hawaiian waters and elsewhere, as may be directed, at a cost not to exceed two hundred and fifteen thousand dollars."

The total amount carried by the amendments of the Senate which go out is six hundred and sixty thousand dollars.

The amendments of the Senate agreed to by the House carry a total of two hundred and forty-five thousand dollars.

JAMES R. MANN. F. C. STEVENS, W. C. ADAMSON,

Managers on the part of the House.

Mr. MANN. Mr. Speaker, I move the adoption of the confer-

The SPEAKER. The question is on the adoption of the conference report.

The question was taken; and the conference report was

# ANNE B. WHITCOMB.

The SPEAKER laid before the House the bill (H. R. 20718) granting an increase of pension to Anne B. Whitcomb, with a Senate amendment thereto.

The Clerk read the Senate amendment.
Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken; and the motion was agreed to.

## WILLIAM F. CLENDENING.

The SPEAKER also laid before the House the bill (H. R. 20223) granting an increase of pension to William F. Clendening, with a Senate amendment thereto.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken; and the motion was agreed to.

## JOHN SHINOLT.

The SPEAKER also laid before the House the bill (H. R. 17956) granting an increase of pension to John Shinolt, with a Senate amendment thereto.

The Senate amendment was read.
Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken; and the motion was agreed to.

## NANNY E. HAYES.

The SPEAKER also laid before the House the bill (H. R. 21639) granting an increase of pension to Nanny E. Hayes, with a Senate amendment thereto.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the house concur in the Senate amendment.

The question was taken; and the motion was agreed to.

#### CASPER W. TYLER.

The SPEAKER also laid before the House the bill (H. R. 21415) granting an increase of pension to Casper W. Tyler, with a Senate amendment thereto.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken; and the motion was agreed to.

#### WILLIAM W. SPARKS.

The SPEAKER also laid before the House the bill (H. R. 21447) granting a pension to William W. Sparks, with Senate amendments thereto.

The Senate amendments were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The question was taken; and the motion was agreed to.

## ASA A. GARDNER.

The SPEAKER also laid before the House the bill (H. R. 23367) granting an increase of pension to Asa A. Gardner, with Senate amendment thereto.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken; and the motion was agreed to.

#### MARY E. BROWN.

The SPEAKER also laid before the House the bill (H. R. 17011) granting an increase of pension to Mary E. Brown, with a Senate amendment thereto.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken; and the motion was agreed to.

#### WILLIAM G. CUMMINGS.

The SPEAKER also laid before the House the bill (H. R. 23860) granting an increase of pension to William G. Cummings, with a Senate amendment thereto.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken; and the motion was agreed to.

# MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 17285. An act for the relief of Second Lieut. Gouverneur V. Packer, Twenty-fourth United States Infantry; and H. R. 25513. An act extending the time for making final proof in certain desert-land entries.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 8182) authorizing the Twin City Power Company to build two dams across the Savannah River above the city of Augusta, in the State of Georgia.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes.

## INFORMATION REGARDING PHILIPPINE ISLANDS.

Mr. CLARK of Florida. Mr. Speaker, I ask the present consideration of the following privileged resolution.

The SPEAKER. The gentleman from Florida rises to a question of privilege, and offers the resolution which the Clerk will report.

The Clerk read as follows:

# Resolution No. 823.

Resolved, That the Secretary of War be, and he is hereby, directed to send to the House of Representatives at the earliest possible day the following information:

A statement of the amount of money expended by the United States for equipment, supplies, military operations in the Philippine Islands, and all other expenditures of any character whatsoever expended by the United States in, for, or on account of said Philippine Islands in any manner, from the date of the ratification of the treaty of peace between the United States and the Kingdom of Spain to the present time.

between the United States and the Kingdom of Spain to the present time.

Also a statement of the amount of revenue of any and every character received by the United States from or on account of the Philippine Islands since the date of the ratification of the treaty of peace between the United States and the Kingdom of Spain to the present time, together with the amount expended in and about the collection or receipt of the same, so as to show the net amount of such revenue so received during the period aforesaid.

Mr. CLARK of Florida. Mr. Speaker-The SPEAKER. One moment.

Mr. MANN. Is it a privileged matter?

The SPEAKER. The Chair is just trying to ascertain to what committee it was referred.

Mr. CLARK of Florida. The resolution was introduced on the 8th of February and sent to the Committee on Insular Affairs, and no report has been made.

The SPEAKER. Then the gentleman's motion is to discharge the committee, as the Chair understands.

Mr. CLARK of Florida. Yes.

The SPEAKER. The gentleman from Florida moves to discharge the Committee on Insular Affairs from the further consideration of the resolution.

The motion was agreed to.

Mr. CLARK of Florida. My motion was for the discharge of the committee and for the present consideration of the resolu-

The SPEAKER. That is just what has been agreed to, otherwise it is with the committee, and it is a question of privilege to move to discharge the committee; and that is the motion that has just been put.

Mr. CLARK of Florida. Now, a parliamentary inquiry. I desire to address myself to the resolution.

The SPEAKER. The gentleman from Florida.

The SPEAKER. The gentleman from Florida. Mr. CLARK of Florida. Mr. Speaker, some weeks ago I introduced in this House a bill providing for the sale of the Philippine Islands to Japan or some other foreign power which would pay the United States therefor the \$20,000,000 which under the terms of the treaty of peace between this country and the Kingdom of Spain we paid to the latter country for the islands mentioned, and in addition thereto the amount of money expended by us since the bargain and sale referred to in the construction of permanent improvements on said islands. bill went to the Committee on Insular Affairs, and it is still I never expected it to be reported by that committee. I never expected that committee to even consider it, but I did expect the American people to consider it, and they are doing so from one end of this country to the other; and whether this particular bill meets the requirements of the situation or not, there can be no question, considering the press of the country as the mirror in which is reflected the public opinion of the land, that the masses of our people have reached the conclusion that we must relinquish these oriental possessions.

Following the introduction of this bill I introduced a resolution calling on the Secretary of War to furnish the House with a statement showing what the retention of the Philippines has cost us since we took possession. That resolution also went to the Committee on Insular Affairs and has quietly been resting there for more than two weeks past. I had no idea that it would ever be reported. There seems to be a reluctance to give the people of this country the facts in relation to the expense incurred in the government of these islands, and without that information I desire to submit a few remarks with reference to

the general situation.

I shall not undertake at this time to discuss the causes which produced our late war with Spain. No matter what the cause, no matter whether originally our cause was just or not, no matter whether by the exercise of wise diplomacy it could have been avoided and the thousands of American lives and millions of American treasure saved from sacrifice, it came, and the sons of the Republic from every nook and corner of our broad land patriotically responded to the call of country, and within a few short months the proud old Kingdom of Spain, with her colors trailing in the dust of defeat, was prostrate at the feet of American soldiery suing for mercy. In comparison with the nations of the earth we had at the outbreak of that war no large standing army and no navy commensurate with the needs of a country lying broadside to two oceans in such manner as to expose us to the attack of every well-equipped navy upon the high seas. Our experience at that time convinces me that the safety of a nation lies not so much in the size of its standing army, the equipment of its naval forces, and the completeness of its coast defenses as in the patriotic love of its people. When governments, of whatever nature, begin to lose the respect, confidence, and love of the people, at that selfsame moment such governments begin to decay, and when one, whether monarchy or republic, can only be held together by a show of glittering bayonets upon the land and the frowning cannon upon the decks of sea monsters beneath every sky, then it requires no prophet to foretell that the days of that government are numbered. These United States are so circumstanced in location, so rich in agriculture, in manufactures, in mines, and in every other quality which goes to make a people great, powerful, and independent that as long as we adhere to that fundamental principle of the Republic of staying at home, attending to our own business, and allowing other peo-

ples to attend to theirs, we can with a very small standing army and a very modest navy successfully defy the combined armies of the Old World. But when the very flower of the Spanish navy went down at Manila and Santiago and Spain lay prostrate at our feet, the Republican party, being in full possession of every branch of our Government, became recklessly drunken with the wine of conquest, and started us as a nation for a journey on strange and unknown seas. The fathers of the Republic never dreamed that the time would come when the people of the United States would embark in the business of acquiring and governing territory more than 8,000 miles from our shores, and that, too, without the consent of the people to be governed.

Why, Mr. Speaker, there can be no just government without the consent of the people governed, and indeed, sir, this contention on the part of our forefathers was the impelling cause which forced the people of the thirteen original colonies to secede from the British Government and declare themselves to be "free and independent States." For seven long years of bloody war with the mother country the Revolutionary patriots contended for this principle, established it upon these shores, and bequeathed it to us as a priceless heritage. Yet one hundred and thirty years after this revolt against tyranny and the establishment here of the best Government in all the world, we find the Republican party in absolute control of every department of the Government undertaking to govern and control, without their consent, 10,000,000 of people of an alien race and more than 8,000 miles away! This is a complete subversion of the purposes of our creation as a Government, and the sooner we abandon the colonial policy and send to the rear with a "get thee behind me Satan" our dreams of becoming a great "world power" on the seas of militarism and imperialism, the better will it be for the future of our beloved country. [Applause,]

Our destiny is to become a "world power" among the nations of the earth, but let us fervently hope that we shall become such by virtue of our superiority in agriculture, manufactures, mines, commerce, education, Christian living, and other like things which go to make a people really and truly great. Let us abandon for all time the bluster and braggadocio of the bully and take our rightful stand at the head of all nations in the glorious march toward the goal of lasting universal peace.

[Applause.]

But, Mr. Speaker, we can not assume this position and carry with us in international conferences the weighty influence that should attend the United States as long as we persist in the policy of governing and holding in subjection to our will and against their protest millions of people who have absolutely nothing in common with us and who are, and must remain, thousands of miles from us. If on that historic morning in May some nine years ago the gallant Dewey, after destroying the Spanish fleet in Manila Bay, had quietly saided away, leaving the Filipino to "work out his own salvation," thousands of American lives and millions of American treasure would have been saved to us and we would not now be engaged in the task policy of governing and holding in subjection to our will and been saved to us and we would not now be engaged in the task of building huge sea monsters at an enormous expense to ourselves and to the serious detriment of our own internal improvements for the sole purpose of protecting the "little brown man" from the avarice of eastern nations in order that American plutocrats and trust magnates may exploit him and his. [Applause on Democratic side.] One of the noblest traits in the character of the true man is to promptly acknowledge his mistake when he finds he has made one, and then set himself to the task of righting the wrongs which have resulted therefrom. A political party or a nation should do no less, and the whole civilized world ever stands ready to applaud such an act.

The original purchase of the Philippine Islands by our Government was a serious blunder and a most grievous wrong—wrong to the Filipino, wrong to our people, and wrong to all the nations of the earth. More than eight years of possession and attempted government on our part has demonstrated the folly of our continuance of the experiment a day longer, and the question now is, Has the Republican party the courage to "right-about face" on this question and sell or otherwise dispose of this "gold brick" which was worked off on us by pose of this "gold brick" which was worked off on us by Spain in the Paris treaty and for which we handed her twenty millions of good American dollars?

It is utterly impossible, Mr. Speaker, to secure from the War Department any statement of the money of the people of these United States that has been expended by this present Administration in and on account of the Philippines, either on account of permanent public improvements or on account of current expenses for the equipment and maintenance of our Army in the islands, the equipment and maintenance of our great naval

establishment, made necessary by our ownership of the archipelago, and other expenditures that we have been forced to undergo by virtue of our ownership of this foreign and distant

Why all this secrecy? Have not the people of this country the right to know the amount of their money being expended by their servants, how and where it has been and is being expended, and all about it? Surely we are traveling on a strange road when the creature can and does defy the creator; when the agent flatly denies the right of his principal to know what disposition has been made of the funds of the principal which have been committed to the keeping of the agent and the

servant stoutly refuses to make an accounting to his master! There is no shadow of reason why the people should not know how much of their money has been spent in or on account of the Philippine Islands, in what manner it has been spent, and in fact everything in any wise pertaining to our occupation of these islands. Without the data which has been asked for, and not obtained, I think it is entirely safe to say that in addition to the \$20,000,000 paid Spain out of the Treasury of the United States in pursuance of the terms of the Paris treaty, which was the purchase price of these lands, and the "little brown men" thrown in for good measure, we have expended three or four times the purchase price in improving and retaining them. While millions of the people's money can be and is being spent in the building of good roads and other internal improvements in these far-away islands, it seems to be utterly impossible to get the "powers that be" to appropriate one penny for good roads in our own land.

Gentlemen prate about the duties we owe to the Filipinos, and they seem willing to deplete the Treasury of the United States in the maintenance of an immense Army and Navy, in the construction of coast defenses, and in building permanent improvements on these islands for the sole benefit of this alien race, which has nothing in common with us, and to whom we

owe absolutely nothing.

When we purchased these islands and this alien race with them, the deed was nothing more nor less than traffic in human beings, and it is no greater wrong for individuals to traffic in humanity than it is for nations to make bargain and sale of human beings. The purchase of these islands and the people who inhabit them was a great moral wrong on the part of this great Christian country; it was a great wrong to our form of government; it was a great wrong to humanity, and it placed a black stain upon our own boasted civilization. Having committed this wrong and knowing now that it is wrong, what does the dominant party intend to do with this distant territory and this alien people? What will you do with this brown man of the Orient? Have you evolved a policy as to your own future relations with him? If you have, do you not think it is about time for you to take the American people—your masters—into your confidence and tell them what that policy is? If you have not, after more than eight years of effort, evolved some policy, don't you think you ought to candidly admit your inability to deal with the subject, and at least give the suggestions of others for a solution of the problem a fair test?

Mr. Speaker, I can conceive of but three ways in which to dispose of this vexatious problem, which the shrewd diplomacy of Spain and the asinine blundering of the Republican party has saddled upon us [applause on Democratic side], viz:

First. To incorporate the Philippine Islands and the inhabitants thereof as a part of the United States, giving to those people every right and privilege enjoyed under the Constitution

by our own people; Second. To hold the Philippine Islands and the people who inhabit them as the property of the United States, under some sort of colonial government, in which these people shall have no

voice; and
Third. To dispose of the Philippine Islands and the people who inhabit them, either to the Filipinos themselves, Japan, or any other eastern nation that may desire them, for whatever we can get toward reducing the enormous financial loss we have incurred on account of our original investment, reserving at

some desirable place a coaling and naval station. And I want to say right here, Mr. Speaker, that the fact of our buying the Philippine Islands, and holding them only a few days, put this country, and the Congress representing it, in the embarrassing position of enacting legislation which sought to throttle the power of a sovereign State at the behest of the Mikado of Japan. [Applause on the Democratic side.] This boasted world power, this great American Republic, doing the bidding of Japan, and in the doing of it strangling the sover-eignty out of a great State of this Union. [Applause on the Democratic side.]

Here are three highways open for us to travel. Which shall

it be? Which is best for us? I say, "Which is best for us," because I believe that our first duty is to ourselves, and we have no right, legal or moral, to spend millions of the people's money to ameliorate the condition of others to whom we owe nothing, while our own people are staggering under the burdens of government and begging for necessary internal improvements. "Charity begins at home," and, I will add, should stay at home until the wants and necessities of the home people have been fully met and supplied. Looking at this question from the view point of what is best for us, what says the party in power? Which road shall we take? Shall it be the first? Shall we take this brown man into the family circle and make him one of us? Surely not. And yet, without altering our whole form of government, I do not see how we can keep him at all except it be on terms of perfect political equality.

Are gentlemen ready to admit this brown man of the Orient to citizenship in the United States upon terms of perfect political equality with themselves and their race? The proud Caucasian race planted the seeds of liberty in this Western Hemi-sphere which took deep root and flourished, until now behold the most majestic tree of liberty which adorns the forest of nations. Have gentlemen no pride of race? Are you willing to admit that the African, the Mongolian, and the Asiatic is your equal? Are you willing to assimilate with these people? With no pride of your race and with no love of your past, do you intend to attempt the alteration of the eternal decree of God Almighty in his placing the seal of superiority upon the white man? [Applause on the Democratic side.] If you do so intend, and you should be successful in carrying out your policy, what would you accomplish? You would only succeed in dragging the white man down to the level of the African, the Mongolian, and the Asiatic, and the future citizen of these United States would be a mongrel, not entitled to the respect of decent people

I have no patience, Mr. Speaker, with that class of my race who, for the enjoyment of a "little brief authority" secured by pandering to the whims of a few addle-brained fanatics and the impossible demands of inferior races, would consign their posterity to a status which the Creator never intended them to occupy. Two totally distinct races of people, the one the superior of the other, never have and never will live together under one government upon terms of perfect equality, either

political or social.

Mr. Lincoln, I believe, said that "the Republic can not exist half slave and half free." Neither can the Republic exist with one half of its citizenship composed of the proud Caucasian race and the other half composed of the African, Mongolian, and Asiatic races under laws seeking to compel absolute po-litical or social equality. Neither can the Republic exist with one half citizen and the other half serf. In order for this Re-public to exist and go onward to the goal of its high destiny among the peoples of the earth the bars must be put up and none allowed to come to us from other lands to make their homes with us in this God-favored land, except those of the white race who can assimilate with us, thus giving us a homogenous population and insuring the preservation of the integrity of our civilization.

If then, Mr. Speaker, we are to preserve the integrity of our race and save our institutions for the benefit of humanity in the coming centuries we can not take this alien from the faraway islands of the Pacific into our household as a real member of the family and upon terms of perfect social or political

Does the dominant party-intend to adopt the second plan I have mentioned? Do you intend to forever hold these people as your property, controlling and governing them without their consent in order that American money sharks may continue to plunder them? Do you think that the holding in subjection to your will by force of arms of this distant allen race is in consonance with our form of government? What warrant have we under the Constitution of this great Republic to either own or control this alien and unassimilable race? Where our history does the Republican party find authority for the establishment of colonies and colonial forms of government? Why, Mr. Speaker, within the last few days I have heard gentlemen upon the floor of this House speak of our "colonial possessions? This smacks of empire. It breathes of imperialism. It suggests royalty. It does not indicate the simplicity of republican government, where every citizen is a sovereign, but it publican government, where every citizen is a sovereign, but it produces visions of kingly rule. Has the experiment of "government of the people, by the people, and for the people proven to be a failure? Was George III right and our forefathers wrong in 1776? Have we been mistaken for more than a century in our contention that the people should rule?

Is the Republican party willing to go to the country with the

declaration that it is the purpose of that party to perpetuate a colonial form of government in the Philippine Islands? If not, then when do you propose to make a change? What do you propose to substitute for the present form of rule in the islands? You can not maintain the present status and preserve the Republic, because "colonial possessions" have no place in a republican form of government. If, however, we propose to dis-card for the future our republican government and clothe ourselves in the habiliments of the empire, have we counted the cost of maintaining these distant island possessions? In time of profound peace this precious property has cost us millions upon millions of money, and the end is not yet. If, unfortunately, we should be plunged into war with some strong eastern power, "our colonial possessions" would fall an easy prey to the enemy before we could get our forces well started across the seas, and then it would probably bankrupt us to retake them, as retake them we would, no matter what the cost in both blood and treasure. Is it good policy for us to continue in the "colonial-possession" business at so frightful a cost as confronts us? We say we want peace with all nations, yet our ownership of the Philippine Islands is a constant invitation for war to every east-We have planted ourselves 8,000 miles from home "with a chip on our shoulders," daily challenging all the nations of the East to "knock it off." Can we afford to continue this performance? Shall we by its continuance abandon the form of government established by the fathers of the Republic, and which by careful nurture has made for us the grandest and most powerful government beneath the sun? No; a thousand times no, Mr. Speaker.

What then shall be our course? If it were in my power to provide a solution of this vexed problem, I would sell the Philippine Islands, only reserving a coaling and naval station, for what I could get, and thus reduce the amount of the losses we have already incurred by the amount received from the purchaser and escape the future millions of losses which their retention will inevitably bring to us. I would give the Filipinos the first opportunity to buy, and if they did not or could not buy, I would then offer them to Japan or some other eastern nation, and if I could not find a purchaser at all, I would simply withdraw and leave the "little brown man" of the Orient alone in his glory to "work out his own salvation with fear and trembling."

We have one race question already to solve, Mr. Speaker, and why will certain politicians insist on giving us another? Why not let us work out a just and proper solution of the one which is now with us, and which has challenged the best thought of our wisest statesmen for more than fifty years, before we fly to the Far East in search of another one? So for as I am concerned, I know that I have nothing but the kindliest feeling for the brown man of the Philippines and the black man of continental America; I know that my people wish them no harm, and would elevate rather than degrade them. We have shown this by taxing our people for more than forty years to build and maintain schools for negro children; we have aided them constantly in the building and maintenance of their churches; we have in every conceivable way endeavored to lift them up in the scale of morality and right living. done everything in our power to ameliorate their condition, except to sacrifice the integrity of our race by receiving them as our social equals, and, we might as well be plain, this we shall never do so long as the world shall stand. There is no power under the sun that can make us do that, because the time will never come when we, our children, and our children's children, down to the latest generation, and to the time when the angel Gabriel shall announce to a listening world that time shall be no more, would not prefer death and complete extermination, rather than amalgamation with this inferior people. {Ap-

While I am dealing with this subject, Mr. Speaker, I desire to call attention briefly to two bills that have been introduced in this House during the present Congress. I refer to the bills introduced respectively by the gentleman from Ohio [Mr. Keifer] and the gentleman from New York [Mr. Bennet], each bill having for its object the reduction of representation from the Southern States in this House and in the Electoral College on account of the alleged suppression of the negro vote in those States. I believe that both of the gentlemen in their bills name, among others, the State of Florida, and they propose to give my State only two Representatives in this House instead of the three she is entitled to and now has. Why do these gentlemen propose this proceeding as to Florida? They say that we have disfranchised the negro in Florida. In what way has the negro in Florida been disfranchised? I make the unqualified statement that neither of the gentlemen can point out a single line either in the constitution of Florida or the

statute law of Florida which disfranchises the negro or which directly or indirectly seeks so to do.

Mr. PAYNE. Mr. Speaker, I make the point of order that the gentleman is not now speaking to his resolution.

The SPEAKER pro tempore (Mr. Olmsted). The gentleman from New York makes the point of order that the gentleman from Florida is not speaking to his resolution. The point of order seems to be well taken.

Mr. SHACKLEFORD. Mr. Speaker, I make the point of order that the gentleman from New York was not listening and does not know what the gentleman from Florida was talking about.

Mr. CLARK of Florida. I would like to be heard on the point of order.

Mr. SULZER. Mr. Speaker, I make the point of order that the gentleman from Florida was recognized in his own right and has the right to proceed for one hour.

The SPEAKER pro tempore. The gentleman was recognized in his own right, and has one hour to speak upon his resolution, but not upon the question of representation in Florida. The gentleman will proceed in order.

Mr. CLARK of Florida. I want to be heard for a moment on that.

The SPEAKER pro tempore. The point is very clear, and the gentleman will be recognized to speak to his resolution. The Chair does not care to hear argument on the point of order.

Mr. CLARK of Florida. All right. If the Chair decides I can not be heard, it is perfectly agreeable to me. I want to show that these gentlemen do not know what they were talking about. That is all. But, Mr. Speaker, if the gentleman from New York does not want to hear it I shall have to be content. I have been at some trouble to secure some little information as to the money that has been expended in the Philippine Islands. This Committee on Insular Affairs declines to deal with it; they decline to allow the people of this country to ask what the Secretary of War has done with their money, but I have been enabled to find out something about it, and I will inform the House as to it.

INCREASED EXPENDITURES DUE TO IMPERIALISM.

1. Army and Navy.—The most striking illustration of the unwisdom of the colonial policy is found in the fact that the appropriations for military and naval purposes were more than three times as great in 1906 as they were in 1898, before we unfortunately entered upon that evil policy.

unfortunately entered upon that evil policy.

In 1898 the appropriation for the Military Academy at West Point was \$479,572. In 1906 it was \$1,664,707, about three and one-half times as great as it was in 1898. And this increase at the fountain head is kept up all down the stream. In 1898 the appropriation for the Army was \$23,129,344. In 1906 it was \$71,817,165, an increase of \$48,687,399. The appropriation in 1906 was not quite three times as great as that of 1898. As to the Navy, the appropriation in 1898 was \$33,003,234. In 1906 it was \$102,091,670, an increase of \$69,088,436, considerably more than three times as great as it was in 1898—three millions and nearly eighty-three thousand dollars more than three times as great.

The increase cost of these three items, due to our colonial policy, and due mainly to our occupation of the Philippines, in respect of which alone we are threatened with international complications and wars, is therefore, in the aggregate, \$175,773,542 a year at this time, and the expense is still growing.

2. Other expenses.—But the vast sum of \$175,773,542 a year does not by any means measure the whole increase due to this new venture in world politics. Our pension list has grown and will continue to grow as long as we hold the islands, thus entailing a permanent increase of taxation. We have paid out \$3,000,000 to relieve the people of the islands from famine caused by our policy of "reconcentration," borrowed from General Weyler—from Weyler the beast, who devastated Cuba, and thereby brought us into conflict with Spain. We have paid \$179,000 for the first Philippine Commission. We have paid \$170,000 for coal mines in Batan Island, from which we have so far received no returns. We have paid within the last year \$400,000 more than it was worth to transport coal from this country to the Philippines, in order to placate the already overprotected vessel owners of this country, who for the last forty years have had their lobby here at every session of Congress begging for legislation that would exempt them from paying the paltry fees which the States allow pilots at the ports of the country to collect from them in order to maintain a pilotage system for the protection of life and property at sea. How much more we have paid in extortionate transportation charges on other items I do not know, nor does anyone else. We have paid to Spain \$20,000,000 for a title to the Archipelago which we had already gained by conquest. We have paid to the

Pollard

Powers Prince Reeder Reyburn Reynolds Rives

Rives Rodenberg Samuel Schneebeli

Slemp Smith, Cal. Smith, Iowa Smith, Pa.

Scott

Smyser Snapp Southard Sperry Stafford

Sulloway

Weeks Wiley, N. J. Wilson Wood Woodyard

Young

Sulloway
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Thomas, Ohio
Tirreil
Townsend
Voistead
Vreeland
Wadsworth
Wanger
Washburn
Watson
Weeks

friars \$7,500,000 for lands there. We have been called upon during the present session of Congress to pay \$363,030 for damages to church property in the islands caused by our troops; and we may yet have to pay ten times as much more to satisfy the claims growing out of damages, including damages done by insurrectos, for which the President and the Secretary of War

have recommended payment.

Up to June 30, 1903, we had paid out on account of the Philippines not less than \$647,599,250, and in the last four years they have undoubtedly cost us half as much more. In all, then, they have cost us not less than \$1,000,000,000 in nine years, or

about \$110,000,000 a year, on an average.

LOSSES IN HEALTH, PRESTIGE, AND NATIONAL CHARACTER.

But this money cost is by no means the greatest burden imposed by our new policy. It is undermining the health and the morality of the nation and impairing its prestige. For eighteen months we kept an army of 71,000 American soldiers in that wretched climate, and aside from deaths in battle, thousands died from disease, and thousands more were afflicted with insanity and other maladies due to climatic causes, and then are put in this outfit over here—St. Elizabeth's—and if I had, Mr. Chairman, thirty minutes' time, I believe I could show that it is so reeking with corruption that even the man in the moon, when he crosses over St. Elizabeth's at night, is compelled to hold his nose.

The army there has been reduced to 15,000; but there are, besides these, between 865 and 1,000 American teachers and 3,300 American officers and employees of the Philippine civil service, making in all nearly 20,000 Americans exposed to the evil effects of residence there, and the number is increasing. This is all bad enough, but it is not the worst. Only a few days ago we saw a bill passed in this House which was the result of a quarrel with Japan. That bill was in effect a confession of weakness and fear on the part of this Government lest Japan should take away from us by force of arms these same islands. It was also the furthest step ever yet taken in the direction of imperialism, for it involved the overthrow of the right of one of the sovereign States of the Union to manage its own schools and an abdication by Congress of its exclusive right to make laws for the government of the United States. piece of legislation has done far more to injure the prestige of this country as a world power than the war with Spain did to increase it, and it has, moreover, discredited the legislative branch of this Government among our own people. Such a price was never before paid for peace by this once proud people of ours, nor would it ever have been paid if we had not become vulnerable by reason of our position in the Philippines.

COMMERCIAL GAINS TRIFLING.

And what have we received in return? We have secured for the shipbuilders and shipowners and army contractors a profit of about 25 per cent on an export trade ranging from \$4,500,000 to \$12,200,000 a year for seven or eight years and on an import trade ranging from \$4,000,000 to \$6,000,000 a year for the same period. According to the Statesman's Year-Book for 1906, the value of imports from the Philippine Islands into the United States and of the domestic exports from the United States to the Philippine Islands in the fiscal years 1901 to 1905, inclusive,

-1901, \$4,420,912; 1902, \$6,612,700; 1903, \$11,372,

\*\*Third of the state of the sta tute the only offset to the immense and irreparable losses sustained by this country in the attempt to govern an alien people in a distant land without their consent and in violation of the basic principle of the American Constitution. [Loud applause.]
Mr. PAYNE. Mr. Speaker, this resolution calls for the expenditures of the Government on account of the Philippine Islands since the treaty of peace and also for the revenues received from those islands. Of course every Member of the House knows that this information has been fully covered from time to time in the reports submitted to Congress. The resolution has answered its full purpose, and there is no reason that it should survive, and I therefore move that it lie on the table.

The SPEAKER pro tempore. The gentleman from New York [Mr. PAYNE] moves to lay the resolution on the table.

Mr. SULZER. Mr. Speaker-

The SPEAKER pro tempore. For what purpose does the gentleman from New York [Mr. SULZER] rise?

Mr. SULZER. I would like to ask the gentleman from New

York [Mr. PAYNE] a question.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York [Mr. PAYNE] that the resolution do lie on the table.

The question was taken; and the Speaker pro tempore an-

ounced that the ayes seemed to have it.

Mr. SULZER. I demand a division, Mr. Speaker.

Mr. WILLIAMS. Mr. Speaker, to save the time of the House, I think we had better have the yeas and nays on this. The yeas and nays were ordered.

The question was taken, and there were-yeas 166, nays 104, present 8, not voting 99, as follows:

	YEAS-166.		
Allen, Me, Ames Bannon Barchfeld Bartholdt Bartholdt Bates Bede Beidler Bedeler, N. Y. Bennett, Ky. Birdsall Boutell Bowersock Bradley Brick Brooks, Colo. Brown Brown Brown Burke, Pa. Burler, Pa. Calder Calderhead Campbell, Ohio Capron Cassel Chaney Chapman Cole Cooper, Pa. Crumpacker Currier Cushman Dale Dalzell	Denby Dickson, Ill. Dixon, Mont. Draper Dwight Edwards Ellis Englebright Esch Fletcher Fcrdney Foss Foster, Vt. Fowler French Gaines, W. Va. Gardner, Mich. Gilhams Goebel Graham Greene Gronna Grosvenor Hale Hamilton Haskins Haugen Hayes Hedge	S—166. Kennedy, Ohio Kinkaid Knapp Knopf Knowland Lacey Lafean Landis, Chas. B. Lawrence Liltauer Littuer Littiefield Longworth Loud Lovering McCarthy McCreary, Pa. McKinley, Ill. McKinley, Ill. McKinney McMorran Marshall Martin Michalek Miller Mondell Moore, Pa. Morrell Murdock Needham	
Conner Cooper, Pa.	Hill, Conn. Holliday	Morrell Murdock	
Trumpacker Currier Cushman Dale	Howell, N. J. Howell, Utah Hubbard Hull	Needham Nelson Olcott Olmsted	
Dalzell Darragh Davidson Davis, Minn.	Humphrey, Wash. Jenkins Jones, Wash. Kahn		
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Adamean	Flood	T.00	

Adamson Lee
Lever
Lewis
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McLain
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Moon, Tenn.
Moore, Tex. Gaines, Tenn. Garber Garner Garrett Aiken Bartlett Beall, Tex. Bell, Ga. Gill Gillespie Gillespie Glass Goulden Granger Gregg Griggs Gudger Broussard Brundidge Burgess Burleson Moore, Tex. Murphy Norris Overstreet, Ga. Padgett Burnett Butler, Tenn. Butler, Tenn. Byrd Candler Clark, Fla. Clark, Mo. Clayton Davis, W. Va. De Armond Dixon, Ind. Ellerbe Field Finley Gudger Hardwick Hay Heflin Hill, Miss. Hinshaw Houston James Jones, Va. Kellher Kitchin, C. Paget Page Patterson, N. C. Patterson, S. C. Pujo Rainey Ransdell, La. Kitchin, Claude Kitchin, Wm. W. Reid Rhinock Finley Fitzgerald Richardson, Ala. Robertson, La. ANSWERED "PRESENT"-8. Fassett Hopkins

Howard Kline Humphreys, Miss. Sherman NOT VOTING-99.

Law Le Fevre Legare Liliey, Pa. Livingston Lorimer Loudenslager Acheson Acheson
Alexander
Allen, N. J.
Andrus
Babcock
Bankhead Dresser Driscoll Dunwell Floyd Foster, Ind. Fulkerson Bingham Fuller Gardner, Mass, Gardner, N. J. Gilbert Gillett Goldfogle Bishop Blackburn Lowden Lowden McCleary, Minn. McDermott McLachlan Mahon Maynard Bonynge Bowie Broocks, Tex. Brumm Graff Hearst Buckman Buckman Burton, Del. Burton, Ohio Campbell, Kans. Cockran Cocks Cooper, Wis. Coudrey Cousins Cromer Deemer Minor Moon, Pa. Mouser Mudd Nevin Palmer Minor Henry, Tex. Hepburn Hermann Herman Higgins Hogg Huff Hughes Hunt Pou Randell, Tex. Rhodes Richardson, Ky. Johnson Klepper Riordan Landis, Frederick Roberts

So the resolution was ordered to lie on the table.

Robinson, Ark. Saunders Shackleford Shackleford Sheppard Sheriey Sims Slayden Smith, Ky. Smith, Md. Smith, Tex. Southall Sparkman Sparkman Stanley Stanley Stephens, Tex. Sullivan Sulzer Thomas, N. C. Underwood Wallace Watkins Williams

Talbott

Ruppert Scroggy Shartel Small Smith, Ill. Smith, Mich. Southwick Southwick Spight Steenerson Stevens, Minn. Taylor, Ala. Taylor, Ohio Towne
Trimble
Trimble
Tyndall
Van Duzer
Van Winkle
Wachter Waldo Webber Weems Welborn Wharton Wiley, Ala.

The following pairs were announced:

For the session:

Mr. Sherman with Mr. Ruppert.

Mr. VAN WINKLE with Mr. McDermott.

Mr. DEEMER with Mr. KLINE.

Until further notice:

Mr. Fuller with Mr. Hopkins.
Mr. Fuller with Mr. Howard.
Mr. Lilley of Pennsylvania with Mr. Gilbert.
Mr. Lorimer with Mr. Humphreys of Mississippi.
Mr. Bingham with Mr. Cockran.

Mr. Moon of Pennsylvania with Mr. RIORDAN.

For the day :

Mr. Campbell of Kansas with Mr. Pou.

Mr. Coudrey with Mr. Hunt. Mr. Cousins with Mr. Legare.

Mr. Cromer with Mr. Johnson.
Mr. Dovener with Mr. Towne.
Mr. Gillett with Mr. Livingston.
Mr. Huff with Mr. Richardson of Kentucky.

Mr. Loudenslager with Mr. Trimble.
Mr. Lowden with Mr. Van Duzer.
Mr. Mahon with Mr. Spight.

Mr. Mudd with Mr. Wiley of Alabama. Mr. Acheson with Mr. Bowie.

Mr. Andrus with Mr. Broocks of Texas.

Mr. BABCOCK with Mr. BANKHEAD.

Mr. Bonynge with Mr. Floyd.

Mr. BURTON of Delaware with Mr. Hearst.
Mr. Burton of Delaware with Mr. Hearst.
Mr. Wachter with Mr. Talbott.
Mr. Dunwell with Mr. Henry of Texas.
Mr. Cooper of Wisconsin with Mr. Goldfogle.
Mr. Alexander with Mr. Small.
Mr. Cocks with Mr. Ranbell of Texas.

Mr. SMITH of Michigan with Mr. MAYNARD.

For the vote:

Mr. Hepburn with Mr. Taylor of Alabama. Mr. Southwick with Mr. Webb.

Mr. ANDRUS. Mr. Speaker, I desire to vote "yea."

The SPEAKER pro tempore (Mr. Olmsted). would inquire of the gentleman from New York whether he was listening when his name should have been called?

Mr. ANDRUS. I was called out before the roll call was com-

menced.

The SPEAKER pro tempore. The Chair is afraid the gentleman does not come within the rule.

The result of the vote was then announced as above recorded.

## PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I hold in my hand a number of pension bills passed by the Senate, and I ask unanimous consent that they be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent to consider pension bills, in order to-day under the rules, in the House as in Committee of the Whole House. Is there objection? [After a pause.] The Chair hears

## RELF BLEDSOE.

The first pension business was the bill (S. 990) granting an increase of pension to Relf Bledsoe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Relf Bledsoe, late-captain Company K. Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## SMITH BLEDSOE.

The next pension business was the bill (S, 1896) granting a pension to Smith Bledsoe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Smith Bledsoe, late unassigned recruit, general service, United States Army, war with Mexico, and pay him a pension at the rate of \$8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## MARY O. FOSTER.

The next pension business was the bill (S. 1980) granting an increase of pension to Mary O. Foster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary O. Foster. widow of Arthur Foster, late of Captain Sanford's company, First Regiment Illinois Volunteers, Black Hawk Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## ELISHA T. ARNOLD.

The next pension business was the bill (S. 2109) granting an increase of pension to Elisha T. Arnold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elisha T. Arnold, late of Company H, First Regiment Kentucky Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### SAMUEL ELLIS.

The next pension business was the bill (S. 3432) granting an increase of pension to Samuel Ellis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Ellis, late of Company G, Second Regiment Ohio Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### ANN H. BARNES.

The next pension business was the bill (S. 4028) granting an increase of pension to Ann H. Barnes,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann H. Barnes, widow of Thomas H. Barnes, late second lieutenant Captain Stone's company, First Regiment Kentucky Volunteer Cavalry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# MARY A. BRADY.

The next pension business was the bill (S. 4762) granting a pension to Mary A. Brady.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Brady, widow of John Brady, late of Company B, Gray's battalion, Arkansas Volunteers, war with Mexico, and pay her a pension at the rate of \$8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# LOUISA ANNE MORTON.

The next pension business was the bill (S. 6177) granting an increase of pension to Louisa Anne Morton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa Anne Morton, widow of James W. Morton, late of Company B, Thirteenth Regiment United States Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## MARY A. JACKSON.

The next pension business was the bill (S. 6726) granting an increase of pension to Mary A. Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Jackson, widow of Thomas J. Jackson, late first lieutenant, First Regiment United States Artillery, war with Mexico, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## BESSIE SHARP PETTIT.

The next pension business was the bill (S. 7244) granting an increase of pension to Bessie Sharp Pettit.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Bessie Sharp Pettit, widow of James S. Pettit, late lieutenant-colonel Eighth Regiment United States Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving and \$2 per month additional on account of each of the minor children of the said James S. Pettit until they reach the age of 16 years.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### ZADOK K. JUDD.

The next pension business was the bill (S. 7696) granting an increase of pension to Zadok K. Judd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zadok K. Judd, late of Company E, Mormon Battalion Iowa Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## HENDERSON STANLEY.

The next pension business was the bill (S. 7722) granting an increase of pension to Henderson Stanley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henderson Stanley, late of Captain Picket's company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### WILLIAM H. LONG.

The next pension business was the bill (8, 7803) granting an increase of pension to William H. Long.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Long, late of Captain Cone's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed

ingly read the third time, and passed.

## ELEANOR P. BIGLER.

The next pension business was the bill (S. 7912) granting an increase of pension to Eleanor P. Bigler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eleanor P. Bigler, widow of Henry W. Bigler, late of Company B, Mormon Battalion Iowa Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### ELIZABETH A. BONNER.

The next pension business was the bill  $(S.\ 8144)$  granting an increase of pension to Elizabeth A. Bonner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Bonner, widow of James C. N. Bonner, late of Company E, First Regiment Virginia Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The next pension business was the bill (S. 8147) granting an increase of pension to Ann E. Macy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann E. Macy, widow of Eli O. Macy, late of Company G. First Regiment North Carolina Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### ARABELLA J. FARRELL.

The next pension business was the bill (S. 8197) granting an increase of pension to Arabella J. Farrell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ara-

bella J. Farrell, widow of Rufus Farrell, late of Company A, Second Reginent Missouri Volunteer Mounted Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

#### AZELIA MITTAG.

The next pension business was the bill (S. 8212) granting a pension to Azelia Mittag.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Azelimititag, widow of Thomas W. Mittag, late of Company G. First Regiment North Carolina Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of each of the minor children of the said Thomas W. Mittag, until they reach the age of 16 years.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

# JEREMIAH BOWMAN.

The next pension business was the bill (S. 8214) granting a pension to Jeremiah Bowman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah Bowman, late of Troop D, Ninth Regiment United States Cavalry, and Company B, Twenty-fourth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

#### ELIZABETH P. HARGRAVE.

The next pension business was the bill (S. 8225) granting an increase of pension to Elizabeth P. Hargraye.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth P. Hargrave, widow of William L. Hargrave, late of Company F, Sixth Regiment Louisiana Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving. receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

### LYDIA IRVINE.

The next pension business was the bill (S. 8237) granting an increase of pension to Lydia Irvine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia Irvine, widow of Caleb E. Irvine, late of Company D, United States Mounted Riflemen, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# MARTHA L. BOHANNAN.

The next pension business was the bill (S. 8263) granting an increase of pension to Martha L. Bohannan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha L. Bohannan, widow of Miles L. Bohannan, late of Company D. Easton's battalion, Missouri Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## MARGARET BABER.

The next pension business was the bill (S. 8456) granting an increase of pension to Margaret Baber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Baber, widow of William Baber, late of Company B, Second Regiment Missouri Volunteer Mounted Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### ANN HUDSON.

The next pension business was the bill (S. 8485) granting an increase of pension to Ann Hudson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ana

Hudson, widow of Christopher C. Hudson, late ensign Captain Tatum's company, Tennesses Volunteers, Creek Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## EDWIN B. LUFKIN.

The next pension business was the bill (S. 7) granting an increase of pension to Edwin B. Lufkin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin B. Lufkin, late of Company E, Thirteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### NANCY LITTLEFIELD.

The next pension business was the bill (S. 12) granting an increase of pension to Nancy Littlefield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Littlefield, widow of Josiah P. Littlefield, late of Company D, Ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## RUTH E. ROGERS.

The next pension business was the bill (S. 161) granting an increase of pension to Ruth E. Rogers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ruth E. Rogers, widow of Alexander B. Rogers, late of Company H, Fifteenth Regiment Iowa Volunteer Infantry, and Company H, Fourth Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### ALVAH D. WILSON.

The next pension business was the bill (S. 177) granting an increase of pension to Alvah D. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alvah D. Wilson, late of Company E, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### LUTHER H. CANFIELD.

The next pension business was the bill (S. 435) granting an increase of pension to Luther H. Canfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Luther H. Canfield, late of Company A. Twenty-ninth Regiment Ohio Volunteer Infantry, and Company D. Eleventh Regiment Minnesota Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

### JUSTIN C. KENNEDY.

The next pension business was the bill (S. 463) granting an increase of pension to Justin C. Kennedy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Justin C. Kennedy, late lieutenant-colonel Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

# LEWIS YOUNG.

The next pension business was the bill (S. 496) granting an increase of pension to Lewis Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis Young, late of Company A, Forty-first Regiment Iowa Volunteer Infantry, and Company K, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

#### JOHN W. CRANE.

The next pension business was the bill (S. 570) granting an increase of pension to John W. Crane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Crane, late of Companies B and A, Seventy-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and nessed.

read the third time, and passed.

#### PRISCILLA L. HAMILL.

The next pension business was the bill (S. 588) granting an increase of pension to Priscilla L. Hamill.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Priscilla L. Hamill, widow of William A. Hamill, late first lieutenant and adjutant One hundred and fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

#### THOMAS A. WILLSON.

The next pension business was the bill (S. 883) granting an increase of pension to Thomas A. Willson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas A. Willson, late of Company F, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

#### CHARLES E. FOSTER.

The next pension business was the bill (S. 913) granting an increase of pension to Charles E. Foster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Foster, late of Company G, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

# WARREN W. WHIPPLE.

The next pension business was the bill (S. 1136) granting an increase of pension to Warren W. Whipple.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Warren W. Whipple, late of Company B, Third Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

### EDWIN P. RICHARDSON.

The next pension business was the bill (S. 1261) granting an increase of pension to Edwin P. Richardson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin P. Richardson, late acting third assistant engineer, United States Navy, and pay him a peasion at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

## LUDWIG SCHULTZ.

The next pension business was the bill (S. 1299) granting an increase of pension to Ludwig Schultz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ludwig Schultz, late of Company A, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

#### MICHAEL CULLEN.

The next pension business was the bill (S. 1350) granting an increase of pension to Michael Cullen,

The bill was read, as follows:

Be it enacted, ctc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Cullen, late of Company A, First Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

#### ELIZABETH STRONG.

The next pension business was the bill (S. 1515) granting an increase of pension to Elizabeth Strong.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Strong, widow of Charles H. Strong, late of Company I, Forty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

#### LAURA M. FREEMAN.

The next pension business was the bill (S. 1520) granting an increase of pension to Laura M. Freeman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laura M. Freeman, widow of Jason E. Freeman, late of Company C, Sixth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

## THEODORE W. GATES.

The next pension business was the bill (S. 1526) granting an increase of pension to Theodore W. Gates.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore W. Gates, late of Company A, Ninety-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

## JANE AGNEW.

The next pension business was the bill (S. 1622) granting a pension to Jane Agnew.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Agnew, widow of John Agnew, late acting third assistant engineer, United States Navy, and pay her a pension at the rate of \$8 per month.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

## CHARLES CHURCH.

The next pension business was the bill (S. 1935) granting an increase of pension to Charles Church.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Church, late of Company B, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

# LUCINDA L. M'CORKLE.

The next pension business was the bill (S. 2011) granting an increase of pension to Lucinda L. McCorkle, The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucinda L. McCorkle, widow of James A. McCorkle, late of Company H, Eightieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

The title was amended so as to read: "An act granting a pension to Lucinda L. McCorkle."

## ASA K. HARBERT.

The next pension business was the bill (S. 2083) granting an increase of pension to Asa K. Harbert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Asa K. Harbert, late of Company I, Ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

#### MARY G. POTTER.

The next pension business was the bill (S. 2181) granting an increase of pension to Mary G. Potter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary G. Potter, widow of Nelson Potter, late of Company E, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

#### WILLIAM W. HERRICK.

The next pension business was the bill (S. 2285) granting an increase of pension to William W. Herrick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Herrick, late of Company H, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

# WILLIAM T. GRAFFAN, ALIAS WILLIAM RIVERS.

The next pension business was the bill (S. 2315) granting an increase of pension to William T. Graffan, alias William Rivers, The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Graffan, alias William Rivers, late of Company G, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# ANNIE E. SMITH.

The next pension business was the bill (S. 2336) granting an increase of pension to Annie E. Smith.

The bill was read, as follows:

Be it enacted, ctc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie E. Smith, widow of Henry H. Smith, late of Company C, Twenty-sixth Regiment Michigan Volunteer Infantry, and One hundred and sixteenth Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving. ceiving

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# HARVEY SMITH.

The next pension business was the bill (S. 2387) granting an increase of pension to Harvey Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey Smith, late of Company E, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JOHN A. J. TAYLOR.

The next pension business was the bill (S. 2394) granting an increase of pension to John A. J. Taylor.

The bill was read, as follows:

Be it enacted, ctc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. J. Taylor, late of Company I, First Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# STEPHEN M. FITZWATER.

The next pension business was the bill (S. 2502) granting an increase of pension to Stephen M. Fitzwater.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Stephen M. Fitzwater, late of Companies K and B, Third Regiment, and Company C, Eleventh Regiment, Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### ROBERT J. HENRY.

The next pension business was the bill (S. 2729) granting an increase of pension to Robert J. Henry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert J. Henry, late acting assistant surgeon, United States Army, and pay him a pension at the rate of \$45 per month in lieu of that he is now

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### DANIEL B. MOREHEAD.

The next pension business was the bill (S. 2743) granting an increase of pension to Daniel B. Morehead.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel B. Morehead, late of Company G. Eighty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### JOEL R. SMITH.

The next pension business was the bill (S. 2748) granting an increase of pension to Joel R. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joel R. Smith, late of Company C, United States Voltigeurs, war with Mexico, and Company F, Second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# JOHN W. OGAN.

The next pension business was the bill (S. 2792) granting an increase of pension to John W. Ogan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Ogan, late of Company B, Fifty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### HANNAH WELCH.

The next pension business was the bill (S. 2954) granting an increase of pension to Hannah Welch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah Welch, widow of David E. Welch, late of Company G, Sixteenth Regiment Illinois Volunteer Infantry, and Company K, Tenth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### HENRY O. BENNUM.

The next pension business was the bill (S. 2971) granting an increase of pension to Henry O. Bennum.

The bill was read, as follows:

Be it cnacted, ctc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry O. Bennum, late of Company A, Ninth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### HIRAM FOCHT.

The next pension business was the bill (S. 3197) granting an increase of pension to Hiram Focht.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram

Focht, late of Company I, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### WILLIAM P. M'KEEVER.

The next pension business was the bill (S. 3266) granting an increase of pension to William P. McKeever.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. McKeever, late of Company H, Nineteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accord-

ingly read the third time, and passed.

#### GEORGE C. VEILE.

The next pension business was the bill (S. 3267) granting an increase of pension to George C. Veile.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George C. Veile, late of Company B, Fifteenth Regiment Wisconsin Volunteer Infantry, and Eighth Independent Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### JACOB A. WARD.

The next pension business was the bill (S. 3268) granting an increase of pension to Jacob A. Ward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob A. Ward, late of Company D. One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and record.

ingly read the third time, and passed.

#### THOMAS J. HARRISON.

The next pension business was the bill (S. 3275) granting an increase of pension to Thomas J. Harrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Harrison, late of Company D, Sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time and pessed.

ingly read the third time, and passed.

# CHARLES M. CANFIELD.

The next pension business was the bill (S. 3434) granting an increase of pension to Charles M. Canfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Canfield, late of Company H. One hundred and thirtieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## ROWLAND SAUNDERS.

The next pension business was the bill (S. 3435) granting an increase of pension to Rowland Saunders.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rowland Saunders, late of Company F, Thirteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# ANNA M. WOODBURY.

The next pension business was the bill (S. 3446) granting an increase of pension to Anna M. Woodbury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna M. Woodbury, widow of Roger W. Woodbury, late captain Company B, Third Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### JOSEPH H. BOUCHER.

The next pension business was the bill (S. 3495) granting an increase of pension to Joseph H. Boucher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Boucher, late of Company B, First Battalion District of Columbia Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### SAMUEL S. WATSON.

The next pension business was the bill (S. 3527) granting an increase of pension to Samuel S. Watson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel S. Watson, late of Company C. Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JOSEPH P. WILCOX

The next pension business was the bill (S. 3552) granting an increase of pension to Joseph P. Wilcox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph P. Wilcox, late of Company D, Seventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### ORIN D. SISCO.

The next pension business was the bill (S. 3563) granting an increase of pension to Orin D. Sisco.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orin D. Sisco, late of Company K, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### SALLIE NOBLE.

The next pension business was the bill (S. 3652) granting an increase of pension to Sallie Noble.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sallie Noble, wildow of Charles Noble, jr., late captain Company G. One hundred and nineteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## DANIEL R. EMERY.

The next pension business was the bill (S. 3672) granting an increase of pension to Daniel R. Emery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel R. Emery, late of Company D. Twenty-fourth Regiment Ohio Volunteer Infantry, and Company D. Eighteenth Regiment Ohio Veteran Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## LEVI W. CURTIS.

The next pension business was the bill (S. 3852) granting an increase of pension to Levi W. Curtis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi W. Curtis, late of Company C, Thirteenth Regiment New Hampshire Volunteer Infantry, and first lieutenant Company E, One hundred and eighteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### ELLEN L. STOUGHTON.

The next pension business was the bill (S. 3929) granting an increase of pension to Ellen L. Stoughton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen L. Stoughton, widow of Homer L. Stoughton, late lieutenant-colonel Second Regiment United States Volunteer Sharpshooters, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### JACOB BERRY.

The next pension business was the bill (S. 3997) granting an increase of pension to Jacob Berry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Berry, late of Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### THOMAS WARNER.

The next pension business was the bill (S. 3998) granting an increase of pension to Thomas Warner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Warner, late of Company D, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### CHARLES V. NASH.

The next pension business was the bill (S. 4208) granting an increase of pension to Charles V. Nash.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles V. Nash, late of Company A, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### THOMAS S. ELSBERRY.

The next pension business was the bill (S. 4461) granting an increase of pension to Thomas S. Elsberry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas S. Elsberry, late of Company A, Third Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# HORATIO S. BREWER.

The next pension business was the bill (S. 4501) granting an increase of pension to Horatio S. Brewer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horatio S. Brewer, late of Company A, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and Thirteenth Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# LEVI M. STEPHENSON.

The next pension business was the bill (S. 4531) granting an increase of pension to Levi M. Stephenson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi M. Stephenson, late captain Company K, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JOHN A. WAGNER.

The next pension business was the bill (S. 4559) granting an increase of pension to John A. Wagner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Wagner, late captain Company H. Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## HENRY STEGMAN.

The next pension business was the bill (S. 4562) granting an increase of pension to Henry Stegman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Stegman, late of Company G, Twenty-fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### LORIN N. HAWKINS.

The next pension business was the bill (S. 4890) granting an increase of pension to Lorin N. Hawkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lorin N. Hawkins, late of U. S. S. Michigan, Potomac, and Princeton, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### WILLIAM HALE

The next pension business was the bill (S. 4580) granting an increase of pension to William Hale.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Hale, late of Company E, Eighth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## MARY JANE MILLER.

The next pension business was the bill (S. 4629) granting an increase of pension to Mary Jane Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Jane Miller, widow of Worth Miller, late of Company H. One hundred and sixty-sixth Regiment Pennsylvania Volunteer Infantry, and unassigned, Seventh Regiment Pennsylvania Volunteer Cavairy, and payher a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## IRVIN M. HILL.

The next pension business was the bill (S. 4693) granting an increase of pension to Irvin M. Hill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Irvin M. Hill, late of Company D. Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# JAMES W. MUNCY.

The next pension business was the bill (S. 4865) granting an increase of pension to James W. Muncy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Muncy, late of Company F, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## NATHAN S. WOOD.

The next pension business was the bill (S. 4875) granting an increase of pension to Nathan S. Wood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathan

S. Wood, late of Company F. Eleventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### D. LANING ROSS.

The next pension business was the bill (S. 4873) granting an increase of pension to D. Laning Ross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of D. Laning Ross, late of U. S. S. Peri, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### LORIN N. HAWKINS.

The next pension business was the bill (S. 4890) granting an increase of pension to Lorin N. Hawkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lorin N. Hawkins, late of U. S. S. Michigan, Potomac, and Princeton, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The next pension business was the bill (S. 4936) granting an increase of pension to Jacob Grell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Grell, late of Company B, Fifteenth Regiment New York Voluntee Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## WILLIAM W. DUFFIELD.

The next pension business was the bill (S. 4958) granting an increase of pension to William W. Duffield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Duffield, late colonel Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# NANCY A. E. HOFFMAN.

The next pension business was the bill (S. 5125) granting an increase of pension to Nancy A. E. Hoffman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy A. E. Hoffman, widow of Nimrod N. Hoffman, late of Company B, Thirteenth Regiment United States Infantry, war with Mexico, and first lieutenant Company A, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# MORGAN H. WEEKS.

The next pension business was the bill (S. 5144) granting an increase of pension to Morgan H. Weeks,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Morgan H. Weeks, late of Company B. One hundred and eighty-sixth Regiment New York Volunteer infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### JENNIE H. MARSHALL.

The next pension business was the bill (S. 5171) granting an increase of pension to Jennie H, Marshall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie H. Marshall, widow of James M. Marshall, late of Company B, First Regiment Wisconsin Volunteer Cavalry, and first lieutenant Company D, Fifth Regiment United States Volunteers, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### ROBERT H. WHITE.

The next pension business was the bill (S. 5191) granting an increase of pension to Robert H. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert H. White, late of Company F, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### JOHN H. PETERS.

The next pension business was the bill (S. 5361) granting an increase of pension to John H. Peters. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Peters, late lieutenant-colonel Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### STEPHEN A. BARKER.

The next pension business was the bill (S. 5261) granting an increase of pension to Stephen A. Barker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen A. Barker, late of Company C. First Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### RICHARD JONES.

The next pension business was the bill (S. 5380) granting an increase of pension to Richard Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard Jones, late of Company E, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# GREENBERRY B. PATTERSON.

The next pension business was the bill (S. 5383) granting an increase of pension to Greenberry B. Patterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Greenberry B. Patterson, late of Company F, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JOHN A. CHASE.

The next pension business was the bill (S. 5400) granting an increase of pension to John A. Chase. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Chase, late lieutenant-colonel One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# THOMAS W. GILPATRICK.

The next pension business was the bill (8, 5420) granting an increase of pension to Thomas W. Gilpatrick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas W. Gilpatrick, late of Company D. First Regiment Maine Veteran Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## WILLIAM M. TINSLEY.

The next pension business was the bill (S. 5423) granting an increase of pension to William M. Tinsley.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Tinsley, late of Company C, Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### MARCELLUS CASH.

The next pension business was the bill (S. 5456) granting an increase of pension to Marcellus Cash.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marcellus Cash, late of Company G, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### ALBERT TEETS.

The next pension business was the bill (S. 5457) granting an increase of pension to Albert Teets.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Teets, late first lieutenant Company C, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

ingly read the third time, and passed.

#### GEORGE PAYNE.

The next pension business was the bill (S. 5558) granting an increase of pension to George Payne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Payne, late of United States ships Constitution and Savannah, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# SHEFFIELD L. SHERMAN, JR.

The next pension business was the bill (S. 5578) granting an increase of pension to Sheffield L. Sherman, jr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sheffield L. Sherman, jr., late of Company A, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## FREDERICK BUEHRLE.

The next pension business was the bill (S. 5621) granting an increase of pension to Frederick Buehrle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Buehrle, late of Company F, Fifth Regiment Missouri Volunteer Infantry, and Company E, Thirteenth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## NICHOLAS M. HAWKINS.

The next pension business was the bill (S. 5623) granting an increase of pension to Nicholas M. Hawkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nicholas M. Hawkins, late of Company M, Fifth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# WILLIAM GRANT.

The next pension business was the bill (S. 5681) granting an increase of pension to William Grant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Grant, late first lieutenant Company H, First Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### MARGARET E. CRAIGO.

The next pension business was the bill (S. 5692) granting an increase of pension to Margaret E. Craigo.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret E. Craigo, widow of George W. Craigo, late of Company F. Second Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### WILLIAM D. HOFF.

The next pension business was the bill (S. 5718) granting an increase of pension to William D. Hoff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William D. Hoff, late first lieutenant Company D, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### GEORGE C. SAUL.

The next pension business was the bill (S. 5724) granting an increase of pension to George C. Saul.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George C. Saul, late of Company E. Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## WILLIAM O. SPELMAN.

The next pension business was the bill (S. 5730) granting an increase of pension to William O. Spelman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William O. Spelman, late of Company B. One hundred and fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## RUTH M. HOAG.

The next pension business was the bill (S. 5752) granting an increase of pension to Ruth M. Hoag.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ruth M. Hoag, widow of Levi G. Hoag, late of Company E, Thirteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# CHARLES A. BELL.

The next pension business was the bill (S. 5756) granting an increase of pension to Charles A. Bell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Bell, late major, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## OCTAVE L. F. E. FARIOLA.

The next pension business was the bill (S. 5782) granting an increase of pension to Octave L. F. E. Fariola.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Octave L. F. E. Fariola, late captain Company D, Seventy-seventh Regi-

ment, and lieutenant-colonel Ninety-sixth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### MARSHALL T. KENNAN.

The next pension business was the bill (S. 5813) granting an increase of pension to Marshall T. Kennan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marshall T. Kennan, late of Company E, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### CYRUS PALMER.

The next pension business was the bill (S. 5884) granting an increase of pension to Cyrus Pålmer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cyrus Palmer, late of Company G, Twenty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed

## HENRY BITTLESTON.

The next pension business was the bill (S. 5940) granting an increase of pension to Henry Bittleston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Bittleston, late of Company A, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JULIA A. HORTON.

The next pension business was the bill (S. 5970) granting an increase of pension to Julia A. Horton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Horton, widow of Isalah Horton, late of Company F, Sixty-fifth Regiment New York Volunteer Infantry, and Company A, Third Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JOHN H. LA VAQUE.

The next pension business was the bill (S. 5981) granting an increase of pension to John H. La Vaque.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. La Vaque, late of Company G. Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## FRANKLIN CRAIG.

The next pension business was the bill (S. 5992) granting an increase of pension to Franklin Craig.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin Craig, late of Company L. First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JOHN H. ARNOLD.

The next pension business was the bill (S. 6044) granting an increase of pension to John H. Arnold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Arnold, late of Second Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The next pension business was the bill (S. 6076) granting an increase of pension to John McKnight.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McKnight, late of Company B, Eleventh Regiment Missouri Volunteer Cavair,, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## ELIJAH B. HUDSON.

The next pension business was the bill (S. 6078) granting an increase of pension to Elijah B. Hudson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elijah B. Hudson, late of Company F. Third Regiment Tennessee Volunteer Infantry, war with Mexico, and commissary-sergeant, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingles.

ingly read the third time, and passed.

#### HESTER A. COLLER.

The next pension business was the bill (S. 6093) granting a pension to Hester A. Coller.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hester A. Coller, widow of Eli H. Coller, late assistant surgeon Twelfth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$17 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### WILLIAM P. VISGAR.

The next pension business was the bill (S. 6103) granting an increase of pension to William P. Visgar.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Visgar, late of Company A, One hundred and eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# JOHN R. CALLENDER.

The next pension business was the bill (S. 6127) granting an increase of pension to John R. Callender.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Callender, late captain Company K, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JULIA A. BIRGE.

The next pension business was the bill (S. 6140) granting an increase of pension to Julia A. Birge,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Birge, widow of Wilbur W. Birge, late first lieutenant Company F, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## SUSAN MAHANY.

The next pension business was the bill (S. 6245) granting an increase of pension to Susan Mahany.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Mahany, widow of Michael Mahany, late of Company M. Tenth Regiment New York Volunteer Cavalry, and Signal Corps, United States Army, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving, and \$2 per month additional on account of each of the minor children of the said Michael Mahany until they reach the age of 16 years.

(The bill was endered to a third reading; and it was according the said michael Mahany until they reach the age of 16 years.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### JOSEPH C. BOWKER.

The next pension business was the bill (S. 6281) granting an increase of pension to Joseph C. Bowker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph C. Bowker, late first lieutenant Company D, Ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### ANGUS FRASER.

The next pension business was the bill (S. 6319) granting an increase of pension to Angus Fraser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Angus Fraser, late of Company C, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### JOSIAH B. KINSMAN.

The next pension business was the bill (S. 6380) granting an increase of pension to Josiah B. Kinsman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josiah B. Kinsman, late lieutenant-colonel and additional aid-de-camp, United States Volunteers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### JOHN M. SMITH.

The next pension business was the bill (S. 6467) granting an increase of pension to John M. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Smith, late of Company H, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## HARVEY KEY.

The next pension business was the bill (S. 6475) granting an increase of pension to Harvey Key.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey Key, late of Company F, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## WILLIAM H. STILES.

The next pension business was the bill (S. 6518) granting an increase of pension to William H. Stiles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Stiles, late captain Company G, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## FRANCIS A. DORY.

The next pension business was the bill (S. 6531) granting an increase of pension to Francis A. Dory.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis A. Dory, late of Company M. First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## GEORGE C. GIBSON.

The next pension business was the bill (S. 6567) granting an increase of pension to George C. Gibson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George C. Gibson, late of Company B, Eighth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### GEORGE W. COLE.

The next pension business was the bill (S. 6570) granting an increase of pension to George W. Cole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Cole, late of Company C, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## ALEXANDER SHOLL.

The next pension business was the bill (S. 6606) granting an Increase of pension to Alexander Sholl.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Sholl, late captain Company B, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### JOHN SHANK.

The next pension business was the bill (S. 6609) granting an increase of pension to John Shank.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Shank, late of Company B, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## ISAAC JOHNSON.

The next pension business was the bill (S. 6610) granting an increase of pension to Isaac Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Johnson, late of Company B, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## GEORGE H. M'CLUNG.

The next pension business was the bill (S. 6612) granting an increase of pension to George H. McClung.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. McClung, late of Company K, Elghty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JACOB P. CROOKER.

The next pension business was the bill (S. 6616) granting an increase of pension to Jacob P. Crooker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob P. Crooker, late captain of Company I, Twelfth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JOHN P. MURRAY.

The next pension business was the bill (S. 6634) granting an increase of pension to John P. Murray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Murray, late of Company I, Sixth Regiment Kansas Volunteer

Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JOHN A. MORRIS.

The next pension business was the bill (S. 6635) granting an increase of pension to John A. Morris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Morris, late captain and assistant quartermaster, United States Volunteers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### HIRAM H. LOCKWOOD.

The next pension business was the bill (S. 6652) granting an increase of pension to Hiram H. Lockwood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram H. Lockwood, late first lleutenant Company B, Forty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### THOMAS M. CHASE.

The next pension business was the bill (S. 6663) granting an increase of pension to Thomas M. Chase.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on-the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas M. Chase, late of Company A, Sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### SAMUEL B. T. GOODRICH.

The next pension business was the bill (S. 6665) granting an increase of pension to Samuel B. T. Goodrich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel B. T. Goodrich, late of Company B, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## TIMOTHY B. LEWIS.

The next pension business was the bill (S. 6669) granting an increase of pension to Timothy B. Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Timothy B. Lewis, late of Conmpany F. Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## HANNAH PEAVEY.

The next pension business was the bill (S. 6672) granting an increase of pension to Hannah Peavey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah Peavey, widow of Daniel Peavey, late of Company A, Seventh Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# CHARLES E. DU BOIS.

The next pension business was the bill (S. 6702) granting an increase of pension to Charles E. Du Bois.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Du Bois, late second lieutenant Tenth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### HARVEY B. F. KELLER.

The next pension business was the bill (S. 6711) granting an increase of pension to Harvey B. F. Keller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey B. F. Keller, late of First Battery, Kansas Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The next pension business was the bill (S. 6713) granting an increase of pension to James L. Short.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James L. Short, late of Company B, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### MARY W. GRANNISS.

The next pension business was the bill (S. 6724) granting a pension to Mary W. Granniss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary W. Granniss, widow of John H. Granniss, late surgeon's steward United States ships Thomas Freeborn and Sophronia, United States Navy, and pay her a pension at the rate of \$8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## ELIZABETH H. RICE.

The next pension business was the bill (S. 6731) granting an increase of pension to Elizabeth H. Rice.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth H. Rice, widow of Edmund Rice, late colonel Nineteenth Regiment United States Infantry, and brigadier-general, United States Army, retired, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# JOHN C. SNELL

The next pension business was the bill (S. 6734) granting an increase of pension to John C. Snell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Snell, late of U. S. S. Kingfisher and Princeton, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JAMES B. HACKETT.

The next pension business was the bill (S. 6774) granting an increase the pension to James B. Hackett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Hackett, late of Company E, Eleventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JOHN E. HAYES.

The next pension business was the bill (S. 6768) granting an increase of pension to John E. Hayes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John E. Hayes, late of Company K, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JOHN E. ANTHONY.

The next pension business was the bill (S. 6818) granting an increase of pension to John E. Anthony.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John E. Anthony, late of Battery D. First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

#### SAMUEL SHEPHERD.

The next pension business was the bill (S. 6838) granting an increase of pension to Samuel Shepherd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Shepherd, late of Company I, One hundred and tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

#### GEORGE H. NYE.

The next pension business was the bill (S. 6899) granting an increase of pension to George H. Nye.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Nye, late major and colonel Twenty-ninth Regiment Maine Volunteer Infantry, and brevet brigadier-general, United States Volunteers, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

## WILLIAM H. ADAMS.

The next pension business was the bill (S. 6909) granting an increase of pension to William H. Adams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Adams, late of Company G, Sixteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

# GEORGE F. CHAMBERLIN.

The next pension business was the bill (S. 6910) granting an increase of pension to George F. Chamberlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George F. Chamberlin, late of Company A, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

## GEORGE A. BOYLE.

The next pension business was the bill (S. 6911) granting an increase of pension to George A. Boyle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George A. Boyle, late of Company C, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

## JAMES G. HARVEY.

The next pension business was the bill (S. 6912) granting an increase of pension to James G. Harvey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James G. Harvey, late of Company H, Seventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

## SAMUEL C. MURDOUGH.

The next pension business was the bill (S. 6913) granting an increase of pension to Samuel C. Murdough.  $\, \bullet \,$ The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel C. Murdough, late of Company G, Fourteenth Regiment New Hampshire

Volunteer Infantry, and One hundred and sixty-eighth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

#### MARTIN A. RUBERT.

The next pension business was the bill (S. 6952) granting an increase of pension to Martin A. Rubert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin A. Rubert, late of Company I, Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

#### HENRY MATTER.

The next pension business was the bill (S. 6954) granting an increase of pension to Henry Matter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Matter, late of Company A, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

#### ABRAM W. VANDEL.

The next pension business was the bill (S. 6955) granting an increase of pension to Abram W. Vandel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abram W. Vandel, late of Company L. Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

## SYLVESTER O. PEVEAR.

The next pension business was the bill (S. 7044) granting an increase of pension to Sylvester O. Pevear.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sylvester O. Pevear, late of Company I, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

# ELI FORD, ALIAS JACK BUTLER.

The next pension business was the bill (S. 6956) granting an increase of pension to Eli Ford, alias Jack Butler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli Ford, alias Jacob Butler, late of Company I, One hundred and seventy-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

## FRANKLIN RUST.

The next pension business was the bill (S. 6962) granting an increase of pension to Franklin Rust.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin Rust, late of Company B, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

# ALONZO W. FULLER.

The next pension business was the bill (S. 6970) granting an increase of pension to Alonzo W. Fuller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alonzo W. Fuller, late of Company A. Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

#### JOHN SNYDER.

The next pension business was the bill (S. 6996) granting an increase of pension to John Snyder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Snyder, late of Company F, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

#### EDWARD G. BURNET.

The next pension business was the bill (S. 7004) granting an increase of pension to Edward G. Burnet.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward G. Burnet, late of Company K, Fortieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

#### HUGH K. M'JUNKIN.

The next pension business was the bill (S. 7021) granting an increase of pension to Hugh K. McJunkin,

The bill was read, as follows

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hugh K. McJunkin, late of Company H, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

#### WILLIAM CURRAN.

The next pension business was the bill (S. 7038) granting an increase of pension to William Curran.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Curran, late of Company G, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

### ROBERT HAMILTON.

The next pension business was the bill (S. 7039) granting an increase of pension to Robert Hamilton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Hamilton, late of Company A. Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

### CHARLES H. CLAPP.

The next pension was the bill (S. 7054) granting an increase of pension to Charles H. Clapp.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Clapp, late of Company K, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The next pension business was the bill (S. 7058) granting an increase of pension to Gilbert Bailie.

The bill was read, as follows:

Be it enected, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gilbert Bailie, late of Company E, Fifty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## HUGH M'NAUGHTON.

The next pension business was the bill (S. 7061) granting an increase of pension to Hugh McNaughton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Hugh McNaughton, late of Company I, Seventy-eighth Regiment, and Company I, One hundred and second Regiment, New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### WILLIAM T. HASTINGS.

The next pension business was the bill (S. 7063) granting an increase of pension to William T. Hastings.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Hastings, late of Company G, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and proceed.

ingly read the third time, and passed.

#### EDWARD T. BLODGETT.

The next pension business was the bill (S. 7064) granting an increase of pension to Edward T. Blodgett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward T. Blodgett, late of Company F, First Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$12 per month. The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### RICHARD B. HALL.

The next pension business was the bill (S. 7068) granting an increase of pension to Richard B. Hall.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard B. Hall, late first lieutenant, Second Independent Battery, Massachusetts Volunteer Light Artildery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## DANIEL SCHAFFNER.

The next pension business was the bill (S. 7078) granting an increase of pension to Daniel Schaffner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Schaffner, late of Company E, Gasconade County Battalion Missouri Home Guards, and pay him a pension at the rate of \$12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# HENRIETTA TEAGUE.

The next pension business was the bill (S. 7098) granting an increase of pension to Henrietta Teague.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henrietta Teague, widow of George H. Teague, late captain Company B, First Regiment Massachusetts Volunteer Cavalry, and Company B, Fifth Regiment Massachusetts Volunteer Cavalry, and pay her apension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## SUSAN J. CHANDLER.

The next pension business was the bill (S. 7129) granting an increase of pension to Susan J. Chandler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan J. Chandler, widow of John C. Chandler, late of Company K. Thirtieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

## CORNELIA W. CLAY.

The next pension business was the bill (S. 7136) granting an increase of pension to Cornelia W. Clay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia W. Clay, widow of Green Clay, late major, Third Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$35 per month in ileu of that she is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

#### GEORGE H. ALLEN.

The next pension business was the bill (S. 7138) granting an increase of pension to George H. Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Allen, late of Company C, Sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

#### JOHN BELL.

The next pension business was the bill (S. 7150) granting an increase of pension to John Bell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Bell, late of Company E, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

#### SAMUEL A. MILLER.

The next pension business was the bill (S. 7154) granting an increase of pension to Samuel A. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel A. Miller, late of Company H. One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### EDWARD B. SHEPHERD.

The next pension business was the bill (S. 7168) granting an increase of pension to Edward B. Shepherd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward B. Shepherd, late of Company G, Seventh Regiment Missouri Volunteer Infantry, and Company G, Fourth Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## MARGARET HOLDEN.

The next pension business was the bill (S. 7171) granting an increase of pension to Margaret Holden,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Holden, widow of John Holden, late of Company K, Sixtyninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## LAWRENCE OVER.

The next pension business was the bill (S. 7194) granting an increase of pension to Lawrence Over.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, suthorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lawrence Over, late of Company K, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## WILLIAM H. HUBBARD.

The next pension business was the bill (S. 7196) granting an increase of pension to William H. Hubbard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Hubbard, late of Company E. Thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# SAMUEL D. THOMPSON.

The next pension business was the bill (S. 7218) granting an increase of pension to Samuel D. Thompson. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is

hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel D. Thompson, late of Company K. Fifteenth Regiment United States Infantry, war with Mexico, and Third Battery Iowa Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### SYLVESTER BYRNE.

The next pension business was the bill (S. 7222) granting an increase of pension to Sylvester Byrne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sylvester Byrne, late of Company A, Seventy-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### JOSEPH W. LITTLE.

The next pension business was the bill  $(8.\ 7223)$  granting an increase of pension to Joseph W. Little.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Little, late of Company A, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### OSCAR F. RICHARDS.

The next pension business was the bill (S. 7231) granting an increase of pension to Oscar F. Richards,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar F. Richards, late of Company G, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# DANIEL M'CONNELL.

The next pension business was the bill (8, 7237) granting an increase of pension to Daniel McConnell.

The bill was read, as follows:

Be it cuacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel McConnell, late of Company I, Tenth Regiment United States Infantry, war with Mexico, and colonel Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## DEWAYNE W. SUYDAM.

The next pension business was the bill (S. 7268) granting an increase of pension to Dewayne W. Suydam.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dewayne W. Suydam, late of Company C, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# GEORGE W. COOK.

The next pension business was the bill  $(8.\ 7272)$  granting an increase of pension to George W. Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Cook, late first lieutenant and captain Company C, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# ROBERT K. LEECH.

The next pension business was the bill (S. 7305) granting an increase of pension to Robert K. Leech.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, anthorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert K. Leech, late of Company F, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The next pension business was the bill (S. 7329) granting an increase of pension to Nathaniel Lewis Turner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel Lewis Turner, late captain Company E, Fourth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed,

# JOSHUA T. JELLISON.

The next pension business was the bill (S. 7334) granting an increase of pension to Joshua T. Jellison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joshua T. Jellison, late of Company C, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### MENZO S. BISHOP.

The next pension business was the bill (S. 7341) granting an increase of pension to Menzo S. Bishop.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Menzo S. Bishop, late of Company H, One hundred and fifty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## CLARA P. COLEMAN.

The next pension business was the bill (S. 7344) granting an increase of pension to Clara P. Coleman,

increase of pension to Clara P. Coleman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara P. Coleman, widow of Frederick W. Coleman, late captain Company B. One hundred and fifty-first Regiment New York Volunteer Infantry, and Fifteenth Regiment United States Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# WILLIAM M'HENRY PLOTNER.

The next pension business was the bill (S. 7355) granting an increase of pension to William McHenry Plotner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to piace on the pension roll, subject to the provisions and limitations of the pension laws, the name of William McHenry Plotner, late of Company F, Ninety-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# LEVI S. BAILEY.

The next pension business was the bill (S. 7357) granting an increase of pension to Levi S. Bailey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi S. Bailey, late of Company F. Sixteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JEREMIAH THOMAS.

The next pension business was the bill (S. 7373) granting an increase of pension to Jeremiah Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah Thomas, late of Company C, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## MARY E. DOUGHERTY.

The next pension business was the bill (S. 7379) granting an increase of pension to Mary E. Dougherty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Dougherty, widow of John C. Dougherty, late first lientenant Company M, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### ANDREW J. HARRIS.

The next pension business was the bill (S. 7380) granting an increase of pension to Andrew J. Harris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Harris, late of Company B, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### HENRIETTA C. COOLEY.

The next pension business was the bill (S. 7394) granting an increase of pension to Henrietta C. Cooley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henrietta C. Cooley, widow of Morgan Cooley, late of Company I, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## ELEANOR N. SHERMAN.

The next pension business was the bill (S. 7420) granting an increase of pension to Eleanor N. Sherman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eleanor N. Sherman, widow of Francis Trowbridge Sherman, late colonel Eighty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# GEORGE L. DANFORTH.

The next pension business was the bill (S. 7427) granting an increase of pension to George L. Danforth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George L. Danforth, tate of Company C, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# CAROLINE A. GILMORE.

The next pension business was the bill (S. 7429) granting an increase of pension to Caroline A. Gilmore.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline A. Gilmore, widow of William A. Gilmore, late of Company C, First Regiment New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of \$8 per month, such pension to cease upon proof that the soldier is living.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# MARY F. JOHNSON.

The next pension business was the bill (S. 7430) granting an increase of pension to Mary F. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary F. Johnson, widow of Gilman B. Johnson, late first lieutenant and quartermaster, Eleventh Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$17 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

the provisions and limitations of the pension laws, the name of Thomas Harrop, late of Company D, Thirty-sixth Regiment Illinois Volunteer Infantry, and Chicago Mercantile Battery Illinois Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### WILLIAM F. BURNETT.

The next pension business was the bill (S. 7470) granting an increase of pension to William F. Burnett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Burnett, late of Company B, Eleventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### JOHN M. GILLILAND.

The next pension business was the bill (S. 7473) granting an increase of pension to John M. Gilliland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Gilliland, late of Company G, Seventh Regiment California Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### PATRICK COONEY.

The next pension business was the bill (S. 7477) granting an increase of pension to Patrick Cooney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisons and limitations of the pension laws, the name of Patrick Cooney, late of Company I, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### OLIVER S. BOGGS.

The next pension business was the bill (S. 7476) granting an increase of pension to Oliver S. Boggs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver S. Boggs, late of Company I, Second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## WILLIAM H. BROWN.

The next pension business was the bill (S. 7478) granting an increase of pension to William H. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Brown, late first lieutenant Company A, Sixty-first Reglment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## GEORGE L. COREY.

The next pension business was the bill (S. 7479) granting an increase of pension to George L. Corey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George L. Corey, late of Company K, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JOHN BOWEN.

The next pension business was the bill (S. 7480) granting an

passed.

THOMAS HARROP.

The next pension business was the bill (S. 7452) granting an increase of pension to John Bowen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Bowen, late second lieutenant Companies D and A, First Regiment Oregon Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## ALANSON W. EDWARDS.

The next pension business was the bill (8, 7481) granting an increase of pension to Alanson W. Edwards.

The bill was read, as follows:

Be it enacted, ctc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alanson W. Edwards, late captain Company L. First Regiment Alabama Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### WILFORD HERRICK.

The next pension business was the bill (8, 7482) granting an increase of pension to Wilford Herrick,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilford Herrick, late unassigned, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### MARINDA D. BEERY.

The next pension business was the bill (S. 7483) granting an increase of pension to Marinda D. Beery.

The bill was read, as follows:

Be it cnacted, ctc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marinda D. Beery, widow of Seth L. Beery, late of Company D, Fourth Regiment Missourl State Militia Volunteer Cavalry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### LESTER M. P. GRISWOLD.

The next pension business was the bill (S. 7485) granting an increase of pension to Lester M. P. Griswold.

The bili was read, as follows:

Be it enacted, ctc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lester M. P. Griswold, late of Company F, Ninety-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## ANNA V. BLANEY.

The next pension business was the bill (S. 7491) granting an increase of pension to Anna V. Blaney.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna V. Blaney, widow of Elbridge G. Blaney, late of Company E, Forty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving. The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# GEORGE ARTHUR TAPPAN.

The next pension business was the bill (S. 7493) granting an increase of pension to George Arthur Tappan,
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Arthur Tappan, late second lieutenant Company H and first lieutenant Company G, Eighty-second Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### GEORGE W. BAKER.

The next pension business was the bill (S. 7503) granting an increase of pension to George W. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Baker, late of Company K, Seventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed,

#### DAVID DECKER.

The next pension business was the bill (S. 7504) granting an increase of pension to David Decker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Decker, late of Company I, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### WILLIAM T. BENNETT.

The next pension business was the bill (S. 7509) granting an increase of pension to William T. Bennett.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Bennett, late colonel Thirty-third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### WILLIAM F. LETTS.

The next pension business was the bill (S. 7531) granting an increase of pension to William F. Letts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Letts, late of Company A, First Regiment United States Cavalry, and Company E, Third Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### JOSEPH KIICHLI.

The next pension business was the bill (S. 7532) granting an increase of pension to Joseph Kiichli.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Kiichli, late of Company B, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## ORVIL DODGE.

The next pension business was the bill (S. 7533) granting an increase of pension to Orvil Dodge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orvil Dodge, late of Company A, First Regiment Oregon Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# ADOLPHUS P. CLARK.

The next pension business was the bill (S. 7553) granting an increase of pension to Adolphus P. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adolphus P. Clark, late of Company B, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### JAMES T. PIGGOTT.

The next pension business was the bill (S. 7555) granting an increase of pension to James T. Piggott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James T. Piggott, late of Company F, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## CHARLES A. WOODWARD.

The next pension business was the bill (S. 7561) granting an increase of pension to Charles A. Woodward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Woodward, late of Company K, Third Regiment California Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### WILLIAM BOOTH.

The next pension business was the bill (S. 7567) granting an increase of pension to William Booth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Booth, late second lieutenant Company C, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### GEORGE W. HAPGOOD.

The next pension business was the bill (S. 7570) granting an increase of pension to George W. Hapgood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Hapgood, late of Company D. Sixty-fourth Regiment New York Volunteer Infantry, and Company B. Second Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was endered to a third reading, and it was accordance.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### WARREN M. FALES.

The next pension business was the bill (S. 7572) granting an increase of pension to Warren M. Fales.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Warren M. Fales, late of Company I, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## EMILY J. LARKHAM.

The next pension business was the bill  $(S.\,7574)$  granting an increase of pension to Emily J. Larkham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily J. Larkham, widow of Henry Larkham, late of Company D. Twenty-first Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JESSE C. NEWELL.

The next pension business was the bill (S. 7598) granting an increase of pension to Jesse C. Newell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse C. Newell, late first lieutenant Company D, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JOHN M. MORGAN.

The next pension business was the bill (S. 7604) granting an increase of pension to John M. Morgan,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Morgan, late of Company D, Nineteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# JUDIAH B. SMITHSON.

The next pension business was the bill (S. 7605) granting an increase of pension to Judiah B. Smithson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Judiah

B. Smithson, late of Company B, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### SAMUEL REEVES.

The next pension business was the bill (S. 7606) granting an increase of pension to Samuel Reeves.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Reeves, late of Company G, Twenty-seventh Regiment New Jersey Militia Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ingly read the third time, and passed.

#### THOMAS STRONG.

The next pension business was the bill (S. 7609) granting an increase of pension to Thomas Strong.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Strong, late of Company K, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### FREDERICK KURZ.

The next pension business was the bill (S. 7610) granting an increase of pension to Frederick Kurz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Kurz, late of Company B, Tenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### EZEKIEL C. FORD.

The next pension business was the bill (S. 7616) granting an increase of pension to Ezekiel C. Ford.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ezeklei C. Ford, late of Company II, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# GEORGE K. TAYLOR.

The next pension business was the bill (S. 7622) granting an increase of pension to George K. Taylor.

The bill was read, as follows:

Be it enacted, etc.. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George K. Taylor, late second lieutenant Company B, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JOHN P. WILDMAN.

The next pension business was the bill (S. 7628) granting an increase of pension to John P. Wildman.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Wildman, late of Company K, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## ELIAS W. GARRETT.

The next pension business was the bill (S. 7632) granting an increase of pension to Elias W. Garrett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias W. Garrett, late of Sixteenth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### CHARLES SHATTUCK.

The next pension business was the bill (S. 7634) granting an increase of pension to Charles Shattuck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Shattuck, late of Company A, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### SAMUEL M. BRECKENRIDGE.

The next pension business was the bill (S. 7636) granting an increase of pension to Samuel M. Breckenridge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel M. Breckenridge, late of Company D, Second Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## OLIVER H. P. RHOADS.

The next pension business was the bill (S. 7642) granting an increase of pension to Oliver H. P. Rhoads.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver H. P. Rhoads, late of Company F, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### FRANCIS G. BROWN.

The next pension business was the bill (S. 7655) granting an increase of pension to Francis G. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis G. Brown, late of Company K, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## HARMAN GRASS.

The next pension business was the bill (S. 7657) granting an increase of pension to Harman Grass.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harman Grass, late of Company D, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# TRUE SANBORN, JR.

The next pension business was the bill (S. 7666) granting an increase of pension to True Sanborn, jr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of True Sanborn, jr., late captain Company K, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## HENRY LUNN.

The next pension business was the bill (S. 7667) granting a pension to Henry Lunn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Lunn, late unassigned, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## HENRY H. BUZZELL.

The next pension business was the bill (S. 7668) granting an increase of pension to Henry H. Buzzell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Henry H. Buzzell, late of Battery C, First Regiment United States Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### SARAH E. LUNGREN.

The next pension business was the bill (S. 7670) granting a pension to Sarah E. Lungren.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Lungren, widow of Norris L. Lungren, late of Company C, First Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### CHARLES H. ALDEN.

The next pension business was the bill (S. 7671) granting an increase of pension to Charles H. Alden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Alden, late quartermaster-sergeant, First Battalion, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### JOSEPH KENNEDY.

The next pension business was the bill (S. 7678) granting an increase of pension to Joseph Kennedy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Kennedy, late of Company H, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## GEORGE M. SHAFFER.

The next pension business was the bill (S. 7679) granting an increase of pension to George M. Shaffer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George M. Shaffer, late of Company D, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## WILLIAM WAKEFIELD.

The next pension business was the bill (S. 7683) granting an increase of pension to William Wakefield.

increase of pension to William Wakefield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Wakefield, late of Company G, Thirty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## ALBION W. TEBBETTS.

The next pension business was the bill (S. 7685) granting an increase of pension to Albion W. Tebbetts.

increase of pension to Albion W. Tebbetts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albion W. Tebbetts, late major Thirty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## FANNIE S. GRANT.

The next pension business was the bill (S. 7698) granting a

The next pension business was the bill (8. 7698) granting a pension to Fannie S. Grant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie S. Grant, helpless and dependent child of Columbus Grant, late of Companies B and C. Ninth Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ingly read the third time, and passed.

#### SUE A. BROCKWAY.

The next pension business was the bill (S. 7708) granting  $\epsilon n$  increase of pension to Sue A. Brockway.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sue A. Brockway, widow of Orlando P. Brockway, late captain, Fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# FREDERICK WOOD.

The next pension business was the bill (S. 7745) granting an increase of pension to Frederick Wood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Wood, late acting ensign, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### JACOB S. HAWKINS.

The next pension business was the bill (S. 7763) granting an increase of pension to Jacob S. Hawkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob S. Hawkins, late of Company C. Thirty-seventh Regiment Illinois Volunteer Infantry, and Company F, First Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### DAVIS GILBORNE.

The next pension business was the bill (S. 7764) granting an increase of pension to Davis Gilborne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Davis Gilborne, late of Company G, One hundred and thirty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# ALONZO P. MANN

The next pension business was the bill (S. 7768) granting an increase of pension to Alonzo P. Mann,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alonzo P. Mann, late of Company A. Eighth Regiment California Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## ELLEN DOUGHERTY.

The next pension business was the bill (S. 7772) granting a pension to Ellen Dougherty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Dougherty, widow of Daniel Dougherty, late of Company D, Fifth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## HENRY F. REUTER.

The next pension business was the bill (S. 7782) granting an increase of pension to Henry F. Reuter.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry F. Reuter, late of Company G. Second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## CARLO J. EMERSON.

The next pension business was the bill (S. 7785) granting an increase of pension to Carlo J. Emerson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to ingly read the third time, and passed.

the provisions and limitations of the pension laws, the name of Carlo J. Emerson, late of Company E, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### CHAUNCEY M. SNOW.

The next pension business was the bill (S. 7786) granting an increase of pension to Chauncey M. Snow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Chauncey M. Snow, late of Company K, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### EDWARD BIRD.

The next pension business was the bill (S. 7818) granting an increase of pension to Edward Bird.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Bird, late of Company F, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### BENJAMIN B. CRAVENS.

The next pension business was the bill (S. 7820) granting an increase of pension to Benjamin B. Cravens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin B. Cravens, late of Company I, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## WILLIAM N. BRONSON.

The next pension business was the bill (S. 7822) granting an increase of pension to William N. Bronson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William N. Bronson, late of Company G. One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## GARRET P. ROCKWELL.

The next pension business was the bill (S. 7825) granting an increase of pension to Garret P. Rockwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Garret P. Rockwell, late of Company L, Tenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# WILBUR A. STILES.

The next pension business was the bill (S. 7830) granting an increase of pension to Wilbur A. Stiles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilbur A. Stiles, late of Company D, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# WILLIAM H. GRANDAW.

The next pension business was the bill (8, 7831) granting an increase of pension to William H. Grandaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Grandaw, late of Company L. Fourth Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

#### OLE GUNDERSON.

The next pension business was the bill (S. 7838) granting an increase of pension to Ole Gunderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ole Gunderson, late of Tenth and Ninth Batteries, Wisconsin Volunteer Light Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# LEWIS A. TOWNE.

The next pension business was the bill (S. 7840) granting an increase of pension to Lewis A. Towne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis A. Towne, late musician, band, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

In line 8, after the word "of," strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

#### FRANK DE NOYER.

The next pension business was the bill (S. 7841) granting an increase of pension to Frank De Noyer.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank De Noyer, late of Company I, Eighth Regiment Minnesota Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## EVARTS C. STEVENS.

The next pension business was the bill (S. 7842) granting an increase of pension to Evarts C. Stevens.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Evarts C. Stevens, late of Company F, Twelfth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# ISAAC OAKMAN.

The next pension business was the bill (S. 7843) granting an increase of pension to Isaac Oakman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Oakman, late of Company M, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# ELIAS LAUGHNER.

The next pension business was the bill (S. 7862) granting an increase of pension to Elias Laughner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias Laughner, late of Company C, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## ALBERT BENNINGTON.

The next pension business was the bill (S. 7870) granting an increase of pension to Albert Bennington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Bennington, late of Company K, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# CATHARINE HAYES.

The next pension business was the bill (S. 7871) granting a pension to Catharine Hayes.

The bill was read, as follows:

Be it enacted, &tc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine Hayes, widow of Thomas Hayes, late of Company B, First Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### GILBERT H. KECK.

The next pension business was the bill (S. 7872) granting an increase of pension to Gilbert H. Keck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gilbert H. Keck, late of Company F. One hundred and forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## THOMAS D. MARSH.

The next pension business was the bill (S. 7877) granting an increase of pension to Thomas D. Marsh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas D. Marsh, late of Company I, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### RICHARD J. GIBBS.

The next pension business was the bill (S. 7878) granting an increase of pension to Richard J. Gibbs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard J. Gibbs, late of Company E. Sixth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## SARAH E. STOCKTON.

The next pension business was the bill (S. 7880) granting an increase of pension to Sarah E. Stockton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Stockton, widow of William C. Stockton, late chaplain Twenty-fourth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# HENRY ZACHER, ALIAS CHARLES STEIN.

The next pension business was the bill (S. 7890) granting an increase of pension to Henry Zacher, alias Charles Stein.

The bill was read, as follows:

Be it enacted, etc.. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Zacher, allas Charles Stein, late of Company K, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## WILLIAM WALLACE.

The next pension business was the bill (S. 7895) granting an increase of pension to William Wallace.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Wallace, late of Company I, Two hundred and thirteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## WILKISON B. ROSS.

The next pension business was the bill (S. 7907) granting an increase of pension to Wilkison B. Ross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilkison B. Ross, late of Company G, Eighty-ninth Regiment Indiana Vol

unteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### MARY M. HOWELL.

The next pension business was the bill (S. 7915) granting an increase of pension to Mary M. Howell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary M. Howell, widow of Robert H. Howell, late major and additional paymaster, United States Volunteers, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### ROYAL T. MELVIN.

The next pension business was the bill (S. 7918) granting an increase of pension to Royal T. Melvin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Royal T. Melvin, late of Company F, Fifth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### WILLIAM H. BRADY.

The next pension business was the bill (S. 7923) granting an increase of pension to William H. Brady.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Brady, late first lieutenant Company I, Second Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JOSEPH HARE, JR.

The next pension business was the bill (S. 7930) granting an increase of pension to Joseph Hare, jr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Hare, jr., late of Company G, Sixth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### LIBERTY W. FOSKETT.

The next pension business was the bill (S. 7936) granting an increase of pension to Liberty W. Foskett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Liberty W. Foskett, late of Company D, Thirty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# JOHN W. MESSICK.

The next pension business was the bill (S. 7938) granting an increase of pension to John W. Messick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Messick, late of Company K, Fourth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# CHARLES G. SWEET.

The next pension business was the bill (S. 7947) granting an increase of pension to Charles G. Sweet.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles G. Sweet, late of Company A. First Regiment Rhode Island Volunteer Cavalry, and Company C. Eleventh Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### JANE TATE.

The next pension business was the bill (S. 7948) granting an increase of pension to Jane Tate.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Tate, widow of John W. Tate, late of Company A, First Regiment Rhode Island Volunteer Infantry, and Company F, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### JAMES SLATER.

The next pension business was the bill (S. 7968) granting an increase of pension to James Slater.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Slater, late of Company I, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### SAMUEL DUBOIS.

The next pension business was the bill (S. 7983) granting an increase of pension to Samuel Dubois.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Dubois, late of Company I, Second Regiment California Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### ASHLEY WHITE.

The next pension business was the bill (S. 7995) granting an increase of pension to Ashley White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ashley White, late of Company E, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### ROBERT B. LUCAS.

The next pension business was the bill (S. 7996) granting an increase of pension to Robert B. Lucas. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert B. Lucas, late of Company K, Second Regiment Ohio Volunteers, war with Mexico, and captain Company D, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### GARRETT F. COWAN.

The next pension business was the bill (S. 8005) granting an increase of pension to Garrett F. Cowan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Garrett F. Cowan, late of Company G, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### EPAMINONDAS P. THURSTON.

The next pension business was the bill (S. 8006) granting an increase of pension to Epaminondas P. Thurston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Epaminondas P. Thurston, late of Company C, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### SAMUEL B. HUNTER.

The next pension business was the bill (S. 8015) granting an increase of pension to Samuel B. Hunter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel B. Hunter, late surgeon Seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### WATSON L. CORNER.

The next pension business was the bill (S. 8017) granting an increase of pension to Watson L. Corner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Watson L. Corner, late of Company B, One hundred and sixty-first Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JOHN F. MARTINE.

The next pension business was the bill (S. 8021) granting an increase of pension to John F. Martine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Martine, late of Company G. Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### HARRY N. MEDBURY.

The next pension business was the bill (S. 8023) granting an increase of pension to Harry N. Medbury.

The bill was read, as follows

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harry N. Medbury, late of Company B, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### SUSAN J. ROGERS.

The next pension business was the bill (8, 8024) granting an increase of pension to Susan J. Rogers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan J. Rogers, widow of J. Sumner Rogers, late captain Company M, Thirty-first Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$24 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### JACOB M. F. ROBERTS.

The next pension business was the bill (S. 8034) granting an increase of pension to Jacob M. F. Roberts,

The bill was read, as follows:

Be it enacted, ctc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob M. F. Roberts, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### JOHN F. ACKLEY.

The next pension business was the bill (S. 8038) granting an increase of pension to John F. Ackley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Ackley, late of Company A, Thirteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### DANIEL C. SWARTZ.

The next pension business was the bill (S. 8049) granting an increase of pension to Daniel C. Swartz.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisi us and limitations of the pension laws, the name of Daniel C. Swartz, ate of Company A, Two hundred and eighth Regiment Penn-

sylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### WILLIAM H. FOUNTAIN.

The next pension business was the bill (S. 8056) granting an increase of pension to William H. Fountain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Fountain, late of Company I, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### CARLOSS TROWBRIDGE.

The next pension business was the bill (S. 8064) granting an increase of pension to Carloss Trowbridge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carloss Trowbridge, late of Thirteenth Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### JOSEPH ICKSTADT.

The next pension business was the bill (S. 8079) granting an increase of pension to Joseph Ickstadt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Ickstadt, late of Second Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### WILLIAM H. COCHRAN.

The next pension business was the bill (S. 8081) granting an increase of pension to William H. Cochran.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is, hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Cochran, late of Company A, Forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# JOHN HAZEN.

The next pension business was the bill (S. 8084) granting an increase of pension to John Hazen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Hazen, late of Company D, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### MARY E. JACOBS

The next pension business was the bill (S. 8089) granting an increase of pension to Mary E. Jacobs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Jacobs, widow of William H. Jacobs, jr., late of Company D, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### INGER A. STEENSRUD.

The next pension business was the bill (S. 8090) granting an increase of pension to Inger A. Steensrud.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Inger A. Steensrud, widow of Anthon A. Steensrud, alias Anthony Olson, late of Company B, Sixth Regiment Wisconsin Volunteer Infantry, and Company B, Twenty-first Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

#### JACOB B. GETTER.

The next pension business was the bill (S. 8101) granting an increase of pension to Jacob B. Getter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob B. Getter, late first lieutenant Company K, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

#### HENRY SHELLEY.

The next pension business was the bill (S. 8104) granting an increase of pension to Henry Shelley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Shelley, late of Company I, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

#### ANNA ARNOLD.

The next pension business was the bill (S. 8105) granting an increase of pension to Anna Arnold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna Arnold, widow of Frederick Arnold, late of Company D, Fourth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

#### LEONIDAS OBENSHAIN.

The next pension business was the bill (S. 8107) granting an increase of pension to Leonidas Obenshain.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leonidas Obenshain, late of Company D, Seventieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## BENJAMIN T. WOODS.

The next pension business was the bill (S. 8120) granting an increase of pension to Benjamin T. Woods.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin T. Woods, late of Companies L and G, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## MARY O. CHERRY.

The next pension business was the bill (8.8125) granting an increase of pension to Mary O. Cherry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary O. Cherry, widow of Watson Cherry, late of Company D. Second Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## HENRY B. JOHNSON.

The next pension business was the bill (S. 8153) granting an increase of pension to Henry B. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry B. Johnson, late surgeon One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## ASA E. SWASEY.

The next pension business was the bill (S. 8195) granting an increase of pension to Asa E. Swasey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Asa E. Swasey, late of Company C, Fifteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

#### MICHAEL J. GEARY.

The next pension business was the bill (S. 8196) granting an increase of pension to Michael J. Geary.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael J. Geary, late of Company C. One hundred and forty-ninth-Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

# CLARA A. KEETING.

The next pension business was the bill (S. 8201) granting an increase of pension to Clara A. Keeting.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara A. Keeting, widow of Charles W. Keeting, late captain Company C. Eighty-second Regiment, and Company K, Eightieth Regiment, United States Colored Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

## PETER WEDEMAN.

The next pension business was the bill (S. 8207) granting an increase of pension to Peter Wedeman,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Wedeman, late of Company D, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JAMES W. LENDSAY.

The next pension business was the bill (S. 8215) granting an increase of pension to James W. Lendsay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Lendsay, late of Third Battery, Iowa Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JAMES H. HUNTINGTON.

The next pension business was the bill (S. 8235) granting an increase of pension to James H. Huntington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Huntington, late of Company A, Sixth Battalion District of Columbia Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# MARY B. YERINGTON.

The next pension business was the bill (S. 8258) granting an increase of pension to Mary B. Yerington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary B. Yerington, widow of Almon Yerington, late of Company E, Sixth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## HENRY B. LOVE.

The next pension business was the bill (S. 8259) granting an increase of pension to Henry B. Love.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Henry B. Love, late of Company F, Ninety-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### CALVIN HERRING.

The next pension business was the bill (S. 8278) granting an increase of pension to Calvin Herring.

The bill was read, as follows: Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin Herring, late of Company E, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### EDWARD DUNSCOMB.

The next pension business was the bill (S. 8279) granting a pension to Edward Dunscomb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Dunscomb, late captain Company K, Second Regiment New York Volunteer Cavalry, and acting assistant surgeon, United States Army, and pay him a pension at the rate of \$12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and payed.

ingly read the third time, and passed.

## ELLA B. MORROW.

The next pension business was the bill (S. 8302) granting a pension to Ella B. Morrow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella B. Morrow, widow of Carlos Morrow, late of Company G, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$8 per month, and \$2 per month additional on account of each of the minor children of the said Carlos Morrow until they reach the age of 16

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## ANNIE C. STEPHENS.

The next pension business was the bill (S. 8317) granting an increase of pension to Annie C. Stephens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie C. Stephens, widow of Edward W. Stephens, late major First Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# MARIA L. PHILBRICK.

The next pension business was the bill (S. 8340) granting an increase of pension to Maria L. Philbrick,
The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria L. Philbrick, widow of Chase Philbrick, late lieutenant-colonel Fifteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was according the state of the state o

ingly read the third time, and passed.

# FRANK HOLDERBY, ALIAS FRANK GILES.

The next pension business was the bill (S. 8345) granting an increase of pension to Frank Holderby, alias Frank Giles. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank Holderby, alias Frank Giles, late of Company I, First Regiment, and Company II, Fourteenth Regiment, Illilinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# ERVIN F. MANN

The next pension business was the bill (S. 8347) granting an increase of pension to Ervin F. Mann.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ervin F. Mann, late of Companies E and A, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed,

#### CORNELIUS E. RLISS.

The next pension business was the bill (S. 8348) granting an increase of pension to Cornelius E. Bliss,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelius E. Bliss, late of Fifth Battery, Massachusetts Volunteer Light Infantry, and Company D. Twenty-fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# MARY ELLEN VAN AMRINGE.

The next pension business was the bill (S. 8349) granting an increase of pension to Mary Ellen Van Amringe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Ellen Van Amringe, helpless and dependent child of James S. Van Amringe, late of First Battery Rhode Island Volunteer Light Artillery, and pay her a pension at the rate of \$12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### ELI B. WOODARD.

The next pension business was the bill (S. 8378) granting an increase of pension to Eli B. Woodard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli B. Woodard, late of Company F, Sixtieth Regiment Ohio Volunteer Infantry, and Company K, Sixth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### BERTHA MARIA JOHNSON.

The next pension business was the bill (S. 8379) granting an increase of pension to Bertha Maria Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bertha Maria Johnson, widow of Martin Johnson, late of Company I, Eleventh Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JOSEPH H. KINSMAN.

The next pension business was the bill (S. 8390) granting an increase of pension to Joseph H. Kinsman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Kinsman, late of Company E, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# MARTIN PEACOCK.

The next pension business was the bill (S. 8397) granting an increase of pension to Martin Peacock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary'of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin Peacock, late of Company I, Eighteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## NELSON W. JAMESON.

The next pension business was the bill (S. 8404) granting an increase of pension to Nelson W. Jameson.

The bill was read as, follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson W. Jameson, late of Company I, Fourteenth Regiment Maine Volunteer Infantry, and Signal Corps, United States Volunteers, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### REUBEN C. WEBB.

The next pension business was the bill (S. 8407) granting an increase of pensoin to Reuben C. Webb.

The bill was read as, follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Reuben C. Webb, late of Company H. Thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### OVERTON E. HARRIS.

The next pension business was the bill (S. 8422) granting an increase of pension to Overton E. Harris.

The bill was read as, follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Overton E. Harris, late second lieutenant, Company A, First Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## FANNY M. GRANT.

The next pension business was the bill (S. 8443) granting a pension to Fanny M. Grant.
The bill was read as, follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fanny M. Grant, widow of William H. Grant, late acting assistant surgeon, United States Army, and pay her a pension at the rate of \$17 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### THOMAS L. HEWITT.

The next pension business was the bill (S. 8469) granting an increase of pension to Thomas L. Hewitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas L. Hewitt, late of Company A, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# CHARLES B. SAUNDERS.

The next pension business was the bill (S. 4008) granting an increase of pension to Charles B. Saunders.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, anthorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles B. Saunders, late of Company H, Second Regiment United States Infantry, war with Mexico, and Seventh Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### WILLIAM T. COOPER.

The next pension business was the bill (S. 7283) granting an increase of pension to William T. Cooper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Cooper, late of Company G. Fourth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# GEORGE E. PURDY.

The next pension business was the bill (S. 7993) granting an increase of pension to George E. Purdy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George E. Purdy, late of Company G. One hundred and twentieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### JAMES P. WORRELL.

The next pension business was the bill (S. 8314) granting an increase of pension to James P. Worrell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James P. Worrell, late captain Company B, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### MIRANDA W. HOWARD.

The next pension business was the bill (S. 8508) granting an increase of pension to Miranda W. Howard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Miranda W. Howard, widow of Seaver Howard, late of Company D, Seventeenth Regiment Vermont Volunteer Infantry, and Twenty-fourth Company, Second Battallon Veteran Reserve Corps, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## CHARLES H. KELLEN.

The next business on the Private Calendar was the bill (H. R. 24390) to correct the military record of Charles H. Kellen.

The bill was read as follows:

Be it enacted, etc., That Charles H. Kellen, late sergeant, Company F, Seventh Regiment Rhode Island Volunteer Infantry, shall hereafter be held and considered to have been mustered into the military service of the United States as a second lieutenant of the said Seventh Regiment Rhode Island Volunteer Infantry on December 8, 1862, and to have continued in said service as second lieutenant of said regiment until the date of his death, to wit, the 7th day of December, 1862, Provided, That no pay, compensation, or remuneration of any kind or nature whatsoever shall accrue or become due or payable to any person or persons whatsoever by reason or on account of the passage of this act,

The amendment recommended by the Committee on Military Affairs was read as follows:

In line 10 after the word "the" strike out the word "seventh" and insert the word "twenty-eighth."

The amendment was agreed to, the bill as amended was ordered to be engrossed and read a third time, and being engrossed it was accordingly read the third time and passed.

## CATHERINE DE ROSSET MEARES.

The next pension business was the bill (S. 7903) granting an increase of pension to Catherine De Rosset Meares.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine De Rosset Meares, widow of Gaston Meares, late captain Arkansas Mounted Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### THOMAS F. WALTER.

The next business was the bill (S. 4964) for the relief of Thomas F. Walter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to review the record of Thomas F. Walter, late first lieutenant of Company A, Ninety-first Regiment Pennsylvania Volunteer Infantry, and to revoke the order of courts-marital promulgated in orders dated April 16, 1865, and grant him an honorable discharge as of the date of his separation from the service: Provided, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## GEORGE L. DANCY.

The next pension business was the bill (S. 8511) granting an increase of pension to George L. Dancy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George L. Dancy, late of Company F, First Regiment Florida Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$30 per

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. CALDERHEAD, a motion to reconsider the various votes by which the several bills were passed was laid on the table.

# JOHN F. MARTINE.

Mr. CALDERHEAD. Mr. Speaker, I ask unanimous consent to reconsider the vote by which the bill (S. 8021) granting an increase of pension to John F. Martine was passed, and that the bill lie on the table.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent to reconsider the vote by which the bill was passed. Is there objection? [After a pause.] The Chair hears none. The question is on laying the bill on the

The question was taken; and the motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appro-

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BOUTELL in the chair (in the temporary absence of Mr. Watson).

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration

of the sundry civil appropriation bill.

Mr. TAWNEY. Mr. Chairman, at the time the committee rose last evening there was pending an amendment offered by the gentleman from South Dakota [Mr. Burke] and a substitute for that amendment offered by the gentleman from Wyoming [Mr. MONDELL], to which points of order were reserved by me in both cases.

Mr. BURKE of South Dakota. Do I understand the gentleman makes the point of order upon this amendment?

Mr. TAWNEY. I have reserved the point of order against the amendment offered by the gentleman from South Dakota.

The CHAIRMAN. The gentleman from Wyoming [Mr. Mondell], the Chair understands, offered a substitute for the amendment of the gentleman from South Dakota, and that is now pending.

Mr. TAWNEY. Mr. Chairman, after examining the amendment offered by the gentleman from South Dakota, I am of the opinion that it is not subject to the point of order. limitation upon this appropriation, and I will withdraw the point of order, or will not make it, and will allow the substitute offered by the gentleman from Wyoming to be made at this time.

The CHAIRMAN. The Chair if of the opinion that the amendment offered by the gentleman from Wyoming is not in the nature of a substitute for the amendment offered by the gentleman from South Dakota, but seems to be an independent amendment coming in at a different point of the bill.

The question is on agreeing to the amendment offered by the gentleman from South Dakota. If there be no objection, the Clerk will report the amendment of the gentleman from South Dakota again.

The Clerk read as follows:

On page 96, line 15, after the word "dollars," insert:
"Provided, That no portion of the amount herein appropriated shall be used in examining or investigating any entry or final proof hereto-fore made under the homestead laws upon which final receipt has been issued unless there shall have been filed against said entry some charge of fraud or noncompliance with the law."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Dakota.

Mr. MONDELL. Now, Mr. Chairman, I offer the following

substitute.

The CHAIRMAN. The gentleman from Wyoming offers a substitute for the amendment just reported.

The Clerk read as follows:

Provided, That no part of this appropriation shall be available for the examination of lands embraced in any entry on which final proof has been made unless the Department has information furnishing good grounds to suspect fraud or noncompliance with the law as to that spe-

The CHAIRMAN. The question is on agreeing to the substi-

Mr. BURKE of South Dakota. Mr. Chairman, I suppose I have the floor to be heard upon my amendment.

The CHAIRMAN. The gentleman from South Dakota is en-

titled to the floor.

Mr. BURKE of South Dakota. I first desire to ask unanimous consent that I may proceed for ten minutes

The CHAIRMAN. The gentleman asks unanimous consent to proceed for ten minntes. Is there objection? [After a

The Chair hears none, pause.]

Mr. BURKE of South Dakota. Mr. Chairman, the effect of the amendment which I have proposed will limit the appropriation which is made in the paragraph. The expenditure will be limited so that no portion of it can be expended to investigate any entry under the homestead laws where final proof has herelimited so that no portion of it can be expended to investigate any entry under the homestead laws where final proof has here-tofore been made. I want to state in the outset that I am in favor of liberal appropriations or of any legislation that may be suggested that will improve the present conditions in regard to

the land laws of the country, and that I am just as anxious that fraud may be prevented as any other Member of this House or any man connected with the Land Department. On December 18 last an order was issued by the President suspending all entries where final proof had been made, and that order in effect provided that thereafter no final proofs should be accepted and receipts issued until after there had been an inspection of the land by an agent of the General Land Office.

Mr. Chairman, I am not taking any exceptions, and I do not object to the order so far as it may affect the future. Department thinks that it is desirable before issuing a final receipt that the land affected should be inspected by an agent of that Department, I am not going to object to it, but after final proof has been made before the order in question was issued, made in accordance with the law and in accordance with the rules, regulations, and practice governing final proof that have been in force for many, many years, I do object to saying that those entries may be suspended pending an examination by an inspector of the General Land Office.

Now, Mr. Chairman, this amendment is limited to final proofs heretofore made. The order of December 18 practically prevents the making of any further commutation final proofs until an investigation is had. If this amendment prevails and this bill becomes a law, the appropriation will not be available until July 1. At that time the entries that would be affected by this amendment must have been made prior to December 18 last. So they would have been made for a period of about six months, and many of them for a much longer period.

I say that in that class of entries there should be no expenditure of money for the purpose of investigating them unless there shall have been filed against said entries some charge of fraud or noncompliance with the law. It seems to me, Mr. Chairman, that that is a reasonable provision and one that ought to prevail, and I can not see how there can possibly be any objection to it. I certainly hope that the gentleman in charge of the bill will be willing to accept this amendment.

I want to say, further, if you will observe the language of the amendment you will see that it is limited to homestead entries only. I have not broadened it to include entries under the timber or the mineral or the desert land laws, but simply confine it to settlers who have made proof under the homestead

I want to say, further, that if this appropriation in this bill of \$250,000 is not sufficient to enable the Department in the future to employ such a force of special agents as they believe to be necessary to carry out the policy of the Department as indicated by recent orders which have been issued, then I am in favor of increasing that appropriation; but I certainly do object to appropriating money to investigate entries where final proof will have been made more than six months by the time the appropriation will be available, and to permit going back, in some instances perhaps eighteen months, and investigating to ascertain whether or not the entryman had complied with the law

Understand me, Mr. Chairman, I am not objecting to the most liberal investigation of all classes of entries at any time and at all times prior to making final proof, but I do object, as I stated before, to going back and looking into those cases where final proof has been made for many months.

I have here, Mr. Chairman, a case where it appears that final proof was made on July 19 last. That entry comes under the order of the President of December 18 and is not in the class of cases within the President's modified order of February 12, and yet it appears that in this particular case the special agent of the General Land Office was present when the final proof was made, and that he approved and recommended that the entry go to patent; but it does not appear that he actually visited and examined the lands. Consequently, the Assistant Commissioner, in his letter of February 12, says that the case does not come within the exceptions named in the President's order of January 25, and therefore the patent can not issue until after an investigation of the land by a special agent. If that entry is not investigated when this bill under consideration becomes a law, the proof will have been made for a period of about one year, and I say that, in the absence of some protest or some contest or some charge against the entry, it ought not to be further suspended, and that the patent ought to issue. ter referred to is as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, Washington, D. C., February 12, 1997.

a special agent of this Office was present at the submission of final proof.

proof.

In reply, you are advised that, while the records show that Leroy
O. Moore, a special agent of this Office, has recommended that the
proof be approved, it does not in any manner appear that he was
present at the taking of the proof nor that he ever made an examination on the ground

present at the taking of the proof for that he tion on the ground.

The case therefore does not come within the exceptions named in the President's order of January 25, 1907, suspending the issuance of patents on all forms of entry, and for the present patent can not issue on the entry named.

Very respectfully,

G. F. POLLOCK,

Assistant Commissioner.

Mr. Chairman, I have lived in a public-land State for almost twenty-five years, and I am personally familiar with the homestead settler, and, as a rule, I know him to be honest and sincere and striving to better his condition and to acquire a home for himself and family. Senator Carter, of Montana, in a speech recently delivered in the Senate, paid tribute to the benefits of the homestead laws in a few words, and in more expressive language than I am capable of using, and I want to repeat what he said, as follows:

The homestead law has been one of the chief inspirations of home life, domestic virtue, State pride, and national patriotism in the West for nearly half a century. Homes, States, counties, cities, yes, and a typical sterling manhood and womanhood are its imperishable monuments.

In the same speech, referring generally to homestead settlers, he stated:

They are the same class of people who felled the trees, grubbed the stumps, and prepared the fertile fields of Ohio; they are the same class of people who turned the sod of Indiana and Illinois; they are the same class of people who gave to the country men of the Lincoln stamp; they are the same class who brought the rolling prairies of Iowa from a state of nature to a state of superb fertility; they are the same people who reduced Kansas and Nebraska and conquered every arable acre under cultivation between the Alleghenies and the Pacific Ocean. For this class of people this hearing is sought. They are as honest to-day as when they felled the trees and grubbed the stumps in Ohio; they are as honest to-day as when they cheerfully gave their best manhood in defense of the flag of this Republic. They are entitled to the consideration of a fair hearing and to a just, honest, and fair-minded administration of the laws of this land.

Homestead settlers are, as stated by Senator Carter, entitled

Homestead settlers are, as stated by Senator Carter, entitled to the consideration of a fair hearing, and to a just, honest, and fair administration of the laws of this land, and I say that when a settler files upon his homestead and makes his final proof in accordance with the law and the regulations of the Department, which require him to publish a notice for a period of thirty days in some paper of general circulation, nearest his land, a copy of which notice is also posted in the land office and another copy mailed to the special agent of the General Land Office who may be located within the district in which the settler resides, and that when on the date of proof he appears and submits his testimony with that of two of his neighbors, which proof is under the solemnity of an oath and satisfactory to the register and receiver of the local office, and a final receipt has been issued, and the claimant has paid the price of the land, that then, after a reasonable time, he is entitled to his patent, and the same should not be withheld upon a mere suspicion that his entry is fraudulent. As soon as the final proof is made and receipt has been issued as aforesaid, by the receiver of the land office, the claimant then acquires a vested right, and it was held by the honorable Secretary of the Interior in the case of the Kern Oil Company v. Clarke (30) L. D., 556) that-

In the disposition of the public lands of the United States under the laws relating thereto, it is settled law: First, that when a party has complied with all the terms and conditions necessary to the securing of title to a particular tract of land, he acquires vested interest therein, is regarded as equitable owner thereof, and thereafter the Government holds the legal title in trust for him; second, that the right to a patent once vested is, for most purposes, equivalent to a patent issued, and when, in fact, issued patent relates back to the time when the right to it became fixed.

In the case of Witherspoon v. Duncan (4 Wallace, 210), in disposing of the case, the court said:

disposing of the case, the court said:

In no just sense can lands be said to be public lands after they have been entered at the land office and a certificate of entry obtained. If public lands before entry, after it they are private property. \* \* \* But it is insisted that there is a difference between a cash and a donation entry; that the one may be complete when the money is paid, but the other is not perfected until it is confirmed by the General Land Office and the patent issued. \* \* If the law on the subject is complied with and the entry conforms to it, it is difficult to see why the right to tax does not attach as well to the donation as to the cash entry. In either case, when the entry is made and certificate given, the particular land is segregated from the mass of public land and becomes private property. In the one case the entry is complete when the money is paid; in the other when the required proofs are furnished. In neither can the patent be withheld if the original entry was lawful.

The last decision is in accordance with the decisions generally of the courts, and it certainly shows that after final proof has been made conditions are altogether different than before proof, and I maintain that after a reasonable time has elapsed that an entry should not be subject to any investigation by a

special agent unless, as stated in my amendment, some protest or charge has been filed alleging fraud or noncompliance with the law. As I have already stated, final proofs are made by the claimant, supported by two witnesses, all under oath, and their attention is directed to the penalties to which they are liable in case they commit perjury.

On the blanks furnished by the Land Office for these final proofs is printed section 5392 of the Revised Statutes of the

United States, which reads as follows:

TITLE LXX-CRIMES-CH. 4.

SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, will-fully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than \$2,000, and by imprisonment at hard labor for not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See sec. 1750.)

Mr. MANN. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. Just a question. I only have a minute or two.

Mr. MANN. Supposing that the Department has suspicions and no protest and no charge has been made, ought not the Department to have the authority to make an investigation?

Mr. BURKE of South Dakota. Suppose the Department has a suspicion as to all of them?

Mr. MANN. Suppose it has. Mr. BURKE of South Dakota. I do not think, Mr. Chairman, that in view of their own reports, showing that not to exceed 15 per cent of the contested cases reported by special agents are finally canceled, that there is any justification for the suspicion that all entries are fraudulent.

Mr. Chairman, I want to incorporate in my remarks a report of the Secretary of the Interior touching on the amount of fraud as well as the number of indictments that have been found in South Dakota, and I also want to submit the decision of the court that was rendered over a month before the report was made, where a verdict of acquittal was directed by the court against four of the defendants who appear in the Secretary's report as being under indictment. I simply want to put it in to correct a misleading statement that appears in this report as to the number of indictments pending in South Dakota.

In the report of the Secretary of the Interior, dated November 30, 1906, on page 29, under the heading "South Dakota," appears a statement which is as follows:

appears a statement which is as follows:

Indictments are pending in the State of South Dakota as follows:
For conspiracy to defraud the Government, John I. Newell, Thomas H.
Ayres, John F. McGuire, and Howard Binford; for perjury, Carl Pitan,
eight indictments, and Lizzie Burke: for subornation of perjury, John
Q. Anderson, four indictments, and Elmer Hawkes; for forgery, A. H.
Cobb and Royal B. Stearns. Proceedings against Carl Pitan for conspiracy to defraud the Government have resulted in a sentence of
twelve months in the county jail and a fine of \$1,000, to stand committed till paid.

At the time the report is constituted.

At the time the report in question was made the first four parties named had been tried, and for the purpose of showing the disposition made of that case and to also show that the report is misleading, so far as indicating the number of indictments pending against these defendants, I submit herewith a copy of the proceedings and the memoranda opinion by the court, filed October 23, 1906, which was over a month prior to the date of the Secretary's report, as I have before stated. The copy of the proceedings is as follows:

IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA FOR THE SOUTHERN DIVISION OF THE DISTRICT OF SOUTH DAKOTA, IN THE EIGHTH JUDICIAL CIRCUIT.

The United States of America, plaintiff, v. John I. Newell, Thomas H. Ayres, Carl Pitan, John McGuire, and Howard A. Binford, defend-

Ayres, Carl Pitan, John McGuire, and Howard A. Billord, defendants.

At the close of the plaintiff's testimony the defendants made the following motion:

The defendants move the court to advise the jury in this case to acquit the defendants made the defendants be discharged, upon the ground that there has been no testimony in this hearing in any way, shape, or manner tending to prove or sustain the allegations of the indictment that any conspiracy of any kind or character was ever entered into by these defendants, or either of them; upon the ground, further, that there is no evidence whatever to show any conspiracy entered into by the defendants, or either of them, to defraud the Government of the United States out of anything, or out of these lands, or the title, possession, and use of the same.

And as a part of this motion I desire to ask the court on behalf of the defendants at this time to take judicial notice of the decision of the Secretary of the Interior in the case of Townsend against Patterson (18 Land Decisions, 241), to the case of Lanb against Ulrich (10 Land Decisions, 528), and to the decision of the Secretary of the Interior in the case of In re Ella I. Dickey (22 Land Decisions, 351), and to the decision of the Secretary of the Interior reported in the case of In re Elmira Jates (33 Land Decisions, 41).

At the close of the defendant's motion the court gave the following oral opinion:

oral opinion;

"The indictment in this case does not charge the defendants with entering into a conspiracy for the purpose of committing a crime against the United States. It does charge the defendants with entering into a conspiracy for the purpose of defrauding the United States, and the indictment charges that these defendants catered into a consiguent of the purpose of defrauding the United States, and the indictment charges that these defendants catered into a consideration of the consideration of

[Indorsed.]

No. 1168, district court of the United States, district of South Dakota, southern division. United States v. John I. Newell et al. Memorandum opinion.
Filed October 23, 1906.

OLIVER S. PENDAR, Clerk, By ODIN R. DAVIS, Deputy.

I also want to submit the following letter from the Commissioner of the General Land Office to show the number of final proofs suspended in South Dakota by the order of December 18.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 21, 1907.

Hon. Chas. H. Burke,

House of Representatives.

My Dear Sir: In reply to your letter of the 18th instant, requesting to be informed as to the number of final proofs from South Dakota pending in this Office, the issuance of patents to which are suspended

until examinations on the ground can be made by special agents in pursuance of the departmental order of December 18, 1906, you are informed that there are 1,948 final proofs from South Dakota pending and awaiting examination by special agents.

Very respectfully, W. A. RICHARDS

I will also submit the following statement to show the total number of entries examined by special agents and the number of entries canceled from 1890 to 1905:

Land entries and cancellations, 1890 to 1905.

	Entries.	Protested by special agents.	Can- celed.
1890 1891 1892 1893 1894 1894 1895 1896 1897 1898 1899 1990 1900 1901 1902 1903 1904	394, 958 135, 392 24, 150 137, 499 232, 523 234, 219 272, 845 235, 231 286, 206	6,838 5,323 3,951 2,379 2,031 1,800 1,737 1,527 2,050 2,499 2,962 3,316 5,468 18,340 18,445 16,548	520 920 641 327 267 548 814 1,301 788 1,305 598 739 921 955 1,231 1,519
Total	4,179,160	a 95, 194	b 13, 394

<sup>a</sup> 2½ per cent of entries.
<sup>b</sup> 15 per cent of entries protested—one-third of 1 per cent of total

Mr. MONDELL rose. Mr. LACEY. Mr. Chairman, I want to be recognized in oppo-sition to the amendment.

The CHAIRMAN. Does the gentleman from Iowa wish to be heard in opposition to the amendment of the gentleman from South Dakota?

Mr. LACEY. I wish to be heard in opposition to both amendments.

The CHAIRMAN. The Chair will recognize the gentleman

from Iowa in opposition to the amendments first.
Mr. LACEY. Mr. Chairman, there was an ord Mr. LACEY. Mr. Chairman, there was an order issued of a very wide and sweeping nature by the President in regard to the proof upon various land entries. That order has already been several times modified. It has not been modified as fully as I think it ought to be nor as fully as I think it will be. But there is no reason why, because we think the order is broader than it ought to be, we should enact a law that would hamper the Land Department or the Department of the Interior in their efforts to protect the public land against fraud and for the use and benefit of the actual bona fide settlers and homesteaders.

The proposition offered by the gentleman from South Dakota [Mr. Burke] is that no part of the appropriation for special agents shall be expended in investigating or examining any entry heretofore made or final proof under the homestead laws

where a final receipt has been issued.

Now, we know that in the State of Arkansas some years ago very large entries of land under the homestead laws were made on coal lands, land that was not subject to homestead entry at all. These entries were fraudulently made, patents were issued, suit was brought to cancel the patents, and the cases went to the Supreme Court of the United States and the patents were canceled.

Here is a proposition now to prevent the examination unless there has already been actual notice of fraud; that there shall be no examination-none made, perhaps, for fear that they may find fraud.

We have appropriated \$250,000 in this bill for special agents. What for? To investigate the fraudulent entries and other vio-

lations of the land laws of the United States,
Now, they propose frauds committed shall be immune after making final proof, either in commutation or after five full years' alleged residence or pretended residence, which would be the question involved in this case—that no agents shall receive any pay for going and looking at them. Take South Dakota, the State of my friend. There has been a vast area that some years ago people would not even look at; they would not take it at We put the commutation down to 50 cents an acre under the Sioux treaty. Six or seven years of abundant rain has brought that land into the market to such an extent that people want to get it. Thousands want to get it, perhaps, merely to sell, I assume. Perhaps I am wrong about it, but that is the suspicion that I have harbored in my mind. The attraction of buying land at 50 cents an acre, a quarter section for \$80 for a commuted homestead, is pretty strong, and many people, I

have no doubt, have gone out to that region for the very purpose of getting a quarter section at \$80, and many of them will be tempted to stay there and become permanent residents. If they remain, the whole area will be settled, and there is no doubt that large numbers of people who have passed beyond the fourteen months' stage or beyond the eight months' residence, as required for commutation, have filed their proof. Now, how easy it is to send a special agent through that region, hurriedly examining that whole country, and he can come back and report that practically there is nothing to justify specific examination.

Mr. BURKE of South Dakota. Mr. Chairman, right at that

point I wish to say this: That in every land district in this country to-day, and in the land district in which I live, there is a special agent who is going over that district all the time, and every final proof notice when it is issued is sent to the

special agent.

Mr. LACEY. Mr. LACEY. Very well. The gentleman proposes to put in this appropriation bill a provision forbidding the examination of any case after the final proof has been filed, forbidding the examination of any case unless some charge of fraud or noncompliance with the law has been made, or, in the amendment offered by the gentleman from Wyoming [Mr. Mondell], unless the Department has information furnishing good ground to suspect fraud or noncompliance with the law as to a specific entry. They propose that these agents shall not get their pay if they look at a claim, unless there has already been some charge against that particular claim. We ought not to do foolish things here simply because we think an order has been made that is too broad, an order that in some respects may have worked a hardship against some individuals.

Mr. GRONNA. Is it not true that, according to the rules

of the Department, there is a special agent present, a Government agent present, at every final proof that has been taken,

and that that has been the rule for some time?

Mr. LACEY. I think that has been done in several localities; in some localities it has not been done.

Mr. GRONNA. It has been done for several years.
Mr. BURKE of South Dakota. Mr. Chairman, I do not think
the gentleman wants to put me in the position of stating what
he undertakes to say I did state. If this bill becomes a law, I will ask him when it will go into effect?

Mr. LACEY. The 1st of July.

Mr. BURKE of South Dakota. As no final receipts have been issued since December 18, unless there was an investigation, therefore the final proofs would have been made about six months. Now, I say that if there has not been some protest up to that time, they ought not to investigate that class of entries.

Mr. LACEY. Why should it not be investigated after six

months?

Mr. BURKE of South Dakota. How long would the gentle-man hold him from patent before he would issue the patent?

That is a matter I would leave with the Land Mr. LACEY. Department. There has been no serious injustice done to claimants heretofore. There has been, I think, in this order. too sweeping an order. It is liable to bring about injustice, but it will not justify the change of the law, and this limitation upon the appropriation is just as effective as a change in the law itself.

Mr. GAINES of Tennessee. If this amendment—and I presume it is the one offered by the gentleman from South Dakota [Mr. Burke] that the gentleman is talking about—is passed, would it not preclude the Government investigating a claim, if afterwards found to be one which should be investigated?

Mr. LACEY. It would if, as a matter of fact, the final proof had heretofore been made. That is, it would preclude sending an agent to see in that particular locality or that particular claim whether there ought to be any action taken to set aside the final proof. Let me take, for instance, entries under the Kinkaid law. We have passed a law there giving a section of land. I have reason to believe, and at least reason to suspect, a good many of the entries under that law have been colorable. The temptation to take a whole section of sand hills under the homestead law by one individual as a homestead has led a good many people making filings there who really would not live in the sand hills, and who never expect to live in there, to take They want to get the land in order to arrange with them up. the cattlemen to authorize them to fence the same. No doubt most of the entries are bona fide.

The CHAIRMAN. The time of the gentleman has expired. Mr. LACEY. I ask unanimous consent to proceed for five

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. The gentleman is chairman of yielded most of my time to interrogations.

the Committee on Public Lands, of which I happen to be a member. From his observation or from the evidence that we have had before the committee this winter, does the gentleman see any necessity for tying the hands of the Government in the manner that this amendment proposes to curtail them and preclude the Government from looking into any wrongful entry or taking of land?

Mr. LACEY. I will answer that in this general way, that the original order as issued, I think, was entirely too broad. The President, when his attention was called to it, modified it, and undoubtedly I think will make such further modification as will relieve the hardships my friend has in his mind. many of his constituents feel that they have not been justly treated by reason of the severity of this order, and I sympathize with them, but not to the extent of making such change in the law as would interfere with the action of the Department in suppressing fraud.

Mr. CUSHMAN. Did I understand the gentleman from Iowa to say that there was no wrong or hardship perpetrated upon public-land entrymen except this last general order, which was

modified?

Mr. LACEY. The trouble always comes when somebody does wrong that an innocent man is liable to suffer for it. has been fraud upon the public domain, fraud not only against the Government, but against the very homesteaders my friend desires to aid in this matter, by taking the land for other purposes than homesteads that ought to be reserved for homesteads and homesteaders alone.

Mr. BURKE of South Dakota. My amendment only affects

the homesteaders.

Mr. BONYNGE. Can the gentleman from Iowa state what percentage of claims that have been contested have actually

been canceled on the ground of fraud?

Mr. LACEY. I do not think anybody can state. There have been attempts to state. The President of the United States picked out four districts. He limited it to four districts, and I do not know what districts they were, and in his message he did not state what the districts were. But if the conditions are as bad as stated in those four districts there ought not to be many homesteads allowed final entry without a specific examination. But I am inclined to think those four districts have probably been exceptional.

Mr. BONYNGE. Were not those cases in which the agent had simply reported adversely and upon which no final con-

Clusion had been reached?

Mr. LACEY. I think so, and I presume the agent reported

as he believed to be right.

Mr. GRONNA. I want to set the gentleman right on these They were not cases of an entire district. certain cases picked out in certain townships, and the percentage was figured on a certain number of cases, and not on a percentage of the whole.

Mr. LACEY. I care nothing about those percentages.
Mr. GRONNA. That is my point.
Mr. LACEY. The per cent of the number of people who are convicted of larceny, as compared with the general public, is not large, but at the same time that fact would not justify the repeal of the laws against larceny, nor justify limitations against various law officers forbidding them from drawing their pay unless the people they prosecuted were shown to be guilty before commencing proceedings.

Mr. GRONNA. Will the gentleman yield for another ques-

tion?

Mr. LACEY. No; I can not.
The CHAIRMAN. The gentleman declines to yield.
Mr. LACEY. I yield simply for a question.
Mr. GRONNA. The gentleman says it makes no difference whether the percentage is figured on the whole or not. Take, for instance, the Devil's Lake district

Mr. LACEY. I thought the gentleman wanted to ask a

Mr. GRONNA (continuing). Where last year some three thousand proofs were made. Now, this percentage is figured on 100 cases picked out in certain townships. They were figured on those specific cases

Mr. LACEY. And I have made no argument, Mr. Chairman, based on percentages. There have been frauds; there have been a great many convicted of fraud under the land laws, and no one connected with this House ought to shelter those frauds, and the effect of this amendment would be to interpose the shelter of this House as against the detection of fraud.

The CHAIRMAN. The time of the gentleman from Iowa has

again expired.

I ask for another extension of time. I have Mr. LACEY.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for five minutes. Is there objection? [Af-

ter a pause.] The Chair hears none.

Mr. LACEY. I will ask my colleagues to allow me to proceed without interruption for that length of time, because I do not want to consume the time of the House.

The CHAIRMAN. And the gentleman declines to yield during his five minutes.

Mr. LACEY. I shall not decline to yield, but I hope I will

not be interrupted during that time.

Now, Mr. Chairman, we are confronted, not with a theory, but with a condition. We know that there has been a profound interest manifested for the past two years in the public land question. We know that there has been a widespread belief that the whole system was honeycombed with fraud, and that the entries were very largely fraudulent. I do not believe I believe that the land laws in the main are wise. are the laws under which Iowa has been settled and under which the land has passed into the hands of honest, reputable They are the laws under which Kansas has been settled. And I am not ready to join in the hue and cry that because there has been fraud under these land laws that they all ought to be repealed. But we do not know that there have been a considerable number of frauds, and that those in the main have been such frauds as would deprive homestead settlers of opportunity to go on the land which the Congress of the United States has attempted to reserve for them. The President of the United States is sincere and earnest in endeavoring to enforce these laws. He is no doubt advised by some that because the laws have been violated they ought to be radically changed. There are counterfeiters who are imitating national-bank notes, but I would not repeal the nationalbank laws because bills have been counterfeited. I would not repeal the land laws because they have been violated, but I would enforce them. And that is the proposition in this bill, namely, to give \$250,000, not to change the land laws, but enforce them, and the proposition now is to incorporate as a condition on that amendment the provision that under certain circumstances a fraud shall become sacred; that it shall pass beyond the domain in controversy. No more unjust proceeding could be had as against that country out there than proposed in this amendment. Let this money be placed with the Administra-tion. There will be on the 4th of March a new Secretary of the Interior, a new Commissioner of the Land Office-and I notice my friend applauding, perhaps as to both, certainly as to the one; but I wish to say that we never had a more honest, earnest, and sincere administrator of public affairs than the Secretary of the Interior who goes out of office on the 4th of March.

Mr. CUSHMAN. And no more mistaken one.

Mr. LACEY. He may have been mistaken, as everybody is liable to mistake, but he has had no temptation to mistake on the wrong side, as Congressmen have, for a man is liable to make a mistake in behalf of his constituents when he finds them going wrong. A fellow-feeling makes us wondrous kind, and it is pretty hard to look at a friendly constituent and feel that he is a bad man. But the Secretary of the Interior has endeavored to enforce the law, although I think in some instances with severity. But he has enforced it, and he has stances with severity. But he has enforced it, and he has caught some very big game, we know that—some very large game, that failed to get through the meshes of the law, and he has been enforcing this law perhaps with a rigor that has annoyed some men who were innocent. But we know that there has been much fraud, and we know that a special agent re-peatedly traveling through the country, with eyes and ears open, has the best of all opportunities to ferret and find out frauds. And it is in the interest of the honest settler out there that these special agents should not be hampered in their work, that there should be enough of them, and that they should go on and do this work as rapidly as possible, and I think also that the order ought to be modified to such an extent as to make it apply to localities wherever there is reason to suspect that there is anything wrong there. For instance, take the Sand Hill region that I was speaking about when I was interrupted a few minutes ago. I am satisfied they will find entries there that are colorable. Perhaps my own suspicton is not sufficiently justified. I would hope that an examination of the region would prove that I was mistaken, but in this proposed amendment after a final proof has been made there could be no investigation. I believe that the effect of the amendment will be to nullify the law or at least impair its usefulness. It will be of no advantage to the honest settler. If would aid the dishonest man in acquiring land in violation of the land laws, and I trust that this committee will not adopt this amendment, but will leave a free hand to the Presi-

dent of the United States. He is a western man. He has lived out in the cattle country. These men are his friends. There is out in the cattle country. no reason why he should treat them unfairly, nor have I known in any instance where it has been brought to his knowledge; and the Secretary of the Interior, Mr. Garfield, who is soon to be in charge, is a man of integrity both by education and inheritance

The CHAIRMAN. The time of the gentleman has expired. Mr. STEENERSON, Mr. GRONNA, and others addressed the

The CHAIRMAN. The Chair desires to state that debate on the amendment offered by the gentleman from South Dakota was exhausted some time ago, and the committee is now proceeding by unanimous consent.

Mr. MONDELL. I desire to speak to my amendment offered

as a substitute.

The CHAIRMAN. The gentleman is entitled to speak to his substitute, but the Chair desires to suggest that if there are other gentlemen who desire to speak on the Burke amendment, and wish to ask unanimous consent, it would be better for them to speak first before the gentleman takes up his substitute. The Chair has been asked by several gentlemen for time to speak to the Burke amendment, and if that will meet the views of the gentleman from Wyoming, the Chair would like to recognize some gentleman in favor of the Burke amendment.

Mr. REEDER. Mr. Chairman, I ask that the amendment be read again.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from South Dakota will be reported, and also the substitute offered by the gentleman from Wyoming.

The amendment and substitute were again reported. The CHAIRMAN. The Chair desires to recognize the gentleman from North Dakota in favor of the Burke amendment.

Mr. GRONNA. Mr. Chairman, as one who has lived in the

Western States for the last quarter of a century, I wish to say that I hope that this amendment will pass. As I tried to explain to my friend from Iowa [Mr. Lacey] in the figures that have been presented by the Department of the percentage of land frauds that have been perpetrated in the Western States, so far as North Dakota is concerned, I claim that the Department has not done us justice, as will be shown by a report made by the Public Lands Commission for the year 1905, which I ask leave to print in the Record. They have figured, not on the total number of proofs made, but this percentage is figured upon a certain number of cases picked out. I do not wish to be understood, Mr. Chairman, as being opposed to any appropriation so that the Department may investigate frauds. I am heartly in favor of such an appropriation. I believe rather than \$250,000 we could well have \$500,000 for such purposes. So far as the settlers of North Dakota are concerned they are not afraid to be investigated, but they do object to being held up and not only have their patents suspended, but also to having their proofs suspended. I will take, for instance, a poor man who lives from 50 to 100 miles from the land office. He goes with his witnesses, by whom he wants to prove that he has complied with all the provisions of the law, and when he gets to the land office he finds that all he can do is to submit his testimony and the testimony of his witnesses. If it is a commutation proof, he is permitted to leave with the land office his money and his testimony under oath. He is permitted to pay to the Government his \$1.25 an acre, or \$200 for a quarter section of land, when the Department says: "We will not even issue a receipt for your money; but you can leave your money with us, and when the special agent has investigated your case we will issue you a receiver's receipt." A receiver's receipt is an evidence of title, and when the settler is in possession of the same it places him in a position so that he can borrow money, which the poor settler very often has to do. He can even sell his land, although the courts have held that the purchaser buys it at his own peril.

When a homestead settler has complied with all the provisions of the homestead law; when in good faith he has made his improvements, made his residence upon the land, lived upon the land the full time required by law, it is not only a hardship to the settler, but it is also a wrong act of the Department to place a construction upon the law which I believe to be in conflict with the law upon the statute books.

So far as I am personally concerned, I will say that if it is impossible to acquire land honestly under the commutation act, it would be better to repeal that part of the homestead law. But, Mr. Chairman, such is not the case. It has not been the case in my State. There has been no great fraud committed by the taking of lands under the homestead law in my State. take it that the same is true in other States where nontimbered and nonmineral lands have been taken by homestead settlers. I am strictly in favor of allowing only the poor man to

get this land on the western domain.

Mr. WILLIAMS. Will the gentleman permit me to ask him, would the passage of either the Burke amendment or Mondell amendment cure the situation of which you are complain-

ing?
Mr. GRONNA. The passage of either the Mondell or the Burke amendment would cure the situation to a certain extent. There were nearly 20,000 entries pending June 30, 1906, which, if the amendment of the gentleman from South Dakota [Mr. Burke] passes, would all be cleaned up. I do not want any of these entries to go to patents, I do not want any final proofs made or commutation proofs made where there is any charge of fraud of any kind whatsoever or a noncompliance with

Mr. WILLIAMS. Are you opposed to reopening this afterwards, if there is fraud?

Mr. GRONNA. You can investigate that at any time before the issuing of the patent.

Mr. WILLIAMS. I understood the amendment would prevent that.

Mr. GRONNA. Not at all.
Mr. WILLIAMS. The Department could, of its own accord,

hunt up fraud.

Mr. GRONNA. As I understand the amendment of the gentleman from South Dakota [Mr. Burke], it is simply a provision to clean up the pending proofs and patents—proofs that have been made heretofore, say, for instance, six months or a year ago—where no charge of fraud is made.

Mr. BURKE of South Dakota. Will the gentleman yield for just a question?

Mr. GRONNA. Yes.

Mr. BURKE of South Dakota. Under my amendment, where any final proof has been made prior to December 18, 1906, in the absence of some charge that fraud has been committed or that the law has not been complied with, after this bill becomes a law, which will be July 1 next, they can not withhold the patent any longer in that case under a suspicion that there is

Mr. GRONNA. That is exactly as I understand it.

Mr. BURKE of South Dakota. And if there has been no protest filed, they must proceed; and they can not use any portion of this money; and in the case of a great many entries proof would have been made for one year or eighteen months.

Mr. WILLIAMS. Does not this amendment provide that none

of this money can be used in investigating cases that have been

closed by the issuance of a patent?

Mr. BURKE of South Dakota. It does not say anything about a patent at all. In cases where the lands have been patented that is a matter for the courts. The Department has no jurisdiction.

Mr. GRONNA. As I said, I am heartily in favor of giving the Land Department a sufficient amount of money to make investigations, for the reason that by the employment of a greater number of these clerks or special agents the hardship which is now done to the settler will be mitigated. The gentleman from Minnesota [Mr. Steenerson] and I went to the President and to Mr. Pinchot and the members of the Geological Survey and explained to them thoroughly the situation as it then existed.

I will say that the President and the members of the various Departments gave this question a great deal of attention. The President was kind enough to arrange for a conference. We held our first conference with the President on the 6th of Feb-Arrangements were made for another conference on the ruary. Arrangements were made for another conference on the 11th, the following Monday. The President showed great interest and said that he realized the importance of the question. To use his own words, he said that he "certainly did not mean to hurt the poor, honest settler in the sod shanty." An agreement was reached as to what extent he would modify his order of January 25, and the matter was left for Mr. Pinchot, Secretary Garfield, Commissioner Pollock, and Mr. Steenerson and myself to agree upon the modification so as to exclude fiveyear homestead proofs and ceded Indian lands.

Of course the modification was not all that we asked for, as in my State a great number of commutation proofs are being made, and while it can not be shown that any fraud has been perpetrated by these settlers, there may have been irregularities. It is true that many young men and young women have taken claims; it may be that they have not lived there continuously, and still made commutation proofs. But so long as they have taken the claim with the intention of making it their

future home it should not be said that the act is fraudulent.

I want to insert in the Record a table of the Public Lands Commission for the year 1905:

Periods of time between proof and transfer, and number of transfers in each period.

TOWNER AND PIERCE COUNTIES, DEVILS LAKE LAND DISTRICT, NORTH DAKOTA.

[Eighty sales in six townships.]

Period,	Trans- fers.	Per cent.	Period.	Trans- fers.	Per cent.
1 month 3 months 6 months 9 months	23 10 7 9	28.75 12.50 8.75 11.25	2 years 3 years 4 years 41 years	6 4 1	7.50 5.00 1.25
1 year	12 8	15, 00 10, 00	Total	.80	100.00

WARD COUNTY, MINOT LAND DISTRICT, NORTH DAKOTA. [100 sales in 8 townships.]

1 month	20 25 14	14.00	2 years 3 years 4 years	5 1 2	5.00 1.00 2.00
9 months	11 9 12	11.00 9.00 12.00	41 years	100	1.00

DEVILS LAKE AND MINOT LAND DISTRICTS (COMBINED). [180 sales in 14 townships.]

1 month	43 35 21 20	23.89 19.44 11.67 11.11	2 years	11 5 3 1	6.11 2.78 1.67 .55
1 year	21 20	11.67 11.11	Total	180	100.00

a 77.78 per cent transferred within one year; 95 per cent within two

The following table has been prepared from the same townships to show the lapse between filing and proof, in periods of half years, beginning with eighteen months:

Periods of time between filing and proof and number of proofs in each period.

WARD COUNTY, MINOT LAND DISTRICT, NORTH DAKOTA. [429 proofs in 8 townships.]

Period.	Proofs.	Per cent.	Trans- fers.
Within 18 months. Within 2 years Within 2½ years Within 3½ years Within 3½ years Within 3½ years Within 4½ years. Within 4½ years.	47 26 13	41. 96 20. 75 16. 55 10. 95 6. 06 3. 03 . 70	48 18 15 12 4 2
Total	429	100.00	a 100

23.3 per cent of total proofs. Average consideration received for of these transfers, \$1,414, quarter sections running from \$400 to

Average period between filing and proof, 25.8 months.

The first table, Mr. Chairman, shows 80 sales in 6 townships in Towner and Pierce counties. The second table shows 100 sales in 8 townships in Ward County, in the Minot land district. Then these two tables are combined into one table, showing 118 sales in 14 townships. From this they arrive at the conclusion that 77.78 per cent have been transferred within one year and 95 per cent within two years. It seems to me, Mr. Chairman, that these figures are calculated to deceive. Even admitting that the figures are correct, they are extreme cases which have been selected. It is not the percentage of the total number of proofs made in this, the Minot, land district, as I understand that there were over 3,000 proofs made at this land office during this year. If you figure the percentage on the total number of proofs made by the number of sales made, the percentage would be small. Furthermore, Mr. Chairman, the mere fact that these claims were sold after the proofs were made, we have no right to charge these claimants with fraud. They have a perfect right to mortgage or sell their land as soon as they receive a receiver's receipt, which, as I have heretofore said, is a sufficient evidence of title, but that the purchaser buys the land at his own peril unless the patent has been issued. It makes no difference to the Government who is the possessor of this land; if they can discover fraud, they have the same right to cancel the entry and refuse the issuance of a patent as though the

claimant were in possession of the same.

I received the following resolutions from the Commercial Club of Minot, which I ask to have printed; also a letter from

Mr. E. F. Fisher, of White Earth, N. Dak.; also a clipping from the Williston Graphic:

Resolutions of the Commercial Club of Minot, N. Dak., memorializing the President of the United States.

the President of the United States.

Whereas it appears that the President of the United States has, under date of January 25, 1907, promulgated a certain order in lieu of the order made by him December 13, 1906, in which order he requires, in substance, that in the matter of all final proofs no final certificate, patent, or other evidence of title shall issue under any of the public-land laws until an investigation has been made by an authorized officer of the United States; and

Whereas it is a patent fact that said order if enforced will create great hardship, loss, and suffering to the settlers on public lands within the Minot land district, as well as in the whole State of North Dakota, because of the fact that practically all the said settlers are unable through lack of means to properly cultivate, improve, or reside upon their lands or make final proof on same without securing a loan, for which they must give a mortgage (the great majority of them having no other land). With barely sufficient means to carry them until the time of making final proof, many have been compelled to get their actual living necessities upon credit in order to continue residence, and particularly is this true in case of commutation proof where the settler pays \$1.25 an acre for his land, and no money can be borrowed upon such land until final or commutation proof is made and approved and until the final certificate and receiver's final receipt is issued by the local office; and

Whereas, from information received from credible sources, it is estimated that between four and five hundred final proofs are now pending before the local office of Minot land district, and notices of the intention to offer final proofs are now being published, and fully 90 per cent of the homesteaders making proof are securing loans and are using the money borrowed to improve their land, pay the Government fees, pay for buildings, purchase stock and machinery, and pay debts incurred during the time of their residence, and if such loan can not be made it

Whereas, in the judgment of this club, the President of the United States believes in a "square deal;" we believe that the order complained of has been issued by the President under a misapprehension of the facts: Now, therefore, be it \*Resolved\*, That the Commercial Club of Minot, N. Dak., does most respectfully appeal to the Fresident that this, his said order, be rescinded or modified so as to permit of the issuance of final certificates and final receipts in all cases of homestead proofs, excepting where there are reasonable grounds to believe the proof fraudulent, with power vested in the officers of the local land office to determine whether or not final receipt should issue in each case as the proof is presented.

The above resolution unanimously carried at a special meeting of the Commercial Club of Minot this 30th day of January, 1907.

C. L. PRESCOTT, President.

Attest: W. R. Vosburgh, Secretary.

WHITE EARTH, N. DAK., February 15, 1907.

Hon. A. J. GRONNA, M. C. Washington, D. C.

Hon. A. J. Gronna, M. C.

Washington, D. C.

My Dear Sir: I wish to stake that this particular section of Ward County will be very seriously affected by the President's recent order, unless you can secure a modification which really goes to the heart of the order and permits certificates to be issued in commutation proofs. The modification relating to five-year proofs was really not an important one for us. One proposition alone stands in the way of the justice of this order, and that is our people are too poor to live on their lands five years without financial sid, which can only be had by mortgaging their homesteads. If the Department will not consider this proposition there certainly is no use spending time with the President or Department, and we know from conversation with hundreds of business men and homesteaders here that they will expect relief from Congress before the adjournment of its present session. Congress is the lawmaking body, and when the executive department takes it upon itself by Executive order to legislate our homestead laws out of existence, according to the idea of the President as to what they should be, it is high time that our delegations in Congress assert themselves.

We have come in intimate contact with the working methods of the Department for over one year, and have given it careful study from the standpoint of the homesteader and that of public policy. From personal knowledge I will say frankly that the Department has been conducted in an incompetent manner. More, than this, its blunders and unjust and vacilitating regulations have amounted to such perfidy and faithlessness toward the settlers as to make the cases of fraud from the settlers sink into insignificance in comparison. This sounds strong, but I can furnish affidavits from people here who have acted in good faith on representations from the Land Department, and have been literally robbed in amounts from \$5 up to \$500 at one time, to say nothing frustrated plans, inconveniences, and general injustice. People here are

financial ald just as soon as he can get it, and in some cases if he is really to farm his homestead, fourteen months is none too soon for him. We have within the last few days been treated to another example of how figures can be made to lie. We understand that Pinchot alleges that 90 per cent of the proofs here are followed with mortgage. He thinks this a badge of fraud. Can not you induce him to come out here. We will donate a week for the good cause and take him out to look over the country and talk with our farmers who have borrowed money on their land and have him get acquainted with our settlers, their problems, trials, and conditions. We are quite sure he would then be competent to advise the President.

We take pleasure in inclosing a few clippings from our exchanges. We are heartily in sympathy with them. Our paper is supporting the sentiments given. The opinions therein expressed come from every exchange on our table with one exception—The Dickenson Press. It may, in passing, be interesting to note that this last paper gives two of its pages to advertising cattle brands. Cattlemen want nothing better than to discourage homesteaders. They did it in this locality several years ago, Our cattle ranches are about gone here. If the President's order is modified, as it should be, the last cattlemen of this locality will be gone by next fall.

Mr. Gronna, you have been doing us good service in this matter. We appeal to you, however, not to compromise this question until you have given our settlers what they had in the way of rights when they were induced to come out here. It is injustice to give the mens. It may be difficult for you or the people of the East to fully realize what this order fully means to us. Believe me, our people are all agreed that its effects in this community will be seriously disastrous. Very truly, yours,

[From Williston Graphic.]

[From Williston Graphic.]

The speech by Senator Carter, of Montans, delivered in the United States Senate, a synopsis of which we give this week, tells many truths that have needed telling for a long time, and Senator Carter delivered his blows straight from the shoulder. Thousands of our best citizens have been driven to Canada by the harsh and unjust rulings of the Department of the Interior, and Senator Carter justly calls Hitchcock to account for his unjust rulings. Homestead seekers are among the best people of our land, but judging from Hitchcock's view one would think they were all grafters. One of the excuses put forward recently by the Department, to account for their recent ruling on not allowing receipts to be issued, was that the proofs showed that mortgages were put on the claims shortly after proof was made. We would like to make a loan in order to work his farm. But, then, this is as good as many of the reasons the Department has for rulings made hampering the claim holder. the claim holder.

Mr. Chairman, I realize that the question of protecting the public domain is an important one. ricultural and lignite coal lands, such as we have in my State, but we have in other States the bituminous and anthracite coal fields and the valuable forest lands. This Administration, while willing and ready to protect the honest settler, has undoubtedly been confronted with some serious problems in trying to protect the public domain in such a manner that the honest settler shall not be done an injustice. I think that I am able to judge the attitude of our President. He has sought to inaugurate reforms and to prevent frauds. His policy is undoubtedly calculated to benefit the many and not the few.

From the very foundation of this Government lands on the public domain here here given to the poor who have been home.

public domain have been given to the poor who have been home-I believe that it was one of the wisest acts which our forefathers did. Let us continue this policy in the future the same as has been done in the past. [Applause.]

Mr. STEENERSON. Mr. Chairman, this is a matter in which the people of Minnesota, and especially the people of my district, have a vital interest. When, on the 25th day of January, the President issued his now famous order forbidding the issuance of final certificates, patents, and other evidences of title in all homestead proofs and commutation proofs of all kinds until a full examination had been made by a special agent, it struck the people of that section of the country—and I have no doubt the people throughout the public-land States where there are settless man the rubble down. settlers upon the public domain-with astonishment. I believe when the President issued that order he was not aware of the hardships that would necessarily result from it. In company with the gentleman from North Dakota [Mr. Gronna] I called upon the President and explained to him the results of that order. I pointed out, for instance, that in my own district Congress had opened millions of acres of land which had formerly been Indian land, not to free homesteaders, but to settlers who had to comply with the homestead laws and also pay annual payments. The last bill on this subject, which I introduced in this House and which became a law, provided that the right to take these lands should be offered at public auction at not less than \$4 per acre, and it was done. The land in some cases brought as much as \$25 per acre, and still the purchaser could only take one quarter section, and he had to live there five years and make his payments in five annual installments.

Now, the idea that a man who goes upon wild land on the frontier and complies with the homestead laws, and in addition pays from \$1.25 to \$25 an acre for it, is trying to defraud the Government, is decidedly a novel idea. Most of the land to which the public-land laws are applicable belongs to this class, what we call "ceded Indian lands," which has to be paid for at a

fixed price per acre in five annual installments. When these installments become due and are not paid the entryman's right is forfeited, or at least subject to forfeiture. Most of the settlers are poor, and have had a failure of crop, and in order to make payment of the purchase of the land have to prove up and give a mortgage on the land as security.

The object of making final proof in such cases is to get a final receipt, evidencing title in order to mortgage the land to private lenders, and thereby save it from forfeiture. The five-year homesteader, who lives on the land for that length of time, is not likely to be a man who is trying to defraud the Government, but he, too, must make final proof within two years from the expiration of the five-year period or within seven years from date of entry or his land will be forfeited to the United States. We called the President's attention to this class of cases and the improbability of there being any great amount of fraud in them and the great hardships that might result to the settlers from withholding final receipts in such cases for an indefinite period.

He called in Mr. Pinchot, who seems to be the one who inspired this drastic and arbitrary, if not illegal, order in the first place, as well as Mr. Garfield, for consultation, and very promptly directed the order to be modified so as to exclude from its operation final five-year homestead proofs and commutation proofs on ceded Indian lands in which annual payments are required. I will insert the modified order in the RECORD, which was made February 12. As amended, this order requires that no final receipt shall issue in a commuted-homestead case until an officer authorized to make field examination has made such examination or has obtained information of equivalent The President was quick to see the defects of the order and the hardships it would inflict upon the settlers when it was pointed out to him. Mr. Garfield also seemed most anxious to avoid doing injustice or inflicting hardships on the poor settlers, and he is to my mind one of the fairest-minded men I ever met. Now, what is a commuted homestead proof? It is where a man has taken 160 acres and he gets it free by living on it for five years, but rather than do that he prefers, after fourteen months' residence, to pay \$200 into the Treasury. Now, it is usually this class that are suspected of fraud. If any of these men have been hired by syndicates for the purpose of geting control of the land they ought to be investigated. Such cases remain in the order.

Now, as to the Burke amendment, it limits the Secretary of the Interior to the investigation of entries against which "contest, protest, or information alleging specific violation of law has been filed." If this order of January 25 had remained as originally issued, as I told the gentleman from Wyoming and many others, if that order was not modified, I should refuse to vote to appropriate one dollar to these special agents. It would be utterly useless, for it would cost the Treasury as much as the land is worth, and there would be no end to it. order is modified. It is so limited that examination will be narrowed down to those cases where there may be a reason for

the investigation.

Mr. MONDELL. Then, if I understand the gentleman's po-sition, it is this: The President having issued an order that was oppressive to all settlers, the gentleman was opposed to that policy. They modified the order so that it does not op-press so much the gentleman's own constituents, and now he is willing that the balance of the settlers on the public domain shall be oppressed by it.

Mr. STEENERSON. Oh, Mr. Chairman, that is not a fair

construction of my position.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEENERSON. Mr. Chairman, I ask unanimous consent for two minutes more.

The gentleman from Minnesota asks that The CHAIRMAN. his time be extended two minutes. Is there objection?

There was no objection.

Mr. STEENERSON. Mr. Chairman, the limitation proposed by the gentleman from South Dakota on this appropriation will not help anybody. It will hamper the Department. If the commuters want to prove up before the five years' period has expired, they ought to be willing to be investigated. By letting the appropriation go as it is in the bill they will get a speedy investigation. So far as we can judge, there is no settler on the public domain that is not willing to be investigated if he can be investigated speedily. What he objects to is the delay and having the title suspended. To secure a speedy

investigation I would vote to double this appropriation.

Mr. BURKE of South Dakota. If they use the money to investigate cases where final proof has been made they will not have any money to investigate people that want to make final proof.

Mr. STEENERSON. Oh, yes, they will. I believe these amendments will only hamper the Department. I believe it wise to leave the Department unhampered. I believe that they will use the money so that all those that are anxious to prove up may be investigated. I do not believe it would be fair now to put this limitation on the appropriation. I hope that the amendment of the gentleman from South Dakota will be voted We are doing down. What the settlers want is prompt action, them a poor service if we do anything that will tend to delay.

The amendment of the gentleman from Wyoming is not so objectionable. It limits investigations to cases where the Department has "information furnishing good ground for suspicion of fraud or noncompliance with the law." The most that can be said against this is that it is unnecessary, but I see no great objection to that. It might be useful as an expression of the opinion of Congress in the premises. I shall not oppose it.

I believe the President is as anxious as any of us to encour-

age the honest settler on the public domain, and I am one of those who believe that our public-land laws could be improved that fraud in acquiring title would be more difficult. I believe if more were required in the way of visible improvements on the land instead of "residence" there would be less opportunity for fraud and less need of expensive investigation by special agents.

The following is the President's order on the subject:

THE WHITE HOUSE, Washington, February 12, 1907.

The Secretary of the Interior.

The Secretary of the Interior.

SIR: Since there is some uncertainty concerning the meaning of the order of January 25, relating to issuance of evidence of title under the public land laws, I reissue the order in the following more specific form:

To facilitate the final disposition of proper applications for patent and to prevent the fraud now practiced in the acquisition for patent lands of the United States, I have to direct that hereafter no final certificate, patent, or other evidence of title shall be issued until an officer authorized to make field examination has made such examination or has obtained information of equivalent value. This order, however, shall not be taken to affect or modify the following:

1. Final five-year homestead entries heretofore made where the proof is satisfactory and complete.

2. Final certificates and receipts in final five-year homestead proofs heretofore or hereafter made when the proof is satisfactory and complete.

3. Homestead entries commuted on ceded Indian lands in which annual payments are required.

tofore or hereafter made when to a coded Indian lands in which amnual payments are required.

4. Entries where claimant's compliance with law has been established by contest or other regular adverse proceedings.

5. Entries confirmed which may have been confirmed by virtue of any act of Congress.

6. Selections and entries in which no residence or improvement is required by law when the lands embraced therein are situated in non-mineral localities, as shown by the records of the Geological Survey, or when their character has been fixed by investigation and classification made in accordance with law.

7. Reissuance of patents because of some clerical error occurring in patents heretofore issued.

8. Military bounty land warrants and other similar warrants when the requisite proof has been made.

This order is to replace my order of January 25, 1907.

Theodore Roosevelt.

Mr. MANN. Mr. Chairman, I appreciate the desire of the gentleman from South Dakota and the gentleman from Wyoming to protect the interests of the settlers in their own States. It is a praiseworthy motive to see that the people who have actually gone upon the lands now in their territory shall be protected in their rights. But, Mr. Chairman, the Congress of the United States has a duty also to the people of the rest of the I was peculiarly struck by the language of the Secretary of the Interior in his annual report, a portion of which I wish to call to the attention of the House. Following the reading and examination of that report, Mr. Chairman, I made it my duty to make some examination into the facts in regard to the land frauds, and I hope at a little later period in this session to have the privilege at least of putting into the Record some evidence so damning in its character that it ought to drive at least away from the confines of civilization some gentlemen now of

apparently the highest respectability.

It is time that Congress provided that the stealing of land by rich men away from the poor shall be as much punished as The gentlemen who bring in the amendments any other theft. proposed say that these amendments are in the interest of the poor settlers. It may be that they are so designed. But. Mr. Chairman, the purpose in investigating the land frauds has been to save to the poor man the public domain and to prevent it being taken by the rich men for pasture lands and otherwise. Secretary of the Interior, whom many gentlemen in the House do not love personally, but who, after all, is entitled to the credit of his position and to help in his work, in referring to this

matter in his annual report, says:

The prosecution of all persons conspiring to defraud the Government of its public lands is being continued with vigor, as is shown by the fact that 490 persons have been indicted in the various land States and Territories for the violation of the public-land laws, 89 have been convicted, and indictments are still pending against 401.

I call special attention to these words, now, of the Secretary:

(It is to be regretted, however, that the efforts made to release it from the grip of its despoilers have been met by every embarrassment that human ingenuity could devise; powerful influences have been concerned, and have not hesitated to aggressively exert every agency that could be commanded to weaken the hand of the law; even local land-office officials have been subservient to such influences, and the punishment imposed by the courts has, in many cases, been so conspicuously inadequate as to encourage rather than deter violations of the law. Whether this official stagnation is due in any degree to local political influences to which these officials are more or less indebted for their commissions and the retention of their positions is not important to discuss at this time, it being sufficient to state that it is a deplorable fact that such action, or rather inaction, is bringing reproach upon the public service, besides enhancing the difficulties which beset the administration in any efforts that it may make to rescue the public domain from serious peril.)

I ask, does the House of Representatives, in the face of the charge of one of the Cabinet officers of the President, that every influence, political and otherwise, is being exerted to protect the despoilers of the public lands, the thieves of the public lands, propose to set its approval upon these frauds and to protect the thieves and prevent the Secretary of the Interior from investigating the frauds charged?

The CHAIRMAN. The time of the gertlman has expired.
Mr. CUSHMAN. Mr. Chairman, I have no especial desire to
inject myself into this debate, but I believe that this is a serious matter, and those of us who reside in the West have felt the influence of present conditions most seriously. A little while ago my friend from Illinois [Mr. Mann] was speaking, and he looked in my direction when he said that there were some present who did not love the present Secretary of the Interior. Let me say at the outset that I regard Mr. Hitchcock, the present Secretary of the Interior, as a man who is honorable and honest, high-minded and well-intentioned. But I am bound to say that he is suffering from a very severe mental disease which has developed into a chronic suspicion on his part regarding the integrity of the people of the West.

I hope to make my position in this matter clear in the very beginning. I am not here to defend men who commit frauds in the land business or any other business. Please understand that. And when I have closed let no man garble my words or distort my ideas by asserting that I approve of fraud or de-

fend those who commit it.

What I cry out against is the wicked, idiotic, and assinine policy of the present Secretary of the Interior, by which policy he seems not only willing but anxious to tie up the welfare and the material interests of 499 honest and unsuspected men and make them wait while he chases one man whom he thinks may have been guilty of fraud, and in the meantime advertises himself as the only simon-pure reformer and thoroughly

honest man who ever came down the pike.

There has been nothing in the record of these Land Office investigations to justify this continuous cry of calumny that has been sent forth regarding gigantic land frauds. There is nothing in the record to justify this. It is true that here and there, now and then, there have been rare and isolated cases of individual frauds in the land business. There have also been instances of fraud in the grocery business and fraud in the banking business and fraud in all other lines of business and avenues of trade. But no man has risen by reason of these few cases to defame our entire business structure and the men who have The only difference between the two is that the present Secretary of the Interior has advertised and given currency to a great degree to these few lonesome instances of fraud until he has saturated the public mind with the belief that the men who reside upon the public domain are a gang of thieves and looters. That is not true, and it never has been true. The very life blood, I may say, of our western progress and civilization depends on the ownership of the public domain passing as rapidly as possible in legal form into the hands of individual settlers and owners. And any policy which tends to delay that programme is against the vital interests of the West.

Now, there has been a great deal of noise made at the Interior Department and a great many sensational statements sent out regarding the frauds they have uncovered in that Department. But the truth about it is that the records do not justify the statements and the assertions that have emanated

from that office.

Of course, Mr. Chairman, we of the West have become somewhat accustomed to having men from the East, in whose States there has not been a foot of public land for twenty-five years, tell us exactly how the problem of the public domain ought to be handled in the West. It is easy to understand how a gentleman living in the outskirts of Chicago, like my friend here [Mr. MANN], must naturally be a great expert on the public-land question.

Mr. Chairman, when I was a child I was very fond of reading fables and fairy stories. Thus, unfortunately, in my youth I cultivated such a diseased taste for the romantic and the unreal that even now I find a great deal of pleasure in listening to the speeches of the gentleman from Illinois [Mr. Mann]which are along the same literary lines.

Sir, I remember once as a child I read a fable or a story of certain bird, a buzzard, that was flying across the country with a piece of carrion in his beak. He soared above a country that was as fair and fertile as ever lay outdoors. But as that bird flew the only odor that he could detect emanated from the one small piece of carrion he had seized upon. And when he reached the home nest he told his companions that the entire country over which he had traveled was one continuous and expansive stink.

Sir, the present Secretary of the Interior—and I do not mean to speak disrespectfully of him-with his abnormal appetite, whetted upon his imagination, has seized upon a few lonesome and isolated bits of fraud, and he has hugged these morsels close till to his diseased olfactories the whole public domain is

nothing but one vast stench.

I say to you, Mr. Chairman, and to my associates here, that for the last three years my mail has been freighted with the letters of men—homesteaders and entrymen—who desire not to perpetrate a fraud upon this Government, but to have the Government decide and determine their claims. Only a short time ago, I will say to the gentleman from Illinois [Mr. Mann], an entryman on the public domain wrote me in regard to his land claim. He inclosed to me a letter from the Interior Department stating that his claim was held up. The date of that letter was about four years ago. They said to him in that letter that his claim was being held up for investigation. Four years had gone by, and I called upon that Department for a statement in regard to his claim, and they still said it was being held up pending an investigation. How long, in God's name, must a man wait until the Government of the United States decides upon a suspicion? The gentleman from Illinois [Mr. Mann], my personal friend, has stated here, with a great deal of eloquence and enthusiasm, that there is a great deal of fraud going on in the West on the public domain and among the people in our region. And yet my friend comes from Chicago. I have no hesitation whatever in saying that as between the people who live in his district and the people who live in mine I will cheerfully permit a comparison between the two.

Mr. MANN. We are not afraid of investigation, though. Mr. CUSHMAN. And we are not afraid of investigation. Mr. MANN. Then why do you seek to put in a provision

which will prevent investigation?

Mr. CUSHMAN. Simply because when a man makes an entry of land upon the public domain there is every avenue and every opportunity to investigate without the aid of a special agent.

His neighbors all about him who are likewise anxious to secure a portion of the public domain can make protest if he This amendment simply fails in a compliance with the law. seeks to place a limitation upon the law which will prevent the Secretary of the Interior from sitting down on the interests of these men and waiting for five or ten years trying to hatch a suspicion into a case.

Mr. MANN. I will say to my friend I do not see any intimation of that kind in the bill.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that

the gentleman be given five minutes more time.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Washington may be allowed to proceed for five minutes. Is there objection? The Chair hears none.

Mr. CUSHMAN. In order that my remarks may be understood I shall insert in the Record the paragraph of this bill

which is under discussion.

which is under discussion.

Depredations on public timber, protecting public lands, and settlement of claims for swamp land and swamp-land indemnity: To meet the expenses of protecting timber on the public lands and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, \$250,000: Provided, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding \$3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares.

There are two proposed amendments offered and pending to

There are two proposed amendments offered and pending to this paragraph. The first amendment is offered by the gentle-

man from South Dakota [Mr. Burke], to insert at the end of this paragraph the following language:

Provided, That no portion of the amount herein appropriated shall be used in examining or investigating any entry or final proof hereto-fore made under the homestead laws upon which final receipt has been issued, unless there shall have been filed against said entry some charge of fraud or noncompliance with the law.

The second amendment is offered by the gentleman from Wyoming [Mr. Mondell], in the nature of a substitute for the first amendment, and is as follows:

Provided, That no part of the appropriation shall be available for the examination of the lands embraced in any entry upon which final proof has been made, unless the Department has information furnish-ing good grounds to suspect fraud or noncompliance with law as to this specific entry.

I think the latter amendment—that is, the substitute—is the better of the two, and I hope it will be adopted upon a vote

Mr. Chairman, it seems to me that in the expenditure of this. or any other fund designed for a special investigation there should be some definite basis upon which to proceed. If no contest against the entry is made, if no protest is filed, if the testimony of the witnesses show compliance with the law, and the report of the Government's own officers at the local land office is favorable, what more is desired? Why should the Government of the United States start out on an exploring expedition? Why should a Government "smelling committee" be organized to go chasing over the public domain hunting for fraud in that case? Why should the Government of the United States turn loose a lot of cheap-john detectives to draw their pay from the Government for aspersing the motives of honest men? While I do not stand for fraud nor for fraudulent methods, I say that it is far better that one dishonest entryman should get title to a claim unlawfully than to have five hundred honest men with their claims tied up for ten years-suspended, like Mahomet's coffin, betwixt heaven and earth. Speaking for myself, sir, I have always assumed that all men were honest until something to indicate the contrary appeared.

Mr. MANN. That is the reason you are poor. [Laughter.] Mr. CUSHMAN. That may be true; but if it is true, I don't I would rather go through life believing and trusting regret it. in humanity and be swindled once or twice than to live all my days suspecting and distrusting my neighbors. [Applause.]

But the Secretary of the Interior—and I do not seek to unduly criticise him-proceeds in these land matters upon the violent presumption that all men on the western domain are dishonest until the contrary affirmatively appears. What a rotten philosophy that is. What a calumny upon our civilization and our manhood. I live in that western country. I have lived there a great many years, and I state a simple truth when I say that, judged by industry and rugged honesty, the surface of the habitable globe does not contain the equal of the men who live beyond the Missouri River, and who have made the western half of the American Continent both valuable and respectable.

This country of yours and mine has never suffered from any depredations of the American pioneer. On the contrary, his achievements have added miles and acres to our public domain, glory to our history, and vitality to our civilization.

Sir, as one who is an humble mouthpiece and representative of that class, let me say that there is no sight more grand and pathetic than that of the American citizen who bids farewell to the fields his father tilled, gathers his wife and little ones about him, and turns his face toward the setting sun to carve out of the heart of a mighty wilderness a home for those he loves.

Never before within my knowledge has there arisen any wellbalanced American citizen who had aught but good words for the American pioneer. And certainly never before have we had in our official life any man whose chief title to fame is that he has tried to indict this whole brave band upon a foundation of fact so infinitestimal that the science of arithmetic can't express the fraction.

There is no reason why the people of the West should be watched by a cheap herd of Government detectives. like to ask the gentleman from Illinois [Mr. MANN], who seems to think that it is necessary to have these special agents watching the men from my State in order that they may perpetrate no dishonest act, who is to guarantee the honesty of the special [Applause.] Where does this assumption find any ngent? basis that a special agent, frequently appointed through political influence, can be depended upon and that his report will always be honest? What an infamous proposition-that the man who has marched out on the public domain with his little family, endeavoring to secure title to a piece of our Federal domain, ought to be watched like a common criminal by a herd of private detectives! [Applause.]
Mr. MURPHY. Will the gentleman yield for a question?

Mr. CUSHMAN. Certainly.
The CHAIRMAN. The Chair has agreed to recognize the gentleman from Tennessee in opposition.

Mr. MURPHY. I want to ask the gentleman a question in

Mr. CUSHMAN. I will be glad to yield for a question.
Mr. MURPHY. Is there any opportunity afforded a homesteader to combat a charge which may be filed against him by an inspector?

Mr. CUSHMAN. I am glad the gentleman asked me that question. There is no opportunity afforded the homesteader or the entryman upon the public domain to ascertain what charges of fraud have been filed against him. All he can do is to wait in darkness and in suspense. My letter files are jammed full of letters from men whose entries have been held up by the Department report, "Entry is suspended pending investigation." They have no opportunity to find out what the charge is, who made it, or what evidence has been submitted to sustain it.

Mr. BONYNGE. May I ask the gentleman a question? Is it not a fact that the entryman's proof and that of his witnesses are on oath, while that of the inspector is a mere letter to the Department, and even his name is never revealed to the entry-

Mr. CUSHMAN. Yes; that is true—
Mr. BURKE of South Dakota. And, Mr. Chairman, is it not also true, let me ask the gentleman, that many of the complaints are anonymous communications?

Mr. CUSHMAN. Yes; that is true. And another thing that is to be considered is that when the special agent starts out from the office of the Secretary of the Interior he is saturated before he starts with the idea of fraud. He is going out to find The very existence of his job depends upon his finding fraud. [Loud applause.] Because, if he does not find fraud, the necessity for his official existence ceases. [Laughter.]

Mr. MANN. Why not abolish the courts and be done with it? Mr. GRONNA. Who is it that has helped the Department to have these men convicted? Is it not true that the settlers have helped to bring about the convictions that have been brought

Mr. CUSHMAN. Of course it is true. There has never been any difficulty in my country of securing settlers who would testify to every material fact in a controversy involving the public domain. And the word of these men who have lived in these communities for twenty years, with their neighbors all about them, is infinitely more valuable and worthy of belief than the word of a special agent appointed from perhaps the suburbs of a slaugterhouse in Chicago, through political influence, to

investigate the public domain of my country. [Loud applause.]
Mr. GAINES of Tennessee. Mr. Chairman, I am always gratified to listen to the delightful utterances of my gifted friend from the State of Washington [Mr. Cushman]. I am very much grieved that he is so distressed because he finds that the officers who are to go out and investigate these land frauds are political appointees. It is a Republican Administration, and the presumption is that they are faithful "Republican" officers. These land frauds have been discovered, and should have been years ago, by a Republican Administration. The law against them is being enforced by a Republican Administration, and appropriations are being made in a nonpartisan way to enforce them, and I congratulate the country that it is being done. And I am surprised that the gentleman denounces in effect the good work of his own party and his own heroic, splendid, and courageous President of the United States, Mr. Roosevelt. We have been investigating these land frauds in the Public Lands Committee this winter, holding investigations nearly every day for some weeks, unearthing by the splendid witnesses that have come before that committee fraud after fraud, whereby not only homes are being taken from the honest settler in the West. but those who have homes are being frozen to death by the land thieves and the railroad sharks.

The fair women of the great West have been employed to go out and preempt coal lands as agricultural lands, and then go to town and sell them to the railroads for fifty or sixty dollars. [Applause.] That Mr. Commissioner Clark and possibly othstated to the committee.

The gentleman from Washington [Mr. Cushman] is a very brilliant lawmaker. Possibly I am not; but I have been trying to catch up and help rid the country of a lot of land thieves that I believe infest the West. Let us give all the money to the Attorney-General-

Who does the gentleman refer to, if I may Mr. CUSHMAN. What particular individuals? ask?

Mr. GAINES of Tennessee. Oh, the record. My heaven and earth! Here it is.

Mr. CUSHMAN. I am familiar with the record.

Mr. GAINES of Tennessee. I will present the gentleman with all this. I will ask him to read it. I have read it.

Mr. FORDNEY. Will the gentleman permit a question? Mr. GAINES of Tennessee. My time is short.

Mr. FORDNEY. The gentleman has made a statement that is not correct, in my opinion. Will the gentleman point out one single instance where the information has come to the Committee on Public Lands from the State from which the gentleman from Washington [Mr. Cushman] comes?

Mr. GAINES of Tennessee. I am not talking about his particular State, but about the West in general.

Mr. FORDNEY. The gentleman has not any before his committee.

Mr. GAINES of Tennessee. I cite the State of Utah in particular. Mr. Clark, of the Interstate Commission, came before the committee and said that they hired women to go out and preempt coal lands. I have no personal feeling in this matter, but I say we are doing just what good people of the West, in the States of Washington and Utah and Wyoming, want. Mr. Chairman, if we tie the hands of the President and tie the hands of the Secretary of the Interior, and tie the hands of the Department by curtailing this appropriation-

Mr. GRONNA. I want to ask the gentleman a question. Mr. GAINES of Tennessee. Will the gentleman please excuse me? I have only a minute or two.

The CHAIRMAN. The gentleman from Tennessee declines

to yield.

Mr. GAINES of Tennessee. Now, Mr. Chairman, why should we curtail this money? Why should we say, "If you do not do so and so, you shall not do it at all," that "If you do not do so and so in a certain time, you shall not do it at all, fraud or no fraud?" That is what this proposition means. None of this money shall be used, Mr. Chairman, to ferret out these frauds. Why do you say that? That is the effect of it. Why not turn on the light? Give to your Attorney-General and the Secretary of the Interior and the President the sinews of war to separate the smallest lawless man and the law-abiding man, and give the latter a home to live in and protect him in its possession, and send good faithful Representatives here, as they do now in many cases

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN. Mr. Chairman, I think the purpose of the pending amendment, as well as the other one, has been slightly misunderstood by some Members of the House. There is certainly no disposition in Western States, so far as I know-and I am in touch with many of them-to discourage the system of investigation of fraudulent charges relating to the entry of public lands. The purpose of this amendment and the one offered by the gentleman from Wyoming [Mr. Mondell] is in a speedy manner to separate the cases of undisputed good faith from the few cases of a fraudulent character and to turn the force of investigation upon that class of cases that really need While I am in favor, in a general way, of the investigation. particular amendment offered by my colleague from South Dakota and was quite against the original amendment offered last evening by the gentleman from Wyoming [Mr. MONDELL], I am disposed to think that the substitute offered this morning may be better in some respects than either of the two, by reason of the fact that it does not, I think, offer any unnecessary impediment in the way of these investigations. It simply provides a speedy way in which all entries against which any suspicion of fraud or irregularity is obtained may be examined before the issue of patents.

Mr. WILLIAMS. I want the gentleman to yield to me for the purpose of getting for myself and the House a little parliamentary information as to the correct resolution now before What the gentleman has just said is about the subthe House. stitute, whereas the matter before the House is the amendment offered by the gentleman from South Dakota [Mr. Burke]. Now, the language which was just quoted, about having any information furnishing good grounds for suspecting frauds or cause of complaint, is in the substitute. Now, some of us are not opposed to the substitute, but are opposed to the amendment, which provides that no examination and investigation shall be had unless upon charges filed. Now, I ask the Chair, for my information as well as the information of the House, which one of the two things we are now considering?
The CHAIRMAN. The Chair will state for the information

of the gentleman from Mississippi and the committee that the gentleman from South Dakota [Mr. Burke] offered an amendment to page 96, line 15, which amendment has heretofore been reported, and subsequently the gentleman from Wyoming [Mr.

MONDELL] offered a substitute for that amendment. Debate up to this time has been proceeding by unanimous consent on the amendment offered by the gentleman from South Dakota [Mr.]

BURKE]. After that the Chair said, for the sake of good order, he would recognize the gentleman from Wyoming [Mr. Mon-DELL] or somebody designated by the gentleman to debate his

Mr. WILLIAMS. We are now debating both problems. The CHAIRMAN. The debate is now proceeding on the amendment offered by the gentleman from South Dakota [Mr.

Mr. WILLIAMS. I will ask the gentleman if he will not now consider the substitute; and I know he will.

Mr. BURKE of South Dakota. Will my colleague yield just a moment?

Mr. MARTIN. Certainly.
Mr. BURKE of South Dakota. I wish to say that after conference with a number of gentlemen, including the gentleman in charge of the bill, and believing that the substitute goes further than my original amendment and does more than was contemplated by my amendment, I am willing to accept the substitute, and I therefore move that the substitute be accepted in lieu of my amendment and that that be pending. I withdraw my amendment.

Mr. WILLIAMS. If the gentleman will permit-

Mr. MARTIN. Certainly.
Mr. WILLIAMS. I will now ask unanimous consent that the substitute be read for the information of the House.

Without objection, the Clerk will read the The CHAIRMAN. substitute proposed by the gentleman from Wyoming [Mr. MONDELL].

The Clerk read as follows:

Provided, That no part of this appropriation shall be available for the examination of lands embraced in any entry upon which final proof has been made, unless the Department has information furnishing good ground to suspect fraud or noncompliance with the law as to that specific entry.

Mr. WILLIAMS. That is all right.

The CHAIRMAN. The gentleman from South Dakota asks that the amendment proposed by him be withdrawn. Is there objection? [After a pause.] The Chair hears none. That leaves only the amendment offered by the gentleman from Wyoming [Mr. Mondell]. The time of the gentleman from South Dakota [Mr. Martin] has expired.

Mr. MARTIN. Mr. Chairman, I ask for five minutes' addi-

tional time.

The CHAIRMAN. Is there objection? [After a pause.]

The Chair hears none.

Mr. MARTIN. As I was saying, Mr. Chairman, I think that the phraseology of the amendment now considered as the substitute is an improvement upon the amendment as originally offered. I believe it is apparent that that amendment has only one purpose in view, and I do not think that that purpose differs in any important degree from the policy of the Interior Department or the Administration upon this subject. Now, the purpose of this amendment is that some speedy method shall be arrived at to separate the unsuspected cases from those which have some suspicion of fraud or irregularity about them.

As the gentleman from Washington has very well said, the comparatively few cases of real fraud in recent years in the entry of public lands have, for one reason or another, been considerably advertised over the country more than, I think, could be done in justice to the real conditions. Within a few days I have obtained from the Interior Department answers to questions I submitted for the purpose of knowing precisely the condition of the public-land entries in my own State of South Dakota during 1906. I think a study of this concrete case will throw some light on the general subject for the benefit of the I find from the report dated February 11, which I will, with the permission of the House, make a part of my remarks, that during the year 1906 there were made in the State of South Dakota and approved for patent final entries of various kinds of the public lands to the number of 2,885. During the same period 23 entries were disapproved for reasons of fraud or serious irregularity. In other words, with a corps of special agents—and we of the western country know that every land district has had one or two special agents for the purpose of inspecting proof—it seems that with all the inspecting force out of 2,908 final entries 2,885 have been passed and approved and 23, or less than 1 per cent, have been disapproved after investigation.

Mr. LACEY. Does not that show that these special agents

are not doing any serious harm to the settlers?

Mr. MARTIN. They are doing no harm to the settlers of South Dakota, and at the proper time, when these amendments are out of the way, I propose to offer an amendment increasing the appropriation for the inspection force from \$250,000 to \$500,000, in order that the same class of work—the detection of real fraud—may be speedily carried on. [Applause.]

Now, Mr. Chairman, I do not oppose this general policy at all. Certain orders were made which, if strictly interpreted, would have been very embarrassing to settlers. The orders of December, 1906, and January 25, 1907, if they had remained in force, would have placed the innocent man on the same plane as the The positive instruction that the inspector must go on the ground of the bona fide settler as well as the suspected settler would have delayed the honest entryman a long period of years in obtaining title unless we should increase the force of inspectors to a point absolutely out of the question. But the order now in force, of February 12, 1907, is in important respects a modification of the former orders, and it will, as I understand the order and as I believe it will be interpreted by the Interior Department, simply place the Department in position to follow its former method of keeping the special agents in the field; and their first duty will be to sift out the unsuspicious cases and pass upon them and then turn their attention with more deliberation to the cases of actual fraud.

The correspondence with the Commissioner of the General Land Office to which I have referred is here given:

FEBRUARY 6, 1907.

FEBRUARY 6, 1907.

Hon. Commissioner-General Land Office,
Department of the Interior.

Sir: Will you please furnish me information as follows:
(1) The number of final public-land entries suspended in the State of South Dakota on January 1, 1906, and of what kind—homestead, mineral, or otherwise.
(2) The number of additional final public-land entries suspended in South Dakota during the year 1906.
(3) The number of final entries examined on the ground by agents in South Dakota during 1906.
(4) The number of such final entries found to be fraudulent in character in South Dakota in 1906.
(5) The number of final public-land entries approved for patent in South Dakota in 1906.
(6) The number of final public-land entries under suspension in South Dakota in 1906.
(7) Under the recent order requiring that actual examination on the ground shall hereafter be made by an agent of the Government in all public-land entries, about how many cases can reasonably be examined on the ground by each agent or officer of the Government per year?

May I ask that this inquiry be made special, as the information is desired in connection with pending legislation?

Very respectfully,

EBEN W. MARTIN.

EBEN W. MARTIN.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, Washington, D. C., February 11, 1907.

Hon. EBEN W. MARTIN,

House of Representatives.

MY DEAR SIR: In reply to your letter of February 6, 1907, requesting information as to certain classes of land entries in South Dakota, you are informed as follows:

1. Entries suspended on January 1, 1906: Homestead and timber and stone\_\_\_\_\_ 138 31 63 1 2. Additional entries suspended during the calendar year 1906: Total \_\_\_\_\_For insufficient proof\_\_\_\_\_\_ Desert—I Mineral Total

3. Final entries examined on the ground by agents during the calendar year 1906

4. Final entries referred to in item 3, found to be fraudulent after examination by special agents on the ground

This report refers only to final entries. Under the provisions of the circular of January 25, 1904, and subsequent instructions, agents are required to make the investigations after final proof before certificates issue; consequently there are but very few investigations of final entries and the number represents only a small per cent of the investiga-

tions made.
5. Final entries approved for patent during calendar year 1906: Homestead and timber and stone\_\_\_\_\_\_Preemption Mineral

\_\_ 2,885 6. Final entries under suspension on January 1, 1907: Homestead and timber and stone\_\_\_\_\_ Preemption \_\_\_\_\_\_\_ Desert \_\_\_\_\_\_ Mineral \_\_\_\_\_ 45

7. In addition to examining entries the special agent is required to attend hearings in Government contests, to make investigations in assisting the Department of Justice in criminal prosecutions, and to cross-examine final-proof witnesses where proofs are approved in the completion of entries.

Very respectfully, W. A. RICHARDS, Commissioner.

Mr. SMITH of Iowa. Mr. Chairman, I am thankful-and I mean it as no discourtesy to the gentlemen from the far Westthat I do not live in a public-land State. I am thankful that I live in a region where we paid for the lands at the Government price and did not acquire them under any existing laws. I think that this amendment ought to be agreed to. The truth is that the estimates for the carrying out of the laws with reference to the disposition of the public lands this year show that the total expense of disposing of the public lands amounts to more than 25 per cent of all the proceeds of the public lands.

The irrigation law passed by Congress did not provide that the expense of selling the lands should be deducted from the purchase money before it was turned over to the Reclamation Service. And so it is that, under existing law, we pay out of the Treasury of the United States an amount equal to 25 per cent of the gross proceeds of the public lands in order to sell them, and then turn the proceeds over to the Reclamation Service. So that these expenditures are absolutely lost from the Treasury of the United States.

Mr. STEENERSON. The gentleman has made a mistake in regard to my State. We paid \$375,000 into the United States

Treasury for public lands last year.

Mr. SMITH of Iowa. I did not say anything that conflicted

in the slightest degree with that statement.

Mr. STEENERSON. The gentleman stated that the publiclands money went into the reclamation fund, as I understood

Mr. SMITH of Iowa. The public lands of the Western States. The bill to divert the proceeds of the lands in the gentleman's State to the reclamation of the swamp lands of Minnesota has

passed the Senate, but has not passed the House.

Mr. STEENERSON. It has not passed the House.
Mr. SMITH of Iowa. I stated that. If the gentleman would
cease to correct me when I agree with him in his statements we

would get along more rapidly.

There were, Mr. Chairman, last year 185,000 entries of public lands. The President's original order directed that not a patent should issue upon any of these lands without a field inspection. The subsequent orders of January 25 and February 12 have to some extent modified that order; but, as no estimates are furnished of the number of entries excepted by his supplemental orders, we have no information except as to the total number of entries covered by his original order. Last year, with \$250,000, they got reports from inspectors of 4,197 entries, or at a cost of practically \$60 per entry. So that, if this Presidential order had been carried out at the same relative expense, it would cost more than \$11,000,000 for inspectors alone if they kept up with this work. The total expenses of the Land Department in selling six or seven million dollars' worth of land a year would be more than \$12,000,000. I trust I am as much in favor of suppressing fraud as any man upon the floor of this House, but when the proposition is made that we are to squander, in protecting the Government against fraud, more money than all the proceeds of the public lands, I can not indorse that policy. [Ap-

The amendment in question gives to the Land Department all the period between original entry and the right to patent in which to get even a reasonable ground of suspicion of fraud. When the homestead entryman has taken his land and the Government has had five long and weary years in which to get a suspicion that he is not living upon the land, ought the Government then, after his final proofs have been made under oath and he is ready at last to realize upon this work of five years and get his land so he can handle it and utilize it-ought the Government then, without grounds of suspicion, to say that this patent shall now be suspended that we may investigate whether five years ago he made a bona fide entry upon this land? This amendment will simply require prompt action upon the part of the Government, an action that is but simple justice to the settlers, and at the same time we will then have here an adequate fund for the investigation of all even suspected frauds; but we will not squander all the proceeds of the public lands and more in avoiding their being obtained from us by fraud.

Mr. SULLIVAN. Mr. Chairman, will the gentleman yield for question?

Mr. SMITH of Iowa. Certainly.
Mr. SULLIVAN. Whether, in the gentleman's judgment, this amendment imposes a limitation upon the Department which good policy would not require to be imposed upon every dis-

trict attorney in the United States?

Mr. SMITH of Iowa. Not at all; and I want to say further that while I have pointed out that we are now expending 25 per cent of the proceeds of the public lands, I have not called attention to the large appropriations we make for special counsel to prosecute frauds in these cases, or any of the expenses of

the Federal courts that are involved in their prosecution. It is simply a question whether we are to say that we will enforce the laws against frauds, but we will not squander all the proceeds of the public lands lest here and there some case of fraud may arise. Mr. Pollock, the Deputy Commissioner of the Land Office, as a striking example of their needs, said that in many cases of commuted homestead entries the parties did not actually live upon the land the eight months required by law.

The CHAIRMAN. The time of the gentleman has expired. Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SMITH of Iowa. He said that was a common type of fraud. Now, what kind of fraud is that? If a man commutes, he pays the Government \$1.25 an acre; if he does not commute, he gets the land for nothing. The law ought to be obeyed, and he ought to live there the eight months; but how much of the public money are you going to spend just to see that he does not defraud the Government by paying his \$1.25 an acre in place of nothing at all for the land?

Now, that is a simple question, it seems to me. have a reasonable enforcement of the law with adequate means, or shall we squander the public revenues in investigating 185,000 cases a year, the overwhelming majority of which are not fraudulent, and no fraud suspected concerning them?

[Applause.

Mr. REEDER. Mr. Chairman, I presume I have spent as much time as any Member of the House in a public-land State and have known a good deal of the workings of the public-land laws, and I believe I am safe in saying that as time goes on there is more disposition to try to get public lands without properly fulfilling the law for the reason the lands are becoming more valuable. As the gentleman from Iowa suggested that the State of Iowa had been settled under the public-land laws and Kansas had also settled, that is true; but at that time

Mr. SMITH of Iowa. I beg the gentleman's pardon.

Mr. REEDER. I was referring to the gentleman from Iowa [Mr. LACEY].

Mr. SMITH of Iowa. We paid for our lands.
Mr. REEDER. But they were taken under the land laws, just the same.

A large portion of the northwestern portion of Mr. LACEY. Iowa was taken under the land laws.

Mr. REEDER. The point I wish to make is this. If at that time a man did not get the particular quarter he wanted he could get another just as good. Now, it has come to pass that persons desiring large tracts of land find they have little choice. They must secure certain tracts or get no land, and the result is that there is a good deal more disposition, in my judgment, to try to get land without complying with the law than has ever existed before, and but for the disposition on the part of the Government to look into these cases of law violation more carefully, I think that the cases of fraud would be on the increase. In the course of this argument it seems to me that persons have been talking about matters not pertaining to the subject. They are constantly talking about the disadvantage to the settler who desires to make a home on the land.

This provision is intended to expedite and determine the character of proofs. It is intended to give the man who lives on the land a minimum of disadvantage, because if it is his purpose to live on the land, there is little difference to him whether he gets his title a year earlier or later, but the purpose is to reserve the best land of the public domain for actual settlers, and I do not believe there is a more important matter now before the Government than the giving to the people homes on the public lands, and I do not believe there is any one thing which needs to be guarded more carefully against than the permitting persons of wealth to secure this land as against the homesteader. This provision of \$250,000 for speedy inspection was intended to permit the man who actually desires to make a home on the land to obtain his land, rather than the speculator. seems to me it would be wrong to adopt this amendment and thus preclude an investigation of any fraud simply because it was committed in the past. The fact is that since this move has been on to see that the law is enforced, there is likely much less disposition to violate the laws than was the case before, and if by any means it should go into the hands of rich men by means of this amendment, which I believe would be the case, then we certainly have made a great mistake if we pass it. We should not have made a mistake as to the settler, because whether he should get title to the land to-morrow or next week or within a year makes little difference. In fact, he does not have to pay taxes until he gets the land, and his purpose is to live there anyway, so the only man who can probably be hurt,

should this amendment be defeated, is the man desiring to cover up his tracks, the man who is intending to get land by commutation, perhaps. Hence I say that this House—
Mr. MARSHALL. Will the gentleman yield for a question?

The CHAIRMAN. Will the gentleman from Kansas yield to the gentleman from North Dakota?

Mr. REEDER. Yes, sir.
Mr. MARSHALL. I presume it is fair to say that an honest man who lives on a homestead would ultimately get a patent as it now exists, but is it fair to him, having taken it under the existing law, that the final receipt should be held up for years? You might as well take the land away from him.

Mr. REEDER. It is no great detriment to him if his purpose is to occupy the land.

Mr. MARSHALL. It is a detriment.

Mr. REEDER. He does not have to pay taxes, and he is residing on the land, and where is the detriment? If he means to commute the homestead and secure money on that land and dispose of it, it is a detriment to him, and it is an advantage to the man that gets the land.

Mr. MARSHALL. Will the gentleman yield?

Mr. REEDER. Yes, sir.
Mr. MARSHALL. I would like to have the gentleman tell me how a county of homesteaders living on their homesteads and who did not have to pay taxes would benefit the Govern-I think the quicker he pays the tax the better it is for

Mr. REEDER. Not for him. It is better for the Government, but not for him. I have not noticed anybody trying to pay taxes for the benefit it is to them. It is a benefit to the mmunity. I grant that. The CHAIRMAN. The gentleman's time has expired. community.

Mr. REEDER. Mr. Chairman, I ask unanimous consent to continue for five minutes.

Mr. TAWNEY. Mr. Chairman, debate on this amendment has continued now almost two hours, and I must insist upon the fiveminute rule being enforced if we are to make any progress today at all on this bill.

The CHAIRMAN. The Chair will state the request of the

gentleman from Kansas. The gentleman from Kansas [Mr. Reeder] asks unanimous consent that he may proceed for five minutes. Is there objection? [After a pause.] Does the Chair understand the gentleman from Minnesota [Mr. Tawney] to object?

Mr. TAWNEY. I will not object now.

Mr. Chairman, this is a matter of consider-The gentlemen from the public-land States, Mr. REEDER. able importance. where lands are being taken up under the public-land laws, may have constituents interested in having this amendment carried, but I do not believe it is in the interest of the actual settler. I believe that all those men in all the Western States who have the most influence in every direction are not homesteaders; it is not the man on the homestead. It is the man that desires this public land for pasture or for speculation. But, nevertheless, I believe that we ought to look further and do what we can do in the interest of the man who will actually make a home on the land. That is the strength of the action. and in recent years when land has become scarce there has been a disposition upon the part of wealthy men to secure large tracts of this land, which is a great detriment to everybody except that man himself. And they do it by means that in ordinary business they would not regard as quite square. There has been said, and truly said, that there is such a thing as a public-land conscience. I have lived long enough in the Western States to know that that conscience sometimes does very queer things, and yet the men who do them are honest and law-abiding in all other matters and regard they are doing no great harm in this. They do not regard the land of any particular value. I believe this amendment should not prevail for the reason that we should examine as to these titles. It can be no great disadvantage to the man that is actually making a home on the land. It can only be a disadvantage to the man that has got a fine scheme fixed up, six or eight months or a year or two since, for securing a large tract of land somewhere by getting a number of commutations, and I believe we should stand against that man and in favor of the man who desires to make a home on the

I think this proposition of \$250,000 is intended for the protection of the man who is honestly trying to get the land for a home, because the investigation will only prevent the scheme of the man who is trying to get the land for speculative purposes. I do not think that this proposition or this amendment will ever have any effect against the man that is residing on the land. Its effect will be in favor of the man who is buying up commuted homesteads. If there were no fraud except by the

man who has lived on his land for five years and obtained title by that process, there would be but little fraud. in the commutation propositions, and I guess almost anyone who knows anything about western settlements knows that at times a good many persons go at one time to one place and settle upon the land for the purpose of commuting, then sell out to some individual who has the money that he desires to invest in that manner. I do not believe that there is any great danger that we will expend the large amounts of money, as has been suggested by my friend from Iowa, to the detriment of the Treasury, in seeing that people who desire to make homes on the land get the land; get it as against the speculator.

He surely shows that he has a very prolific imagination when he thinks we are going to make the investigation of homesteads to the extent that they will cost more than the land is worth. I am convinced that all Members who have only the interest of giving the people who desire to live on these lands and make homes there on the lands as against the speculators will vote

against this amendment.

Mr. BONYNGE. Mr. Chairman— Mr. TAWNEY. Mr. Chairman, I move that all debate upon the pending amendment be closed in fifteen minutes.

Mr. MONDELL. I hope that motion will not be put. I would like to have a little time to speak to my amendment.
Mr. BONYNGE. Mr. Chairman, I believe I was recognized

before the gentleman from Minnesota, and he can not take me

The CHAIRMAN. The Chair had recognized the gentleman from Colorado. The Chair understood the gentleman from Colorado to yield to the gentleman from Minnesota.

Mr. BONYNGE. No, sir. The CHAIRMAN. The C

The Chair recognizes the gentleman from

Colorado for five minutes.

Mr. BONYNGE. Mr. Chairman, the Representatives from the Western States can not be placed in the position of attempting to protect fraudulent acquisition of the western lands. We are vitally interested, and perhaps more so than the people or the Representatives of any other section of the country, in a proper and legal administration of the land laws of the United States. Upon the administration of those laws depends, in a very large measure, the growth and the develop-ment of our country. We favor and insist upon obedience to those laws, both by the settlers and all officials of the Government. The gentleman from Kansas [Mr. Reeder], who has recently addressed the committee, has said that as the land becomes scarcer there is greater competition upon the part of settlers to acquire certain of the lands. That is absolutely true, Mr. Chairman, and that very fact, it seems to me, goes far to prove that it is unnecessary to have a herd of inspectors guarding and watching each of the settlers. The laws of the United States provide sufficient safeguards in the ordinary case to detect fraud wherever fraud has been committed, and an inspection upon the ground by an agent of the Government in each case is unnecessary, a useless expenditure, and in the great majority of cases results only in delay to the settler or locator in acquiring the title to the land which under the law he has earned, and thereby retarding the growth and development of the country. I believe an investigation of the records of the Land Department will show that the number of frauds that have been committed and have been detected have been to a very large extent those that were detected under the safeguards provided by the statutes and not by reason of the diligence of the inspectors appointed by the Land Office. records of the Land Department, as I am advised, show that only 1 per cent of all the entries of all kinds are canceled for fraud, and in the case of homestead entries only 1 out of every Congress has by statute declared what steps are necessary to be taken by the entryman under the different land laws of the country and the proof that is required to show compliance with those laws. The Departments of the Government can not by order add new requirements or make additional evidence necessary. The rules and regulations that the Interior Department can make are those intended to carry out the laws, but not to supersede them.

In the case of a homestead entry the entryman is obliged to give thirty days' notice by publication in a paper in the district where the land is situated before he can make proofs before the register and receiver of the Land Office. When that day arrives he is obliged to appear before the register and receiver in person with his two witnesses to prove that he has complied with the statutes of the United States. He and his witnesses are subjected to cross-examination by the Government officials, and if we have these other settlers who are seeking to acquire the land they will be very diligent to hunt up cases of fraud and to see that they are properly pre-

sented to the register and receiver.

There is another class of entries, Mr. Chairman, to which attention has not been called, which are also covered by the order read by the gentleman from South Dakota [Mr. BURKE]. refer to the mineral entries. Anybody who has had experience in the mining country knows very well that if mineral lands of value are discovered, there will be plenty of people ready to file adverse claims provided the locator has not complled with the statute. Now, in the the case of a mineral entry the locator is required to post notice of his application for patent upon the claim itself. Then he is required, before he applies to the register and receiver for his patent, to give sixty days' notice by publication, and at the expiration of that time anybody who has any knowledge or any information of any violation of the laws upon his part can appear before the register and receiver and file his adverse claim.

What, Mr. Chairman, could an inspector determine by going upon the mineral claim and making a personal investigation? As a matter of fact, the mining experts who went to Cripple Creek in the early days, nearly every one of them, turned down the camp, and said the geological formation in that district was such that you could not possibly expect to find gold there; and if these mining experts, with all their knowledge and experience, turned down a camp that has added so much to the wealth of this country as Cripple Creek, what could you expect from one of those slaughterhouse inspectors, to whom the gentleman from Washington [Mr. Cushman] referred, who might go upon any of these claims to make an investigation? Many of our richest mines have been turned down by mining experts. submit, Mr. Chairman, that the establishment with reference to the mineral lands of the requirement of a personal investigation upon the ground is absolutely of no value to protect the interests of the United States, but will in nearly every case be of great detriment to the locator and will retard the development of the mining industries of the West. In any case where there is any reason to suspect fraud the Department, under the amendment, will have full authority to make an investiga-The appropriation is amply sufficient to cover all such investigations. We want the Government's interest fully protected, but we do not want the ninety-nine honest settlers locators upon the public domain to be deprived of their rights or delayed in their enjoyment of those rights because of the fraud committed by the one dishonest man. In the effort to detect fraud and to punish the perpetrators the Department is entitled to and will receive the support of Congress. We do resist emphatically the wholesale denunciation of all the settlers upon the public domain and submit that there is nothing in the record of the Department to justify it. The amendment proposed and the amount appropriated will enable the Department to ferret out all cases of fraud without doing an injustice to the honest settlers.

Mr. Chairman, I move that all debate close Mr. TAWNEY.

Mr. TAWNEL. Mr. Chairman, I move that an debate close in ten minutes on this paragraph and amendments thereto.

Mr. MARTIN. Mr. Chairman, I trust that the chairman of the committee will not move to close debate on the paragraph. There are other amendments that gentlemen desire to offer, and we have only been discussing one.

Mr. TAWNEY. I think that the amendment that the gentleman has in mind has been discussed with the amendment now pending.

ending. It simply means an increase in appropriation.

The CHAIRMAN. The gentleman from Minesota moves to close debate on the pending paragraph and amendments in ten minutes.

The question was taken; and the motion was agreed to.

Mr. MONDELL. Mr. Chairman, I am of the opinion that the gentlemen who have spoken against this amendment fail to understand what its effect will be, and that if they had a clear understanding of the effect of the amendment they would not object to its adoption. I wish to call attention to the fact that the adoption of this provision will not in any way hamper the Department in any proper investigation of land entries. The intent of the amendment is simply to prevent the tying up for an indefinite period of land entries upon which final proofs have been made in accordance with law and in regard to which the Department has no information of any kind or character whatsoever to warrant it in suspecting fraud or of noncompliance with the law in any particular.

I want to call the attention of the House to the fact that this will not prevent the same investigation that has been going on from the beginning of the Government up to this time into all land claims and entries. It will have the effect of limiting the use of this appropriation to investigations made while the entries continue to run their course and right up to the date of

patent, but it is hoped will discourage the suspension of entries without any ground or reason for such suspension except an ill-grounded suspicion on the part of officials that public-land entries are largely fraudulent. Gentlemen all understand that in the case of all land entries those living in the locality are constantly on the alert to detect noncompliance with the law. They have a right to contest on the ground of fraud or noncompliance with law, and if successful in the contest they have a preference right of entry. After having run the gantlet of this scrutiny of the people in the locality for a year or fourteen months or five years as may be the case, in every entry proof is made, widely published, witnesses are sworn, every question which is suggested by the Land Office is asked and answered under oath, and at the end of this examination the final certificate is issued.

Now, in the usual course of business of the Land Office it requires from eight months to a year to pass a case from final proof to patent. During that period, as well as during all of the period during which the entry runs up to that time, the Department has the right under this amendment to protest the entry, to hold it up to examine it whenever it has any information furnishing grounds to suspect fraud or noncompliance with It will not prevent any investigation which is now ordinarily had or which has been had under the Government. It will, however, it is hoped, discourage the further issuance of orders peremptorily suspending thousands and tens of thousands of land entries against which no breath of suspicion of fraud has ever been raised.

There are in the archives of the Land Office to-day 5,000 final entries passed to patent, all the way from six months to two years after final entry was made, against no one of which a breath of suspicion has ever been raised, against which no protest has ever been filed, against which no man, either agent of the Government, settler in the locality, or anyone else, has ever raised a question as to fraud.

[The time of Mr. Mondell having expired, by unanimous con-

sent his time was extended five minutes.]

Mr. STEENERSON. Mr. Chairman, I would like to ask the gentleman a question. I would like to ask the meaning of his amendment. The Burke amendment confined the investigation to those entries against which a protest or contest had been filed charging specific violation. The gentleman's amendment limits it to those cases against which there is information furnishing good grounds for suspicion. Does the gentleman suppose that the Department would investigate unless good grounds?

Mr. MONDELL. I want to say to the gentleman that he has reason to know that the Department has suspended something like 30,000 cases, and that in at least 28,000 of them there has

never been a question raised as to their validity.

Mr. STEENERSON. I have no objection to the gentleman's amendment; I think it is a better proposition.

Mr. MONDELL. All my amendment proposes is that the laws of the country shall run; that they shall be allowed to continue to operate; that they shall not be suspended by Executive order. My amendment simply provides that the laws of the land shall be respected, that the rights of entrymen under those laws shall be respected, and that when there is no breath of suspicion against a man's right to claim an entry he shall receive in the due course of business a patent which the laws of the land and the courts of the land have said he shall have when he has complied with the law.

Mr. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I yield for a question.
Mr. SULLIVAN. I will ask the gentleman whether, in his judgment, there is any law which justifies the Executive order

of January 23, 1907?

Mr. MONDELL. Mr. Chairman, I say, most emphatically, no, and no condition exists which warrants it, and the best proof of that fact is that that Executive order was modified radically twice in six weeks and that it now affects half or a third of the cases that it originally did. Yet it stands a bar against the lawful rights of thousands of citizens of these United States who have complied with the land laws, who have done every thing the law requires them to do, who have gone before the officials of the Departments and made their proofs under oath, against whose right to their lands no man has ever raised a voice. These entries are suspended contrary to law and to the decisions of the courts.

I would like to inquire of the gentle-Mr. LITTLEFIELD. man from Wyoming why it would not still be possible, if this appropriation is to be refused or this limitation is adopted, for the Secretary of the Interior to continue to make the kind of orders that the gentleman has been describing, and, in that case, of what consequence upon that proposition is the failure Is there objection?

to appropriate? That is, would it not be possible for him to do

Mr. MONDELL. I would remind the gentleman that we do appropriate a goodly sum, a sufficient sum, for all proper purposes of investigation and inspection, and if the Congress expresses its view on this question clearly, as provided in this amendment, to the effect that those cases where no question has been raised about compliance with the law-if the Congress clearly indicates that those cases must not be suspended, and if suspended that they can not be examined with this appropriation, I assume there will be no further orders of wholesale suspension.

Mr. LITTLEFIELD. But he would have the power to make

them just exactly as he has now?

Mr. MONDELL. Oh, yes; the Secretary has the power to write such orders so long as he has power to wield a pen. I do not believe he has any authority to do so, however, but that doesn't seem important these days.

I would like to ask the gentleman if it is not Mr. LACEY. true that, if this amendment is passed, where a homesteader commits a crime in his final proof, swearing he has lived on the

land when he has not, this will bar an investigation?

Mr. MONDELL. I am surprised at my friend from Iowa, who probably knows more about the land laws than any man in this House, for making that kind of a suggestion. I want to call attention to the fact that this does not prevent an investigation at any time prior to the issuance of a patent, and it can not and does not attempt to amend the law under which a criminal action will lie for three years after patent issues.

Mr. LACEY. It forbids the investigation to find it out,

does it not?

Mr. MONDELL. It does not. It simply forbids the spending of the people's money trying to hunt up fraud where none exists.

Mr. SMITH of Iowa. Not if there is any ground of sus-

Mr. MONDELL. It simply provides that entries indefinitely suspended without suspicion, without any suggestion as to their

having been made in violation of law—
The CHAIRMAN. The time of the gentleman has expired. Mr. MONDELL. I ask unanimous consent to proceed for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. I want to remind the gentleman from Iowa [Mr. Lacey] that it takes all the way from eight months to a year to pass a final entry to patent, within which time, under this amendment, at any time the Department can suspend an entry on any information coming from anywhere, wafted by any wind, no matter how anonymous, no matter how indefinite; if it raises any suspicion of the validity of the entry, it can still be suspended under this amendment. But under the amendment this appropriation can not be used for the useless, wasteful purpose of investigating entries on which the entryman has complied with the letter and the spirit of the law. It is hoped it will prevent the issuance of sweeping orders under which the orderly procedure of entries after proof toward patent is arrested and the entryman is denied the patent which is his due.

The CHAIRMAN. The gentleman's time has expired. date on the pending paragraph and all the amendments thereto is exhausted. The question is on the amendment offered by the gentleman from Wyoming.

Mr. POLLARD. Mr. Chairman, can we have the amendment

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment.

The question was taken; and the Chair reported that the ayes" seemed to have it.

On a division (demanded by Mr. LACEY) there were-ayes 104, noes 17.

So the amendment was agreed to.

Mr. MARTIN. Mr. Chairman, I offer the following amend-

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

On page 96, in lines 14 and 15, strike out "two hundred and fifty" and insert "five hundred;" so as to read: "\$500,000."

Mr. MARTIN. Mr. Chairman, I desire to ask unanimous consent to address myself to the amendment for five minutes.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to discuss the amendment for five minutes.

Mr. TAWNEY. Mr. Chairman, before unanimous consent is given I desire to have an equal amount of time in opposition to

Mr. MARTIN. Certainly.

The CHAIRMAN. The Chair hears no objection.

Mr. MARTIN. Mr. Chairman, I have read with considerable care the hearings upon the subject of the amount of this appropriation before the subcommittee on appropriations. The Secretary of the Interior and the Commissioner of the General Land Office asked an increase of \$500,000 above the usual amount appropriated, which is \$250,000. The purpose of my amendment is to take middle ground between the request of the Secretary upon this subject and the amount heretofore and to increase the amount from \$250,000 to appropriated. \$500,000 in all. At the time the hearing was had before the subcommittee on January 30 the order of the Executive was still in force, which required an investigation upon the ground of every entry that should thereafter pass to patent, with certain specific exceptions. That order was very materially modified on the 12th day of February, so that now the instruction is that evidence of title shall not be issued until an officer authorized to make field examination has made such examination or has obtained information of equivalent value. words, under the order now existing, especially since the amendment already made to this paragraph, the purpose and policy will be to make what is known as "field" examinations—that is, examinations anywhere out of the city of Washington, the seat of Government-and it is simply continuing in force the general policy heretofore pursued in the Department of investigating cases that require investigation because of suspicions surrounding them. It seems to me we ought to aid the Government to catch up in this class of work. There were pending entries in the General Land Office on the 1st day of December, 1906, in round numbers, 36,000. Final entries are coming in at the rate of about 5,000 a month, or about 60,000 per year. The present force of the Department can investigate only a little more than one-half of the cases which must necessarily be investigated. Of all the cases, as experience has shown, that come into the Department, about 90 per cent are passed without a suspicion attaching thereto.

About 10 per cent require investigation on the ground, and it is believed by the officers of the Department that by the increased appropriation asked by my amendment absolute justice might be administered in this Department. I think we ought not to embarrass the officers of the law in making investigations. The testimony before our Committee on Public Lands in the last month on the subject of coal lands disclosed no considerable fraud in the acquisition of coal land under the coal-land law, but disclosed a good deal of fraud in the acquisition of coal land by other or agricultural laws, particularly in the use of the right of lieu-land selection which the States have by virtue of their constitutions or enabling acts in these Western States. was asserted before our committee, and it was shown recently in investigations by the Interstate Commerce Commission in the State of Utah and in the State of Colorado, that large quantities of public coal lands of the United States, which, under the law, can only be entered upon the payment of \$20 per acre if within 15 miles of a railroad or \$10 an acre if more remote from a railroad, had been taken under what is known as the "lieu-land selection laws," and that thousands of acres of valuable coal land of the country have in that way escaped into private own-

ership and under the control of monopolies. Now, for one I am against fraud. I am equally particular in eliminating all innocent cases, as we are trying to do now in this legislation. I do believe that an ounce of prevention is worth a pound of cure, and that \$10 of timely investigation which may prevent fraud is worth more than a hundred dollars spent by the Department of Justice in running down criminals and attempting to punish them under the criminal law.

Mr. SMITH of Iowa. Mr. Chairman, I certainly hope this amendment will not prevail. This appropriation carried in the bill is the same that has been carried now for a few years, since the extraordinary diligence displayed by the Interior Department in the prosecution of these cases. It has been an adequate appropriation, and even after the President's order was issued it has only been claimed that a \$20,000 deficiency appropriation is necessary for the current fiscal year. It is only claimed that in the first six months of this year they ran be-It may be that if this \$250,000 in this bill is appropriated that when we assemble next winter it will be found that there is a deficiency of \$10,000 or \$20,000. I do not believe there will be any deficiency if the judgment of Con-gress is respected as to the degree of investigation that should

be conducted. But it would be, indeed, an extravagant thing with the showing made.

In the current year they had the same amount carried in this bill, and they only ran \$10,000 behind in six months, and only claim a deficiency of \$20,000 if we should swell this appropriation by the enormous amount of \$250,000—100 per cent. It would be a waste of public money. [Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment offered

by the gentleman from South Dakota [Mr. MARTIN].

Mr. MONDELL rose.

The CHAIRMAN. For what purpose does the gentleman rise? Mr. MONDELL. Mr. Chairman, I rise to discuss the amendment of the gentleman from South Dakota.

The CHAIRMAN. It can not be done except by unanimous consent.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to

address the committee upon the amendment.

Mr. TAWNEY. Mr. Chairman, I dislike very much to object to my friend from Wyoming, but he has discussed the proposition generally. I want to commence the reading of this bill this afternoon, if I can. I demand the regular order.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from South Dakota [Mr. MARTIN].

The question was taken; and the amendment was rejected. Mr. KEIFER. Mr. Chairman, I understand this proposition is closed up; and I now ask, in accordance with the arrangements of yesterday evening, to turn back in the bill to page 48, under the head of "Transportation of minor coin."

The CHAIRMAN. The Chair will state, for the information of the committee, that on yesterday the section to which the gentleman from Ohio has referred, the middle section, on page 48, was passed without prejudice until to-day. And the gentleman from Ohio [Mr. Keifer] now calls that up with the consent of the gentleman from Minnesota [Mr. Tawney], the chairman of the committee. At that time there was an amendment pending to the section, offered by the gentleman from Ohio, and that amendment will at this time, for the information of the House, be reported, without objection.

The Clerk read as follows:

Amend by inserting after the word "transportation," in line 8, page 48, the following: "of silver coin, including fractional silver coin, by registered mail or otherwise, \$120,000, and"

Mr. KEIFER. Mr. Chairman, I do not desire to be recog-

Mr. SULLIVAN rose.

The CHAIRMAN. For what purpose does the gentleman rise? Mr. SULLIVAN. I ask if this is proceeding by unanimous consent?

The CHAIRMAN. The gentleman from Ohio [Mr. Keifer] is recognized for five minutes.

Mr. KEIFER. Mr. Chairman, I desire to say this, that I do not care at this moment to take the floor and discuss the amendment if there are other gentlemen who desire to be heard, and I will yield the floor for that purpose. I want to be heard before the close.

Mr. HILL of Connecticut. Mr. Chairman, I think I will take the floor for two or three minutes, in accordance with the usual practice in the last five or six years, and oppose this amendment. In doing it I want to call the attention of the members of the committee to a statement made by the Treasurer of the United States last year on this subject. I will ask the attention of the members, and I will not detain them but for a moment or

Mr. TAWNEY. Will the gentleman from Connecticut yield? Mr. HILL of Connecticut. Certainly.

Mr. TAWNEY. Mr. Chairman, this matter was debated last night to some extent and it has been debated in previous Congresses, and I move that the debate on the pending amendment and paragraph be closed in twenty minutes.

Mr. KEIFER. Mr. Chairman, I hope that will not be done. There were a number of gentlemen who wanted to be heard last

night and who desire to be heard now.

The CHAIRMAN. The Chair will put the motion.

Mr. TAWNEY. The subject was discussed for an hour last

The CHAIRMAN. The gentleman from Minnesota [Mr. Taw-NEY] moves that all debate on the pending paragraph and amendments proposed by the gentleman from Ohio be closed in twenty minutes.

The question was taken; and the motion was agreed to.

Mr. KEIFER. Mr. Chairman, how is that time to be divided? The CHAIRMAN. The time is under the control of the Chair, under the five-minute rule, but the Chair will endeavor to give both sides opportunity to be heard.

Mr. HILL of Connecticut. Mr. Chairman, on this question as to whether we shall make this appropriation of \$125,000 or not, I am still opposed to it, as I have been for many years, for the expenditure is even more useless now than it ever has been before. Mr. Chairman, the report of the Secretary of the Treasury shows that-

The amount in circulation June 30, 1905, was \$73,584,336, and from the changes observed in the past six years it is estimated the maximum of circulation has been reached. The annual movement of these dollars under present regulations entails great expense not only for transportation, but for labor in counting, bagging, handling, and storing. By constant and repeated movement the "wear and tear" is producing a result that will ultimately require an additional expense to make good the loss by abrasion.

Now, if we had the dollars to transport in the first place, and if any advantage would come from such transportation to the people at large, I would not oppose it; but as a matter of fact, it is almost wholly a gratuity extended to the banks and express companies. Now, notice. The appropriation was made last year. During three months of 1906 it was exhausted, and the result was very striking. During the nine months when the dollars could be transported free, during which they were carried backward and forward to the banks, the amount shipped averaged about \$4,000,000; but during the three months after the appropriation was exhausted the shipments fell in April to \$400,000; in May, to \$400,000, and in June, to \$800,000. other words, these months indicated the necessary movement of these coins. Again, we have not got the dollars to put into an increased circulation. The Treasurer says the circulation has reached the maximum, and when you vote \$125,000 to carry silver dollars around the country you are simply transporting the same dollars backward and forward to save the banks from the express charges which they would otherwise be obliged to pay for transfer of funds in the transaction of their own current business. If you are going to do that with the silver dollars, why do you not do it with all other kinds of

Mr. GAINES of Tennessee. Because they are in use all over

the country

Mr. HILL of Connecticut. Because of the expense of carrying it all over the country. You are simply doing this in pursuance of an old practice that was initiated years ago, when the effort was made to get silver into circulation. We have it there now, and you are only carrying it around as a substitute for other money, to the profit of the express companies, and loading all that expense on the Treasury of the United States.

Mr. KEIFER. I understand you to say that the maximum had been reached, and according to that statement it was about

seventy million.

Mr. HILL of Connecticut. That was about two years ago. Mr. KEIFER. I only wanted to say that on the 1st day of February, 1907, there were 83,173,000 silver dollars in cir-

Mr. HILL of Connecticut. If you will take what is sent out and what is returned the very same year, you will find an entirely different state of affairs. I have the figures which show that last year there were sent out \$41,502,000, and there came back \$42,679,000 during the fiscal year of 1906. the use of talking about taking out an amount in a single month and comparing that with months two or three years ago? million more came back than went out last year, and we paid about \$140,000 for the privilege of doing the work in handling it. That is the situation; and if the Congress of the United States wants to be generous in this matter and give \$125,000 to accommodate a few bankers, why this is a good opportunity to do it, but the Secretary of the Treasury and the Treasurer of the United States say it is a mistake, and it is a mistake, and you can only correct the mistake by striking out the \$125,000. That is all there is to it.

[Mr. BEALL of Texas addressed the committee. See Appendix.1

Mr. SMITH of Iowa. Mr. Chairman, the Secretary of the Treasury, the Assistant Secretary of the Treasury, the Director of the Mint, and the Treasurer of the United States all concur in recommending that no further appropriation be made for the carriage of the standard dollar.

Mr. BURLESON. Will the gentleman permit just one question?

Mr. SMITH of Iowa. No; I can not.

The CHAIRMAN. The gentleman declines to yield.
Mr. SMITH of Iowa. The expense to the Government is
\$2.15 per thousand for all this silver that is shipped out. The Government gets nothing out of the transaction. People come and tender to the Government other money the equivalent of this, and we, for the privilege of exchanging money at par with

them, pay them \$2.15 on every thousand. We do not do it upon any other kind of money except fractional currency, and there any other kind of money except fractional currency, and col-lars a year of profit upon the minor coins alone, and a large sum upon the fractional currency, and once shipped out, these forms of money do not come back. These dollars when shipped forms of money do not come back. These dollars when shipped out come back and come again, that we may time and again have the high privilege of paying \$2.15 on every thousand for trading even up with people who may want to exchange money This ought to cease. We do not do it on any other kind of standard money. It has well been said that there would be a reason for our paying it on the paper money, because that would encourage the return of dirty and worn and disease-breeding paper and the substitution of clean paper, and disease-breeding paper and the substitution of clean paper, and such a measure might be in the interest of the public health. But when we refuse to do it for every other kind of money, we ought not to do it for the standard silver dollar. I live in a region where we use the silver dollar and not the dollar bill, but my people are able to pay their own expenses in this world and not try to fasten themselves on the Federal Treasury to make it pay the expenses of the transaction of their own busi-

Mr. BURLESON. The gentleman lives right close to a sub-

treasury.

Mr. SMITH of Iowa. We are not near a subtreasury; we are 500 miles from a subtreasury—farther than many of the gentlemen who are asking the Government to pay their ex-

Mr. KEIFER. Mr. Chairman, I regret exceedingly that I have not the time to answer many of the erroneous statements made here. The gentleman from Iowa who has just taken his seat stated in this House that the subsidiary or fractional coin sent out never comes back. On the 1st day of January, 1907, there was in circulation \$124,120,938 in fractional silver coin. On the 1st day of February, one month later, about \$4,000,000 had come back, and there was then outstanding only \$120,408,163. Now, then, there is an illustration of this erroneous statement. The gentleman from Connecticut [Mr. Hill] says that we are paying one hundred and twenty thousand to one hundred and twenty-five thousand a year for carrying silver dollars. The gentleman from Minnesota stated last night the sum expended per annum was \$135,000. It has never been true, Mr. Chairman, never. We have been carrying the fractional silver coin at more cost each year than we have paid for carrying the silver dollars. The cost of carrying the fractional silver has been about three-fifths of the \$120,000, so that it leaves only about \$50,000 for the silver dollars, and that is the way they expect to defeat this proposition.

Mr. HILL of Connecticut. The amount paid for the carriage of silver dollars last year, according to the report-

Mr. KEIFER. Oh, I can't hear that report a second time. Mr. HILL of Connecticut. There were \$41,000,000 of silver dollars and \$29,000,000 of subsidiary coin, and the average price was \$2.15, making two-thirds more for the transportation of the

silver dollar than for the subsidiary coin.

Mr. KEIFER. The gentleman said that it cost \$120,000 to

\$125,000 for carrying the silver dollar.

Mr. HILL of Connecticut. That is 200 per cent nearer correct than the gentleman from Ohio. [Laughter.]

Mr. KEIFER. The cost of carrying the fractional coin is much larger, and under the law this year we are paying \$120,000 for carrying all of the silver dollars and the subsidiary

Mr. GAINES of Tennessee. Will the gentleman allow me an interruption?

Mr. KEIFER. I can not yield to the gentleman, for I have not the time. Now, the gentleman has said that the banks get the benefit of this. The banks in New York City, in Philadel-phia, in Boston, in Baltimore, and in Washington are getting it, as five of the ten custom-houses or subtreasuries are on the Atlantic coast and one at San Francisco, on the Pacific coast, where they largely use the silver dollar. Cincinnati, Chicago, St. Louis, and New Orleans each has a subtreasury where silver is stored and from which it may be shipped. The banks are not the only people that are permitted to get silver dollars under the law as it now stands and as it has long stood. I venture to say that in the district of the gentleman from Iowa [Mr. Smith], where he says they pay their own bills, there is not a bank that has not ordered silver dollars from Chicago at the Government expense. That is so all over the country. Mr. Roberts, the Director of the Mint, says it is necessary for the Government to carry silver free, in order that we may equalize this matter of the distribution of the silver dollars and fractional silver. If I had time I would like to read just what he says on that subject.

This appropriation is proposed following that for previous years going back to 1881 in the appropriation bills. Prior to that it was under other laws. We are now proposing to discredit the silver dollar of this country, to keep them from the people who want them, from the miners of the West, from the people everywhere who use them, and allow them to be kept in the banks near subtreasuries, which the gentleman claims they want to attack.

The question is on the amendment offered The CHAIRMAN.

by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. Keifer) there were—ayes 76, noes 88.

I demand tellers, Mr. Chairman. Mr. KEIFER.

Tellers were ordered.

The CHAIRMAN appointed as tellers Mr. Keifer and Mr. SMITH of Iowa

The committee again divided; and the tellers reportedayes 93, noes 94.

So the amendment was disagreed to.

Mr. SMITH of Iowa. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read. The Clerk read as follows:

On page 48, after line 16, insert the following:

On page 48, after line 16, insert the following:

Transportation of fractional silver coin: For transportation of fractional silver coin by registered mail or otherwise, \$50,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries free of charge fractional silver coin when requested to do so: Provided, That an equal amount in coin or currency shall have been deposited in the Treasury or subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation."

Mr. KEIFER. Mr. Chairman, I offer to amend the amendment by striking out "fifty" and inserting "one hundred."

The CHAIRMAN. The Clerk will report the amendment.

Mr. MANN. Mr. Chairman. A parliamentary inquiry.
The CHAIRMAN. Will the gentleman suspend until the Clerk reports the amendment to the amendment?

Mr. MANN. But I desire to make the parliamentary inquiry before that is done.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Is this a proposition to amend the amendment which has just been offered, so as to cut off the right to make a point of order

The CHAIRMAN. I do not know what the gentleman's proposition

Mr. MANN. Then I reserve the point of order to the original amendment

The CHAIRMAN. And the Clerk will not report the amendment to the amendment until the point of order shall have been disposed of.

Mr. MANN. Mr. Chairman, the amendment offered is clearly subject to the point of order, because it contains direction in reference to making a report, which is legislation. Whether the balance of it is subject to a point of order I do not know.

The CHAIRMAN. Will the gentleman from Illinois inform the Chair whether or not, in his opinion, this amendment is not

proposed to be added to a legislative paragraph?

Mr. MANN. I am frank to confess to the Chair that I do not know what the amendment is to be added to. I thought it was an independent proposition.

Mr. KEIFER. It is an independent proposition. Mr. MANN. The gentleman from Ohio states that it is an independent proposition.

Mr. SMITH of Iowa. The gentleman from Ohio is not au-

thorized to speak for the author of that amendment.

Mr. KEIFER. Then I speak of the facts. The gentleman from Iowa offers it as an independent section.

Mr. SMITH of Iowa. Mr. Chairman, I offered this to follow line 16.

The CHAIRMAN. Does the gentleman offer it by way of amendment to the paragraph that precedes it or as an independent section?

Mr. SMITH of Iowa. Mr. Chairman, I desire to make no further statement, if the Chair will pardon me, than that I offer it at the end of line 16. If the Chair will pardon me, I desire to state the facts. By an oversight in the bill the usual appropriation for the carrying of fractional money, which is actually a profit to the Government, was omitted. Last night the good faith of this committee was pledged to the House that if the amendment of the gentleman from Ohio [Mr. Keifer] should be voted down, we would offer to reinstate the appropriation for the transportation of fractional silver. We have kept our promise to the House, and we offer it simply for the purpose of keeping that promise.

Mr. MANN. Mr. Chairman, in view of the statement of the gentleman from Iowa [Mr. SMITH], one of the gentlemen in

charge of the bill, in reference to something that took place last night, about which I knew nothing, I wish to withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order. The question is on the amendment offered by the gentleman from Iowa. Does the gentleman from Ohio desire to offer an amendment?

Mr. KEIFER. I offer my amendment to strike out the word "fifty" and insert the words "one hundred."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out of the amendment, in the second line, the word "fifty" id insert in lieu thereof the words "one hundred;" so that it will ad "\$100,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

Mr. SMITH of Iowa. Mr. Chairman, I want to state that heretofore the appropriation for the standard silver dollar and the subsidiary coins has been carried in one item of \$120,000. The Secretary of the Treasury was examined before the committee a year ago and stated that of that sum \$40,000 had been allotted to the carrying of fractional silver coin, and the balance to the carrying of standard silver dollars, but that he thought that the amount for the carrying of fractional silver coin should be increased from \$40,000 to \$50,000. Upon his statement I offer this amendment to carry the highest estimate of the Treasury Department after the amount necessary to carry fractional silver. If the amendment offered by the gentleman from Ohio [Mr. Keifer] prevails, twice as much as the Treasury Department estimate is necessary for this purpose would be carried by the bill.

Mr. SOUTHARD. Will the gentleman permit a question?

Mr. SMITH of Iowa. Most certainly.
Mr. SOUTHARD. I want to ask this question: If sub-Mr. SOUTHARD. sidiary or fractional silver, which is the same thing, goes out and stays out, as the gentleman said a little while ago, what is the necessity of appropriating \$50,000 to circulate it around?

Mr. SMITH of Iowa. Because we are constantly increasing our coinage of fractional silver.

Mr. SOUTHARD. And there is a great demand for fractional silver

Mr. SMITH of Iowa. And a great profit to the Government in coining and issuing it.

Mr. PERKINS. What is embraced in this "transportation of minor coin, \$18,000?

Mr. SMITH of Iowa. That embraces coppers and nickels. This is fractional silver.

Mr. BURLESON. Will the gentleman permit this one question?

If there is great demand for the transmission of fractional ceins and a profit to the Government in sending it out, why do you resist increasing this item to \$100,000? The more coin you send out and the greater the demand met, the more profit to the Government.

Mr. SMITH of Iowa. There is a great demand for all the Government can coin, but we could not send out any more if we had the \$100,000, because we send out all the Government has to supply

Mr. BURLESON. You assert that \$50,000 will send out all the fractional silver coined by the Government during a given

Mr. SMITH of Iowa. Yes; I assert that, and that is why—Mr. BURLESON. Do I understand you assert that this amount will send out all the fractional silver coin minted in a given year?

Mr. SMITH of Iowa. I state, in my judgment, it will comply with all their estimates for that purpose.

Mr. BURLESON. I do not think so, and I believe a further examination will bring about a change of mind on the part of

examination was from Iowa. the gentleman from Iowa. The Secretary thinks so, and it is a question of judgment between the gentleman and the Secretary of the Treasury.

Mr. KEIFER. Mr. Chairman, I congratulate the gentleman from Iowa on his attitude to his constituents. He is willing to appropriate \$50,000 in order that they may not all pay their own way in the future in the matter of fractional silver coin. Now, I agree with him in this, that it is not necessary to have \$50,000, if he was right in a former statement that he made, that when the fractional silver coin went out it never came back, because we have now of fractional silver coin in general circulation a total of \$127.841,386. We had on the first day of February of this year \$120,408,163 in circulation, and we had a month ago nearly \$4,000,000 more than the last-named sum in circulation, but the fact is that the need of fractional silver coin

is very great, and I am not opposed to it; but my proposition now, in view of the very close vote in this House and in view of the fact that a full House would be in favor of carrying all silver free, as the Government has hitherto done; in view of the fact that during the last session the Senate and House were in favor of this proposition, is to attempt to have at least \$100,000 appropriated to carry silver dollars and fractional silver coin.

I say to the committee if my amendment should be adopted now I shall move to further amend the amendment by striking out the word "fractional," so as to leave it substantially as it was left in the last Congress, but appropriating \$20,000 less for the purpose of transporting silver. I am satisfied if the House understood fully all the needs and wants of this country and could cut themselves loose from their local interests that they would be in favor of continuing the free distribution of silver dollars. It is a great mistake to say that the banks of the West are to get the benefit of the proposed legislation and that they ought to do as the banks of Connecticut and New York and Boston do. In general these eastern banks will still continue to get silver free. The law has always been that in-dividuals can get silver coins free as well as banks. Mr. HILL of Connecticut. I would like to ask the gentleman a question. Is that my distinction or the distinction made by

Oh, you can get your money from the customhouse in New York, and you do not care anything about it, and I understand you do not use silver in your part of the East, but that great silver mining and producing country of the West, where the miner wants the silver dollar and uses it, and that great vast country in the South, where if they want the money they have no custom-house to which they can go to get it, desires it, and if they get it will have to transport it at their own expense unless we reenact the law as in the past.

More than one-half of the territory of the United States is west of St. Louis, where they have but one custom-house, and that at San Francisco.

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!"]

The question is on the amendment offered by the gentleman from Ohio.

Mr. GAINES of Tennessee. Mr. Chairman-

The CHAIRMAN. The gentleman from Tennessee is recog-

Mr. TAWNEY. Mr. Chairman, I make the point of order that debate is not in order. The debate has proceeded thus far by unanimous consent. The motion that I made was that all debate on the pending amendment and paragraph should be closed.

The CHAIRMAN. The Chair will say to the gentleman from Minnesota that he asked the gentleman from Iowa [Mr. SMITH], who introduced the proposition, whether or not this was an amendment to that paragraph or an original section, to which the gentleman from Iowa declined to respond. The Chair, after examining it, came to the conclusion that it was an independent section, and therefore the motion of the gentleman does not

Mr. TAWNEY. I move, then, that all debate on this amendment close in five minutes.

The CHAIRMAN. The Chair will recognize the gentleman from Tennessee for five minutes.

Mr. GAINES of Tennessee. I only want two minutes for the purpose of making this statement. The gentleman has stated that we have a profit of a clean million dollars as the result of coining our small coin, and that it cost heretofore to haul the copper coin and the silver dollar, and so forth, \$100,000 all

Mr. SMITH of Iowa. That is not what I stated. There is \$18,000 carried in the bill, as heretofore, for the carrying of copper and nickel coin. The appropriation of \$100,000 was for the standard silver dollars and the fractional silver coin.

Mr. GAINES of Tennessee. Fractional silver coin?

Mr. SMITH of Iowa. Yes, sir.

Mr. GAINES of Tennessee. Now, then, take the gentleman's statement as an actual fact—and, of course, I do, as I just misunderstood him-that we have a clean million dollars, Mr. Chairman, a profit that belongs to the American people, and yet we can not get a poor little \$120,000 to haul to at least half of the people of this country that want the silver dollar with which to carry on their affairs. They say that the express company is the cause of their cutting out the appropriation, and yet we do not hear of the express company being hauled up before the courts in this country, neither do we hear of this great committee bringing in a proposition to have those rates looked into by the Department of Justice, nor does this great committee look into it and investigate that oppressive taxation

wrought by this great monster that is coiling itself around the rights and liberties of the people. I say that this great committee has knowingly, or unwillingly, or unwisely, certainly, deprived the American people—certainly those in the South and those in the West—of that justice out of this million-dollar profit of \$120,000 that they are entitled to have as freemen and as American citizens. [Applause.] [Cries of "Vote!"]

Mr. TAWNEY. Mr. Chairman, I move that all debate on the

pending amendment be now closed.

The question was taken; and the motion was agreed to. Mr. TAWNEY. Now I ask that the amendment be reported. understand that there are two propositions pending.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio [Mr. Keifer].

The amendment was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. KEIFER. Division, Mr. Chairman.

The committee divided; and there were—ayes 84, noes 85.

Mr. GAINES of Tennessee. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Ohio, Mr. Keifer, and the gentleman from Minnesota, Mr. Tawney, will take their places as tellers.

The committee again divided; and there were-ayes 93, noes

So the amendment was rejected.

The CHAIRMAN. The question is on the adoption of the amendment in the nature of a new paragraph offered by the gentleman from Iowa [Mr. SMITH].

The question was taken; and the amendment was agreed to. The CHAIRMAN. The Clerk will resume the reading of the bill on page 96, line 22.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Minor having taken the Chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5119) authorizing the extension of W and Adams streets NW.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 15434) to regulate appeals in criminal prosecutions, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Nelson, Mr. Knox, and Mr. Bacon as the conferees on the part of the Senate.

The message also announced that the Secate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 8535. An act for the relief of certain white persons who intermarried with Cherokee citizens.

The message also announced that the Senate had passed with amendments joint resolution of the following title; in which the concurrence of the House of Representatives was requested.

H. J. Res. 31. Joint resolution recognizing the change of name of the Regular Army and Navy Union of the United States to the Army and Navy Union of the United States of America.

## SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Examinations of desert lands: The unexpended balance of the appropriation of \$1,000 made by the act of Congress approved March 3, 1905, to enable the Secretary of the Interior to examine, during the fiscal year 1906, under such regulations and at such compensation as he may prescribe, the desert lands selected by the States under the provisions of section 4 of the act of Congress approved August 18, 1894, is hereby continued and made available for expenditure in such examinations that may be made during the fiscal year 1908: Provided, That if such examinations be made by detailed clerks or employees of the Department, they shall be entitled to actual necessary expenses of transportation, including necessary sleeping-car fares, and not exceeding \$3 per day in lieu of subsistence.

Mr. STEPHENS of Texas. Mr. Chairman, I offer an amend-

The Clerk read as follows:

Amend by adding to the end of line 25, page 97, the following:
"And no sleeping-car company shall charge such Government agent
or employee more than \$3 for each night of twelve hours, and no railroad company shall charge such agent or employee more than 3 cents
per mile as fare."

Mr. TAWNEY. I make the point of order on that, Mr. STEPHENS of Texas. Mr. Chairman, I desire to say that this only applies to New Mexico and Arizona, in which Ter-

ritories the charge for sleeping cars is unlimited, and the charge on some of these roads for fare is 6 cents a mile. I think that Congress ought to take that matter up and correct it. I have introduced a bill on that subject, but have not been able to get consideration of it in the committee or the House. I think 3 cents a mile for fare and \$3 a night on a sleeping car is ample. It is the same rate as has been adopted in most of the States which have limited their fares, if I am not mistaken; and I hope that the gentleman will withdraw his point of order.

Mr. TAWNEY. Mr. Chairman, it is clearly out of order, and

there is no use wasting time in discussing it.

The CHAIRMAN. The Chair has no hesitancy in believing that it is out of order.

Mr. STEPHENS of Texas. I hope that the gentleman will withdraw his point of order.

The CHAIRMAN. The Chair thought the gentleman wanted to be heard on the point of order, and was waiting. The Chair sustains the point of order.

The Clerk read to line 22, page 102.

DALZELL. Mr. Chairman, this next subject, United States Geological Survey, is one that is going to attract a great deal of attention on the part of Members on both sides of the House. Numerous amendments are to be offered; a very considerable time may be necessary for discussion; and I ask unanimous consent that the subject of United States Geological

Survey may go over without prejudice until to-morrow.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the section headed "Geological Survey" go over until to-morrow without prejudice. Is there objection?

Mr. CLARK of Florida. I would like to know of the gentleman from Pennsylvania if it is meant to hold a session to-

Mr. DALZELL. For a little while.

The CHAIRMAN. The Chair will inform the gentleman from Florida that the proposition is to proceed until 7 o'clock this evening and adjourn.

Mr. KEIFER. Mr. Chairman, if I understand-The CHAIRMAN. The Chair hears no objection.

Mr. KEIFER. I wish to understand how much of it is included in the request?

The CHAIRMAN. Will the gentleman from Pennsylvania indicate how far it goes?

Mr. DALZELL. From line 22, page 102, to line 11, on page

The CHAIRMAN. From line 22, on page 102, to line 11, on page 106, goes over without prejudice.

The Clerk reads as follows:

That all expenditure of money appropriated herein for school purposes in Alaska shall be under the supervision and direction of the Commissioner of Education and in conformity with such conditions, rules, and regulations as to conduct and methods of instruction and expenditure of money as may from time to time be recommended by him and approved by the Secretary of the Interior.

Mr. PERKINS. Mr. Chairman, I wish to reserve the point of order against the paragraph just read. I will state, Mr. Chairman, it is new legislation, and unless some explanation can be given to show its wisdom, I shall be inclined to insist upon the point of order. It seems to me to regulate all the in-struction in Alaska by the Commissioner of Education in Washington, which is not a proposition that impresses me with

Mr. TAWNEY. Mr. Chairman, the committee thought it was far more appropriate for the National Commissioner of Educa-tion to regulate education in Alaska than it was for the Secretary of the Interior, who heretofore has had exclusive control and jurisdiction over this question. The present Commissioner of Education is a man well known in the educational world.

Mr. PERKINS. Who is the Commissioner?

TAWNEY. Professor Brown, formerly of some California college, a man of very high reputation, a comparatively young man, and a man who has taken hold of the work of the Bureau of Education in a way that gives the Committee on Appropriations ground to believe that it will hereafter be a live organization instead of a semidead one.

Mr. PERKINS. Does not the gentleman think that this education in Alaska could more properly and profitably be regu-

lated by somebody in Alaska?

Mr. TAWNEY. I will say for the information of the gentleman from New York that this relates only to the education of those natives who are under the exclusive jurisdiction of the

Interior Department, Mr. PERKINS. V What do you mean by the natives?

The Indians, the Eskimo, and Aleuts. The Mr. TAWNEY. education in the cities is under the control of the local boards of The education in the villages and in the larger places in Alaska is entirely under the control of local officers,

Mr. PERKINS. Then this is for the education of the Indians and the Eskimos?

Mr. TAWNEY. It is exclusively for the natives.

Mr. SULZER. We have a commissioner of education in Alaska now-Prof. Sheldon Jackson.

Mr. STEPHENS of Texas. I desire to ask the gentleman who now has control of the schools and why is it necessary to make this change?

Mr. TAWNEY. The schools are under the control of the Interior Department under this language as heretofore, but instead of the Secretary of the Interior initiating policies with reference to the natives of Alaska this confers upon the Commissioner of Education the power to initiate all matters pertaining to education, subject to the approval of the Secretary of the Interior.

Mr. SULZER. And it only relates to the natives?
Mr. TAWNEY. It only relates to the natives.

I will withdraw the point of order. Mr. PERKINS.

The CHAIRMAN. The gentleman withdraws the point of The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Government Hospital for the Insane: For current expenses of the Government Hospital for the Insane: For support, clothing, and treatment in the Government Hospital for the Insane of the insane from the Army and Navy, Marine Corps, Revenue-Cutter Service, inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military and naval service of the United States who have been admitted to the hospital and who are indigent, including purchase, maintenance, and driving of necessary horses and vehicles and of horses and vehicle for official use of the superintendent, \$305,800; and not exceeding \$1,500 of this sum may be expended in defraying the expense of the removal of patients to their friends; not exceeding \$1,000 may be expended in the purchase of such books, periodicals, and papers as may be required for the purposes of the hospital, and not exceeding \$1,500 for actual and necessary expenses incurred in the apprehension and return to the hospital of escaped patients.

Mr. CLARK of Florida. Mr. Chairman, I offer the amend-

Mr. CLARK of Florida. Mr. Chairman, I offer the amend-

ment which I send to the Clerk's desk:

The Clerk read as follows:

Amend by striking therefrom all the language beginning with the word "persons," in line 6, page 110, down to and including the word "insane," in line 8 on page 110.

Mr. CLARK of Florida. Mr. Chairman, the amendment

seeks to prohibit the incarceration of the criminal insane in St. Elizabeth's. I desire to say that I believe the committee that has been investigating this affair for about ten months, and which some days ago made a report, which report I have been utterly unable to see, although the newspapers a week ago published what they said was the report—I sent yesterday to the Public Printer and was informed that I could not get it for about a week-even that committee, which found everything lovely at St. Elizabeth's, judging from the news-papers, recommend in their report that a separate place be provided hereafter for the criminal insane. The evidence taken by that committee shows that at this time the criminal insane are confined in St. Elizabeth's along with the innocent insane. In fact, it is shown that one particular man, who was prosecuted for crime in this city, and whose sanity was questioned upon the trial, is not only kept there in Maple ward, which is the ward reserved among others for Army and Navy officers, incarcerated with those people who are innocent insane, but is actually receiving a salary of \$20 a month for his alleged services there. I mention this as one of the small things that cropped out in this mountain of evidence that this committee has taken, and which we will not have the opportunity of dis-I say, Mr. Chairman, that this Congress ought not longer to permit the criminal insane of this country to be sent to that institution and kept there together with the innocent insane, associated with them in all of their daily life.

Mr. TAWNEY. Will the gentleman permit an interruption

for a question?

Yes. Mr. CLARK of Florida.

Mr. TAWNEY. The gentleman has investigated this matter. Does not the statute require the incarceration of the criminal insane in St. Elizabeth's now?

Mr. CLARK of Florida. I do not think that the general law does. If there is any provision for it I think it is on some appropriation bill.

Mr. TAWNEY. I will say to the gentleman that the act of 1882 does.

Mr. CLARK of Florida. The original act creating St. Elizabeth's created it as an institution solely for the officers and men of the Army and Navy of this country who become insane. On appropriation bills and acts of that kind different classes have crept in time after time, until now the indigent insane of the District of Columbia, the criminal insane of the country, and the insane of the Army and Navy, those three classes, are incarcerated there.

Mr. TAWNEY. Will the gentleman permit me to read just a paragraph from the act of 1882?

Mr. CLARK of Florida. What act is that?

Mr. TAWNEY. The act of 1882, authorizing and directing the Secretary of the Interior, upon the application of the Attorney-General, to incarcerate the criminal insane in St. Elizabeth's.

Mr. CLARK of Florida. Does the act provide that they shall be put in the same wards with the innocent insane?

Mr. TAWNEY. I will read the paragraph.

Upon the application of the Attorney-General, the Secretary of the Interior is authorized and directed to transfer to the hospital all persons who, having been charged with offenses against the United States, are in the actual custody of its officers, and all persons who have been or shall be convicted of any offense in any court of the United States, and imprisoned in any State prison or penitentiary of any State or Territory, and who during the term of their imprisonment have or shall become insane.

The CHAIRMAN (Mr. LITTLEFIELD). The gentleman from Minnesota asks unanimous-consent that the time of the gentleman from Florida be extended five minutes. Is there objection?

There was no objection.

Mr. CLARK of Florida. Mr. Chairman, I had about concluded all that I care to say on the proposition. The authorities whose testimony was taken by this committee, I believe, uniformly agreed that it was not right that the criminal insane should be confined with the innocent insane. I do not believe that a single superintendent of any insane asylum who appeared before that committee and to whom the question was propounded took the position that it was right or conducive to the interests of the innocent insane that the criminal insane should be confined in the same institution.

Mr. OLCOTT. Will the gentleman yield for a question?

Mr. CLARK of Florida. Yes.
Mr. OLCOTT. The gentleman knows, I presume, that the committee recommended the erection of a separate institution for the criminal insane. May I ask the gentleman from Florida what he would do with the criminal insane until such buildings

Mr. CLARK of Florida. I do not know what they recommended. If the gentleman says they recommended a separate building, I accept that statement. I have been utterly unable

to get hold of the report.

Mr. OLCOTT. I would like to state that the report was filed in due course; but the report is so voluminous—the testimony occupies 2,000 pages and the digest 200 pages-and I presume it is owing to the great volume of testimony to be printed that the Public Printing Office has been unable to supply them be-I assure the gentleman from Florida that I have, as a member of the committee, been quite as anxious to obtain copies of the report as he could have been.

Mr. CLARK of Florida. The testimony was printed as the hearings progressed. I have been furnished with a volume of the testimony myself, and when this report was made there is no earthly reason why that report should not have come in here in the regular way, so that Members of this House might have known exactly what this committee did recommend. it is now it can not possibly get before this Congress for action. Thus ten months of time in this investigation and thousands of dollars that have been expended on it are absolutely wasted, because the Congress will expire before any action can be taken on the recommendations of the committee.

Now, Mr. Chairman, I will ask the chairman of the committee if he will accept an amendment requiring the superintendent of this asylum to separate at the present institution the criminal

insane from the innocent insane?

Mr. TAWNEY. The gentleman from Florida is addressing himself to the amendment striking out the provision for incarcerating any criminal insane in this hospital. We will dispose I know nothing about conditions in the St. Elizaof that first. beth Hospital, and the gentleman, together with other Members of this House, has been engaged for ten months in making an investigation. I do not know whether they are keeping the criminal insane from the noncriminal insane or not, and if they are, I do not know anything about the conditions under which they are doing it. I therefore can not consent to anything, but I hope that whatever recommendation the majority of that committee has made with respect to the future government of that institution may be enacted into law.

Mr. CLARK of Florida. Mr. Chairman, I am discussing the amendment which I offered, but the gentleman from Minnesota has raised the point that there is a statute absolutely requiring their incarceration there, and I am asking him, in view of that, if he is not willing to accept an amendment requiring the authorities in that institution to separate them, at least in wards,

if they do not place them in some other institution. My amendment proposes to change the law, and if it is obnoxious to a point of order, the gentleman can make it.

Mr. OLCOTT. Mr. Chairman, I do not consider that any of the remarks of the gentleman from Florida deserve exactly an answer, but I do wish to make a statement that the result of the testimony adduced at the hearings before that committee showed that the criminal insane, although confined in that particular institution were separate in different buildings.

Mr. CLARK of Florida. Will the gentleman yield for a ques-

Mr. CLARK of Florida. Is it not true that one Doctor Hagner, who was arraigned in the criminal court in this District as a criminal, was sent to that institution as being insane, and at the time of your hearing he was incarcerated in a ward set aside for the officers of the Army and Navy, and that he was being paid a salary of \$20 a month for alleged services?

Mr. OLCOTT. And in that particular case I would answer the gentleman that it was because the indictment against that gentleman was nol-prossed that he was sent there as insane. He was charged with crime which had been dismissed by the district attorney of the District of Columbia, and that is the only instance of which any insane criminal or criminally insane man under any circumstances is confined in any portion of any building that other people are in.

Mr. CLARK of Florida. Will the gentleman permit another

question?

Mr. OLCOTT. Certainly.

Mr. CLARK of Florida. Is it not true that the order nolprossing the indictment was entered after the plea of insanity had been entered?

Mr. OLCOTT. That I can not answer. It did not appear in the testimony

Mr. CLARK of Florida. Is it not also true that he is now on the pay roll receiving \$20 a month for alleged services of some kind?

Mr. OLCOTT. I do not think that is true now. There was some testimony in regard to some pay having been given to him at a certain time, but I merely wish to assert, Mr. Chairman, that under the law as it now exists the insane criminal and the criminal insane must be put in St. Elizabeth's, that they are put in absolutely separate buildings, and neither they themselves have intercourse with other patients nor do the attendants who care for the wants of those criminals meet any of the patients who are there on account of their misfortunes and not on account of their crimes.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Florida.

The question was taken; and on a division there were—ayes 30, noes 67.

So the amendment was rejected.

Mr. CLARK of Florida. Mr. Chairman, I offer another amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting after the word "dollars," on line 14, page 110,

the following:

"Provided, That none of the money herein appropriated shall be used in furnishing more than one horse and vehicle for the use of the super-intendent."

Mr. TAWNEY. Mr. Chairman, I make a point of order on that.

Mr. CLARK of Florida. What is the point of order? The CHAIRMAN. Will the gentleman state his point of order?

Mr. TAWNEY. I do not know that it is subject to the point of order. The same amendment was offered by the gentleman a year ago to this paragraph. I withdraw the point of order, and

we will take a vote on the proposition.

Mr. CLARK of Florida. Mr. Chairman, I can not take up five minutes in discussing this proposition. The evidence shows that this superintendent had for his personal official use over there a pair of horses, a carriage, and two or three automobiles, I am not certain which. Now, if the Congress wants to continue that kind of extravagance and the gentlemen want to take the responsibility of furnishing this superintendent with these various vehicles and automobiles, carriages, horses, and every-thing of that kind when the street railroad is convenient for him also, they can take that responsibility. ment, and it is before the House.

Mr. OLCOTT. Mr. Chairman, I would only like to correct the impression that would appear that there are certain vehicles and horses set apart for the use of the superintendent. The gentleman is entirely in error in regard to that. There are certain horses and conveyances provided for the use of the institu-

Mr. CLARK of Florida. Will the gentleman permit a question?

Mr. OLCOTT. Certainly. The superintendent of the instication, unquestionably, when his business necessitates it, utilizes such conveyances as have been provided for such cases.

Mr. CLARK of Florida. Does not the gentleman know that the superintendent himself, under oath, before that special committee said that he did have those vehicles for his own official use?

The superintendent, I would say in regard to Mr. OLCOTT. that, testified that there were, for convenience and use, in the stable a horse, and possibly two horses, that were used by him or his assistants when they were conducting the duties which they were employed to conduct in reference to that institution.

Mr. CLARK of Florida. I simply desire to say this. If the gentleman will arrange so that I can have time to take up that testimony I can very readily show him that the superintendent

did testify to these facts.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Florida.

Mr. HAY. Mr. Chairman, before that question is taken I desire to call the attention of the gentleman from Minnesota [Mr. TAWNEY] and the gentleman from New York [Mr. OLcorr to the language in this bill, shall be horses and vehicles for the use of the institution, and horses and vehicles "for the official use of the superintendent," so that the gentleman from New York is mistaken in saying that these horses and vehicles and automobiles are for the use of the superintendent and his assistants

Mr. OLCOTT. Will the gentleman yield for a moment? understood you to say for official use, and supposed that meant in the conduct of his duties as superintendent of the hospital.

As a matter of fact, and as it appeared in the evidence, the superintendent of this hospital used a pair of horses and a carriage and an automobile for his own use, not only for his official use, but whenever he wanted to go anywhere or to do anything outside of his official duties. This where or to do anything outside of his official duties. carriage and automobile are under his control and are used by him. Now, it does seem to me there is no reason why the superintendent of the Government Hospital for the Insane should be furnished with vehicles, which are not even furnished to the Cabinet officers of this Government, and I hope, therefore, the amendment of the gentleman from Florida will prevail, which only provides that he shall use one vehicle, and not have two or three.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Florida.

The question was taken; and the Chairman announced that the noes appeared to have it.

On a division (demanded by Mr. James)-there were, ayes 44, noes 67,

So the amendment was rejected.

The Clerk read as follows:

To enable the Secretary of the Interior to purchase additional land in the District of Columbia for the use of the Government Hospital for the Insane, and for expenses incident to such purchase, \$25,000, or so much thereof as may be necessary, \$25,000.

Mr. HAY. Mr. Chairman, I make the point of order against the last paragraph.

Mr. TAWNEY. What line?
The CHAIRMAN. Beginning line 4 and ending line 8.

I will reserve the point of order if the gentleman Mr. HAY. desires to discuss it.

The CHAIRMAN. The gentleman reserves the point of order. Mr. TAWNEY. I will state, Mr. Chairman, I do not think this is subject to the point of order. This is for the purchase of 80 acres of land adjoining the hospital farm, the purchase of which appears to be very necessary for two reasons. First, it is necessary in connection with the proper care of those who are incarcerated in that institution; and, secondly, because the committee has been informed there is an industrial institution starting up or now in operation in the vicinity, and the land of the Government, together with this land, is being encroached upon, and if it is not bought very soon the Government will, when it becomes absolutely necessary to have the land, pay a great deal higher price than that for which the land can be purchased at the present time. We appropriate \$25,000 for the purchase of 80 acres.

The CHAIRMAN. The Chairman understands the chairman of the committee to state that the land contemplated by the purchase adjoins land already occupied by the institution? The adjoining land now owned and occupied Mr. TAWNEY.

by the Government.

The CHAIRMAN. For a hospital for the insane? Mr. TAWNEY, Yes.

Mr. HAY. I desire to call the attention of the chairman of the Committee on Appropriations and the attention of the chairman of this committee to the evidence in the hearings as to the location of this land. On page 430 of the hearings the superintendent of the Hospital for the Insane, in respect to the location of the land, says:

The land is just across the road from our property, at the southeast extremity.

Well, land across the road is not land adjoining land upon which the hospital is built, and therefore, as it is not adjoining this land, it is subject, in my judgment, to the point of order.

Mr. OLCOTT. Mr. Chairman, is the point of order still reserved, so I can speak?

Mr. HAY. And, Mr. Chairman, I want to say further I do not know who owns the road.

Mr. TAWNEY. Why, the road is a public road.

The CHAIRMAN. It is a public easement upon the land.
Mr. TAWNEY. Yes; and I presume the title to the fee on both sides extends to the center.

Mr. SHACKLEFORD. Mr. Chairman, I would like to ask the question, Before private ownership got this property, did it not belong to the Government of the United States?

Mr. TAWNEY. I do not think that the title was ever in the Government of the United States.

Mr. SHACKLEFORD. I think all this easement was located on Government property before either of the other properties took a fee and-

Mr. HAY. If it is admitted it is a public road, then undoubtedly it is separated from the property. Now, I want to ask the gentleman from Minnesota whether \$25,000 is proper to pay for 80 acres of land, which is about \$300 an acre? There is no evidence here in these hearings as to the value of the land at all. I do not know but the gentleman may know what the land is assessed at.

Mr. TAWNEY. I do not, but I do know that the fact was presented to the committee that negotiations for the purchase of this land have been going on for some time, and that this was the lowest price at which the property could be obtained at this time.

The land has increased in value recently on account of the near approach of the factory or the steel plant that is now in operation or is soon to be in operation there-I do not remember now which—and the property is now available for building purposes, and the demand is liable to come and increase very rapidly in the near future, as we are informed, and that this is the best price at which we can purchase the land.

Mr. HAY. Of course, the gentleman has more knowledge than appears in the hearings that were taken before him, and the only evidence at all about this land is the evidence of the superintendent of this hospital. There is nothing said here about any negotiations for the sale of this property. There is no evidence here that this is the lowest price at which the property can be bought, and even if it is true that negotiations have been going on between somebody-I do not know whomand the owner of the property to buy it, it does not follow that because they will agree that this is the only price that they will sell it at that the Government should pay an exorbitant price for this land. And, moreover, this hospital already has a quantity of land that they do not utilize at all. They have a farm that is not utilized by them as it should be. evidence in this investigation shows an utter lack on the part of the superintendent and those under him of proper knowledge of farming and of utilizing the lands which they already have, and for the Government now to pay \$25,000 for 80 acres of land which they say they want to use for farming purposes when they already have a quantity of land which they do not use at all, it seems to me is an extravagance which can not be and will not be justified by anything contained in these hear-ings or anything which, so far, has been said upon the floor. I insist upon my point of order, Mr. Chairman, that this land does not adjoin the land of the hospital, and that therefore the paragraph is subject to the point of order.

The CHAIRMAN. Assuming that the gentleman from Minnesota [Mr. TAWNEY] correctly states the facts in relation to the location of the land—and his statement is corroborated by what has been read from the hearings—and that he also correctly states the facts in relation to the highway being an easement upon the land and the abutters upon either side own to the center thereof, subject to the easement of the way, the Chair holds that the provision is not obnoxious to the rule, and therefore

overrules the point of order.

Mr. CLARK of Florida. Mr. Chairman, I offer an amend-

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking therefrom, on page 111, from the beginning of line 4 down to and including line 8.

Mr. TAWNEY. Mr. Chairman, will the Clerk kindly report the amendment again?

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

Mr. CLARK of Florida. Now, Mr. Chairman, if gentlemen will kindly give me their attention for a moment I will show them one of the beauties of the management of St. Elizabeth's. I will also show them why the chairman of the Appropriations Committee has been complaining that this is a two-billion-dollar Congress. Here is a letter written by the tax assessor of this District to me:

OFFICE OF THE ASSESSOR OF THE DISTRICT OF COLUMBIA, Washington, February 21, 1907.

Hon. Frank Clark,

Washington, February 21, 1907.

House of Representatives, Washington, D. C.

Dear Sir: In response to your request of this date, I have the honor to inform you that the property referred to in House Document No. 475 is at present, under the triennial assessment of 1905-1908, assessed at \$80 per acre, or a probable true value of \$120 per acre. I might also add that in all probability the assessment for 1908-1911, which is now in course of preparation, will place this property at an assessed value of \$200 per acre, or a true value of \$300 per acre. Referring to your request for a copy of an appeal from an assessment by Mrs. Hoyle, I would state that inquiry fails to show any record of protest filed within the past two years, the last being under date of September 15, 1902, a copy of which is inclosed.

Very respectfully,

E. W. W. Griffin,

E. W. W. GRIFFIN, Assessor District of Columbia.

Here is what she says. She protests against the assessment at \$200 an acre, and gives her reason as follows:

My property has a frontage only of 425 feet on the Hamilton road and widens back into a rough and rugged country. There is very little level land on the farm, the larger portion being two steep hillsides with narrow valley intervening, through which runs a stream that at every rain swells so as to prevent use of much of the land on either side for any purpose. About 20 acres of the 81.67 are nothing but second-growth oak, pine, and underbrush, and the two hillsides have been for years so washed down in gulleys that the land is not fillable.

I have had the property on sale for a long time; have sold some parts fronting on the road for \$175 and \$200 per acre, but have never been offered over \$200 per acre for any part of it. In view of these facts, I submit that an assessment of \$100 per acre at most would be but fair and just in my case.

CHARITY ANN HOYLE.

Official copy.
E. W. W. Griffin,
Assessor District of Columbia.
February 21, 1907.

And yet they propose, on the ipse dixit of this superintendent, whom, if I had the time to go through this evidence, I could show is absolutely unfitted for his place, to take \$300 an acre out of the Treasury to pay for these rain-swept gullies that are not fit for anything. In addition to that, Mr. Chairman, 300 acres are now being reclaimed in the flats by work being done in the river by the Government, and by virtue of the riparian rights of the hospital authorities, or the Government as the owner, these 300 acres will accrue to that property; and they do not need these 81 acres. But if gentlemen propose, in the face of the protest of the owner—she has never been offered as much as \$200 for it—to give \$300, what is the extra \$100 for? Who is going to get that? Who is the middleman? Who is the agent? Who is the salesman? I am putting these facts before this Congress in order that they may not be unadvised when, upon the mere ipse dixit of this superintendent, they appropriate \$25,000 to buy 80 acres of old gullies and unfit land

Mr. JAMES. I would like to ask the gentleman if it is not true, from the description of that land given in that letter he last read, that it would make a man crazy to work on it?

[Laughter.

The CHAIRMAN. The time of the gentleman from Florida

[Mr. CLARK] has expired.

Mr. SMITH of Iowa. Mr. Chairman, I ask that the document upon which this appropriation is based-so much of it as contains the letter of the superintendent to the Secretary of the Interior-be read from the Clerk's desk.

The CHAIRMAN. The gentleman from Iowa asks that the following document, which he submits, be read in his time.

Mr. SIMS. Before it is read I would like to ask the gentleman a question pertaining to this land.

Mr. SMITH of Iowa. Certainly.

Mr. SIMS. Is there any provision in this bill for the con-demnation of this land? Is the statement pertinent to the purchase of this land?

Mr. SMITH of Iowa. It is.

Mr. SIMS. Is there any provision in the bill for the condemnation of the land?

Mr. SMITH of Iowa. The language is for the purchase of

Mr. SIMS. Not for condemnation proceedings?

Mr. SMITH of Iowa. The language is for the purchase of the land.

Mr. SIMS. I want to ask the gentleman if he knows that there is a bill that has passed through the other body authorizing the construction of a road through the asylum grounds, for the benefit of a lot of manufacturers, on the theory that the asylum has already more land than is needed?

Mr. SMITH of Iowa. I do not know.

Mr. SIMS. Why are we buying this land?

Mr. SMITH of Iowa. I was just trying to show that, if the gentleman will permit the document to be read.

Mr. SIMS. Why do you not give an option to the Government to condemn or purchase? Why are we to be held up by a private contract made in advance of law authorizing it?

Mr. SMITH of Iowa. I would try to answer if the gentleman will allow the document to be read. The gentleman asked if the document was on the subject, and I told him it was.

Mr. SIMS. I way want to self a specific of the document.

Mr. SIMS. I may want to ask a question after the document is read.

The Clerk read as follows:

ment is read.

Government Hospital, for the Insane, Washington, D. C., November 30, 1996.

Sir: A proposition has been recently made to me to sell certain lands to the Government Hospital for the Insane, which I think is of sufficient interest and importance to present to you with the view, if it meets with your approval, of saling the property of sufficient interest and importance to present to you with the view, if it meets with your approval, of saling the property of Nicholas avenue, and is separated from the land now owned by the hospital by Hamilton road. The tract consists of approximately Si acres of farm land, and can be had for \$300 per acre, which, under all circumstances, I believe to be a reasonable price. The owner tried to get my consideration of this proposition something over a year ago at \$500 per acre, but I would not consider it at that price. This piece of land, I believe, would be very desirable upon which to build new barns for the conduct of a dairy farm. The location, I think, is better than the one upon our own land which I had picked out provided Congress allowed the appropriation for this purpose. It is perhaps a little farther from the main portion of the hospital, but not materially, and the roads, being public roads, are well kept and practically level, so that the necessary trucking back and forth would not be a serious matter. In this connection I may say that I have asked to be included in the sundry civil biil an appropriation for new barns, same having been disallowed at the last session of Congress. At that time I unqualifiedly condemned our present barns, and since then an inspector of the Agriculture Department has upheld my view of their poorly constructed and unsanitary condition. New barns could be erected upon the property under consideration and the land used for pasture and for raising fodder, while the land now occupied by the barns could be utilized for farming purposes.

The Secretary of the Interior, Washington, D. C.

The CHAIRMAN. The time of the gentleman from Iowa

Mr. PAYNE. Mr. Chairman, I am inclined to think that if we wait a while we will get this land cheaper. If I recollect correctly, about five years ago there was a proposition to buy

this land at \$1,000 an acre, and after considerable debate the House refused to enter into that bargain.

Mr. TAWNEY. Mr. Chairman, if the gentleman from New York will permit me, it was not the land we are now proposing There was an offer, or a proposition, to purchase some lands years ago at \$1,000 an acre, as I am informed, but it was not for this piece of land.

Mr. PAYNE. I asked the gentleman from Wisconsin, chairman of the Committee on the District of Columbia, and I understood from him it was the same land; but whether it is or not, it is land in the same locality.

Mr. BABCOCK. I was not sure as to the description of the land, but it is either that land or the land adjoining it.

Mr. TAWNEY. That land, I will say for the information of the gentleman from Wisconsin, in the last proposition, to be purchased some years ago, was what is known as the "Randell property." This property is owned, I think, by the lady dell property." from whom the gentleman from Florida has read this letter.

Mr. PAYNE. If it was not the same land it appears it was adjoining the land for which they asked \$1,000 an acre. proposition came in here for the purchase, and after a great deal of difficulty some of us succeeded in defeating the proposi-[Applause.] Now, it seems to me that a year ago they were offering this land at \$500 an acre and now they are offering to sell it at \$300 an acre. Now, it seems, instead of going up it is going down, and it is coming our way [applause]; so that I think the best proposition will be to hold up and wait a while and perhaps we can get it at a still better reduction in price even yet. [Applause.] I can not conceive how land can be worth \$300 an acre to be only used for dairy purposes. I think it would be cheaper to buy the milk than to produce it on land that costs \$300 an acre. I am enough of a farmer to know that. I think it would be well enough to strike this prop-

Mr. Chairman, I wish to oppose this appropria-Mr. SIMS. tion because it involves more than the mere amount appropriated. Everybody who has any land in this District that they can not sell to a speculator or to their neighbors endeavor to sell it to the Government. I know of one gentleman who had a lot of hills, ruts, and ravines that is not fit for anything except to furnish shade who is trying to unload it on the Government for park purposes. Another party or parties who have a piece of land a little nearer heaven than any other spur in the District, with no shade on it, want to unload it on the Government for the purposes of furnishing free sunshine. So that you can go down into the cool, shady, damp, musty hollows in Rock Creek Park and get cold, and then you can go on the sun-clothed heights of Meridian Hill and get hot, and vice versa. They want a park here and another yonder and everywhere, and everybody that has any land he can not sell to anybody else endeavors to unload it on the Government for a street or an avenue or to have

As the gentleman from Kentucky has asked, I would like to know whether men could recover their senses by working on hills like those in the land to be purchased in this bill? not provide for condemnation proceedings instead of putting it on the Government in this way? No doubt some of these propositions are logrolled through. This particular one may not have been, but it is time to stop encouraging this sort of thing in the city of Washington. Every time we try to reduce the Government's share of taxes in this District of Columbia we are met by the statement that the Government owns more than half of all the real estate in this District, leaving insufficient property on which to levy taxes, thus making it necessary for the Government to pay at least half the burdens of the city and District.

And yet every man that I know anything about, who has a bad job on his hands, is trying to unload it on the Government. Now, we are asked to buy everything south of Pennsylvania avenue lying between the Avenue and the Mall; to buy power houses, theaters, meat markets, hotels, railroad offices, and all other buildings in that strip of land, because the property is offered at a bargain and is going up. Nine times out of ten it is just as the gentleman from New York said about this property; it is going down. The city is building away from it, private individuals do not want it, and immediately the Government is asked to become a purchaser. How long has it been since this House heard nothing but the beauties, glories, and necessities of a hall of records? Somebody had some land to sell. When they got it sold we heard no more about the hall of records. So it goes on all the time. Rock Creek Park must be increased, the lines must be straightened; Anacostia must have a park; Georgetown must have a park. We are asked to appropriate for parks, streets, and avenues without limit.

The superintendent says they need this land, but he does not present any very convincing reason why they need it. In my opinion, this is another attempt to unload undesirable property onto the Government. People who have good property that is advancing rapidly in price do not usually show as much anxiety to get rid of it. I have always fought shy of bargain What we purchase on bargain counters usually in the end costs heavily. I say let our generous-minded landowners here in Washington keep their bargains and pay taxes and get the benefit of the inevitable advance in values they so confidently predict when endeavoring to unload their undesirable stuff on the taxpayers of the whole country.

Let us vote down all such propositions.

Mr. BABCOCK. Mr. Chairman, I desire to offer an amendment to the amendment of the gentleman from Florida, to strike out the figures "25" and to insert "15" in place thereof. I think that will buy it, and the land is worth it.

Mr. SIMS. No; let us vote it out.
The CHAIRMAN. The Clerk will report the amendment offered by the gentleman.

The Clerk read as follows:

Page 111, line 8, strike out "25" and insert "15."

Mr. FITZGERALD. Mr. Chairman, I am almost tempted to ask my colleague [Mr. PAYNE] to make another speech. Ten thousand dollars for a five-minute speech is certainly worth his effort to the Government. [Laughter.] I hope the chairman of the Committee on Appropriations will consent to permit this paragraph to go out. I recollect making some inquiry about it, and the information given was to the effect that it was desirable to acquire this land at this particular time, because in the vicinity of the asylum a number of manufacturing establishments were being erected, and that, as a result, the price of land was rapidly going up. The committee did not have before it the information furnished by the gentleman from Florida, supplied to him by the assessor of the District, that the land at present is assessed for less than \$100 an acre, and is upon a reasonable valuation worth \$120.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. FITZGERALD. Yes.
Mr. TAWNEY. Does the gentleman think the assessed valuation of land is a fair criterion of its value, and especially that assessment in the District of Columbia?

Mr. FITZGERALD. Of course assessed valuation is not admissible as evidence in a proceeding to acquire the land, but the assessor states the assessed valuation, and then he has given to the gentleman from Florida his opinion that the reasonable value of the land at present is \$120 an acre. my judgment there is no immediate necessity for acquiring this land, and upon the information that has been furnished the committee it seems to me that the proper thing to do is to refuse, without an opportunity for further investigation, to appropriate anything for the land. This recommendation is based entirely upon the statements of the superintendent of the

I have no desire to indulge in any unjust criticism of the superintendent, but it is a notorious fact that the conduct of this institution has been under investigation since the last session of Congress. While a report has been made by the committee, it is not in print nor accessible to the Members of the House. With this very surprising motion of the gentleman from Wisconsin [Mr. Barcock], after the facts that have been called to the attention of the committee by my colleague from New York [Mr. PAYNE] and the statement of the gentleman from Wisconsin that he believes that \$15,000, instead of \$25,000, would purchase the land, it seems to me that perhaps if the owners and whoever else may be interested, have another six or seven months to reflect upon the real value, perhaps it may then be possible to acquire it, if it then be deemed necessary to acquire it, for even less than \$15,000.

The gentleman from Minnesota [Mr. TAWNEY] yesterday called attention to the fact that the utmost care was demanded upon the part of the House in making appropriations at this because of the enormous aggregate to which they are In view of that and of the light now thrown on this item, I believe that the House should unhesitatingly refuse to authorize the acquisition of the property at this time.

I attended a boarding school when I was younger at which 300 pupils lived upon a place of 110 acres, and nearly all the vegetables required were raised upon it. It seems to me that with 800 acres at the disposal of this institution the inmates of the asylum can easily be maintained upon the produce of the farm, if it be as desirable and as fertile a place as those who have been endeavoring to sell the property have pictured it in their imaginations.

Mr. CLARK of Florida. Mr. Chairman, I simply want to make a statement. I would gladly accede to the amendment offered by the gentleman from Wisconsin [Mr. Barcock] if I thought there was any need for the land at all. But, Mr. Chairman, the Government is doing work in the river which will reclaim 300 acres of land that will go to the asylum by virtue of its riparian rights. In addition to that the committee which has made the investigation recommend the construction of a separate institution for the criminal insane, and that will take

500 or 600 members out of the institution.

Mr. TAWNEY. Mr. Chairman, I wish to say a word. The work of which the gentleman from Florida speaks is going on down near the Washington channel, and has no connection with the St. Elizabeth Hospital. Now I want to say one word in justification of the recommendation of the committee. This institution has 2,500 people to maintain. In addition to that, there are a great many of them whose personal services can be utilized to their advantage. It is for their good and for their benefit. There is now only available for agricultural purposes about 400 acres of land belonging to that institution. This land is especially desired for the purpose of erecting, when Congress sees fit to authorize the erection, new barn buildings. It was believed that the land, because of its location, could be procured at a lower price to-day than it can be one year, or five, or ten years from now. In view of these facts, while the committee did not authorize the construction of the barn buildings estimated for being put on the ground, we did feel that it would be the part of wisdom for Congress at this time to authorize the purchase of the land at the price mentioned. I have no objection to the amendment offered by the gentleman from Wisconsin, and will accept it.

PAYNE. Mr. Chairman, I wish to ask the gentleman from Minnesota a question. I want to ask the gentleman if he has ever seen an acre of land within 10 miles of the city of Washington on the Maryland side of the river that he honestly believes is worth \$50 an acre for farm purposes?

Mr. TAWNEY. I do not know anything about the value of

the land. I do not know anything about farming land 10 or 5 miles from the District of Columbia; but the subcommittee who prepared the bill thought that this land was necessary in connection with the operation and maintenance of this institution, and I may say that the testimony does show that this institution has less land than any similar or like institution in any State in the Union that has as many inmates in the hospias there are in St. Elizabeth. Now, I move that all debate on the amendments be closed.

HAY. Does the gentleman know how many patients are utilized to work on this farm?

Mr. TAWNEY. I do not know.

Mr. HAY. The evidence shows that only about twenty or thirty out of the 2,550 inmates.

Mr. MACON. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN (Mr. Littlefield). The gentleman will state it.

Mr. MACON. Has there been any debate against the amendment offered by the gentleman from Wisconsin?

The CHAIRMAN. The Chair will state that there has been debate both for and against the amendment.

I ask unanimous consent for three minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that he may proceed for three minutes

Mr. TAWNEY. I must object to any further debate, Mr.

Mr. CLARK of Missouri. A parliamentary inquiry, Mr.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. I wish the Chair would state the parliamentary situation about these amendments.

The CHAIRMAN. The gentleman from Florida moves to strike out the paragraph. The gentleman from Wisconsin [Mr. Babcock] moves to strike out the word "twenty-five" and insert in lieu thereof the word "fifteen." That is a preferential amendment and must first be considered. The question now pending before the committee is the amendment of the gentleman from Wisconsin [Mr. Babcock].

Mr. MADDEN. Mr. Chairman, I move to amend the amendment by inserting \$10,000, and offer that amendment.

Mr. BABCOCK. Oh, no. Mr. MADDEN. Mr. Chairman, I desire to be heard on my amendment.

Mr. TAWNEY. Mr. Chairman, I moved to close debate a moment ago on this amendment.

The CHAIRMAN. Debate was exhausted on the pending amendment. Now the gentleman from Illinois is recognized to offer another amendment by striking out "fifteen" and insert-'ten" in lieu thereof.

Mr. MADDEN. I want to know whether I have the right to

The CHAIRMAN. The Chair will recognize the gentleman

from Illinois. MADDEN. Mr. Chairman, I believe that if this land could not be purchased for less than \$1,000 an acre a year or two ago, then was reduced to \$500 an acre, and now is proposed to be sold at \$300 an acre, and the gentleman is sufficiently informed as to be able to state to the House that, instead of \$25,000, \$15,000 will buy the land, it is fair to assume that \$10,000 will buy it, and it will be dear at that price. We have 800 acres of land there already. There is no reason why we should have more. [Cries of "Vote!"] Now, gentlemen should

not get excited about getting ready to vote. Let us be heard on this. Others have been heard when they wanted to be. Eight hundred acres of land surround this institution. It is true that there are 2,500 patients there, but not more than twenty or thirty of these patients are ever employed in working the land.

Mr. TAWNEY. I would say for the information of the gentleman that there are between four and five hundred employed.

Mr. MADDEN. I do not care what the gentleman states. The record shows that not more than 20 or 30 of these people are employed on this land, and 20 or 30 people can not work successfully 800 acres of land. There is no use to attempt to work land successfully or otherwise for farming purposes when you have to pay \$300 an acre for it. There is no man in this House who does not know that farm lands at \$300 an acre will not produce revenue on the investment. need for the additional 80 acres more to add to the farm, and the whole item ought to be stricken from the bill.

Mr. MACON rose.

The CHAIRMAN. Does the gentleman rise to oppose the amendment?

Mr. MACON. Mr. Chairman, I am opposed to the whole proposition, and therefore opposed to the amendment offered by the gentleman from Illinois [Mr. Madden]. I want to say that my main objection to the proposition is based upon the evidence presented by the letters from the owner of the property and the superintendent of the insane asylum, in which it is clearly disclosed that somebody is trying to put up a job in the sale of this land to the Government. I do not know who it is, but I do know that somebody is trying to do it, and being violently opposed to jobs of all sorts, I think the Congress ought to say by its vote that it will not have an outrageous job of this kind put up on the Government that it represents.

Mr. Chairman, the letter of the owner of the property states that she has never been offered as much as \$200 per acre for the land that is proposed to be bought with this appropriation, while the superintendent of the insane asylum states, letter to the Secretary of the Interior, that it can not be bought for less than \$300 per acre. Either the superintendent or the owner of the property has willfully misrepresented the facts in the case, and I prefer to believe that the superintendent is the guilty party. The two letters when put together disclose a state of facts that smack of graft, and we, the agents of the Government, can not afford to allow this ugly deal to be consummated when it only requires a majority of our votes to prevent it. I therefore urge the House to adopt the amendment offered by the gentleman from Florida to strike out the paragraph appropriating \$25,000, with which it is proposed to buy this gulley-washed and time-worn tract of land that the Government has no use for at this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois, to strike out "fifteen" and insert in lieu thereof "ten."

The question was taken; and the amendment was rejected. The CHAIRMAN. The question is now on the amendment offered by the gentleman from Wisconsin to strike out "thirty-five" and insert "fifteen" in lieu thereof.

The question was taken; and the amendment was rejected. The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Florida, to strike out the whole paragraph.

The question was taken; and the amendment was agreed to. The Clerk read as follows:

For subsistence, fuel and light, clothing, bedding, forage, medicine, medical and surgical supplies, surgical instruments, electric lights, repairs, furniture, and other absolutely necessary expenses, \$10,500 In all, \$27,500.

Mr. CLARK of Florida. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I desire to say that since I was fortunate enough this morning to inflict a speech of nearly an hour on the House, and I have recently succeeded in saving to the people my increase of salary for ten years, I now propose to call off the dogs of war, and gentlemen can proceed with their business. [Applause.]

The CHAIRMAN. The pro forma amendment will be consid-

ered as withdrawn. The Clerk read as follows:

For two sets of officers' quarters, \$25,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on

the last paragraph.

Mr. TAWNEY. What line?

Mr. MANN. It is for two sets of officers' quarters, \$25,000, at Dover. It looks like a pretty expensive proposition for officers' quarters. What is the necessity for that?

Mr. TAWNEY. I will say, Mr. Chairman, the paragraph is not subject to the point of order. It is a Government reservation, and it is in connection with the powder plant or powder reserve buildings that are being constructed there that this appropriation is made.

Mr. MANN. Well, so far as the point of order is concerned, Mr. Chairman, my information is that there is no authority of law for the construction of officers' quarters there, as far as this item is concerned, and I think I am not mistaken about that, but I have no desire to insist upon the point of order if there is any reason for appropriating \$25,000 for two sets of officers' quarters, but it is certainly above the sum usually ap-

propriated for such purposes.

Mr. TAWNEY. The estimates submitted by General Crozier, of the Army-or, rather, he first estimated \$19,000 for officers quarters at Rock Island, and then he asked to increase the appropriation and transfer it to Dover. The reason for the increase in the amount was the fact that the cost of constructing these quarters is a great deal more at Dover than it is at Rock Island. He says:

Rock Island. He says:

The first reason is that at the Rock Island Arsenal I intended those two quarters for officers of the junior grade, lieutenants; and I thought \$9.500 apiece would build suitable quarters for them. At the Dover depot, on the contrary, one of the quarters will be for the commanding officer and one for the middle officer and this altered office building will be for the junior officer, so the quarters should be larger than what I asked at Rock Island Arsenal. The second reason is that at the Rock Island Arsenal I can build more cheaply than at any other place, because I have there a large detachment of enlisted men who can haul away earth and do that sort of thing. I also have an excellent carpenter shop, where I can do a great deal of the carpentry work cheaply myself. It does not have to be done by contract. I have as foreman of the carpenter shop a very skilful man. I would scarcely call him an architect, but a builder who makes the plans, and I do not have to employ any architect for that purpose. He does it very well.

Then, I have other shops, tin shops, and other kinds of shops, where I can do work of a kind needed, so I can build very cheaply indeed. These facilities I have not at Dover, and therefore I ask an increase of appropriation for two sets of quarters to \$25,000. The commanding officer estimated \$20,000 for one set of quarters for the commanding officer, before we expected the powder depot to go there, and we then expected the one officer might go there who now lives in Dover. I hardly think it necessary for him to have a \$20,000 house, just at present at all events, but I do not think I could build two suitable quarters for less than \$25,000. I hope to be able to do it for that. I am not asking, Mr. Chairman, for any appropriation for altering the office building into a set of quarters, or the guardhouse into an office building, as I will do that out of my general fund for maintenance of arsenals.

Mr. MANN. Twenty-five thousand dollars will build a pretty

Mr. MANN. Twenty-five thousand dollars will build a pretty good building on ground which the Government owns.
Mr. TAWNEY. That is what the committee thought, but

this is the testimony of General Crozier, who, I think, is one of the most practical, most careful and economical officers in the War Department, if not in any Department.

Mr. MANN. But subject, of course, to the desire to have

very fine quarters.

Mr. TAWNEY. But from the statement of the General before us we felt that the estimate which he has made was fair, considering the conditions under which the quarters would have to be constructed, and also the necessity to build some quarters at Dover, in view of the amount of property that the Government is assembling there in the way of buildings, powder, and everything of that kind.

Mr. MANN.

Mr. MANN. Are there any quarters there now?
Mr. TAWNEY. No; except this old office building. They have an old office building there now, and some kind of a guardhouse they want to convert into office quarters.

Mr. MANN. Well, I will withdraw the point of order, although I do not believe it ought to go in.

Mr. KAHN. Mr. Chairman, I move to strike out the last Mr. Chairman, about a week ago my good friend the word. Mr. Chairman, about a week ago my good friend the gentleman from Texas [Mr. Slayden] placed in the Record an article from the Washington Post of this city, the heading of which read: "The War Cloud Passes Over: Honduras and Nicaragua will Arbitrate their Differences." The article in question announced that the Governments of the United States and our sister Republic, Mexico, were exerting their good offices with the Central American States in order to induce the latter to arbitrate their differences rather than resort to the arbitrament of arms. Then the distinguished gentleman gave utterance to some beautiful thoughts upon the subject of peace and arbitration that made the blear-eyed dogs of war, metaphorically speaking, cowed and abashed, slink into some dank, dark cavern and hide their hideous heads in very shame. Ank And then methought the white-winged dove of peace, fluttering her outspread pinions and bearing in her velvet claws the red, white, and blue of our own United States and the red, white, and green of Mexico, cooed a gentle note of happiness and con-tentment that must have struck a responsive chord in the breasts of those twin apostles of peace and arbitration upon

the floor of this House, my good friend from Ohio [Mr. Bur-TON] and my good friend from Missouri [Mr. BARTHOLDT]

Indeed, while listening to the speech of my good friend from Texas [Mr. Slayden] I came to the conclusion that the twins had grown to be triplets. But, Mr. Chairman, I, too, am an optimist. I do not desire to appear upon this floor in the rôle of an iconoclast. However, I feel that I must speak in the cause of truth, in the cause of history. Much against my will and purely in the cause of truth and history I send to the Clerk's desk two articles which have appeared in the Washington papers since this beautiful word painting of peace has been displayed to our delighted gaze. These clippings from the displayed to our delighted gaze. These clippings from the Washington Post and the Washington Evening Star of February 20 and 21, respectively, make that picture, in the language of Hon. Maverick Brander, the Member of Congress from Texas in Hoyt's satire, "A Texas Steer," fade away like "an iridescent dream." I desire to send to the Clerk's desk and have read in my time the following articles.

The Clerk read as follows:

[Washington Post, February 20, 1907.]

HONDURANS DEFEATED—NICARAGUANS REPULSE ATTACK BY GENERAL BO-NILLA'S FORCES—FIGHT OCCURS ON FRONTIER—ZELAYA IS BACKED BY ENEMIES OF SALVADOR, HONDURAS, AND GUATEMALA—CHARGED THAT NICARAGUA'S PRESIDENT SEEKS TO ESTABLISH UNION OF CENTRAL AMERICAN STATES—COMMERCE AT A STANDSTILL.

MANAGUA, NICARAGUA, February 19.

The troops of General Bonilla, president of Honduras, at 3 o'clock sterday afternoon, attacked the forces of General Zelaya, president Nicaragua, which were guarding the Nicaraguan frontier. After many hours' fighting the army of Honduras was defeated.

"EMIGRADOS" WITH ZELAYA.

Passengers who reached Panama to-day from Central American ports brought the additional information regarding the outbreak of hostilities between the forces of General Zelaya, president of Nicaragua, and General Bonilla, president of Honduras, yesterday afternoon on the Nicaraguan frontier. They say that President Zelaya is backed by the enemies of Salvador, Honduras, and Guatemala. These agitators are known locally as "emigrados." On the other hand Honduras is supported by General Escalon, president of Salvador, and Manuel Estrada Cabrera, president of Guatemala.

AMBITION OF ZELAYA.

AMBITION OF ZELAYA.

It is declared that the ambition of Zelaya is to establish a union of the states of Central America. His plan is to replace the present presidents of these states by others favoring his project. He is trying to begin with Honduras, which is considered the weakest of these countries. Policarpo Bonilla, who was at one time president of Honduras, and who led the recent revolution in that country, is now in Costa Rica, presumably for the purpose of persuading that government to remain neutral. The Government of Costa Rica is enforcing the existing statutes to prevent the arming and organizing of Nicaraguan "emigradoes," or refugees, who are living in Costa Rica.

Business in both Honduras and Nicaragua is paralyzed. The recruiting of men is causing heavy losses to the coffee planters. Last week Honduras received a large consignment of war material.

[Evening Star, February 21, 1907.]

BATTLE IN HONDURAS—CLAIM THAT NICARAGUAN TROOPS WERE FORCED TO RETREAT—ROUT OF THE INVADERS—FIGHT LASTED TWO HOURS AND THIRTY-SEVEN MEN KILLED—WAR WILL NOW PROCEED—NEWS OF THE ENCAGEMENT INDICATES THAT GOOD OFFICES OF THE UNITED STATES AND MEXICO WILL NOT BE ACCEPTED.

SAN SALVADOR, REPUBLIC OF SALVADOR, February 20. A dispatch received by Señor Davila, the Honduras representative here, reports that the army from Nicaragua invaded Honduras at Portiilo del Espino and after a battle lasting two hours was compelled to retreat, leaving thirty-seven dead and numerous wounded.

The Honduran soldiers captured proclamations establishing a provisional government. The proclamations were signed by Miguel Oqueli Bustillo, Maximo Rosales, and Ignacio Castro.

Señor Davila says these men are Honduran revolutionists who are fighting with the Nicaraguan forces of President Zelaya.

MEXICO CITY, February 20, 1907.

First Assistant Secretary of State Alger made this afternoon the fol-

First Assistant Secretary of State Alger made this afternoon the Iollowing announcement:

"A telegram has been received by President Diaz from the President of Honduras, saying that at 4 o'clock on the afternoon of the 18th the forces of Nicaragua and Honduras met on the border and a fight ensued. He characterized the encounter as a small affair.

"The place where the battle occurred, the number of killed or wounded, and other details were not given. The President of Honduras declared that the Nicaraguans were defeated and compelled to retreat." Prominent Mexicans believe that the dispatch to President Diaz from President Bonilla, of Honduras, means that the good offices of Mexico and the United States to bring about peace between the two countries will not be accepted by either country and that war is certain.

NEWS IN NICARAGUA.

NEWS IN NICARAGUA

Managua, Nicaragua, February 20, 1907.

MANAGUA, NICARAGUA, February 20, 1907.

Nicaraguan troops in command of Generals Fornes and Vasquez have defeated the Honduran troops and captured several important positions. President Bonilla, of Honduras, is reported to have issued a proclamation distorting political events of recent occurrence and appealing for recognition of the boundary question.

Nicaraguans claim that the Government has from the outset demanded nothing more than satisfaction for the violation of Nicaraguan territory, the attack on property and destruction of buildings by Honduran regulars and the shooting of the Nicaraguan so diers comprising the frontier guard.

The CHAIRMAN. The gentleman's time has expired.

Mr. KAHN. I ask unanimous consent that I may be allowed to continue for two minutes.

The CHAIRMAN. The gentleman from California asks unani-

mous consent that he may be permitted to proceed for two minutes. Is there objection?

There was no objection.

Mr. KAHN. Now, Mr. Chairman, my good friend from Texas [Mr. SLAYDEN] also took occasion to say that we of the Pacific coast were unnecessarily alarmed about the possibility of war. I want to assure my distinguished friend that we of the West are not at all alarmed, but we all feel this, that the true way to prevent war is in time of peace prepare for war. And when we are prepared for war our opponents will be more likely to want to arbitrate. The item to the pending bill which has just been read carries an appropriation for a storehouse for a reserve supply of war material. I believe that if this country will go right ahead and continue to reserve war material for some years to come, if we will go right ahead and build war ships and submarines and modern fortifications for our coast defenses, that it will be the best remedy against any country declaring war against us. War at all times is an expensive undertaking; costs a great amount of money, and thirty or forty or fifty millions of dollars spent at the present time in properly fortifying the ports of the Pacific coast will probably save this Government a billion of dollars in ten or fifteen years from now. I am glad that the committee put this item into the bill; but I want to assure my friend from Texas that the people of the Pacific coast are lovers of peace. They do not want war any more than he does. Still, if war should come, they want to be ready—ever ready. Indeed, they are in the position of the Englishman who declared some years ago:

We don't want to fight;
But, by jingo, if we do,
We've got the ships, we've got the men,
And we've got the money, too.

Mr. SLAYDEN. Mr. Chairman, if there is a last word left, I move to strike it out. It is true that a few days ago I did print in the Record an article clipped from the Washington Post, which declared that our own distinguished Secretary of State, cooperating with the President of the Republic of Mexico, had persuaded the people of Honduras and of Nicaragua that it were better to settle their difficulties by arbitration rather than by a resort to arms. That article had all the earmarks of official inspiration. It was printed as having emanated from the Department of State. It declared specifically that "there is to be peace and not war in Central America." This article, not from a sensational newspaper, says, in part:

Dispatches have been received at the State Department from President Zelaya, of Nicaragua, and from President Bonilla, of Honduras, which are of such a character that the State Department feels that peace is assured.

And so on.

Mr. Chairman, it appears to be true—and "pity 'tis 'tis true"—that this was an error, and that the Secretary of State and the President of the Republic of Mexico had not jointly been able to persuade the people of these two belligerent countries not to fight over a question which might have been settled by arbitration.

But, Mr. Chairman, I am not the first man who has been deceived by an official publication emanating from Republican sources. If I have been deceived—and it appears that I have been-I hope that the gentleman from California will charge the deception to his own official heads. And, Mr. Chairman, I venture to say that nowhere save on the Republican side of this Chamber could a representative in any legislative body be found who would be so manifestly glad at the failure of plans of arbitration.

Mr. BONYNGE. Mr. Chairman, I ask unanimous consent that I may have leave to extend and revise the remarks made by me upon this bill in the RECORD.

The CHAIRMAN. The gentleman from Colorado asks leave to extend his remarks in the RECORD. Is there objection?

There was no objection. The Clerk read as follows:

That licenses may be granted for the erection of boathouses along the banks of the tidal reservoir on the Potomac River fronting Potomac Park, under regulations to be prescribed by the Chief of Engineers, and that all such licenses granted under this authority shall be revocable, without compensation, by the Secretary of War.

Mr. MANN. I reserve the point of order upon the paragraph, or make it, as the gentleman desires.

Mr. TAWNEY. I would like to have the gentleman reserve

the point of order.

I reserve the point of order. Mr. MANN.

Mr. MANN. I reserve the point of order.

Mr. TAWNEY. I will say to the gentleman from Illinois—
Mr. MANN. Let me ask the gentleman, Is this for permission to construct boathouses on property of the Government down here the other side of the Washington Monument?

Mr. TAWNEY. Well, not exactly to construct boathouses.

Mr. MANN. To erect boathouses?

Mr. TAWNEY. To erect boathouses, or construct them.

Mr. MANN. The language of the paragraph says erect.

Mr. TAWNEY. The purpose of this is to grant licenses to erect and maintain a boathouse or boathouses.

Mr. MANN. By private individuals?
Mr. TAWNEY. We have expended considerable money, and I think very profitably, in improving what is known as "Potomac Park." There is a body of water there in the park with an outlet running into the river that is quite large in area. There is at the present time an old boathouse there, the right to maintain which will expire in the near future, and it is proposed to demolish it, so as to remove the only eyesore left there. But there is a legitimate demand for boathouses on this stretch of water. Now, the proposition is that the Secretary of War shall have permission to grant a license to maintain a boathouse for the accommodation of people who own small boats. It is not an extensive institution at all, and the licenses are to be revocable at the pleasure of the War Department.

Mr. MANN. Of course, the gentleman knows that if a boat-house is located there under a license it will stay.

Mr. TAWNEY. It will have to be constructed under regula-tions of the War Department.

Mr. MANN. This is a park down there. Now, will not the result be that all that territory will be devoted to boathouses, so that the people who want to see the water and get to it can not do so?

Mr. TAWNEY. The number of boathouses will be restricted

by the Secretary of War. There is no question but what there is a real necessity for something of this kind. This authority to authorize or to grant permission to erect and to maintain small boathouses down there ought to be lodged somewhere. If the gentleman would ever take the trouble to go down there

Mr. MANN. Oh, the gentleman has been there a good many times, perhaps more frequently even than the distinguished gen-

tleman in charge of the bill.

Mr. TAWNEY. I presume the gentleman has; but even the one time I was there I was impressed-and I was not in company with any gentleman that wanted to maintain or build a -I was impressed with the necessity of some one having authority to grant or refuse to grant licenses; and in the event of licenses being granted, that there should be regulations prescribing the kind of houses that should be built.

Mr. MANN. Now, it seems to me that if they are given the

right to build on this road in the park, they will build on the edge of the water, and that the people could not get a clear

view of the water.

Mr. TAWNEY. I do not think it would interfere with the view or use of the park. The gentleman will recall that a basin runs up on one side of the park. Now, the park runs down to the road, and it does not interfere at all with the park. But it is a natural harbor for small craft.

Mr. MANN. I think everybody who wants a boathouse will

want to build it on Government property.

Mr. TAWNEY. Not necessarily, by any means. Mr. MANN. Why it seems to me it must be so.
Mr. TAWNEY. I think there is a necessity for it, Mr. Chair-

man, and I trust the gentleman will not make the point of

The CHAIRMAN. Does the gentleman from Illinois insist upon his point of order?

I do. Mr. MANN.

The CHAIRMAN. Has the gentleman from Minnesota anything to say in regard to the point of order

Mr. TAWNEY. Nothing, except to say that the paragraph is subject to the point of order.

The only thing the gentleman says is about the Mr. MANN. judgment of the gentleman who makes the point of order. There may be a difference of opinion about that, but none about the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

That the officer in charge of public buildings and grounds is authorized to grant licenses, revocable by him, without compensation, to erect temporary structures upon reservation used as children's playgrounds, under such regulations as he may impose.

Mr. MANN. I reserve a point of order on that. May I ask the gentleman from Minnesota what playgrounds are here referred to—public parks controlled by the Government in any way?

Mr. TAWNEY. Yes.

Mr. MANN. Is it proposed to let private individuals erect

buildings upon those parks?

Mr. TAWNEY. The proposition was to authorize the construction of temporary structures merely for the protection of children from sun or heat in the summer, in order to make these parks more agreeable places for playgrounds.

Mr. MANN. Why should not the Government construct any buildings that are needed upon the Government property?

TAWNEY. That was the proposition, that the Government should construct them, but the committee thought it was no part of the business of the Government to construct these temporary quarters.

Mr. MANN. I have great regard for the opinion of the committee, but I never saw a temporary structure erected yet that did not remain there until it fell down or until it was removed for the purpose of erecting some other structure in the place of it.

Mr. TAWNEY. These are hardly to be called structures. Mr. OLMSTED. Merry-go-rounds.

Mr. MANN. They are not structures yet-

Mr. TAWNEY. They are to be temporary shelters.

Mr. MANN. Are these the playgrounds that are supposed to be provided for in the District of Columbia appropriation bill?

Mr. TAWNEY. No; they are not. There is a law that pro-

hibits and prevents the construction of any kind of a structure in any of the parks.

I think it is a wise law.

Mr. TAWNEY. And this is for the purpose of meeting a sentiment here to utilize a part of the parks—such part as the man in charge of the public buildings and grounds of the District of Columbia may deem adequate for such use—without interfering

at all with the uses of the park.

Mr. FITZGERALD. Mr. Chairman, in the consideration of the District bill it was ascertained that some of these reservations were used for playgrounds. It was believed that it would be an advisable thing for structures of a temporary character to be erected, which would afford shelter either from the intense heat of the sun or from sudden storms, and it was further believed that some toilet facilities would be desirable. But the hearings on this bill disclose a purpose to erect other structures, such as shower baths.

Mr. MANN. And peanut booths.

Mr. FITZGERALD. I am inclined to believe that authority should not be given for that purpose. I understand that at present a part of the Monument grounds are utilized for play-ground purposes, and it would be convenient if temporary shelters, in the nature of awnings, might be erected.
Mr. TAWNEY. That is all that is contemplated.

Mr. FITZGERALD. No; the hearings showed an intention to go further than that. Colonel Brownell says there would be shower baths erected, and the purpose eventually would be to have these reservations occupied to some extent by permanent structures. I believe it a desirable thing to have these reservations available for the use of the children of the city, but I am opposed to the erection of buildings in the nature of gymnasiums, shower baths, lecture rooms, and the like, which are all in contemplation and intended to be put there if a start is once made. I hope the gentleman will frame the provision in such a way that it will limit the structures to buildings for sheltering purposes and for toilet purposes. Beyond that

do not think it should go.

Mr. TAWNEY. If the gentleman from Illinois will permit
me, it was the purpose of the committee to frame it in such a way as to eliminate any possibility of erecting any permanent structure on that part of the public parks that may be set aside under existing law by the superintendent of public buildings and grounds for playgrounds. The gentleman is aware of the fact that under existing law the superintendent of public buildings and grounds has the power and authority to set aside certain parts of the parks for playground purposes for the children?

Mr. FITZGERALD. Yes; and I think that is desirable; but let me call the gentleman's attention to this distinction: That provision was intended to permit the children to play upon these reservations.

Yes. Mr. TAWNEY.

Mr. FITZGERALD. But it is contemplated to erect all kinds of permanent structures. If the gentleman will look on page 480 of the hearings, he will find the following:

The CHAIRMAN (to Colonel Bromwell). They could not put up a permanent structure?

Colonel Bromwell. No, sir; they would be temporary in their character; they would be something like a shed for a shower bath.

When a shed for a shower bath is built, then it will be necessary to have dressing rooms; after that, rooms to be occupied by the children while the weather is inclement. I suggest that a provision be put in here that will restrict the superintendent and permit to be erected a few necessary conveniences for children that properly should be erected, and nothing else.

Mr. MANN. Is there anything in the provision allowing for these temporary structures that would not license or permit the sale of things for the children in these structures? What

is to prevent, when a temporary structure is put up, a man in charge of that from setting up a little establishment for the sale of various things to the children and other people?

Mr. TAWNEY. I will say to the gentleman that the chairman of the Committee on Appropriations is entirely indifferent whether this goes in or out. I want to say in justification of the committee that the demands made on the committee contemplated putting this into the hands of certain well-meaning people for the purpose of erecting large structures on the parks. The committee thought that as the parks were to be used by the children that if there was any protection necessary from the sun or inclement weather there would be no harm in allowing such temporary structures to be erected under the supervision of the superintendent of buildings.

Mr. MANN. The Committee on Appropriations needs no one to make any defense for it. If there is any committee that has the confidence of the House it is the committee presided over by the distinguished gentleman from Minnesota. I make the point

of order, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order. Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Warson, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the sundry civil appropriation bill and had come to no resolution thereon.

OWNERSHIP OF COASTWISE STEAMSHIP LINES BY RAILROADS.

Mr. RYAN. Mr. Speaker, I call up House resolution No. 831. The Clerk read the resolution, as follows:

Resolved, That the Secretary of Commerce and Labor be directed to send to the House of Representatives such information and copies of such documents and papers as may be possessed by the Department showing whether the New Haven and Hartford Railroad Company, the Southern Pacific Railroad Company, or any other railroad company has purchased or owns, in whole or in part, any of the coastwise steamship or steamboat lines protected from foreign competition by the coastwise laws of the United States, and to what extent said ownership exists and to what extent the coastwise trade is in the possession of or under the control of so-called holding companies.

With the following amendments, recommended by the committee:

After the word "Labor," in line 1, insert "so far as may be compatible with the public interest."

In lines 5 and 6 strike out the words "the New Haven and Hartford Railroad Company, the Southern Pacific Railroad Company, or."

In line 7 strike out the word "other."

In line 8 strike out the word "coastwise."

In lines 9 and 10 strike out the words "protected from foreign competition by the coastwise laws of "and insert "engaged in the coastwise trade in."

Mr. TAWNEY. Mr. Speaker, before that resolution is passed, I want to call attention to the fact that when this information is received, under our rules it will be ordered printed as a matter of course, and the cost of that printing will be charged to the Department of Commerce and Labor. It just occurs to me that when the information is received, if it is voluminous, it is within the power of the Speaker to refer it to the committee without directing its printing, as a great many other documents are, and it might be well to consider the question of whether the printing was necessary, in view of the fact that the cost of printing is not charged to Congress but to the Department.

Mr. WILLIAMS. Mr. Speaker, I do not think that the Department of Commerce and Labor will have the information ready before the adjournment of Congress, but I do not think

the information when it is ready will be very voluminous.

Mr. TAWNEY. It is a matter within the discretion of the Speaker in any event. I am informed that the Senate has this session of Congress called for information from certain Departments here in Washington, the printing of which will cost several thousand dollars, all of which cost is charged against the Department, and of course the Department, not having any control over the matter of whether it is printed or not, should not be charged with its cost. Nevertheless, it creates a deficiency in their appropriation for printing.

The SPEAKER. The question is on agreeing to the amend-

The question is on agreeing to the amend-

ments to the resolution.

The question was taken; and the amendments were agreed to. The SPEAKER. The question now is on agreeing to the resolution as amended.

The question was taken; and the resolution as amended was agreed to.

## HEIRS OF JOHN SMITH.

The SPEAKER laid before the House the bill (H. R. 2926) for the relief of the heirs of John Smith, with Senate amendments thereto.

The Senate amendments were read.

Mr. MILLER. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to. The preamble was amended.

DEPOSITING OF UNEARNED FEES, ETC., WITH TREASURER OF UNITED STATES.

The SPEAKER laid before the House the bill (H. R. 11040) to authorize the receivers of public moneys for land districts to deposit with the Treasurer of the United States certain sums embraced in their accounts of unearned fees and unofficial moneys, with Senate amendments thereto.

The Senate amendments were read.

Mr. LACEY. Mr. Speaker, I ask unanimous consent that the House disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the House disagree to the Senate amendments, and asks for a conference. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees on the part of the House: Mr. LACEY, Mr. GRONNA, and Mr. BURNETT.

#### REPRINT OF IMMIGRATION LAW

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent that 5,000 copies of the immigration law, which became a law on the 20th instant, be printed for the use of the House, one-half to go to the folding room and one-half to the docu-

The SPEAKER. The gentleman from New York asks unanimous consent to have printed for the use of the House 5,000 copies of the immigration law, one-half of the 5,000 copies to go to the folding room and one-half to the document room. Is there objection?

There was no objection, and it was so ordered.

### REPRINT OF DOCUMENTS.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for a reprint of Senate Document 310, being a message from the President of the United States relating to certain phases of the public-land situation in the United States, and of House report 7643, amending laws relating to public coal lands of the

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

## ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 22338. An act to bridge Bayou Bartholomew in Louisi-

H. R. 22334. An act to amend an act to regulate the sitting of the United States courts within the district of South Carolina:

H. R. 17956. An act granting an increase of pension to John Shinolt;

H. R. 20223. An act granting an increase of pension to William F. Clendening;

H. R. 21415. An act granting an increase of pension to Casper W. Tyler

H. R. 20718. An act granting an increase of pension to Anne B. Whitcomb:

H. R. 23367. An act granting an increase of pension to Asa A. Gardner

H. R. 17011. An act granting an increase of pension to Mary E. Brown :

H. R. 23860. An act granting an increase of pension to Wil-

liam G. Cummings; H. R. 21447. An act granting a pension to William W. Sparks; H. R. 21639. An act granting a pension to Nanny E. Hayes

H. R. 5971. An act authorizing the extension of T (formerly W street) NW.;

H. R. 23576. An act to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes:

H. R. 17285. An act for the relief of Second Lieut. Gouverneur V. Packer, Twenty-fourth United States Infantry;

H. R. 17212. An act to amend an act to incorporate the Su-

preme Lodge of the Knights of Pythlas;
H. R. 1371. An act to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and thereafter returned;

H. J. Res. 246. Joint resolution authorizing the President to extend an invitation to the Twelfth International Congress of

Hygiene and Demography to hold its thirteenth congress in the city of Washington; and

H. R. 10430. An act granting an increase of pension to Samuel Ledgerwood.

The SPEAKER announced his signature to enrolled bill of the

following title: S. 8182. An act authorizing the Twin City Power Company to build two dams across the Savannah River above the city of Augusta, in the State of Georgia.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 25234. An act permitting the building of a dam across Rock River at Lyndon, Ill.;

H. R. 5666. An act for the relief of L. L. Arrington and L. S.

H. R. 9298. An act for the relief of the heirs at law of David C. Haynes, deceased;

H. R. 9841. An act to correct the military record of James H.

H. R. 25013. An act granting to the regents of the University of Oklahoma section No. 36, in township No. 9 north, of range No. 3 west of the Indian meridian, in Cleveland County, Okla.;

H. R. 11273. An act to incorporate the National German-American Alliance;

H. R. 18854. An act providing for sittings of the United States circuit and district courts of the southern district of Ohio at the city of Dayton, in said district;

H. R. 9976. An act to provide for the appointment of an additional district judge in and for the southern district of the State of Ohio:

H. R. 23324. An act authorizing the sale of certain lands to the city of Buffalo, Wyo.;

H. R. 24284. An act for the opening of Warren and Fortysixth streets NW., in the District of Columbia; and

H. R. 24887. An act providing for a United States judge for the northern judicial district of Alabama.

### SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 8535. An act for the relief of certain white persons who intermarried with Cherokee citizens-to the Committee on Indian Affairs.

# CHANGE OF REFERENCE.

By unanimous consent, the Committee on Indian Affairs was discharged from the further consideration of the bill (S. 8299) to confer certain civic rights on the Metlakahtla Indians of Alaska, and the same was referred to the Committee on Interstate and Foreign Commerce.

## WITHDRAWAL OF PAPERS.

unanimous consent, Mr. Kennedy of Nebraska granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of William Fifty-ninth Congress, no adverse report having been made thereon,

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 47 minutes p. m.) the House adjourned to meet at 11 o'clock a. m. to-morrow.

# EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor sub-mitting an estimate of appropriation carrying into effect the act to regulate the immigration of aliens—to the Committee on Appropriations, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. RUPPERT, from the Committee on Immigration and Naturalization, to which was referred the bill of the Senate (S. 7247) to provide for the establishment of an immigration station at New Orleans, in the State of Louisiana, and the erection in said city, on a site to be selected for said station, of a public building, reported the same with amendment, accompanied by a report (No. 8061); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 8063) to amend an act entitled "An act to amend an act approved August 3, 1894, entitled 'An act concerning leases in the Yellowstone National Park,'" approved June 4, 1906, reported the same without amendment, accompanied by a report (No. 8065); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 25692) to provide for an additional district judge for the northern district of California, reported the same with amendment, accompanied by a report (No. 8071); which said bill and report were referred to the Committee of the Whole House on the state of the

Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 8400) to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904, reported the same without amendment, accompanied by a report (No. 8062); which said bill and report were referred to the House Calendar.

Mr. BURKE of South Dakota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 8446) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company, reported the same without amendment, accompanied by a report (No. 8063); which said bill and report were referred to the House Calendar.

Mr. GROSVENOR, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 25771) to authorize the Treasurer of the United States to receive \$1,861.84 from Ernest M. Pollard, a Member of Congress from Nebraska, for salary paid him without authority of law, reported the same with amendment, accompanied by a report (No. 8064); which said bill and report were referred to the House Calendar.

Mr. CAMPBELL of Kansas, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 19524) to amend an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906, reported the same with amendment, accompanied by a report (No. 8066); which said bill and report were referred to the House Calendar.

Mr. TAYLOR of Ohio, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 25630) to amend an act entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," approved June 8, 1906, reported the same without amendment, accompanied by a report (No. 8067); which said bill and report were referred to the House Calendar.

### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows

By Mr. RUSSELL: A bill (H. R. 25784) to make it a felony for any officer of any national bank or banking institution to receive any deposit of money or other valuable property after such officer has knowledge that such bank is insolvent or in failing circumstances-to the Committee on Banking and Currency.

Also, a bill (H. R. 25785) to amend and construe existing pension laws-to the Committee on Invalid Pensions.

By Mr. SCHNEEBELI (by request): A bill (H. R. 25786) to authorize the Norfolk and Washington Air Line Railway Company to extend its railroad into the District of Columbia, and for other purposes-to the Committee on the District of Columbia.

By Mr. BURLESON: A bill (H. R. 25787) to purchase a site for the postal service in the city of Austin, Tex., and to construct thereon a suitable building-to the Committee on Public Buildings and Grounds.

By Mr. MEYER: A bill (H. R. 25788) repealing part of section 8 of the act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States"-to the Committee on Naval Affairs.

By Mr. BROOKS of Colorado: A bill (H. R. 25789) to refer to the Court of Claims the claims of persons of mixed Choctaw or Chickasaw Indian and negro blood arising under the treaty of September 27, 1830—to the Committee on Indian Affairs.

By Mr. BABCOCK: A bill (H. R. 25790) to amend an act approved March 19, 1906, entitled "An act to create a juvenile court in and for the District of Columbia "-to the Committee on the District of Columbia.

By Mr. ACHESON: A bill (H. R. 25791) to repeal the act approved March 2, 1901, entitled "An act to create a new Federal judicial district in Pennsylvania to be called the middle dis-

trict"—to the Committee on the Judiciary.

By Mr. BROOCKS of Texas: A bill (H. R. 25793) to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880, by extending the first section of said act to the port of Port Arthur, Tex.—to the Committee on Ways and Means.

By Mr. OVERSTREET of Indiana: A resolution (H. Res. 879) to pay to the clerk of the committee on the Post-Office and Post-Roads a certain sum of money for additional services ren-

dered—to the Committee on Accounts.

By Mr. RUSSELL: A joint resolution (H. J. Res. 249) proposing an amendment to the Constitution of the United States providing for the election of certain judges of the United States courts and district attorneys by the people of the several States, and for the tenure of office of certain judges—to the Committee on the Judiciary.

Also, a joint resolution (H. J. Res. 250) proposing an amendment to the Constitution of the United States prescribing the judicial power to be exercised by courts of the United States in

certain cases—to the Committee on the Judiciary.

Also, a joint resolution (H. J. Res. 251) proposing an amendment to the Constitution of the United States providing that Congress shall not be permitted to pass any private bill where general laws relating to the same subject-matter are then in force-to the Committee on the Judiciary

By Mr. OVERSTREET of Indiana: Memorial of the legislature of the State of Indiana, concerning a deep waterway from the Great Lakes to the Gulf-to the Committee on Rivers and

By Mr. FOSTER of Indiana: Memorial of the legislature of Indiana, recommending the construction and maintenance of a deep waterway from the Great Lakes to the Gulf-to the Committee on Rivers and Harbors.

By Mr. DIXON of Indiana: Memorial from the State of Indiana, favoring the Alaska, Yukon, and Pacific Exposition-to the

Select Committee on Industrial Arts and Expositions.

Also, memorial from the legislature of Indiana, recommending that the battle ground of Stone River be set apart as a national park-to the Committee on Military Affairs.

Also, a memorial of the legislature of Indiana, favoring a deep waterway from the Great Lakes to the Gulf-to the Committee on Rivers and Harbors.

## PRIVATE BILLS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following

titles were introduced and severally referred as follows:
By Mr. CAMPBELL of Ohio: A bill (H. R. 25792) granting an increase of pension to Samuel McClure-to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 25794) granting an increase of pension to Ruth E. Anderson-to the Committee on Invalid Pensions.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of bill of the following title; which was thereupon referred as follows:

A bill (H. R. 25487) for the relief of Andrew B. Baird and James S. Baird, and to confirm all sales and dispositions heretofore made by the United States out of the confiscated land of the late Spruce M. Baird, their father, known as Baird's ranch, in the Territory of New Mexico-Committee on War Claims discharged, and referred to the Committee on the Public Lands.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Washington Stock Exchange, against bill S. 6906—to the Committee on the District of Columbia.

Also, petition of the Rock River Conference of the Methodist Episcopal Church of Illinois, for an investigation into the subject of lynching-to the Committee on the Judiciary.

Also, petition of various organizations of citizens in States and the District of Columbia, against the Littlefield bill—to the

Committee on the Judiciary.

By Mr. AIKEN: Petition of the Engineering Societies of the Carolinas, for the Appalachian and White Mountain reserva-tion bill—to the Committee on Agriculture.

By Mr. BENNET of New York: Petition of the Cairo Commercial Club and the Cairo Board of Trade, for \$50,000,000 annual appropriation for betterment of waterways-to the Committee on Rivers and Harbors.

By Mr. BROOKS of Colorado: Petition of the National Association of Colored Women, for investigation into the affairs of the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. BURLEIGH: Petition of the Washington Stock Exchange, against bill S. 6906—to the Committee on the District

of Columbia.

By Mr. CALDER: Petition of the Washington Stock Exchange, against bill S. 6906-to the Committee on the District

By Mr. COCKS: Petition of citizens of the United States, for an appropriation for greater compensation for keepers and surfmen in the United States Life-Saving Service-to the Committee on Appropriations.

By Mr. DAWSON: Petition of the United Commercial Travelers of the United States, for the Sherman mileage-rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DUNWELL: Petition of the German-American Peace Society, for an appropriation for aid to the International Peace

Bureau in Berne—to the Committee on Foreign Affairs.

By Mr. FLOYD: Paper to accompany bill for relief of William Green Mhoon—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of the Washington Stock Ex-

change, against bill S. 6906—to the Committee on the District of Columbia.

Also, petition of Frank Robbins, of Bradford, Pa., against provision of the copyright bill that might lower American photography-to the Committee on Patents.

Also, petition of the Pennsylvania Railway Company, Philadelphia, against bill S. 6147, incorporating the smoke clause—to the Committee on Interstate and Foreign Commerce.

By Mr. HAYES: Petition of San Francisco Typographical

Union, for bill H. R. 19853 (the copyright bill)-to the Committee on Patents.

Also, petition of the San Francisco Council of Jewish Women, against the features of the immigration bill-to the Committee on Immigration and Naturalization.

By Mr. HEFLIN: Paper to accompany bill for relief of W. N.

Gladney—to the Committee on Claims.

By Mr. HOWELL of New Jersey: Petition of Middlesex Legion, Order of the National Protective Legion, of Perth Amboy, N. J., against the provisions of the report of the Postal Commission (House Doc. No. 608)—to the Committee on the Post-Office and Post-Roads.

By Mr. HOUSTON: Paper to accompany bill for relief of A. G. Duncan—to the Committee on Invalid Pensions.

By Mr. LEWIS: Paper to accompany bill for relief of Claricy B. Dunaway-to the Committee on Pensions.

By Mr. LLOYD: Petition of citizens of Atlanta, Mo., against any reduction in railway mail pay-to the Committee on the Post-Office and Post-Roads.

By Mr. LONGWORTH: Petition of the Woman's Christian Temperance Union of Madisonville, Ohio, against reimbursing the liquor dealers of San Francisco with the unexpended balance of the Government appropriation-to the Committee on Appropriations.

By Mr. McNARY: Petition of Tri-Mountain Garrison, No. 2, of Boston, Mass., Regular Army and Navy Union, for the twenty-five-year retirement bill, the restoration of the canteen, and for fuel and quarters to retired soldiers-to the Committee on Military Affairs

Also, petition of the National Wholesale Dry Goods Associa-tion, for bill S. 6923—to the Committee on the Post-Office and

Post-Roads.

By Mr. MADDEN: Petition of citizens of Chicago, Ill., for an appropriation to test automatic signal devices on railways-to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN: Petition of citizens of South Dakota, for amendment of the free-alcohol law—to the Committee on Ways and Means.

By Mr. OLCOTT: Petition of the United Commercial Travelers of America, for the Sherman mileage-rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of the United Commercial Travelers of America, for the Sherman mileage-rate bill-to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Petitions of New Hartford (N Y.) Legion, No. 483, and Majestic Legion, No. 284, of Ilion, N. Y.; Oviskany Legion, No. 925, and Herkimer Legion, No. 332, Order of the National Protective Legion, against the bill to amend and codify the statutes for the classification of second-class mail matter and rates of postage thereon—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Arizona: Petition of citizens of Phoenix, Ariz., against bill H. R. 16483 (religious legislation in the District of Columbia)-to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: Petition of the Farmers' Educational and Cooperative Union of America, local union of Kirkland, Tex., for legislation to stop gambling in "fu--to the Committee on Agriculture. tures

By Mr. SULZER: Petition of the Washington Stock Exchange, against bill S. 6906-to the Committee on the District

of Columbia.

## SENATE.

# SATURDAY, February 23, 1907.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Edward E. Hale. The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Proctor, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SPECIAL EMPLOYEES IN THE INTERIOR DEPARTMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 8th instant, a list of persons employed in the Department of the Interior during the fiscal year ended June 30, 1906, or who are now so employed therein; which, with the accompanying papers, was ordered to lie on the

## FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Ebenezer Methodist Episcopal Church, of Hampton, S. C., v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

# AUTOMATIC RAILWAY APPLIANCES.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, pursuant to law, a report of its investigation concerning block signal systems and appliances for the automatic control of railway trains; which, with the accompanying papers, was referred to the Committee on Interstate Commerce, and ordered to be printed.

## NAVAL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24925) making appropriation for the naval service for the fiscal year ending June 30, 1908, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist on its amendments disagreed to by the House and agree to the conference asked by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. Hale, Mr. Perkins, and Mr. Tillman as the conferees on the part of the Senate.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills, each with an amendment; in which it requested the concurrence of the Senate:

S. 2011. An act granting an increase of pension to Lucinda L. McCorkle; and

S. 7840. An act granting an increase of pension to Lewis A.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 2926) for the relief of the heirs of John Smith.

The message further announced that the House had disagreed

to the amendments of the Senate to the bill (H. R. 11040) to authorize the receivers of public moneys for land districts to deposit with the Treasurer of the United States certain sums embraced in their accounts of unearned fees and unofficial moneys; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. Gronna, and Mr. Burnett managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21574) making appropriations for the legisla-

the bill (H. R. 21574) making appropriations for the legisla-tive, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes. The message further announced that the House had disa-greed to the amendments of the Senate to the bill (H. R. 24537) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1908, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Hull, Mr. Capron, and Mr. Slayden managers at the conference on the part of the House.

The message also announced that the House had passed the following bills: in which it requested the concurrence of the Senate:

H. R. 24390. An act to correct the military record of Charles H. Kellen; and

H. R. 25601. An act to repeal the act approved January 22, 1903, granting a pension to Minerva Robinson.

## ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

S. 8182. An act authorizing the Twin City Power Company to build two dams across the Savannah River above the city of

Augusta, in the State of Georgia;

H. R. 129. An act for the opening of a connecting parkway along Piney Branch, between Sixteenth street and Rock Creek Park, District of Columbia;

H. R. 1078. An act for the relief of Hamilton D. South, sec-

ond lieutenant, United States Marine Corps;

H. R. 1371. An act to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and thereafter returned;

H. R. 3577. An act for the relief of Barclay H. Warburton; H. R. 4233. An act to reimburse the Harpswell Steamboat Company, of Portland, Me., for expenses incurred and for repairing damages sustained by its steamer Sebascodegan in collision with the U. S. S. Woodbury;

H. R. 4271. An act for the relief of Patrick J. Madden;
H. P. 5195. An act for the relief of the Milhurn Wagen Com-

H. R. 5195. An act for the relief of the Milburn Wagon Com-

pany, of Toledo, Ohio; H. R. 5622. An act for the relief of M. D. Wright and Robert

H. R. 5971. An act authorizing the extension of T street (formerly W street) NW.;

H. R. 7741. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Pay Clerk Walter Delafield Bollard, United States Navy; H. R. 7746. An act for the relief of Columbia Hospital and

Dr. A. E. Boozer;

H. R. 7960. An act for the relief of John C. Ray, assignee of John Gafford, of Arkansas;
H. R. 8078. An act for the relief of Miss Bernice Farrell;

H. R. 9289. An act for the relief of the Mitsui Bussan Kaisha;

H. R. 9877. An act for the relief of James P. Barney H. R. 10430. An act granting an increase of pension to Samuel

H. R. 11676. An act for the relief of persons who sustained property damage caused by fire at the Rock Island Arsenal;
H. R. 12009. An act for the relief of the heirs at law of M. A. Phelps and the heirs at law of John W. Renner;

H. R. 12686. An act for the relief of Edwin T. Hayward, ex-

ecutor of Columbus F. Hayward, and the administrator of Charlotte G. Hayward;

H. R. 13367. An act to amend section 13 of an act of March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California;"

H. R. 14381. An act authorizing and directing the Secretary of the Treasury to pay to the Holtzer-Cabot Electric Company the amount due said company from the Post-Office Department; H. R. 14464. An act for the relief of Wiley Corbett;

H. R. 17011. An act granting an increase of pension to Mary

H. R. 17212. An act to amend an act to incorporate the Supreme Lodge of the Knights of Pythias;

H. R. 17285. An act for the relief of Second Lieut. Gouverneur

V. Packer, Twenty-fourth United States Infantry; H. R. 17956. An act granting an increase of pension to John Shinolt:

H. R. 18020. An act for the relief of the Snare & Triest Company

H. R. 18865. An act for the relief of John and David West: H. R. 19312. An act to authorize the Mingo-Martin Coal Land

Company to construct a bridge across Tug Fork of Big Sandy River at or near mouth of Wolf Creek;

H. R. 19493. An act to reimburse Oscar Fulgham, ex-sheriff of Madison County, Ala., for judgment and costs rendered against him when acting in the service of the United States:

H. R. 20223. An act granting an increase of pension to William F. Clendening;

H. R. 20718. An act granting an increase of pension to Anne B. Whitcomb:

H. R. 21415. An act granting an increase of pension to Casper W. Tyler ;

H. R. 21447. An act granting a pension to William W. Sparks; H. R. 21639. An act granting a pension to Nanny E. Hayes;

H. R. 22334. An act to amend an act to regulate the sitting of the United States courts within the district of South Carolina; H. R. 22338. An act to bridge Bayou Bartholomew in Louisi-

H. R. 22350. An act to authorize the recorder of deeds of the District of Columbia to recopy old records in his office, and for

other purposes H. R. 23201. An act to amend the act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,"

approved February 28, 1901; H. R. 23218. An act to authorize the Kentucky and West Vir-

ginia Bridge Company to construct a bridge across the Tug Fork of Big Sandy River at or near Williamson, in Mingo County, W. Va., to a point on the east side of said river in Pike County, Ку.;

H. R. 23367. An act granting an increase of pension to Asa A. Gardner:

H. R. 23576. An act to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other

H. R. 23860. An act granting an increase of pension to Wil-

liam G. Cummings; H. R. 24875. An act authorizing the extension of Forty-fifth street NW.;

H. R. 25482. An act to amend section 878 of the Code of Law. for the District of Columbia; and

H. J. Res. 246. Joint resolution authorizing the President to extend an invitation to the Twelfth International Congress of Hygiene and Demography to hold its thirteenth congress in the city of Washington.

## PETITIONS AND MEMORIALS.

Mr. CULLOM presented petitions of Local Union No. 91, of East St. Louis; of District Council No. 1, of Chicago; of the Federation of Labor, of Springfield; of the International Brotherhood of Electrical Workers, of Springfield, all of the American Federation of Labor, in the State of Illinois, praying for the enactment of legislation providing for the protection of labor and industries from the competition of convict labor and prison-made goods; which were referred to the Committee on Education and Labor.

Mr. PLATT presented memorials of the National Protective Legions of Waverly and Schenectady, in the State of New York, remonstrating against the enactment of legislation to amend and codify the statutes relating to the classification of second-class matter and the rates of postage thereon; which were referred to the Committee on Post-Offices and Post-Roads.

· He also presented a petition of Aime Dupont, of New York City, N. Y., praying for the enactment of legislation to amend and consolidate the acts respecting copyrights; which was ordered to lie on the table.

He also presented petitions of Local Union No. 159, Boot and Shoe Workers' Union, and of Local Union No. 128, United Garment Workers of America, of Syracuse, N. Y., praying for the enactment of legislation providing for the protection of labor and industry from competition with convict labor and prison-made goods; which were referred to the Committee on Education and Labor.

He also presented a memorial of William M. Collins Post, No. 587, Grand Army of the Republic, Department of New York, of Sandy Hill, N. Y., remonstrating against the enactment of legislation abolishing the pension agencies throughout the country; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Middleburg and Marlboro, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New York, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented a petition of the Merchants' Association of New York City, N. Y., praying that an appropriation be made for the erection of a suitable post-office building upon the site already purchased by the Government at the Pennsylvania terminal in New York; which was referred to the Committee on Public Buildings and Grounds.

Mr. DEPEW presented petitions of sundry citizens of Moira and Sherbourne, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New York City, N. Y., praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. MALLORY presented a memorial of sundry citizens of Pensacola, Fla., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. BEVERIDGE presented memorials of sundry citizens of Hope, South Bend, Elwood, Rushville, Paoli, Salem, Albany, Stewartsville, Wheatland, Antonia, Freelandville, and Tipton, all in the State of Indiana, remonstrating against the enactment of legislation to amend the statutes relating to the classification of second-class mail matter and the rates of postage thereon; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GAMBLE presented the petition of Olaf Stranne and sundry other citizens of Mission Hill, S. Dak., praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

Mr. BLACKBURN presented a petition of the Woman's Christian Temperance Union of Corbin, Ky., and a petition of sundry citizens of Newport, Ky., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. WETMORE presented a petition of sundry citizens of Providence, R. I., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary

Mr. DICK presented a petition of Encampment No. 78, Union Veteran Legion, of Columbus, Ohio, praying for the enactment of legislation to place on the pension roll, at not less than \$12 per month, all widows of soldiers of the civil war; which was referred to the Committee on Pensions.

He also presented a petition of Cigar Makers' Local Union No. 173, of Zanesville, Ohio, and a petition of Columbus Typographical Union, No. 5, of Columbus, Ohio, praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Cleveland, New Milford, and Oberlin, all in the State of Ohio, praying for the enactment of legislation to regulate the employment of child

labor; which were ordered to lie on the table.

He also presented a memorial of the Ministerial Association, of Springfield, Ohio, remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

Mr. DRYDEN presented petitions of sundry citizens of Cliffside and Newark, in the State of New Jersey, praying for the enactment of legislation to regulate the employment of child labor; which were ordered to lie on the table.

He also presented a petition of Coopers' International Union, No. 40, of Jersey City, N. J., and a petition of the National Print Cutters' Association, of New Brunswick, N. J., praying for the enactment of legislation to permit the protection of land industries from the competition of convict labor and manufactures; which were referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Christian Temperance Union of Whitehouse, N. J., and a petition of the

Woman's Christian Temperance Union of Salem, N. J., praying for the enactment of legislation to regulate the interstate-transportation of intoxicating liquors; which were referred to the

Committee on the Judiciary.

Mr. BURKETT presented a petition of sundry citizens of Beatrice, Nebr., praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Gordon, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. NELSON presented sundry petitions of citizens of Arco, Minn., praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Austin, Minneapolis, Slayton, Pleasant Mound, and Ceresco, all in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. LATIMER presented a petition of the Board of Trade of Greenville, S. C., praying for the enactment of a reciprocal de-murrage law; which was referred to the Committee on Interstate Commerce.

Mr. LONG presented memorials of sundry photographers of Lawrence, Emporia, Ottawa, and Junction City, all in the State of Kansas, remonstrating against the adoption of cer-tain amendments to the bill to amend and consolidate the acts respecting copyrights; which were ordered to lie on the table.

He also presented the petition of Charles Linderweller, of Argentine, Kans., and the petition of E. C. Champion, of Iola, Kans., praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented a petition of Local Lodge No. 82, International Brotherhood of Boiler Makers and Iron-Ship Builders and Helpers of America, of Osawatomie, Kans., and a petition of Local Lodge No. 286, International Brotherhood of Boiler Makers and Iron-Ship Builders and Helpers of America, of Fort Scott, Kans., praying for the enactment of legislation providing for the protection of labor and industry from competition with convict labor and prison-made goods; which were referred to the Committee on Education and Labor.

He also presented sundry petitions of citizens of New York City, N. Y., praying for the adoption of certain amendments to the bill to amend and consolidate the acts respecting copyrights; which were ordered to lie on the table.

He also presented a petition of the Order of United Commercial Travelers of America, of Columbus, Ohio, praying for the enactment of legislation providing for a passenger rate of cents a mile on all railroads doing an interstate business, to become effective January 1, 1907; which was referred to the Committee on Interstate Commerce.

Mr. KNOX presented petitions of sundry pensioners of Philadelphia, Pa., and vicinity, praying for the enactment of legisla-tion providing that pension attorneys be allowed to accept a reasonable fee for services rendered under the act of February 1907; which were referred to the Committee on Pensions. He also presented petitions of Knowlton & Co., of Philadel-

phia; Federal Electric Company, of North Girard; Weeks Photo-Engraving Company, of Philadelphia; F. L. Mears, of Stoneboro; Russell Car and Snow Plow Company, of Ridgway; William Frear, of State College; The A. Wilhelm Company, of Reading, all in the State of Pennsylvania, praying for the adoption of certain amendments to the present denatured-alcohol bill; which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Roaring Creek; Mrs. James Swingle, of Ariel; Rev. C. S. Longacre, of Creek; Mrs. James Swingle, of Arief; Rev. C. S. Longacre, of Pittsburg; sundry citizens of Roaring Branch; H. C. Baum-gartner, of Veracruz; John A. K. Lichty, of Allentown; E. M. Swingle, of Ariel; George F. B. Unger, of Veracruz; sundry citizens of Allentown; sundry citizens of Bloomsburg; A. L. Cobb, of Ariel, all in the State of Pennsylvania, remonstrating against the enactment of legislation requiring certain places of business to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented memorials of Blumenthal Brothers, of Philadelphia; Messrs. Whittle & Mutch, of Philadelphia; S. T. Witchell, of Philadelphia; M. N. Kline, of Philadelphia, all in the State of Pennsylvania, remonstrating against the enactment of legislation conferring upon the Secretary of Agriculture the right to fix certain food standards; which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the New England Watch and

Ward Society, of Boston, Mass., remonstrating against the passage of the so-called "Crumpacker bill" relating to postal fraud orders; which was referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the St. Paul's Evangelical Lutheran Church, of Allentown; the First Pentecostal Church of Pittsburg; the First Free Methodist Church of Pittsburg; Mount Washington United Presbyterian Church, of Pittsburg; Woman's Christian Temperance Union of Mount Washington United Presbyterian Church, of Pittsburg; and Woman's Christian Temperance Union of Solebury, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors: which were referred to the Committee on the Judiciary.

He also presente petitions of the Davis Hosiery Mills, of Chattanooga, Tenn.; Richmond Hosiery Mills, of Chattanooga, Tenn.; the Parkersburg Chair Company, of Parkersburg, W. Va.; World's Star Knitting Company, of Bay City, Mich.; the Capital Rattan Company, of Indianapolis, Ind.; Salant & Salant, of New York, N. Y., and Philadelphia Baby Carriage Factory, of Philadelphia; M. B. Bergey & Co., of Souderton; the Chartered Society of Amalgamated Lace Operatives of America, of Philadelphia; Brotherhood of Railway Clerks of Corry; Boot and Shoe Workers' Union of Honesdale; Local No. 2, National Print-Cutters' Association of America, of Philadelphia; Heywood Bros. & Wakefield Co., of Philadelphia; Local No. 5, International Union of Electric Countries of Philadelphia ternational Union of Elevator Constructors, of Philadelphia; Local Union, No. 101, Coopers' International Union of North America, of Allegheny; John D. Woods Lodge, No. 64, A. A. of I. S. and T. W. of U. S., of Allegheny; Frank T. McElroy, Steelton, all in the State of Pennsylvania, praying for the enactment of legislation providing for the protection of labor and industries from the competition of convict labor and manufactures; which were referred to the Committee on Education and Labor.

He also presented memorials of Post No. 227, Grand Army of the Republic, of Ulster, and Post No. 6, Grand Army of the Republic, of Germantown, in the State of Pennsylvania, remonstrating against the enactment of legislation abolishing the pension agencies throughout the country; which were ordered to lie on the table.

Mr. SPOONER presented the petition of Rev. L. N. Woolley, of Bloomington, Wis., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary

Mr. WARREN. I present a memorial of the legislature of the State of Wyoming, relative to the duty on sugar imported from the Philippines. My colleague [Mr. Clark of Wyoming] has heretofore presented a similar memorial and had it read, and referred to the Committee on the Philippines. I therefore ask that this memorial be not read, but simply referred to the Committee on the Philippines.

The VICE-PRESIDENT. Without objection, it is so ordered.

## REPORTS OF COMMITTEES.

Mr. PILES. I am directed by the Committee on Territories to report back favorably without amendment the bill (H. R. 25184) to relieve the Tanana Mines Railroad, in Alaska, from taxation, and I sumbit a report thereon. I ask for the present consideration of the bill.

The VICE-PRESIDENT. The Chair calls the attention of the Senator from Washington to the fact that this bill was reported yesterday by the Senator from Tennessee [Mr. Frazier]

and is on the Calendar.

Mr. PILES. I was instructed by the committee to report the bill. There must be some error about it. At any rate, I ask unanimous consent for the present consideration of the bill I have just reported, in place of the one on the Calendar.

The VICE-PRESIDENT. The bill is on the Calendar. The Senator from Washington asks unanimous consent for the present consideration of a bill, which will be read for the information of the Senate.

Mr. ALDRICH. I think we had better go on with the regular order.

The VICE-PRESIDENT. Objection is made. Does the Senator from Washington withdraw the report?

Mr. PILES. I withdraw it.
Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (S. 8534) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof, reported it without amendmen

Mr. BEVERIDGE, from the Committee on Territories, whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12857) to validate certain acts of the legislative assembly of the Territory of New Mexico with reference to the issuance of certain bonds; and

A bill (H. R. 25041) to provide for the creation of additional

land districts in the district of Alaska.

Mr. STONE, from the Committee on Commerce, to whom was referred the bill (H. R. 25691) to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company, reported it without amendment.

Mr. DUBOIS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 23940) for the extension of Albemarle street NW., District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was recommitted the bill (S. 7795) for the extension of Albemarle street NW., District of Columbia, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. SCOTT, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 10703) authorizing the extension of Monroe street NE., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2999) authorizing the extension of Monroe street NE., submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. DANIEL, from the Committee on Finance, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon

A bill (H. R. 5) to provide for the refunding of certain money,

A bill (H. R. 16581) for the relief of George W. Schroyer. Mr. PENROSE. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 25483) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes, to report it with amendments, and I submit a report thereon.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

# CŒUR D'ALENE PARK, IN IDAHO.

Mr. DUBOIS. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 8316) for the establishment of a park on the northern portion of the Cœur. d'Alene Indian Reservation, in Idaho, to report it favorably with an amendment. The bill is accompanied by a favorable report from the Secretary of the Interior, and I desire the attention of my colleague to the report and the bill.

Mr. HEYBURN. I ask for the present consideration of the

bill just reported by my colleague.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, on page 2, line 3, after the word "people." to insert:

Provided, That the Cour d'Alene tribe of Indians shall be paid the appraised value of said lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## INDEBTEDNESS OF TAOS COUNTY, N. MEX.

Mr. BEVERIDGE. I am directed by the Committee on Territories, to whom was referred the bill (H. R. 12858) permitting the county of Taos, in the Territory of New Mexico, to refund its indebtedness at a lower rate of interest, to report it favorably without amendment, and I submit a report thereon. ask for the immediate consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its con-

sideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## UNITED STATES MILITIA

Mr. PLATT, from the Committee on Printing, to whom was referred the resolution submitted by Mr. Dick on the 21st instant, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved, That there be printed, at the Government Printing Office, for the use of the War Department, 2,500 copies of the report of The Military Secretary of the Army relative to the militia of the United States for the fiscal year ended June 30, 1906.

### REPORT ON FORESTRY.

Mr. BRANDEGEE. The Committee on Forest Reservations made a report last April, Report No. 2537, which contains much interesting information on the subject of forest reserves. There was a reprint of 5,000 copies of the report ordered early in the session. That edition has been exhausted, and the de-mand still continues. I ask unanimous consent for a reprint of 5,000 additional copies of the report.

The VICE-PRESIDENT. Without objection it is so ordered. Mr. NEWLANDS. I am directed by the Committee on Territories, to whom was referred the bill (S. 8498) to amend sections 16, 17, and 20 of an act entitled "An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 16, 1906, and for other purposes, to report it with an amendment, and I submit a report thereon. I ask for the present consideration of the bill.

Mr. ALDRICH and Mr. CULLOM. The regular order.
The VICE-PRESIDENT. The regular order is demanded, and the bill will be placed on the Calendar.

### BILLS INTRODUCED.

Mr. BLACKBURN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims

A bill (S. 8554) for the relief of the Kentucky drafted men; and

A bill (S. 8555) for the relief of the owners of certain steamboats.

Mr. MALLORY introduced a bill (S. 8556) to authorize the Pensacola and Northeastern Railroad Company, a corporation existing under the laws of the State of Florida, to construct a bridge over the Escambia River between the counties of Santa

Rosa and Escambia, in the State of Florida; which was read twice by its title, and referred to the Committee on Commerce, Mr. HANSBROUGH (by request) introduced a bill (S. 8557) defining the position of employees of the public school system of the District of Columbia, authorized by act No. 254, enacted at the first session of the Fifty-ninth Congress, and authorizing payment therefor; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WETMORE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8558) granting an increase of pension to John L.

Nason; and A bill (S. 8559) granting an increase of pension of Ephraim Thurber

Mr. MILLARD introduced a bill (S. 8560) for the relief of James E. Arnold and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. KNOX introduced a bill (S. 8561) to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CLARK of Wyoming introduced a bill (S. 8562) relief of certain white persons who intermarried with Cherokee citizens; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WARNER introduced a bill (S. 8563) for the relief of the State of Missouri; which was read twice by its title, and referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 8564) granting an increase of pension to Margaret Allen; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 8565) to provide for the establishment of an immigration station at Charleston, in the State of South Carolina, and the erection of a public building in said city on a site to be selected for said station; which was read twice by its title, and referred to the Committee on Immigration.

Mr. KNOX introduced a joint resolution (S. R. 96) providing for the delivery by the Secretary of War to the Valley Forge Park Commission for ornamentation of grounds of Valley Forge Park, Valley Forge, Pa., twenty-five 6-pounder brass cannon, with their carriages and equipments; which was read twice by its title, and referred to the Committee on Military Affairs.

## AMENDMENT TO THE POST-OFFICE APPROPRIATION BILL.

Mr. TILLMAN submitted an amendment authorizing the Postmaster-General to require all railroads carrying the mails under contract to comply strictly with the terms of said contract as to time of arrival and departure of said mails, etc., intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and

### BATTLE SHIP PLANS.

## On motion of Mr. Hale, it was

On motion of Mr. HALE, it Was

Ordered, That the Secretary of the Senate be directed to return to
the Navy Department, in compliance with the request of the Secretary
of the Navy, the plans and specifications of the 20,000-ton battle ship
sent to the Senate in conformity with the provisions contained in the
act making appropriations for the naval service for the fiscal year ending June 30, 1907, together with the communication of the Secretary of
the Navy of date December 12, 1906, transmitting such plans and specifications.

#### HENRY STROUSE.

Mr. DICK. On behalf of my colleague [Mr. Foraker], who is unavoidably absent, I ask for the adoption of the following order.

The order was agreed to, as follows:

Ordered, That there may be withdrawn from the files of the Senate all papers in connection with the bill (8. 5035, Fifty-seventh Congress) granting an increase of pension to Henry Strouse, there having been no adverse report thereon.

### PRINTING OF DOCUMENTS.

## On motion of Mr. Pettus, it was

Ordered, That there be printed, as a single document, the following, in the following order:

"First, Senate Report No. 805, Fifty-eighth Congress, second session, made February 12, 1904.

"Second. Senate bill No. 810, Fifty-eighth Congress.

"Third. Senate Report 1422, Fifty-seventh Congress, first session, May 7, 1902.

"Fourth. Letters of Navy Department of May 29, 1902, and December 19, 1903, cited, but not quoted, in said Report No. 805, Fifty-eighth Congress."

## HOUSE BILL REFERRED.

H. R. 24390. An act to correct the military record of Charles H. Kellen was read twice by its title, and referred to the Committee on Military Affairs.

# DISPOSITION OF CERTAIN LAND-OFFICE FEES.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11040) to authorize the receivers of public moneys for land districts to deposit with the Treasurer of the United States certain sums embraced in their accounts of unearned fees and unofficial moneys and requesting a conference with the Senate on the disagrecing votes of the two Houses thereon.

Mr. HANSBROUGH. I move that the Senate insist upon its amendments and agree to the conference asked for by the House and that the Chair appoint the conferees on the part of the

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. Hansbrough, Mr. NELSON, and Mr. McLAURIN.

## MILITARY ACADEMY APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24537) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1908, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SCOTT. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. Scott, Mr. Hemenway, and Mr. Blackburn as conferees on the part of the Senate.

## MINERVA ROBINSON.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 25601) to repeal the act approved January 22, 1903, granting a pension to Minerva Robinson, which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the act granting a pension to Minerva Robinson, as widow of James Robinson, late of Companies F and B, First Regiment Missouri Volunteer Engineers, be, and the same is hereby, repealed.

Mr. McCUMBER. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LUCINDA L. M'CORKLE.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2011) granting an increase of pension to Lucinda L. McCorkle, which was to amend the title so as to read: "An act granting a pension to Lucinda L. McCorkle."

Mr. McCUMBER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

#### LEWIS A. TOWNE.

ment of the House of Representatives to the bill (S. 7840) granting an increase of pension to Lewis A. Towne, which was, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty." The VICE-PRESIDENT laid before the Senate the amend-

Mr. McCUMBER. I move that the Senate disagree to the amendment of the House of Representatives, ask for a conference with the House on the amendment, and that the conferees on the part of the Senate be appointed by the Vice-President.

The motion was agreed to; and the Vice-President appointed Mr. McCumber, Mr. Scott, and Mr. Taliaferro as the conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I ask the Senate to proceed to the consideration of House bill 24815, the agricultural appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908.

Mr. PROCTOR. The only remaining committee amendment is the Appalachian survey amendment on page 70, except a

change in the totals.

Mr. HEYBURN. The amendment changing the total on page

41, line 24, was under consideration when we adjourned. Mr. PROCTOR. There are several changes of totals to be made. First, on page 3, line 15, I move to strike out of the committee amendment the word "two" and insert "seven;" so as to read: "ninety-six thousand seven hundred and sixty."

The amendment was agreed to.

Mr. PROCTOR. On page 4, line 12, amend the committee amendment by inserting "twenty" instead of "nineteen," and "two" in the place of "seven;" so as to read: "twenty thousand two hundred."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PROCTOR. I ask that we may now go on with the Appalachian survey amendment and let the consideration of all the changes of totals come together.

Mr. HEYBURN. I gave notice that I would ask the Senate to revert to the amendment incorporating the million-dollar appropriation, and I will do so before the committee amendments are

The VICE-PRESIDENT. The Senator from Vermont asks that the amendment on page 70 be considered. The amendment

The Secretary. On page 70, after line 17, the Committee on Agriculture and Forestry reported to insert the following:

Agriculture and Forestry reported to insert the following:

Survey of and report on Appalachian and White Mountain watersheds: To enable the Secretary of Agriculture to examine, survey, and ascertain the natural conditions of the watersheds at and near the sources of the various rivers having their sources in the Southern Appalachian Mountains and the White Mountains, and to report to Congress the area and natural conditions of said watersheds, the price at which the same can be purchased by the Government, and the advisability of the Government's purchasing and setting apart the same as a natural forest reserve for the purpose of conserving and regulating the water supply and flow of said streams in the interest of agriculture, water power, and navigation, \$25,000, to be immediately available.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

amendment.

The amendment was agreed to.

Mr. PROCTOR. On page 74, at the end of the last paragraph of the bill, the total should be made \$9,557,690, the Appalachian survey being included.

The VICE-PRESIDENT. The amendment will be stated. The Secretary. It is proposed to change the total at the end of the last paragraph of the bill so as to read: "\$9,557,690."

Mr. HEYBURN. Mr. President, I object to the adoption of that amendment inasmuch as it will be subject to the determination of the Chair upon certain objections under the rule to amendments that have already been proposed and that are now under consideration. So the total amount should not be determined until those points of order are disposed of by the Chair.

The VICE-PRESIDENT. The question is upon agreeing to the amendment just reported unless the amendment is passed over by agreement.

Mr. HEYBURN. I ask that it be passed over.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

Mr. PROCTOR. At the bottom of page 41, line 24, after the word "Service," I move to change the total so as to read \$1,900,000.

Mr. HEYBURN. Mr. President-

The VICE-PRESIDENT. The Chair will have the amendment stated, and will then hear the Senator from Idaho. Secretary will state the amendment proposed by the Senator from Vermont.

The Secretary. On page 41, line 24, strike out "eight hundred and ninety-nine" and insert "nine hundred" before thousand.

Mr. HEYBURN. I ask that that be passed over until we

have determined

The VICE-PRESIDENT. The Chair will call the attention of the Senator from Vermont to the fact that the amendment as it now appears in the bill stands agreed to, and it will be necessary to reconsider the vote by which the amendment was agreed to before the amendment he has now proposed is in order.

Mr. PROCTOR. I move to reconsider the vote by which the

amendment was agreed to.

Mr. HEYBURN. I understand the question is upon a reconsideration.

The VICE-PRESIDENT. That is the question.

Mr. HEYBURN. Not upon agreeing to the amendment? The VICE-PRESIDENT. Not upon agreeing to the amend-

ment.

Mr. HEYBURN. I have no objection to its being reconsidered.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The amendment is now open to

Mr. HEYBURN. I ask that it be passed over until we dispose of the million-dollar item.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

Mr. PROCTOR. The Senator from Idaho has asked that it

be passed over

Mr. HEYBURN. Yes; until we have considered the amendment on line 12, page 41, which will enter into the action of the Senate in determining the total.

Mr. PROCTOR. That amendment has been agreed to, and I had not noticed that a motion to reconsider had been entered.

Mr. HEYBURN. At the time it was voted upon, amidst confusion and as soon as I could be heard by the Chair, I gave notice, and I think the RECORD will show it, that I would move that the matter be resubmitted as though the result had not been announced by the Chair.

Mr. PROCTOR. I have no objection to a reconsideration of the amendment.

The VICE-PRESIDENT. Does the Senator from Idaho move a reconsideration?

Mr. HEYBURN. Yes; I move to reconsider the vote by which the amendment on line 12, page 41, was adopted.

The motion to reconsider was agreed to.

Mr. HEYBURN. The amendment on line 12, page 41, being before the Senate, I desire to object to it, because it is obnoxious to two provisions of Rule XVI, first, that it will increase an appropriation already contained in the bill, and, second, that it has not been estimated for by the head of any one of the Departments of the Government. I presume those objec-tions will be passed upon separately. I will submit the first objection, that the amendment would increase an appropriation already contained in the bill to the extent of \$1,000,000, the appropriation contained in the bill as it came from the House being \$757,000 and as it came from the Senate committee \$756,800. I ask for a ruling of the Chair upon the first objec-

tion, and then I will submit the second.

Mr. LODGE. Mr. President, I should like to be heard for a moment on the point of order.

The VICE-PRESIDENT. The Chair will hear the Senator from Massachusetts.

Mr. LODGE. The amendment undoubtedly increases an appropriation, but it is exempted by the exception in the rule, as is commonly the case with appropriations increasing the amount, "unless the same be moved by direction of a standing or select

committee of the Senate." Mr. HEYBURN. I do not understand that the chairman has proposed this amendment at the direction of any committee, but he has simply proposed the amendment on the floor as chairman of the committee having charge of the bill. It has not been stated that it was offered by direction of a standing committee, acting as a committee.

Mr. PROCTOR. I thought I stated that I offered it as a committee amendment. It was agreed to after consultation with the committee, and I think I so stated. Certainly I offered it as

a committee amendment.

Mr. HEYBURN. I think the Senator is correct in stating that he offered it as a committee amendment, but in matters where the controversy is direct as to whether an amendment is within the rule I think we may properly inquire as to whether the action was taken by the committee sitting as a committee. Ordinarily we do not raise that question, but the opposition to this item is intended to be pressed as far as it may be done under any rule of the Senate construed as strictly as a rule may be construed. If it has not been acted upon by the committee, I do not think that it comes within the exception stated by the Senator from Massachusetts.

Mr. LODGE. If I may be heard again on the point of or-

The VICE-PRESIDENT. The Senator will be heard. Mr. LODGE. I think it is perfectly clear that the Chair can not go behind the statement of the chairman of the committee. The Chair has to be guided by the rule. The chairman of the committee announced it as a committee amendment, and that takes it out of the point of order, that it is an increase of the appropriation. Appropriations are increased constantly by amendments offered by the chairman as committee amendments,

which takes them out of the rule.

The VICE-PRESIDENT. The Chair believes that the question raised by the Senator from Idaho has never been raised within his experience. The Chair will not go behind the statement of the chairman of the committee in charge of the pend-ing appropriation bill. The pending amendment was offered by the Senator from Vermont, the chairman of the Committee on Agriculture and Forestry, from the floor as a committee amendment, and as a committee amendment it is in order.

The Chair holds that the amendment is within the rule, and

therefore overrules the point of order.

Mr. HEYBURN. Then I call for the reading of the report

of the committee which authorizes this increase.

of the committee which authorizes this increase.

Mr. PROCTOR. The committee reported the full appropriation, practically, by devoting the receipts from the Forest Service to the carrying on of the Department. When that was stricken out this was agreed to by every member of the committee, I think, as a substitute. Of course we had no opportunity to have formal meetings or to make a formal report, but it was the universal voice of the committee. I am sure I have talked with every member of the committee who has sure I have talked with every member of the committee who has been present here.

The VICE-PRESIDENT. What is the request of the Senator

from Idaho?

Mr. HEYBURN. I requested that the report of the committee covering this point be read—the committee's report in

writing under the rules of the Senate.

The VICE-PRESIDENT. The Chair does not understand it to be necessary that a committee shall be enabled to report only by a written report. The Chair is not advised of any written report upon the amendment that can be read. Is the Senator from Idaho advised that there is one?

Mr. HEYBURN. No; I asked that it be read for the purpose of ascertaining whether there was one. I will not press this point further. I intend to press all these points to the extent that I may properly do so, but I do not intend to exceed the line of propriety. When I am through presenting them I will feel that I have at least made the best effort I could to prevent the incorporation of this item in the bill.

I now object to the item of \$1,000,000 because the amend-

ment is not in pursuance of any estimate of the head of any Department of the Government under Rule XVI. Mr. PROCTOR. It has been estimated for by the Secretary of Agriculture and very earnestly urged in letters which have

been read here. Mr. HEYBURN. Then I ask for the estimate. Of course Rule XVI refers to the Book of Estimates; it does not refer to informal or formal letters; and I will call for the estimate under which this \$1,000,000 in excess of the amount named in the bill is estimated for.

Mr. PROCTOR. Estimates are made and they are received at the opening of the session in the formal Book of Estimates. Of course they are not reprinted, but many estimates are made from the heads of Departments during the session in the progress of the consideration of an appropriation bill. This is an entirely usual custom, a correct one, and the only practical

Mr. LODGE. Mr. President, the estimate is only an alternative to the report of the committee to take it out of the general rule in regard to increasing an appropriation or adding a new

item. The report of the committee takes it out of the rule,

whether there is an estimate or not.

The VICE-PRESIDENT. The Chair is of the opinion that if the amendment is sanctioned by one of the provisions of Rule XVI, although it might be obnoxious to all its other provisions, it would nevertheless be in order.

The question is on agreeing to the amendment,

Mr. PATTERSON. Is the amendment that is under consideration in lines 15 and 16, page 42?

The VICE-PRESIDENT. The amendment under consideration is in line 12, on page 41. The amendment proposes to insert "\$1,000,000" after the word "expenses." The question is on agreeing to the amendment. Does the Senator from Colorado rise to the amendment?

Mr. PATTERSON. Yes; I ask leave to offer an amendment

to the amendment.

The VICE-PRESIDENT. The Senator from Colorado proposes an amendment to the amendment. At what point does the Senator desire the amendment to appear? It is in the nature of a proviso.

Mr. PATTERSON. I wish to have it appear immediately after the word "rent," on line 15.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The Secretary. On page 41, line 15, after the word "rent," insert:

Provided, That the Secretary of Agriculture shall cause all lands heretofore set apart as forest reserves to be classified as near as may be into forest lands, agricultural lands, and mineral lands, and that all agricultural and mineral lands that are not also in fact forest lands shall be excluded from forest reserves, and shall be open to settlement and purchase under existing public laws; and so much of this appropriation as may be necessary shall be available for carrying out this provision.

Mr. PROCTOR. I make a point of order against the amend-

ment to the amendment.

The VICE-PRESIDENT. The Chair will dispose first of the amendment offered by the Senator from Vermont. The question is on agreeing to that amendment.

Mr. HEYBURN. Mr. President, I can not allow this amendment to go without stating briefly to the Senate the objections to it. It provides for increasing the fund to be disposed of in connection with the Forestry Service to the extent of \$1,000,000 under an enumeration of items for which the expenditure of \$1,000,000 would be so concededly wrong as that it ought not to appeal to the Senate upon an understanding of the purpose

for which the sum is to be expended.

It seems to me, Mr. President, that we are being carried away on a wave of sentiment and admiration for an individual policy that will bring the severest criticism upon us, and we are being carried away by that portion of our body which comes least in contact and is least familiar with this question. So far as I may, under the rules of this body, it is my purpose that if the Senate does this thing Senators and those to whom they are responsible may understand that they did it with a knowledge of the conditions and circumstances surrounding it. It is very easy to acquiesce in things, to indulge in panegyrics and in lauding terms about an officer because he is a splendid fellow, because you like him socially or personally, and on that wave of sentiment to lose sight of the fact that we are public officers ourselves and that we are responsible for the appropriation of the public funds.

I wonder if all Senators have read the enumerated purposes for which this extra sum of \$1,000,000 may be expended. I am not going to indulge in a speech of any length upon this question, but I am going to endeavor to state so succinctly and in such unmistakable terms the purpose and the effect of this appropriation of \$1,000,000 that there will never be any excuse on the part of anyone for not having acted without a full knowledge of the scope of it. It is sentimental legislation. All the items for which this money is to be used are enumerated on pages 39, 40, and 41 of the bill, and it will be profitable to Sentors that they should understand the effect of their vote upon this question. I am going to ask for a vote.

Mr. President, I will enumerate the items for which this money may be expended. They are contained within about a

To transport and care for fish-

How much of that \$1,756,000 is necessary to meet this item-To transport and care for fish and game supplied to stock the national forests or the waters therein.

That is establishing a game preserve. The Senator from Wisconsin [Mr. Spooner] yesterday, if I remember rightly, said he did not find in this bill any provision for the establishment of game preserves, and yet we are appropriating \$1,756,000 for purposes, among which we find this item. Fish are transported under an existing law to individuals or to corporations, and

we need no appropriation for that purpose. It is now provided for in another law, an existing law. The next item is

To employ fiscal and other agents, clerks, assistants, and other labor required in practical forestry, in the administration of national forests-

We have provided for that already in another item, so that there is no occasion for providing for it in this very large itemthe largest in the bill. So we may dismiss that. Next comesand in conducting experiments and investigations in the city of Washington and elsewhere.

That we have stricken out under the rule, acquiesced in by the chairman of the committee having the bill in charge. Following that we find:

And hereafter he may dispose of photographic prints (including bromide enlargements), lantern slides, transparencies, blueprints, and forest maps at cost and 10 per cent additional—

So we do not need to appropriate for that item, because it is covered by the sale of the articles produced-

and condemned property

That is, he may dispose of-

and condemned property or materials under his charge in the same manner as provided by law for other bureaus.

That does not require the expenditure of a dollar, and we have not yet found an item which does.

To collate, digest, report, illustrate, and print the results of experiments and investigations made by the Forest Service.

How much money would that take-\$1,756,000-to make the pictures and print them? because that is all there is in the item.

To purchase law books to an amount not exceeding \$500. There is the first item of real expense covered by this appropriation. We appropriated that much money the last time. I do not know why they want a law library, but we gave them

\$500 in the last appropriation bill. To purchase law books to an amount not exceeding \$500, necessary supplies, apparatus, office fixtures, and technical books and technical journals for officers of the Forest Service stationed outside of Washing-

That went out under the rule, on the motion of the chairman of the committee in charge of the bill.

And to pay freight

This is the second item. The first item was \$500, and here is the second item, for which this money may be expended:

And to pay freight, express, telegraph, and telephone charges, and for electric light and power, fuel, gas, ice, washing towels—

Probably that is the item for which we need a million

and traveling and other necessary expenses, \$1,756,800.

There is not on the face of this statement of the items for which the money may be expended a legitimate expenditure of a possible \$20,000, and I challenge the attention of the Senate to this because we appropriate for that purpose, and it should not be used for any other. Yet we go on recklessly inserting an item of a million dollars as though it were a dime, with the purposes enumerated that must appeal to any Senator as being utterly inconsistent with the amount of the appropriation. If it is dreamed that that appropriation being made, becoming a law, can be used for any other purpose than the purposes named in this bill and pass the scrutiny of the next session of the Congress of the United States their dream will be a dream indeed, because we are upon notice that this grant of a million dollars is a plaything to be placed in the hands of this splendid gentleman, who challenges the admiration of the members of

this august body, because he is a good fellow.

Mr. CULBERSON. Mr. President—

Mr. HEYBURN. Just a moment. I would not detract for a moment from the personal character or the attributes of the great Forester of the United States. I know him well, and we are friends; but I am here to deal not for or with friends, but with public questions, and I do not intend to be diverted from my purpose in dealing with public questions along the lines of conscientious judgment. Now I yield to the Senator from

Mr. CULBERSON. Mr. President, I notice on page 41 of the bill to which the Senator has been addressing himself an amendment proposed by the committee, which, taken together with the provisions of the bill, reads:

Technical books and technical journals for the officers of the Forest Service stationed outside of Washington.

There are rumors afloat, Mr. President-

Mr. HEYBURN. I will say to the Senator that that was

Mr. CULBERSON. I understand that; but it goes to the general question. There are rumors afloat that there are some people, who have gone West for their health, we will say, who have been appointed superintendents of these reserves, men

who possess really no special qualifications so far as can be determined, and that they are using their position in rather a dictatorial, if not tyrannical, fashion in reference to these matters. For instance, they leave their own possessions outside of the reserve and undertake by a species of regulation to dominate affairs in the forest where they are. I want to ask the Senator if he has any information upon that subject which he can

It is not often that I would call attention to such rumors as these, Mr. President, but they have come to me in such form that I think I am entitled to say as much as I have and to re-

quest information upon the subject, if any Senator can give it.
Mr. HEYBURN. Mr. President, I have information belong-Mr. HEYBURN. Mr. President, I have information belonging to the class of information suggested by the Senator from Texas, but I thought it would minimize the strength of the statement which I desired to make should I indulge at all in personal reference or in reflection upon individual character. I have therefore refrained, and shall continue to refrain, from the mention of the names of individuals. This Senate has it within its power, under its rules, to ascertain any facts along the lines suggested by the Senator from Texas that may be

useful and proper for consideration.
Mr. CULBERSON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. Certainly. Mr. CULBERSON. The Senator misapprehends my inquiry, if he supposes I care to have the name of any person men-I wanted the general fact stated, or facts, if there are any such.

Mr. HEYBURN. Well, perhaps my answer was not as closely confined to the inquiry submitted by the Senator from Texas as it might have been. I did comprehend the scope his question, but added a little in my answer to that scope. I did comprehend the scope of presume many Senators on this floor have information of the character suggested by the Senator from Texas. I have reasonable grounds for saying that many Senators have that class of information; but to enter into it, in discussing this great question now under consideration, in my judgment would divert somewhat the minds of Senators from that consideration, and I do not desire to do it, because it would be in the nature of recrimination. The question is too grave, too important to the section of the country which I in part represent on this floor, to take any chances whatever in dividing the minds of the Senate in weighing that question. It perhaps has not suggested itself to Senators from States in which these conditions do not exist with that gravity with which it appears to us who are interested directly. It may perhaps be impossible that Senators living in the prairie States, or far in the East, should understand this question from the standpoint of a new people in a new land, claiming the right of their heritage under their contract for statehood. You can not expect us to stand here silent while the machinery is being constructed at the expense of the Government of the United States for our destruction. Some Senators representing States in which forest reserves have been created disclaim that disastrous effect which we claim. We are here to represent the several States that Admit that. sent us; and if there is any Senator here who is in favor of the present existing system and the extension of the Forestry Service to his State, he can receive my vote and my support. only ask that the same credit and the same right be extended to those who represent the interests that I am in part, at least, representing upon this floor.

Mr. TILLMAN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from South Carolina?

Mr. HEYBURN. The Senator from South Carolina will

pardon me for a moment.

When the Senator from Nebraska [Mr. Burkett] in the Fifty-eighth Congress asked for an enlargement of the provisions of the homestead act to conform to the peculiar conditions existing in that State, and they being explained, I did not enter into a close inquiry as to whether or not the legislation was wise, but I relied upon the patriotism and the judgment of the Senator from Nebraska. Mr. TILLMAN rose.

Mr. HEYBURN. I will yield to the Senator from South Carolina in a moment. When Senators from the States on the Mississippi River asked that the Government should enter upon a great enterprise for the preservation or protection of that country, I have not inquired whether or not the conditions warranted their judgment. They are here to represent those States. I only ask that those who represent States not interested in this question shall give some credit to those who represent the States that are interested in it. I am going to ask a vote on this

amendment, and I am going to ask the Senate to vote it down, because there is no warrant or necessity or justice behind it to recommend it to your support. Now I yield to the Senator from South Carolina.

Mr. TILLMAN. I ask leave, out of order, to present an amendment to the post-office appropriation bill, and ask that it be printed and referred to the Committee on Post-Offices and Post-Roads

The VICE-PRESIDENT. Strictly speaking, it is not in order to present the amendment at this time. The Chair will recognize the Senator from South Carolina when the Senator from Idaho shall have concluded.

Mr. FULTON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.
Mr. FULTON. I ask the Senator if he would not be satisfied to let the bill proceed if the committee will accept an amendment as follows:

Provided further, That hereafter no forest reserve shall be created, nor shall any addition be made to one heretofore created, within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress.

So as to limit the creation of these reserves hereafter and additions thereto to Congressional act. Speaking for myself, I would be perfectly satisfied with that, and I think other Sena-

Mr. HEYBURN. Mr. President, the suggestion of the Senator from Oregon is almost in the exact language of a bill which I introduced, and which has been pending before the Committee on Public Lands since the first or second day of this session of Congress. While I am not criticising the Committee on Public Lands, which is a hard-working committee, for not having reported that bill, I regret that at an early period in this session of Congress that question might not have been before the Senate for deliberate consideration.

Mr. FULTON. Do I understand, then, that the Senator would be satisfied with the amendment I have suggested?

Mr. HEYBURN. I would be satisfied with the amendment for the purposes for which the amendment is offered, to stay the hand where it is, but, of course, with much more than one-third of the area of our State in forest reserve, we are not going to give up this fight so long as we have representatives in the Senate of the United States until that reserve is open down to where it should be-preserving

Mr. FULTON. Mr. President, will the Senator allow me

to interrupt him?

Mr. HEYBURN. Just a moment-preserving the forests, and not absorbing the area of the State. Of course, we are not going to give up the fight, and the Senate may rely upon it that at every session it will be required to listen to this plea of a great sovereign State of the nation. I have nothing to do with accepting amendments, but I will be glad to have the Senator's amendment adopted.

Mr. FULTON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Oregon?

Mr. HEYBURN. Yes. Mr. FULTON. If the Senator will allow me, then, I will offer the amendment.

Mr. CARTER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.
Mr. CARTER. I sympathize with the suggestion of the Senator from Idaho, and ask him if this amendment were added to that of the Senator from Oregon, if it would not meet the case he has in mind, to wit:

Nor shall the exterior boundaries of any forest reservation be here-ter maintained more than 1 mile beyond the timber line of the after maintained more forest embraced therein.

Mr. HEYBURN. I should be delighted to have the amendment accepted.

Mr. CARTER. I submit, then, Mr. President, to the Senator from Idaho that we are not contending here for a starvation policy for the forest reserves. Our contention is to have the forest reserve confined to its legitimate sphere. I do not believe that it was ever contemplated by the law that the forest reserves should be extended over vast areas of either grazing or strictly agricultural, nontimber land; and I submit to the Senator from Idaho that the question of the amount of money needed for the execution of the purposes of this forest-reserve Service within its legitimate bounds is not the question with which we are at But if these two amendments conjointly are incorporated in the bill, they will accomplish everything for which we have

been contending; and I submit that it would be well to accept them.

Mr. HEYBURN. Of course I have not the slightest objection.
Mr. PATTERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield

to the Senator from Colorado?

Mr. HEYBURN. Certainly.

Mr. CARTER. Let the two amendments be stated, Mr. Presi-Mr. PATTERSON. To which other amendment does the Sen-

ator refer? Mr. CARTER. Let them both be reported.

Mr. PATTERSON. I should like to have both amendments

The VICE-PRESIDENT. The amendments will be read by the Secretary.

Mr. HEYBURN. Read them together.

The VICE-PRESIDENT. The amendments will be read to-

The Secretary. On page 42, after line 14, it is proposed to in-

Provided further, That hereafter no forest reserve shall be created, nor shall any addition be made to one heretofore created, within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress; nor shall the exterior boundaries of any forest reservation be hereafter maintained more than 1 mile beyond the timber line of the forest embraced therein.

Mr. PATTERSON. Mr. President

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Colorado?

Mr. HEYBURN. Yes.
Mr. PATTERSON. The first part of that amendment I am heartily in favor of, for we do not want any more forest reserves in Colorado, unless Congress especially declares for them; but I want to submit to the Senator from Montana and the Senator from Oregon that the provision as to 1 mile from the timber line would hardly do the Forest Service justice. The timber line,

as a rule, is away up——
Mr. CARTER. I mean the lower line.
Mr. PATTERSON. I know. The lower rim of the timber line extends all the way from an altitude of nine to eleven or twelve thousand feet above the sea level, dependent upon the particular region of country. I can well understand that quite a great area of timber land that might not be useful for agricultural purposes might be outside of the limits that would be fixed by an area within 1 mile of the timber line. Why is it not better to adopt the amendment that I have offered, providing that the Secretary of Agriculture shall proceed to classify the lands?

Mr. FULTON. That will not interfere with the two amend-

ments just proposed.

Mr. PATTERSON. Oh, yes; it will. I would not care about classifying lands that were within a mile of the timber line, because I am satisfied that there are great quantities of land not covered with timber which, on account of the elevation, would not be fit for agricultural purposes. One mile, measured as surveys are made, would leave a great quantity of land that would be without the forest reservation, and I believe

Mr. CARTER. Mr. President, to meet that, permit me to suggest that the exception be made "above 6,000 feet in altitude." Mr. PATTERSON. Let me ask the Senator why is not the

plan I suggested better that the fixing of an arbitrary line?
Mr. HEYBURN. Mr. President, if the Senator will permit

Mr. PATTERSON. I have no pride of opinion about it what-

ever Mr. HEYBURN. If I may interrupt the Senator a mo-

Mr. PATTERSON. Certainly, Mr. HEYBURN. I think the Senator's amendment may reasonably be considered and adopted in addition to the amendment offered by the Senator from Oregon. They are not at all incon-They merely provide for a subsequent arrangement of the lands, while the amendments of the Senators from Oregon and Montana deal with the present situation.

Mr. PATTERSON. Oh, no; my amendment deals with the

present situation.

Mr. HEYBURN. Yes; but not with present action. The other amendments deal with present action. The Senator from Colorado has an amendment that deals with the future arrangement of these lands.

Mr. PATTERSON. Oh, Mr. President, the second amendment, that of the Senator from Montana, provides that hereafter there shall be no forest reserves. That refers to existing as well as to new forest reserves

Mr. CARTER. It was so intended.

Mr. PATTERSON. Within 1 mile of the timber line.

Mr. HEYBURN. Of timber; not the timber line.
Mr. PATTERSON. "The timber line," as I read it.
Mr. HEYBURN. Yes; but the word "line" is not appropriate there, and I think the Senator will strike that out. It is

the line of timber, not the timber line.

Mr. PATTERSON. I think the Senator from Montana meant just exactly what he said, because, as a rule, it is a very readily discerned line, and indicates the highest point of the mountains at which timber will grow, and you can trace it below the

Mr. HEYBURN. If the Senator will permit me, I think that is not the purpose at all. The Senator from Montana and my-self conferred in regard to the amendment. Colorado has conditions that do not exist in any other State to the same extent—that is, a timber line above which no timber grows. The amendment of the Senator from Montana did not refer to that timber line at all, but where there is an open prairie, which may be a thousand feet above sea level within the line to which the tim-It is that to which we are attempting to apply this.

Mr. PATTERSON. I think the Senator from Montana has too clear a knowledge of the timber line out in Montana and the meaning of words not to know exactly what he meant. I am not certain that I correctly interpreted the second amendment, which was the one offered by the Senator from Montana, but let me submit this: I am inclined to believe that the Senate will adopt some fair, legitimate regulation with reference to these forest reserves, and why not provide, as my amendment provides, that the Secretary of Agriculture shall proceed to classify

Mr. HEYBURN. I am in favor of that. Mr. PATTERSON. The lands in existing forest reserves into agricultural lands, forest lands, and mineral lands?

Mr. HEYBURN. And grazing lands.
Mr. PATTERSON. And exclude from forest reserves all such lands unless they should in fact be timber lands. Then let even agricultural lands and mineral lands that are in fact timber lands-and what are timber lands have been defined time and time again by the Department-be included.

It seems to me, Mr. President, that then there is no arbitrary line. The Department would deal generously with its idea of forest reserves; but if it were required to classify, dealing generously with the forest-reserve areas, it would take from without the operation of these forest reserves millions of first-class agricultural lands that are only waiting the reaching of them by the western and rising tide of immigration and the opening up of agriculture. I do hope that that proposition will be accepted, instead of the one drawing the arbitrary line, which is aimed to be drawn somewhere in the amendment offered by the Senator from Montana.

Mr. CARTER. Mr. President—
Mr. PATTERSON. I want to get together with my colleagues, and I will get together with them upon any proposition that will take from without the limits of these forest reserves agricultural land and lands that have no right to be there; but I want to do it in such a way as will not impinge upon the legitimate forest and legitimate forest land, and you are bound to do that if you fix an arbitrary line.

Mr. TILLMAN. Mr. President-Mr. PATTERSON. But if you turn the matter over to the Agricultural Department, it will give to us what we want—the agricultural lands.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from South Carolina?

Mr. HEYBURN. I have yielded to the Senator from Colorado [Mr. Patterson], and I do not want to yield to the Senator from South Carolina [Mr. TILLMAN] if it will take the Senator from Colorado off the floor.

Mr. TILLMAN. I want to ask the Senator from Colorado a question.

Mr. HEYBURN. I yield then, certainly.
Mr. TILLMAN. Mr. President, Senators from the West are discussing this very important matter, which, of course, we all recognize is a vital one to them, about areas within forest reserves that are agricultural, that are bare of timber. It appears to me that there can be no excuse for withholding those lands from settlement unless they are capable of being forested. If the natural conditions in that region have prevented trees from growing on those lands in the past and the present system of pasturage is continued, is there any possibility of those open spaces ever having any trees on them?

Mr. HEYBURN. Mr. President, we do not want all of the State covered with trees; we want some land open for farming and grazing.

Mr. TILLMAN. I know; but I am speaking of forest reser-

at all, where there is a whole lot of land capable of irrigation and farming and pasturage, but which are called "forest re-

serves," when they are no more forests than is this floor.

Mr. HEYBURN. I will answer that. There is very little land in the State of Idaho, for instance, which would not grow

trees or anything else.

With water. Let my friend recognize that Mr. TILLMAN.

they must have water.

Mr. HEYBURN. We are not short of water, as are some of the States. We are not short of water in Idaho. The idea that it is an arid desert is a voluntary statement which has not any foundation. Of course we can raise trees, but we can also raise corn and potatoes and apples and wheat and oats and everything else in my State. But we do not want all the land covered with trees. We have enough trees in Idaho.

If the Senator from Idaho will permit me, Mr. TILLMAN. he misunderstood my idea. I am trying to help him to get

what he seems to want.

Mr. HEYBURN. I realize that. Mr. TILLMAN. I may not know what he is after. But it appears to me that he is trying to get an opportunity to plow some of this land that is now in forest reserves, and he wants to farm it and grow something besides trees.

Mr. HEYBURN. Yes; I want to grow men and women and children on it.

Mr. TILLMAN. You must have something to feed them with. They can not feed on grass.

Mr. HEYBURN. They will feed themselves if given the opportunity

Mr. PATTERSON. I desire to say a word in reply to the Senator from South Carolina.

The VICE-PRESIDENT. Does the Senator from Idaho yield

to the Senator from Colorado?

Mr. HEYBURN. Certainly. Mr. PATTERSON. Mr. President, the fact is there is very little or no grazing land in the forests of the mountains. forests of Montana and Colorado, and I suppose of Idaho, are pine and spruce. From the very nature of the trees, when they shed their needles they form a solid, compact mass until they are rotted upon the surface of the ground.

Mr. HEYBURN. Will the Senator from Colorado permit me

here?

Mr. PATTERSON. Yes.

Mr. HEYBURN. Conditions differ. The Senator, of course, is thoroughly familiar with the conditions in Colorado and other States, but in Idaho I can look out of my office window in the city of Wallace and see thousands upon thousands of acres of forest land, now within a forest reserve, upon which the white clover grows knee deep and timothy is a native grass, and the timothy grass grows upon the forest reserves there as high as your shoulders, and it has grown there, so far as we know, for all time.

Mr. PATTERSON. I suppose as a matter of course in different localities conditions are different, but so far as timber reserves in our State are concerned, in which 12,000,000 acres have been set apart, or one-fifth of the entire State, the cattle or stock men would not want the timber land for grazing purposes, for the reason I have mentioned, and the very fact that they seek to use what are called "forest reserves" shows conclusively that but a small percentage of the land is in fact forest land.

Wherever there are farming lands we do not want them transformed into forest lands. Where they are not forest lands now by nature, so far as their conditions exhibit, we do not want them transformed into forest lands. We want them opened up and maintained as agricultural lands, and we do not want them dedicated for all future time to cattle and sheep and horses, but to men and women and their families.

Mr. President, if the present forests are preserved, you have more forest lands than you will find on the continent of Europe. Talk about the forests of Germany and the forests of France and the forests of Switzerland, if the forests of nature in the Western or mountain States are maintained as they are now, you have more forests within the limits of the United States than you will find on the continent of Europe, outside, possibly, of Russia. Then why do we want to hold in expectation the enforesting of large areas of agricultural land when the people of the country and the world are hungry for land?

Mr. SPOONER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. Yes.

Mr. SPOONER. As I understand the existing law, agricultural lands within the limits of a forest reserve are open to vations that are now established in which there are no forests settlement. For purposes of settlement the existing law takes

them out from the reservation. What does the Senator from Colorado propose—to go beyond existing law and wherever there is agricultural land within a forest reserve to abolish the

Mr. PATTERSON. No. We propose—
Mr. SPOONER. If that be so, that means the destruction of

the forest reserves utterly.

Mr. PATTERSON. Not at all. We propose to exclude as far as possible agricultural lands from forest reserves, so that they shall not be incorporated within forest reserves. The sugthey shall not be incorporated within forest reserves. gestion made by the Senator from Wisconsin has been thrashed over many a time during this debate, and those of us from the timber States are in perfect accord upon the subject. Although under the law agricultural lands within forest reserves may be entered as homesteads, the people might as well be excluded from the privilege, for the settler seeking a home will not enter within the area of a forest reserve which has previously practically been leased to cattle and stock men, because in doing so he enters into a hostile atmosphere, and life may be made entirely too uncomfortable for him to undertake to build up a

home under such conditions.

Mr. HEYBURN. Now, if the Senator from Colorado—
Mr. PATTERSON. Just one moment, and then I will be through.

Mr. HEYBURN. Certainly.

Mr. PATTERSON. It is not a question of argument. It is a question of experience. We know by experience that home seekers will not go within forest reserves, and, as explained by the Senator from Idaho, the process of taking up a homestead within a forest reserve is so burdensome and costly and troublesome that a man must be a quasi millionaire to successfully take one up. They have in all these forest reserves the forest rangers, whose chief duty seems to be to gather data for the purpose of defeating every effort to take up a homestead within a reserve, to show to the officials that the land had better remain forest land than to be used as agricultural land. seem, Mr. President, as though it was in the nature of a conspiracy to stop the settlement of the mountain States. The machinery is so ingenious and so persistently applied that it is practically driving settlement from within the limits of forest

I should like the most effective method adopted to give to the public, to the home seeker, those who are hungry for land to make homes upon, the right and privilege of taking up homes

under the land laws of the country.

Mr. HEYBURN. Mr. President, if the Senate will accept the amendment offered by the Senator from Oregon, I will, while I do not acquiesce, make no further objection to the amendment proposed by the chairman of the committee in charge of the bill. There are other amendments here, but desire to deal with them one at a time. I am in favor of all three. I am in favor of the amendment of the Senator from Colorado, the Senator from Oregon, and the Senator from Montana, but I commence first with the amendment of the Senator from Oregon because it stays the creation of forest reserves, and that is the first step to be taken. If the Senate accepts that amendment, then I will withdraw, not my opposition, but I will withdraw from pressing my opposition to this appropriation.

Mr. CARTER. Let the amendment be stated.

Mr. SPOONER. A few words, Mr. President. Listening to the Senator from Colorado [Mr. Patterson] and weighing his language, which clearly indicates his purpose—there is nothing of concealment in the Senator's words—it is a subtle purpose to destroy the forest reservations, in my opinion. I am not in the slightest surprised that the Senator from Idaho [Mr. Hey-BURN] with enthusiasm and alacrity indicates his willingness to accept such an amendment. Let us look at it for a moment and only a moment. There are scattered throughout these forest reserves, as I understand, lands which may be utilized for agricultural purposes; valleys; doubtless land which is covered with timber, which if the timber were removed would be susceptible of cultivation. The law to-day provides that wherever land more valuable for agriculture than for the forests upon them are found within any of the reservations they shall be open to settlement. The Senator from Idaho shakes his head.

Mr. HEYBURN. They are not.
Mr. SPOONER. The Senator may be and doubtless is better able to read and understand the statute than I am, but as I read it, with the exception of some tracts of land in California and perhaps in one or two other places about which I do not remember, that is the statutory rule.

Mr. HEYBURN. Not the rules and regulations.

Mr. SPOONER. It is the law, and no regulation which vio-

lates the law can stand, because the authority to make regula-tions does not involve the power to make regulations to destroy the law, but it is given for the purpose of enabling the carrying into operation of the law. These regulations can be changed. I am talking about the law. I can very well understand that one man will not take his family into such a region and setfle under circumstances which preclude his having neighbors, but there are tracts of land there which would accommodate a village of people.

Now, this proposition is wherever there is agricultural land in these reservations to take them out of the reservation, not as the statute takes them out, but to take out the reserva-

Mr. CARTER. What amendment is the Senator referring to? Mr. SPOONER. I am talking about the proposition of the Senator from Colorado.

Mr. CARTER. The amendment pending, I understand, is that of the Senator from Oregon.

Mr. SPOONER. As amended by the Senator—
Mr. CARTER. No; the amendments are pending separately.
Mr. SPOONER. They are coming in in installments—
Mr. CARTER. The desire is to dispose of them separately.

Mr. SPOONER. And in file, and if it is not objectionable-I will not take more than a moment—I will finish what I wish

The only way to take them out of the reservation is to take

out the reservation. That is the object.

Mr. CARTER. Oh, Mr. President, if the Senator desires to engage in a controversy on that subject-

Mr. SPOONER. I am not discussing that. I am discussing-

Mr. CARTER. There is very much to be said about it, Mr. SPOONER. I am discussing the proposition of the Sen-

ator from Colorado.

Mr. CARTER. But, if the Senator will permit an interruption, his declaration assumes that the people in the midst of whose country these reservations have been created are antagonistic to the reservation policy. Permit me to remind the Senator that this reservation policy was originated and crystallized into law at the behest of the very persons whose motive he is now bringing into question. The Senator from South Dakota was the author of the provision in 1891, and Senators from the West—and I happened to be one of them—cooperating with one of the best Secretaries of the Interior this country has ever known, Mr. Bliss, of New York, put into shape the reservation law of 1897.

We know what the interests of that country are, and we are devoted to those interests. We stand second to none nor do we yield place to the Senator from Wisconsin in comprehension of our interests or in devotion thereto. We want these forest reservations continued, but we are unalterably opposed to a policy of unlimited extension which will ultimately break down the Where vast areas of agricultural land and grazing policy. land, utterly treeless, are embraced within reservations in con-travention of the law and the purpose of Congress, that course of action resulting in a speculative scheme of leasing, will ultimately bring the whole principle and policy into disrepute and cause it to break down.

The Senator suggests that we have a subtle purpose in trimming these reservations down to the legitimate sphere in which the law contemplated they should be placed, and that subtle purpose is to abandon the policy altogether. The assumption is wholly unwarranted, either judging by the present temper of the people or the genesis of the legislation on which the proposition is based.

Mr. SPOONER. The Senate ought to be indebted to me for evoking the very lofty and elevating considerations submitted by the Senator from Montana. He set up a man of straw for the purpose of knocking him down. I have impugned no Sena-I have not dealt with the matter of motive-

Mr. CARTER. Mr. President—
Mr. SPOONER. If the Senator will permit me—
Mr. CARTER. I understood the Senator to say the ultimate purpose was to destroy the reservations.

Mr. SPOONER. I spoke of the proposition made and ably supported here, so far as eloquence and argument can support it, that wherever agricultural land is found in any of these reservations it must be taken out of the reservation

Mr. CARTER. It should be taken out.

Mr. SPOONER. Which is not possible without abandoning pro tanto the reservation. The proposition of which the Senator from Montana speaks, that where there has been a belt, if you please, of agricultural land included out on the edge of a reservation, it ought to be thrown open to agriculture, is a different proposition.

Mr. PATTERSON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. I will be through in a moment, unless the Senator wishes to interrupt me right here.

Mr. PATTERSON. I desire to say something about the suggestion you made about my motive and purpose.

Mr. SPOONER. I do not charge any motive to the Senator. Mr. PATTERSON. The Senator came pretty close to it.

Although the Senator was quite open in ex-Mr. SPOONER. pressing his opposition-

Mr. PATTERSON. You do me an injustice Mr. SPOONER. I do not want to do that. You do me an injustice

Mr. PATTERSON. When you say my proposition is a subtle plan to destroy the forest reservation. That is pretty near to charging a motive

Mr. SPOONER. I did not intend to impugn any improper

motive to the Senator.

Mr. PATTERSON. I do not take offense at it, but I want to make a statement in that connection. Then I will give way to

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Certainly.

Mr. PATTERSON. Mr. President, the Senator from Wisconsin utterly mistakes my attitude and the attitude of the people of my State upon the question of forest reserves. I want to say to him that I am heartily in favor of forest reserves, and if there were a proposition to abolish absolutely those which have been made, as far as I am able I would be in the front rank to oppose their abolition, for I want to tell you that we in the mountains realize far more keenly than you gentlemen of the plains the benefit to us of forest reserves in the way of restraining the melting snows in the spring and early summer.

We are at the source of the water supply of nearly all of our great streams, in whatever direction they flow and to whatever ocean, and as a rule our waters flow through our State with tremendous speed and velocity and power. Now and then, when the snows melt under a suddenly heated atmosphere, we have great calamities in the mountains by reason of the unusual and unrestrained volume of water. Therefore we want the forest reserves held intact. We desire to cherish them, to help to maintain them, to support them, to regulate them, and to do whatever is necessary to preserve them from fire and to extin-

guish fires when they occur.

Let me suggest another thought with which those who do not live in the mountains, perhaps, are not familiar, and that is that we do not have homesteads made by clearing forests. In my thirty-odd years' experience in Colorado—and I have trav-eled from one end of the State to the other, in all forms of conveyances and upon all sorts of animals-I want to say to the Senator from Wisconsin I have not known of a single farm or homestead made by clearing the land of timber. The general rule is that our timber lands are not good agricultural lands, and therefore we do not desire to denude the lands of timber for the purpose of opening them up to settlement, for we have had no settlements upon such lands and no desire to make settlements on timber lands. As a rule spruce and pine timber lands do not make good agricultural land, especially in the mountain section of the country.

Then, what motive can we have? Certainly those of us who live there do not wish to see the timber of the country go into the hands of great speculators. We want so much timber as may be needed for domestic uses or even for outside commerce cut and disposed of under wise rules and regulations, and we want the Government to get the benefit of the value of every stick of timber that is cut from the public domain. That is the attitude of the Senators and Representatives from the mountain

States upon the subject of forest reserves.

And why should we have a subtle or any other plan to de-stroy forest reserves when forest reserves were first championed by western Senators, and when those of us who are making this struggle upon the floor of the Senate to-day are the real friends of forest reserves and may be required to interpose our influence to preserve them, if this method of their administration is continued? It is a serious matter, Mr. President, to take from a great State two-thirds or a fourth or a fifth of its agricultural area and turn it over to live stock and to silence when men and women and children are hungry for land; and the desire for land ownership is the dominating desire of the real patriotic American citizen. We do not want this system to break down. So indignant are the people of the western portion of the State I represent about the administra-tion of forest reserves that they are to-day in a state of rebellion, and meeting after meeting has been called where reso-

lutions have been passed resolving to interpose all obstacles to the continuation of such an administration and refusing to pay the license fees demanded of them before they can put a head of stock of any kind within a forest reserve.

The truth of it is that within forest reserves in my State there are millions upon millions of acres which are not forest lands at all, but they are agricultural and grazing lands, which are taken from the portion that is open to the people of the country for settlement, and we shut them up to meet the hobby of the gentleman who is at the head of this Bureau. Like the Senator from Idaho, whoever represents Colorado and whoever continues to represent the mountain States and the States affected by this new-fangled system of taking care of the public lands within them will fight, and they must fight all such institutions as this. If they do not they will be rejected by their constituencies, for to hold an office of this kind from the

West a man must represent the sentiment of his people.

Mr. SPOONER, Mr. President, I do not yield my assent to the proposition made by the Senators from the Western States that they are the only members of this body who have to do with this question, or the imputation, if I may call it such, or criticism, which is suggested as to those of us who do not live in the far West, for having the temerity to entertain or to express views upon this subject. We are all Senators of the United States. The Senator from Idaho is a Senator from Idaho, but he is not a Senator of Idaho. He is a Senator of the United States from Idaho. I am a Senator of the United States from Idaho. I am a Senator of the United States from a State. My first duty, and the first duty of every Senator, as I understand it, is to represent the general public interest, and subordinate to the general public interest the local interest of his State. The Senator from a State in which there happens to be fifteen, twenty, twenty-five, or fifty million acres of Government land can not ask that he and his colleague shall be permitted to say, all others by courtesy following them, what disposition shall be made of that property belonging to the Government within his State.

This is property of the United States, 127,000,000 acres, in forest reserves; and it is not only the right, but it is the duty of every Senator of the United States to give the matter thought, and to determine, if it be possible to do it, upon that line of policy with reference to its disposition which will best conserve the general public interest of the United States and the interest as well as of the State in which that land happens to be located.

I do not live in a mountainous State, but I live in a State the northern portion of which was covered within my memory with magnificent forests. It is gone and within a very few years vast quantities have been wasted, affecting detrimentally the water supply and affecting in economic ways injuriously the people of that State. Taking account of my observation in a lumber region in which I live, reasoning from the past to the future, knowing or having reason to believe that, if unrestricted, what happened in Wisconsin forests will happen in Idaho, and will happen in other States having virgin forests of timber, I believe with all my heart that in the interest of those States on general principles, as well as in the interest of all the people, it is important that the forest reservation policy be not essentially crippled.

If land in large bodies has been included within forest reservations that ought to be without them, that is one thing. I would not ask nor would I vote to exclude because of a forest reservation settlers from occupying the land in any State of the West; and if lands ought to be taken out of the reservation, if the lines of the reservation should be changed in order to throw open to homestead, to settlement, to occupation, and cultivation lands in Idaho or anywhere else I would not for one moment But, Mr. President, to take valleys within a reservaoppose it. tion, not along its border, but in its heart or near it, fit for agriculture, out of the reservation would be to destroy the reserva-To my mind it is impossible to go further than the law now goes in the direction of throwing open such land within the reservation to settlement without destroying the reservation.

I am in favor of the Appalachian reservation when the facts in regard to it can be ascertained. I believe it will be a wonderful boon to the South and as well of vast advantage in many ways to some of the Northern States, and a matter of great wealth in the long run to the country at large. I am in favor of the policy. If lands are devoted under improper regulations to sheep raising or grazing, let those regulations be changed. No one can object to that change. If it be improper from a governmental standpoint to charge stock owners and owners for grazing privileges on the Government lands let that practice be abolished. That and all of these matters might very well be urged by way of amendment to the forest reservation act instead of being projected or attempted to be projected into this bill, the object of which is to maintain and support the general policy. There is not an item of either of these amendments proposed to be offered to this bill which is in order. They all propose to change the existing law and they are gen-

I hope when my friend from Idaho reads some of his observations uttered this morning he will feel, as I feel, that he allowed himself to indulge in suggestions, as to some of those who support this general proposition and have advocated a larger appropriation, far away from any foundation in justice. I would not be willing that the Senator from Idaho should consciously and deliberately impute to me or to my action upon a public measure here personal friendship for an official or social fondness for an official. Senators who deal with the public interest, under oath, can not be supposed to do that. I have met but few times the Chief Forester. What I have said of him is of his ability and knowledge of the subject as it impresses me. Except for my belief in the policy and my belief in the present administration, subject, perhaps, to some remodeling in matters complained of which can be easily disposed of, I would not support this nor any other bill or appropriation on personal ground, nor do I know any Senator here who would. That is all I want to say, Mr. President.

Mr. CLARK of Montana addressed the Senate. After having spoken for a few minutes,

The VICE-PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The Secretary. A bill (H. R. 13566) to amend sections 6 and

12 of the currency act, approved March 14, 1900.

Mr. ALDRICH. I ask that the unfinished business be laid aside temporarily to allow the Senator from Montana to complete his remarks.

Mr. CLARK of Montana. I thank the Senator.
The VICE-PRESIDENT. The Senator from Rhode Island asks that the unfinished business be temporarily laid aside in order that the Senator from Montana may conclude his re-marks. Without objection, it is so ordered. The Senator from Montana will proceed.

Mr. CLARK of Montana. Mr. President, I will ask the indulgence of the members of the Senate for a short time only to make some observations upon this question, which is one of such far-reaching results and such great importance to the western

country, and, indeed, to the entire country.

In reply to what the distinguished Senator from Wisconsin [Mr. Spooner] has said with regard to the rights of the Government in the disposition of the public domain, we all acknowledge that, but we claim that the hundreds of thousands of men and women who have gone to the western country, braved the perils, and endured the hardships of frontier life are also entitled to some consideration. It is those people who have given to the forests of the western country any value they possess. and you will find, Mr. President, that there are no more loyal or patriotic people than those who have developed and occupied that great country of the West, and none more proud of their citizenship or mindful of its great responsibilities.

Mr. President, the Senator from Idaho [Mr. Heyburn] yesterday, in his very able argument upon this question, in my opinion, touched the keynote for the best solution of the question which we are now discussing when he suggested that the public lands of the United States should be ceded to the respective States in which they are located. I had the honor to introduce a bill during the present session of Congress covering that proposition, but of course it is now too late to have it fully considered. However, I am impressed with the fact that the discussions which have obtained upon this floor demonstrate conclusively

the importance of such a measure.

It has been shown that what may be entirely satisfactory, we shall say, to the people of California is not applicable or satisfactory to the State of Idaho or the State of Montana, and even in these two States, lying side by side, the conditions are very different. As the Senator from Idaho said, that State has its high and imperishable glaciers, which are sources of everlasting streams of water, whereas in Montana the situation is different and the country is on a relatively lower plane, and we will have to conserve the water there in order to get the best use of it. Each State and Territory knows better than the Government the conditions existing within its borders, and is more capable than the Government to make a proper and satisfactory disposition of the public lands.

Mr. President, I wish to say that the sentiment of the people of Montana-and I want to have it understood that whatever I may submit on this question refers more particularly to the people and the conditions existing in that State—is, with the exception, perhaps, of some large landed interests that have been affected by the order of the President with regard to

fencing, a unit in opposition to the proposition of leasing the public domain for grazing purposes. Every organized live-stock association in that State condemns it.

It is true the amendment covering this question went out yesterday on a point of order, and very justly so, because there is no one, I believe, who could conscientiously support it. But, Mr. President, you will find that same proposition is not dead. It will be found bobbing up next year and probably the year following, as its promoters seem determined to fasten that unjust measure upon the country. Should it come up again, it should not be tacked onto an appropriation bill during the last days of the session, but should be presented in a well-considered bill with all of the main provisions set out clearly, to be passed upon by Congress, and no measure involving the employment of an army of men and the expenditure of millions of dollars should be allowed to pass that would be operated under such rules and regulations as may be prescribed by a Secretary of one of the Departments absolutely unrestricted. people of the West are tired of this long-range government of its most important interests. Its evil results were clearly observed by the special committee on Indian affairs which visited the Indian Territory in November to inquire into the affairs of the Five Civilized Tribes, and I regret very much that the report of that committee has not yet been published.

Mr. President, we are not opposed to forest reserves in the western country, but we are opposed to the rapid extension of the system which is now in vogue. I am opposed to the amendment offered by the Senator from Vermont [Mr. Proctor], which proposes to increase the appropriation for the purposes of forest-reserve development. Senators refer to various expenditures in justification of the large appropriation which has been asked for, and among them it was stated that telephone systems would have to be established in order to properly carry

out the purposes of the Chief Forester.
Mr. PROCTOR. Mr. President—

The VICE-PRESIDENT. Does tyield to the Senator from Vermont? Does the Senator from Montana

Mr. CLARK of Montana. Certainly.

Mr. PROCTOR. If the Senator will allow me, I wish to correct him. The amendment proposing improvement in the forest reserves was disagreed to. The pending amendment is for the ordinary running expenses and care, not for the general improvement of the forest reserves.

Mr. CLARK of Montana. I understand.

Mr. PROCTOR. It does not cover telephones. Mr. CLARK of Montana. I thank the Senator for that explanation. At the same time I understand, Mr. President, it will be largely in the discretion of the Chief Forester and his corps of assistants to do with this money whatever they may see fit, and it has been contended here that the establishment of telephones is one of the things necessary to be done. President, I should like to know how it is proposed to establish and maintain a system of telephones in a forest reserve. all know that it costs considerable money-\$200 or \$250 per mile-to erect a proper telephone line, and we likewise know that a telephone system erected wherever there is a large amount of timber is constantly out of repair, because of falling It would require an enormous sum of money; first, to erect telephone systems that would be of any utility over such large areas of land, amounting now, I believe, to 127,000,000 acres, and their maintenance would be so great a charge as to make the expenditure enormous.

It is also proposed to construct roads through the mountains in order to carry out the plan for the administration of forest reserves. Mr. President, it would be absolutely impracticable to build a system of wagon roads throughout that vast region of country. It would cost millions of dollars to build them in the first place, and hundreds of thousands of dollars besides, annu-

ally, to maintain them.

The Government undertook a scheme of road building in the Rocky Mountains as far back as 1859, under the supervision of Lieutenant Mullen, of the United States Army, who is now a resident of this city. A plan was proposed, and the bill passed Congress, for the building of a wagon road for military purposes from the headwaters of the Missouri River, at Fort Benton, now in Montana, to Walla Walla, now in Washington. About \$250,000, I believe, was expended in the building of the road. The most difficult part of construction was through the Coeur d'Alene Mountains, in the now western part of Montana and Idaho, extending a distance of perhaps something like 125 miles. After the road was completed, it was found that every storm that came blew trees across it, and they came to Congress asking for appropriations of \$20,000 or \$25,000 per year to maintain the road. I believe Congress granted one appropriation, and afterwards the road was abandoned. A few years later I crossed the Mullen Pass, and the road was scarcely available for parties on horseback.

The question of protection against fire in the forests has been widely discussed and reference has been made to a proper system of control. I would like to know from some of the gentlemen who claim to be familiar with conditions in the Rocky Mountains, although some of them may have only passed through in Pullman cars, how it is proposed to patrol forest reserves, say, in the State of Montana, where there have been about 17,000,000 acres withdrawn? Allowing 25,000 acres for each patrolman-and I believe that would be much more than he could properly attend to-it would take about 1,000 patrolmen in order to look after or exercise any control of the fires that might occur in that State, and then only would they be able to accomplish anything during the incipiency of the fire. that occur in forest regions arise, as a rule, from camp fires. Nobody purposely sets fire to the forest. Long before a white man set his foot in that country, as is known by the scarred mountains that were burned over, forest fires occurred. still occur and will continue to occur as long as the forests last. Something may be done in the way of preventing them, but, as I said, it would take an army of men to follow around all through those great forests, watch hunters and prospectors and camp fires, and to see that the fires were extinguished. When a fire once gets started, trees having foliage of a resinous nature are so inflammable that the flames leap from tree to tree and go on burning, and it would be impossible for anybody or any number of foresters, if there were thousands of them there, to ever stop one of those fires. They go on burning and sweeping over vast areas of country until the rains of heaven come at last and put them out. It was said yesterday that there are no longer any forest fires in the western country; that the skies of heaven were no longer obscured by smoke arising from them. Mr. President, I have lived in the West for a great many years and I am positive that last year and the year before there were forest fires raging in many places in that country, notwithstanding the heroic efforts of the forest rangers and of the employees of the great timber and lumber interests operating there. was impossible to prevent them.

Now, with regard to the question of forest reserves. All of us who have lived in that country since the early days realized that as the settlement of the country was extended in the building of towns and opening up of the great mining districts there would necessarily be large amounts of timber cut down. We likewise realized that on what we term "watersheds," where the snows fall deep in the winter, it was necessary to preserve the forest trees to prevent the snow from melting and going out in torrential floods when the warm weather and the rain should come. I say, we realized that these water sources should be protected, and the first efforts and suggestions that were made toward the introduction and passage of a bill to provide for it came from the people of the mining regions. We were all glad to have that bill passed in 1891. It has subserved a great purpose, and, under proper direction and restrictions, it will continue to subserve a great purpose.

The Forestry Department should be charged with the duty of clearing up or burning or otherwise destroying the tops of trees where they have been cut down and where the trunks have been taken away. They should also have supervision of the cutting of trees of certain sizes, and to limit the cutting to such sizes as would be useful and let those remain which are under certain dimensions and which would eventually grow up to larger trees. Many of these provisions are perfectly proper, and the Forestry Department should be charged to do the things therein provided in the interest of the Government and in the interest of all the people. They will find no one to interpose objections to them; but they will find the best and most zealous kind of cooperation of every farmer, miner, and of every citizen of that country.

But, Mr. President, they are carrying this matter too far. I would not say a word derogatory to the Chief of the Forestry Division. He is a man of learning and experience, and has been brought up as a forester. He understands the business thoroughly. He is entirely enthusiastic about the work; but I think he should be confined to certain restrictions, and not be allowed to have too much scope and means with which, in the operation of the forestry system and of this proposed grazing proposition, to build up a system of landlordism and tenantry in the Rocky Mountains, as this would be obnoxious to all of those people.

Mr. President, the question of homesteads within the forest reserves has been spoken of, and it has been contended by the Senator from Wisconsin [Mr. Sponen] that the law—and it is a law and not a regulation—should amply protect those who enter into a forest reservation to make homesteads. My col-

league [Mr. Carter], always alert and alive to the interests of the western country, and particularly to those of his own State, secured the passage of a bill at the last session allowing homesteads within forest reserves to be patented. But, Mr. President, as has been truthfully stated by the Senator from Colorado [Mr. Patterson], there is not, in my judgment, and certainly not to my knowledge, a single homesteader or home seeker who will go inside of a forest reserve and make a location. If he were to do so, he would be surrounded by land that is under the supervision and jurisdiction of the forest ranger, and if any of his cattle or horses should happen to stray out of his inclosure onto the adjacent public land, he at once would get into trouble with the forest ranger. He will not take that chance. Besides this, the isolation of his farm, contested use of the roads, and other objectionable features will operate against such settlements.

I am satisfied that we ought to do something in the interests of the home seeker. This is the class of people we want to encourage. These great withdrawals of the public lands of the West are shutting out the home seekers, the men who would go there to make homes and become useful citizens. The enforcement of this policy is driving thousands of settlers to Canada, where greater advantages are presented to them than they can obtain in our country under existing conditions. Now, it is proposed to repeal the timber and stone act, when the dominion of the forester will be complete, and the poor farmer will have no chance to find a home.

There was exhibited yesterday by the Senator from Indiana [Mr. Beveringe] a map showing the withdrawals of forest reserves by the President, and if it did not escape the attention of the Senators, they have seen that a large part of the western portion of the State in which I live was marked in green. I desire to say, Mr. President, that there are large areas of land withdrawn there which is not timber land at all. It would be impossible to make a reservation of several hundred thousand or a million or more acres of land in one district without including a large amount of land that is agricultural, and in many instances the timber lands, so called, are very sparsely timbered, with here and there a tree that might well serve as an ornament to the farm of the homesteader or as a shade tree in summer time if he would go in there and take a farm. I said, the withdrawals of these great areas of land include large sections in the small valleys and plateaus amongst the mountains of purely agricultural land. With the suggestion of the Senator from Colorado [Mr. Patterson] that these lands should be classified, I entirely agree, save that I would except the mineral lands from such classification. the privilege of going anywhere on these reserves to prospect for minerals, but if he should find them, he will have to submit to a great amount of red tape in order to get a title thereto.

Mr. President, I do not desire to take up the time of the Senate with a long discussion of these propositions, but I want simply to present in behalf of the people of the State in which I live and which I in part represent a protest against the enact-ment of legislation that would authorize the leasing out of the public lands which have been free to the settlers of the country from the time of the first settlement at Jamestown and since the landing of the pilgrims in Massachusetts. All through the New England, Middle, and Southern States they have enjoyed the privilege of feeding their animals upon the public lands and of cutting down such timber as they needed in the development of their farms and the building up of their towns, and when the tide of emigration flowed out beyond the Allegheny Mountains into western Pennsylvania, into Ohio and over into Indiana and Illinois, and across the Mississippi River into Iowa and Missouri, and out over the plains to the Rocky Mountains, whither the tide was led after the discovery of gold, the pioneer and the settler have never been denied this privilege. In my opinion, it a proper inducement and encouragement to the settler to allow him the privilege, and why at this late day should we come in and deny it to those living in the far West, where more than anywhere else it is appreciated and enjoyed and is essential for the opening up and building up of the country

Mr. President, in the State of Montana the day of the cattle baron is fast passing away. Owing to the inclemency of the winters, there are very few cattlemen or sheepmen who will allow their stock to take chances for subsistence upon the range. It has resulted in large losses to the owners of herds, and now necessarily people largely engaged in that business are obliged to cultivate farms and produce the necessary feed for their stock, and we have now reached the period where we shall get the small farmer, who is a more valuable factor to the country than the man of large means who owns immense flocks or bands of cattle. It has come to this: That the people and not the cattle barons are settling up the country and establishing

homes on small farms, and it is essential to them that they have the privilege of the land adjacent to their holdings upon which

to graze their stock

If the system of leasing or the permit system, either one of which is obnoxious to our people, is to prevail in that country, you would not get a homesteader to go on a piece of agricultural land inside of a forest reservation or a large leased tract to take up and improve a home. The reason of it is, as I said before, that he is surrounded by a large area of land with-drawn as a reserve or leased to some one perhaps with large flocks or herds of sheep or cattle. He would be obliged to make an inclosure of the part that would be allotted to him, and whenever any of his animals went outside they would mingle with those of the larger owner, whose premises surrounded him, and perhaps be lost entirely, or at least until rounding-up time, when, as a rule, cattle belonging to different people are separated at the destination of shipment to market, where they are identified by their respective brands and sold without the knowledge of the owner and the proceeds probably sent to him. The whole system is vicious in its character and will be absolutely unsatisfactory.

Mr. President, the Senator from Wisconsin [Mr. Spooner] in a very eloquent speech deplored the fact that the forest lands of Michigan-and I suppose those of his own State likewise, although I do not think he mentioned them-have been largely

We all deplore the denudation of the forest lands. In Montana we do not like to see the forest disappearing, although there they have simply cut a little ways into the edges of them. am not one of those alarmists who believe what has been said about the total annihilation of the forests of the country and the total exhaustion of the coal deposits in the country within a short period of time. We deplore the destruction of the forests, but we consider that we get more than value received in what we take from them. Is it to be held that a forest is something sacred, never to be disturbed? I know that it is a beautiful thing to look out upon a great forest. There is something inspiring about it. As the poet said, "There is pleasure in the pathless wood." It awakens our highest sense of ideality when we look upon a great and noble forest. It is said that the groves were God's first temples, but this, Mr. President, was away in the misty ages of the past, when the Druids met in the forests to render their homage to their gods.

That was a period in the history of the human family when the people were nomads and did not cultivate the soil to obtain a livelihood. When civilization sprang up and spread out over the world men began to cut down the forests, to utilize them in providing shelter for themselves, in building homes and cities, in building ships, and for the general uses of an industrial people. So it is in Wisconsin and Michigan and elsewhere. The forests are gone, but they have instead magnificent cities all over those The timber was taken and utilized as fuel, in the construction of railways and construction of vessels that ply on every lake and stream, in the building up of those great cities, and in subserving the requirements and needs of a pro-gressive and civilized people. They have the land left, and, as has been said here, land is sometimes more desirable and valuable than timber. They have the land left, and by a proper system of reforesting, if they do not wish to establish agriculture, they can allow the trees to grow, as they are doing in many instances, and in twenty-five or thirty years the forests will be restored.

All the loss that is occurring throughout the United States—what is called the "destruction of timber," which, I say, is rendered necessary for the wants of civilization and its various necessary industries—is more than compensated by the growth The greatest destruction comes from the extensive of timber. fires that have been referred to, and if, as has been con-tended by the Senator from Indiana [Mr. Beveridge], the For-estry Bureau has been so successful as to quench all the fires in the western country, then, I say, we can not be too liberal or magnanimous in our appropriation. We could afford to give \$100,000,000 a year, if they could accomplish so much, if it were necessary to do so, but that contention is purely imaginary.

Mr. President, forests have been cut out only as demanded for beneficial use in the interests of industrial progress. We are building for the future as well as for the present. ing the great structure of empire on this Western Hemisphere we are obliged to avail ourselves of all the resources at our command. The requirements of this great utilitarian age demand it. Those who succeed us can well take care of themselves. As a nation we have advanced further than any other nation in the world, and we are going to keep the lead.

Mr. President, in the light of the development that has taken place in the last quarter of a century in the way of control and

application of electricity, I believe that although the forests may disappear and the coal deposits may become exhausted during the coming century, the genius of man will provide methods for developing economically both heat, light, and power through the medium of electricity that will supply all the needs and requirements of the coming generations.

Mr. PROCTOR. Mr. President, unless the opponents of the pending amendment are ready for an immediate vote, I ask that the bill go over until Monday. I understand that they are

not ready.

Mr. ALDRICH. Mr. President, I ask that the unfinished business may be laid before the Senate.

Mr. PATTERSON. If the Chair will listen to me for a moment, I wish to say that, in the interest of harmonizing whatever differences may have been developed between the Senators from the forest-reserve regions, I have decided to withdraw the amendment I have offered, and will give my very hearty support to the amendments proposed by the Senator from Oregon and the Senator from Montana.

The VICE-PRESIDENT. The amendment of the Senator from Colorado is withdrawn.

Mr. CARTER. I suggest that within a very few moments all

the matters in contention can be disposed of.

Mr. ALDRICH. I understood the Senator from Indiana [Mr. Beveringe], who is not now in his seat, has an amendment to offer, and desires to make certain remarks upon it. That is my understanding

Mr. HEYBURN. That is an amendment to another part of the bill.

Mr. PROCTOR. It will be impossible to complete the bill to-day. I would not feel at liberty, in the absence of certain Senators with whom I should like to consult, to come to any understanding about further amendments. If a vote could be taken on this amendment as it now stands, I should be very glad to have it taken.

The VICE-PRESIDENT. The bill will be laid aside.

Mr. TILLMAN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from South Carolina?

Mr. PROCTOR. I do.
Mr. TILLMAN. There has been so much done in the way of elimination and addition to this bill that those of us who like to know what we are doing would like to have a reprint, so as to see the bill as it now stands-I mean, in the condition in which it now is-with the amendments that have gone out on points of order and otherwise, and those that have been put in, printed, so as to see what we have got before us.

Mr. HEYBURN. I think that is a good suggestion. The VICE-PRESIDENT. In the absence of objection, the bill will be printed, in accordance with the suggestion of the Senator from South Carolina.

Mr. HEYBURN. Together with the amendments that have

been offered.

The VICE-PRESIDENT. Together with the amendments that have been offered.

Mr. ALDRICH obtained the floor.

Mr. PATTERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Colorado?

Mr. PATTERSON. Just for an announcement.

Mr. ALDRICH. Very well.

## GOVERNMENT OWNERSHIP OF RAILROADS.

Mr. PATTERSON. I desire to announce that on Wednesday next, immediately after the routine morning business, I will address the Senate on the bill that I introduced, and that is now on the table, providing for the condemnation, purchase, and operation of the railways of the country by the Government.

## PROPOSED CURRENCY LEGISLATION.

The Senate, as in Committee of the Whole, resumed the con-

sideration of the bill (H. R. 13566) to amend sections 6 and 12 of the currency act, approved March 14, 1900.

Mr. NELSON. Mr. President, when this bill was up the other day, I presented an amendment in the nature of a substitute for section 3, which amends section 5153 of the Revised Statutes. This section relates to the deposit of Government money in national banks. It is a section that authorizes the Secretary of the Treasury to designate depositories of Government funds, provides for the deposit of Government funds, and provides that the Secretary of the Treasury shall require security in the shape of Government bonds and otherwise. The amendment which the committee have reported to the bill effects only one change. Under existing laws receipts of internal revenue can be deposited directly in national banks that are Government depositories, while receipts from customs can only be deposited

in the Treasury. The object of the amendment, which is included in the committee bill, is to put customs receipts on a par with receipts from internal revenue, so that both can be de-

posited directly in national banks.

Under the law as it exists the Secretary of the Treasury is directed, in case he designates any association and appoints it as a depository of national funds, to require security by the deposit of United States bonds and otherwise. Prior to the present Secretary of the Treasury no Secretary of the Treasury ever received anything else as security for these deposits than Government bonds. The present Secretary of the Treasury has gone outside of the language of the law, in my opinion, and has gone outside of the precedents of all of his predecessors in office and has taken other securities. I stated in my remarks the The Senator other day that he had even taken railroad bonds. from Rhode Island [Mr. Aldrich] disputed me. I have right here a letter from one of the leading bankers of St. Paul, I have right wherein he states, among other things:

For instance, I recently got some of the deposits from the Treasurer and I put up \$150,000 Northern Pacific prior lien 4's (nothing could be safer or better), and \$50,000 Union Pacific first mortgage 4's, with which he was very much pleased.

Mr. ALDRICH. I was not aware at the time that the Secretary of the Treasury was receiving railroad bonds. I find that

I was mistaken and that he has been receiving them.

Mr. NELSON. He has been receiving what we call first-class railroad bonds. He has received all these new style securities, railroad bonds and State bonds and others, evidently under the words "and otherwise" following the statement in the law that he shall receive security by the deposit of United States To my mind this is a great stretch of the law, and I

think, to say the least, technically unwarranted.

I have offered a substitute for the committee amendment to section 5153. My substitute in the first place practically legalizes what the Secretary of the Treasury has done. It provides that the Secretary of the Treasury shall accept security by the deposit in the Treasury of the United States of United States bonds, and in the discretion of the Secretary of the Treasury, of the bonds of any State or municipality of the Union or such bends as are accepted by the savings banks of the States of Massachusetts and New York. Those bonds are of the class which I understand the Secretary of the Treasury has been re-

The next most important provision of my amendment requires the national banks which receive these immense deposits to pay a small amount of interest to the Government—not less than 2 per cent upon the amount of Government moneys de-posited—on daily balance. In a good many of the States, especially in the Western States, there are provisions by which the State money is deposited in national banks upon proper security,

and the State gets interest on it.

Take my own State. At certain seasons of the year, immediately after the collection of taxes, there is a cumulation of money in the treasury, sometimes as much as from three to five million dollars, which is taken out of circulation. That money, under the laws of the State of Minnesota, is distributed, under the management of a board, in the different banks of the State, which give proper security, and are required to pay a certain amount of interest. I believe the minimum amount of interest now is 2 per cent. Some years ago when I was governor, I remember, we got 3 per cent on the State de-

posits.

Now, I hold and believe that the great national banks which receive these millions and millions of deposits ought to pay some interest on them. We have the spectacle year after year of what I would call "financial flurries" in New York. The stock speculations, and for the time being money becomes scarce, scarce for their purposes of speculation, and they immediately raise a hue and cry about the scarcity of currency, about reforming the currency laws. They rush to Washington and get millions of our money from the Treasury sent up to the big banks in New York, which loan it out to the stock speculators on stock collateral and derive a great revenue. It is always when these financial flurries take place that interest goes up, and on those occasions the banks reap the biggest harvest, if they can get these extra millions of money to loan out. There are times when they get not only 6 or 7 per cent per annum, but all the way from 1 to 2 and sometimes even as high as 3 per cent a month.

I have heard it claimed and contended that by making the national banks pay interest we would change the character of the contract. I can not agree to that proposition. Government moneys are deposited in national banks, as a matter of fact they are not special deposits. It will not do to say

they are deposits with fiscal agents of the Government, because if they were deposited with them as fiscal agents of the Government, it would be the duty of the banks to retain the money intact in their vaults. But when the banks get this money they mix it with their own funds and loan it to the public, and when the Treasurer of the United States draws upon that money he does not get the same money that he deposited. He gets other money in lieu of it. If you take the narrow construction of the law which those who are opposed to the payment of interest take-that the banks under existing laws are special depositories, special fiscal agents of the Government, and that it would change the contract to make them pay interest—it is a question to my mind, if that is a correct view of it, what right the banks have to loan the Government money to the public. If these deposits of the Government in the banks are special deposits, deposits sui generis, deposits of their own kind, what right have the banks to loan the public money, the money of the people of the United States, to the people and recoup interest on it?

To my mind that view of the case presents exactly the same situation that they had in the State of Wisconsin some years Before they had any law there relative to the deposit of State funds it was the custom of the State treasurers, of their own accord, without any law, to deposit the State money in various banks, and they received a great deal of interest. The treasurers in those days pocketed part of the interest, used it themselves, and a part of it they distributed as campaign funds. Afterwards the people of Wisconsin awoke to the idea that the interest belonged not to the treasurer, but to the State of Wisconsin, and suits were brought in that State and carried to the Supreme Court, if I remember aright, and it was held that all that interest which had thus been received by the treasurers belonged to the State and the State was entitled to recover.

Those State treasurers were exactly in the condition that our national banks are, according to the theory presented by some members of the Finance Committee. Their theory is that these are special deposits, deposits of a special character. The deposits with the treasurer of the State of Wisconsin were special deposits, left with him for safe-keeping, with no express authority in the law to loan the money out to banks anywhere or to deposit it in the banks; and if the State of Wisconsin was entitled to receive interest, why, under the logic of those cases, would not the Federal Government be entitled to receive inter-

est on these deposits?

I am putting this argument on the theory advanced by some that it will not do to require the banks to pay interest because it would change the character of the contract; but to my mind that contention is entirely fallacious. But I have simply aimed so far to carry it out to its legitimate conclusion. If that theory is correct, then these deposits are in the nature of special deposits-deposits of their own peculiar kind-which the banks have no right to loan out to be speculated upon. If they are not of that kind, then they are simply general deposits, which enter into the great volume of the money of the banks, and they are in exactly the same category as are other deposits.

We all know that banks throughout the country have two kinds of deposits. The banks have deposits that are subject to withdrawal at any time, on which in many instances they pay a small rate of interest on the daily balances, and then they have what are called "time deposits." But after all they are nothing more than deposits, and whether you consider them in one

light or another it does not change their character.

In my amendment I attempt to provide by law for taking as security the class of securities that the Secretary of the Treasury has been in the habit of taking during this Administration. Then, in order to give the Government additional security, I provide in the latter portion of the amendment that in addition to this security the Government shall have a first and preferred lien on the general assets of the bank, thus giving a double security.

If you will look at the daily statements issued by the Treasury Department you will find, as I have found this winter, that there is a fluctuating balance of from \$125,000,000 to \$150,000,000—I think at the present moment it is \$151,000,000which is deposited in the national banks. It is the people's money. I have no objection to the money being deposited in those banks, but the banks ought to pay a limited amount of interest. The better class of banks do not object to paying interest.

The argument has been advanced as one reason why Congress should not compel the banks to pay interest that the banks have to buy Government bonds which draw interest at only 2 per cent, and they have to buy other bonds which net them only 3 or 4 per cent, so that it nets the banks no profit, but as a matter of fact most of these large banks have a large portion of their assets permanently invested in stocks and

bonds of various kinds. They keep them as a permanent investment; and while they are in that condition, while they bring in a small or merely nominal rate of interest, from 2 to 4 per cent as the maximum, yet they are idle for any other purpose. If the banks can take those bonds, which are in their coffers in the shape of a permanent investment, and deposit them as security and get a large volume of money from the Treasury of the United States, which they can loan out at never less than 6 per cent, and many times more—if they can get the opportunity to engage in that speculation and make that profit, why, in the name of equity and justice, should they not return a part of that interest to the Government of the United States?

If the banks were simply required to keep this money in their vaults and were not permitted to loan it out, or if they would loan the Government money to the people without interest, I would not say anything. But where they take this volume of Government money by the millions and loan it out, and loan it out on stock collaterals at an immense profit, why, in the name of justice and fairness, should we not compel them to pay a portion of the gains to the Government of the United States?

The amendment provides for only a limited amount-2 per cent. It may be that in a few instances there are here and there smaller banks which have not these bonds and they may have to buy them, but in most instances, if you will notice, the deposits are dumped into the big banks in New York City. A few big banks there get the large volume of these deposits. I do not know the exact figures, but I take it that over half the aggregate deposits are deposited in a few banks in New York

City.

There is no objection among good, solid banks to the payment of interest. The amendment of mine was introduced in the first instance in the shape of a bill somewhat more limited. than it is now, because I only added to Government bonds State and municipal bonds. But after getting a letter from a banker, one of the leading bankers in St. Paul, I concluded to enlarge the securities in conformity with the suggestions contained in his letter. Here is what this gentleman writes me:

I just received a copy of your Senate bill 7951-That is the bill requiring 2 per cent interest-

I just received copy of your Senate bill No. 7951, which I very much approve. I have no doubt it is a step in the right direction, and such a bill as that ought to pass unencumbered with any of the other theories that are affoat with regard to the issuing of currency.

But he adds very properly, I think, that the banks ought to be permitted to deposit other securities than Government bonds; that they ought to be permitted to deposit, as the present Secretary, of his own accord and at his own volition, has allowed them to do, such bonds as are accepted by the savings banks of New York and Massachusetts, and hence I have included it in the amendment.

I am not willing to take up the time of the Senate beyond the statement I have made. If any new ideas are developed in the discussion, I shall ask leave to reply to them, but I am unwilling to occupy the time of the Senate further. I feel that it is simply an act of justice to the people of the United States to require the national banks to pay a limited amount of interest

on Government deposits.

Mr. ALDRICH. Mr. President, as Senators are well aware there has been, especially during the past year, a widespread agitation in banking and financial and business circles, asking for, perhaps demanding of Congress, general changes in our currency system and our financial system. Some of these proposi-tions have been very radical in their character, and the Committee on Finance, after a careful investigation, decided that they would report a bill which made a few necessary changes in existing law-changes, however, only of a character that, after Investigation, met the unanimous approval of the Committee

The committee are well aware that this is not a partisan question; that the members of both parties and all sections are equally interested in all questions of this character, and the committee decided to incorporate into the bill three propositions about which in the committee, and so far as I know in the country generally, there is very little difference of opinion.

There are many other things and many other questions in which various members of the committee believed, changes which they believed ought to be made, but which they knew could not be made, especially at this time or in any short sescould not be made, especially at this time or in any short session of Congress, because they would awaken controversies which would be prolonged greatly beyond any time at our command. The committee therefore reported this third section of the bill with a simple provision which permits the Secretary of the Treasury to deposit customs receipts in national depositories in the same manner that he is permitted by law to describe the transmitted to the same that the same that the same transmitted to the same t posit internal-revenue receipts.

As a matter of fact, the Secretary of the Treasury is practically doing that now. He deposits, as a matter of practice, the internal-revenue receipts in national depositories and pays out, to the extent which is necessary, the customs receipts for the current expenditures. But this operation is not direct. For instance, the money received from customs in New York, which, as I said in the Senate the other day, must necessarily be lawful money—that is, money which can be used by the banks for their reserves—is paid into the subtreasury in New York and locked up in the subtreasury; and the fact that an equal or a larger amount is paid out the same day in San Francisco or Louisville or Boston or elsewhere throughout the country does not have the same effect as if the money paid in New York-because a large part of the customs receipts is paid in New York—was directly put back into the channels of trade by being deposited in national depositories. Therefore the committee believed that this simple provision ought to be enacted.

The amendment of the Senator from Minnesota [Mr. Nelson] proposes to add three propositions to the committee's amendment-four in effect, but three important and substantial amendments to the suggestions of the committee. The first is to make it obligatory upon the Secretary of the Treasury to deposit in national depositories all the money in the Treasury to deposit in national depositories all the money in the Treasury, outside of the working balance, which the Secretary himself, I suppose, is to determine, there being no sum fixed in the amendment itself. This is a question over which there has been a great deal of controversy in the past. The Senator from Arkansas [Mr. Berry], who is not now in his seat, has always insisted, as have very many other Senators, that not a dollar of Government funds should be deposited in national banks. have thought there should be a limited amount deposited in national banks, but that the customs receipts themselves should

The Senator from Minnesota goes to the other extreme and provides, by his amendment, that all the Government revenues shall be deposited in national banks, except a certain working balance, and I suppose if the members of the Senate were asked what such a working balance should be there are no two of them who would agree. I have heard Senators upon this floor say that \$10,000,000 is a sufficient working balance, or fifteen or twenty million dollars. The senior Senator from Colorado [Mr. Teller] has always insisted that we did not need practically any working balance; that the hundred and fifty million dollars in gold reserve and all the other money not needed for immediate purposes should be paid out, or the nation should be relieved of taxation until there was no surplus. The question of a working balance is certainly one about which there can be reasonably a great deal of controversy.

Mr. NELSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Minnesota?

Mr. ALDRICH. I do.

Mr. NELSON. If the Senator will allow me, the amendment leaves it discretionary with the Secretary of the Treasury as to the amount of the working balance.

Mr. ALDRICH. Undoubtedly.
Mr. NELSON. We could not very well do otherwise.
Mr. ALDRICH. But there have been a good many propositions, I will say to my friend the Senator from Minnesota, that have undertaken to fix a limited amount—twenty-five or thirty or thirty-five million dollars. This proposes to give the Secretary of the Treasury the right to fix the working balance, but he must fix a balance which, in his opinion, is a working balance, not anything beyond that, and the amendment would require him to deposit in the national banks everything beyond that.

Mr. PATTERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Colorado?

Mr. ALDRICH. Certainly.

Mr. PATTERSON. I desire to ask the Senator from Rhode Island if the effect of section 3 is to permit the Secretary of the Treasury to deposit any of the public funds, to whatever extent he will, in such depositories of public money as he shall select, leaving the whole matter entirely discretionary with the Secretary of the Treasury?

Mr. ALDRICH. That is the present law. We propose no

change in that respect.

Mr. PATTERSON. Except he is not permitted to scatter

the public moneys through the country?

Mr. ALDRICH. There is no change of existing law in that respect. I will say in this connection, in answer to the suggestion made by the Senator from Minnesota, that, as a matter of fact, at the present moment money is deposited by the Secretary of the Treasury in every State in the Union, I think. The number of banks and the names of the banks are stated in reports of the Secretary of the Treasury, which I have not now before me, but they do include national banks in every State in the Union and in all parts of the several States.

Mr. PATTERSON. Can the Secretary of the Treasury deposit at will the revenues of the Government as they are re-

ceived under existing law in specific terms?

Mr. ALDRICH. He can under section 5153 of the Revised

Statutes, which this bill proposes to amend.

Mr. PATTERSON. Wherein does this section differ from the measure which the Senator from Rhode Island championed several years ago, which had for its object the direction of the deposit of securities?

Mr. ALDRICH. At that time we proposed to specify the securities which might be received by the Secretary of the Treasury for these deposits. It had a further provision that we should pay a certain amount of interest upon the deposits so made. That is the difference.

so made. That is the did Mr. PATTERSON rose.

Mr. ALDRICH. I hope the Senator will not interrupt me further. I think I shall cover all the points he has in mind if he will allow me to proceed.

Mr. PATTERSON. I wish to say that my recollection is The VICE-PRESIDENT. Does the Senator from Rhode Is-

land yield to the Senator from Colorado?

Mr. PATTERSON. For just one moment, I will say to the Senator from Rhode Island my recollection is that the great controversy at the time that other bill was up was over the distribution of the amount, and amendments were offered for the

purpose of requiring a certain percentage.

Mr. ALDRICH. No; the Senator is mistaken. The controversy here was over the question of paying interest upon de-There was controversy also about the character of the securities to be accepted. We discussed that question at great length at that time. The committee then undertook to fix definitely the classes of securities which the Secretary of the Treasury might receive. We provided then that he should accept Government bonds, State bonds, municipal bonds of a certain character, municipal bonds of counties and cities of a certain size and that had never repudiated their obligations, and we tried to carefully guard that.

We also reported in favor of allowing the Secretary of the Treasury to receive certain classes of railroad bonds, but there was very strenuous objection in the Senate to the acceptance of

any railroad bonds. But I will come to that later.

The second proposition of the Senator from Minnesota is to change the nature of the securities which the Secretary of the Treasury may accept. What is the suggestion of the Senator from Minnesota? It is that the Secretary shall receive bonds of the United States-

or, in the discretion of the Secretary, the bonds of any State or municipality of the Union, or such bonds as are accepted by the savings banks of the States of Massachusetts or New York commercially at par.

If the Senate or the Congress decides to go into this question, which always has been a matter of a great deal of controversy, there can certainly be no objection to the acceptance of bonds of the United States or bonds of a State; but when you go into any municipality in the Union, that is very doubtful and questionable ground, because there are a great many municipalities whose bonds would never be sold at anywhere near par, and they would not be received by any bank in the United States as a security for loans. I think we all understand that. But the next proposition-

Mr. President-Mr. TILLMAN.

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from South Carolina?

Mr. ALDRICH. I hope the Senator will allow me to go a I want to finish what I have to say upon this

The next proposition is "or such bonds as are accepted by the savings banks of the States of Massachusetts or New York commercially at par." I must confess I do not know just what that I suppose the Senator means a class of securities which means. I suppose the Senator means a class of securities which the laws of Massachusetts and New York permit savings banks to invest their funds in. I suppose that is what he means, but he certainly does not express it in this language. Under this language any class of securities that would be accepted by the savings banks of Massachusetts and New York might be accepted by the Secretary of the Treasury to secure these deposits. In other words, he would put the Secretary of the Treasury in the hands of the savings banks of New York and Massachusetts.

He would accept anything that they would accept.

I have before me the law of the State of New York with reference to the investment of the savings banks in that State. It

contains eight or ten different sections, all describing certain classes of securities in which the savings banks of that State may invest their funds. It includes bonds secured by mortgage upon real estate. It includes United States bonds. State bonds of a certain character. It includes certain classes of municipal bonds. It includes a great many classes of railroad bonds. Most of those roads whose bonds are accepted were in the first instance roads that were in the State of New York, or which ran through the State of New York. Since then there have been added certain other conditions and provisions.

Now, I assume that if we are going to fix the class of securities the Secretary of the Treasury may accept Congress ought itself to do it, and not put it in the hands of the savings banks of one or two States to determine what securities the Secretary of the

Treasury may accept.

Mr. NELSON. Will the Senator yield to me?
Mr. ALDRICH. Certainly.
Mr. NELSON. What class of securities does the Secretary of the Treasury now receive?

Mr. ALDRICH. I must confess that I am not advised.
Mr. NELSON. I should like to have information on that
point, as to what kind of securities he has been receiving.

Mr. ALDRICH. I know he has been receiving a miscellaneous character of securities, but so far as I know he has never reported to Congress what classes of securities he has been

The Senator goes further and says that these must be bonds that are accepted commercially at par. Then he provides fur-"and no public money shall be deposited as aforesaid in ex-

cess of the par value of the bonds given as security therefor."

At the time the bill to which the Senator from Colorado has alluded was before the Senate four years ago most of the securities which it was suggested might be received were above par, but to-day most of those securities are below par, except United States bonds. I was reminded of this by ascertaining the fact only a day or two ago that the State of Massachusetts 3½ per cent bonds, which are as good security as can possibly be had anywhere, are selling for 91. A large class of the securities mentioned in the schedule suggested by the Senator from Minnesota, with the exception of United States bonds, are now below par, and it would be necessary that the banks should buy these securities at the market price, of course.

Mr. NELSON. Will the Senator allow me? Mr. ALDRICH. Certainly.

Mr. NELSON. Would it not be better for Congress to pre-scribe what securities shall be received, instead of allowing the Secretary of the Treasury to exercise his sweet will as to what securities he will receive? Would it not be wiser and more prudent for Congress to designate the classes of securities?

Mr. ALDRICH. Possibly that is true, but I think the Senator from Minnesota will understand as well as I do that that is a question about which there would necessarily be a wide difference of opinion and a question which would raise the greatest

amount of controversy in this Chamber.

I remember distinctly that four years ago a large part of the time taken in the discussion of this question was as to the character of the securities which we could safely permit the Secretary of the Treasury to receive. There was the strongest possible opposition to the acceptance of railroad bonds for this purpose, and there was the strongest possible opposition to the acceptance of certain classes of municipal bonds, and properly so, bonds of small municipalities throughout the country, which had no current commercial value and which would not be disposed of in case of a fall.

The next proposition suggested by the amendment of the Sen-ator from Minnesota is one which refers to the payment of interest upon the deposits. As I said, a proposition to pay not less than 1½ per cent interest per annum was included in the bill reported by the committee four years ago. That proposition met then the determined opposition of Senators, lawyers on both sides of the Chamber, some of them members of the committee and others not members of the committee, who insisted upon it that the reception of interest on the part of the United States changed the nature of the transaction entirely, claiming at that time that there were decisions that the money in the national banks was essentially and in fact money in the Treasury, and that, therefore, the relation between the banks and the Government ought not to be changed for the purpose of accepting a few dollars in interest.

But my objection to this proposition of the Senator from Minnesota at the present time is much wider and more far-reaching than that. I am not quite sure but that the proposition in itself would give rise to an endless discussion; but the Senator from Minnesota shows by the terms of his amendment that he desires that this money shall be spread about. The provision of his amendment is that the Secretary of the Treasury shall not confine these deposits to a limited number of banks in the larger cities, his purpose being that there shall be what he would call, I suppose, an "equitable" distribution of the money deposited throughout the United States.

I submit to the Senate, and I think with some knowledge of what I am saying, that the amendment suggested by the Senator from Minnesota will make it absolutely impossible to have

that distribution.

Let us see what would happen. Take a small bank anywhere in the United States; I do not care where it is. Those banks do not carry Government bonds as an investment. They can not afford to carry Government bonds as an investment. of these banks have Government bonds as security for their circulating notes, but no bank in the United States outside of the large cities, and not very many in the large cities, habitually carries any considerable amount of Government bonds

as a part of its current assets.

Now, what would happen? Suppose a bank wants to receive a deposit from the Secretary of the Treasury under the provisions of the Senator's amendment. If it buys Government bonds it has got to pay a premium upon them. It buys Government bonds it has got to pay a premium upon them. It buys a 2 per cent bond, we will say, for instance; it has to pay the premium upon a 2 per cent bond, and we will suppose that money is 6 per cent. I imagine there is not a bank in the State of New York, or in any of the States of the Senators who are now listening to me, where the rate of interest is more than that. But suppose it is 6 per cent. The bank has more than that. But suppose it is 6 per cent. The bank has to make a 2 per cent investment as a security for the deposit of the United States. It loses 4 per cent upon that purchase of the bonds, to say nothing about the danger or the possibility of losing upon the premium, because it is not at all certain; the premium upon Government bonds is fluctuating from day to day. A prudent business man, a prudent banker, would have to take into consideration whether he could sell his bonds for the same price that he had to pay for them.

So you have an expense growing out of this purchase of bonds of 4 per cent to the banks. Add to that 2 per cent which you have to pay the Government, and you have your 6 per cent already taken care of, and there is no profit if a bank receives only 6 per cent. There is no profit whatever on the deposit, and you have the trouble and the responsibility and the risk of buying these securities and holding the Government deposit, without any profit whatever, and without any advantage to the bank or to the community in which the bank is

located.

In other words, this provision would make it absolutely necessary that the Secretary of the Treasury should deposit the Government money only in the large banks in the commercial centers, the banks which habitually carry the classes of securities which are included in the description of the Senator's amendment, and where there would be no necessity of making these investments.

I can hardly understand the logic of the Senator's amendment unless he desires that all the Government money shall be de-posited in a few large banks in the city of New York or in the

city of Chicago or the other great financial centers.

I have in my hand an estimate made by the Government actuaries of the loss which would accrue from the deposit of Government funds upon an assumed payment of a rate of interest of 2 per cent. It is made, in the first place, upon a basis that there is to be no reserve held against these de-

The Senator from Minnesota makes no provision about that at all; and a bank which held these deposits in a reserve city would have to hold 15 per cent reserve against that deposit in addition to the cost, which I have alluded to, of the premium upon the bonds and the tax paid to the United States. in a central reserve city, it has to hold a reserve of 25 per cent in addition to the other charges which I have alluded to. The

calculations of the Government actuaries, which I will put in the Record, in each case show that in every single instance there would be a loss to a bank which would accept the de-posits under the conditions named in the amendment of the Senator from Minnesota.

Mr. NELSON. But that only relates, if the Senator will allow me, to the matter of Government bonds and not to these

other bonds

Mr. ALDRICH. I understand; but do you suppose that a bank in your State or in any State is going to buy other bonds and take the chances of fluctuation? The Government bonds are sold substantially along a certain line; they vary but very little in price. The risk of loss growing out of the purchase is infinitesimal compared with any other security.

Take the bonds of the State of Massachusetts, to which I have alluded. A few years ago they were selling far above par. Take the bonds of the city of New York; take the large amounts of bonds which have been issued by States and municipalities throughout the Union. In these days they are fluctuating widely, and no prudent banker could afford to buy bonds other than the bonds of the United States. They would be worse off in that connection than they would be if they kept closely to the bonds of the United States.

The matter referred to is as follows:

Loss to banks paying a tax of 2 per cent on \$100,000 of Government de-posits—\$100,000 of bonds, par value, deposited as security, April 2, 1906—reserve not required.

MONEY AT 6 PE	R CENT.		
	Consols of 1930 (2s).	Loan of 1908 (3s).	Loan of 1925 (N4s).
Receipts: Interest on bonds depositedInterest on deposits	\$2,000.00 6,000.00	\$3,000.00 6,000.00	\$4,000.00 6,000.00
Total	8,000.00	9,000.00	*10,000.00
Deductions: Sinking fund Tax on deposits at 2 per cent	75. 46 2, 000. 00	1,657.93 2,000.00	922. 61 2, 000. 00
Total	2,075.46	3,657.93	2, 922. 61
Net receipts	5, 924. 54 6, 239. 67	5, 342, 07 6, 247, 16	7, 077, 39 7, 909, 55
Loss on deposits	315. 13	905.09	832.16
MONEY AT 7 PE	R CENT.		
Receipts: Interest on bonds depositedInterest on deposits	\$2,000.00 7,000.00	\$3,000.00 7,000.00	\$4,000.00 7,000.00
Total	9,000.00	10,000.00	11,000.00
Deductions: Sinking fund	65, 21 2, 000, 00	1,640.54 2,000.00	826. 70 2, 000. 00
Total	2,065.21	3, 640. 54	2,826.70
Net receipts . Capital invested at 7 per cent .	6, 934. 79 7, 279. 61	6, 359, 46 7, 288, 36	8, 173, 30 9, 227, 81
Loss on deposits	344, 82	928, 90	1,054.51
MONEY AT 8 PE	R CENT.		
Receipts: Interest on bonds deposited Interest on deposits	\$2,000.00 8,000.00	\$3,000.00 8,000.00	\$4,000.00 8,000.00
Total	10,000.00	11,000.00	12,000.00
Deductions: Sinking fund	42.10	1,623,41	789.04

Receipts: Interest on bonds deposited Interest on deposits	\$2,000.00	\$3,000.00	\$4,000.00
	8,000.00	8,000.00	8,000.00
Total	10,000.00	11,000.00	12,000.00
Deductions: Sinking fundTax on deposits at 2 per cent	42. 10	1, 623, 41	739. 04
	2, 000. 00	2, 000, 00	2, 000. 00
Total	2,042.10	3, 623. 41	2, 739. 04
Net receipts	7, 957. 90	7, 376, 59	9, 260, 96
	8, 319. 56	8, 329, 55	10, 546, 06
Loss on deposits	361.66	952, 96	1, 285, 10

In the above computations the price paid for the bonds deposited was the net market price on April 2, 1906, namely, 2s, 103.9945; 3s, 104.1104; N4s, 131.8258.

Loss to banks paying 2 per cent tax on Government deposits—\$100,000 par of bonds deposited to secure \$100,000 of Government deposits April 2, 1906—A receive of 15 per cent required.

MONEY AT 6 PER CENT

	Consols of	Loan of 1908	Loan of 1925
	1930 (2s).	(3s).	(N4s).
Receipts: Interest on bonds deposited Interest on deposit, less reserve	\$2,000.00	\$3,000.00	\$4,000.00
	5,100.00	5,100.00	5,100.00
Total	7,100.00	8, 100.00	9, 100.00
Deductions: Sinking fund Tax, 2 per cent	75. 46	1, 657, 93	922. 61
	2, 000. 00	2, 000, 00	2, <b>0</b> 00. 00
Total	2, 075, 46	3, 657. 93	2, 922. 61
Net receipts	5, 024, 54	4, 442, 07	6, 177, 39
	6, 239, 67	6, 247, 16	7, <b>9</b> 09, 55
Loss on deposits	1, 215. 13	1,805.09	1, 732. 16

Loss to banks paying 2 per cent tax on Government deposits, etc.—Continued.

MONEY AT 7 PER CENT.

	Consols of 1930 (2s).	Loan of 1908 (3s).	Loan of 1925 (N4s).
Receipts: Interest on bonds deposited Interest on deposits, less reserve	\$2,000.00 5,950.00	\$3,000.00 5,950.00	\$4,000.00 5,950.00
Total	7, 950. 00	8, 950. 00	9, 950. 00
Deductions: Sinking fund. Tax at 2 per cent	65, 21 2, 000, 00	1,640.54 2,000.00	826. 70 2, 000. 00
Total	2,065.21	3, 640. 54	2, 826. 70
Net receipts	5, 884. 79 7, 279. 61	5, 309. 46 7, 288. 36	7, 123, 30 9, 227, 81
Loss on deposits	1,394.82	1, 978. 90	2, 104, 51

MONEY AT 8 PER CENT.

Receipts: Interest on bonds deposited Interest on deposits, less reserve	\$2,000.00	\$3,000.00	\$4,000.00
	6,800.00	6,800.00	6,800.00
Total	8,800.00	9, 800.00	10,800.00
Deductions: Sinking fund	42.10	1, 623, 41	739, 04
	2,000.00	2, 000, 00	2, 000, 00
Total	2,042.10	3, 623. 41	2, 739. 04
Net receipts	6, 757. 90	6,176.59	8,060.96
	8, 319. 56	8,329.55	10,546.06
Loss on deposits	1,561.66	2, 152. 96	2, 485. 10

In the above computations the price paid for the bonds deposited was the net market price on April 2, 1906, namely, 2s, 103.9945; 3s, 104.1194; N4s, 131.8258.

Loss to banks paying 2 per cent tax on \$100,000 of Government deposits— \$100,000 par of bonds deposited as security, April 2, 1906—Reserve of 25 per cent required.

MONEY AT 6 PER CENT.

	Consols of 1930 (2s).	Loan of 1908 (3s).	Loan of 1925 (N4s).
Receipts: Interest on bonds deposited Interest on deposits, less reserve	\$2,000.00 4,500.00	\$3,000.00 4,500.00	\$4,000.00 4,500.00
Total	6, 500. 00	7,500.00	8,500.00
Deductions	75. 46 2, 000. 00	1,657.93 2,000.00	922. 61 2, 000. 00
Total	2,075.46	3, 657. 93	2, 922. 61
Net receipts	4, 424, 54 6, 239, 67	3, 842. 07 6, 247. 16	5, 577, 39 7, 909, 55
Loss on deposits	1, 815. 13	2, 405. 09	2, 332. f6

MONEY AT 7 PER CENT.

Receipts: Interest on bonds aeposited Interest on deposits, less reserve	\$2,000.00	\$3,000.00	\$4,000.00
	5,250.00	5,250.00	5,250.00
Total	7, 250. 00	8, 250, 00	9, 250. 00
Deductions: Sinking fund Tax on deposits at 2 per cent	65.21	1, 640. 54	826.70
	2,000.00	2, 000. 00	2,000.00
Total	2, 065, 21	3, 640, 54	2, 826, 70
Net receipts	5, 184, 79	4, 609. 46	6, 423, 30
	7, 279, 61	7, 288. 36	9, 227, 81
Loss on deposits	2,094.82	2, 678, 90	2, 804. 51

MONEY AT 8 PER CENT.			
Receipts: Interest on bonds deposited Interest on deposits, less reserve	\$2,000.00 6,000.00	\$3,000.00 6,000.00	\$4,000.00 6,000.00
. Total	8,000.00	9,000.00	10,000.00
Deductions: Sinking fund	42.10 2,000.00	. 1,623,41 2,000.00	739. 04 2, 000. 00
Total	2,042.10	3, 623. 41	2,739.04

Loss to banks paying 2 per cent tax on \$100,000 of Government deposits, etc.—Continued.

MONEY AT 8 PER CENT-continued;

	Consols of 1930 (2s).	Loan of 1908 (3s).	Loan of 1925 (N4s).
Net receipts	\$5,957.90 8,319.56	\$5,376.59 8,329.55	\$7, 260. 96 10, 546. 06
Loss on deposits	2,361.66	2, 952, 96	3, 285. 10

In the above computations the price paid for the bonds deposited was the market price, net, on April 2, 1906, namely, 2s, 103.9945; 3s, 104.1194; N4s, 131.8258.

Mr. ALDRICH. Now, I think I have shown, what I certainly know from my own experience, that the absolute effect under these conditions of the amendment of the Senator from Minnesota will be, first, to require the Secretary of the Treasury to keep all the Government funds in national banks, and, second, to require him to keep those funds in the large banks of the United States, who habitually hold securities of this character, and no other class of banks in this country can afford to hold them.

Mr. McCUMBER. Mr. President, I want to say only a word on this matter. I have listened with a great deal of interest to the explanation that has been given by the Senator from Rhole Island [Mr. Aldrich]. As the Senator suggests, I understand that this measure is to some extent to meet the great demand for a more elastic currency. That brings me back to about eleven years ago, in 1896, when we fought that memorable campaign upon the proposition, and the proposition alone, which emanated perhaps as much from the logical brain of the Senator from Rhode Island as from any other source, that our money should not have an elastic character, but that it should have a permanent value as near as possible; that the yardstick which was to measure a yard of cloth to-day ought to be of exactly the same length as the yardstick which was to measure a yard of cloth a year from to-day; and because the gold standand was the nearest to a positive and definite standard we could secure, we should adopt the gold standard for that reason; that we did not want any currency that could suddenly fluctuate in values by any sudden contraction or any sudden expansion. I believed in that policy, and I believe in it as much to-day as I believed in it in 1896—that is, that the basis of the circulating medium should be as unchangeable as it is possible to secure, and that it should not be subject to the power of even the Government or of any individual or any set of individuals to suddenly expand it and as suddenly to contract the same currency

Now, Mr. President, there has been a continuous expansion in the matter of our circulating medium for the last eleven rears. I believe that it will average about 3 per cent a year, although I may be in error on that. We must also take into consideration the vast amount of gold that is being coined every year and the mighty balance of trade of \$500,000,000 a year in our favor that is rapidly expanding our circulating medium. It is expanding greatly, and all business lines are adapting themselves to that particular expansion.

During this great expansion mighty industries have sprung up over all the country. Under the impetus of plenty of money in the country to be had our stocks have been watered and values have been placed upon our industrials far beyond their inherent value in any ordinary conditions of the country. Those great industrials are sold and bought and sold again systematically. It is necessary to buy them at low price by great syndicates and then raise the value, if possible, and then unload them. It has been found impossible even with these powerful syndicates to uphold these watered values for any length of time, and in order that they might uphold them until they could again be loaded off onto the dear public it has been necessary to come to the Government for relief. Again and again has the Secretary of the Treasury furnished the necessary funds for upholding the values of these securities until they could again be unloaded and, shrinking in value, be bought back again.

The people began to get acquainted with that condition of commercial affairs, and we commenced to hear murmurs over the whole country against the Secretary of the Treasury for furnishing the funds that were necessary to carry on these enormous speculations. The Secretary of the Treasury himself became fearful of the public clamor against it, and the great banks of New York were unable to secure the funds that were necessary to carry on the great speculative business and uphold it from one year's end to the other.

Then came the great cry over the country for an elastic

currency. The New York idea was a currency that could be expanded at the will of a few banks in New York and contracted again at the sweet will of a few of those great banks. A bill of that kind was introduced in Congress. The moment it was considered it became apparent that we were allowing the finances of the country to be subject practically to the control of a few of these banks. Unable to secure that end, they now secure this other method of what we call an elastic currency, and the first method is that instead of \$400,000,000 or thereabouts of the customs receipts going direct into the Treasury, it is to go into the banks and be called for. It may be put into the banks under this bill and be called for, of course, as the Secretary of the Treasury may need it.

But, as I understand, they could be paid under this bill the same as the internal revenue, directly, and may be received by banks in the first instance. That leaves perhaps about \$400, 000,000 a year in the hands of these banks, less such portion as

will be drawn out by the Secretary of the Treasury.

Mr. President, money naturally seeks its own level. That is one of the great philosophical arguments that was advanced by the Senator from Rhode Island [Mr. Aldrich] in all the past years in our great financial campaigns, that it would go where it was demanded. That is absolutely true. We do not need so much this elasticity of the currency as we do need to let the currency alone and let it seek its own level and go where it will. The system of handing it over to a few great banks is forcing it against its natural tendency to seek its own level. If you place it, as we do in every one of the States, so far as I know, in such shape that each section of the country can demand a portion of the funds which otherwise would remain in the State treasuries, then those sections of the country demanding the money would receive it.

Now, let us see how that applies here in the United States. We will say that in the city of St. Paul money is at such high rates that the banks there this winter can afford to pay 2 per cent. If they can afford to pay 2 per cent upon the daily balance for from four to six months of the year the money would naturally go there, where there was the greatest demand for it, in preference to going into the banks of New York, where the Senator says they can not afford to pay 2 per cent, and thereby we would equalize the distribution of this currency by sending it where there was the greatest demand, and there would be the greatest demand for it where the people could afford to pay the greatest interest upon the deposit.

Mr. ALDRICH. I suppose the Senator is as well aware as I am of the fact that the higher the rate of interest the greater the loss under the provisions of the section proposed by the Sen-

ator from Minnesota [Mr. Nelson].

Mr. McCUMBER. Mr. President, I do not concede that. Money in my State ranges all the way from 6 to 12 per cent and even higher. There are banks in the northwestern portion of the State that are paying on their C. D.'s, their certificates of deposit, as high a rate as 6 per cent per annum. There are those that are Government depositories that are paying about what I stated, or have been in the past, and are loaning it at 12 per cent. It is simply because there is a demand for the money there. They can well afford, Mr. President, to pay the 2 per cent that would be necessary.

But the Senator from Rhode Island speaks simply of the matter of Government bonds. If that were the only thing to be considered, his argument might be true, as Government bonds would have to be bought perhaps at a premium, we will say, of from 3 to 4 per cent, and of course the other 2 per cent would make up all they could loan out at 6 per cent. But the provision that is advocated by the Senator from Minnesota [Mr. Nelson] allows them to take other good bonds or securities, such as would be acceptable anywhere else in the United States. That being the case, I certainly fail to understand why the bankers receiving the benefit should not pay the 2 per cent, or whatever may be necessary. If the money is worth nothing to them, there is nothing to compel them to take the money. do not need it badly enough to pay the extra 2 per cent, let it go as it is. If they do not need the money, then we certainly should not give it to them. But I presume, Mr. President, that the money they have received from the Treasury of the United States has been of inestimable value to them, not only in loaning it again, but in upholding an immense amount of in-dustrial securities that are held by banks until they can get rid of them, and that I believe more than anything else is the basis of the desire of these great banks of New York and other eastern cities to secure Government deposits without the payment of one cent of interest.

Mr. CULBERSON. Mr. President, I desire to ask the Senator from Rhode Island—I do not presume we can get through with

this bill before 3 o'clock—if he will not kindly explain section 4 of the bill, which amends section 9 of the act of July 12, 1882?

Mr. ALDRICH. The last section of the bill? Mr. CULBERSON. The last section of the bill

Mr. ALDRICH. Mr. President, the existing law permits national banks to retire their circulation upon the deposit of lawful money with the Treasury of the United States. That process of retirement, however, is confined and restricted under the present law to \$3,000,000 in any calendar month. That restriction grew out of conditions which existed in 1882, at the time the so-called "national-bank act," or, you might say, the last edition of the national-bank act, was passed, which provided for the continuance of the charters of national banks. At that time there was a suggestion made by the Secretary of the Treasury which would oblige national banks to take bonds at a lower rate of interest than that which was paid on those which they then held. Under that anticipated stress the banks proceeded to retire a large amount of their circulation and placed their bonds in the Treasury for redemption. At that time it was thought desirable that some limitation should be put upon the retirement of national-bank notes.

The demand which has been alluded to by the Senator from North Dakota [Mr. McCumber] for an elastic currency is a demand which is almost universal throughout the United States. I think every student of economics believes there should be as great an amount of elasticity as possible in our currency system. Under existing law \$3,000,000 of national-bank notes are permitted to be retired each month. That retirement is compulsory, so far as the Government is concerned—that is, if a bank deposits lawful money, then its notes are retired as a matter of The provision which is reported by the Committee on Finance makes that retirement subject to the approval and consent of the Comptroller of the Currency and the Secretary of the Treasury and increases from \$3,000,000 a month to \$9,000,000 a month the amount that may be retired. We have outstanding in this country, in round figures, three thousand million dollars of money. The pending bill provides for a possible retirement or reduction of that amount to the extent of \$9,000,000 in any What percentage of elasticity the retirement of one month. this amount gives to the currency the Senator from Texas, with his mathematical mind, can see as readily as I can.

At the time this provision was inserted in the law in 1882 the amount of paper circulation in this country was, in round numbers, \$700,000,000. To-day it is \$2,000,000,000; so that the percentage of possible retirement in any one month, under the provisions of the bill now reported, is substantially what it was in 1882, or a little less, perhaps; so that there can be, I think, no question about the absolute safety of the provision. It gives a

very small element of elasticity to our currency.

It does another thing. Certain banks, on account of the profit of circulation, have declined to take out circulation at times when it was profitable, because under the law as it now stands they were not able to retire it when it ceased to be profitable; in other words, this bill, if enacted, will encourage banks to take out a large amount of circulation to answer the public demand, because they would be aware that to a limited extent they may be able to take advantage of the process of

retirement when circulation ceases to be profitable.

Mr. CULBERSON. Mr. President, I desire to ask the Senator from Rhode Island another question in connection with this last provision of the bill. He has referred to the provision of the national banking act of 1882 in regard to the withdrawal of circulating notes in the ninth section of that act. The provision here refers to section 4 of the act of June 20, 1874, and then the provision continues with reference to the withdrawal of these notes. I call the attention of the Senator, or at least, I remind him—for he is thoroughly familiar with this matter—to the fact that by section 12 of the act of March 14, 1900, there is a provision connected with this general subject referring to the act of June 12, 1882, and then in section 13 we have the following:

Sec. 13. That every national banking association having on deposit, as provided by law, bonds of the United States bearing interest at the rate of 2 per cent per annum, issued under the provisions of this act, to secure its circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of 1 per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of said 2 per cent bonds; and such taxes shall be in lieu of existing taxes on its notes in circulation imposed by section 5214 of the Revised Statutes.

I will ask the Senator if the last section of this hill has one

I will ask the Senator if the last section of this bill has any bearing upon that tax?

Mr. ALDRICH. None whatever. It does not touch that question at all.

Mr. TILLMAN. Mr. President, the Senator from Minnesota [Mr. Nelson] raised the question of the character of securities

which the banks deposit with the Secretary of the Treasury when they obtain this Government money. I understood the Senator from Rhode Island a little while ago to indicate that the Secretary now accepts other bonds than United States bonds. I should like to ask him what is his interpretation of the lan-guage on line 12 of page 6, where the words "and otherwise" occur? The words "and otherwise" are in the law now; and I suppose, by stretching a little, we might arrive at the conclusion that the Secretary is authorized to accept other bonds than United States bonds, although a purist interpretation or a stickler might say that that was merely in addition.

Mr. ALDRICH. That has been the subject of great controversy in Congress and out of it for many years. This language was first used in 1854, and it has been the law from that time until this. The Secretary of the Treasury, acting on the advice of the Attorney-General, has construed that language to au-thorize him to accept, in addition to Government bonds, other securities of certain classes, he making the designation himself, and fixing the classes of bonds which will be received in addition. As I understand the Secretary's position, he has always received other securities in addition to United States bonds.

The committee, knowing that this was a controverted question, and has always been a controverted question, and had been construed officially in one way, decided that it was better to leave the language as it was, rather than to try to fix upon the classes of securities which might be received.

Mr. TILLMAN. It has occurred to me that this condition might arise upon a deposit of this kind in a bank, where a security in the shape of United States bonds being offered, but not enough to cover the whole loss that might accrue, the Secretary of the Treasury might use some discretion as to the probable or possible loss, and demand United States bonds for that, and then take other bonds, in addition, as a kind of anchor to leeward for safety, or in excess of caution, or something of that sort. If we are going into the business of turning over to the banks practically all the income of the Government, as I understand the Senator from Rhode Island, without charging interest, it looks to me like a very large question we are entering on here just at the close of this session.

Mr. ALDRICH. Mr. President—
The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Rhode Island?

Mr. TILLMAN. Certainly.
Mr. ALDRICH. If the Senator will permit me, on the 30th of September last, which is the date of the last report I have, the amount of Government bonds held to secure deposits was \$102,000,000, as against \$10,804,000 of State, city, and other classes of bonds, showing that the Secretary of the Treasury, even under present conditions, is holding a very large proportion of the amount held, in Government bonds, the amount being \$102,000,000 as against \$10,000,000.

Mr. TILLMAN. Yet, if we enter upon the policy of putting all the customs receipts into the banks as deposits, the Senator will realize at once that there will be a very large demand for

bonds to be used as security.

Mr. ALDRICH. The Senator from South Carolina, I think, could not have listened to what I said, or else I did not state it sufficiently clear to meet his comprehension. It is not expected that any considerable increase will be made in the amount of Government deposits in national banks growing out of this legislation. By a process which I alluded to, the surplus funds of the United States are now deposited in national banks, but not deposited directly. The purpose of this bill is to return promptly to the channels of trade money which now goes back to the banks indirectly. There is no suggestion or expectation that the amount of Government deposits in the national banks will be very largely increased by this legislation.

Mr. TILLMAN. But would it not be possible, Mr. President, for the Secretary of the Treasury, if he saw fit, to deposit all of the customs revenues in the banks as fast as they were col-

lected?

Mr. ALDRICH. Subject to check at any time.

Mr. TILLMAN. Of course, but still—
Mr. ALDRICH. But the balance in the national banks at any one time could not be greatly in excess of what it is now.

Mr. BURROWS. Mr. President-

VICE-PRESIDENT. Does the Senafor from Rhode Island yield to the Senator from Michigan?

Mr. ALDRICH. I do.

Mr. HALE. Will the Senator from Michigan yield to me a moment for a suggestion?

Mr. BURROWS. Certainly. Mr. HALE. Mr. President, the great appropriation bill for the Post-Office Department, covering about \$200,000,000, has

been reported, and I trust the Senate will take it up on Monday morning.

I wish now to say that in the condition of the public business, with only one week before the Senate, it seems to me it will be impossible to pass all the appropriation bills without having night sessions, and I hope Senators will set their houses in order, so that we may have on Monday night and Tuesday night, and any other nights needed, night sessions-not sham sessions, but real sessions, with a majority of the Senate present for the transaction of the public business.

Mr. ALDRICH. Will the Senator from Michigan allow me

to make an announcement also?

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Rhode Island?

Mr. BURROWS. Certainly. Mr. ALDRICH. Mr. President, it is necessary that I shall be absent from the city on Monday, but I desire to give notice that I will, at the earliest possible moment, bring the bill which has just been under consideration up before the Senate for its

The VICE-PRESIDENT. The unfinished business will be temporarily laid aside.

MEMORIAL ADDRESSES ON THE LATE SENATOR ALGER.

Mr. BURROWS. Mr. President, I offer the resolutions which

I send to the desk, and ask for their immediate consideration.

The VICE-PRESIDENT. The resolutions presented by the Senator from Michigan will be read.

The resolutions were read and unanimously agreed to, as follows:

Resolved. That the Senate has heard with profound sorrow of the ath of Hon. RUSSELL A. ALGER, late a Senator from the State of

Resolved. That the Senate has heard with profound sorrow of the death of Hon. RUSSELL A. ALGER, late a Senator from the State of Michigan.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved. That the Secretary communicate these resolutions to the House of Representatives.

Mr. BURROWS. Mr. President, for the second time during my brief service in the Senate the State of Michigan has been called upon to mourn the loss of one of its most distinguished representatives in this body; first, Senator McMillan, and now Senator Alger. Both rendered conspicuous service to the State and the nation, and died full of honors.

Senator Russell A. Alger, at the time of his death had reached the allotted span of human life, and completed the work which Providence had assigned him, and died, as he had frequently expressed his desire to do, at his post of duty in the front of battle. Life's work was completed and he was content.

RUSSELL A. ALGER was born in Medina County, in the State of Ohio, February 27, 1836, where he spent the days of his early youth. I can not better describe the struggles of his boyhood than by quoting from an authentic account of his early life, a simple story, which should be an inspiration to the youth of this day and in all days to come:

His parents, after settling in the woods of Medina County, were extremely poor and partially invalids, and young RUSSELL found it necessary to labor hard in order to earn support enough to sustain his parents, his younger brother and sister,

and himself.

But the charge of supporting his invalid parents was not to When he was but 12 years of age his father and mother died, and young Alger was left with a younger brother and sister to care for. That, indeed, was a trying situation, and many a boy of weak moral fiber would have abandoned the responsibility. Not so with young Alger. He grappled with circumstances as he found them. He secured for the children a home where each could be cared for and then pro-ceeded to make something of himself. At first he worked for his board, clothing, and three months' schooling in the year. In 1850, at the age of 14, he cut loose from so restricted a contract and really began life as a "hired man." His first engagement was for six months, during which time he received \$3 for the first month, \$4 for the second month, and \$5 a month for the remainder of the term. Out of these scanty earnings as a farm laborer he contributed to the needs of his brother and sister, who had been placed in families where, their limited services were accepted for their board. \* \* \*

"Thus young Alger had worked steadily forward from boyhood, had accepted what wages he could obtain, from their meagerness had aided in the support of his brother and sister, had not faltered in any of the long years from the time he was 12 years old until he was 20, but had gone steadily forward, doing what he considered was simply dutiful and manly. "Until he was 20 years of age young Alger had simply struggled for the existence of himself and his two wards."

Such is the simple story of his early life. Such conditions would ordinarily have daunted the bravest heart; but the Scotch and English blood that coursed in his veins stirred his heart and nerved his arm for the conflict before him. With undaunted courage he took up the duties and responsibilities of life, and under the most trying circumstances discharged them all with manly spirit and an unconquerable will.

Finally, in 1859 he went to Michigan and engaged in the active duties of a business life. He had, however, scarcely entered this new field of his labors when the civil war broke out, and, turning-his back upon the business career he had mapped out for himself and his hopes and ambitions for the future, he of fered his services to the country, and in August, 1861, enlisted as a private in the Second Michigan Cavalry, sharing the hard-ships and the privations of a private soldier. His soldierly qualities were soon recognized and promotions followed rapidly. He became captain of Company C, then major of the regiment, then lieutenant-colonel of the Sixth Michigan Cavalry, and in 1863 was promoted to the colonelcy of the Fifth Michigan Cavalry. In 1864 he was given the rank of brigadier-general for gallant conduct in battle, and finally, in June, 1865, having served until the close of the war, he was brevetted major-general of volunteers for gallant and meritorious services during the war. He served until the close of the conflict, participating in sixty-six battles and skirmishes, and rose from the ranks to a brevet major-general of volunteers.

Returning to Michigan at the close of the war, with peace assured and the Union restored, he resumed his business enterprises, and in the forests of Michigan hewed his way to fortune and fame. The lumber industry, in which he was engaged, proved a most lucrative venture, and his industry was ultimately rewarded with an abundant fortune.

Before this time he had paid no attention to political affairs; but in politics he had always been, from his early manhood, an ardent Republican, and in 1884 was nominated by his party for governor, which office he held for two years, at the expiration of which time he declined to be a candidate for reelection. The firm manner with which he dealt with the labor troubles in the State induced him to forego a renomination in the interest of party harmony and strength. He retained his hold, however, upon the confidence and affection of the people of our State, and in 1888 the Michigan delegation to the national Republican convention at Chicago was instructed to present his name for the high office of President, and in the convention he received at one time 142 votes, but the nomination was conferred upon another.

In his political life, as in his business, no disappointment or adversity caused him to waver from his sense of duty, and entering into the campaign with all the enthusiasm of his nature, he devoted his time and substance to the triumph of his party. He was prominently identified with the Grand Army of the Republic, and in 1889 was chosen its commander in chief, with which organization he remained until the time of his death.

In 1897 General Alger was appointed Secretary of War by President McKinley, and he continued in that office until 1899, covering the entire period of the war with Spain. I often heard him speak of the gratification he felt over the fact that the conflict brought a reunited people together under one flag and for one country.

In his history of the Spanish war he says:

Americans have not forgotten—they are not likely to forget—the splendid spectacle of the country's response to the Government's ultimatum upon Spain which inevitably resulted in war. It was spontaneous and practically universal; it was sincere and enthusiastic. One realized that thirty-three years of peace had made no change in the American character. More than 100,000 veterans of the civil war, wearers of the blue and wearers of the gray, pleaded for an opportunity to serve the reestablished Union. The sons of those who fought under Grant and Lee showed the soldierly and patriotic spirit of their sires had lost nothing in intensity by the lapse of years.

I know he often said to me that that consummation was worth

In 1902 he was appointed Senator to fill the vacancy caused by the death of Senator McMillan, taking his seat December 1, and subsequently elected by the legislature of the State for the full term of six years.

There was but one sentiment in the State, and that was of vindication by the people who knew him best, among whom he had lived, and who had unshaken confidence in him.

His death is sincerely mourned by all the people of our State, whom he served so long and so well, and his memory will be revered by the generations to come.

Upon the receipt of the intelligence of Senator Alger's death the governor of the State conveyed official notice of the sad event to the legislature, then in session, in the following fitting

EXECUTIVE OFFICE, Lansing, January 24, 1907.

To the President of the Senate:

Hon. Russell A. Alger, Senator of the United States from Michigan, died at Washington, D. C., at 8.45 a. m., January 24, 1907, thereby creating a vacancy in the representation of this State in the Senate of the United States.

Full of years and honors, Senator Alger has gone to his reward. It falls to the lot of few men to serve their State and nation in such exalted stations. Not alone because of the honors and responsibilities that came to him in civil life do we revere his memory. As a Michigan soldier he rendered distinguished services in the war of the rebellion. Michigan never failed during the lifetime of Senator Alger to testify to her love and devotion for him when the opportunity presented itself, and it is fitting in the highest degree that arrangements be made by the legislature of the State he loved and honored for services at which proper expression may be given of the loss our State has sustained.

FRED M. WARNER, Governor,

The legislature supplemented this tribute of the executive by declaring

The services of General Alger in war and in peace have been signal ized by conspicuous devotion to duty, unflinching courage, wisdom, and patriotism, and have been freely rendered to the State and the nation.

He went to his death wounded, but with great courage, malice toward none and charity for all, he laid down the burden of life, leaving this declaration of mingled patriotism and pathos:

Should war ever again come upon this country and find it so totally unprepared as it was in 1898, I hope that those who have been so profuse in their criticisms and eager to discover faults may have the patriotism and pride of country to rise above personalities and, instead of striving to tear down, may endeavor to strengthen the hands of those upon whom the burden may fall and whose only hope of reward is that satisfaction which comes from the consciousness of having labored honestly and unremittingly to serve a Government whose flag has never yet known defeat.

Mr. DANIEL. Mr. President, when one beloved once lay dead in a stricken home, a friend wrote these words to those who mourned:

Watch and tend him as ye would, sickness and sorrow and pain and death at last would be his portion. Be not cast down that he is freed from them and that his spirit is at rest.

Such thoughts as these, Mr. President, commend themselves to our reflection at the close of the long, eventful, and achieving life of our late colleague, Russell Alexander Alger. It had passed beyond the vigor of his active manhood and was already assailed by a mortal malady which he faced and knew. The last days of General Alger must have been gloomy and depressing days to him, for they were marked by the signs of his early dissolution. He had been told, and he instinctively knew from his own feeling, that the hand of death was on him. The adventitious charms of life were gone. Ambition's bugle call and fame's alluring smile could possess no attractiveness for him who had heard "the one clear call which came from beyond the harbor bar.'

The increasing feebleness of body made each day the more and more a burden, and yet in these days of heaviness and sore trial the very highest, noblest, and bravest qualities of the true man showed themselves in him. He came day by day to his post of duty in the Senate. He listened to the proceedings and was careful to be present and to deliver his vote when the sense of the Senate was taken.

Nice gentility marked his plain but trim dress. He had a pleasant word of greeting and cheer for friends he met with. He was composed and calm. Looking time and looking death in the face, watching, as it were, the last sands as they poured out of the downturned glass of life, like a trained soldier under fire, he showed no wincing. He proved in his conduct and in his bearing that the sense of duty remained constant and predominant in him. If "duty" be the sublimest word in the language, surely duty realized and duty done, even in the face of death, is man's highest and most noble achievement. This is

true greatness of soul, and this did he display.

If the history of any Senator here were written, it would probably be found that, like Senator Alger's, it runs back into the conditions, into the history, and into the very organism of the society of which he is a part. Of course there are excep-tions to this rule. There are the perturbations, the revolutions, upheavals of society, and great periods of transition when all rules are broken. But he, as well as the other two of our colleagues who have left our side in this Congress, illustrated the principle which these words indicate.

Bate, a clerk on a steamboat at 13, a soldier at 17, a lawyer and editor and soldier again, and then governor and Senator Bate, born under the influences of that region in which Old Hickory Jackson was a leading figure and influence, came as naturally to his career and his opinions as man does to the at-mosphere that gives to him the breath of her existence. Gorman, born in Maryland on the borderland of the civil

conflict, page in youth, then postmaster of the Senate. naturally

entering into the great business of a commercial and manufacturing State, was representative of his time, of his geography, of the matters and things around him, just as truly as was Bate

General Alger represented a different segment of our history and country. When the new States sprang into being beyond the Alleghenies they were under the guardianship of the great Government which the original States had founded. not either creators of the principles for which they nor were they; except in a minor sense, the achievers of the land or the independence which they enjoyed. It was perfectly natural that they should look upon the Government which created the Commonwealths and which raised them as children into the manhood of sovereign States in a different light from those who were the descendants of the earliest pioneers and of the earliest fabricators of our institutions.

Take either of the three men-Bate, Gorman, and Alger-and transpose their positions and their surroundings, and each of them would have been a man of mark and leading; and with situations changed the very nature of the men would also have differed with the diversity of things which they represented. But there is much likeness, even if there be difference, in their contacts, associations, and geographical relations. They all three men of high American ideals. They were all three devoted patriots and willing burden bearers of the people. All three of them rose from the undistinguishable obscurity of a boyhood which had no silver or golden spoon in its mouth and which was marked by no special opportunities. But each bespoke the sturdy and worthy stock from which he sprang by showing the stuff that was in him. Each illustrated the truth expressed by Edmund Burke when he said, "It is a prerogative of man to be in a great degree a creature of his own making. Each had in him the materials of success, and each molded that material into success by long, persistent, and hard striving on his own projected models.

General Alger's career illustrates the tremendous opportunities and the beckoning hands of ambition and enterprise of the old Northwest which had been turned into young and magnificent Commonwealths. A farmer's boy of 10, going to school of nights at one period of the year and teaching school at another; a student of the law, admitted to the bar, forming his character upon ideals of a future career which seemed to open before him; then passing from Ohio into the new Commonwealth of Michigan and there hearing the bugle blast that summoned

its people to arms in 1861.

There is comprehended in the mere statement of his military career material out of which a graphic volume could be written. A private, a captain, a major, a lieutenant-colonel, a colonel, a general, crowned with brevet of major-generalship at its close, and participating in sixty-six battles and skirmishes. This would seem extravagant to those unfamiliar with the unremitting tenor of the war; but the cannonade was as regular almost in the period of 1864 as the rising and the setting of the sun, and battles passed out of view in a day which in other times would have been written upon the brilliant scrolls of history.

The most marked feature in the history of General Alger, and one which betokened his indomitable energy, his settled and fixed purpose, and the abilities which were behind them, is the fact that he strove in many things and succeeded in them all. Plunging into the wilderness as yet scarcely traversed by the white man's step, he rose to great eminence as a business man. Then he interwove the fortune which he had created by his own merit and genius into the manifold business relations which sprang up in the development of a more complex order of

Turning his attention to the political field, he becomes elector at large to represent his party before the people, and then is elevated to the posts of governor and of Senator. These things tell their own stories, and I need not go into the detail of relation which has been so eloquently and well done by his col-

In several ways I became better acquainted with General Alger than usually falls to the lot of Senators here who are not upon the same committees and are not in that unison of consultation which kindred political opinions often brings, met him socially in an agreeable and friendly way in London ten years ago. The face of a countryman is always welcome in We sojourned at the same hotel, and in daily contacts and associations I seemed to become familiar with his character, to see its lights and shades, to realize how friendly and how kindly it was, and to share and exchange hospitalities which rendered absence from home and country an additional matter of joy intermingling with new scenes.

The next time I was thrown frequently and for a much more prolonged period with General Alger was during the time of the Spanish war. He had then come to Washington as Secretary of War, and a burden was thrown upon his shoulders such as has been thrown upon no man in this generation unless it be the President in whose Cabinet he served. General Alger was not at that time in great vigor of health, but he devoted himself to the task before him with an assiduity, with a patience, with a continuity of application which could not have

been surpassed by any man.

For the time being it seemed as if party lines had disappeared, and what particularly commended him to my admiration was not only his frequent expression of gratification that we were all one in the feelings of friendship and in sharing the burdens and the opportunities of government, but also one in deed. No man connected with the Administration was more gratified to issue commissions to the sons and kindred of the men with whom he had fought, nor do I think there was any man in Washington who enjoyed more generous and complete satisfaction in the renewal of olden ties and in seeing the work of grace proceed that cements the affections as well as the interests of the people. I heard him make remarks on many occasions which I would not feel at liberty to repeat in public, even though they were most honorable to him and such as furnished worthy examples for any man to imitate.

Mr. President, it was a matter of great disappointment to me that when you appointed the committee to attend General Alger's remains to his home in Michigan I could only in part perform what was my becoming duty; as one of its members I did attend his funeral here, and was impressed by its simplicity and by the utter absence of all effort at ostentation. Befittingly, a battalion of cavalry, in which arm of the service he had been a distinguished officer, escorted his remains to the depot, from which they were transported to his home. Fittingly those who were his comrades in arms again put on their uniforms, that they

might testify their especial sympathy.

But beyond the mere forms and ceremonies which are necessary to such an occasion, there was nothing more than the offerings of personal friendship and the sharing in grief which marked the departure of one so well known, and, by those who knew him best, so well beloved.

I would have accompanied his remains to the city of Detroit, and I felt a sense of keen disappointment that I could not do so. but I had in my hands tasks which I could not lay down without feeling that I was deserting my post of duty, and in preferring duty to even so sacred a call I felt I but imitated the worthy example which he himself had set before me.

All of us have heard, Mr. President, and from many sources, of the beautiful home life of General Alger and of the happy lives that were lived by those nearest and dearest to him under his roof. To that fortress of the heart, the home, we turn always in our troubles, and to that we turn instinctively as we seek to know those who have gone forth into life's battle to bear life's burdens. The husband, the father, the friend had the capital of his life in his home. Thither bore he his trophies. capital of his life in his home. Thither he returned when the weariness of the strife came on. There his friends ever found welcome, and there he was himself

in the finest phase of his nature.

He will be missed by comrades who shared his dangers and his hardships in days of conflict. He will be missed by some who were his enemies in war, but who became his friends in peace, and who rejoice to know that he was their friend. He will be missed by men of public life who sought his counsel and his influence. He will be missed by men of business whose affairs were intermingled with his own and who got light and counsel from his sagacity and experience. But all this seems scarcely of account when we recall how he will be missed by those who were next to him in the sweet and loving affections of the fireside. Comfort it is not ours to give to them; consolation we can not bestow; though we would that both gifts were within the compass of our sympathy. We can only be glad that his suffering is ended, and believe that his good works on earth will follow him and that he is at peace and rest.

Mr. WARREN. Mr. President, for more than a year prior to the 24th day of last month, there moved among us, participating in our labors, shirking none of the arduous duties attached to membership in this body, one who carried with him knowingly his death warrant,

Over a year ago our friend, in whose memory we are devoting these few feeble words, became informed of the serious condition of his health, and learned that any moment the dread summons might come which would take him away from his family, friends, colleagues, and all that is loved and prized in this life.

With the quiet courage which marked his whole life work, he uttered no complaint, he showed no anxiety, he asked for no sympathy. He had the hope of being permitted to finish the term of service for which he had been elected-and with this hope actuating him, he put his house in order, continued his daily tasks, and performed his duties quietly, gently, and yet with courage which, as we look back upon the year's work, we must pronounce sublime. The world has admired the courage of the Spartan youth who bore unmoved the gnawing of the wolf at his vitals; but what courage was that compared with

the faithful performance of duties from day to day by our colleague, his fate facing him every moment.

This closing year of the life of our friend in which he carried silently and uncomplainingly his grievous burden is but typical of another period of his career when, without harsh words or recrimination, he bore bravely and quietly the brunt of blame which by right should have been placed upon us, the

Congress, and upon the people of the country.

It is needless to repeat history so fresh in our minds, but we all know that, following the great struggle of the civil war, we, as a nation, allowed ourselves to drift for over thirty years in blissful insecurity. The Congress, representing perhaps accurately the general sentiment of the country, maintained our Army on a footing inadequate to our commercial standing and importance in the world of nations. Suddenly forced into war, there was an outcry against our unpreparedness, which naturally centered against the then Secretary of War, regardless of the fact that the deplorable condition of affairs was the accumulated result of the laxity of our own acts.

Under bitter aspersions, and knowing his own blamelessness, Secretary Alger never retaliated; under circumstances of the most trying nature he never departed from the dignified poise of character which had so marked his life. While he lived, no words of defense of his own acts, or condemnation of the charges of his critics, passed his lips. Even though it should not come during his lifetime, he knew that when the impartial history of the war with Spain should be written, it would be recorded that its errors were those of the remissness of our system and not the shortcomings of any officer of the Gov-

ernment. And on the day of his death came the official declaration of the War Department vindicating him. Of Secretary Alger's administration of the War Office Mr. Secretary of War Taft

General Alger was patriotic, earnest, and most devoted to the interest of the Army, and especially considerate of the welfare of the enlisted men. He was a gentle, kindly man, with great confidence in his friends and associates, and was much beloved by his subordinates. He was the subject of unjust criticism because of the country's lack of preparedness for war when war came, although for this he was in no wise responsible. wise responsible.

It is not necessary for me at this time to recount to you in detail the life story of RUSSELL ALEXANDER ALGER. But I can not refrain from calling attention briefly to the salient features as shown in the modest biographical sketch which appears in the current Congressional Directory, and to point out the self-evident fact which his life exemplifies, the untold possibilities our country offers the man who undertakes his life battle equipped

with energy, application, honesty, and ambition.

A penniless orphan at 13, facing want and privation; a plowboy at 20, doing the long dreary toil of the farm and field; a country school-teacher, with the petty wearing trials of that calling; a lawyer, taking a leading place in his profession; a lumberman, understanding the intricacles of the business and attaining wealth through this knowledge; a soldier, taking part in sixty-six battles and skirmishes; a governor of a great State administering the office creditably and honestly; a Cabinet offi-cer, grappling with problems that had never before confronted an officer of the Government, and, at his death, a Senator of the United States, loved by his constituents and his colleagues.

Such is the story of our friend and colleague, and it furnishes a lesson of untold value to the American youth who would reach high place in the business or political life of this country. His was not accidental success, but all that he gained was by patient, untiring, intelligent effort, and with every act underlaid with the broad foundation of inherent honesty.

His success exemplifies the truth of that well-known verse:

The heights by great men reached and kept Were not attained by sudden flight, But they while their companions slept Were toiling upward in the night.

To those of us who had the pleasure and privilege of close association with him was revealed the lovable side of his nature, of which the world at large necessarily could not know. His was a character in which predominated generous, kindly sentiments toward his fellow-men, and these traits brought to him throughout his entire career the loyal support and ardent friendship of everyone with whom he came in contact.

It was this which endeared him to the people of his own State, who knew him well and who always held out to him the richest gifts and highest honors at their command. It was the citizens of Michigan-his friends and neighborshim their governor, who voted for him loyally and steadily for the Presidential nomination in national conventions, and who, when the hands of the country seemed to be raised against him, gave him just and fitting vindication by electing him to the Senate of the United States. We who have worked with him on the floor of the Senate and in committee and have had the privilege of meeting him in his charming home circle can well understand the fealty of his State and the love which its citizens bore him.

It became my sad duty to go to the former home of Senator Alger when his body was consigned to its last earthly resting place, and I saw while there widespread evidences of sincere and heartfelt grief. The people of his home loved him as we, who for the past six years have associated with him here,

loved him, and they, as we, mourn his death, knowing and appreciating his noble traits and good deeds.

Such a character does not live in vain. Rich, he did not misuse his wealth, but kept it employed in the busy marts of commerce that his fellow-men should share in its productiveness, and of his surplus he gave abundantly to the poor and needy. Powerful in politics, he was never domineering, but always was mindful of the feelings and wishes of others and sympathetic with the people themselves. Able to live in idleness, yet he did the daily task which came to his hand as faithfully and cheerfully as the humblest workman.

He has departed, but he has left in faithful effort, good deeds, and high accomplishments "a monument more lasting than brass and more sublime than the regal erection of pyramids, which neither the wasting shower, the unavailing north wind, nor an innumerable succession of years and a flight of seasons shall be able to demolish."

Mr. SPOONER. Mr. President, I can only speak in tribute to the memory of Senator Alger the word which my heart shall send to my lips.

I knew him long and well, and as I have listened to the eulogies which have been pronounced upon him I have had borne into my mind in an intense way the fact that it is only when we stand by the open grave of a man and cast our eyes along the pathway which he trod from the beginning to the end that accurate judgment of his qualities, of his accomplishments, is possible to us.

Senator Alger afforded for all time by his career indubitable evidence of the possession in full measure of many great and noble qualities. It was a long and toilsome journey, Mr. President, from the village in Ohio, where as a youth, unaided by adventitious circumstances, he began his struggle to the emi-

nence upon which he died.

No man without noble purpose, well-justified ambition, strong fiber, and splendid qualities in abundance could have carved out and left behind him such a career. His pathway was from the beginning upward, and all along it, at every stage of it, he discharged well every duty which manhood could demand; and all along he scattered with generous hand deeds of kindness and helpfulness to those who were in need, sowing the seed which blossomed in fragrance along his pathway and made it beautiful.

A man of great commercial genius, born to command, of unquenchable spirit, of indomitable will, he wrought wonderful success in the realm of business; and, Mr. President, it needs not to be said that in that realm no one ever dared to impeach his honor. No man without commercial honor would have wrought and accomplished in that field what he wrought and accomplished.

The governor of a great State, carrying the splendid administrative ability which had given him triumph in the walks of business life to the capital in the service of his people, he there vindicated their confidence and the wisdom of their choice of

him to be their executive.

And then turning aside from business and turning aside from home-and no man ever lived who held in his heart a tenderer love for home and wife and children-he betook himself to the field of battle, and, as has been stated here, in over sixty battles and skirmishes he bared his breast to the bullets of the enemy and offered his life that the Union might abide, and that what was its flag then should forever remain its flag, rising, Mr. President, from the humble but noble position of a private soldier to be captain, major, lieutenant-colonel, colonel, brigadier-general, and major-general, the latter brevet rank, gallantry on the field of battle. When his friends and When his friends and fellow-citizens lowered his inanimate body into the grave which had been digged in their midst, there was upon it more than one scar which he had received in defense of this Government.

As Secretary of War—I allude to that, Mr. President, with some pain—I saw him often while he was in the Cabinet. I do not intend to go into the subject save in a few brief words. His service there was difficult of performance in some of its aspects. Demands were made upon him which in the circumstances no man could completely meet, the fault not being his, but else-

where, lying here, perhaps, and in the other House.

I remember calling upon him one morning in the War Department during the war with Spain, and as he walked from a little gathering of people he staggered with physical weakness. His face was as white as it was as he lay in his coffin, but his eyes were bright. I begged him to go to his home, and he made this characteristic response, "This is my place." I speak of it to show that wonderful spirit and characteristic devotion to duty, which was the law of his life to stand at the post to which duty had assigned him; and there can never be anywhere or in any time a more beautiful illustration of that loyal spirit and sense of duty than that which he exhibited in the later period of his life while a Senator of the United States.

We noted from day to day his growing weakness. He knew as he moved around the Chamber and sought the committee rooms for service there that the Angel of Death walked by his side with outstretched hand, ready any moment to grip his heart. But that courage, that devotion to duty, that scorn which he always had for rest in the hours of work buoyed him up and held him to this place almost to the last moment of his eventful life.

He was a public-spirited citizen always. He was a generous, kindly man whose sympathies were always easily aroused, helpful to those who deserved help and helpful, alas, to many who did not.

Mr. President, he was criticised for having made poor appointments to the Army during the war with Spain. I think he would have done any kindness for me which he felt at liberty to do. I may say here that he never, during his term as Secretary of War, once gave an appointment to the Army from my State, for each time—and there were not many—I took to him an order for the appointment from the President—and no President could have been more careful than was the Executive of that day in making wise selections—but it was impossible, as the world must know, in organizing suddenly a great army to choose with accuracy the men for command in small places and in high places. The wonder is, Mr. President, that so few men were commissioned from civil life during that war who proved themselves incompetent or otherwise unworthy.

Senator Alger was generous to his friends and forgiving to

Senator Alger was generous to his friends and forgiving to his enemies, save where a wrong done him was such that no self-respecting man could forgive.

Mr. President, this ceremonial seems like parting again with an old and dear friend. I think it can not be found that in any station or in any relation of life Russell A. Alger was other than devoted and faithful. No sweeter act or juster act ever was done by a great State than was done by the State of Michigan when she sent him into this Chamber and to that desk with her certificate of confidence in his honor and in his ability. It was a proud distinction for him; but I believe it left unhealed a wound which never could be healed.

Mr. President, his career is ended; his day's work is done. Michigan has made many notable contributions to the public service of the United States in civil and military life; she has great treasure in the fame of her public men; but among all her treasures she will cherish as a precious imperishable jewel the name and fame of Russell A. Alger.

Mr. DOLLIVER. Mr. President, the death of Senator Alger has removed from the Senate one of the most attractive and useful men connected with our public affairs. It has been one of the happy experiences of my service here that Senator Alger's desk was next to mine and that I have had a daily opportunity to enjoy the advantage of intimate conversation and acquaintance with him. Long ago I learned to admire his record, both as a soldier and a statesman. But during the years in which I have been sitting here by his side I have been permitted to study his character more closely and to confirm all the good opinions of other years.

The life which we live in this world is so strange, so hard to understand, so wrapped in mysteries which baffle all our questions, that I have allowed the habit to grow upon me of finding out from others, and especially from those who by reason of their opportunities and their experience have sounded all its depths and shoals, what they think of it and what it means to them. It is a familiar saying that no message comes

back to us from the shadows which fall upon the end of every human life. But it is almost as true that we are cut off from any communication with our fellow-travelers that one can not understand what the others are saying, as the great procession moves along toward the silence of the grave. Even those who are working at the same task, walking side by side upon the same road, appear like strangers, speaking different languages and answering each other's questions in a foreign tongue.

The most pathetic utterance of the Master recorded in the gospel, "Have I been so long time with you, and yet hast thou not known me?" is in a lesser sense true of all who meet each other as we journey together, till at last we shall know as we are known. It is this isolation, this separation from our fellows, this privacy upon which it is so hard to intrude, this miraculous thing, which Lord Tennyson in his old age speaks of as the "abysmal depth of personality" which has invented the sweet vocabulary of childhood and discovered for our comfort such words as "lover," "comrade," "friend," and kept them at the center of all great literatures and close to the heart of our religious faith.

One day I asked General Alger what he had found in life which most fully explained its meaning and threw the most light upon the problem of its worth. Almost without waiting he said that he had found in his home, in his wife, and in his children its most complete interpretation. And so no biography of him can exhibit any of the secrets of his strength or explain the inspiration of his achievements which does not have in the foreground a picture of the one whom he chose in the years of his young manhood to be the partner of his joys and sorrows.

I asked him one day, after he had told me somewhat of his early struggles and spoken in modest words of the success in business and public life which had come to him, what part of it gave him the most satisfaction, what among all the things he had tried to do he thought of with the most pride. He said that if he had to leave everything else out he would prefer to keep the recollection of the years which he had spent in the old Union Army, defending the flag of his country. I could not get him to speak of the battles he had helped to fight, of the long marches, of the victories in which he had a share. He left all that to others, for he knew how truly the mighty work which the Union Army wrought and the final victory which it won belonged to millions of men and women and how insignificant after all were the trophies of rank and high command.

Whoever writes the biography of Russell A. Alger will not be fortunate in estimating the importance of his public service if he does not subordinate the fame which he acquired in the chief office of a great State, in the Cabinet of the President at an important epoch, in the Senate of the United States, to those four years of arduous responsibility in the civil war. For more than once I have heard him say that the greatest office which he had ever held, the distinction among his fellow-men which he prized the most, was commander in chief of the Grand Army of the Republic, that peaceful, unarmed host which, in humble quarters scattered throughout the land, preserves the traditions of our heroic age.

And so it seemed fitting to me, as I stood the other day with multiplied thousands of his neighbors and friends about his grave, that the ministers of the church should stand apart and let an old Union soldier open the worn and faded ritual of the post of which he was a member and read, in the light of the setting sun, made weird and beautiful by a landscape of snow, the parting benediction of his comrades upon his memory.

Senator Alger was a representative American business man, and, like nearly all such men, he had to fight the battle of life upon his own resources. It was a favorite doctrine of his that a young man who begins with nothing to rely upon except his own energy has an altogether better chance than the children of affluence and fortune. And it is certain that his own career is not peculiar in the illustration which it gives of the truth of this proverbial philosophy. At any rate, it does not take very much imagination to discern behind the splendid outcome of his life, as lumberman, miner, merchant, manufacturer, railroad builder, and captain of industry, the poor boy, starting out in the world with nothing in his favor except health and strength and the ambition to win the prize.

strength and the ambition to win the prize.

We live in times when the public ask troublesome questions about great riches, when the cross-examination of swollen wealth is going on, not only in the courts, but about the firesides of the people; when the fierce light of curiosity, turning rapidly to anger, beats upon present-day accumulations of money, and when men are looking for some way to restore the old standards of integrity, which are, after all, still held in respect even in the market place. The criticism is not directed against the

law of property which we have inherited from our fathers; it is aimed at those schemes of speculation through which the public interest is sacrificed to carry out the plans of avarice and greed. It is undoubtedly stimulated by the want of wisdom often seen among those who have captured the highest stakes. Instead of hiding their plunder like the old-time pirates, they often inflame the resentment of the unincorporated multitudes by vulgar ostentation and sometimes fill the newspapers of Europe and America with the scandals of their profligate living.

There was a time when everybody who had any property felt a certain common interest with all property rights, however large. But it would be idle to conceal the fact that the day seems to be approaching when the public mind is learning to discriminate between the honorable accumulation of property and the business methods which have already brought shame upon some departments of industry and commerce.

I do not know how great General Alger's financial fortune actually was, but probably not as great as commonly supposed. But whatever it was, there was no stain of dishonor upon it. It represented the capacity, the patient industry, and the genius for affairs which has never been without honor in the world of business. And it would be hard to find a better test of the real character of the man than to observe how little his wealth affected his manners; how slight its impression upon his daily walk and conversation; in short, how much greater the man was than his possessions. And when I looked upon the streets of the city where he lived on the day of his funeral and saw them crowded mile after mile with men and women and children standing with solemn faces and uncovered heads, it did not require the testimony of neighbors to let me know that he had used his fortune for the welfare of the people where his lot was cast. A rich man with his heart full of love to humanity is God's best gift to modern society.

I would have the young men of America, without measuring

the possibilities of their success in money, treat the accumulations which come to them as the result of honorable effort, not as a master to put them into slavery, but as a servant to be sent out upon errands of philanthropy to help and bless the

world in which we live.

Such a man was Senator Alger. And while in this Chamber his voice was seldom heard in debate, no one of us can doubt that when his people sent him here they contributed to the real deliberations of the Senate a strong and valuable guidance, too often wanting in our management of practical affairs.

If I were called upon to point out the most conspicuous pub-

lic service of General Alger in civil life, I would recall labors as Secretary of War in the Cabinet of President Mc-I had an opportunity to know something of the burdens that were suddenly placed upon him, of the difficulties which he had to surmount, and of the noise which beset his office after the brief conflict with Spain was over. I do not know that anybody else has been impressed by it, but I have often wondered how it came about that nearly everybody con-nected with the chief events arising out of our intervention in behalf of the colonies of Spain sooner or later was called to pass through humiliation, and one at least through despair

and suffering even unto death.

One day, sitting by Senator Alger's desk, I ventured to comment on this depressing aspect of our great victory, forgetting for a moment that he himself had tasted the bitter draft, commended to his lips by the morbid and misguided opinion of some of his countrymen, and I can not forget the quiet smile of the old soldier of General Grant's army as he explained the interesting phenomenon. His notion was that every generation has in its heart a vague longing for exploits and far-sounding That we get tired of feeding our enthurenown of its own. siasm on the fame of other times. For that reason, as the war with Spain came on, so many people desired to get into it that the size of it was exaggerated in the popular imagination, and nearly everybody had a dull sensation of having been robbed of a chance to play a part on the stage of an epoch-making drama. The country was filled with talkative heroes, better suited to command the Pacific than Dewey, better suited to take Santiago than Shafter, better suited to blockade seaports than Sampson, better suited to stop up the mouths of harbors than Hobson, and better suited to equip and put armies in the field than the Secretary of War. As a net result of this surplus military energy this unissued stock in a patriotic enterprise grotesquely overcapitalized in the public mind, an audience was waiting for the campaign of abuse and slander, directed not only against the War Department, but against nearly all our movements on land and sea, There have been few more discreditable episodes in the annals of American public opinion.

It brings to mind, as we recall it, a chapter in the quaint fic-

tion of Rabelais, in which the adventurer whose perils he records reaches the country of Tapestry and finds there, being attracted to the spot, as he plainly says, by a loud and various noise like that of paper mills, "a diminutive, monstrous, misshapen old fellow called 'Hearsay.' His mouth was slit up to his ears and in it were seven tongues, each of them cleft into seven parts. However, he chattered, tattled, and prated, with all the seven at once, of different matters and in divers languages. He had as many ears all over his head and the rest of his body as Argus formerly had eyes, and was blind as a beetle and had the palsy in his legs. About him stood an innumerable company of men and women, gaping, listening, and hearing very intensely. So that those men of happy memories grew learned in a trice and would most fluently talk with you of a world of prodigious things, the hundredth part of which would take up a man's whole life to be fully known—every individual word of it by hearsay." Having discovered "forty cartloads of modern historians lurking behind a piece of tapestry, where they were at it dingdong, privately scribbling the Lord knows what, and making rare work of it," he ventures to ask the question, "What sort of study they applied themselves to?" and was told that 'from their youth they learned to be evidences, affidavit men, and vouchers, and were instructed in the art of swearing, in which they soon became such proficients that when they left that country and went back into their own they set up for themselves and very honestly lived by their trade of evidencing, positively giving their testimony of all things whatsoever to those who feed them most roundly to do a job of journey work for them;

and all this by hearsay."

Wherever printing is free and speech is free, the infirmities of human nature seldom allow institutions like that to be closed

even for repairs.

But the friends of General Alger, recalling, as I feel bound to do to-day, the injustice which was visited upon him, no longer see the need of defending him, for their thoughts turn without bitterness from those dismal months, now almost incredible to the American people, to the figure of the old soldier, sitting in his library in the pride of conscious rectitude, setting down in writing, for his children and for his countrymen, the whole history of the Spanish war, its greatness and its littleness, its meaning and influence upon the national life, trusting his own fame to the simple record of his official labors and to the

impartial judgment of posterity.

The State of Michigan, in which he had lived so long, to whose material development he had contributed so much, was quick to challenge the imputation involved in his retirement under such circumstances from public life. His election to the Senate was recognized everywhere as the answer of those who knew him best to the clamor with which his reputation had been assailed. He had borne with honor the chief dignity of the Commonwealth. By common consent its people had lovingly presented his name to the nation for the highest office of the Republic, and they lost no time, although he was broken by the cares and burdens of life, and though the infirmity of years was already upon him, to console his old age by their commission to sit in this historic Chamber and end his days in the service of the community who had trusted and believed in him for more than half a century.

Mr. DICK. Mr. President, I feel I can not let this occasion pass without offering a few remarks,

Senator Alger was born in Ohio, and only a few miles from my own home. He spent of his youth in my home county and prepared for admission to the bar in my home city. In later years he was a frequent visitor there, where he had social and business interests, and he always enjoyed the admiration and respect of the people of his native State. knew him best loved him most. Those of us who

The career of Russell A. Alger is typical of what is best worthy of imitation in American life. Born in poverty in a log cabin which did not even possess a ridgepole, yet he enjoyed the rich heritage of descending from a long line of sturdy, respected, God-fearing ancestors of the best Puritan stock. They had been pioneers of early New England, his great-grandfather a brave soldier in the Revolutionary war, and his own father, early in the last century, joined the band of stalwart pioneers who moved from Connecticut to the Western Reserve, where he broke a clearing in the wilderness, put up his cabin, and engaged in the stern struggle for existence which nature requires of her favored sons.

Young Alger was bereft of his parents at the early age of 12, and was left with a young brother and sister who looked to him for guidance and support. He spent the remainder of his boy-hood years on the farm of an uncle, working at first for board and clothes and three months' schooling in each year. He attended country school and academy for such meager educational advantages as the neighborhood afforded, and for two years himself taught school. His first cash employment was for \$3 a month and board, but for part of that year he was paid \$5 a month, from which he clothed himself and helped his brother and sister. His earnings gradually increased to \$20 a month, the highest wage paid at that time to farm laborers. He was industrious, faithful, and ambitious, and, like thousands of other American boys, felt that the larger opportunities lay in the town rather than in the country. He moved to Akron, then a small country village, and entered upon the study of law. His preceptors were able and successful lawyers of more than State-wide reputation. One was Christopher P. Wolcott, then attorney-general of Ohio and from 1862 to 1863 Assistant Secretary of War under Edwin M. Stanton, with whom he had read law. The other preceptor, who still survives, was William H. Upson, for four years an honored member of the National House of Representatives and for a dozen years judge of the supreme and circuit courts of Ohio.

Alger was admitted to the bar at Columbus in 1859, and en-tered a law office in Cleveland. The qualities which brought him success in other lines of industry would certainly have given him great success at the bar, but he remained in the practice only a few months, failing health forcing him out of doors and compelling him to follow life in the open air. He moved to Michigan, and with borrowed capital engaged in the lumber business. The war soon broke out and he promptly offered his services to his country. He enlisted in August, 1861, and the next month was mustered in as a captain of the Second Michigan Cavalry. For three years he served in that branch of the Army and rendered gallant and conspicuous service. His name is closely linked with the names of those two incomparable cavalry leaders, Sheridan and Custer, and had his military training been equal to theirs his military reputation would have been no less, for he was a born commander of men, with natural military genius.

It is hard to realize that this quiet, retiring, modest gentleman who has unobtrusively moved in and out among us for the past four years was one of the most dashing and courageous cavalry commanders in the civil war, but such was the case. No portion of his career shines so resplendent, and no braver or more gallant soldier served in either army. Always the idol of his men, he often led them into desperate situations, but they were always eager to follow where he led. It has been said it was Alger who requested the governor of Michigan to issue a commission to Philip H. Sheridan, then an unknown captain of infantry, as colonel of a cavalry regiment, and Sheridan himself bears witness that it was Alger who, on the 25th day of May, 1862, handed to him telegraphic orders announcing his appointment as colonel of the Second Michigan Cavalry. The two soldiers served together in the siege of Corinth, Miss., and are mentioned side by side in Gen. Gordon Granger's report for having well and faithfully performed their whole duty, and meriting the highest commendation from their general and their country in that compaign.

ALGER led the line of skirmishers in the advance on Boonville on May 30, 1862, which led to its capture, and was mentioned by Colonel Sheridan as having rendered important service. A month later the enemy, with over 5,000 mounted men, attempted to recapture Boonville and attacked Sheridan, who was in command of two regiments, with only about 800 officers and men. When the attack developed the vastly superior force of the enemy Sheridan detached Alger with 90 sabers and directed him to make a detour around the flank of the enemy and attack him in column in the rear. Sheridan in his memoirs says of this movement that he was "confident of Alger's determination to accomplish the purpose for which he set out," and the movement was entirely successful. Sheridan attacked in front with his entire force at the same time Alger struck the rear, and the enemy stampeded and fied. Alger himself was slightly wounded and taken prisoner, but escaped and returned to his command the same day. It was a brilliant charge and nobly executed, and this engagement made Sheridan a brigadier-general and Alger a major. Every promotion that came to him was won by bravery and courage on the field of battle. On the 16th of October, 1862, he was made lieutenant-colonel of the Sixth Michigan Cavalry and ordered to the Army of the Potomac. On February 28, 1863, he was appointed colonel of the Fifth Michigan Cavalry, and his command was the first Union force to enter Gettysburg when threatened by the approach of General Lee and his army. He rendered distinguished service here and participated in the several charges made by his regiment on the fateful 3d of July. He was wounded July 8 at Boonsboro, Md., while in pursuit of the enemy, but returned to duty the following September. To the end of his service he commanded this regiment, which was in Custer's brigade, except for short periods when he was temporarily in command of the brigade, and he was one of Custer's most trusted and fearless regimental commanders. He repulsed an attack of the enemy in the operations around Culpeper Court House in September, 1863, his regiment being in advance of the brigade and passing through the town. In fact, Alge's entire military career while any fighting was going on was spent on the firing line, in the advance, in the skirmish line, or making desperate charges with his men. General Custer honored him as he did no other subordinate. In the winter of 1863-4 he performed special services for President Lincoln, receiving orders from him direct and visiting nearly all the armies in the field.

In the movement from the Rapidan to the James in June, 1864, he participated in several brilliant engagements. Of this famous charge at Trevilian Station, June 11, General Sheridan says:

The cavalry engagement of the 11th and 12th was by far the most brilliant one of the present campaign. The enemy's loss was very heavy. My loss and captured will not exceed 160. They are principally from the Fifth Michigan Cavalry. This regiment, Col. R. A. Alger, gallantly charged down the Gordonsville road, capturing 1,500 horses and about 800 prisoners, but were finally surrounded and had to give them up.

Alger's command in this charge did not exceed 300 men. Though surrounded by the enemy, he cut his way through a column of troops and rejoined the Union Army. For his distinguished gallantry in this engagement Colonel Alger was brevetted a brigadier-general. His own official report of this engagement was most modest. The only tone of exultation it contains was over the fact that through a severe and fatiguing campaign his regiment had not lost a single man from disease, although the total loss in killed and wounded and missing was very great.

The condition of his health compelled him to retire from the Army in October, 1864. He had participated in more than sixty battles and skirmishes, and at the close of the war was brevetted major-general for gallant and meritorious services. He returned home to begin again at the bottom to build for the future. He organized and planned large business enterprises. He acquired wealth, acquired it honestly, and never used it dishonestly. At one time he counted his lumber forests by the hundred square miles. He was a true captain of industry, for he created wealth and distributed it to others. He organized large industries by taking advantage of the opportunities which were open to all men. He was a prophet who looked into the future and foresaw coming demand. He never manipulated the stock market, never made a dollar by speculation, nor tore down what another had built up. When he benefited himself he impoverished no one else, but added to the prosperity of all men with whom he dealt.

His first entrance into politics was in 1884, when his party in Michigan looked for its strongest man in order to regain political control of the State, then administered by the opposition, and named Alger as its candidate. His administration as governor was very popular because of his business methods, his strict honesty, and close attention to duty. He refused a renomination because he could not afford to longer neglect his own business, and he would not slight the State's business for his own.

In the Republican national convention of 1888 he was a formidable candidate for the Presidential nomination and led an enthusiastic and devoted following. On one ballot he received 143 votes out of a total of 830, or more than one-sixth. He was voted for by delegates from twenty-six States and Territories, scattered from Maine to Washington and from Florida to Arizona. In a field of twelve candidates he received on the second ballot the next to the highest vote. After that he never stood lower than third on the list nor received less than 100 votes. On the last ballot, which ballot nominated Harrison, he received 100 votes to 118 for John Sherman, who had led on preceding ballots. No candidate before the convention had a more determined following, and his own State cast its solid vote for him from the beginning to the end of the contest. In this convention was first heard the exclamation, since heard in hundreds and thousands of public gatherings, "Who's all right?" all right." It was applied by the newsboys of Detroit It was applied by the newsboys of Detroit to General ALGER.

He was elected national commander of the Grand Army of the Republic by acclamation in 1889 and was one of the most popular and successful heads of that splendid organization. No soldier was more loved by his comrades who wore the blue.

He was made Secretary of War in President McKinley's Cabinet, with no thought that he would ever be called upon to assume the responsibilities of a war minister. Before the war clouds lowered the American people, with the blind optimism char-

acteristic of them, believed war was impossible. When war did come the nation, as has always been the case in the past, was entirely unprepared. There never was a more popular war, and many times more men offered themselves for service than could be accepted. While there were plenty of men, men as brave and patriotic as ever served the Stars and Stripes, there was a scarcity of every other necessity. There were on hand barely enough of our newly adopted and improved rifles to arm our small Regular Army. The volunteers were equipped with an inferior arm, and our best was not as efficient a weapon as that The volunteers were equipped with an Volunteer regiments had to be sent to carried by the enemy. the firing line carrying cartridges loaded with black powder to face an enemy using only smokeless powder. We had no reserve supply of uniforms or tents, and there was no cloth in the country with which to make the new service uniform required by climatic conditions in a tropical country. The country was surprised and shocked to learn that the State volunteers were The country was not equipped for service, though everyone conversant with the facts well knew such was the case, for in our national blindness we had believed war was impossible. While human passions remain as they have been since passion was born, and national ambitions cross each other, as they always will, war will be a possibility always, and periodically a probability. It has come to the United States once at least in every generation since the nation was born and we have no assurance our future will change that record. No prudent nation will omit insuring itself against the risk of war any more than a prudent householder neglects to insure against the risk of fire. The only effective insurance against war is sufficient preparation for it, and even that protection will not always prevent war. We have profited some by our recent national experience, but further preparation remains to be made before our national security is entirely as-

When the war with Spain came upon us we had a very small but highly trained Army, and a Navy superior to any of its size in the world. Despite our lack of preparedness, the enemy was quickly crushed, both on land and sea. In a short campaign of less than a hundred days Cuba, Porto Rico, and the Philippines were ours for such disposition as we saw fit to make of The nation saw the results and applauded them, but knew little of the terrible strain imposed upon the Secretary of War and his Department in making the necessary preparations. The various supply departments had to be reorganized for providing the munitions of war. "That they were fully provided and that the numerous demands on the industries of our people were met so promptly will remain one of the marvels Such was the verdict of the Commission to Investigate the Conduct of the War Department, and such will be the verdict of history. The Commission reported on the Secretary of War that he "extended to all chiefs of bureaus cordial and full support and promptly responded to every proper demand made upon him by commanding officers." If, as the Commis-sion further found, "there was lacking in the general administration of the War Department during the continuance of the war with Spain that complete grasp of the situation which was essential," who will say that this gallant, fearless soldier, this successful governor, this great captain of industry, whose leading characteristic was his high executive talent, was so much to blame as the departmental system against which more than one strong man has fretted out his heart in vain, trying to overcome its inertia and modernize its antiquated and useless

No army from a temperate zone had ever invaded the Tropics and achieved such magnificent results in such a brief space of time or with so small loss of life from disease. The loss from disease in the army which never left the States was much less than the loss from the same cause during the civil war.

At first came the rush of volunteers attempting to get into the service. The applications for volunteer commissions alone numbered over thirty thousand. Of the large number who were appointed not over half a dozen were personal appointments of the Secretary himself. Mistakes were unavoidably made in the details of organization and preparation, and no secretary could have escaped criticism. The American people alone were to blame for the conditions existing at the outbreak of the war. As in the civil war there was a mad cry, "On to Richmond," long before the Army was ready for such a movement, so there was a mad cry, "On to Habana," when all the conditions and circumstances declared such a movement a most rash and reckless one. War is no holiday pastime, and soldiering is not a trade to be picked up in a few days, and largely because of the lack of experience and knowledge on the part of volunteer officers of the simplest rudiments of camp sanitation epidemics and fevers broke out and many valuable lives were uselessly sacrificed. A state of hysteria developed among the people,

aided and abetted by an unbridled and indiscreet press, and the American public, which is prompt to praise and as ready to condemn, like the Roman public at the gladiatorial contests, demanded a victim. It picked out the Secretary of War for its victim, and he was compelled to go. Now that that passion has had time to cool and the conditions of those stirring weeks are weighed with more even balance, the country has a feeling only of kindness and high regard for our warm-hearted, generous friend. He never fell the least in the estimation of the people of his own State, and when the opportunity came they promptly manifested their love and devotion to him by sending him to the Senate, where he would have succeeded himself had he not voluntarily declined to be a candidate for reelection. He was easily the first citizen of Michigan.

He was trained in the hard school of privation and poverty,

He was trained in the hard school of privation and poverty, and, for the perpetuity and vigor of our institutions and our national existence, it is hoped that school will never disappear from among us. He made much of his opportunities, and was a wise administrator of the wealth he acquired. He was generous in his charities, but shunned notoriety. His generosity was "a deep-flowing and continual stream," and no worthy appeal went unanswered. He felt the greatest pride in the esteem and love of his own people. He was loved at home by all classes, but best loved by the poor of his own city. He was incapable of a dishonorable act. He never forgot friends nor their dependents. He fought his foes in the open, and forgave his enemies and his critics. He was patient under abuse. He was true to his friends and his country, always cool and brave under the most trying circumstances, dignified, unassuming, approachable at all times, considerate to others. He was a man justly honored in State and nation, and his loss outside his family circle will nowhere be more deeply felt than in this body, where for four years he was an honored member.

Mr. WARNER. Mr. President, I have listened with genuine satisfaction to the eloquent and just tributes of respect which have been paid to the memory of Russell Alexander Alger, only a few days since a member of this body. Of his services and accomplishments as a United States Senator I shall not speak, as my acquaintance with him in this Chamber covered but little more than a year. I knew him in another and different field. I knew him as a soldier and as a man, and enjoyed his personal friendship for more than a third of a century, and I shall content myself with speaking a few brief words of the deceased as my friend and comrade, and in doing this I appreciate the depths of my poverty of speech.

To lose a friend is the greatest of all losses. Our most en-

To lose a friend is the greatest of all losses. Our most enduring riches are our friends—friends not of a day, but friends that we "grapple to our souls with hooks of steel." It was Emerson, I think, who said, "The only way to have a friend is to be one." The truth of this saying was exemplified in the life of RUSSELL ALEXANDER ALGER. Of him it may be truthfully said that those who knew him best loved him most.

But our dead brother, Mr. President, was more to me than a friend. He was my comrade. The most enduring and tender ties in this life outside of the family circle, I am constrained to believe, are the ties that are welded in the fires of battle between those who have shared, in a common cause, the privations of the camp, the hardships of the march, and the dangers of the battle.

As a citizen he was without reproach; as a soldier he was without fear. To fittingly speak of his record as a soldier would be to recount in no small part the marches and battles of '61 and '65. He was ever upon the firing line, taking an important part in threescore and six battles and skirmishes. For gallant and meritorious services he was brevetted brigadier and major-general of volunteers.

With him, the war ended at Appomattox. Then, in common with those who had borne the battle "with malice toward none, with charity for all," he gladly exchanged the instruments of war for the implements of industry.

But few men have been more highly honored by their States and by the nation than the deceased. Yet, much as he esteemed the honor of being governor, Cabinet minister, and United States Senator, no one or all of these honors did he as highly prize, as he told me in this Chamber a few weeks before his death, as the one of being commander in chief of the Grand Army of the Republic, an organization composed of the survivors of the men who, with him, had followed the flag of our nation as their "pillar of cloud by day and of fire by night."

ors of the men who, with him, had followed the flag of our nation as their "pillar of cloud by day and of fire by night."

He deemed it a blessed privilege to have been an actor in that mighty drama of ages out of which came the conviction universal, more earnest and firm than was ever expressed by the pen of a Hamilton or ever fell from the lips of a Webster, that there is no river, mountain, or other natural boundary line that

can ever divide this Republic; that we are one people, one in law, one in hope, and one in destiny. He rejoiced that he had been spared to see the day when the men of the blue and of the gray recall the scenes of the civil war without passion and review its results without regret.

His was one of the gentlest and kindliest spirits I ever knew. His life was an inspiration to the young man of brain, industry, and honesty. He has pitched his tent with the old field marshal on the other side. His life being without reproach, he marched through the "valley of the shadow of death" seeing nothing here to regret or there to fear.

It is a consolation that in the presence of our dead there

comes to us an affirmative answer to the question of ages: "If

a man die, shall he live again?"

Mr. BURROWS. Mr. President, it was the desire of the Senator from Ohio [Mr. FORAKER] to be present at these services, but I received a letter from him this morning stating that illness detained him at his home. I ask that the letter may be inserted in the RECORD.

The VICE-PRESIDENT. It will be so ordered.

Mr. Foraker's letter is as follows:

Washington, February 23, 1907.

DEAR SENATOR BURROWS: An attack of the grip prevents my attending the Senate and participating in the memorial exercises in honor of Senator Alger. I greatly regret that such is the case, for it would be to me a labor of love to join with you and his other colleagues and friends in paying proper tribute

to such a splendid character.

It was my good fortune to know him intimately for many years. He first attracted the attention of the American people as a dashing cavalry officer in the civil war, where, on account of his own merit and gallant services at the front, he rose to high rank, succeeded to important commands, and won great distinction. He was a typical volunteer soldier of the Union

As commander in chief of the Grand Army of the Republic, as the governor of Michigan, as the Secretary of War, and, finally, as United States Senator, he filled conspicuous places and rendered great services to his comrades, his State, and the nation. But great as are his claims upon us because of these distinguished services, I shall always think of him first because of his excellent qualities as a man. Amid the busy cares of his active life he never forgot the claims upon him of others. He was one of the most considerate of men. I never knew one freer from envy, jealousy, malice, and every other kind of ill disposition toward others. He was always modest, generous, even tempered, and lovable.

Nothing gratified him so much as to do a favor or extend help to those who were honestly struggling against odds in the

battle of life.

His family relations and home life were ideal. There love and affection reigned supreme, and so it is that from whatever view may be taken of his life, character, and public services there comes a real inspiration to emulate his example.

Again regretting that I can not be present to elaborate these suggestions, I remain,

Very truly, yours, etc.,

J. B. FORAKER.

Hon. J. C. Burrows,

United States Senate, Washington, D. C.

Mr. SMITH. Mr. President, to pay tribute to the deserving, to shower eulogy upon the dead, is the custom of ages and the privilege of friends.

This historic Chamber, the scene of so many fierce political controversies and the abode of so much affectionate good will, is at once the tribune of popular expression, the forum of re-flection, and the theater of action harmoniously combined.

Here the voices of the strong have been raised for the weak and the soldier of destiny has drawn his sword in royal battle. Here the favored son of fortune and the victor over circumstances have poured out their souls in tuneful harmony, and history recalls no loftler aspirations than have moved the hearts and minds of men in this high place.

It is fitting, indeed, that from the vexatious affairs of state we turn in tearful contemplation to one whose life typified his country's greatness and in whose death the shadows fall

tinted with mellow glow.

Born in a humble cottage, his early life burdened with the perplexities of poverty and the difficult problems of existence, he soon mastered both himself and circumstance, and marked a royal trail through the forest of life, romantic and thrilling in individual intensity.

To make his way alone from a humble frontier cabin to this exalted station, leaving monuments of generosity and enterprise along the stormy path he traversed is, indeed, the priceless privilege of few.

Laborer, lawyer, soldier, statesman, this busy man unlocked with his magic key the hidden treasures of commerce, and with dauntless spirit leveled forests, cleft mountains in twain, and delved with pick and shovel and spade, guided only by his flickering lamp and his stout heart, to the choicest gifts of

mother earth.

Then with lavish hand he scattered his generous bounty into the lap of the poor and the unfortunate until the widow and the orphan, the sick and the distressed, came to look upon this goodly man as religion personified, while that vast army of newsboys in the city of his home, whom he met each year in princely conclave, came to look upon his kindly face with reverential awe, drawing from his inspiring life lessons of comfort and hope, pointing the way to the very summit of the possi-bilities of American manhood.

To blaze the way with ax and saw, to pore with patient vigil over the baffling intricacies of the law, and just as he had taken to his heart the queenly wife who sustained and aided him with such noble dignity and womanly poise in life's great battle, to leave all and risk his life upon countless battlefields is to

do that which only a manly man can do.

Obstacles only stimulated him. Danger fired his imagination and strengthened his resolution; poverty spurred him to greater endeavor, and disappointment could not discourage

him nor alter his plans.

Tall, lithe, agile, strong, he broke the bonds of circumstance and cleared his own pathway to the highest goal, never doing injustice to any man. His fascinating figure became familiar to his countrymen as he moved with modest but intrepid mien, whether in the thickest of the fray upon the field of battle or in executive, administrative, or Senatorial office. His radiating and inspiring personality stimulated alike the old and the young; and when at last the strain of active life bore too heavily upon him and his big heart broke, his noble character took on again the sweetness of gentle childhood, and he found his greatest comfort in mingling quietly and uncomplainingly among his fellows or in sharing the joys of his beautiful home, where worthy sons and sympathetic daughters vied with wife and mother in a home life that was perfect in its loveliness and

in which no discordant note was ever heard,
Senator Alger died like the soldier that he was. In the
midst of every earthly blessing, richly dowered with the love
of friends, he sat under the sword of fate, unmoved by fear

and unawed by the shadow of death.

He passed away in the gentle quiet of the early dawn, the morning sun filling his death chamber with rich radiance, typical of his life among men.

About his bier gathered the mighty of State and nation. Soldiers in martial array rode sadly but proudly by his corse. The flag of his country, which he had defended so bravely, was his pall, enshrouding the dead chieftain in its graceful folds, while the remembrance of his loving countrymen constitutes his priceless mausoleum.

Mr. President, from this Chamber Michigan has gathered up the sacred dust of many noble sons who have borne with con-

spicuous honor the commission of our State.

Cass and Howard, Chandler and Ferry, Conger and Bald-win, Stockbridge and McMillan wrought mightily and faithfully for their country, and the people of our Commonwealth treasure their ashes in memory's golden urn.

To-day we lovingly lay upon the shores of the limitless sea

this last contribution to our immortal dead.

Oh! Unseen oarsman, gently, lovingly, and tenderly bear him across the dark river, made wider by our affection and deepened by our tears.

This Chamber may have echoed with more eloquent voices, and abler statesmen may have trod this matchless way; but no kindlier, gentler, manlier man was ever carried through yonder portals than the late modest, unassuming Senator from Michi-

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE HITT.

The VICE-PRESIDENT laid before the Senate the following resolutions from the House of Representatives, which were read:

IN THE HOUSE OF REPRESENTATIVES February 17, 1907.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. ROBERT R. Hitt, late a Member of this House from the State of Illinois.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. CULLOM. Mr. President, I submit the following reso-

lutions, and ask that they may be read.

The VICE-PRESIDENT. The Senator from Illinois proposes resolutions, which will be read by the Secretary.

The resolutions were read, and unanimously agreed to, as

Resolved, That the Senate expresses its profound sorrow on account of the death of Hon. ROBERT R. HITT, late a Member of the House of Representatives from the State of Illinois.

Resolved, That the business of the Senate be suspended in order that fitting tributes be paid to his memory.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the widow and family of the deceased.

Mr. CULLOM. Mr. President, this hour has been set apart that we may review the life, services, and character of a man well known to the majority of Members of this Senate, and with whom I was intimately associated, in public and private life, since our school days together, more than fifty years ago.

speak of the late Hon. Robert R. Hitt, who served as a Member of Congress from the State of Illinois for almost a

quarter of a century.

Mr. President, few men in public life occupied so high a place in the esteem and estimation of the people of his State and country as did Mr. HITT.

He was born in Urbana, Champaign County, Ohio, on Janu-

His father, the Rev. Thomas S. Hitt, settled in Ogle County, Ill., in 1837, and this continued to be Mr. Hirr's home until the time of his death. His father was a Methodist minister, a man of force and character, one of the foremost citizens of his portion of the State, and it was through his effort that the Rock River Seminary, at Mount Morris, Ill., a prominent institution of learning in the early days of the State, was established.

The late Representative attended the Rock River Seminary,

and, with Governor Beveridge, the distinguished John A. Rawlins, the late Congressman G. L. Fort, John Hitt, and others, were classmates of mine. It was there that I first met and learned to know and appreciate his character, and the intimacy thus early formed continued until his death.

Mr. Hirr was a thorough student. I never knew a young man who was a more constant reader and who seemed never

to forget anything he once read.

He received his first start in life through his knowledge of phonography. As a very young man he took a deep interest in shorthand and soon became one of the earliest and most

capable stenographers in the West.

The first notable service which Mr. Hirr performed and which attracted the attention of the country to him was his reports of the Lincoln-Douglas debates in 1858. He accompanied Mr. Lincoln and Mr. Douglas to Ottawa, Freeport, Jonesboro, Charleston, Galesburg, Quincy, and Alton, Ill., and it was through his proficiency as a stenographer that millions of intensely interested readers all over this country were enabled to have a daily verbatim report of this greatest of all political discussions, involving the most momentous issues, ever held in this or any other country.

In his Twenty Years of Congress, James G. Blaine characterizes the Lincoln-Douglas debates of 1858 as "a discussion which at the time was so interesting as to enchain the attention of a nation, in its immediate effect so striking as to affect the organization of party, in its subsequent effect so powerful as to change the fate of millions."

Douglas was already a great national figure—one of the ablest of the leaders of a Senate which included in its membership as great a number of eminent statesmen and notable men as were ever before or since gathered together in this Chamberwhile Mr. Lincoln was then comparatively unknown outside of his own State. One can scarcely realize now the intense interest which those debates awakened in every part of this country. They had a tremendous effect upon the public sentiment of the day. Lincoln's masterly effort challenged the admiration of the people, and it was his wonderful success in this debate which finally culminated two years later in his election as President of the United States.

Lincoln became much attached to the young reporter and would decline to begin the discussions until sure that HITT was

The story is told of an interesting occurrence which took

place at Freeport, where one of the debates was held.

A stand was erected in a field adjacent to the city. Thousands of people gathered about the platform. The speakers

were ready. The throng was impatient. The tall form of Lincoln arose. He looked anxiously over the crowd. He called out, "Where's Hitt? Is Hitt present?" Hitt, from the extreme outskirts of the living mass, answered, "Here I am, but I can not get to the platform." The good-natured people understood the situation. They seized the slender youth and passed him over their heads to the stand.

Mr. Hitt's next important service was rendered as secretary of the Davis-Holt commission, sent to Missouri to investigate the Frémont régime in that portion of the country. long, laborious, and important work, as the voluminous report prepared by him and still preserved in the archives of Congress

will show.

After the conclusion of this service Mr. HITT became assoclated in a confidential capacity with that commanding figure of the civil war, Edwin M. Stanton, Lincoln's splendid Secretary of War.

All during the civil war and later Mr. Hirr was employed in many confidential capacities, and his ability and proficiency were so well recognized that his services were constantly sought by commissions, by committees of Congress, by military courts, and by the Executive Departments.

After the return from an extended trip to Europe and the Holy Land in 1871 he accompanied, as its secretary, the Commission sent to Santo Domingo by President Grant to inquire into the resources of the country, with a view to its annexation. Mr. Hirr prepared for the Commission a detailed report, which is still one of the best authorities we have on that unsettled

President Grant, like President Lincoln, had great respect for and confidence in Mr. Hrrr, his capacity and ability, and in 1874 he appointed him as secretary of the United States legation at Paris, which position he filled, with great credit to himself

and his country, for more than six years.

That most popular American statesman, James G. Blaine, when he became Secretary of State under President Garfield, immediately tendered Mr. Hitt, whose personal friend he was, the position of Assistant Secretary of State. The tender of the position came as a surprise, but after some hesitation he accepted. He continued as Mr. Blaine's principal assistant until Mr. Arthur became President, when he voluntarily retired with his chief.

Although Mr. Hitt had held many important positions prior to 1882 and had enjoyed in the highest degree the respect, esteem, and confidence of the great public men of the day, commencing with Lincoln, Douglas, and Stanton, continuing with Grant, Garfield, and Blaine, his public career really commenced when he entered Congress in 1882. The nomination was not solicited. It was tendered to him. For twenty-four years he continued to represent his district in Congress, and so much pride did the people of his district take in him that he seldom had opposition in his own party and he was at times elected by majorities ranging from fifteen to more than seventeen thousand.

Twenty-four years in the House is a long term of service. Very few men in our history have had so long, continuous, and

honorable service in the House of Representatives.

The House is a great forum in which to achieve distinction. Many of our Presidents achieved, at least in part, that distinction through the reputations they made as Members of the House. The reputation of a Member of the House is made only as a result of individual effort and ability. Here in the Senate seniority and long service do much. A Member of Congress, who can serve nearly a quarter of a century and retire with the reputation Mr. Hirr had, is no ordinary man. He must in the highest degree have had extraordinary ability.

His long service abroad and in the State Department, his knowledge of our foreign affairs, his ability peculiarly adapted him for service on the Foreign Affairs Committee. He was soon made a member of that committee and later he became its chairman, in which position he continued for many years and until his death. A more distinguished and able chairman that

committee has never had.

Mr. Hirr occupied an unique position in the House and his death leaves a vacancy which can not easily be filled. In many respects he resembled the late Cushman K. Davis. Like Mr. Davis in the Senate, he took comparative little interest in current legislation, but when any great subject affecting our foreign relations was under discussion he immediately became in the fullest sense leader of the House, just as Mr. Davis, under similar circumstances, became the leader of the Senate.

I think it will be admitted that he was more thoroughly con-

versant with all that pertains to our foreign relations than any

other Member of that body.

Subjects affecting our foreign relations should be above partisanship. Partisanship should cease at our own shores, and questions pertaining to our relations with other governments

should be considered and disposed of without regard to party affiliation. But when, unfortunately, such questions have been debated from a partisan standpoint, Mr. Hirr was naturally selected as the leader of his party on the floor of the House. How well he merited that distinction has been often testified to by his colleagues, and the record of his many able speeches in Congress will demonstrate.

His last great speech was a defense of the Administration on the recognition of Panama as an independent Government. It was, I believe, the first speech delivered in either House clearly and forcibly defending the President's position from the standpoint of international law. Even those who disagreed with Mr. Hirt were compelled to admit that it was a most able effort.

He was appointed by President McKinley as a member of the commission to frame a form of government for Hawaii, and, with the senior Senator from Alabama and myself as the other members of the commission, spent some time in Hawaii making a personal investigation and framing a suitable bill providing for its government.

Mr. Hitt was not a politician. He knew very little of the intricacies or machinery of politics. He was purely the statesman, and fortunately he represented an unusually intelligent and appreciative constituency, who took great pride in his reputation and standing in Congress and continued him in the position he graced so well as long as he lived.

In demeanor Mr. Hift was always the thoroughly cultivated gentleman in the best acceptance of that term—quiet and modest, reserved and thoughtful, but at the same time always approachable. When induced to take part in either private conversation or debate on the rostrum or on the floor of the House he always proved himself master of the subject. He was scholarly, a man of broad culture, speaking and writing several languages with ease and fluency, and a student all his life.

He would have made a great Secretary of State, and at one time, not many years ago, I had every reason to suppose that he would be invited to assume the State portfolio. Had he lived and retained his health, I feel certain that this Government, on his retirement from Congress, would have availed itself of his services as an ambassador to one of the important European countries.

But it seemed decreed otherwise, and he passed away at his summer home at Narragansett Pier, R. I., September 20, 1906, surrounded by those he loved best, well and favorably known by the diplomats and statesmen of Europe, mourned by his district and State, respected and esteemed by his colleagues in Congress and by the people of the whole country.

Mr. LODGE. Mr. President, first impressions are the most vivid. They dwell longest in the memory. They remain clear and sharp in outline when later memories grow blurred. This is as true of new experiences or of a new course of life as of a new country upon which the glance of the traveler rests for So when a man comes to Washington and begins his service in Congress, the figures and events of his first year stand out more clearly in his recollections than many which have followed them. Among the men whom I remember best when I first entered Congress, twenty years ago, was Mr. Hirr. He was one of the leaders, one of the recognized leaders of the House even then. Yet he seldom spoke, and scarcely ever took part in the running debates of the daily sessions. But whenever he took the floor he had the complete attention of the House and its perfect confidence in all questions in which party lines were not drawn. His especial subject was foreign affairs, and he was the leading member, and during all his later years chairman, of the great committee charged with that important subject. His knowledge of our foreign relations, of our diplomatic history, and of the diplomatic history of Europe was unsurpassed. There was no subject, no question involving our relations with other countries, upon which he could not at a moment's notice call out a wealth of information, not only as to the leading principles and essential conditions presented, but as to all the details, both personal and political, with which the history of the transaction could be illuminated or explained. But international relations and the history of diplomacy were but part of a generous learning which ranged over many fields and left none untilled or unharvested. He was a man of the widest reading, and not only remembered what he read, but remembered it intelligently. His learning was never an incumbrance, but an adornment, worn as lightly as a flower and used as skillfully as the blade of the master of fence.

Mr. HITT was a statesman in the most exact and broadest sense of the word, and men did not have to wait until he died to find this out. He was so recognized in the House, where he served so long, and his high qualities were equally recognized

in the Senate, where, unfortunately for his State and country, he was never permitted to serve.

I have spoken of him as he appeared to me in his public capacity when I first saw him and as he continued to appear during all the succeeding years. But I should not satisfy myself if I did not speak of him as the friend whom I came to know well and for whom I never ceased to feel a deep affection as well as a very genuine admiration. Mr. Hitt, among many good qualities, had that of kindness to young men, and I have a very grateful memory of his kindness to me when I first entered the House. Thus it happened that I early became his friend, and there was no man whose society I more enjoyed. full of humor, which went hand in hand with his wide knowledge both of men and books, and a more agreeable companion, a more interesting man in talk, it would have been difficult to He had looked out upon the world as he passed through it with keen sight and observant eyes. The observation was always good natured, but always penetrating. He was without illusions, but he was the kindliest cynic that ever smiled upon the inconsistencies and absurdities and pretenses with which humanity is fond of soothing itself at suitable moments.

But his charm as a companion and friend rested on those deeper and stronger qualities without which the most compelling charm is fleeting and superficial. He was eminently loyal to country, to party, and to friend. He was patriotic and able, looking far into consequences and possibilities. He was of high honor and unspotted life. Fortunate in the friendship and trust which Lincoln gave him in his youth, he was equally fortunate in his later life and friendships and the trust and confidence of the great President were continued to him in his age by the people of his State and country and were never forfeited.

Mr. McCREARY. Mr. President, death has taken from the Congress of the United States Hon. Robert R. Hitt, of the State of Illinois. He died full of years and full of honors with his harness on, and the effulgence of his intellect and the sunshine of his disposition and the purity of his patriotism unimpaired.

I first became personally acquainted with him in 1885, when I was appointed a member of the Committee on Foreign Affairs of the House of Representatives, of which committee he was also a member. I served with him twelve years on that committee, and a part of the time he was chairman of the committee and part of the time I had the honor to be chairman of that committee, and our long association on that committee was never marred or disturbed by contention or disagreement, but was ever harmonious and pleasant and was the basis of friendship which strengthened with the lapse of years and will always be remembered by me with pleasure and gratification.

God seems to place some men in spheres of life which are congenial and where they can best serve His purposes and benefit their country. For twenty-four years ROBERT R. HITT was a Representative in Congress, and he seemed to be created for the duties of that office. The House of Representatives of the United States is one of the most important forums in the world. There men are judged not by the offices they have held nor by the splendor of their ancestry; not by the honor and renown they have achieved; not by the glamor of conspicuous civil or military careers, but they are judged by what they do, by the capacity, fidelity, and honesty with which they discharge the various and responsible duties of Representatives in the Congress of the United States. In that great forum questions are discussed and measures enacted which concern the destinies of our Republic, and he who as a Representative of the people wins their approbation and advocates their welfare and helps to promote the great interests of the Republic is not only a worthy and faithful public servant, but he has done that which in all ages and in all countries has merited and received lasting honors and continuous admiration and respect.

Mr. Hitt was equal in every respect to the position he held. His ability, industry, integrity, and faithful and efficient service made him a model Congressman, respected by his colleagues and loved by his constituents.

He was well equipped for all kinds of legislation and was a most excellent parliamentarian, but his services as chairman and as a member of the Committee on Foreign Affairs were conspicuous. He entered Congress after he had experience and training as secretary of legation and chargé d'affaires at Paris, France, and Assistant Secretary of State, and after association with many of the ablest and most prominent men of our country and of Europe, and he soon proved that he was a worthy representative of the great State of Illinois, which had been represented in the councils of the nation by Abraham Lincoln, Stephen A. Douglas, John A. Logan, David Davis, Lyman Trumball, and others

He was an earnest student of international law and was a recognized authority on all matters pertaining to our foreign affairs, and was well informed in diplomacy, and he could have discharged the duties of Secretary of State or ambassador abroad with credit to himself and honor to his country.

Mr. Hirr lived in an age of the greatest achievements and the most marvelous progress the world has ever known. His life, which is a part of the history of his time, illustrated high appreciation of his environments and marked and noble efforts to make the world better because he lived in it, and showed what a man can accomplish by intelligence, energy, integrity, and

fidelity to duty.

In his early manhood, after he was educated at De Pauw University, he was a stenographer and reporter, and he preserved and published the exact words of Lincoln and Douglas in their great debate in Illinois in 1858, which marked an epoch in our country's history. He made rapid advancement in learning and in official position, and in the largest part of his mature life he was a Congressman and participated in the administration of the affairs and the enactment of the laws of the greatest Republic in the world during the period embraced by the Presidencies of Garfield, Arthur, Cleveland, Harrison, McKinley, and Roosevelt; and no man gave more earnest consideration to the great problems presented or did his part more faithfully among the patriotic and progressive leaders of his time, or tried more earnestly to do his duty as God gave him the wisdom to see the right, than Hon. Robert R. Hitt.

Our friend, with his rare acquirements, courtly manner, and delicate and refined nature, has left us forever. Our loved colleague, in whose career no breath of suspicion ever assailed his integrity or dimmed the brightness of his honor, now sleeps the sleep of death. He will be missed in the many spheres of usefulness which he adorned. He will be missed in his district, in his State, and in the councils of the nation. He will be missed by his host of friends who admired, respected, and loved him, but above all he will be missed beyond expression in his home he loved so well, and of which he was the light and center, by his

loving wife and devoted sons.

In halls of state he sat for many years
Like fabled knight, his visage all aglow,
Receiving, giving sternly, blow for blow.
Champion of right; but from eternity's far shore
Thy spirit will return to join the strife no more.
Rest, citizen, statesman, rest; thy troubled life is o'er.

Mr. SPOONER. Mr. President, the request by the distinguished Senator from Illinois [Mr. Cullom], the chairman of the Foreign Relations Committee of the Senate, and long an associate in public life of Robert R. Hitt, that I speak a word of tribute to his memory, comes to me as a command. It seems to be my rather unhappy lot to be called upon to speak in unstudied words and unpolished sentences of colleagues and friends who have gone to the grave from public life. I looked upon Robert R. Hitt as a friend. I entertained for him great respect and admiration. There was an undefinable something about him that seemed to come down from the Lincoln period. He was essentially individual to my apprehension; all in all a quaint character. One like Mr. Hitt could not, in early or later life, be the confidant and associate of Abraham Lincoln without obtaining from that association an education the like of which the schools do not and can not afford.

Mr. Hirr, had he chosen to devote his life to purely legislative functions in general, would have excelled as a practical legislator. But he was a born diplomat. He had spent much time abroad. He had gleaned from his service in France a great and valuable discipline on the lines of diplomatic thought work. He chose to make that his specialty in public service, and he chose wisely and well and for the benefit of his country.

He was not an orator in the sense the world at large thinks and speaks of oratory, but he was a charming and interesting speaker. He was always fully possessed of every phase of the subject upon which he spoke. His diction, never in the slightest apparently studied, was absolutely exquisite in its simplicity and beauty. More than once I have listened to him in the House of Representatives speaking upon some diplomatic question—and none are more important, none more complicated, none more difficult of wise solution, and oftentimes none more dangerous, than the questions which grow out of our foreign relations—and his thought was as clear as crystal and his language was as clear as his thought.

He well deserved the abiding and complete confidence which the late but always to be remembered John Hay reposed in him as a wise counselor and as a loyal and devoted friend. I concur in all that has been said of him by the Senators who have preceded me. He would have made an exceptionally able

Secretary of State. I think, as much as the people of the United States admired and respected him; I think, as dearly as the people who for twenty-four years kept him as their Representative loved him, neither the country at large nor the people of his district fully appreciate the public service which he rendered.

It is a great mistake to measure a man's usefulness in public life, in the House or in the Senate, by the speeches which he makes here, by the reports which he writes and presents upon important public matters, or by the measures which he introduces. We here all realize, what the country at large can hardly be expected to realize, that a great mass of the valuable, splendid service rendered by the Members of the two Houses is rendered in committee room and in consultation with the different Departments of the Government. I know more than once when the wisdom, the experience, and knowledge of diplomatic history in our career as a nation has enabled Mr. Hrrr to solve a problem which gave all, however able, who were concerned in its solution great anxiety.

He was a charming companion. He was one of the best raconteurs I ever met. His memory was stored with anecdotes and experiences gleaned from abroad and at home, which he told in an inimitable way, and no one of which he could not as a gentleman—for there was no finer gentleman—have told in the presence of a lady. His hospitality in his own home was delightful. He was a frank man. There seemed to be, while quite reserved, in him nothing of that stealthy reserve which sometimes characterizes the diplomat. He believed in the modern diplomacy, which tells the truth and which is franker

and more open than the diplomacy of old times.

Mr. President, like the Senator whose memory we have honored this afternoon, the heart of Robert R. Hitt proved in the end to be his mortal weakness. I visited him several times during the last months of his life, when he could not take ten steps with safety, and when sitting beside him on his porch not far from my home was the wife who had been his friend and companion and lover during all the years. He talked about the diplomacy of the country, the questions which confronted us, and the dangers which he thought—and he was a farsighted man—beset us; and with apparent sadness he seemed to feel that he would not much longer be a participant in the affairs which for so many years had absorbed him, and pointed here and there to possible solutions, one of which since his death has been approved.

I may say this in conclusion. His life in private and in public was spotless. He was a singularly able public man, calm, wise, patriotic, and devoted. His memory will be forever fragrant and honored in the memory of our people, Mr. President, and I hope some day, although I doubt it, the people of the whole country will come to know that for the labor of twenty-four and more years which he gave to the country, to our people, they owe to him a "debt, immense, of endless gratitude."

Mr. KEAN. Mr. President, it is with no ordinary feeling that I rise to say a few words in memory of the distinguished man to whose memory and works for his country and State we to-day

pay tribute.

Mr. Hitt's public career covered the most important and critical period of our history and brought him into contact with the most famous men of the times. Beginning as a young man, he reported the famous debates between Lincoln and Douglas. Continuing in public life, it was his fortune to render distinguished service to his country during the Franco-Prussian war at the time of the siege of Paris. He also rendered to his country valuable assistance as Assistant Secretary of State under Mr. Blaine. But his great record was made as a Member of Congress. For more than twenty-four years he gave to his constituents and to the country the benefit of his cultivation of mind, his sound judgment, and his best efforts.

I first knew Robert Hitt when I came to Washington as a young Member of Congress. It was then I learned to appreciate the extent and accuracy of his stores of knowledge and the breadth of his wide experience. I learned to appreciate more than anything else his kindly, generous nature, and while I admired him as a statesman, I loved him as a friend. Most of the happiness of those early days in Washington I owe to the constant, daily association with one so kindly and so gifted. His was true sweetness of disposition, which the sharpness of party strife, the bitterness of disappointment, or even the trial of long, weary illness could not ruffle or embitter. He served his country at home and abroad with ability and success. His attainments remain as monuments to his memory. He has left a place in the councils of his State and nation difficult to fill and a memory gracious, respected, honored, and revered.

Mr. DANIEL. Mr. President, it would be well for our country if there were more men in the public service of the character, of the mold, and of the temperament of the late Robert R. Hitt, of Illinois. He was a unique man, a very remarkable man, remarkable for the fine balance of his faculties and for the excellent good judgment he displayed on all occasions. He was remarkable for his serene and gentle disposition. It was not offensive to him that another differed with him in opinion, nor was he ever offensive in stating his differences of opinion with another. He was remarkable in his equipment and in his aptitude for the tasks of public life. Lord Bacon says, "Reading maketh a full man." Mr. Hitt was a full man. He had that thirst of knoweldge which the Creator has implanted in generous minds that love the truth and can never be content in their quest for it. He read much and his fine memory kept in store what he read.

The same great man has also said, "Writing maketh the accurate man." Mr. Hirr was an accurate man. He made just estimate of the tasks which he assumed. He had acquired the habit of writing in the most severe and delicate kind of manual composition, which requires the skilled hand and the nicest and closest application of the intellect. He was in youth a stenographer, and amongst the most skilled of that craft in the West. It is a great cultivation of the whole man to study deeply any question or master any art. His compositions had that delicacy of expression and that fitness of statement which bespeaks the well-ordered mind. They flowed from the accuracy with which he measured men and things. They flowed like streams within their banks. They bore clear messages from a clear mind, and carried light in the exact communication of specific thought to others

"Speaking," said Bacon, "maketh the ready man." Mr. Hitt never seemed to have the ambition or the taste or the dramatic instinct to make himself a figure of conspicuousness or to shine on great occasions, but the serenity of his mind appeared on all occasions and bespoke the settled judgment. When he chose to speak, he spoke neatly and aptly, not to the galleries, not to an absent audience, but to the point of what he was endeavoring to illuminate and to those who were deciding. He was a ready man, one not to be surprised or startled—ready because equipped and because of steady opinion and purpose, and because also gifted with the faculty of natural expression.

Mr. Hirr was credited by all who knew him to be a good man, one who felt the responsibility of the tasks committed to his hands, and one who sought in all becoming ways to accomplish the objects and to carry out the views which impressed him as right and just. And so he could do these things. He seemed to be utterly careless of himself.

Mr. Hitt was one of the most unpretentious men with whom I have ever been thrown in contact. In his intercourse with others and in his dealings with public things it never occurred to you to suppose that he was thinking of himself, and yet when he dealt with things you could see that he had seen through them, that he understood them, and that he was a master of the subject which he undertook to illustrate. He was a conservative man. He did not dip into many things, but he understood a few things, and on these he was an authority and a guide. Like the distinguished Senator from Kentucky [Mr. McCreany], who has paid to him to-day the just tribute of a colleague in most eloquent and fitting terms, I first became acquainted with Mr. Hitt in the Forty-ninth Congress, when he was in the minority and when the distinguished Senator from Kentucky and I were in the majority of the Committee on Foreign Affairs of the House of Representatives.

We were not long together before everyone realized that we were fortunate in his presence and in his having a share of our labors. I can not recall ever to have heard a word of partisanry uttered by him or that any kins of partisan spirit was ever engendered amongst the gentlemen who shared in the labors of that committee. They had respect for each other, and each went his way as he thought best.

I then formed a high opinion of Mr. Hrrr, both of his judgment, of his sincerity, of his learning and ability, and of his high and noble character. It is pleasing to me to reflect that at the end of nearly a quarter of a century I can contemplate long relations with him, not indeed those of intimate friendship, but those of frequent contact and association and manly feeling, in which never a word was said or anything done to break the current of cordial esteem and good will between us.

Mr. President, I have broken bread by his fireside, and I know the charm of that home which was the crown of his life and the source of his greatest pride and joys. Many men, as has been remarked by the distinguished Senator from Wisconsin [Mr. Spooner], have made great names and have shone

in the public annals of our representative bodies here who have neither undertaken nor accomplished such worthy and such lasting tasks as did Mr. Hirr. Yet it is also true that if those records of the Government which are seldom seen by any eye and which make impression upon but few were brought to light and were to be given due and proper weight and consideration, I doubt if there is any man who has served the United States in Congress within a score of years concerning whom would be discovered and brought to light more durable and more worthy memorials of honest and useful public service.

He was useful to his country and to his kind. Is not this the best of all epitaphs, except that he left a name without a shadow or a blemish upon it? It is no wonder that his constituency in Illinois were so faithful to him, for they had learned and they knew that he was faithful to them. He sought as his highest dignity and received the greatest of all rewards in knowing that they appreciated his services.

Mr. SUTHERLAND. On account of the unavoidable absence of the junior Senator from Illinois [Mr. Hopkins] he requested me to read to the Senate the following:

Mr. HOPKINS. Mr. President, death has claimed few public men recently more honored and respected by the people of Illinois than ROBRET R. HITT.

For several years the rugged health which marked his early and mature years had deserted him. He fought the grim monster Death for years, however, with courage and persistency. During all this time he discharged his public duties and all personal and social obligations with a bright and cheerful spirit that are found ordinarily only in those who enjoy the best of health.

When I first entered public life as a Member of the Fortyninth Congress, Mr. Hirr, whose district joined mine on the west in Illinois, was then a prominent figure in the House of Representatives. He was chairman of the Committee on Foreign Relations, and was honored and respected as one of the most cultured and distinguished members of that body.

For a full quarter of a century he represented in the House of Representatives one of the most intelligent and richest districts in Illinois. It had been made famous before his day by sending to the House of Representatives of the United States such men as E. D. Baker, who fell at Balls Bluff, one of the most eloquent orators of his time, and one of the most heroic figures of the civil war; Elihu B. Washburn, a great historical character; Mr. Burchard and Mr. Hawk, less distinguished perhaps than their predecessors, but men, however, of great ability, who rendered conspicuous service in the House of Representatives.

Mr. Hirr had had a long and varied experience in public life prior to his Congressional career. He was Mr. Lincoln's especial friend long before that great man was thought of for the Presidency, and during the now famous debates between Senator Douglas and Mr. Lincoln, Mr. Hirr was selected by Mr. Lincoln to take his speeches in shorthand and transcribe them for the public. He was a very young man at this period, but was regarded, and justly so, as the most accomplished stenographer of his day. He had been educated at what was then known as Rock River Seminary, in Illinois, now known as Mount Morris College, and later at De Pauw University, and thus brought to bear in the discharge of his duties scholarly attainments and a literary finish to his work that are rare in shorthand reporters.

For many years he was secretary of legation and charge d'affaires ad interim at Paris, and later was Assistant Secretary of State. In these several public positions he not only discharged his duty with fidelity, but with an ability that ultimately led to his wider field of usefulness as a Member of Con-

During his entire service in the House of Representatives no Member exerted a wider influence than he in the House and country on all questions affecting our foreign relations. He had made an especial study of our diplomatic relations from the earliest history of the Government, and was looked up to as an authority on the various questions that from time to time came before the House of Representatives affecting our relations with foreign countries.

The people of his district loved and honored him, and their

The people of his district loved and honored him, and their confidence in him was reciprocated by a loyalty that knew no wavering. While he never forgot his duty to his State and country, his first love was to the people of his district, and he allowed no opportunity to pass unnoticed that enabled him to contribute to their welfare and prosperity.

His death, while not unlooked for, when it came was a shock to the good people of his district and the State of Illinois. He has passed over the dark river. His voice will never again be heard in that great legislative body, the House of Rep-

resentatives, where he so frequently, during his long and dis-tinguished career, defended the great principles of government which have made our country the foremost nation of the world.

He will be missed in the committee room, where his wise counsel controlled and directed his colleagues on the Foreign Relations Committee. He will never again be heard in the district that he so long and honorably represented in Congress; but his memory, Mr. President, will long remain not only with the people of his district and the State of Illinois, but with all who had the good fortune during his life to come within the circle of his acquaintance and fellowship, as an inspiration to them and to succeeding generations.

#### MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE HOAR.

The VICE-PRESIDENT laid before the Senate the following resolutions from the House of Representatives, which were

IN THE HOUSE OF REPRESENTATIVES, February 10, 1907.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. Rockwood Hoar, late a Member of this House from the State of Massachusetts.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House at the conclusion of the memorial exercises of the day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Sen-

Resolved. That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. LODGE. I send to the desk resolutions, Mr. President,

which I ask may be read.

The VICE-PRESIDENT. The Senator from Massachusetts proposes the following resolutions, which will be read by the

The resolutions were read and unanimously agreed to, as fol-

Resolved, That the Senate has heard with profound sorrow of the death of Hon. Rockwood Hoar, late a Member of the House of Representatives from the State of Massachusetts.

Resolved, That the business of the Senate be now suspended in order that a fitting tribute may be paid to his memory.

Mr. LODGE. Mr. President, only two years ago I spoke here in commemoration of the life and services of my revered and distinguished colleague, Senator Hoar. To-day I am called upon to perform the same sad service in honor of his son, who died last September, after much suffering, at his home in Worcester. Senator Hoar died in the fullness of years, after worcester. Senator floar died in the lumbess of years, after a service in Congress covering more than the lifetime of a generation. Rockwood Hoar died in the prime of life, just as his public service here was beginning. He was the last of his generation, and for the first time in more than seventy years there is no man of his name and family in the public life of Massachusetts, and for the first time in more than forty years there is no one of his race representing Massachusetts in either House of Congress.

ROCKWOOD HOAR felt always the responsibility of this tradition of public service which belonged to his family from the seventeenth century down to the present time. He graduated from Harvard, worked hard at his profession, where he won early distinction, was occupied with all the cares and pleasures which an active life and a happy home imposed upon him; but the call to do his share of public work and play his part in the life of his time, that call which came to him out of the past, inseparable from his "birth and state," never fell upon dull ears. He responded to every command, whether in city or in State. He served on the staff of two governors, and did hard and much-needed work in that position during the Spanish war. He was elected district attorney for his county and achieved there great success, bringing to the office the untiring industry and exacting conscientiousness which were among his most conspicuous qualities. Then he was elected to Congress, and had just begun to show here the same ability and earnestness which he had exhibited in other fields when he was taken from us and from the public service which he so valued and enjoyed by an untimely death.

ROCKWOOD HOAR was endowed with all the attributes of mind and character which a Representative of the American people should possess. He was a thorough American, born and bred in Massachusetts, where his ancestors had lived and worked for more than two hundred and fifty years. Love of country, pa-triotism in its highest sense, was born with him, was his inheritance, was bone of his bone and flesh of his flesh. He was well trained, well educated, well read, a sound and able lawyer, a man of entire honesty and courage, of sensitive honor and unblemished character. With all these qualities of mind and

heart, his success in the larger field of public usefulness just

opening before him was assured.

I have spoken of Mr. Hoar only in his public capacity, as is fittest to speak here and on this occasion. But I can not refrain from expressing my own sense of a great personal loss in the death of one for whom I felt an affection which I like to think was returned. I had known Rockwood Hoar for many years, but our meetings had been casual and at long intervals. Recently, however, circumstances had brought us closely together, and the intimate relations I had had with his father were transferred to the son. Then I came to realize fully his many fine qualities and to feel how worthily he maintained and, if his life were spared, how finely he would illustrate the honored and historic name he bore. It was to me a great gratification to be associated with him here in Washington, to see him starting so fairly to fulfill all the hopes which those who knew him best cherished for him. But that future was not to "He has outsoared the shadow of our night," and we can only in halting words express our sense of the loss which has come to the country and to the State which commanded his devotion and of the sorrow which has befallen his friendsthe only sorrow he ever caused them.

Mr. CURTIS. Mr. President, this hour has been set apart that we may pay tribute to the memory of a man of distinguished lineage and of notable public service. It was my privi-lege to serve with him in the House of Representatives, where I learned to appreciate his devotion to duty and his manly regard

for the principles of honor, truth, and worth.

ROCKWOOD HOAR came from a long line of distinguished ancestors. The family in England had both substance and established positions before events in America were controlled by European hands. For two hundred and fifty years the family has been an honored one in New England, and for more than fifty years it has had a most extraordinary share in shaping public affairs for the entire country. For five generations backward Rockwood Hoar was descended from an unbroken line of patriots and illustrious men. Two of these ancestors-father and son-were side by side at Concord aiding in our struggle for independence. His grandfather was a noted lawyer and a prominent Member of Congress. His father outstripped all of his name in the race for honor and won for himself the plaudits of the world. On his mother's side Rockwood Hoan descended from Roger Sherman, a distinguished signer of the Declaration of Independence, whose other descendants have written their names large upon the pages of our history.

From an ancestry like this ROCKWOOD HOAR could inherit nothing but the most profound conceptions of duty, the most enlightened modes of thought, and the most conservative methods of action. Born of parents most singularly upright and learned, hedged in on all sides by inheritances of speech, thought, and manner Rockwood Hoar could be naught else than

a distinguished character.

In his own right, supported of course by the impregnable virtues of his inheritance, Rockwood Hoar took a distinguished place among his fellows. As graduate of Harvard he was well grounded for life's severest struggles and most admirably equipped for a successful career in any line of thought or in-

dustry. He chose the law and nonoreu n.

His judgment was methodical, precise, and sound, and in the faithful performance of a trust he was surpassed by none. Beginning in January, 1899, he served six years as district attorney in his home district, laying down this honor to accept the greater honor of a seat in the House of Representatives of the United States, being sent thereto from a district which for three previous terms had elected men in opposition to his political principles. The confidence of his friends was rewarded by the able work he performed as district attorney, and the single session he served in the higher work of Congressional labor gave ample proof of promise and of power. His interest in educational affairs is shown by the fact that he was at the time of his death a trustee of Clark University. Such was the career he worked out for himself in the twenty-six short years from the date of his admission to the bar. Verily he shone by no reflected light, and could he have been spared might have won an equal place with his distinguished father. His father was great in his spiritual discernment; Rockwood Hoar in this respect followed closely in the footsteps of his illustrious sire. The father was courteous, kind, and obliging; the son had all these qualities in an eminent degree. The father lived a long and a most eventful career, dying in a ripe old age; the son lived a vigorous, eventful life, climbing each year to higher heights, but was cut off in the very prime of life, before the seeds of promise had full time to bud and flower and bring forth the

rich fruitage of a grand and powerful life. ROCKWOOD HOAR made but few speeches in his short Congressional career, but in those that have been preserved he exhibited the tenderest regard for the sentiments of others and the single desire to contribute something which would in reality illuminate the subject. His rugged common sense and his experience with a great number of vital questions gave his utterances upon great questions a power they would otherwise not have gained, and foreshadowed a greater power when he should have had a longer service and the wider confidence of his associates. Rockwood Hoar brought into the House high ideals of public life and unswerving loyalty to public duty; these were his compass and guide throughout the short period of his service.

In his private life he was above all reproach and with his friends the kindliest of men. So passed from us a man of unblemished and noble character-a man of varied and great abilities. He did a great work without living out the fullest span In his native State, where his honors were most of human life. largely won, his demise was universally regretted and deplored, and in the Congress of the United States his departure was a blow. It was unexpected, and to his fellows, who were just coming to know him as a man and as a friend, his death brought sorrow and regret. So died an honest, sincere, and upright man, a man well fitted for public life, and who in every relation of life discharged to the fullest his duties to himself, to his family, to his State, and to the country at large.

Mr. CRANE. Mr. President, Rockwood Hoar served but one session in the House of Representatives. The tributes paid to him by his associates show that during that brief time he had not only won their affectionate regard, but had impressed them to a remarkable degree with his industry, ability, and sterling worth. They have spoken with tenderness and evident sincerity of his lovable personality, of his courage and spirit of independence, of the high ideals which governed his life, and of his unyielding devotion to duty. Mr. Hoar was fitted by education and by capacity for work for the position to which he was chosen by those who knew him well and among whom all his life had been spent.

He was nominated unanimously by the Republicans of the Third Massachusetts district as their candidate for Representa-tive in Congress in 1904, and elected by a large majority. The fact that two years later he was again nominated without opposition showed how satisfactory his service had been to his constituents and gave reasonable assurance that he would have had an opportunity for extended service in a field that was so attractive to him and where he could have been relied upon to do faithful and efficient work.

He took great interest in everything pertaining to the welfare of the region in which he lived. He could always be depended upon to give freely of his time and ability, not alone in official positions, but wherever he saw that he could be of use to the city and county of Worcester. For four years he was a member of the city council, and during the last year of such service was president of that body. From 1899 to 1905 he was district attorney of the county of Worcester and had formerly served for three years as its assistant district attorney. He brought to the discharge of his duties in these positions thoroughness and painstaking effort and exhibited at all times that courage and independence which so impressed his colleagues in the House of Representatives during his brief service with them.

He was also interested in military affairs and was an aid-decamp on the staff of Governor Oliver Ames from 1887 to 1890. Seven years later he accepted a position on the staff of Governor Roger Wolcott as judge-advocate.

Rockwood Hoar was descended from men who had rendered distinguished service to State and nation. It was just at the end of his father's long and illustrious life that he became a Member of Congress. He was naturally ambitious and rejoiced in the opportunity which had come to him to bear some part in shaping national legislation. His friends knew that he was well equipped for the work which he undertook with so much satisfaction and enthusiasm. They hoped that he was entering upon a career of usefulness and influence. His untimely death has prevented the realization of these hopes and has brought sorrow to the people of Massachusetts, whom he was so anxious to serve.

MEMORIAL ADDRESS ON THE LATE REPRESENTATIVE LESTER.

The VICE-PRESIDENT laid before the Senate the following resolutions from the House of Representatives; which were

IN THE HOUSE OF REPRESENTATIVES. January 10, 1907.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. Rufus E. Lester, late a Member of this House from the State of Georgia.

Resolved. That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these services, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate,

Resolved, That the Clerk send a copy of these resolutions to the family of the decease.

of the deceased

Mr. CLAY. Mr. President, I offer the resolutions which I send to the desk, and ask for their adoption.

The VICE-PRESIDENT. The Senator from Georgia submits resolutions, which will be read:

The resolutions were read and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. Rufus E. Lester, late a Member of the House of Representatives from the State of Georgia.

Resolved, That the business of the Senate be now suspended in order that a fitting tribute may be paid to his memory.

Mr. CLAY. Mr. President, I rise to pay my last tribute of respect to a friend, a loyal and devoted friend. I first met Hon. RUFUS E. LESTER during a session of the legislature in my State in 1882, and I knew him intimately from that time up to his death. He was then comparatively a young man; although only 45 years of age, he was recognized as one of the leading public men of my State. Mr. LESTER enjoyed in a high degree the universal confidence and esteem of the results of George the universal confidence and esteem of the people of Georgia, and he retained their confidence and affection throughout his public life. He held many public positions of honor and trust, and always faithfully discharged his duty. His career was a most remarkable one. Mr. Lester was born in Burke County, Ga., December 12, 1837, and died in this city in his sixty-ninth year during the session of the Fifty-ninth Congress, while a Member of Congress from the First Congressional district of Georgia, which he had represented continuously for sixteen years; and he had been reelected to the Fifty-ninth Congress but had only served out a part of his term at the time of his death. Had Mr. Lester lived to serve out the remainder of his term, he would have had eighteen years of continuous service in the House of Representatives, a service noted for devotion to the public interest and highly appreciated by his colleagues and constituents. His boyhood gave many evidences of the useful career he had before him. As a boy he was thoughtful, industrious, and studious, and graduated from Mercer University with first honor.

His kind and generous nature made him a host of friends among his classmates, and these friendships lasted for a lifetime. After graduation he read law with one of the ablest law firms of the city of Savannah, Messrs. Norwood & Wilson, and his preceptors were so impressed with the high character and ability of their student that they immediately offered to make him a member of their firm, which he promptly accepted. Mr. Norwood was afterwards elected to the United States Senate and served with distinction in this body for six years.

In 1861 Mr. Lester entered the Confederate Army as lieutenant of the Twenty-fifth Georgia Regiment. He was twice wounded at the battle of Chickamauga, two horses were shot from under him, and after the battle he was commended for gallant conduct on the field and recommended for promotion. soldier of the Confederate Army none were braver and truer than Mr. Lester. His courage and patience at all times met the demands of the occasion. My colleague is familiar with his soldier life and I'll leave this field to him.

Immediately after the close of the war he came back to Savannah and commenced again the practice of law and established an extensive and lucrative practice. In practicing his chosen profession his conduct was most scrupulous; he taught his clients to expect nothing at his hands in conducting their cases except honorable conduct. The conditions in Georgia in 1865, after the close of the civil war, were most critical. The State needed the counsel and services of her ablest and most popular sons. Savannah was a city of culture and refinement; her bar ranked as the ablest in the State. Mr. Lester was chosen to represent the First senatorial district in the Georgia senate of 1866, and served continuously for a period of nine years. Probably the most useful and distinguished services he ever ren-dered his State were during this period. These were the dark days of reconstruction, when there were passed at one session of the legislature thirty-two acts which directed State indorsements to be placed on the bonds of as many different railroads.

Henry G. Turner, another distinguished Georgian, before he passed away, said:

These indorsements so authorized, with the contingent liability created by seven other acts previously passed, would have amounted to \$40,000,000, and that all the rallroads to be built under these acts collapsed with a single exception, and the latter would have been built without

The same great Georgian tells us further that all these bonds were indorsed in violation of the constitution and of the acts providing for the indorsement. Impartial history tells us that in order to hold together the combination of members who supported these measures a resolution was passed requiring that each and every bill in which State aid was granted be retained by the president of the senate and speaker of the house, respectively, until each and every bill was acted upon, so that they all might go to the governor at the same time. Mr. Turner tells us, in his History of Reconstruction, that it was a conspiracy which enabled every member to command the vote of every other member who had such a bill, and that this arrangement pooled all their bills and consolidated all their supporting influences.

Financial ruin threatened the State. It was a situation in which all good citizens banded themselves together against a disgraceful administration. Well did Mr. Turner say that reconstruction accomplished not one useful result and left behind it not one pleasant recollection. During this entire period Mr. Lester was a member of the State, senate and for three years president of the senate, and he battled fearlessly and continuously for honest, clean, good government. He fought manfully State indorsement of fraudulent bonds and exposed the corrupt practices of an ignorant and unscrupulous legislature. He won the confidence and esteem of the good people of the entire State. It is impossible to calculate the value of his services to the people of Georgia during this period. A few years afterwards Mr. Lester's friends pressed him to make the race for governor. He declined to enter actively into the canvass, but allowed the use of his name, and while he did not receive the nomination in the convention he made a most creditable race. Under party custom it required two-thirds of the delegates to make a nomination and neither of the four candidates had enough votes to secure the party nomination. After balloting for days the convention adjourned without a nomination.

Mr. Lester declined to press any further his candidacy. When he announced his candidacy a leading Georgia daily gave this estimate of his character and fitness for the high office of governor.

Whatever his hands find to do he does with his might. As he fought for the late Confederacy in the field so he has labored and fought since the day he sheathed his sword—for the good of his people, the honor of his State, and the success of his party. He possesses wisdom, justice, and moderation. As a lawyer he is in the very foremost of his rank, full of learning and of the singular magnetism, so that juries delight to give him verdicts. He is a symbol of strength, his mental vision broad, and he is especially known for his individuality and boldness of thought and action; his moral and physical courage superb.

This was a just tribute to the great Georgian. He was afterwards elected mayor of the city of Savannah and held the office for six years. He did not desire the office, but the office sought the man, and he accepted the position at the instance and earnest desire of his fellow-citizens. He gave the city a splendid administration.

He held the police department under the strictest discipline and adopted as his motto: Every city officer must do his whole He looked especially after the health of the duty to the people. city and sought by every possible means to improve the school system of the city. He was an uncompromising foe of mob law. On two occasions he prevented mob violence by taking command of the police. The respect and love the people had for him calmed the mob, and through his efforts bloodshed was averted and the law upheld. Mr. Lester felt special pride in the growth and derelopment of the city of Savannah. He knew what deep water meant for that city. When Mr. Lester entered Congress, and before the Savannah River had been improved, only light cargoes would seek the port. Through his efforts, as a member of the Committee on Rivers and Harbors, large appropriations were obtained to improve Savannah River and Harbor, and the growth of the commerce of Savannah, as a result of his efforts, has been marvelous. In 1890 the depth of the water was 20 feet and 9 inches, and in 1905 26 feet and 6 inches. In 1900 only 660,458 tons of freight were handled by regular coastwise steamship lines from this port, and in 1905 the tonnage had increased to 1,022,779 tons.

The total appropriations made by the Government for the improvement of the Savannah River have been \$7,574,983. The larger part of this vast sum came through the untiring efforts of Mr. Lester. During the seventeen years he represented his district in Congress he toiled day and night to secure the necessary appropriations for the continuation of the improvements of this magnificent harbor. Before he died he saw the result of his good work. He saw the number of steamers increase from 43 to 192 and the net tonnage increase from 1,077 to 2,086 tons in the same period. When he entered Congress the largest steamer entering the port carried only 1,774 tons; when he died several steamers with net register of 4,600 tons loaded daily at the city wharves carrying from twenty-three to twenty-four

thousand bales of cotton. He lived to see the imports of his city almost trebled in a period of four years. When he died Savannah's exports were greater than the exports of Wilmington, Newport 'News, Brunswick, Fernandina, Norfolk, and Charleston all combined.

Mr. Lester is dead, but the good work he accomplished while living is still going on.

The present river and harbor bill carries a million dollars to improve the river and harbor at the city of Savannah. member well the fight made in the Fifty-eighth Congress to secure the necessary survey to estimate the cost and the advisability of securing a depth of 26 feet at mean low tide. The Senate had adopted the amendment, and a majority of the conferees of the House fought it bitterly, contending that the cost would be enormous and that the work ought not to be done. Mr. Lester was on the conference committee, and his soul was enlisted in behalf of this work. Largely through his calm demeanor and persistent efforts the House conferees were reconciled to the amendment, and the survey was allowed to remain in the bill. What has been the result? The engineer in charge of this work, after a most thorough investigation, made a careful estimate of the cost and set forth the importance and necessity for this great importance, and as a result of such survey the river and harbor bill now carries a million dollars to make these improvements.

I repeat, Rufus E. Lester gave seventeen of the best years of his life to develop the commercial interests of the city of Savannah

His work is done, and was well done. He held public office thirty-two years, and throughout his entire life there was never a blot upon his character, never a stain upon his fair name. Political opponents admired his honesty. He was modest, brave, sympathetic, and tender. He was frank, sincere, and just. He was kind and always considerate of others. It can be truthfully said that he died without enemics. I have often heard it said since his death that he didn't have a single enemy in the House, where he had served for seventeen years. He adopted as his motto—

Write your name in kindness, love, and mercy on the hearts of the thousands you come in contact with year by year and you will never be forgotten.

All classes honored, respected, and loved him in his home city. The colored people asked permission of Mrs. Lester to allow a hundred of their best men to attend the funeral in a body, She cheerfully granted the request. I have often visited his home city, and I have never yet heard anyone speak an unkind word of Mr. Lester. His home life was happy and most beautiful. I stopped at the same hotel with Mr. and Mrs. Lester. His only child, a beloved daughter, died several years before her father's death. She left two sweet little daughters. These granddaughters lived with Mr. and Mrs. Lester. He was always happy in their society. It was in his home, with his beloved and most estimable wife and grandchildren, he found true and sweet rest.

RUFUS E. LESTER was a gallant soldier, a faithful Representative in Congress, a model citizen, an indulgent father, and an affectionate and devoted husband. I repeat, he could afford to cease from his labors, for his work had been well and gloriously done. Georgians are proud of his record. They will ever honor and revere his memory and teach their sons to profit by the lessons taught by this distinguished son of the State. He now sleeps in the bosom of the State and city he loved so well. He is dead, but the good work he accomplished will live on for generations to come. Our sons will study his life and emulate his virtues. Who can calculate the good that will follow such a life? His colleagues will feel the loss of his intelligent and useful labor and his prudent and wise counsel. But death is the fate of all men. His life, his deeds, his services, were given for the good of his country. Society has been exalted by his influence, and men have been made better by his life. Peace and honor to his memory.

## [Mr. DOLLIVER addressed the Senate. See Appendix.]

Mr. BURROWS. Mr. President, I should do violence to my own feelings did I permit this occasion to pass without joining with others in paying tribute to the memory of the Hon. Rufus E. Lester, late a Representative in Congress from the State of Georgia. It was my good fortune to serve with Mr. Lester in the National House of Representatives for many years, where I learned to appreciate his high character and respect his manly qualities. Although we differed politically and radically on most public questions, yet these differences never engendered any personal hostility or provoked estrangement. In every conflict,

however severe, he was always the same courteous gentleman and manly man. I never knew a more chivalrous antagonist.

I brought with me to the Senate the most pleasing recollections of him, and though in the latter days of his life, by reason of a bodily infirmity, he was able to greet me only with broken speech, yet our friendship remained unimpaired to the hour of his death. I join with the Senators from Georgia in deploring the loss of a public servant from their State, honest, capable, and patriotic, and with them extend to his surviving family the tenderest sympathy of a friend, who feels in the death of Mr. Lester a personal bereavement.

Mr. MALLORY. Mr. President, it is natural for us to seek to perpetuate the memory of the virtues of an esteemed associate whose earthly career has been closed forever. Few men are so unqualifiedly bad and unregenerate that those who knew them best in life are unable truthfully to assign to them some trait or characteristic more or less commendable and sufficiently striking to justify some good words. To speak ill of the dead is repugnant to all just men, even the most unenlightened; to hurl epithets gratuitously at those whose lips are closed forever is to strike the helpless and is an invidious task. Our better impulses protest against it and prompt us rather to emphasize and dwell on what of good, however little that may be, the record of the dead discloses than to hold up to harsh criticism its less admirable features.

This may be accepted as the general rule, exemplified by many instances in the experience of all of us, and by it we and our successors will be governed to the end of time.

But when death has struck a truly shining mark, when the life story of its victim is a harmonious epic of truth, courage, devotion to duty, and unswerving adherence to lofty principle, and when we ourselves can testify to the verity and unexaggerated quality of that story it becomes a sacred duty, alike to ourselves and to posterity, to endeavor to make perpetual the memory of such a character.

It was my privilege to form the acquaintance of Rufus Ezekiel Lester some sixteen years ago, when I came to Washington as a Member of the House of Representatives of the Fifty-second Congress. He had already served one term in that body, and had impressed himself upon its membership as a man of sterling character, untiring industry, sound judgment, and broad patriotism. I doubt, Mr. President, if there ever was a body of men in which the measure of one's character and capacity was more promptly or more accurately taken than it is in the popular branch of our National Legislature. The possession of the confidence and personal regard of its Members is a guaranty of exceptional worth and merit on the part of the possessor, and no higher tribute can be paid to a Member of that body than to say of him that he enjoyed the respect and esteem of his colleagues.

Of Mr. Lester, this could be said without reservation or qualification.

Gifted by nature with a clear mental vision that enabled him always to see things as they were, and with a temperament that subordinated the promptings of passion or prejudice, to the dictates of a conscientious judgment, he was of a moral fiber that was as unyielding as the heart of oak to any suggestion of compromise with wrong or injustice.

To this rarely complete equipment for meeting and solving the Protean problems of life that cause so many men to "wax gray and ghastly, withering ere their time," was added a ripe and varied experience, the result of his environment and the momentous period in our country's history in which he lived.

Born in Burke County, Ga., December 12, 1837, he attended the local schools during his boyhood and graduated at Mercer University in that State shortly after he had attained his twentieth year. Two years thereafter he was admitted to the bar at Savannah and began the practice of law in that city under most favorable auspices. He was rapidly rising to distinction in his profession when the tocsin of civil strife resounded and the war drum throbbed throughout the land, and with the prompt appreciation of duty that ever characterized him and shaped his conduct, he volunteered as a private in the ranks of the Twenty-fifth Georgia Regiment, and for four years dedicated his life and energies to the defense of his native land. During those strenuous years of peril, privation, and suffering he was several times honored by promotion, but was finally so seriously wounded at the battle of Chickamauga that he was incapacitated for further active service in the field. The close of the war found him holding the position of inspector-general on the staff of General Mackall at Macon.

Mr. President, while their fortitude and devotion to the cause for which they fought compelled the admiration of the

world for the soldiers and sailors of the Southern Confederacy, I claim that the qualities exhibited by them, when, realizing that their cause was lost forever, they returned to their desolated homes, and with naked hands essayed the task of rebuilding their, shattered fortunes and bringing order out of chaos, were no less worthy of the world's unstinted applause. Without money or credit, subjected to the political domination of their former slaves, marshaled and directed by a horde of conscienceless, alien, hostile white men, they never lost heart, never for a moment weakened in their high purpose of redeeming their beloved land from the thrall of that alliance of ignorance and venality. That the task was stupendous, and that it required the exercise of phenomenal patience, courage, discretion, and energetic persistence, may well be imagined, but I apprehend that a true portrayal of the multiform enormities with which the men of the South had to cope in that Saturnalian era of political frenzy has never yet been given to the

It would be strange, indeed, if young LESTER, endowed as he was by nature, imbued with patriotic fervor, and ripened into serious and thoughtful maturity by the forcing processes of many hard campaigns and bloody battles, should have failed to take an active and prominent part in the struggle for the redemption of his State. Georgia needed the services of her wisest, most discreet, and determined sons, and young Lester had scarcely begun the resumption of his law practice when, in obedience to the mandate of his people, he accepted an unsought election to the State senate from the Savannah district. As was practically the rule in such cases, the decree of the people was promptly reversed by the irresponsible mob that then controlled the Georgia senate, and Mr. Lester was deprived of his seat in order that it might be given to a negro contestant who could be depended on to vote with the majority. At the next election, however, held in 1870, he was again chosen to represent the Savannah district, and for nine years thereafter filled that position with great credit to himself and much advantage to his district and State. At the expiration of his ninth year of service as a legislator he declined a renomination, and again betook himself to the practice of his profession. But the conspicuous and influential part that he had acted in the rescue of Georgia from the ruinous domination of the negro and the carpetbagger had commended him so highly to the people of his home city, and, in fact, to the en-tire State, that within a year after his retirement from the legislature he was again called on to devote his talents and energy to the service of his fellow-citizens. For the next six years he filled the position of mayor of Savannah, and, as in the administration of every other public trust confided to him, performed its duties so wisely, faithfully, and energetically as to win the cordial commendation of all classes and conditions of the people.

Once more he sought release from the burdens and responsibilities of official life, and hoped to enjoy uninterruptedly an opportunity to devote himself wholly to the pursuit of his profession. He had served his people long and faithfully, at the expense of his personal interest, and it was but just to his family and himself that he should devote the remaining years of his vigorous manhood to securing a modest competency for the future. But it was not to be. His respite was of short duration, for within two years, without solicitation on his part, he was nominated and elected to represent his Congressional district in the Fifty-first Congress. From that time until his death, on the 16th day of June, 1906, he represented continuously the people of that district in the House of Representatives

Aside from the many great and enduring material benefits which his State and district secured from Congress, through his wise prevision and unremitting effort, his services to the country at large as a far-seeing, safe, and broad-minded legislator, whose patriotism knew no limit or constraint within the borders of his native land, were of immeasurable value. Truly modest and even self-repressing at all times, and unambitious to pose as a conspicuous figure in the Congressional arena, he was none the less positive, firm, and even aggressive when the cause or occasion demanded such a course.

His well-known moderation and habit of carefully weighing the claims of both sides to a controversy before reaching a conclusion thereon, assured for his views on every important question a degree of attention and consideration quite exceptional, and gave him an influence in the House of Representatives which the general public scarcely appreciated. In brief, Mr. President, his career in that body amply justified the discernment of his constituency and their appraisement of his courage, character, and capacity which was manifested by electing him

for nine successive terms and until death removed him from his

The record of his private life is equally without blemish. True to himself and his convictions, he could not be untrue in his relations with any human being. The same conscientious observance of every obligation that his varied official duties imposed on him marked his intercourse with all men at all times. Generous and sympathetic without a savor of weakness or indecision, he was courteous alike to the exalted and the lowly, and as prompt to condemn and combat wrongdoing on the part of the one as on that of the other. By slower processes, but not less accurately than the intuition of a woman, he gauged the character of men; for the foibles and minor defects that mar or detract from the symmetry of our mysterious dual nature he had an abundant charity, but he was utterly intolerant of insincerity or falsity in any of its manifestations, and the disclosure of such traits rendered intimacy between him and their possessor a moral impossibility.

The friendship of such a man was an honor to him on whom it was bestowed.

Mr. President, to what extent the modicum of good that is discoverable in the life story of any individual may have contributed to the progress of humanity no man can say. But we do know that in many signal instances the example set us by true, brave, and unselfish spirits of the past have proven precious legacies serving to strengthen and uplift mankind in its efforts to achieve a higher and more perfect development. inscriptions in turgid metaphor cut deep in the rugged sides of stupendous mountain passes, with which the mighty monarchs of Assyria and Babylon sought to perpetuate the memory of their desolating conquests, have been effaced for thousands of years by the eroding touch of time. The memory of their bloody achievements, the records of their so-called "power and were as effectually obliterated for many centuries as if they had never existed; and even the names of those proud potentates themselves, each of whom rightfully claimed the title, king of kings, are now the subjects of controversy for learned and laborious students of ancient history. Who of us to-day could recall the name of one of the dreary succession of tyrant kings of Egypt, but for those fast crumbling but wonderful mausoleums which their arrogance and pride caused to be erected with the vain purpose of perpetuating the barren memory of their futile reigns?

The deathless names of history are oftener coupled with personal disappointment and disaster than with the enjoyment of success and victory; but whether their life work was crowned with realization of its matured fruits, or whether they passed into the realm of silence unappreciated by a sluggish and sordid world, their lives were not in vain, and their memory, cherished in the hearts of just men, will endure forever.

Mr. President, it was permitted the subject of this brief sketch to realize in the enjoyment of the respect and personal affection of all of his people something of a return for his unfailing devotion to their interests. It was an acceptable recompense, and he valued it beyond price. But the basis of that respect and affection rested not alone on the recognition of his ability as a successful exponent of their wishes. They of all people knew him best, and so knowing, their respect and affection were constant and spontaneous tributes to his singularly admirable and harmonious qualities of head and heart. The same nobility of nature that without art or studied effort won for him the favor of the impartial and disinterested was equally potent in disarming envy and silencing its insidious suggestions

Successful as was his political career, he nevertheless was in no sense a politician as the term is usually understood. He was, in fact, essentially a home lover, and was happiest at his own fireside with his family around him. He was a devoted husband and a fond father, never unmindful of the great responsibility imposed on a parent, always a participant in the

joys and sorrows of his loved ones.

This was the man. A brave soldier, a wise counselor, a diligent, patriotic, and sagacious legislator, and the idol and revered guardian of a happy home.

Truly his life was not in vain.

Conscious of unfailing adherence to rectitude of purpose that, like a sacred labarum, had guided him through life, and secure in the possession of the respect and love of the people to whose service that life had been devoted, he heard without fear or repining the irreversible decree that all must bow to, and passed from the sight of men forever. "The rest is silence."

Mr. BACON. Mr. President, when one dear to us passes away, sweet is the voice of praise which testifies to his virtues, his character, and his deeds. With grateful ear, sir, I have

heard from his colleagues in the House of Representatives upon a former day, and in the Senate to-day, the beautiful and touching tributes of those who knew Rufus E. Lester so well, and, because they thus knew him, esteemed and loved him so It is in no perfunctory and formal observance that I lay upon his bier my offering of affection. If length of duration is the measure of friendship, then was I in that relation with him second to but few, for ours was the friendship not of a few years; it was the uninterrupted, close friendship of a long lifetime. I have known him much longer than any other with whom he has been associated in either House of Congress. I recall vividly my first acquaintance with him when I, a college boy upon my vacation in Savannah, met him, then an eager young lawyer just entering upon the practice of his professionin the flush of vigorous young manhood, his cheek ruddy with health, the glow of expectancy lighting his eye as of one girded for the mastery. I shall ever remember the admiration and pardonable envy with which I then regarded him. was only a few years older than myself, still he had crossed the divide upon which as a boy my view was strained—the line to the boy and the youth of all time as distinct and almost as distant to his impatience as the horizon—the line which separates the schoolboy from the dignity, the liberty, the opportunity of recognized manhood, with its associations in the responsible affairs of life.

The acquaintance then made ripened into an ardent personal friendship which lasted without interruption through all the long succeeding years until the sun had passed the meridian and the lengthening shadows told of the evening of life. diately after that early meeting came the tragic conflict of civil war, and in its thunder clouds and storms and smoke and dust we were at times hidden the one from the other; but through its din and uproar there came to me time and again tidings of the gallantry of the youthful Lester-how on many a sanguinary field his sword had flashed in the forefront; how at Chickamauga he won the plaudits of the men and the praise of his commanding officer; how two horses on that fateful day had fallen under him, and how, mounting the third, he, undismayed in that carnage of death, rode to victory at the head of the charging legions. The South had no son whose consecration of life and all to her cause was more unreserved than was his, and while the fortune of war did not require from him the highest sacrifice which a soldier can make and which he so freely dared, still more than once his blood was poured out a libation in her cause; and when that cause was finally lost, among the most active of those whose efforts, in the succeeding years of trial and unwearied toil, rehabilitated the South, restored her industries, and rebuilt the altars of her social order was Rufus E. LESTER. Only those who endured its trial can realize the anguish of that day, with hopes crushed, the highest endeavor and the grandest sacrifice lost in defeat, the land sodden with the blood of its sons, and a universal material desolation on every hand, with-

Scarce a rose of the wilderness left on its stalk, To tell where the garden had been.

Heroic men and still more heroic women were they who then defied despair and nerved themselves to the herculean task of restoration.

I would not now speak a word of crimination, but by all it is now conceded, in the kindly feeling of the present, that the humiliation of the South in the reconstruction measures was an unfortunate political mistake, one which those who took part in enacting them now freely say they would not repeat.

The events of that day are not pleasant either to recite or to remember. But they summoned the men and women of the South to the rescue of their local governments from those elements which were destroying the material interests, overturning the social fabric, and blotting out the civilization of that fair land. There was a saturnalia of public plunder and political debauchery. In each Southern State the cry for rescue rang out through its borders. Among the foremost who sprang In each Southern State the cry for rescue to the call was Lester, battling sternly and untiringly to drive out the despoilers. Georgia was the first of the reconstructed States to restore her government to the control of her own people. Within three years after the organization of the reconstruction State governments a legislature was elected by the white voters which was representative of property interests, social order, and of a civilization to be restored. When it assembled at the State capital the members found the executive chair vacant. The governor had absconded between two suns and left for parts then unknown.

In that and three succeeding legislatures Lester was a member of the Senate. A most difficult and untried task devolved upon the legislature of the State during the years succeeding the reconstruction period. With practically all personal prop-

erty destroyed and with the value of real estate reduced to a minimum, in three years of misrule a mountain of debt had been piled upon the State. At its close, with exhausted resources, an empty treasury was on one hand and a bankrupt public credit was upon the other. In matters social and political old things had passed away, and the legislation to be enacted must be adjusted to new conditions in their unparalleled incongruities and ever-increasing antagonisms. To restore the lost credit of the State, to rebuild anew a social fabric upon the wreck and ruins of a former civilization, to reopen the educational institutions, and set again in motion the industries which war had stricken down, to insure the supremacy and control of the virtue, the intelligence, the integrity, and the property interests of the State, and to frame and to guard and protect all against the license of the ignorant and the vicious which under evil influences threatened on every hand—this was the task, the magnitude and perplexing difficulty of which can at this distance be scarcely imagined.

But in the eight or ten years which followed this apparently impossible task was accomplished, and upon those desolate ruins there has arisen a new civilization which is not inferior to that which preceded it, and there has been builded a new prosperity and a new wealth greater than those of the former day. In this invaluable work of constructive statesmanship in a field of legislation for which there were no precedents upon which to model the work Lester was one of the master workmen, earnest, zealous, patient, determined, fertile in resource, unwearied in effort.

Mr. President, it is a matter of personal pride to me that I was with him in that great work, a lesser coworker, he a senator and I a representative; and during a large part of the time we were contemporaneously the presiding officers of our respective houses. During all those years I lived in the same house with I learned then not only in still larger measure his personal worth, but the value and extent of his labors in that the results of which in the lengthening years crucial time,

should be to him a perpetual monument.

From that field of labor each of us was within a few years transferred to the National Congress, and here again, during more than eleven years, have been continued and strengthened the ties of friendship which have thus bound us in closest union. Mr. President, while mine has been a friendship among the longest in duration, a man so leved, as he was, by all who were in close association with him can not be claimed in a friendship stronger than that given by him to many others, for he was one of those sweet and sympathetic and gentle characters, kindly, tender, considerate, generous, loyal, whose lives are made beautiful in the love of friends and happy beyond the power of tongue to tell in the sweet devotion of those who stand with them behind the sacred veil of domestic life.

Mr. President, I have known so well and so long Rufus E. Lester, I have esteemed and loved him so sincerely, that were I to say now all that I wish I would exceed the limits properly set for this occasion. As friend, father, husband, citizen, legislator, soldier, his life is a theme upon which I would dwell and upon which I am reluctant to speak the final word. Through the streets of his loved and beautiful Savannah, filled with the mourning thousands of all classes who viewed the solemn cortége. I followed him to the sacred groves of Bonaventure. There I saw him laid to his final rest. And, fitting close to the career of a gallant soldier was it, as beneath the bending boughs and the drooping moss, amid weeping loved ones and sympathizing friends, while tender hands covered his grave with beautiful flowers, glorified with the rays of the sinking sun, the remnant of the vanishing band of those who with him wore the gray, drooped over his earthly bed the tattered banner and with bugle call echoing through the great aisles of the giant oaks sounded their intrepid comrade to his last martial sleep

Until the joyful reveille of the final morn shall awaken him, God rest him !

Mr. BURROWS. Mr. President, I offer the resolution which I send to the desk.

The VICE-PRESIDENT. The Senator from Michigan offers a resolution, which will be read.

The Secretary read the resolution, as follows:

Resolved, That as a further mark of respect to the memory of Mr. Algen, Mr. Hitt, Mr. Hoar, and Mr. Lester the Senate do now adjourn.

The VICE-PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from Michigan.

The resolution was unanimously agreed to, and (at 7 o'clock and 12 minutes p. m.) the Senate adjourned until Monday, Febuary 25, 1907, at 11 o'clock a. m.

# HOUSE OF REPRESENTATIVES.

SATURDAY, February 23, 1907.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Vice-President had appointed Mr. DILLINGHAM, Mr. Lodge, and Mr. McLaurin members of the commission on the part of the Senate to make full inquiry, examination, and investigation into the subject of immigration, as provided for in section 39 of the act "to regulate the immigration of aliens into the United States," approved February 20, 1907.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 8451. An act ratifying and confirming chapter 58 of the twenty-third legislative assembly of the Territory of Arizona, providing for repair of the Territorial bridge at Florence, Pinal County, Ariz.

The message also announced that the Senate had passed without amendment joint resolution and bills of the following titles: H. J. Res. 223. Joint resolution relating to the holders of

medals of honor

H.R. 25475. An act to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906; and

H. R. 5169. An act for the relief of W. B. Sutter.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 24925) making appropriation for the naval service for the fiscal year ending June 30, 1908, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Hale, Mr. Perkins, and Mr. Tillman as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 24537. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1908, and for other purposes.

CONFERENCE REPORT, LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPRO-PRIATION BILL.

Mr. LITTAUER. Mr. Speaker, I call up the conference report on the bill H. R. 21574, the legislative, executive, and judicial appropriation bill. It is a complete agreement, and I move the adoption of the report.

The SPEAKER. The gentleman from New York calls up the conference report on the legislative appropriation bill and asks that the statement be read in lieu of the report. Is there The Chair hears none, and the objection? [After a pause.] Clerk will read the statement.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13. 14. 15, 23, 24, 25, 27, 28, 29, 41, 47, 50, 56, 57, 69, 70, 84, 90, 94, 100, 101, 104, 105, 106, 107, 115, 117, 118, 119, 137, 138, 139, 140, 141, 149, 150, 155, 156, 158, 159, 161, 162, 163, 164, 165, 166, 173, 174, 175, 176, 177, 183, 184, 186, 192, 193, 194, 195, 196, 197, 199, and 202

That the House recede from its disagreement to the amend-That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 18, 19, 20, 21, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 42, 43, 44, 45, 46, 49, 51, 53, 54, 55, 58, 59, 60, 62, 64, 65, 66, 67, 68, 71, 72, 76, 77, 78, 79, 80, 81, 82, 86, 87, 88, 89, 91, 92, 93, 96, 97, 98, 99, 102, 103, 108, 110, 111, 112, 113, 114, 116, 121, 122, 123, 124, 125, 126, 127, 128, 129, 133, 134, 135, 136, 142, 143, 144, 145, 146, 147, 148, 151, 152, 157, 160, 168, 169, 170, 171, 172, 178, 179, 180, 181, 182, 185, 187, 198, 200, 201, 204, 205, 206, 207, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, and 223, and agree to the same. That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

On page 1 of the bill, in line 10, strike out the words "four hundred and fifty" and insert in lieu thereof the words "six hundred and seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "two million nine hundred and seventy-four thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert

"\$5,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$24,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the matter stricken out by said amendment insert

the following:

"Indexes, digests, and compilations of law: To continue the preparation of the new index to the Statutes at Large, in accordance with a plan to be previously approved by the Judiciary Committees of both Houses of Congress, and to prepare such other law indexes, digests, and compilations of law as may be required by Congress for official use, namely: For one assistant, one thousand eight handred dollars; one assistant, one thousand two hundred dollars; one assistant, nine hundred dollars; two assistants, at seven hundred and twenty dollars each; and five hundred dollars as additional compensation to the law librarian; in all, five thousand eight hundred and forty dollars; and authority is hereby given to pay the persons appointed under the act of June 13, 1906."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$2,250;" and the Senate agree to the same. That the House recede from its disagreement to the amend-

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$234,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "assistant messenger;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert

\$23,780;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "compositor and pressman, \$1.000:" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert

"\$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$433,480;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$72,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: After the word "governor," in line 2 of said amendment, insert the following words: "while absent from Juneau;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$142.660;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the words "one messenger;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the number proposed insert "11:" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$164,506;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$357,890;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: Strike out the word "four," inserted by said amendment, and insert in lieu thereof the word "six;" and on page 108 of the bill, in line 16, after the word "Engineer," insert the words "and electrician;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$969,150;" and on page 118 of the bill, in line 18, after the word "each," insert the following: "; and for the following to be employed exclusively in connection with the model exhibit, namely, one machinist, one thousand six hundred dollars; one assistant, nine hundred dollars; one assistant, seven hundred and twenty dollars, and two charwomen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$232.860;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$22.190;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$706,860;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: On page 150 of the bill, in line 14, strike out the word "three" and insert in lieu thereof the word "two:" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$32,260;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said Senate amendment amended by adding at the end thereof the words "; and section 765 of the Revised Statutes and section 3 of the act of June 20, 1874, shall not be applied to this provision;" and the Senate agree to the same.

That the House recede from its disagreement to the amend-

That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with an amendment as follows:

Omit the word proposed to be inserted by said amendment, and on page 160 of the bill, in line 24, before the word "for," insert the words "otherwise than temporarily;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows:

In lieu of the number proposed insert "5;" and insert the

words "Sec. 4" before the matter substituted for the amendment of the Senate numbered 222; and the Senate agree to the

S. M. CULLOM, F. E. WARREN, Managers on the part of the Senate. LUCIUS N. LITTAUER, L. F. LIVINGSTON, Managers on the part of the House.

The statement was read, as follows:

#### STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on each of the amendments of the Senate, namely:

On amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, all of which relate to the Senate: Increases the amount for compensation of Senators to the amount required for the fiscal year 1908, and provides for employees of that body at the rates of compensation proposed in said amendments, and also for the amount for contingent expenses of the Senate.

On amendments numbered 13, 14, and 15, relating to the Capitol police: Appropriates for the number of officers and privates of the Capitol police and at the rate of compensation as proposed by the House.

On amendments numbered 16, 17, 18, 19, 20, and 21, all of which relate to the House of Representatives: Increases the amount for compensation of Members of the House of Representatives to the amount required for the fiscal year 1908, provides for a clerk to the Committee on Irrigation of Arid Lands, at \$2,000 per annum, and for a stenographer and typewriter, at \$720, in the office of the Sergeant-at-Arms, instead of a page at the same rate of compensation.

On amendments numbered 22, 23, 24, 25, 26, 27, 28, and 29, all of which relate to the Government Printing Office: Fixes the compensation of the Public Printer at \$5,500, instead of \$6,000, as proposed by the House, and \$5,000, as proposed by the Senate, and leaves the compensation of other persons employed in the Government Printing Office at the rates proposed by the House.

On amendments numbered 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39, all of which relate to the Library of Congress: Fixes the compensation of the assistants in charge of binding, documents, maps and charts, prints, and Smithsonian deposit, at \$1,400 each

On amendment numbered 40: Restores to the bill the provision proposed by the House for the indexes, digests, and compilations of law under the Library of Congress, with authority to pay the persons engaged on said work during the current fiscal

On amendment numbered 41: Appropriates for the salary of the Vice-President at \$12,000, as proposed by the House. On amendments numbered 42, 43, 44, 45, and 46, all of which

relate to the Civil Service Commission: Appropriates for the salaries of the three Commissioners at \$4,000 each, as proposed by the Senate, instead of \$3,500, as proposed by the House; and for an examiner, at \$2,400, as proposed by the Senate, instead of \$2,200, as proposed by the House.

On amendments numbered 47, 48 49, 50, 51, 52, 53, 54, and 55, all of which relate to the Department of State: Appropriates for the salary of the Secretary, at \$12,000, as proposed by the House; appropriates for two chiefs of bureau, at \$2,250 each, and six chiefs of bureau, at \$2,100 each; reduces the salary of the clerk to the Secretary from \$2,250 to \$2,100; inserts the appropriation of \$2,000 proposed by the Senate for emergency clerical services; appropriates \$2,000, as proposed by the Senate, instead of \$1,500, as proposed by the House, for books, etc., for the library; and authorizes the rent of a building in the District of Columbia for the use of the Department of State without stipulating the particular one to be obtained.

On amendments numbered 56 and 57: Appropriates for the salary of the Secretary of the Treasury at \$12,000, as proposed by the House.

On amendments numbered 58 and 59: Increases the salary of the chief of division of appointments in the Treasury from \$2,750 to \$3,000, as proposed by the Senate.

On amendments numbered 60, 61, 62, and 63: Makes a verbal correction in the text of the bill, and provides for an assistant messenger, at \$720, instead of a laborer, at \$660, in the division of Revenue-Cutter Service, Treasury.

On amendments numbered 64 and 65: Provides for an additional clerk, at \$1,600, as proposed by the Senate, in the division of printing and stationery, Treasury.

On amendment numbered 66: Authorizes the use of \$300,000,

as proposed by the Senate, instead of \$250,000, as proposed by the House, of the appropriations for public buildings for the employment of services in the office of the Supervising Architect during the fiscal year 1908.

On amendments numbered 67 and 68: Omits one clerk, at \$1,600, as proposed by the Senate, from the office of the Auditor for the War Department.

On amendments numbered 69 and 70: Appropriates for operatives, as proposed by the House, instead of skilled laborers, as proposed by the Senate, in the office of the Auditor for the Post-Office Department.

On amendments numbered 71, 72, 73, 74, and 75, relating to the office of the Treasurer: Provides for an additional assist-ant chief of division, at \$2,250, instead of a clerk, at \$1,800; increases the compensation of one compositor and pressman from \$1,400 to \$1,600 and of one machinist from \$900 to \$1,000.

On amendments numbered 76, 77, 78, 79, 80, and 81, relating to the office of the Comptroller of the Currency: Increases the salary of one chief of division from \$2,200 to \$2,500 and of six counters from \$660 to \$700 each, as proposed by the Senate.

On amendments numbered \$2, \$3, \$4, and \$5: Makes a verbal correction in the text of the bill, and leaves the amounts for

certain contingent expenses of the office of the Auditor for the Post-Office Department at sums fixed by the House.

On amendments numbered 86, 87, 88, 89, 90, 91, 92, 93, and 95, relating to the office of the assistant treasurer at Chicago: Increases the salaries of the vault clerk, paying teller, cashier and redemption teller, and change teller from \$1,800 to \$2,000 each; of the receiving teller from \$1,700 to \$2,000; of one clerk from \$1,000 to \$1,800; of six clerks from \$1,200 to \$1,500, all as proposed by the Senate; and strikes out increase in salary of one assistant paying teller from \$1,500 to \$1,600, and of one stenographer from \$900 to \$1,000, proposed by the

On amendments numbered 96, 97, 98, and 99, relating to the office of the assistant treasurer at New York: Increases the salaries of two chiefs of division from \$2,700 to \$3,000 each, one chief of division from \$2,600 to \$2,700, and one engineer from \$820 to \$1,050, all as proposed by the Senate.

On amendments numbered 100 and 101: Strikes out provision

for an additional clerk at \$1,000 in the mint at Carson, Nev., as proposed by the Senate.

On amendments numbered 102 and 103: Increases the saldries of the abstract clerk and warrant clerk in the mint at Denver Colo., from \$1,600 to \$1,800, as proposed by the Senate.

On amendments numbered 104 and 105: Fixes the compensation of an engraver in the mint at Philadelphia at \$4,000, as proposed by the House, instead of \$3,500, as proposed by the Senate

On amendments numbered 106 and 107: Appropriates for the assistant assayer in the assay office at Charlotte, N. C., at \$1,250, as proposed by the House, instead of \$1,500, as proposed by the Senate.

On amendment numbered 108: Increases the amount for wages of workmen in the assay office at Seattle, Wash., from \$12,000 to \$14,000, as proposed by the Senate.

On amendments numbered 109, 110, 111, 112, 113, and 114: Appropriates \$500, as proposed by the Senate, for the traveling

expenses of the governors of Alaska, Arizona, and New Mexico.
On amendments numbered 115, 116, 117, 118, 119, and 120, relating to the Office of the Secretary of War: Appropriates \$12,000 for the compensation of the Secretary, as proposed by the House; provides for a skilled laborer at \$900, instead of a carpenter at that salary, as proposed by the Senate; provides for seven instead of eight assistant messengers, as proposed by the Senate; for one assistant telephone switch-board operator, as proposed by the House, instead of an assistant messenger, as proposed by the Senate, at \$660; and for a telephone operator, as proposed by the House, instead of an assistant messenger, as

proposed by the Senate, at \$480. On amendments numbered 121 and 122: Provides for a chief clerk and solicitor, at \$2,250, as proposed by the Senate, instead of a chief clerk, at \$2,000, in the office of the Judge-Advocate of

On amendments numbered 123 and 124: Appropriates for a marine engineer, at \$3,500, as proposed by the Senate, instead of \$2,500, as proposed by the House.

On amendments numbered 125, 126, 127, 128, and 129, relating to the office of the Commissary-General: Provides for one additional clerk, at \$1,600, and one additional clerk, at \$1,400, and for a messenger, at \$840, instead of an assistant messenger, at \$720, as proposed by the Senate.

On amendments numbered 130, 131, and 132, relating to the office of the Surgeon-General: Provides for one additional messenger, at \$840, instead of one assistant messenger, at \$720.

On amendments numbered 133, 134, 135, and 136, relating to the office of the Paymaster-General: Provides for one additional clerk, at \$1,600, one additional clerk, at \$1,400, and one additional clerk, at \$1,200.

On amendments numbered 137 and 138: Provides for the landscape gardener in the office of the public buildings and

grounds, at \$2,400, as proposed by the House.

On amendments numbered 139, 140, and 141, relating to the office of the Secretary of the Navy: Appropriates for the compensation of the Secretary, at \$12,000, as proposed by the House, and for a telegraph operator, at \$1,100, as proposed by the House, instead of \$1,200, as proposed by the Senate.

On amendments numbered 142, 143, 144, 145, and 146, relating to the Hydrographic Office: Provides for a computer, at \$1,400 as proposed by the Senate, instead of \$1,200, as proposed by the House; and for three engravers, at \$1,200, instead of one, at \$1,000, two, at \$900 each, and one, at \$800, as proposed by the Senate

On amendments numbered 147 and 148: Appropriates specifically for the services of necessary employees at branch hydrographic offices, as proposed by the Senate.

On amendment numbered 149: Appropriates \$8,000, as proposed by the Senate, instead of \$7,500, as proposed by the House, for fuel and other miscellaneous expenses for the Naval

On amendments numbered 150, 151, 152, 153, 154, and 155, relating to the office of the Secretary of the Interior: Appropriates \$12,000 for the compensation of the Secretary, as proposed by the House; provides for an additional clerk, at \$1,400, instead of one, at \$1,200, as proposed by the Senate, and for an engineer and electrician for the old post-office building, at \$1,600, instead of an engineer, at \$1,400.

On amendment numbered 156: Makes the appropriation for per diem in lieu of subsistence of inspectors of the General Land Office available also for clerks detailed from the General Land Office on work as inspectors, as proposed by the House.
On amendments numbered 157, 158, and 159: Makes a cor-

rection in punctuation in the text of the bill, and increases the salary of the private secretary to the Commissioner of Pen-

sions from \$2,000 to \$2,500, as proposed by the Senate.
On amendments numbered 160, 161, 162, 163, 164, 165, 166, and 167, relating to the Patent Office: Strikes out the additional compensation of \$250, proposed by the House, as additional compensation to the chief of division in charge of the Official Gazette and leaves the number and designation of employees in the Office as proposed by the House, except that provision is made for a machinist, at \$1,600; one assistant, at \$900; one assistant, at \$720, and two charwomen, at \$240 each, to be employed exclusively in connection with the model exhibit.

On amendment numbered 168: Appropriates \$4,000, as proposed by the Senate, instead of \$2,500, as proposed by the House, for collecting statistics for reports and circulars of informa-

tion by the Bureau of Education.

On amendments numbered 169 and 170: Appropriates \$19,500, as proposed by the Senate, for rent of building for the Patent Office model exhibit.

On amendments numbered 171 and 172: Appropriates \$10,000, as proposed by the Senate, instead of \$9,000, as proposed by the House, for clerks in the office of the surveyor-general of Utah.

On amendments numbered 173, 174, 175, 176, and 177, relating to the office of the Postmaster-General: Appropriates \$12,000 for the compensation of the Postmaster-General, as proposed by the House, and strikes out the provisions proposed by the Senate increasing the salary of the captain of the watch \$200; one lieutenant of the watch, \$120, and for two additional watchmen, at \$720 each.

On amendments numbered 178, 179, 180, and 181, relating to the office of the Fourth Assistant Postmaster-General: Provides, as proposed by the Senate, for two clerks, at \$1,800 each, and two clerks, at \$1,400 each, instead of four clerks, at \$900 each.

On amendment numbered 182: Strikes out the appropriation of \$12,800, as proposed by the House, for rent of buildings for the storage of post-office supplies and for the rural delivery service.

On amendment numbered 183: Appropriates \$23,500, as proposed by the House, instead of \$25,000, as proposed by the Sen-

ate, for preparation and publication of post-route maps.

On amendments numbered 184, 185, 186, 187, and 188, relating to the office of the Attorney-General: Appropriates \$12,000, as

out the increase, proposed by the Senate, of the salary of the librarian from \$1,600 to \$2,000, and provides for one additional charwoman, at \$240, as proposed by the Senate.

On amendments numbered 189, 190, and 191, relating to the office of the Solicitor of the Department of Commerce and Labor: Appropriates for a clerk, at \$1,400, additional, instead of

one clerk, at \$1,200.

On amendments numbered 192, 193, 194, 195, and 196, relating to the office of the Secretary of Commerce and Labor: Appropriates \$12,000, as proposed by the House, for compensation of the Secretary; appropriates for the salary of the disbursing clerk \$2,750, as proposed by the House, instead of \$2,500, as proposed by the Senate; strikes out the increase proposed by the Senate of the salary of one chief of division from \$2,000 to \$2,250, and provides for a captain of the watch, at \$1,200, as proposed by the House, instead of \$1,000, as proposed by the Senate.

On amendments numbered 197, 198, and 199: Appropriates \$50,000, as proposed by the Senate, instead of \$30,000, as proposed by the House, to investigate trade conditions abroad under

the Department of Commerce and Labor.
On amendments numbered 200, 201, 202, and 203, relating to the Census Office: Increases, as proposed by the Senate, the salaries of four chief statisticians from \$2,500 to \$3,000 each, and the salary of the chief clerk from \$2,500 to \$3,000, and strikes out the provision proposed by the Senate for an additional skilled laborer, at \$1,000.

On amendment numbered 204: Appropriates \$525,000, as proposed by the Senate, instead of \$400,000, as proposed by the House, for securing information for census reports under the Census Office.

On amendments numbered 205 and 206: Increases the salary of the Supervising Inspector-General of the Steamboat-Inspection Service from \$3,500 to \$4,000, as proposed by the Senate.

On amendments numbered 207, 208, and 209, relating to the Bureau of Navigation in the Department of Commerce and Labor: Provides for a deputy commissioner, at \$2,400, instead of a clerk, at \$1,800, with additional compensation of \$600 for acting as deputy, and provides for a chief clerk, at \$2,000, as proposed by the Senate.

On amendments numbered 210, 211, 212, 213, and 214, relating to the Bureau of Immigration and Naturalization: Provides for the additional clerical force proposed by the Senate in the

Bureau of Immigration and Naturalization.
On amendment numbered 215: Makes immediately available the appropriation for an express wagon for the Bureau of Standards.

On amendments numbered 216, 217, 218, and 219, relating to the court of appeals of the District of Columbia: Increases; as proposed by the Senate, the salary of the clerk from \$3,000 to \$3,250, the deputy clerk from \$2,000 to \$2,250, and the crier from \$900 to \$1,000.

On amendment numbered 220: Appropriates \$500 for the custodian of the building occupied by the Court of Claims, as pro-

posed by the House.

On amendment numbered 221: Modifies section 3 of the bill so as to read as follows:

"Sec. 3. The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated otherwise than temporarily for performing such service, and the heads of Departments shall cause this provision to be en-

On amendments numbered 223 and 224: Omits section 5 of the bill, the same having been embraced in the amendment of the House, which was agreed to by the Senate, to amendment numbered 222

On amendment numbered 224: Corrects the numbering of sections in the bill.

The bill, as finally agreed upon, appropriates \$32,094,013.80, being \$1,246,480 more than as it passed the Senate, \$1,463,630 more than as it passed the House, \$878,488 more than the estimates submitted, and \$2,412,094.50 more than the appropriations for the current fiscal year.

L. N. LITTAUER, L. F. LIVINGSTON, Managers on the part of the House.

Mr. LITTAUER. Mr. Speaker, I move the adoption of the report.

The SPEAKER. The gentleman from New York moves that the House agree to the report.

Mr. CRUMPACKER. Mr. Speaker, this conference report includes the arrangement between the two Houses upon the Congressional salary proposition. There has been some difference proposed by the House, for the compensation of the Attorney-General; increases the salary of the attorney in charge of par-dons from \$2,400 to \$2,750, as proposed by the Senate; strikes legislation upon the question of mileage; whether the provision in regard to salary abrogated the provision of the statute authorizing the payment of mileage to Members of Congress. would like to ask the gentleman from New York if he will ex-plain the attitude of the committee on that question or the significance of that change on the salary statute as bearing on the mileage question?

Mr. LITTAUER. The committee on conference had simply the disagreements between the two Houses before it for consideration. The appropriation for mileage had already been adopted by the House and Senate prior to the subsequent action in reference to salary of Members; consequently the subject of mileage was not in conference, and the bill as now reported carries the usual appropriation for mileage as it passed the House and Senate. I would state to the gentleman from Indiana that the Committee on Appropriations has in the consideration of the deficiency bill, now being prepared, considered the matter of adopting some provision to recommend to Congress for future action in connection with the matter of mileage, but as the matter at present stands the appropriation is made in the legislative bill for the usual mileage allowance.

Mr. CRUMPACKER. I asked this question purely for information. I believe the present statutory allowance for mileage is too large in view of the action of Congress in increasing the pay of Members. I think it ought to be reduced in amount to cover actual traveling expenses for one round trip for each session of Congress, and I am glad to learn that the Committee on Appropriations contemplates reporting a provision on the subject

Mr. LITTAUER. A general expression has been made by Members of the House that action ought to be taken on the question of mileage in view of the increase in salary, which increase was based upon the merits of the matter and not simply upon a desire on the part of Members of Congress to increase unduly their salaries. Many Members have declared that a provision for mileage covering only the actual expenses of each Member to and from each session of Congress should be made, and that subject is now being considered in connection with the deficiency bill which will be reported next week.

Mr. CRUMPACKER. I always regarded the original provision as part of the compensation of Members of Congress.

Mr. LITTAUER. It is so stated in the law.
Mr. CRUMPACKER. And the amount of salary fixed in the existing statute is perhaps not inequitable and out of the way; but in view of the increase of salary, I hope the Committee on Appropriations in connection with the general deficiency bill may report something more equitable. The mileage ought to be reduced to cover reasonable expenses of travel.

Mr. LITTAUER. And the committee is very glad of the sug-

Mr. LIVINGSTON. May I suggest to the gentleman from Indiana [Mr. Crumpacker] that when the deficiency bill comes in in a few days he will have ample opportunity to express himself on that proposition?

Mr. PAYNE. I would like to ask my colleague [Mr. Lit-TAUER] if the conferees of the Senate and the House did not agree that it was not within their jurisdiction?

Mr. LITTAUER. It was not within their jurisdiction.

Mr. GAINES of Tennessee. Can not the committee reporting the deficiency bill or the bill the gentleman just alluded to fix in that bill the compensation for mileage?

Mr. LITTAUER. It certainly can bring the matter before the House, but we realize fully that such a provision will be

subject to a point of order.

Mr. GAINES of Tennessee. Whatever proposition they bring in some gentleman will object. I am opposed to this 20 per cent mileage proposition, first, because it is considered part of the salary. I have never so considered it. Second, the rate is too high, I think. We should fix this matter in clean-cut language.

Mr. LITTAUER. The law considers it as part of the compensation.

Mr. GAINES of Tennessee. There is grave doubt whether the law does or not. It should not now at any rate. Salary is one thing and mileage another, and we should say so. the committee will bring in a measure and fix this mileage at actual transportation expenditures paid within certain limits, and I want to say now if they do not do something of that kind I do not propose to take anything out of the 20 per cent mileage allowed me except my actual expenses, excluding meals en route. I believe the law ought to be changed, and at once.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the conference report was agreed to.

On motion of Mr. LITTAUER, a motion to reconsider the vote by which the conference report was agreed to was laid on the

#### SIXTEEN-HOUR BILL.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania Dalzell] submits the following privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolutions of the House Nos. 860 and 863, have had the same under consideration, and in lieu thereof report the following resolution, with the recommendation that it be agreed to:

"Resolved, That the bill (S. 5133) entitled 'An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon' be, and the same is hereby, taken up for consideration: that the amendment recommended by the Committee on Interstate and Foreign Commerce be, and hereby is, agreed to, with the following amendments thereto, to wit:

"1. In line 3, on page 4, and in line 6, on page 5, strike out the word 'knowingly."

"2. Beginning with the word 'unless,' in line 13, on page 4, strike out the language to and including the word 'duty,' in line 17 of said page.

page. 33. In lines 13 and 14, on page 5, strike out the words 'under direc-

"3. In lines 13 and 14, on page 3, state out the word in the Attorney-General."

"4. In line 14, on page 5, strike out the word 'duty' and insert the word 'satisfactory."

"5. In line 3, on page 6, strike out the word 'ordinary' and insert the word 'reasonable."

"6. In line 22 and in line 24, on page 4, strike out the word 'consenting."

"That the bill as amended be, and hereby is, passed; that a conference be, and hereby is, asked with the Senate, and that the Speaker be, and he hereby is, directed to appoint, without intervening motion or appeal, the managers of the conference on the part of the House.

Mr. DALZELL. Mr. Speaker, I ask for the previous question. The SPEAKER. The gentleman from Pennsylvania demands the previous question upon the resolution and amendments thereto.

Mr. WILLIAMS. We will have, of course, the usual time on the demand?

The SPEAKER. Twenty minutes on a side. The question is on the previous question.

The previous question was ordered.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] is entitled to twenty minutes and the gentleman from

Mississippi [Mr. Williams] to twenty minutes.

Mr. DALZELL. Mr. Speaker, it is hardly necessary that I should occupy very much of the time of the House in the discussion of this proposition. The bill referred to is what is popularly known as the "sixteen-hour bill"—a bill to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon. It is safe to say, I think, that there is a general consensus of opinion in favor of legislation along this line. Such legislation has been recommended in two or three property of the control mended in two or three reports by the Interstate Commerce Commission, and has been recommended in a message—at least one message and possibly more-of the President of the United States. In addition to that there is a general call for legislation in the interest of the traveling public and in the interest of employees, a due regard being had, of course, to the interest of the railroad managers who employ those servants.

Now, while it is safe to say that there is a general consensus of opinion in favor of this kind of legislation, it is true also that there is a great diversity of opinion as to what the details of the legislaton should be. There are a great many practical questions involved in introducing a new system such as is provided for in this legislation. The Senate has expressed its views upon the subject and has sent to the House the bill The majority of the Committee on Interstate and Foreign Commerce have expressed their views upon the subject in an amendment to the Senate bill submitted to the House; and that was voted upon on Monday last under suspension of the rules. It did not secure the two-thirds vote, but did secure the support of a majority of the membership of the House.

Now, under those circumstances, it being granted that every-body wants some sort of legislation and that there is a diversity of opinion as to the methods to be adopted, the practical thing to do at this stage of the session is to agree upon such legislation as the majority desires and send it to conference, where a result may be worked out satisfactorily to all parties The House is familiar with the amendment suginterested. gested by the Interstate and Foreign Commerce Committee to the Senate bill. I want to call attention now to some amendments to the House amendment that have been agreed upon and are embodied in this rule.

First, the word "knowingly" in section 2 and in section 3 of the bill has been stricken out. In section 2, line 3, on page 4 of the bill the word "knowingly" has been stricken out. Beginning in line 13 and ending in line 17 on page 4 the following paragraph has been stricken out:

Unless immediately prior to said twenty-four-hour period such employee had at least eight consecutive hours off duty and during said period of twenty-four hours following had at least six consecutive hours off duty. off duty.

It has been thought that this, instead of accomplishing the purpose intended to be accomplished by the bill, would result as a limitation on it. For that reason that clause was stricken out. In lines 22 and 24 on page 4 the word "consecutive" has been stricken out; so that the paragraph will read this way:

That no operator, train dispatcher, or other employee who, by the use of the telephone or telegraph dispatches, reports, transmits, receives, or delivers orders pertaining to or affecting train movements shall be required or permitted to remain on duty for a longer period than nine hours in any twenty-four-hour period in all towers, etc.

Now, it is perfectly apparent that the object sought to be accomplished by that paragraph was that no employees should be engaged for more than nine hours in a twenty-four-hour It is also perfectly apparent that if you leave the word "consecutive" in he may be employed for nine consecutive hours, unemployed for an hour or half an hour, and then employed for nine hours more in the same twenty-four hours. It will, therefore, be apparent that to strike out that word is in the interest of the legislation that is sought to be enacted.

I have already called attention to line 6, page 5, where the word "knowingly" is omitted. On the same page, lines 13 and 14, we strike out the words "under direction of the Attorney-General," so as to leave the matter of prosecution entirely in the hands of the various district attorneys. In line 14 on page 5, at the end of the line, the word "satisfactory" has been substituted for "duly." It is a mere choice of terms.

The SPEAKER. The Chair calls attention to a clerical error

in the identification of the bill. It is in the order 2553 and the number of the bill is 5133. Without objection, the Chair will cause the clerical error to be corrected.

There was no objection.

Mr. DALZELL. There is another change on page 6, in line 3; the word "ordinary" has been stricken out and the word "reasonable" inserted.

With these changes in the amendment of the Committee on Interstate and Foreign Commerce to the Senate bill it is believed that the objections that have heretofore been urged have been successfully met.

I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I was glad to hear the gentleman from Pennsylvania justify the action of those of us who voted against the suspension of the rules and thus passing this bill the other day without giving the House any power of amendment. The manner in which he justined us was as could be, though not in express words. He showed how much could be, though not in express words. He showed how much the bill has been improved from its then condition, in order to reach its present condition; and that statement is of itself a justification of our conduct. Furthermore, Mr. Speaker, that conduct was applauded by the men who are chiefly concerned and interested in the pending legislation. I hold in my hand a telegram addressed to the gentleman from New York [Mr. RYAN], a member of the committee on the minority side, from A. P. Garrettson, president of the Order of Railway Conductors, saying that they objected to the bill as presented in the House the other day. I hold another telegram addressed to the same gentleman [Mr. Ryan] from W. S. Stone, grand chief of the Brotherhood of Locomotive Engineers to the same effect, and still another telegram addressed to the same gentleman [Mr. RYAN] from the head of the Brotherhood of Railway Trainmen to the same effect. I shall insert them as a part of my remarks.

So much for the past, Mr. Speaker; now, let us come to the present and see what the bill is as it now stands after the modifications in accord with the demand of the Democratic minority on the committee and in the House. Why, in the first part of the blH, as it was the other day, in line 3, page 4, and in line 6 of page 7, occurred the word "knowingly." So we were absolutely about to pass legislation requiring a corporation to permit things "knowingly" before it could be penalized. A corporation without ears, without eyes, without individuality, and as it is sometimes said, without soul, that could not do anything "knowingly" except through its authorized agents. If they have knowledge, that is the only sort of knowledge the corporation could have. We were about to pass a law requiring a corporation, in order to be visited with punishment, to commit an offense "knowingly." This bill as now reported and amended strikes out this word "knowingly," on pages 4 and 5, to which we called attention. Then, in lines 13 to 17, on page 4, the modification strikes out this language:

Unless immediately prior to said twenty-four-hour period such employee had at least eight consecutive hours off duty, and during said

period of twenty-four hours following had at least six consecutive hours off duty.

This language constituted an extension of the period of employment, and it seemed to us that it was unjust, and that there was in it what is ordinarily called a "joker." We objected to that very seriously. The modification strikes that language out of the bill and leaves substantially the provisions of the La Follette bill as it left the Senate with regard to this subject-matter.

Then, Mr. Speaker, there occurred in the proviso as regards telegraphers the following language; "that they were not to be on duty for a longer period than nine consecutive hours in a

period of twenty-four hours, nor for a longer period than thir-teen consecutive hours," lapping over from one day to another. We objected very naturally to the adjective "consecutive" there, because it would enable the railroad to work a man nine consecutive hours and then take him off two hours, or two minutes for that matter, and then work him nine more consecutive hours, and then take him off for two more minutes and work him for the balance of the twenty-four hours. The modification, as proposed by the Committee on Rules this morning, strikes out the word "consecutive," where it occurs, and cures that objection.

Then, Mr. Speaker, as the bill was presented to the House the other day, and as it would have become a law if two-thirds had voted for it, leaving no power of amendment in the House, no prosecutions could have been entered except under "direction of the Attorney-General," thereby initiating prosecutions at Washington, with results which all may well understand; first, of delay, and secondly, that for the most part the central office of the Department of Justice at Washington would not know what was going on and therefore would not initiate or "direct."

This bill as now modified strikes out the words in lines 13 and 14 on page 5, "under direction of the Attorney-General," and leaves the district attorneys of the United States to proceed to prosecute without waiting for orders from Washington. Then, Mr. Speaker, the word "duly" has been stricken out and "satisfactory" put in its place in line 14 on page 5, because the latter word was thought to be more liberal in the direction of the remedy desired.

Now, Mr. Speaker, this is not the best bill that the Democratic party could present to the country upon this subject. It is not as good a bill as the minority members of the Committee on Interstate and Foreign Commerce, who the other day signalized their devotion to the best interests of the country by leading this side of the House to the course that it took, could prepare, but it is the best bill we can get now, and it has been so nearly perfected in every respect that we do not feel that we can stand in the pathway of the proposed legislation so important in every way.

Mr. Speaker, the Democracy never performed a more signal service to the country; the Democratic members of the Interstate and Foreign Commerce Committee never performed a more signal service to the country than they did the other day when they refused to be stampeded by the cry that they were "opposing a sixteen-hour law," and defeated the suspension of the rules, so that the House might get what it now has-[Applause on the Democratic side.]

And, I repeat, I am glad to hear the gentleman from Pennsylvania [Mr. Dalzell] justify our conduct by telling the House how much better this bill is than the one which the other side of this Chamber, guided by their leaders, tried on Monday last to cram down our throats without any power of amendment or of betterment. [Applause.]
The telegrams heretofore referred to are as follows:

CHICAGO, ILL., February 20, 1907.

W. H. RYAN, Care House Representatives, Washington, D. C.:

Brotherhood of Railroad Trainmen opposed to House committee subtution La Follette hours of service bill. Railroad employees want reasonable legislation limiting their hours of continuous service, but this substitute will not give them relief desired.

P. H. Morrissey, Grand Master.

CHICAGO, ILL., February 20, 1907.

W. H. RYAN, House of Representatives, Washington, D. C .:

Order of Railway Conductors opposed to House committee substitution La Foliette hours of service bill. Railway employees desire reasonable legislation limiting their hours of continuous service, but this substitute will not give relief desired.

A. B. GARRETSON.

CLEVELAND, OHIO, February 20, 1907.

Hon. W. H. RYAN,
House of Representatives, Washington, D. C.:

I am informed that the House committee have offered substitute for the La Follette hours service bill, S. 5133. This organization is op-posed to this substitution, and we sincerely trust you will do all you

can to prevent its passage and to have passed the La Follette bill (S. 5133) in the same form as it passed the Senate without any change whatsoever.

W. S. STONE, Grand Chief, Brotherhood of Locomotive Engineers. Mr. WILLIAMS. Mr. Speaker, how much time have I con-

sumed? The SPEAKER. Seven minutes.

Mr. WILLIAMS. I now yield to the gentleman from Mis-

souri [Mr. DE ARMOND] five minutes.

Mr. DE ARMOND. Mr. Speaker, this proceeding this morning furnishes us the lone example in all the history of your rule in this House, as I recollect it, of actual progress made in the proceedings of the Committee on Rules. The committee, after a great deal of travail and a great deal of hesitation and reluctance, has reported a rule which will tend to facilitate legislation upon this most important subject. A good many have been waiting quite a little while for the presentation of a rule of an entirely different character. How it came about that that rule was not presented, and how it happened that this rule, a modification of that in important particulars, is substituted, we do not know. Contrary to that very sacred thing known as "precedent" in this House, the Committee upon Rules has precedent" really concluded to submit to the House a rule that is tolerable. It is true that there is to be no amendment and no opportunity Strange it is, too, that, with abundance of time for things that are not important, there is not enough time to permit the Members of this House, every one of them a sovereign Representative in his own right, to offer and to consider amendments and to vote and to act upon his own views on propositions submitted upon a question of very great and far-reaching importance.

But for the little that we have, where but very little is given and that given grudgingly, let us be thankful. There is at last opportunity given to the House and to the Congress and to the country to get some legislation that will accomplish something that is desirable. The word "knowingly," put in knowingly, no doubt, to render this measure, if it should pass, absolutely worthless and useless, is knowingly, with great reluctance and much deliberation, withdrawn. The word "consecutive," put in with full understanding and for the direct purpose of making this legislation useless, has been withdrawn, withdrawn most reluctantly, withdrawn after much comparison of notes and much consideration of possible consequences; but it is with-drawn, and the House now has the opportunity, under the form of a rule most drastic in its terms, expression, and purpose, to send to conference something upon which there may be rested

a hope for good legislation.

Thanks to the timidity of the Committee on Rules; thanks to the powers and influences, whatever they may be, that have coerced that body of coercion into doing something contrary to its general course, something which may result in good to the public! May those persons who coerced the Committee on Rules, may those influences that have prevailed over it in this one instance for the right, be exerted again and again! May this be the dawning of the day when the Committee on Rules will cease to be autocratic, when it will share with the House of Representatives itself, with the 383 Members, leaving out of the count the powerful three who constitute the majority of the Committee on Rules, the power of the House!

383 henceforth have a chance to do something!

Let us welcome this as a harbinger of better times; let us hail this as a sign that, at least once after many years, upon one measure at least, for reasons satisfactory to it, this mighty Committee on Rules has barkened to the voice of the public and has given the House of Representatives a little op-

portunity to do something justly important.

I do not wish, however, to grow too hopeful nor too optimistic; there is too much in the past, there are too many examples to the contrary, too much of evil in the spirit which governs the Committee on Rules to warrant the hope that this example will become contagious. But let us hope it will have some repetitions. [Applause.]
Mr. WILLIAMS. Mr. Speaker, I now yield three minutes to

the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, I congratulate the country and compliment the majority on the concessions in this resolution, made in the line of doing something toward favorable and valuable legislation to limit the working hours of train men. Our fight last Monday in opposition to the objectionable features in the Esch substitute the majority by proposing the pending rule has vindicated and justified formally and em-We successfully resisted an attempt to pass the substitute under suspension of the rules, without allowing amendments to be offered. The pending resolution proposes all the amendments for which we contended.

While on principle I am usually opposed to rules to do right and proper things that could and should be done without a rule, the concessions proposed go so far to meet and remove the objections upon which we based our fight we could not now afford to oppose the substitute, with the amendments carried with it in this resolution. True there are other changes which we desired; but the concessions are so great and valuable that, while protesting against the rule, we shall with pleasure vote for the substitute which has been so beneficially amended, especially as there remains the possibility and hope of further improve-Mr. Speaker, I yield back the balance of ment in conference y time. [Applause.[ Mr. WILLIAMS. How many minutes have I remaining? my time

The SPEAKER. The gentleman has five minutes remaining. Mr. WILLIAMS. I yield three minutes to the gentleman from

Alabama [Mr. RICHARDSON].

Mr. RICHARDSON of Alabama. Mr. Speaker, I very heartily concur in the amendments made by the Committee on Rules to this very important bill. I believe that if you take the Record of last Monday (the 18th of February), every concession made by the Committee on Rules you will see pointed out and objected to as defects in the substitute bill which the Republican party presented for the consideration and indorsement of the House. In the speech I made, published in the RECORD of Monday, I claimed and charged in plain words that the substitute fered by the Republicans was a "travesty" upon the relief the country demanded, and they have come forward and acknowledged, this morning by the "amendments" of the Rules Committee, this to be true. It was said more than once that the minority members of the Committee on Interstate and For-eign Commerce were "playing politics." If they were, Mr. Speaker and fellow-Democrats, they played it successfully. [Applause.] We stood for principle. We were and are anxious to establish sixteen hours as the limit for work of railroad employees. We were utterly unwilling to become sponsors bill of "pretenses" submitted by the majority, and we said so. We were utterly unwilling to become sponsors for the We then contended, and did contend for three months, that the word "knowingly" in this bill applied to a corporation that had an artificial existence, and made it in effect an abortion and quite impossible for any conviction to take place under its provisions. I know the ingenious, tactful, and able men of the leading Republicans on the other side of this Hall were vo-ciferous in declaring that the word "knowingly" applied to "common earrier, its officers or agents." If all this be true, why do they come penitently forward this morning and strike from the bill "knowingly" where it occurs?

The fact is the Republicans unconditionally admit that the objections we so earnestly urged against that substitute bill last Monday were well taken by yielding to every complaint we made save one, as I now recall it. I can call out but one other phase of this bill that after a careful deliberation of months I myself object to as still being in there, and I believe even that will bring trouble in the enforcement of the law. What is it? It is in keeping with the letter and the spirit of all the obstructions and hindrances first inserted in the bill. It simply says this: That in all prosecutions under this act the common carrier shall be deemed to have had knowledge of all of the acts of its "duly authorized agents." I Mr. Speaker, that the words "duly authorized agents" in that bill for the purpose of throwing obstructions and obstacles in the way of convicting men who work their employees more than sixteen hours. Why put in the words "duly authorized?" Why not put it simply "the agent of the corporation," and that will embrace them all in their diversified employments. Is it not true that in a court proceeding the burden of proof will be on the Government seeking to recover, to prove under legal rules that the employee complaining was the common carrier's "duly authorized agent?" There is some mysteinfluence that has fallen over the Republicans of majority of the Interstate and Foreign Commerce Committee What is it? since all this discussion came up last Monday. read from the President's last message, of December, 1906, and I am free to say, with a great deal of respect, that it is generally understood that he usually takes a hand in matters of this kind if the legislation does not suit him. What did he say in that message?

I call your attention to the need of passing the bill limiting the number of hours of employment of railroad employees. The measure is a very modest one, and I can conceive of no serious objection to it.

What measure was the President referring to when he said "the measure is a very modest one?" It was the Esch bill (H. R. 18671), introduced in the House April 26, 1906, and referred to the Interstate and Foreign Commerce Committee of this House and by that committee unanimously reported favor-

I pointed out, Mr. Speaker, in my speech on Monday, the vital points of difference between the substitute bill and the Esch and La Follette bills. We contended, Mr. Speaker, that the Republicans were seeking to foist on the country a measure for relief the provisions of which made it impracticable to enforce its penalties. In other words, they were to lay all the responsibility of the defeat of the law on the courts. The Republicans having conceded our contentions, having admitted that it was Democratic opposition and Democratic courage that prevented them from perpetrating on the country their sham measure, it behooves the Democrats, all of whom so earnestly desire helpful and sane legislation on this important subject, to vote solidly for the bill as amended by the Committee on Rules. This day's work ought to inspire Democrats to stand united on questions of principle and subjects of legislation and go to the country, if necessary, on our convic-

What, really, have the Republicans under these amendments What, really, have the Republicans under these amendments conceded besides erasing the word "knowingly," which was the little joker in their political play, intended to take all the tricks. We objected to the word "consecutive" as used in the bill in connection with the limit of "sixteen hours." It simply meant that the word "consecutive," as used in the bill, legalized, in effect, the working of an employee more than sixteen hours by not letting him be added to the first formal transfer. not letting him be on duty at any time for sixteen consecutive hours. That this word was so construed is clearly demonstrated by striking out the following paragraph from the bill by the Rules Committee, as follows:

Unless immediately prior to said twenty-four-hour period such employee had at least eight consecutive hours off duty and during said period of twenty-four hours following had at least six consecutive hours off duty.

All of this vital and confusing paragraph is eliminated, and the provisions as left in the bill are practically the same as are in the La Follette bill.

Again we contended that the substitute of the majority provided such circumlocution, such a long roundabout way for an employee to get relief from a violation of the law by the common carrier, that it served as a prohibition. Hence the Rules Committee struck out this objectionable feature by eliminating these words "under the direction of the Attorney-General." It is idle to contend that the words "under the direction of the Attorney-General" means the same as "under the supervision of the Attorney-General." Direction, in legal and ordinary sense, means to tell the district attorney to proceed to file papers; that the Attorney-General has had the papers examined and you have a case or no case. Now, as the bill stands the district attorney can act as he does in all other matters, without first having to wait to be "directed" by the Attorney-General or the Department of Justice. The fact is, Mr. Speaker, the bill as presented by the majority last Monday, on motion to suspend the rules, appeared to me to hunt up all the difficulties, hindrances, and objections to enforcement which would have made the proceedings in court veritably a "moot court." These are the principal points the minority contended for and were yielded by the majority.

Mr. DALZELL. Mr. Speaker, I yield two minutes to the

gentleman from Wisconsin [Mr. Esch].

Mr. ESCH. Mr. Speaker, the attitude of the railroad employees on this legislation is not by any means unanimous. records of our committee indicate that quite a large number of employees engaged in train operation protest against any legislation whatever on the subject, and those that favor legislation on the subject are not at all agreed as to the terms of such legislation. As indicative of this, I wish to call the attention of the House to a letter which I received on January 14 from Mr. H. R. Fuller, the able and industrious legislative representative of the railroad brotherhoods, criticising the Senate bill. That letter is as follows:

H. R. FULLER, 216 NEW JERSEY AVENUE NW., Washington, D. C., January 14, 1907.

Hon. J. J. ESCH, M. C., Washington, D. C.

Hon. J. J. Esch, M. C., Washington, D. C.

Dear Sir: I am inclosing herewith a copy of Senate bill No. 5133, entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," which passed the Senate on the 10th instant with only one dissenting vote, and which has been referred to the House Committee on Interstate and Foreign Commerce.

On behalf of the railroad employees who are seeking this legislation for the protection of their own lives and the lives of the traveling public, I most respectfully solicit your valuable support as a member of the committee in securing an early and favorable report upon this bill to the House, and would also submit for your consideration the following amendments, which we think are vitally important if the bill is to accomplish the object for which it is intended:

The words "carrying interstate or foreign freight or passengers" as they appear in lines 9 and 10, page 1, should be stricken out, as it will be readily seen that their retention in the bill would exempt

from its operation a large part of the traffic of an interstate railroad which is not either interstate or foreign freight or passengers; and in order to protect the lives of interstate passengers from the evit of excessive hours of service of employees it is just as necessary to prevent excessive hours of the employees on a train carrying intrastate commerce as it is to prevent excessive hours of the employees actually engaged upon the train upon which such interstate passengers are hauled, for the reason that trains are run indiscriminately without regard to the character of the commerce, and an overworked employee on an intrastate train is just as liable to cause a collision of his train with an interstate train as is an overworked employee on an interstate train liable to cause a collision of his train. A railroad engaged in interstate commerce is an instrument of such commerce, and therefore Congress has the authority to say that it shall not work its employees excessive hours for the reason that it endangers the lives of interstate passengers. Congress has in several acts exercised this authority over such railroads. The national arbitration act, approved June 1, 1898, provides "That the provisions of this act shall apply to any common carrier or carriers and their officers, agents, and employees \* \* \* engaged in the transportation of passengers or property wholly by railroad and partly by water for a continuous carriage or shipment from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia to any other State or Territory of the United States to an adjacent foreign country to any other place in the United States to an adjacent foreign country or from any place in the United States to the House Committee on Interstate and Foreign Commerce during the first session of the Fifty-sixth Congress, approved March 3, 1901, and which received the consideration of and was reported favorably from the House Committee on

leaves the track and of an accidents of the comployees."

The safety-appliance law of March 2, 1903, which also received the favorable consideration of the House Committee on Interstate and Foreign Commerce during the Fifty seventh Congress contains this landing the complex contains the same contain

"And the provisions and requirements hereof and of said acts relating to train brakes, automatic couplers, grab frons, and the height of drawbars shall be held to apply to all trains, locomotives, tenders, cars, and similar vehicles used on any railroad engaged in interstate

Commerce."

House bill 18671 entitled "A bill to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon" contains this language:

"That the provisions of this act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers and property by railroad in the District of Columbia or any Territory of the United States or from one State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States through a foreign country to any other place in the United States,"

The employers' liability law of Congress, approved June 11, 1906, provides:

"That every common carrier engaged in trade or contractions."

The employers' liability law of Congress, approved June 11, 1906, provides:

"That every common carrier engaged in trade or commerce in the District of Columbia, or in any Territory of the United States, or between the several States, or between any Territory and another, or between any Territory or Territories and any State or States, or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, shall be liable to any of its employees " of rail damages which may result from the negligence of any of its officers, agents, or employees, or by reason of any defect or insufficiency due to its negligence in its cars, engines, appliances, machinery, track, roadbed, ways, or works."

The words "and except when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving" as they appear in line 13, page 1, and lines 1, 2, and 3, page 2, should be stricken out, for the reason that all unavoidable accidents are covered in the word "casualty," as it appears on page 1. Then, too, there is no more reason for exempting delays to trains with which a train connects than there is for exempting delays to trains with these words were put in for the purpose of covering passenger trains which make connections, yet they are so broad that they could be made to cover freight trains which waited at a terminal for freight trains of another road to arrive before they started on their trips.

The following words should be inserted after the word "dollars," in line 16, page 1:

"For each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred."

This would impose the same du

. H. R. FULLER, Legislative Representative.

I want to call the attention of the House to the fact that the three grave defects of the Senate bill, called attention to by Mr. Fuller, are remedied in the House bill. Persuasion was used with Members of this House to support the Senate bill, notwithstanding it contained these grave defects. I was not one who had so little faith in the efficacy of a conference committee as to doubt that the conferees could improve the House amendment. I am gratified that the action of the Committee on Rules incorporated in the bill the ideas which I originally held and persistently contended for in committee, and I trust now that the bill as

amended will receive the practically unanimous vote of both sides of this Chamber; if so, there need be no fear about its receiving Executive sanction when it gets to the other end of Pennsylvania avenue. [Applause.]
Mr. DALZELL. Mr. Speaker, I yield seven minutes to the gentleman from Iowa [Mr. Hepburn].
Mr. HEPBURN. Mr. Speaker, the very estimable gentlemen

who constitute the minority of the Committee on Interstate and Foreign Commerce seldom make mistakes when they devote themselves to business. When they devote themselves to the game of politics, however, they sometimes blunder, and have recently done that and have induced their colleagues, the minority of this Chamber, to follow them in that blunder. Mr. Speaker, I want it to be understood that on the other day, when this matter was briefly discussed, these gentlemen, while reprobating the action of the minority of the committee in making its report, pinned their adhesion and their allegiance to the La Follette bill—the Senate bill. That was the burden of their song. In that they were to find all of the remedies which would correct the troubles in regard to this matter from which the country suffers. I want briefly to show how those gentlemen proposed to deport themselves with regard to actual legislation on this great subject. That bill provided that the common carrier should not require or permit any employee engaged in or connected with the movement of any train carrying interstate or foreign freight or passengers to remain on duty more than six-teen consecutive hours. There is not a Member of this House who understands that language who will dare to vote for that bill and stop there—not a member of the minority of that committee who dare vote for that bill and stop there. What does that do? In the case of the train that brought disaster to so many homes in this vicinity a little while ago, although it was under the management of an engineer who had been on duty forty-eight hours, no man could have been punished under the provisions of the Senate bill. No man can be punished under the provisions of the bill who is not connected with the movement of a train that is carrying interstate or foreign freight or passen-The fast mail trains and crews are exempt under the provisions of the Senate bill. The excursion trains carrying hundreds of passengers, that do not cross the State limits are exempt under the provisions of that bill. Every train that moves solely within the limits of the State are exempt under the provisions of the bill. That is the kind of relief that these gentlemen, in their pursuit of politics the other day, proposed to give to the country. [Applause on the Republican side.]

Now, Mr. Speaker, see how deftly these acrobats get down from the pole on which they have climbed. The gentleman from Mississippi [Mr. WILIAMS] says that he objects because the word "knowingly" was inserted in line 3, of page 4; that it was to operate upon a corporation that had no soul, and

therefore could not have knowledge. The language of the bill is:

That it shall be unlawful for any common carrier, its officers or

Did you ever read that? Again the bill says:

In all prosecutions under this act the common carrier shall be deemed to have had knowledge of all acts of its duly authorized agents.

Did the gentleman from Mississippi ever read that? Did he know that was in the bill? How puerile his objection now seems to be when the attention of the House is called to the provisions of the bill, but the word "knowingly" was "good enough Morgan" to enable him to slide down from the pole

he had elevated himself upon. [Laughter.]
Again, the word "consecutive" seems to trouble the gentleman. Now, the provision in that section is this:

That no operator, train dispatcher, or other employee who, by the use of the telegraph or telephone, dispatches, reports, transmits, receives, or delivers orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine consecutive hours in any twenty-four-hour period.

Not a day and night, but a twenty-four-hour period. He can not be permitted to remain on duty for more than nine consecutive hours in that period. That is the criticism of the gentleman, that he may be required to work practically continuously. In that he 's not correct. And then I would call his attention to this matter, that he now regards as a very important matter, that that was not in the Senate bill at all. provision with regard to telegraphers or employees of that kind,

But, again, the gentleman thinks that the word "duly very important, and that the bill has been wonderfully improved by introducing the word "satisfactory." If he can proved by introducing the word "satisfactory." If he can derive any consolation from that, he is welcome to it. But, again, the word "ordinary" is stricken out and the word "reasonable" introduced. The gentleman finds consolation

by the committee because it contained the provision "and it shall be the duty of the district attorney under the direction of

the Attorney-General to bring such suits, etc.

That is the law now. That language need not have been inserted. It will be the law if it is stricken out. Every district attorney acts under the direction of the Attorney-General. All of these hundreds of suits that are now being introduced against the railway companies for failure to observe the safetyappliance laws are under the direction of the Attorney-General; and so it is with regard to this act. Here are suits to be brought-not prosecutions, but suits to recover a penalty-not prosecutions instituted on indictments, and in those instances in all cases the district attorney acts under the direction of the Attorney-General, and he will continue to do it under the operation of this law whether that language remains in or goes out of the bill. [Applause.]

The SPEAKER. The time of the gentleman has expired.
Mr. DALZELL. Mr. Speaker, I reserve the balance of my

Mr. WILLIAMS. Mr. Speaker, I now yield the balance of my time-two minutes-to the gentleman from Georgia. BARTLETT.]

BARTLETT. Mr. Speaker, the gentleman from Iowa [Mr. Herburn] charges that we, the minority members of the Interstate and Foreign Commerce Committee, were guilty of playing politics on this bill on Monday last, and calls us "political acrobats," and that we to-day have "slid down the pole."

I can retort with much more truth that they, the majority members, are much better "political acrobats" than we, for they have been forced to get down off of their perch by some power. I do not know whether it was the "big stick" or not. Applause on the Democratic side.] The other day they undertook to force us, under suspension of the rules, to pass this bill without opportunity to amend it. We did not yield to that power and that pressure, but the gentlemen on the other side have yielded to some pressure by which they permit the amendments in this bill in the very identical way which the minority suggested in the report we made on this bill. [Applause on the Democratic side.]

The gentleman must not forget that his party went before the people in the Congressional election last November with a promise made on the stump and in their campaign book pledged to report and support a real efficient bill of this character limiting the hours of employment of railway employees, and not to support, as they undertook last Monday, a bill which is a fraud and a deception upon the railway employees and the people. [Applause on the Democratic side.]

The Republican campaign book of 1906 contained a letter from the President to Mr. James E. Watson, which was widely heralded as a "trenchant analysis of the issues" then before the people, and in that letter the President said:

I hope and have reason to believe that favorable action will be taken on the bill limiting the hours of employment of railway employees.

The action of a majority of the House on last Monday demonstrated that they had forgotten the promise then made when they undertook to force through a bill on this subject which their action to-day shows was not a fulfillment of the promise of the President and the Republicans to enact a law properly protecting the public and the railway employees in the matter of hours of employment.

Now, Mr. Speaker, when the report was made on this bill the minority members in their minority views called attention to the fact that we wanted to support the Senate bill in prefer-ence to the substitute reported by the majority, provided we could have the right to amend it by striking out the word "knowingly" and by putting into it the provision with reference to telegraphers and operators and making its enforcement effective. We call attention to the fact that there had been for months upon the Calendar of this House a bill known as the "Esch bill," unanimously reported by the Committee on Inter-state and Foreign Commerce of the House, which we stood ready to vote for without the change of a word, and they would not permit us to do it. We congratulate the gentleman from Iowa [Mr. Hepburn] and the Republican majority that by some means they have been enabled to vote for a halfway decent and respectable bill, which will in some measure relieve the situa-[Applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, I yield the balance of my time

to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I do not reply to the suggestions that either side has been playing politics, but I make reference to some of the leading performers in the farcical performances we have had upon this bill as sustaining my proposiin that. Does anybody else regard it as important? I certainly, for one, do not. Again, he objected to the bill reported side of this House. I have before me, on page 3304 of the Contion that all this is new matter to the gentlemen on the other oressional Record of a few days ago, the entire speech of the distinguished gentleman from Mississippi [Mr. Williams]. He opposed sending the bill to conference under the proposition that was then submitted, and he undertook, in his usual graphic and very elegant manner, to tell what there was wrong about the bill. And I ask your attention to the fact that he did not name one of the changes that has been made in the report of the committee this morning. [Applause on the Republican side.] Not one. There is the proposition; there is the indictment; there is what he said about it, and he never pointed out to this House a single error that was in the bill. What do you think has caused the gentlemen on the east side of the House to get down on their marrow bones, and what power has pointed out to them the changes that we now propose to make in this bill?

Mr. WILLIAMS. Will the gentleman permit an interruption there? I call his attention to the fact that the minority report contained all of these suggestions, and that I had no time to go into details

Mr. GROSVENOR. The gentleman has no right to take me off the floor. The gentleman had twenty minutes of time, and he was arguing against the action of this side of the House. It was not enough for him, if he knew anything about it, and I assume he did, to quote the report of the minority. If he was fairly opposing the action of this side of the House, it was his duty to have told what was the matter with the bill under consideration. Now, for a moment, Mr. Speaker, let us see what he has

The word "knowingly" is stricken out, and the gentleman from Missouri [Mr. DE ARMOND] considers that a wonderful improvement. I want any lawyer on this floor to tell me if in his judgment a corporation under this law will ever be mulcted in damages where there is no allegation and proof of negli-gence sufficient to make a case independent of the use of the word "knowingly?" For my part, I do not believe in creating crimes which a party may commit without knowing he is committing a crime. But in the bill under consideration there is an express application of the term "knowingly"—that is, legal knowledge carried to it by the assertion that knowledge brought to the individual operator of a corporation shall be alleged against the corporation itself. It is the strongest language in the statute, as strong as any statute on the statute book of the United States. What is there left? We are told that prosecutions here. as the bill stands, are to be governed by the Department of Justice. Does anybody believe that? Does anybody believe there will be a prosecution made against a railroad company under this statute that is not directed by the Attorney-General? The general laws of the country give him power and control over these cases, so this language if stricken out is simply a matter that does not add to or take from the force of this bill. It was the Republicans on this side of this House that proposed to put into the bill the proposition that this limitation should be put upon telegraph operators. And you were ready to pass a bill and put it upon the statute books that would have limited the hours brakemen might work, but turn wide open the door for the telegraph operator and the train dispatcher to kill and murder, as they have been doing all along the line on these railroads.

The SPEAKER. The time of the gentleman has expired.

Mr. GROSVENOR. I hope there will be a solid vote on this
side on this proposition.

The SPEAKER. The time of the gentleman has expired; time for debate has expired; and the question is on the adoption of the resolution.

Mr. DRISCOLL. Mr. Speaker, when this bill was under consideration before this House last Monday I was constrained to vote against it, notwithstanding my reluctance to differ with any measure recommended by the great Committee of the House on Interstate and Foreign Commerce. It came up at that time under suspension of the rule and required for its passage a vote of two-thirds in its favor. It received a majority, but not two-thirds, and was therefore defeated. It was reported on Saturday, the 16th of February, and brought up for consideration on Monday, the 18th of February. We had but little time to examine or consider it.

My objection to it at that time was that the second section was blind, obscure, and indefinite, and that, if enacted into law in that form, its enforcement would lead to trouble, confusion, and no end of litigation. The judgment of those who voted against the bill has been vindicated, for it comes up now amended in several respects, and especially the second section has been amended by striking out the part which made it obscure and indefinite, and to which we objected. As thus amended it will pass the House with practical unanimity, for the reason that the membership of this House has been and is

in favor of a law along the lines contained in the Senate bill and in this amendment and have only differed with reference to certain provisions contained in it.

Of late years wrecks and disasters on railroads have been so frequent, and in many cases so appalling, that the traveling public, as well as railway employees, demand that, so far as law may accomplish anything, it may be invoked and applied for the safety of employees and travelers. All seem to recognize the necessity of such a law; at all events, all recognize the ghastly fact that wrecks in the running service of railroads are increasing in number and fatalities.

It is suggested by some that this law will reduce wrecks and disasters on railroads to a minimum. I am not so optimistic, and do not expect it will accomplish such beneficent results. A safety-appliance law was passed some time ago and has been amended from time to time, and other precautions have been taken, and yet wrecks are on the increase. Engines, boilers, cars, and other appliances have been improved from year to year, both as to capacity and availability. Grades on most of the railroads have been reduced and roadbeds have been bal-Air brakes and block systems have been invented and lasted applied to the great railroads throughout the country, with the hope and expectation that casualties may be avoided. Telegraphy has been developed and the telephone has been invented, both of which are used in practical railroading. Steel and concrete culverts and bridges have displaced old wooden struc-Yet, with all these modern and approved appliances, management, and methods, the destruction of human life and of property has been increasing year after year.

Now, it is proposed by legislation to improve the character and fitness of the employees engaged in the running service of railroads, in the hope that by reason of so doing greater safety to the traveling public and less danger to the employees themselves may follow. For no matter how excellent the tracks, switches, rolling stock, and appliances and systems may be, unless the men are careful and competent accidents and unnecessary casualties will occur. The men should be not only careful. but they should be competent. They are engaged in most responsible employment. Lives and property are in their hands. A slight mistake or inattention may result in a terrible calam-Therefore the men should be not only sober, intelligent, and careful, but they should be in such physical condition at all times when engaged in this responsible work as to render the best service of which they are capable. A man may be a thoroughly efficient locomotive engineer when in his normal condition, but if under the influence of intoxicants he is not a safe man to intrust with an engine. Likewise, if he has worked so long and continuously that his body is exhausted and his mental faculties dull and sluggish he is not a fit or competent man for such work; and what is true of the engineer is true of all the other men engaged, directly or indirectly, in the running

On this subject I speak not only from the statistics furnished by the Interstate Commerce Commission and by railorad commissions throughout the country, showing the number of people—employees and travelers—killed and injured during recent years, but I speak somewhat from personal experience and observation. I have during my professional career tried many negligence cases against railroad corporations and have given some study to the causes of wrecks and disasters in the running service of those roads, and I believe that many of them have been and are caused by the fact that the men engaged in the operation of trains are, by overwork, lack of sleep and needed rest, rendered unfit for the duties which they undertake to discharge.

It is a matter of much surprise that railroad managements and the employees have not of their own volition corrected these mistakes and avoided many of those disasters. It is for the interest of both that greater care be observed and greater safety assured. Corporations have every possible motive to avoid accidents. They may not be liable in many instances for death losses to their employees, because such claims and actions may often be avoided by the defenses that the risks were assumed by the employees or the accidents caused by the negligence of some coemployee; but the corporations are liable in practically all cases for deaths and injuries of passengers, and they are insurers of freight, and therefore are absolutely Then wrecks give their liable for all losses in that regard. roads bad reputations and cause them to lose business. On the other hand, the employees are even more vitally concerned, because their lives are in danger. There is no adequate compensation to a man for the loss of an arm or leg, or to the family for the loss of the breadwinner. Yet both the corporations and employees have drifted along, the companies paying damages and the employees suffering injuries from accidents which could, in the exercise of ordinary care and prudence on the part of both, have been avoided.

I am not disposed to throw all the responsibility or shift all the blame in such cases onto the corporations. The men are paid not by the month or day generally, but by the mile or trip and the number of miles made in the month. They are thereand the number of miles made in the month. They are therefore anxious to make as many trips as possible and are naturally inclined to undertake return trips to their homes when

they are not in proper physical condition for the work.

It is hoped that this law may do what the managements and men have failed to accomplish; that a statute with a penalty for its violation may prevent the men from engaging in the management of trains, passenger or freight, who are not in a proper physical condition to discharge that responsible and arduous work. The public has been demanding such a law, and the organizations of railway employees are in favor of it. This bill as now amended has, as I am informed, the indorsement of those railway employees' organizations, and if enacted into law it will be up to them to faithfully observe it and see

into law it will be up to them to faithfully observe it and see that it is intelligently and conscientiously enforced.

There are three classes of people who will be affected by this proposed legislation and who are therefore interested in it. The employees are the most directly concerned, because their lives are in danger by the negligence of their coservants who are overworked and unfit for the service. The corporations are interested, for they must pay the damage caused by wrecks. They are entitled to a hearing and to fair and considerate treatment in the law which will perhaps require them to modify their former methods of doing business and impose penalties in cases of violation. They should not be hampered or crippled by the enactment of drastic and unreasonable laws, but they should recognize the fact that the number of disasters is constantly growing and becoming more appalling year after year.

And if a law will help in avoiding those disasters they should encourage it and cheerfully and conscientiously obey it. Then the third party concerned is the traveling public. They pay their fares and put their lives into the hands of the companies and of the men employed in the management of trains. Great wrecks and disasters have been so numerous and terrible that the passenger now feels when he enters a car that he is taking his life in his hands and subjecting himself to perils that are not necessary. He feels that there is something wrong in the management of the railroads, else there would not be so much

The public demands a law like this, in the hope that greater safety may be secured, and in obedience to the demand on the part of the employees and public the Congress has undertaken to legislate on this important subject.

The question was taken on the adoption of the resolution; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, considering the importance of this bill, I would like to have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 281, nays 0, answered "present" 1, not voting 95, as follows:

## YEAS-281

Acheson	Calder	Ellerbe	Hamilton
Adamson	Calderhead	Ellis	Hardwick
Aiken	Campbell, Kans.	Englebright	Haskins
Alexander	Campbell, Ohio	Esch	Haugen
Allen, Me.	Candler	Fassett	Hay
Andrus	Capron	Field	Hayes
Bannon	Cassel	Finley	Hedge
Barchfeld	Chaney	Fitzgerald	Heflin
Bartholdt	Chapman	Flood	Henry, Conn.
Bartlett	Clark, Fla.	Fordney	Hepburn
Beall, Tex.	Clark, Mo.	Foss	Higgins
Bede	Clayton	Foster, Ind.	Hill, Conn.
Bell, Ga.	Cole	Foster, Vt.	Hill, Miss.
Bennet, N. Y.	Conner	Fowler	Hinshaw
Bennett, Ky.	Cooper, Pa.	French	Holliday
Birdsall	Cousins	Fulkerson	Houston
Bonynge	Cromer	Gaines, Tenn.	Howard
Boutell	Crumpacker	Gaines, W. Va.	Howell, N. J.
Bowersock	Currier	Gardner, Mass.	Howell, Utah
Bradley	Cushman	Gardner, Mich.	Hubbard
Brantley	Dale	Garner	Hughes
Brick	Dalzell	Garrett	Hull
Broocks, Tex.	Davey, La.	Gilhams	Humphrey, Wash.
Brooks, Colo.	Davidson .	Gillespie	Hunt
Broussard	Davis, Minn.	Gillett	James
Brown	Davis, W. Va.	Glass	Jenkins
Brownlow	Dawson Dawson	Goebel	Jones, Va.
Brumm	De Armond	Goulden	Jones, Wash.
Brundidge	Deemer .	Graff	Keliher
	Denby	Graham	
Burgess			Kennedy, Ohio Kinkaid
Burke, S. Dak.	Dickson, Ill.	Granger	
Burleigh	Dixon, Ind.	Greene	Kitchin, Claude
Burleson	Dixon, Mont.	Gregg	Kitchin, Wm. W.
Burnett	Draper	Griggs	Klepper
Butler, Pa.	Driscoll	Gronna	Kline
Butler, Tenn.	Dwight	Grosvenor	Knapp
Byrd	Edwards	Hale	Knopf

	2 2 11 2 1
Knowland	Michalek
Lacey	Miller
Lafean	Minor
Lamar	Mondell
Lamb	Moon, Tenn.
Landis, Chas. B.	Moore, Tex.
Landis, Frederick	Mouser
Lawrence	Murdock
Lee	Murphy
Legare	Needham
Lewis	Nelson
Littauer	Norris
Littlefield	Olcott .
Livingston	Olmsted
Lloyd	Otjen
Loud	Overstreet, Ga
Lovering .	Overstreet, In
McCall	Padgett
McCarthy	Page
McCleary, Minn.	Parker
McCreary, Pa.	Patterson, N.
McGavin	Patterson, S.
McKinlay, Cal.	Payne
McKinley, Ill.	l'earre
McKinney	Perkins
McLain	Pollard
McMorran	Powers
McNary	Prince
Macon	Pujo
Madden	Randell, Tex.
Mann	Reeder
Marshall	Reid
Martin	Reynolds
Meyer	Rhinock

Richardson, Ala. Rives
Robertson, La.
Robinson, Ark.
Rodenberg
Rucker
Russell
Ryan
Samuel
Saunders Scott
Shackleford
Sheppard
Sherley
Sherman
Sims
Slayden
Smith, Cal.
Smith, Iowa
Smith, Ky. Smith, Md.
Smith, Mich.
Smith, Pa.
Smith, Tex.
Snapp
Southall
Southard
Sparkman
Sperry
Stafford
Steenerson Stephens, Tex.
Sterling
Stevens, Minn.
/S—0.
PRESENT "-1.

Sullivan Sulloway
Talbott
Tawney
Taylor, Ala.
Taylor, Ohio
Thomas, N. C.
Thomas, Ohio
Tirrell Thomas, On Tirrell Townsend Trimble Underwood Volstead Vreeland Waldo Wallace Wanger Washburn Watkins Watkins Watson Webb Webber Weeks Weems Wiley, Ala. Wiley, N. J. Wilson Wood Young Zenor

### NAY

Ga. Ind.

N. C. S. C.

ANSWERED " Humphreys, Miss.

#### NOT VOTING-95.

len, N. J.	Fletcher	Lindsay	Ruppert
nes	Floyd	Longworth	Schneebeli
ibcock	Fuller	Lorimer	Scroggy
inkhead	Garber	Loudenslager	Shartel
ites	Gardner, N. J.	Lowden	Sibley
idler	Gilbert	McDermott	Slemp
ngham	Gill	McLachlan	Small -
shop	Goldfogle	Mahon	Smith, Ill.
ackburn	Gudger	Maynard	Smyser
owers	Hearst	Moon, Pa.	Southwick
owie	Henry, Tex.	Moore, Pa.	Spight
ickman	Hermann	Morrell	Stanley
irke. Pa.	Hogg	Mudd	Sulzer
irton, Del.	Hopkins	Nevin	Towne
irton, Ohio	Huff	Palmer	Tyndall
ekran	Johnson	Parsons	Van Duzer
ocks	Kahn	Pou	Van Winkle
oper, Wis.	Keifer	Rainey	Wachter
oudrev			Wadsworth
	Kennedy, Nebr. Law	Ransdell, La.	Weisse
arragh		Reyburn	
iwes	Le Fevre	Rhodes	Welborn
ovener	Lever	Richardson, Ky.	Wharton
esser	Lilley, Conn.	Riordan	Woodyard
inwell	Lilley, Pa.	Roberts	

So the order was adopted.

The following pairs were announced:

For this session:

Mr. VAN WINKLE with Mr. McDERMOTT.

Until further notice:

Mr. Moon of Pennsylvania with Mr. RIORDAN.

Mr. Bingham with Mr. Cockran. Mr. Lorimer with Mr. Humphreys of Mississippi.

Mr. FULLER with Mr. HOPKINS.

Until Tuesday :

Mr. Kennedy of Nebraska with Mr. Johnson.

Until noon to-day :

Mr. Lilley of Pennsylvania with Mr. Gilbert.

For this day:

Mr. Cooper of Wisconsin with Mr. RICHARDSON of Kentucky.

Mr. Burke of Pennsylvania with Mr. Lever.

Mr. Burton of Delaware with Mr. Henry of Texas.

Mr. Bates with Mr. Gudger.
Mr. Babcock with Mr. Bankhead.
Mr. Ames with Mr. Goldfogle.
Mr. Southwick with Mr. Ruppert.

Mr. Burton of Ohio with Mr. LINDSAY.

Mr. Cocks with Mr. GILL.

Mr. MUDD with Mr. Towne. Mr. Louden with Mr. Bowers.

Mr. Longworth with Mr. Maynard. Mr. Tirrell with Mr. Hearst. Mr. Wachter with Mr. Small.

Mr. LILLEY of Connecticut with Mr. FLOYD.

Mr. Dawes with Mr. Sulzer. Mr. Huff with Mr. Garber of Ohio.

Mr. WADSWORTH with Mr. WEISSE.

Mr. SMITH of Illinois with Mr. STANLEY.

Mr. Roberts with Mr. Spight. Mr. Loudenslager with Mr. Ransdell of Louisiana.

Mr. Dovener with Mr. RAINEY.

Mr. Coudrey with Mr. Pou.

Mr. MAHON with Mr. VAN DUZER.

The result of the vote was announced as above recorded.

The SPEAKER announced as conferees on the part of the House Mr. Hepburn, Mr. Sherman, and Mr. Davey of Loui-

### MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 24537) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1908, and for other purposes, to disagree to all the Senate amendments, and ask for a conference,

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the Military Academy appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I shall not object.

There was no objection.

The SPEAKER announced as conferees on the part of the House Mr. Hull, Mr. Capron, and Mr. Slayden.

### SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, and pending that motion I desire to make a

But one week of the session remains. It is of the utmost importance that this bill reach the Senate by Monday morning. I shall therefore ask the House to remain in continuous session until the bill is completed. I think we can complete it by early to-night, and that there will be no special hardship on any Member; but it is of the utmost importance that it be completed between now and Monday morning.

Mr. CLARK of Missouri. I should like to ask the gentleman

if it would not be better to take a recess at half past 6, for an hour or two, to enable gentlemen to go home and get their suppers and come back here feeling comfortable?

Mr. TAWNEY. The difficulty about that, Mr. Speaker—
Mr. CLARK of Missouri. I do not want to hinder you in any
way, but I think it will expedite the bill.

Mr. TAWNEY. If we have not a quorum when we return here, it will be impossible to go into Committee of the Whole if anyone makes the point.

Mr. GAINES of Tennessee. I want to remind the gentleman that he made the same observation the other day, and at the night session we had a very large quorum in attendance.

Mr. TAWNEY. It is a matter we can determine later on in the day.

The question being taken, the motion of Mr. TAWNEY was

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25745-the sundry civil appropriation bill, with Mr. Warson in the chair.

The Clerk read as follows:

One half of the foregoing sums under "Buildings and grounds in and around Washington" shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Mr. WANGER. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee whether any part of the appropriation for the improvement of the Potomac is for the purpose of erecting bath houses or other facilities to promote the health and welfare of the people generally and especially the poorer classes of the residents of the District?

Mr. TAWNEY. I will say in answer to the gentleman from Pennsylvania that the appropriations do not contemplate the construction of any bath houses. They will provide, however, for promoting the health of the public in so far as a park contributes to that end. This is merely for the completion of the park which was begun in the last four years. There is a strip of land on the Potomac side which it is proposed to improve during the next fiscal year. The improvements authorized at the last session of Congress are practically completed, and I think every Member of the House who has visited that park is not only satisfied with the result, but convinced that the remainder of the park ought to be improved in the same manner. It does not contemplate bath houses.

Mr. WANGER. Of course, Mr. Chairman, I heartily approve of what has been done, but it seems to me the work is sadly incomplete; and it is a sorry commentary on the capital of the nation, supposedly having a government by the people and for the people, that there is not that provision made for the enjoy-

ment of the average citizen, and especially of the poorer citizen, that the capitals of many monarchies provide. I hope this plan very soon will not only be adopted, but provision made for securing these valuable facilities for the health and happi-

ness of everybody.

Mr. TAWNEY. I will say to the gentleman from Pennsylvania further that there was no estimate submitted to Congress for an appropriation for the purposes mentioned by him.

Mr. WANGER. I withdraw the pro forma amendment. The Clerk read as follows:

Under appropriations herein contained no contract shall be made for making or repairing concrete or asphalt pavements in Washington City at a higher price than \$1.85 per square yard for a quality equal to the best laid in the District of Columbia prior to July 1, 1886, and with a base of not less than 6 inches in thickness.

Mr. MACON. Mr. Chairman, I reserve a point of order to

that paragraph.

Mr. PARKER. Mr. Chairman, I move to strike out the last word. I do that for the purpose of placing in the Record some tables with reference to the effect of the amendment to letter carriers' pay recently adopted in the House, and also of the Crane bill. With the leave of the House, I desire to place these in the Record at this time.

The CHAIRMAN. The gentleman from New Jersey desires

to put in the Record the matter he refers to. Is there objec-

tion?

There was no objection.

The following is the matter referred to:

FEBRUARY 23, 1907.

In order to inform the House as to the probable effect upon the pay of post-office employees by the bill passed by the House the other day, and of the Senate (Crane) bill, I beg leave to insert in the Record certain tables,

certain tables.

I. The effect of the House provision in cities where annual receipts are less than \$50,000.

II. The same where receipts are between \$50,000 and \$200,000.

III. The same where receipts are over \$200,000.

IV. The effect of the Crane bill in the last two cases.

I. In cities where the gross receipts are less than \$50,000 a carrier would earn the same amount of money in the first six years of his service as he would under the present law, as can be seen by the following table:

PRESENT LAW.

\$19.00 per month, average as substitute. 12 months.

228. 00 per year as substitute. 3 years.

684. 00 total earnings, three years as substitute. 600. 00 first year regular service. 850. 00 second year regular service. 850. 00 third year regular service.

6)2,984.00 total earnings for six years.

365) 497. 34 average annual salary.

1.36 average per day.

PROPOSED LAW.

\$19.00 per month, average as substitute.

228. 00 per year as substitute. 3 years.

684.00 total earnings, three years as substitute. 600.00 first year regular service. 800.00 second year regular service. 900.00 third year regular service.

6)2,984.00 total earnings for six years.

365) 497. 34 average annual salary.

In twenty years the carriers in these cities would earn an average annual salary of \$779.20, or \$2.13 per day.

II. In cities where the gross receipts are between \$50,000 and \$200,000 the average annual salary which could be earned in twenty years would be \$849.20, or \$2.33 per day, as can be seen by the following table:

\$19.00 per month, average as substitute.

228, 00 per year as substitute.

3 years.

684.00 total earnings, three years as substitute, 600.00 first year regular service.
800.00 second year regular service.
900.00 third year regular service.
14,000.00 fourteen years at \$1,000 per year.

20) 16, 984, 00 total earnings for twenty years.

365)849. 20 average annual salary.

2. 33 average per day.

III. In offices where the gross receipts are in excess of \$200,000 per annum it would take a carrier eight years to earn the same amount of money under the proposed law that he earns in the same period of time under the present law, as the following table will show:

PRESENT LAW.

\$19.00 per month, average as substitute. 12 months.

228. 00 per year as substitute. 3 years.

684.00 total earnings, three years as substitute.
600.00 first year regular service.
800.00 second year regular service.
1,000.00 third year regular service.
1,000.00 fourth year regular service.
1,000.00 fifth year regular service.

8)5,084.00 total earnings for eight years.

365) 635. 50 average annual salary. 1.74 average per day.

PROPOSED LAW.

\$19.00 per month, average as substitute.

228. 00 per year as substitute. 3 years.

684. 00 total earnings, three years as substitute.
600. 00 first year regular service.
800. 00 second year regular service.
900. 00 third year regular service.
1, 000. 00 fourth year regular service.
1, 100. 00 fifth year regular service.

8)5, 084, 00 total earnings for eight years.

365) 635. 50 average annual salary.

1. 74 average per day.

1.74 average per day.

In twenty years the carriers in these offices would earn an average annual salary under the proposed law of \$914.20, or \$2.50 per day.

IV. If the bill introduced in the Senate by Mr. Crane, and which was passed by that honorable body under date of February 1, and which meets the approval of the carriers of the country, should be enacted into law the average annual salary which could be earned by the carriers in first-class offices in twenty years would be \$949.20, or \$2.61 per day.

And in second-class offices the average annual salary would be \$834.20, or \$2.29 per day, as the following tables will show:

FIRST-CLASS OFFICES.

\$19.00 per month, average as substitute. 12 months.

228. 00 per year as substitute.

684.00 total earnings, three years as substitute, 600.00 first year regular service.
700.00 second year regular service.
800.00 third year regular service.
900.00 fourth year regular service.
1,000.00 fifth year regular service.
1,100.00 sixth year regular service.
13,200.00 eleven years, at \$1,200 per year.

20) 18, 984. 00 total earnings for twenty years.

365)949, 20 average annual salary.

2. 61 average per day.

SECOND-CLASS OFFICES.

\$19.00 per month, average as substitute. 12 months.

228. 00 per year as substitute. 3 years.

684.00 total earnings, three years as substitute. 600.00 first year regular service. 700.00 second year regular service. 800.00 third year regular service. 900.00 fourth year regular service. 13,000.00 thirteen years, at \$1,000 per year.

20)16,684.00 total earnings for twenty years.

365)834.20 average annual salary.

2. 29 average per day.

Mr. MACON. Mr. Chairman, I raised the point of order on this paragraph on the ground that the price for concrete pave-ment has been increased from \$1.65 to \$1.85, and that is a change of existing law as much as would be a change in the increase of salaries.

The CHAIRMAN. Does the gentleman make the point of order?

The CHAIRMAN. Will the chairman inform the Chair whether there is authorization of law for this purpose? The gentleman from Arkansas has made the point of order that this

changes existing law.

Mr. TAWNEY. I will say that it is a limitation on the appropriation on the construction of asphalt walks. There is no law on the subject. There has been carried in the District of Columbia appropriation bill for many years a similar limitation as to the cost of the construction of sidewalks, but this year, at this session of Congress, the District Commissioners appeared before the subcommittee on the District appropriation

bill and represented that it was absolutely impossible to secure any bids for the construction of the sidewalks at the limitation fixed in the previous appropriation. The District Committee increased that price, and the appropriation in this bill is made to conform to the price fixed in the District appropriation bill.

Mr. MACON. If the gentleman from Minnesota states that the interestible to be residently constructed for a less price.

it is impossible to have sidewalks constructed for a less price than this mentioned in the bill, of course I will withdraw the point of order.

The CHAIRMAN. The gentleman from Arkansas withdraws the point of order.

The Clerk read as follows:

Repairs of building where Abraham Lincoln died: For painting and miscellaneous repairs, \$200.

Mr. SMITH of Kentucky. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the Committee on Appropriations if he will consent to return to this paragraph after we conclude the reading of the bill, so that I may offer an amendment to it.

Mr. TAWNEY. What is the nature of the amendment the gentleman desires to offer?

Mr. SMITH of Kentucky. I desire to offer an amendment appropriating a sufficient amount for the erection of a memorial tablet to be placed upon this building, being the building where

Abraham Lincoln died.

Mr. TAWNEY. Mr. Chairman, I will state that I will have no objection to returning to the item.

Mr. SCOTT. Mr. Chairman, I would like to ask the chairman of the committee with reference to that same paragraph. It is a United States building, is it not?

Mr. SMITH of Iowa. Yes.
Mr. SCOTT. My understanding is that an admission fee is charged by those in care of it. I would like just a word of explanation as to the arrangement that is made by the caretakers which authorizes them to charge an admission.

Mr. TAWNEY. I would say to the gentleman that the man in charge of it owns an exhibit in the building. The custodian receives no compensation from the Government. The fee that he charges for persons visiting the building to see this exhibit is the compensation for services as custodian.

Mr. DAVIDSON. How much does that amount to in a year? Mr. TAWNEY. I do not know.

The Clerk read as follows:

Improving harbor at New Haven, Conn.: For completing improvement in accordance with the adopted and extended projects, \$64,926.10.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 127 strike out lines 14, 15, 16, and 17.

Mr. TAWNEY. I would say in explanation, Mr. Chairman, that this amendment is offered upon the suggestion of the chairman of the Committee on Rivers and Harbors, the gentleman from Ohio [Mr. Burton], and is the same item that went out of the sundry civil appropriation bill a year ago. It seems that

the sundry civil appropriation bill a year ago. It seems that this amount is not required at this time.

Mr. SPERRY. Mr. Chairman, it is true that this item went out a year ago—the item which it is proposed to strike out now. The item is a balance due under the original authorization for New Haven Harbor, and we ask for the continuing of the dredging of the Quinnipiack River. Why this should be stricken out last year and again stricken out this year requires a little explanation to understand. I wish the gentleman would give the

House the reasons why it is to be stricken out.

Mr. TAWNEY. Mr. Chairman, I regret that the chairman of the Committee on Rivers and Harbors is not on the floor at this time. He expected to be when this item was reached and himself would have made the motion to have it stricken out on the ground, as I understand it, that the work, if done, will be done primarily in the interest of private parties, and that it is not a public necessity that is being served. That, as I understand it from the chairman of the Committee on Rivers and Harbors, is the reason for asking that it go out. But because there is a balance and because this work is authorized the War Department, of course, submitted their estimate for the balance in order to complete this work. That is the only reason that I know of for omitting the item; and when the statement was made to me by the chairman of the Committee on Rivers and Harbors, a gentleman who has given a great deal of thought and consideration to all these river and harbor improvements and who is intimately acquainted with all of them—this one in particular, having personally investigated the matter on the ground—I felt that the Committee on Appropriations is justified in granting his request and acting upon his judgment, which, I think, the Committee of the Whole will be justified in doing.

Mr. SPERRY. Mr. Chairman, that may be true, but last year

the Secretary of War himself went to the committee and requested this to be placed in the bill as reported last year. Now it comes again, and now the gentleman says it is because of some private interests and that a public benefit is not being served, and he gives that as the reason this item should go out. I hope that this item will not be stricken out. The money is a part of the sum originally authorized by Congress for New Haven Harbor. It ought to be appropriated, and if there is any private interest involved there I wish the gentleman would tell me who it is that is being benefited.

Mr. TAWNEY. I am unable to give the gentleman the iuformation. I have not made an investigation personally. The committee has acted upon the judgment of the chairman of the Committee on Rivers and Harbors, and I now call for a

Mr. SPERRY. I hope it will not be stricken out.
The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. TAWNEY) there were-ayes 38, noes 5.

So the amendment was agreed to.

The Clerk read as follows:

Repairing roadways to national cemeteries: For repairs to roadways to national cemeteries which have been constructed by special authority of Congress: Provided, That no railroad shall be permitted upon the right of way which may have been acquired by the United States to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States, \$12,000: Provided further, That no part of this sum shall be used for repairing any roadway within the corporate limits of any city, town, or village.

Mr. HULL. Mr. Chairman, I move to strike out the last word, in order to get a little information from the chairman of the committee. I see here is an appropriation we have carried heretofore for repairs to roadways to national cemeterles. I would like to ask the chairman what roads the Government accepts jurisdiction over, and how many roads it is intended

to keep in repair by this appropriation of \$12,000?

Mr. TAWNEY. I would say to the gentleman from Iowa that there are twenty-three of these roads to be repaired and kept in proper condition, aggregating 27 miles. The annual appropriations heretofore made for this purpose, it is claimed by the Department, are entirely inadequate. We have been appropriating, so far as the record for this purpose shows, since 1894 annually. Now they say the \$12,000 which we gave them last year and the year before, which amount was less by \$3,000 than they were receiving the four preceding years, is not sufficient to keep these roads in repair, and the estimate shows it would require at least \$25,000 during the next fiscal year to meet that expenditure.

Mr. HULL. What special authority of Congress has been granted in these roads, simply on appropriation bills?
Mr. SMITH of Iowa. The language is, "which have been constructed by special authority of Congress." It is not permissible to be used for any other purpose.

Mr. TAWNEY. The authority was given by law. to time Congress has accepted jurisdiction over roads and has been appropriating under those laws for a number of years.

Mr. HULL. Is the national cemetery at Vicksburg one of these roads?

Mr. TAWNEY. I do not think it is. I think it has a separate appropriation.

Mr. HULL. Does not the gentleman know whether it is or

Mr. TAWNEY. I do not. They do not give the

Mr. HULL. They do not give the cemeteries?
Mr. TAWNEY. They do not give the exact location of all of

Mr. HULL. The committee in its hearings, then, took no steps to find out what roads are included in this general provi-

Mr. TAWNEY. In the case of the Vicksburg Cemetery road the special appropriation was given because exceptional circumstances demanded the necessity for this improvement. The amount necessary to improve the road at Vicksburg would have increased so much this appropriation we thought best to make a specific appropriation for this purpose.

Mr. HULL. How long is the Vicksburg road?

Mr. TAWNEY. My recollection is it is about 2 miles.

Mr. HULL. Mr. Chairman, I withdraw the motion, as I have not enough information to make any motion to strike out the paragraph. I was in hopes the chairman could give the information.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

National cemetery, Vicksburg, Miss.: For repairs to the Government roadway to the Vicksburg, Miss., National Cemetery, \$10,000.

Mr. HULL. Mr. Chairman, I move to strike out the last word, in order to see if I can get some information on this. I would like to ask the gentleman, the chairman of the committee, why the national cemetery road at Vicksburg is given a special appropriation here, when, on page 133, a general provision has been put in for all roads over which the Government has assumed jurisdiction?

Mr. TAWNEY. I will say in answer to the gentleman from

Mr. HULL. Let me add one more word, so you can explain it all—with a further proviso in the general appropriation that no part shall be used within the corporate limits of any city or town, and you leave it out of this appropriation.

Mr. TAWNEY. I will say to the gentleman from Iowa that the reason there is a special appropriation for this road is because of the cost necessary to repair the road and put it in shape for travel. The amount, if added to the general appropriation for this purpose, would very largely increase it. The conditions here are exceptional, owing to a flood or some condition of nature-I do not now recall what it was-and if we increase the general appropriation to the extent to cover this item now, we would then in the next Congress be called upon to reduce it, and it is harder to reduce these appropriations a great deal than to increase them, as the gentleman from Iowa well knows. This is to complete the work, and when it is done the general repairs of this road will come under the head of the general appropriation for that purpose. I will say the length of the road is 7,200 feet, and runs along the eastern bank of the Mississippi River to the northern limits of the city of Vicksburga distance of 7,200 feet. The greater portion of the road is located on the side of a hill. The expense of keeping it in proper repair is naturally great, and the longer such repairs are delayed the greater will be the cost of making.

On June 6, 1906, proposals were invited for the making of Under an appropriation given at the last session these repairs. of Congress the lowest bid was \$9,715, which the gentleman will see is almost equal to the appropriation for the current fiscal year for the general repairs on all of the twenty-seven roads over which the Government has assumed jurisdiction. But the work was not authorized, as the necessary fund was not available.

Mr. HULL. My objection to the whole thing lies in the fact that localities are gradually getting the Government to assume charge of their local roads. This road is of no use to the Gov-ernment. It is of great use to the city of Vicksburg. There is a national cemetery there with three men in the employ of the Government to take care of it, and for the Government of the United States to be saddled with the care of these roads approaching national cemeteries, in sums of ten thousand or twenty thousand or thirty thousand dollars for the benefit of the locality, is an absolute injustice to the Government. Congress will soon have all of them at enormous expense.

Mr. SMITH of Iowa. Will the gentleman allow me to ask

him a question?

Mr. HULL. In one minute. I am inclined to think that we have assumed a jurisdiction over this that would not make it subject to a point of order, for the reason that at the first session of this Congress, we passed a bill recognizing our jurisdiction and granting a right of way to a railroad on the condition that they keep that part of the road in good repair between the rails and 2 feet on each side.

Mr. TAWNEY. Two feet on each side.

Mr. HULL. I do not know whether the committee has taken that into consideration as reducing the cost or not.

Mr. SMITH of Iowa. It was in the hearings and was fully taken into consideration.

Mr. TAWNEY. If the gentleman will turn to page 214 of the hearings, he will see that the matter is fully discussed there.

Mr. HULL. I would like very much, if the Government as-

sumes jurisdiction, that the committee would put them in good repair for the localities with the proviso that thereafter the Government should not be called upon to maintain the road. It is a question in my mind whether we do assume jurisdiction by simply making an appropriation. I want to give this committee warning now that with the departure of the Committee on Appropriations in the bill in this session, in inserting new places, that you are going to have jurisdiction ceded to you approaching every fort and every national cemetery in this country. The abutting property owners will gladly give deeds if that compels us to build the road. You have to get a deed of it, and a million dollars will not pay the expense the Government will be called upon to meet.

Mr. TAWNEY. Will the gentleman point out one road in this bill where we have assumed jurisdiction?

Mr. HULL. I will point two or three if the committee will give me five minutes.

The CHAIRMAN. The gentleman from Iowa [Mr. Hull] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HULL. I will call attention here to the road at Barrancas, Fla. There is a bill on the Calendar of the House making an appropriation for this road, in which they ask \$32,000. The committee refused to grant any money to build this road beyond the limits of the reservation, and on consultation with the parties representing Florida and the War Department representing the Government as to what it would cost, they amended the bill, giving them \$12,000 to build to the Government line, and put a proviso in limiting it so far as the same lies on the land of the United States. I know what the gentleman wants to say, that in 1897 the Government did give \$10,000 to build this road.

Mr. SMITH of Iowa. That is not what I wanted to say at all.

Mr. HULL. Congress did it anyhow. Now, Mr. Chairman, the city of Pensacola has gone on and commenced the construction of the road to the Government line. They have made the appropriation for it and they have arranged to build it. Pass this proposition as carried in this bill and the Government of the United States would refund to the city of Pensacola the entire amount they are now expending on their own roads. That is one thing that the committee has taken over. . Now, I

will yield to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. I want to call the attention of the gentleman from Iowa [Mr. HULL] to the fact that in the hearings

on this matter we find this:

The records show that the Government owns the entire roadway from the north end of the bridge over Glass Bayou at the northern limits of the city to the southern entrance of the national cemetery, an approximate distance of 7,200 feet, no portion of which is within the corporate limits of the city of Vicksburg.

Mr. HULL. I am speaking of Pensacola. Mr. SMITH of Iowa. But it was as to Vicksburg that you The Government owns the road. It may started the inquiry. have been an error, it may have been a mistake to acquire it by the action of your committee or some other committee, but it has been ceded, and the Government has accepted the title. Of course the Government does not have to accept the title, but it having been ceded to it and title having been acquired, the Government does own this road from the title thus acquired, and the local authorities can not in prove this road; and there is nobody that can do it but the Government of the United States. If the gentleman is correct, I submit that the proper procedure would be for his committee to report a bill ceding back all the roads to the State government.

Mr. HULL. I think so, too, if it is done by the committee's action; but my impression is that it is accepted by making ap-

propriations, but without any other action.

Mr. SMITH of Iowa. Oh, no.

Mr. HULL. We all agree that an item put on an appropriation bill does not make law for an appropriation on any other appropriation bill.

Mr. SMITH of Iowa. Oh, no. The Government owns this road, and either the Government ought to keep it in repair or the gentleman's committee ought to report a bill ceding the land to the local authorities.

Mr. HULL. I am glad to get the information that the Government really does own the road.

Mr. KEIFER. I desire to make an inquiry, in order to get at the right situation in this matter. I wish to ask, Do I understand both gentlemen to take the position that they believe if the Government owned a road in some locality that the Government was obliged to spend thousands of dollars upon it every year for the purpose of keeping it in repair? I want to know whether they think, as a matter of law, that the owning of the road imposes any obligation to improve?

Mr. SMITH of Iowa. If a road or highway in any part of the United States should be ceded and is accepted by the Gov-ernment of the United States and is owned by the United States, if it has ceased to be in repair and becomes unfit for the purpose for which it was formerly used, and there is no one else that can repair it but the Government of the United States, under those circumstances I think that the Government ought

to keep it in repair.

Mr. KEIFER. It imposes no legal obligation on the Government to keep it in repair.

Mr. SMITH of Iowa. No; it does not impose a legal obligation.

Mr. KEIFER. There being no legal obligation imposed on the Government to repair it, there is no existing law to make this appropriation.

Mr. HULL. I withdraw the point of order as to Vicksburg. The Clerk read as follows:

Road to national cemetery, Pensacola, Fla.: For completing the construction of the Government roadway to the Barrancas, Fla., National Cemetery, near Pensacola, Fla., \$32,000.

Mr. HULL. Mr. Chairman, I make the point of order upon that.

The CHAIRMAN. What is the gentleman's point of order? Mr. HULL. It is entirely new legislation, not included in any law. For five years they have been seeking authority of law. There have been bills introduced, and never until this year was a recommendation made by the War Department in the estimates.

Mr. TAWNEY. Mr. Chairman, I would say that this road is owned by the Government of the United States. On page 511 of the hearings, Captain Parker, in charge of this cemetery,

said:

The amount that we want to repair is about 1½ miles in length, and they own that part of the road. It joins the road running to Pensacola, which has been built by the county. The read is about a mile and a half long, but there is a bridge to be built across the Bayou

and a half long, but there is a bridge to be built across the bayou Grande.

Mr. TAYLOR. The bridge is 1,270 feet in length.

The Chairman. How much of this road has been constructed that this money is for the completion of?

Captain Parker. There was an appropriation of \$10,000 in 1898. From this appropriation about \$8,000 was used in building this bridge across Bayou Grande. The remainder of the appropriation was used in clearing the ground of trees, etc.

The CHAIRMAN. From the reading of the paragraph itself and from the statement of the gentleman from Minnesota, this seems to be an appropriation for the continuation of a Government work in progress, and therefore the Chair overrules the point of order.

Mr. HULL. Then, I move to strike out the paragraph included in lines 15 to 18.

The CHAIRMAN. Does the gentleman desire to be heard

Mr. HULL. I do. I wish to call the attention of the chairman to the fact that the Committee on Military Affairs has reported a bill on this subject, and that the city of Pensacola has accepted the provisions of it, so that there is no excuse for the Congress of the United States appropriating \$32,000 for a proposition to build a road where the locality itself is willing to recognize the justice of building their road outside of the line of the Government property.

Mr. TAWNEY. Will the gentleman permit an interruption

there?

Mr. HULL. Yes, sir.
Mr. TAWNEY. I want the committee to have full information as to the facts. We appropriated money for the construction of this bridge

Yes.

Mr. TAWNEY. That is the principal item of cost to be expended out of this appropriation. The bridge that we constructed was almost entirely swept away last September by the storm at Pensacola. Just a few piles were left, and it is for the purpose of building 1½ miles of road and rebuilding the bridge.

Mr. HULL. Well, Mr. Chairman, the gentleman does not propose to limit it to the line of the Government, what is owned by the United States, but proposes to build it to Pensa-It is precisely with that item on which the Chair overruled the point of order.

Mr. PAYNE. I should like the gentleman from Iowa [Mr. Hull to inquire whether the gentleman from Minnesota [Mr. TAWNEY] would accept as an amendment the limitation in the bill reported from the Committee on Military Affairs.

Mr. HULL. If he will accept that, I will withdraw my motion to strike out.

Mr. LITTLEFIELD. Why does not the gentleman offer the amendment?

I will change my motion, then, with the consent of the committee.

Mr. TAWNEY. It is confined now to what the Government

Mr. HULL. There is nothing to indicate that the Government owns the entire line covered by the committee provisions. Mr. TAWNEY. The gentleman from New York [Mr. PAYNE] has not seen the paragraph.

Mr. PAYNE. Oh, yes, I have. Mr. TAWNEY. And I submit, before the gentleman begins to criticise the language of the bill, he ought to read it.

Mr. PAYNE. The gentleman from New York has read the paragraph and is as familiar with it as the gentleman from Minnesota.

Mr. TAWNEY. Then the gentleman has misstated it, if he

is familiar with it.

Mr. HULL. Mr. Chairman, I ask to change my motion so as to amend the paragraph, so that it will read:

For completing construction of the Government roadway to the Barrancas, Fla., National Cemetery, so far as the same lies on the land of the United States.

Mr. TAWNEY. One moment, Mr. Chairman. This is for the completion of a Government road. Now, I can not conceive how we can be more definite as to what road the money is to be expended upon. It is the road owned by the Government. If it was not owned by the Government, it would not be a Government road, and I submit that there is no necessity for any further limitation.

Mr. HULL. In answer to that, I should like to say just one word.

The CHAIRMAN. The gentleman from Iowa asks to have his amendment changed in certain particulars; and without objection it will be so changed, and the Clerk will report it to the

Mr. HULL. After the word "roadway," in line 17, insert the words "so far as the same lies on the land of the United States."

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Insert, after the word "roadway," in line 17, page 135, the following:
"So far as the same lies on land of the United States."

Mr. TAWNEY. Mr. Chairman, the language of the paragraph as it stands in the bill now reads as follows:

For completing the construction of the Government roadway-The Government roadway to where?

To the Barrancas, Fla., National Cemetery, near Pensacola, Fla., \$32,000.

Now, the only road on which this money can be expended, or any part of it, is the Government road, the road owned by the Government, the road leading to the national cemetery, and the road near Pensacola.

Mr. LITTLEFIELD. I should like to ask the chairman of the committee to tell the Committee of the Whole where the road begins? Does it begin on State land or does it begin on Government land?

Mr. TAWNEY. It begins on Government land and ends on Government land

Mr. LITTLEFIELD. If that is true, that takes care of it.

Mr. HULL. If that is true, then this amendment can do no possible harm.

Mr. GROSVENOR. Mr. Chairman, that amendment would unsettle a great many of the most valuable roads and approaches to our national parks and cemeteries in the South. To illustrate, the Government has acquired the right to occupy and use—has, if you please, acquired an easement upon the road leading from Chattanooga to the Chickamagua National Park, the old Lafayette turnpike. That provision that is proposed to be put into this bill, if it applied to that, would prevent the Government from spending money to repair and keep in repair that great thoroughfare, which is absolutely indispensable to a proper occupation of that property. The Government, to all intents and purposes, owns the road, by cession of the legislatures of the two States, Georgia and Tennessee, and while it is not on Government property, in the proper sense of the term, the road is the property of the Government for the pur-poses of the enjoyment of the easement granted therein; and so I think the amendment ought not to be adopted.

Mr. TAWNEY. Mr. Chairman, this road begins on Govern-

ment land, it ends on Government land, it is a Government road, and the appropriation is made for the improvement of that Government road. No language that the gentleman from Iowa or the gentleman from New York can suggest will make it more specific than the language in the paragraph making the appro-

priation, and I hope the amendment will be voted down.

Mr. PAYNE. Mr. Chairman, I have in my hand a report from General Humphrey, the Quartermaster-General of the Army, dated February 14, 1906, in which, speaking of this road, he says:

The records of this office show that the total length of this road from the west limits of the city of Pensacola to the national cemetery is 25,800 feet, or about 4.89 miles. Of this 1,270 feet are included in a bridge, and about 600 feet at the beginning of the road on the west side of Bayou Chico is macadamized. Of the total 25,800 feet of road, about 7,400 feet are within the Government reservation.

The portion of the road from the national cemetery to the city of Pensacola which lies on the Government reservation is on the naval reservation.

The land transportation facilities between the national cemetery, Barrancas Barracks, and the navy-yard—in fact, between the Government reservation and the city of Pensacola—are very poor.

It is considered by this office that this roadway should be improved and placed in a proper condition. The passage of this bill is therefore recommended.

And then in another communication, dated April 21, 1906, Quartermaster-General Humphrey says:

In regard to the construction of that portion of the road which does not lie on Government reservation, and reducing the estimate accordingly, you of course understand that an appropriation of \$10,000 was made for the entire roadway up to the west limits of the city of Pensacola in the sundry civil act approved August 1, 1897, and that as much of this roadway as possible was constructed under that appropriation, which, however, was too small to perform the work in a proper and substantial manner; hence the call which has been made for several years for additional money to complete this work.

Now there is enough there to show that if this empendment is

Now, there is enough there to show that if this amendment is not put in the bill they will construe it as they construed a former provision and apply it to the whole road on the Government property and on the other, and inasmuch as Pensacola, as I understand, is willing to construct their share of the road, I do not know why we should not limit it to the Government road.

Mr. TAWNEY, It is limited now. Mr. SMITH of Iowa. Mr. Chairman, I want, in reply to the gentleman from New York, to call attention to the portion of the hearings of the officer of the Quartermaster's Department, at the head of which General Humphrey is:

The CHAIRMAN. The next item is for the road to the national cemetery, Pensacola, Fla. For completing the construction of the Government roadway to Barrancas, Fla., National Cemetery, near Pensacola, \$32,000.

Mr. SMITH. Does the Government own that 5 miles of road?
Captain PARKER. The amount that we want to repair is about 1½ miles in length, and they own that part of the road. It joins the road running to Pensacola, which has been built by the county. The road is about a mile and a half long, but there is a bridge to be built across the Bayou Grande.

This, it seems to me, is a complete answer to what has here been said. It appears that there is a road running to Pensa-cola the whole of which is 5 miles in length and of which about a mile and a half is Government road, owned by the Government of the United States. This bill provides that this money is for the improvement of that Government road, and yet it is said that under such language the Department will spend money not on the Government road, but on the extension of the road owned by the county. I deny that such a thing would be possible, and to insert in this bill the language which the gentleman from Iowa has offered would be about as wise as to provide an appropriation for the improvement of the Capitol and then provide that no portion of it should be spent upon property not owned by the Government of the United States.

Mr. HULL. Will the gentleman allow me to ask him a question?

Mr. SMITH of Iowa. Certainly.

Mr. HULL. In the hearings before the Military Committee this report of the Quartermaster-General means, if it means anything, the building of the entire road into the city of Pensacola. The blueprints, the report of the engineer, showed it, and I assume the gentleman had the same thing before his commit-It showed that this \$32,000 would complete the road into the city of Pensacola.

Mr. SMITH of Iowa. Not at all; they showed exactly the contrary in our committee.

Mr. HULL. They showed exactly that in our committee, and that is the reason why we limited it. I will ask the gentleman if the Government owns a mile and a half of this road and this limitation is put in, can not the money be spent on the mile and a half owned by the Government?

Mr. SMITH of Iowa. The money will be spent on the mile and a half of road owned by the Government without the limitation being put in.

Mr. MANN. May I ask the gentleman from Iowa a question?

Mr. SMITH of Iowa. Certainly.
Mr. MANN. Is not the part of the road owned by the State

a government road? Mr. SMITH of Iowa. No, sir.

Mr. MANN. Why, does the gentleman say that a State is not a government?

Mr. SMITH of Iowa. In every item put into an appropriation bill where the word "Government" is used it refers to the Government of the United States.

Mr. MANN. Is there any judicial opinion to that effect? Mr. SMITH of Iowa. I do not think it needs any judicial opinion. When it speaks of construction by the Government, it means the Government of the United States and not some

other government than that for which we are legislating.

Mr. MANN. I would be inclined to agree with the gentleman, but it is not absolutely certain that that is the case.

Mr. HULL. I would like to ask the gentleman what action by Congress has ever been had to accept any part of this road outside of the limits of the reservation except the appropriation

Mr. SMITH of Iowa. In answer to the gentleman I will say that I base my statement on the testimony uncontroverted here by the officer of the Quartermaster's Department that the Government owns a mile and a half of that road.

Mr. HULL. We had nothing before us to show that the Government owned anything outside of the reservation.

Mr. SMITH of Iowa. The gentleman does not doubt that this

is the fact that we do own it?

Mr. HULL. I doubt the truthfulness of the officer. I will change the word "truthful," and say that I doubt his infor-

Mr. MADDEN. I would like to ask the gentleman from Iowa if it isn't, a fact that \$19,000 of this appropriation will be used in the construction of a new bridge?

Mr. SMITH of Iowa. That is correct.

Mr. MADDEN. And all the rest is necessary to construct the road within the reservation?

Mr. SMITH of Iowa. Within the reservation, and the Government owns the ground on which it will be made.

Mr. LITTLEFIELD. As I understand it, the principal question in controversy between the two gentlemen from Iowa is largely verbal and technical. The gentleman from Iowa on the committee [Mr. SMITH] claims that he already does by his bill what the other gentleman from Iowa [Mr. Hull] wants to be

Mr. SMITH of Iowa. I am the mere intervenor in the controversy between the chairman of the committee and the gentleman from Iowa [Mr. HULL].

Mr. LITTLEFIELD, Do I not state the controversy correctly?

Mr. SMITH of Iowa. Yes; in a sense. Mr. LITTLEFIELD. So it is largely a technical question?

Mr. SMITH of Iowa. Yes; largely a technical question as to whether the gentleman from Iowa [Mr. Hull] is better able to draft the language of this bill than is the committee.

Mr. LITTLEFIELD. In other words, the committee does not like to be criticised indirectly.

Mr. SMITH of Iowa. Oh, we have no objection to that. Mr. LITTLEFIELD. Then, why not pass the amendment?

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Chairman, when this matter was before
the Committee on Appropriations for consideration the following occurred. I read from the hearings:

ing occurred. I read from the hearings;

Captain Parker. The bridge would cost about \$8,000.

The Chairman. So \$24,000 of this appropriation would then be for building a mile and a half of road?

Captain Parker. Yes, sir; 1½ miles.

There was an appropriation of \$10,000 in 1898, which was used in building a bridge across Bayou Grande and also in clearing away the trees from this land over which the road was to run. The appropriation would be used for grading and surfacing, \$11,150; for building the new pile bridge, \$19,390.

The Chairman. So that the new bridge that you propose to put in in place of the one that was washed out will cost about \$10,000 more than the other one.

Captain Parker. Yes, sir.

The Chairman. What is the cause of the increased cost?

Captain Parker. Well, for one thing, material and larbor are higher, and another thing, we wanted to build a better bridge, one that will not be washed away.

The Chairman. Have you got the several items that go to make up this item of expenditure?

Captain Parker. The first item is grading and surfacing and restoring, \$11,150. The second item is the pile bridge, \$19,390. That makes a total of \$30,540, and the difference would be for contingencies which might arise.

Mr. Smith. All but about \$2,000 worth of work that has been done

which might arise.

Mr. SMITH. All but about \$2,000 worth of work that has been done has been lost through this flood?

Captain Parker. Yes, sir.

Mr. LAMAR. Mr. Chairman, I think there is no question about the fact that the money appropriated in this section is to be limited to the portion of the road which is on Government property purely, and as the gentleman from Minnesota [Mr. has just stated, the increased cost lies in the fact that the Government is compelled to reestablish a bridge across Bayou Grande swept away in the hurricane of last September at Pensacola. The appropriation in the sundry civil bill of \$10,000 for this road in 1897 went into that bridge practically. Now, nearly \$20,000 is required to be put into this bridge, under modern cost, to make it as the Government would like to construct it. There is no attempt on the part of the city of Pensa-cola to get something out of Congress which it is not entitled to, or to get something in a roundabout way through this committee which it can not get through the Committee on Military Affairs. There is a bill pending on the Calendar, introduced by myself in this House, appropriating \$32,000 to cover the cost of this road. It has been reported out favorably by the Committee on Military Affairs, but has been reduced in amount to \$12,000. That bill I shall call up for passage at the earliest practical moment if this sundry civil paragraph fails. The city of Pensacola, by private subscription, is building this road from the city line up to the Government reservation line, and I have here a letter written to me by the secretary of the chamber of commerce explaining the matter, the amount of work done, and the character of it, and I desire that letter to go upon the record as showing the bona fides of the people of that community. That letter I ask the Clerk to read.

The Clerk read as follows:

THE CHAMBER OF COMMERCE OF PENSACOLA, Pensacola, Fla., February 18, 1907.

Hon. W. B. LAMAR, M. C., Washington, D. C.

Hon. W. B. Lamar, M. C., Washington, D. C.

Dear Sir: Referring to yours of recent date to Mr. Frank L. Mayes, in which you request that he have the Chamber of Commerce write you with reference to the plans of this (Escambia) county in the matter of a road from the city limits of Pensacola to Bayou Grande, to connect with the proposed military road from Bayou Grande to the national cemetery, I beg to advise that the county is now working all of its convicts on this road and that about half of the road has been completed. As soon as the road is completed, which will be in the course of the next ninety days, the county commissioners have planned to construct a substantial steel bridge across Bayou Chico to replace the present wooden structure which is now in use across this bayou.

The county does not contemplate rebuilding the Government bridge which spans Bayou Grande and which was practically destroyed in the September hurricane. I am of the impression that the War Department contemplates reconstructing this bridge. Some three or four weeks ago there was a civil engineer here from the Quartermaster-General's office to inspect this bridge and report upon the cost of reconstruction. I accompanied him upon his visit of inspection, and from my conversation with him gained the impression that it was the intention of the War Department to repair the bridge without reference to the passage of the military road bill now pending. Inquiry at the office of the Quartermaster-General will develop whether or not my impressions were correct.

I might add that a large portion of the expense of building the road between the two bayous is being liquidated by private subscriptions secured with the idea that there will be no hitch in the passage of the bill for the construction of the road across the Government reservation.

Very truly, yours,

W. C. JONES. Secretary.

Mr. LAMAR. Mr. Chairman, it appears, then, that in these 5 miles of road between the city limits of Pensacola and the military post there are two bridges, one over Bayou Chico and one over Bayou Grande. Bayou Chico is off the Government reservation, and the county of Escambia is now preparing to build a steel bridge over it. A line of road between the res-ervation line and the city of Pensacola is being constructed at the cost of the individual citizens of that city, so this amount which appears somewhat large no doubt to the chairman of the Committee on Military Affairs, in view of his indorsement of my bill, the main portion of it is for the construction of the Government bridge on the Government land over Bayou Grande, destroyed in the hurricane of last September.

Mr. HULL. Will the gentleman yield for a question?

Mr. LAMAR. So this paragraph appropriating \$32,000 is merely legislation that embraces the \$12,000 for the military road construction that now has the indorsement of the Committee on Military Affairs, and appropriates the further sum of about \$20,000 for the construction of the Government bridge.

Mr. HULL. Is it not true that the gentleman's bill asked for \$32,000 to build the road the whole distance?

Mr. LAMAR. That is very true, but that did not contemplate the construction of this \$18,000 or \$20,000 steel bridge on the Government property, which lately has been swept away and destroyed.

Mr. HULL. I grant that. The bridge part was supposed to have been practically built. I grant you that the construc-tion of the bridge had made a difference in the amount. Is it not true the city of Pensacola has accepted in good faith the report of the Committee on Military Affairs and has been pro-ceeding on the theory we would give them a good road to the limit of the reservation?

Mr. LAMAR. That letter shows that.
Mr. HULL. The letter shows they were proceeding on the belief that the action of the Committee on Military Affairs and their Representatives here would be ratified by Congress.

Mr. LAMAR. That is true.
Mr. HULL. Then I can see no objection—
Mr. LAMAR. But, as I understand, the \$32,000 is recommended by the Government experts.

Mr. HULL. No; \$32,000 is recommended before the Military Committee for the entire road.

Mr. LAMAR. I meant the amount carried in this paragraph of the bill.

Mr. LITTLEFIELD. I want to make an inquiry of the gentleman from Iowa, chairman of the Committee on Military Affairs. Do we understand from the chairman of the Committee on Military Affairs that the people of Pensacola were satisfied with the proviso that you reported, as an amendment to the bill introduced by the gentleman from Florida, which is in substance the amendment which you propose to the sundry civil bill?

Mr. HULL. They have accepted that in good faith.

Mr. SMITH of Iowa. And this bill conforms to it.
Mr. LITTLEFIELD. There seems to be some doubt involved in the matter, and I would like to ask the chairman of the Com-

in the matter, and I would have mittee on Military Affairs—
Mr. TAWNEY. Not at all.
Mr. LITTLEFIELD. Then all you are fighting about and the only question is what language shall be used. The gentle-man from Iowa, the chairman of the Committee on Military Affairs, wants to make it certain, and the gentlemen on the Appropriations Committee want to leave it uncertain. That is

Mr. TAWNEY. If the gentleman will pardon me, the gentlemen on the Committee on Appropriations think it is as certain as it can be made by any language that either he or the gentle-man from Iowa can add to it. It is a Government road and you can not have a Government road on any other man's property or

property owned by any county or any State.

Mr. LITTLEFIELD. The gentleman from Ohio a short while ago made a speech in which he said there were a great many Government roads or State property, at Chattanooga and va-rious other places, which I have no doubt is perfectly true.

This, of course, does not affect that-

Mr. GROSVENOR. It does. Mr. LITTLEFIELD. Very well, then. The gentleman from Ohio, who is an intelligent gentleman, claims this language is sufficient to cover a Government road going over State lands as well as Government lands. The gentleman from Iowa, likewise an intelligent gentleman, thinks this language is broad enough. Now, the committee is simply fighting this amendment on the ground that this language is sufficient and other intelligent men think it is not sufficient and want to make it certain, and I think the Committee of the Whole ought to make it certain.

Mr. GROSVENOR. I think the gentleman from Maine did not quite understand the point I made. At Nashville, at Chattanooga, and everywhere in the South the Chickamauga National Park, which will come up directly in this bill, and all these other places, instead of compelling the Government to buy road to have access to its own property, the States have ceded an easement in their public roads to the Government of the United States. It is not Government property in the technical sense. It is an easement over property belonging to the Access to the great Chickamauga National Park, which is occupied and constantly used by the Government, passes over the Lafayette turnpike road, which is not owned by the Government, but the Government has an easement created by the legislature of Georgia. Now, this provision applied to that case would prevent the repair and maintenance of that road, and that pervades everywhere where these national cemeteries are in the South.

Mr. LITTLEFIELD. Now, Mr. Chairman, I am very glad to get the explanation of the gentleman from Ohio, because, if the same legal condition exists in this section that exists in these other sections, I wish to call attention to the fact that it simply absolutely negatives the construction of the language put on this appropriation by the Committee on Appropriations. Bethis appropriation by the Committee on Appropriations. Because, from the standpoint of the gentleman from Ohio [Mr. Grosvenor], the Government may now have an easement running clear to the city of Pensacola; but the committee have, over and over again, and the gentleman from Iowa [Mr. Smith] and the gentleman from Minnesota [Mr. TAWNEY] have informed us that this appropriation covers only about a mile and a half of road instead of 5 miles of road. Now, if the assertion of the gentleman from Ohio be correct, it really does cover and is intended to cover and ought to cover 5 miles. That is his proposition. So there is a difference of opinion as to the meaning of this language. Now, I understand the committee to admit that they only want to cover the Government land, and if they only want to cover the Government land, then the amendment offered by the gentleman from Iowa [Mr. Hull], the chairman of the Military Affairs Committee, ought to be adopted by the committee, in order to limit this language and eliminate the construction that was suggested by the gentleman from Ohio, unless under the guise of this general language the committee want \$32,000 appropriated here to enable and compel the Government to maintain a road clear to the city of Pensacola, which they say they do not want. In order to get this specifically taken care of, we ought to have the other language.

Mr. TAWNEY. Mr. Chairman, in answer to the gentleman from Maine [Mr. Littlefield], the committee certainly can not contemplate that \$11,000 or \$13,000 will build 5 miles of road. The Committee on Appropriations has appropriated for the roads substantially what the Committee on Military Affairs has appropriated. The addition to \$19,390 is for the recon-

struction of a bridge that was destroyed by the floods there last September. It is simply for the construction of the Government road across the Government reservation, and there is nothing more certain than what the language expresses here.

Mr. GARDNER of Michigan. Mr. Chairman, I think the gentleman from Ohio [Mr. GROSVENOR] is in error when he makes the application of his statement universal. It is true with regard to access to Chickamauga Park, but it is not true as I understand it in regard to the access to all of the national cemeteries. Indeed, there was an application for an appropriation to build a road to a national cemetery in Missouri two or three years ago, and it was clearly brought out in the hearings that the people in that community wanted the Government to build the road from their town to the national cemetery as well as within the Government reservation. For one I do not believe the Government ought to go into the work of building roads for communities where the Government has already expended thousands of dollars, secondarily, for their benefit. There is certainly not a community in the United States where a national cemetery is located that has not directly and indirectly and will perpetually derive profit from the Government. nooga National Cemetery is worth a great deal to the city of Chattanooga from a financial point of view, as well as the cemetery at Murfreesboro, the cemetery at Vicksburg, and all these other great burial places, where hundreds of thousands of dollars have been expended, and where annually an appropria-tion is made to keep them in repair and in condition, and which call to them year by year great numbers of visitors from dif-ferent sections of the country. But the Government ought not to build national highways on State lands to gain access to these. If the communities have not pride enough or interest enough to do these things, then let them ride over roads that are unimproved until they strike the Government reservation.

And now if there is any doubt in the minds of the committee or anyone else that this appropriation shall apply to a foot of soil that is not on land belonging to the United States, then it

ought to be cleared up.

Mr. PAYNE. I want to say to the gentleman that on the next page there is a reappropriation for constructing and repairing the Government roadway to Fort Scott. Now, is that not evidently another property than the Government, namely, the Gov-

ernment roadway to Fort Scott?

Mr. GARDNER of Michigan. I think there is clearly a distinction between a Government roadway and the roadway built by the Government on national grounds or ground belonging to the Government. The two may exist, and the Government may appropriate to either or both of them, but I believe it ought not to appropriate in building highways on State lands or municipal lands.

Mr. TAWNEY. I move that all debate be now closed on the paragraph and pending amendment.

The question was taken; and the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. Hull].

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. HULL. Division, Mr. Chairman. The committee divided; and there were—ayes 20, noes 68.

So the amendment was rejected.

The Clerk read as follows:

Road to the national cemetery, Port Hudson, La.: For repairing the bridge, culvert, and roadway from Port Hickey, La., to the Port Hudson, La., national cemetery, \$10,000.

Mr. PARKER. I reserve the point of order; or I make the point of order, unless some explanation is given.

Mr. TAWNEY. Mr. Chairman, this road was authorized by an act approved May 14, 1890. The note in the Book of Estimates says:

This road is badly washed out in places, and near its upper end a deep ditch 150 feet long has been washed under and through the road in the form of a tunnel, and the brick gutters on the steep grade are broken and undermined in many places. The appropriation for "repairing roads in national cemeteries" is entirely inadequate to meet the expense of putting this road in good condition.

That is the note reported to the committee by Asst. Q. M. Gen. George E. Pond. It is a Government road.

Mr. HULL. Did the gentleman say that this is a Government road the entire distance from Port Hickey to Port Hud-

Mr. TAWNEY. I do not know about that; but that part of

the road to be repaired is a Government road.

Mr. HULL. It does not say so. It is in the same vague language: "For repairing the bridge, culvert, and roadway from Port Hickey, La., to Port Hudson, La., National Cemetery." It does not say that it is a Government road.

Mr. TAWNEY. Well, I will read the testimony, Mr. Chair-

Mr. SMITH. "For repairing the bridge, culvert, and roadway from Port Hickey, La., to Port Hudson, La., National Cemetery, \$10,000." Is this roadway on Government land?

Captain PARKER. Yes, sir.

Mr. SMITH. In all these items where you are estimating for rebuilding roads you are asking for separate appropriations for the Missispipi River places which was the same ground upon which you asked for an increased general appropriation?

Captain PARKER. Well, I only spoke of that generally.

The road is a Government road over the points designated in

the language of the paragraph.

The CHAIRMAN. The Chair learns from the statement of the gentleman from Minnesota that this is a Government road, and as the appropriation is for the repair of that road, the Chair overrules the point of order.

The Clerk read as follows:

Road to national cemetery, Keokuk, Iowa: For repairs to the approach roadway to the Keokuk, Iowa, National Cemetery, \$1.500: Provided, That the city of Keokuk deeds to the United States, free of charge, the land over which the road extends: And provided further, That the city of Keokuk improve and agree to maintain in proper repair the road leading south from the main driveway of the city cemetery to the point where the Government road begins, \$1,500.

Mr. PARKER. I make the point of order on the paragraph

Mr. HEDGE. I hope the gentleman will reserve the point of order in order that I may make an explanation of the item.

Mr. PARKER. Certainly; I will reserve it.

The CHAIRMAN. The gentleman from New Jersey reserves

the point of order.

Mr. HEDGE. Mr. Chairman, this is a little national cemetery that was established September 23, 1861. I suppose that during the war something over 700 soldiers were buried there. It is outside of the city limits of Keokuk, and the only approach to it that ever has been is through the generosity of the city cemetery. There is no public approach to it. We simply are asking on behalf of the old soldiers of Iowa a proper and respectable roadway to this national cemetery. This expenditure of \$1,500 will cover all that is required and macadamize the road. It is not open to the suggestion made by my friend from Michigan [Mr. GARDNER]. This cemetery is not one of those places of resort that attracts strangers. It is a plain, homely, little place, surrounded by an iron fence, and nobody, I suppose, goes there except the personal friends of the soldiers or the little company that accompanies a dead soldier to his last resting place. I hope, Mr. Chairman, that these suggestions of mine may be received in good faith, as this will probably be the last request I shall be allowed to make to this House.

Will the gentleman permit me to ask him a Mr. PARKER.

question?

Mr. HEDGE. Certainly.

Mr. PARKER. Can the gentleman assure me that the granting of this \$1,500 now will not become an obligation for further repairs of this road by the Government?

Mr. HEDGE. I can not, because the proviso is there that the

city of Keokuk, or whoever is the owner

Mr. PARKER. Shall do the rest. But will the city of Keokuk hereafter keep the road in repair, so that we will not have appropriations any more for that purpose?

Mr. HEDGE. I can not make any promise for the city of

Keokuk.

Mr. PARKER. I will withdraw the point of order.

Mr. MANN. I renew it.

CHAIRMAN. The Chair understands the gentleman from Illinois to renew the point of order?

Mr. MANN. I renew it, or will reserve it if the gentleman desires.

The CHAIRMAN. The gentleman from Iowa [Mr. Hedge]

has the floor.

Mr. HEDGE. I hope the gentleman will not insist upon the This is an exceptional case. I presume it is point of order. an unique case. The streets of the city of Keokuk go to the Oakland Cemetery, which is near by. But there is absolutely no way to this national cemetery except through the good will of the proprietors of Oakland Cemetery, and they have generously permitted us to use the strip of land through their cemetery all this time and kept it in order at their expense; but it so happens that they can not longer, without additional expense and trouble, permit the use of this old roadway over to the cemetery, and there we are. It is the only national cemetery in the State of Iowa. As I said a minute ago, it is not a show place or a place of resort, and the result of this can not be of any advantage to the people of Keokuk. It will not make the town of Keokuk a place of resort. It can not bring any profit to any living man in Keokuk. I am speaking in behalf of the old soldiers of the State of Iowa, to give their

national cemetery, about the first one ever started during the civil war, a proper and decent and seemly approach, such as the Government ought to make to a place of that kind. all I am asking, and I hope that no technical objection will be raised.

Mr. SMITH of Iowa. Mr. Chairman, I should like to be heard briefly on the point of order, if it is insisted upon. This, as I am advised, is the only national cemetery in the State of Iowa. Under repeated recent rulings I am unable to see why appropriation for the acquisition and improvement of an addition or extension to a national cemetery is not in order upon this bill, and when reduced to a clear statement I think that will be found to be what this means. They have there a national cemetery. Roads within a national cemetery are just as much a part of the cemetery as the little lots in which the dead are buried. Here comes a proposition to acquire additional land for road purposes in connection with a national cemetery, an enlargement of a national cemetery for road pur-No one will claim that the roads within the cemetery are not just as important a part of the cemetery as the grave lots. Here arises a proposition to enlarge this cemetery for the purpose of giving access to it. I see no reason if, as ruled here, it be admissible upon an appropriation bill to carry money to buy additional grounds for Fort Hamilton, and for the enlargement of other Government reservations, why it would not be admissible to appropriate money directly for the purchase and improvement of additional grounds adjacent to national

This bill provides \$1,500 for the enlargement and improvement of the national cemetery at Keokuk, Iowa. That is the true interpretation of it. It provides that the city shall donate this land to the Government of the United States as a roadway to the cemetery, as essential a part of the cemetery as any other part, and that \$1,500 shall be expended upon this addition to the cemetery when it shall have been so enlarged. That. in my judgment, is the legal effect of this provision; and if so, the point of order is not well taken.

Mr. GARDNER of Michigan. Mr. Chairman, I take issue with the gentleman from Iowa [Mr. SMITH] on the proposition that a roadway outside of a national cemetery is an enlargement of the national cemetery itself. I understood the gentleman to use those exact words, that this appropriation was for the enlargement of the national cemetery at Keokuk, Iowa. It

savs:

For repairs to the approach roadway to the Keokuk, Iowa, National

That is all there is-no enlargement. It does not go inside Everything is outside. the gates.

Mr. SMITH of Iowa. The question, Mr. Chairman, is whether an enlargement of a national cemetery can not be made unless it is inside the fences already constructed.

This provides for \$1,500 to improve the access to the cemetery when the ground upon which the improvement is to be made shall have been ceded to the United States. For what purpose, does it say?

For repairs to the approach roadway.

It is the approach to the cemetery, and the approach to the cemetery is as much a part of the cemetery, if it is owned by the Government, in my judgment, as any burial lot within the inclosure

Mr. GARDNER of Michigan. Let us look at that for a moment. Grant it, and I want to tell the gentleman from Iowa that inside of ten years you will have appropriations amounting to hundreds of thousands of dollars to enlarge national cemeteries by means of roads dedicated to the National Government, some of them 1, 2, 3, and 5 miles long.

Mr. HULL. And some of them more than that.

Mr. GARDNER of Michigan. More than that. I am sorry to take issue with my friend from Iowa. The people of Keokuk, if it comes to that, can do this work without coming with outstretched hands to the Government for the sum of \$1,500.

Gentlemen, it is time to call a halt; let the National Treasury cease to pour out its money for roadways where national territory ends, and let the national territory end at the gate that leads to the sacred precincts of the dead. Let us not go on building highways over the South and over the North simply on the plea that they are for access to national cemeteries, when, as gentlemen know, where one vehicle carries visitors to the cemetery, thousands go in the daily pursuit of traffic or for pleasure drives, and for nothing to do with the cemeteries whatever. It is a nice thing to have, but is that the business of the Government? Is that what we collect money for from the people—to build pleasure drives and furnish better roads for people to go to market over. I tell you, gentlemen, it is time to say no, and call a halt on these things. [Applause.]

Mr. HULL. Mr. Chairman, one word further. We passed over a proposition a few minutes ago for building a road to Barrancas, Fla., appropriating \$32,000. That, in my judgment, is on all fours with this. If the Chairman was right in ruling that a point of order would not lie against that, then certainly it would not lie against this other provision.

The CHAIRMAN (Mr. WATSON). To which ruling does the

gentleman refer?

Mr. HULL. I raised a point of order on the paragraph beginning on line 15 and ending on line 18, and the Chair, not

the present occupant, promptly overruled it.

Mr. MANN. The Chair overruled the point of order on the distinct statement of the chairman of the Committee on Appropriations that it was intended for the improvement of a road owned entirely by the Government, and the Chair, in overruling the point of order, stated that fact. Does the Chair de-

sire to hear me on the point of order?

The CHAIRMAN. The Chair is pretty well satisfied on the point of order. The Chair thinks there is a very clear line of demarcation between the ruling referred to by the gentleman from Iowa and the present case. As the gentleman from Illinois has said, the proposition embodied in the language from line 15 to 18 is clearly in order, and the very language of the proposition made it in order, besides the statement made by the chairman of the committee that it was for the improvement of a Government road, a road now owned by the Government. It was therefore clearly within the rule of a Government work in progress.

Here is a proposition to build a road over land that does not now belong to the Government, and the mere fact that a proviso is put in does not change the rule.

Neither can the Chair coincide with the view expressed by the gentleman from Iowa [Mr. SMITH] on the ground that the road is necessary to get to the cemetery and therefore is essen-

tial to the cemetery.

Mr. SMITH of Iowa. Will the Chair indulge me for saying that I did not mean necessary in any sense except that Congress is to judge of the necessity? I did not mean it as a matter of law that any Government reservation is necessary or is a matter of parliamentary law, but that it was for Congress to pass on the necessity of a Government reservation.

The CHAIRMAN. For years the construction of these roads has gone to the Committee on Military Affairs. Never before, as far as the present occupant of the chair knows, has a proposition of this kind been added to an appropriation bill,

Mr. HULL. Will the Chair indulge me for one suggestion? Do I understand the Chair to rule that the Committee on Appropriations by simply putting in the words "for a Government roadway" or "for improvement of a Government highway" makes it in order?

Mr. MANN. I submit that the Chair is not called on to rule

on that question.

The CHAIRMAN. The Chair would have no hesitancy in ruling upon it, although it is a hypothetical case; but the Chair is of opinion that unless the bill itself said that it was for a Government road or for the improvement of a road already owned by the Government, the Comptroller of the Treasury would not be authorized in paying any money out for this im-

Mr. HULL. I do not want to be technical, Mr. Chairman, and I hope the Chair will not understand that I feel that way, but I got the impression from what the Chair stated, that if the committee put in an appropriation "for the repair of a Government roadway," whether the Government owned it or not, it would make it in order.

The CHAIRMAN. The present occupant of the chair will state that under the only ruling on this proposition heretofore made not only was that language in the bill, but the chairman of the committee stated that the Government owned the road-That seems to be entirely sufficient. If this language had been different from what it is, and a limitation on an appropriation had been sought, the ruling of the Chair might have been different, but under the circumstances it is very clear to the Chair that it is obnoxious to the rule, and the Chair therefore sustains the point of order.

The Clerk read as follows:

The Clerk read as follows:

Road to national cemetery, Fort Scott, Kans.: For reconstructing and repairing the Government roadway to Fort Scott, Kans., National Cemetery, known as "National avenue." \$17,500, which shall be expended commencing at the end of the road nearest the cemetery and so as to make a thoroughly good road for such distance as can be completed for said sum, and when the amount so appropriated has been expended the title to the whole of said roadway, including the portion thus improved and that remaining unimproved, shall pass to the city of Fort Scott for street purposes: Provided, That no portion of this appropriation shall be available until the city of Fort Scott, Kans., shall, by valid ordinance, accept the provisions hereof and agree to ac-

cept said cession and to promptly and well pave all the portions of National avenue not improved under this appropriation and bind said city to forever maintain the whole of National avenue in good repair.

Mr. HULL. Mr. Chairman, I reserve the point of order on this and I want to make a little statement to begin with, and then the committee, I think, may be able to give some informa-tion. Some years ago the Congress of the United States made an appropriation for the construction of this road, ting property owners, as they will in all cases, ceded the property to the United States. The Government virtually accepted that cession by making an appropriation to build the road, but it coupled with it the proviso that when the road was built it should not thereafter be a charge on the Government.

Mr. SMITH of Iowa. Does the gentleman say there was any

such law as that?

Mr. HULL. I think that was coupled with the appropriation. Mr. SMITH of Iowa. I am compelled to inform the gentleman that there is no such law.

Mr. HULL. I got my information from the gentleman, so I may be mistaken.

Mr. SMITH of Iowa. The gentleman is mistaken as to what information he received.

Mr. HULL. Now, they have built this road once and turned it over to the authorities, and here comes in another proposition. They never even kept it in repair; they did absolutely nothing for the road, and now it is proposed to build the road over again on condition that they will relieve us of any further responsibility. I think the act itself provided we were not to have further expense. The gentleman has the ordinance down

there. It is also about all in the city limits of Fort Scott.

Mr. SMITH of Iowa. I will state the facts fully if the gen-

tleman desires it.

Mr. HULL. Of course I want the facts. That is why I

reserve the point of order.

Mr. SMITH of Iowa. Mr. Chairman, in compliance with the request of the gentleman from Iowa [Mr. Hull], I will state the facts regarding this road. It was ceded to the Government of the United States and appropriations were made from time to time.

Mr. HULL. Right at that point, it was ceded by those parties owning the abutting property-never by the State.

Mr. SMITH of Iowa. I do not think the cession was made by the property owners alone, because I do not understand they owned it.

Mr. HULL. Kansas never passed any act on the subject. Mr. SMITH of Iowa. I don't know that there was an act of the legislature. That was not necessary. There has never

been any claim but that this road was properly ceded to the Government of the United States and that appropriations were made from time to time specifically for its improvement. There never was any law containing any such condition as the gentleman has referred to, but I will explain what he has misinterpreted in my conversation upon that subject. It is the fact that after all the appropriations made by Congress had been expended upon this road that an application was made to the War Department for the improvement of this road out of the general appropriation for the repair, etc., of roads at national cemeteries. The Quartermaster-General, upon his own authority and without any direction from Congress, directed an estimate to be made of how much it would require to put the road in good condition. That estimate was made, and exceeded \$5,000. Then the Quartermaster-General stated, in writing, to the authorities of the city of Fort Scott that he would not make the allotment unless the State of Kansas would pass a law authorizing the city of Fort Scott to prohibit heavy traffic on the road and the city of Fort Scott would agree thereafter to keep the road in repair. The city of Fort Scott then, by resolution, agreed that if the Government of the United States would put this road in first-class condition and repair it would then keep the road in repair. Under that, which was not quite in accordance with the demand of the Quartermaster-General, something over \$4,000 and a considerable amount less than the estimate was expended in repairing the road. The Quarter-master-General now reports that the road never was in good condition; that it was defectively constructed; that it had no gutters and was so constructed as to necessarily wash away, and, in effect, therefore reports that the condition in the resolution of the city council of the city of Fort Scott was never complied with. That made a debatable question of the fact as to whether the road was actually put in first-class condition and repair, as provided by this resolution of the city council of Fort Scott. This road, which all belongs to the United States, is about half in the settled portion of Fort Scott and about half not in the settled portion of Fort Scott. Your committee

believed that that portion in the settled portion of Fort Scott

ought to be paved like ordinary streets in ordinary cities.

It therefore refused to report an appropriation of \$35,000, the amount necessary to put this road in good condition through its entire length, but reported a recommendation for \$17,500 to be expended on the end of the road nearest the national cemetery and farthest from settlement, but, believing that the growth of Fort Scott would, during the life of this new road, carry it to the gates of the national cemetery, it provided that this appropriation shall not be available unless the city of Fort Scott shall, by a valid ordinance, agree to accept the whole of this road from the Government of the United States as soon as this amount has been expended on the end nearest the cemetery and forever contract to keep the whole of the National avenue in good repair. The committee believed that this was under all the circumstances the best adjustment that could be made of this controversy. The appropriation is surely in order, for it is a Government road. The Government owns title to the land and has built one road over it, and if the gentleman objects to the provision we have incorporated for the cession of this road and the assumption by the city of Fort Scott of a perpetual obligation to keep it in repair, I simply say to him that this condition is the very one he requested us to make in his argument on one of the other national roads. It is a great pleasure to discover we fully agree with him on that subject.

The CHAIRMAN. Will the gentleman permit the Chair to

ask him a question?

Mr. SMITH of Iowa. Oh, certainly.

The CHAIRMAN. The Chair thinks undoubtedly an appropriation to reconstruct and repair a Government roadway is in order. What is the opinion of the gentleman from Iowa ou that part of the first section beginning with the word "and," in line 13, "and when the amount so appropriated has been expended the title to the whole of said roadway, including the portion thus improved and that remaining unimproved, shall pass to the city of Fort Scott for street purposes?" Does the gentleman think that is a limitation upon the appropriation?

Mr. SMITH of Iowa. I think that particular clause makes this section doubtful as to its being in order.

The CHAIRMAN. Does not the gentleman regard that as

legislation?

Mr. SMITH of Iowa. But I submit that the gentleman who has reserved the point of order does not wish to compel us to reoffer it without this provision, and it is upon the assumption that we are following the advice of the gentleman that I suggest that he ought not to force the committee to strike out that provision, which he urges us to add to all these appropriations.

Mr. HULL. Mr. Chairman, I reserved the point of order, because I was exceedingly anxious to have as much debate on this provision as we could possibly get. The part of the resolution that is obnoxious to the rule under decisions of the Chair is the part that makes it at least tolerable to me. now get rid of this road on any fair terms, I want to do it. just want to say one word further—that this debate and this contention emphasizes exactly what I have been standing for for a long time, that whenever you depart from the rule of confining yourself within the grounds owned by the Government you are getting upon a sea without any shore, and under the rulings of the Chair that the mere ceding to the Government an easement of abutting property owners carries with it the rights of building the road by bringing in an appropriation on the sundry civil bill would be time at the next session of Congress for radical action to be taken deeding back, and insisting they take back, what they have already given us. I withdraw the point of order.

Mr. MANN. I renew it. I will reserve the point of order.

The CHAIRMAN. The Chair desires to hear the gentleman

from Kansas [Mr. Scorr] on the point of order.

Mr. SCOTT. Mr. Chairman, it seems to me the question as to whether or not this paragraph is obnoxious to the rule, under the previous rulings of the present occupant of the chair, depends wholly on the question as to the ownership of the road. As the gentleman from Iowa [Mr. SMITH] has already stated, the roadway is at this time and for many years has been Government property. I hold in my hand a letter from the Judge-Advocate-General of the Army, dated January 23, 1906, addressed to myself, in which he makes the following statement:

By ordinance of the mayor and council of Fort Scott, Kans., approved March 15, 1881, that portion of Jones street in said city extending from the "northeast corner of block 2, of Mrs. Stuart's addition," to the "south line of Newkirk & Jaynes's addition "was vacated and discontinued as a street, the ordinance reciting that this action was taken to furnish the right of way for a highway to the national cemetery.

A number of deeds are on file to the portion of the street vacated and to the other portions of the roadway to the cemetery. They describe the lands conveyed thereby by metes and bounds and purport to grant, bargain, and sell the same to the United States, "to have and to hold"

the same "unto the United States forever," except that some of the deeds provide for reversion to the grantors if the United States shall fail to make and maintain a macadam road thereon, and some of them in case of vacation or nonuse by the United States. The conveyance to the lands covered by Jones street include 4 feet on each side of the original width of 72 feet, so as to make the street 80 feet wide.

Upon examination of the deeds on file in this office, it is my opinion that, subject to the conditions as to reversion in the deeds referred to above, it must be held that the United States acquired a fee simple title to the lands described in the deeds.

I may add that under date of April 26, 1881, the Attorney-General reported that these "deeds (thirteen in number) vest in the United States a valid title to the right of way referred to." This is signed by George B. Davis, Judge-Advocate-General.

That would seem to close the question as to the title of the

That would seem to close the question as to the title of the roadway. I recognize that part of the paragraph, as has been suggested, is obnoxious to the rule, and if the point of order is insisted upon, the entire paragraph will go out. In that event I shall ask to be recognized to offer an amendment to restore the paragraph with the obnoxious words eliminated.

The CHAIRMAN. The Chair is clearly of the opinion-Mr. SMITH of Iowa. A moment, Mr. Chairman. I have some doubt as to whether the gentleman is not willing to withdraw his point of order.

Mr. HULL. I understand the Chair to rule that simply the appropriation would clearly be in order and the legislative provision is the part that is at issue?

The CHAIRMAN. If the Chair may be pardoned for ruling at this time, I would state that that part of this section running down to the word "sum," in line 13, is entirely in order, but that the other part is clearly legislation. The Chair would sustain the point of order to the whole paragraph.

Mr. SMITH of Iowa. The gentleman is about to withdraw

his point of order.

Mr. MANN. The item in the bill, which, of course, is clearly subject to the point of order, while it contains the legislative provision, provides that after this appropriation the street shall pass to the city of Fort Scott for street purposes. Now, I ask the gentleman from Iowa [Mr. Smith] whether in his opinion a provision of that sort in a bill will actually pass the title of the United States to land to somebody else?

Mr. SMITH of Iowa. I do not think it would except as accompanied with the other language here, that it must be formally accepted by the city of Fort Scott. I do not think that a Congress ceding property to anybody transfers the title if that party accepts it, and before any money is expended it

must be accepted by a valid ordinance.

Mr. MANN. It may be possible, although there is no provision here for the making of a deed or the giving of a patent. It may be possible that the Government can by an incidental provision of the bill pass title to real estate. I do not think it ever has been done before, and I doubt whether the gentleman himself would be willing to take title acquired in that waybut if it is a sufficient passing of title to hang a ruling of the Chair heretofore that the title is not in the Government, I will be perfectly satisfied. But I do not want to be buncoed. know the gentleman does not want to bunco us.

Mr. SMITH of Iowa. We do not want to bunco the gentle-

man.

Mr. MANN. I do not want to be buncoed by an incidental provision in the bill purporting to pass title to real estate which the gentleman himself as a lawyer would not contemplate making for a moment.

Mr. SMITH of Iowa. I do not claim, Mr. Chairman, to be a very good lawyer, but I would not hesitate for a moment to accept anything I could get under the express cession by act

of Congress, without any patent whatever.

The CHAIRMAN. The Chair understands the gentleman from Illinois has withdrawn his point of order?

Mr. MANN. Under the circumstances, Mr. Chairman, for the purpose of getting rid of the title to the land, so that no appropriation hereafter will be in order for an improvement, if that is the construction to be put upon it, so far as I am concerned, withdraw the point of order.

The CHAIRMAN. Does the Chair understand the gentleman from Arkansas [Mr. Macon] to withdraw the point of order?

Mr. MACON. I withdraw the point of order.

The Clerk read as follows:

National cemetery, Greeneville, Tenn.: For the construction of a superintendent's lodge, roadways, walks, etc., within the tract of land known as "Monument Hill," near Greeneville, Tenn., and inclosing walls and approaches thereto. \$32,000.

Mr. GARDNER of Michigan. Mr. Chairman, I want to call the attention of the House to this provision. It is proposed to build a wall around 15 acres of land dedicated by one of the heirs of Andrew Johnson for a national cemetery, and in which plot of ground Andrew Johnson and two of his sons lie buried. It is proposed to expend \$32,000 for that purpose. That is not They are to build a lodge, to cost \$6,000; walls and gates,

\$20,000; roads in cemetery, \$2,000; roads, with approach to cemetery, \$2,000; walks and steps in the cemetery, \$1,000; drainage, \$1,000; total, \$32,000. But that is not all. I read from the hearings:

Mr. SMITH. Does this have in contemplation also, Captain, the establishment of a superintendent there? Do you have superintendents at fourth-class cemeteries?

Captain Parker. Yes, sir; at a salary of \$60 a month.

Mr. SMITH. And quarters?

Captain Parker. Yes; quarters and fuel.

Mr. SMITH. Have we done this for any other President of the United States?

States?
Captain PARKER. I do not know, sir.

Now, what is the real situation? It is to put a wall around a 15-acre inclosure containing the remains of Andrew Johnson and two sons, and nobody else. To call it a national cemetery, and build a lodge costing \$6,000, and put a man in there perpetually at a salary is an uncalled-for piece of extravagance, and I therefore move to strike out that proposition from the bill—the whole paragraph.

The CHAIRMAN. The gentleman from Michigan offers an

amendment which the Clerk will report.

The Clerk read as follows:

Page 132, beginning with line 4, strike out down to and including line 8, for national cemetery, Greeneville, Tenn.

Mr. TAWNEY. Mr. Chairman, I wish to say a word in opposition to the amendment offered by the gentleman from Michigan. This cemetery was created by authority of Congress, which authority was carried in the Army appropriation bill of last session of Congress, approved June 12, 1906.

The CHAIRMAN. The Chair does not understand the gentle

man to raise the point of order?

Mr. TAWNEY. No. It came into the Army appropriation bill from the Committee on Military Affairs, in answer to the gentleman from New Jersey, and was reported in that bill for the support of the Army-

Mr. PARKER. Did it not come to the committee as a Senate amendment?

Mr. TAWNEY (continuing). In the act approved June 12, 1906.

Mr. PARKER. We never reported it.

Mr. TAWNEY (continuing). It is therefore a national cemetery established by law.

Mr. GARDNER of Michigan. May I interrupt the gentleman a moment? It is a national cemetery and not a solitary soldier

in it.

Mr. TAWNEY. I am not accountable for that; I hope that not one will ever be buried in it, so far as that is concerned; but it is Government property, and whatever purpose it may be dedicated to, it is described as a national cemetery, and it is entitled to the same consideration that we are giving to other cemeteries of like character-cemeteries that are dedicated for the same purpose, and we must preserve this property. Now, in order to do that, the War Department have recommended this appropriation as being necessary to preserve the property belonging to the Government, which we have accepted, and for that reason the Committee on Appropriations recommend it. hope that the paragraph will remain in the bill.

Mr. CRUMPACKER. Is it necessary to build this wall around this 15-acre tract of land and provide for a perpetual

guard there?

Mr. SMITH of Iowa. In answer to part of that question I will state that the law makes it a fourth-class cemetery, with a superintendent at \$60 a month, without any reference to this bill, and gives him a house and fuel.

Mr. CRUMPACKER. And already provided? Mr. SMITH of Iowa. At the last session of Congress

Mr. HULL. It is provided by law and made a fourth-class

Mr. SMITH of Iowa. And the superintendent is there to-day. Mr. CRUMPACKER. And gives him a house?

Mr. SMITH of Iowa. And a residence, the same as given in every other national cemetery.

Mr. BROWNLOW. Mr. Chairman, I want to say in regard to the speech of my colleague on the committee [Mr. Gardner of Michigan], who says that there is not a soldier buried in this cemetery

Mr. GARDNER of Michigan. If the gentleman will permit me, I stated that there were two sons or sons-in-law of Andrew Johnson, who served in the Army, who are buried there, but no soldier from the neighborhood. They are not seeking to be buried there. My understanding is that the posts own their own cemeteries there, and their dead are buried in those cemeteries from preference over this one.

Mr. BROWNLOW. Now, the gentleman does not mean to misrepresent the facts. I believe that he means to do my constituents absolute and exact justice; but he does not state the facts, and he does not come within gunshot of the truth of the situation. This was made a national cemetery by act of both Houses of Congress, receiving the signature of the President of the United States. There are no cemeteries connected with the posts in that section of country. The First Congressional district of Tennessee furnished more soldiers to the Union service during the dark days of the rebellion than any Congressional district in the United States; and yet we were 100 miles inside the Confederate lines. There is no national cemetery, gentlemen of the House of Representatives, within 75 miles west of the point where this cemetery is established. Culpeper, Va. over 300 miles to the east, is the nearest. The north and south can not be reached from that district.

Oh, Mr. Chairman, when these soldiers left eastern Tennessee they were followed by bloodhounds. They bid their wives, their daughters, and their sweethearts good-by by moonlight at the old home spring and went across the mountains into Kentucky and joined the Union Army. When they went, Mr. Chairman, they did not go, as did the men in the North, for thirty, sixty, or ninety days, but they went with the full understanding that they could never return to their families and their homes unless the cause that they espoused was successful.

Ex-President Johnson was a Democrat. He was a member of the United States Senate from Tennessee, and was the only Senator of his party, North or South, that stood by Abraham

Lincoln in favor of the old flag and a united country

And yet, here from this northern section of the country, comes the opposition to doing honor to these people of the mountains who were loyal to the cause of the Union and the old flag. Andrew Johnson was surrounded and supported by the votes of the State rights secession democracy of the South, yet he went with the cause of the Union, stood by the Government, stood by Abraham Lincoln, and I have asserted heretofore, and I reassert, that taking his surroundings and his acts and comparing them, I believe he was the greatest patriot of the civil war. [Applause.] Brownlow, Nelson, and Maynard stood shoulder to shoulder with Johnson, but they had made their fight for the Union, the Constitution, and the enforcement of the laws under the leadership of John Bell, of Tennessee, and Edward Everett, of Massachusetts. [Applause.]

The CHAIRMAN. The time of the gentleman has Mr. SIMS. Mr. Speaker, I ask unanimous consent that the

gentleman may be allowed to proceed without limit. Mr. GARDNER of Michigan. Mr. Chairman, I hope the

House will not be diverted from the line of duty-

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman from Tennessee [Mr. Brownlow] have fifteen minutes.

The CHAIRMAN. The gentleman from Michigan has been

recognized and has begun his remarks.

Mr. GARDNER of Michigan. If the gentleman from Tennessee will occupy more time, I shall be glad to yield to him. If we have done nothing else, we have succeeded in eliciting an excellent speech from a gentleman whose voice is rarely heard on the floor of the House, and certainly no man who loves his country can withhold assent to the splendid eulogy he has delivered to the patriots of East Tennessee. But, gentlemen, do not let us lose sight of this fact, that a descendant of Andrew Johnson has dedicated to the Government 15 acres of ground, where his ancestor lies buried with two of his kinsmen. No soldier save his kinsmen is buried there, but it is proposed to put a perpetual charge upon the Government, not in taking care of the grounds, but in building a lodge and keeping a man there at continual expense and found. Do we want to do that as a business proposition?

Mr. GAINES of Tennessee. Is the gentleman's opposition to the appropriation based upon the ground that there are no

Federal soldiers buried there?

Mr. GARDNER of Michigan. No, sir; my opposition to the proposition is that it is in a sense a private enterprise on the part of the descendants of Andrew Johnson to have his grave cared for and to establish there a national cemetery for which there is at this time no necessity. On this theory you can establish a national cemetery in every township in the Northern States that sent men to the war.

Mr. GAINES of Tennessee. There never was but one Andrew,

Johnson and never will be.

Mr. GARDNER of Michigan. What has that to do with the

Mr. GAINES of Tennessee. You said they could establish a national cemetery in every township. I say there never was but

one Andrew Johnson and never will be. I wish there were 3,000,000 like him.

Mr. GARDNER of Michigan. I stood by the grave of Andrew Jackson, and it did not have any wall about it.

Mr. GAINES of Tennessee. Oh, yes; there is an iron fence, and Senator Bate had it put around his grave when he was governor.

Mr. GARDNER of Michigan. When I was there trying, in a very inconspicuous way, to save the Union over which Andrew Jackson presided, there was no wall around it nor any lodge

house, save the near by late home of the old hero.

Mr. GAINES of Tennessee. There is an iron fence there now that the gentleman could not jump over. I do not know how long it has been there. But we are preserving his grave, and we are going to continue to preserve it.

Mr. GARDNER of Michigan. But I want to say to the gentleman that it is not for Andrew Johnson; it is for the national cemetery in the bill.

Mr. GAINES of Tennessee. That is why I am going to vote It is a public cemetery for the Federal soldiers.

Mr. BROWNLOW. Will the gentleman from Michigan yield

Mr. GARDNER of Michigan. Certainly.

Mr. GARDNER of Michigan. Certainly.

Mr. BROWNLOW. The gentleman says this is not a national cemetery, but that it is put there for the purpose of taking care of the grave of ex-President Andrew Johnson. Now, that is wide of the mark. This is in the center of a Congressional district that furnished more Union soldiers to the Army of the National Government during the civil war than any other in the United States, and yet we were 100 miles within the Confederate lines, and the Grand Army posts throughout the district have unanimously indorsed it as a national cemetery

where their members may be buried when they die.

Mr. CHARLES B. LANDIS. Is it true that there are only three bodies buried in this cemetery?

Mr. BROWNLOW. There are only four soldiers buried there, but there has been no opportunity. It has just been made a national cemetery and is now open for that purpose. Prior to this it was a private burying ground. It is the only place where the soldiers of that Congressional district have an opportunity

The CHAIRMAN. The time of the gentleman from Michi-

gan has expired.

Mr. GAINES of Tennessee. I ask unanimous consent that the

gentleman from Michigan may proceed for five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Michigan may proceed for five minutes. Is there objection?

There was no objection.

Mr. GARDNER of Michigan. Does the gentleman from Tennessee wish to ask a question?

Mr. GAINES of Tennessee. No; I just want to listen to the

[Laughter.] gentleman.

Mr. GARDNER of Michigan. That is very kind of the gentle-an. Now, gentlemen, do not be swept off your feet in favor of this appeal from patriotic East Tennessee. There is no necessity for this national cemetery and it never would have been established except for this being the burial place of an ex-President of the United States. Now, why should we build a lodge and keep a man there for hundreds of years, it may be perpetually, extending the care for this little patch of ground in the meantime waiting for some one to be buried there who once served this country in war.

Mr. GAINES of Tennessee. Did the gentleman from Michigan ever see that beautiful spot in Greeneville where Andrew

Johnson is buried?

Mr. GARDNER of Michigan. No. Mr. GAINES of Tennessee. Now, I understand it is 300 miles from Nashville. Does the gentleman want to bring the soldiers who die in East Tennessee 300 miles to Nashville and bury them in that beautiful national cemetery? There are thousands of Union soldiers who die in East Tennessee who are poor people, and they ought to have a place near by where their neighbors can properly bury them.

Mr. GARDNER of Michigan. I understand this is a ques-

Mr. GAINES of Tennessee. No; but we will give the gentleman more time.

Mr. PAYNE. I would like to ask the gentleman from Michigan a question. Is there any national cemetery in New York or Massachusetts?

Mr. GARDNER of Michigan. No; nor in the State of Michi-

Mr. GAINES of Tennessee. We can't help that; you didn't

furnish enough soldiers in the civil war to make one. [Great laughter.

Mr. GARDNER of Michigan. I will say to the gentleman that we furnished the soldiers and you people made necessary the cemeteries. [Laughter.]

Mr. GAINES of Tennessee. I am glad that there is no necessity for any more, but I think there is plenty of necessity for

Mr. POWERS rose.

Mr. GARDNER of Michigan. I will yield to the gentleman. Mr. POWERS. I want to ask a question in the nature of a suggestion. Is it not a fact that more than three-quarters, if not nine-tenths, of the old soldiers prefer to be buried in burying grounds where their wives and fathers and children are buried rather than be carried off to a national cemetery :

Mr. GARDNER of Michigan. I certainly think so. Mr. GAINES of Tennessee. The people in this part of the country have not that high privilege of being buried in Government burying grounds close by Andrew Johnson, who stood for the Union and the flag, and I know it, for I have heard the old men in my country say so, and I have great respect for his

ability and courage.

Mr. GARDNER of Michigan. There are but three national cemeteries, as I recall them, in Tennessee: Chattanooga, where there are 13,000 Union soldiers buried, a large percentage of them killed in battle or died from wounds received in action; the cemetery at Stone River, where 6,000 battle soldiers lie buried who died on the field, and the other one at Shiloh. You might provide a hundred national cemeteries in Tennessee and you would find places where heroes might be buried; but is it policy? You can provide twenty cemeteries in Michigan and fill every one of them like this with heroic men just as brave, just as patriotic as the gentlemen who enlisted from Tennessee.

Mr. GAINES of Tennessee. I suppose the soldiers that die in Michigan would like to be buried near their homes.

Mr. MANN. But not in national cemeteries.

Mr. GAINES of Tennessee. Of course they do, and there was a widow of a soldier came to me not long ago and asked me if she could have her remains and those of her mother buried by the side of her husband.

Mr. MANN. We do not bury them in national cemeteries, and we do not have the national cemeteries in the North in which to bury them.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. TAWNEY. Mr. Chairman, I move that all debate on this paragraph and pending amendments be closed in five minutes.

The motion was agreed to.

Mr. SMITH of Iowa. Mr. Chairman, the debate which has gone on on this provision is just one year too late. mittee on Military Affairs reported to this House a bill to make of this ground a national cemetery. Finally the substance of that bill was put upon the Army appropriation bill a year ago, and it reads as follows:

That the Secretary of War is hereby anthorized to accept under the will of Margaret J. Patterson and from the heirs of W. P. Bachman, all descendants of Andrew Johnson, late President of the United States, free of cost to the Government, the tract of land where said Andrew Johnson's remains now lie, known as "Monument Hill," containing not exceeding 15 acres, and situated in Greene County and in or near the town of Greeneville, Tenn., and upon presentation of good and perfect title to said tract of land the Secretary of War is authorized and directed to establish thereon a national cemetery of the fourth class.

Mr. PARKER. Will the gentleman yield for a question right there?

Mr. SMITH of Iowa. Certainly.

Was not that a Senate amendment, No. 6, Mr. PARKER. which came in only in conference and which never passed the

Committee on Military Affairs of the House?

Mr. SMITH of Iowa. That was put on as a Senate amendment, it is true, but a similar bill had been reported by the House Committee on Military Affairs before that time. Then was the time for Congress to discover if we did not need a national cemetery down there. When that law passed it fixed a character upon this land, and under existing law the perpetual expense of maintaining a superintendent was imposed upon the Government of the United States. Those superintendents of national cemeteries are entitled to quarters and to fuel, and all these things are imposed upon the Government, not by the proposition now before the House, but by the law solemnly enacted a year ago. Then is when these gentlemen ought to have discovered that we did not need a national cemetery down there. I

do not think it was a wise law, but it has been enacted, and the law gives a superintendent to this national cemetery and he is entitled to quarters in which to dwell, and we ought now to erect about this cemetery the same kind of a wall erected around all the other national cemeteries. I care nothing for the suggestion that up to date we have only got four Union soldiers buried in this ground. It is dedicated to that purpose, and I for one am not anxious to have Union soldiers die in order to fill this cemetery. I am prepared now to execute the law solemnly enacted a year ago, and fit this property for national cemetery purposes. But I want to expressly repudiate the proposition that the recommendation of this committee is what forces upon the Government the perpetual maintenance of a superintendent of the cemetery, with fuel and quarters at the expense of the Government. We are simply executing the law passed a year

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Michigan.

The question was taken; and the amendment was rejected. Mr. EDWARDS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After line 8, on page 138, add:
"For enlargement of national cemetery at Millsprings, Ky., by acquiring land adjoining thereto, and for repairing roadway to Somerset, Ky., \$25,000: Provided, That the city of Somerset deed to the United States, free of charge, 4 acres of land for said purposes."

Mr. TAWNEY. Mr. Chairman, I make the point of order on

Mr. EDWARDS. I will ask the gentleman to reserve his Mr. TAWNEY. I will reserve the point of order, but I desire to state to the gentleman from Kentucky that at the conclu-

sion of his remarks, in five minutes, I shall insist on the point of

order so that we may go on.

Mr. EDWARDS. Mr. Chairman, I am very thankful to the gentleman from Minnesota for the five minutes, and I do not understand why he should give notice that he will insist at the end of the five minutes on the point of order. It certainly can not be because I have been taking the time of the House on this subject. I would like to have the attention of the chairman of the committee and of the Committee of the Whole to this proposition. ommittee and of the Committee of the Whole to this proposition. Mill Springs National Cemetery, located near the banks of the Cumberland River, in Pulaski County, Ky., has buried within its boundaries more than 700 Union soldiers, many of them from the immediate country round about and many of them from other States north of the Ohio River. The road which runs from the national cemetery to the city of Somerset is not upon Government ground. Therefore I suppose, under the ruling of the Chair and the rules of this committee, it would be

subject to a point of order. But while it is not Government ground to-day, Mr. Chairman, in its dark days of 1861 to 1865 it was Government land, devoted to the flag, and was fought

over, every inch of it. [Applaux.]

The Congress of the United States has built roads to and from national cemeteries all over this country, except from Mill Springs to Somerset. The State of Kentucky has other national cemeteries, but, fortunately, they are located near railroad stations and do not need roads to make them accessi-A bill was favorably reported by the Committee on Military Affairs and would have passed this House some eight or ten years ago, appropriating \$25,000 to build this road, but for the objection of a Member to unanimous consent, and I have a bill now pending before the Committee on Military Affairs asking for this appropriation. But, Mr. Chairman, I am informed by the chairman of this committee that the policy of the House at present and during the last few years is not to build roads except on Government reservations or where the Government owns the land, and I am not criticising that great committee nor its very able chairman, and I am confident if it were not for this fact that my bill would be favorably reported by a unanimous vote of that committee. You have appropriated to-day the sum of \$32,000 for completing the construction of the Government roadway to Barrancas, Florida, National Cemetery, near Pensacola, and \$17,500 for reconstructing and repairing the Government roadway to Fort Scott, Kans., National Cemetery, and I submit that neither of them is continuously over Government property, but simply have been ceded to the Government for the purposes of a road. I am asking for an appropriation of \$25,000 for the purpose of enlarging and improving Mill Springs Cemetery and completing a roadway to Somerset, which road has never cost the Government one dollar and we guarantee never will, beyond this appropriation, while the roads from Pensacola and Fort Scott to the near-by cemeteries have been heretofore built by the Government at an expense of thousands of dollars.

Mr. Chairman, I am not complaining that other national cemeteries have been cared for and good roads built by the Government to their nearest railroad stations, but is it just to the memory of the patriotic dead who sleep at Mill Springs or fair to their friends who survive them that they must very often encounter bad roads on their visits there, while the grounds and connecting roads have been made beautiful by a grateful Government at Culpeper, Arlington, Vicksburg, Pensacola, Fort Scott, Knoxville, Springfield, and many other places and almost in every other State of the Union?

I offer in this proposition 4 acres of land free to the Government to enlarge this national cemetery, which is very much needed, and I will also offer the county road, which is a very good dirt road, upon which the Government can build its road, and I am willing to put in that the county of Pulaski will keep up this road in the future. The State of Kentucky has never had a dollar spent by the National Government for the building

of roads to her national cemeteries.

I congratulate the gentleman from Tennessee [Mr. Brown-LOW] on his splendid tribute to the loyalty of the people of that great State and to the memory of one of her noblest sons, Andrew Johnson. But, Mr. Chairman, when it comes to the question of loyalty, of pure devotion to Government, both now and in the days of secession, southeastern Kentucky and the nineteen counties of the Eleventh district will yield to no other spot under the shining sun, not even to eastern Tennessee. plause. 1

The county of Pulaski, in which Mill Springs Cemetery is situated, has to-day more than 600 Federal soldiers within her borders, more than 250 Spanish-American soldiers, with probably a dozen Mexican war soldiers, and the widow of a soldier of the war of 1812. I challenge any district to show a county with a better record for loyalty than the county of Pulaski.

Mr. GARDNER of Michigan. Mr. Chairman, I would like to ask the gentleman a question, and that is how large this ceme-

tery is at this place—how many acres?
Mr. EDWARDS. My recollection is 3 acres.

Mr. GARDNER of Michigan. How many are buried there

Mr. EDWARDS. Seven hundred and twenty-one is my best recollection, and there is no room to accommodate people when they come from a distance to go there and visit the graves, as it is covered over with graves to a large extent. People gather there from adjoining counties on Decoration Day, and there is not sufficient room and shade for this purpose.

Mr. CRUMPACKER. May I ask the gentleman are these

721 buried there veterans of the civil war?

Mr. EDWARDS. Yes, sir; they are all veterans-Union sol-

The CHAIRMAN. The time of the gentleman has expired. Mr. EDWARDS. I ask unanimous consent for five minutes

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that he may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. EDWARDS. Mr. Chairman, when I was interrupted by the gentleman from Michigan [Mr. GARDNER] I was calling the attention of the House to what I consider, under all the circumstances, the unparalleled loyalty and patriotism of the people of the district which I have the honor to represent. Why, sir, some of these counties furnished more soldiers to the Union Army than there were voters in the county when Fort Sumter was fired upon. A district that has furnished such soldiers as Col. Frank Woolford, Col. Silas Adams, and Col. D. G. Colson, all of whom have represented that great district in this body, and Colonel Colson having resigned a seat in this body to become colonel of the Fourth Kentucky Regiment in the Spanish-American war, will, I have no doubt, make much stronger appeal to the Members in this Chamber on both sides than anything I may say, and if my amendment can come to a vote upon its merits, I have no fears of the result.

At the battle of Mill Springs the great general of the South, General Zollicoffer, was killed. It is a most historic place. As I have said, it is the only national cemetery in that part of the country. It is near the Cumberland River and is in line of Kentucky mountains where the line of battle ranged upward to Cumberland Gap. This battle was fought, I believe, on the 19th day of January, 1862, and was the first decisive battle fought in that memorable war of 1861-65. General Zollicoffer was killed and his forces were driven back into Tennessee, and thereby the Union forces were encouraged and the Confederate forces were demoralized and discouraged. The defeat of the Confederate forces at Wildcat, October, 1861, in Laurel County, Ky., and the decisive battle of Mill Springs the following January, together with the unswerving loyalty of the mountain

people, undoubtedly saved Kentucky to the Union and was no small factor in the real turning point in favor of the Union

cause in that great struggle.

Kentucky pays more revenue into the National Treasury than any other State of the Union, save two, and yet she receives fewer appropriations, and I can not see why any gentleman who has permitted these appropriations in the past should say that because this bill failed to receive consideration ten years ago, when it was in order, when the policy of this House was to build these roads, because it failed simply by a mere objection and not by a vote on the merits, that it should now be set aside and Mill Springs Cemetery should be left out of the care of the Government. I thank the committee and hope the gentleman will withdraw his point of order. [Applause.]

Mr. GARDNER of Michigan. Mr. Chairman, I would like to

ask unanimous consent to speak for two or three minutes.

The CHAIRMAN. The gentleman from Michigan asks unan-

imous consent to speak for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER of Michigan. Mr. Chairman, I want to say a word in confirmation of everything the gentleman from Kentucky has said in regard to the cemetery and the importance of the battle of which he speaks. It is an entirely different case from the one at Monument Hill, in Tennessee. Mill Springs was one of the decisive engagements in the early part of the Mill Springs war, and the men who made that engagement decisive lie buried in Kentucky, and if the cemetery needs to be enlarged I hope it may be. No men ever gave their lives a sacrifice that yielded more in proportion to the number for the preservation of this Government than the men who fought under Thomas and gained this his first great victory at Mill Springs, early in the

year 1862. [Applause.]
Mr. TAWNEY. Mr. Chairman, that part of the amendment which provides for the construction of a road is clearly out of order and contrary to the precedents of Congress, and I shall have to insist upon my point of order as to that part of the

amendment at this time.

The CHAIRMAN. The Chair sustains the point of order,
Mr. EDWARDS. Mr. Chairman, I renew the amendment, if
I can, and ask that the language referring to the road be
dropped, and that the amount be made \$12,500 instead of \$25,000, and ask that it be submitted in that way.

The CHAIRMAN. The gentleman from Kentucky offers an

amendment, which the Clerk will report.

The Clerk read as follows:

After line 8, on page 137, add:

"For enlargement of national cemetery and improvement of the same, at Mill Springs, Ky., by acquiring land adjoining thereto, \$12,500."

Mr. TAWNEY. Now, Mr. Chairman, that is not obnoxious to the rule, because the cemetery has been by authority of law. Mr. EDWARDS. If the gentleman will pardon me, I think the proviso ought to go in there.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Provided, The city of Somerset deeds to the United States free of arge 4 acres of land for that purpose.

Mr. MACON. Mr. Chairman, I reserve the point of order on

The CHAIRMAN. Does the gentleman from Arkansas reserve the point of order?
Mr. MACON. Yes, sir.
Mr. EDWARDS. Mr. Chairman, I would like to have it re-

The CHAIRMAN. Does the gentleman from Arkansas reserve the point of order?

Mr. EDWARDS. Mr. Chairman, I do not care to discuss the point of order. I do not think it is subject to a point of order. Mr. MACON. Mr. Chairman, I would like to ask the gentle-

man a question or two. How much land is it proposed to pur-

chase with this \$12,500?

Mr. EDWARDS. We do not propose to purchase any land. It is proposed that that should be donated.

Mr. MACON. Then, what is the purpose of this appropriation?

Mr. EDWARDS. For further improving this land and na-

tional cemetery already there.

Mr. MACON. In what way will you have it improved?

Mr. EDWARDS. There will have to be plants, and it will have to be graded and sodded and lotted, and it will have to have a keeper and lodge house-in the same way that national

cemeteries are generally improved.

Mr. MACON. I withdraw the point of order, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. EDWARDS].

The question was taken: and the amendment was agreed to. The Clerk read as follows:

National cemetery, Knoxville, Tenn.: For laying sidewalks along the adway leading to the national cemetery, Knoxville, Tenn., \$1,500.

Mr. TAWNEY. Mr. Chairman, I offer the following amend-

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] offers an amendment, which the Clerk will report.

The Clerk reads as follows:

On page 133, in line 10, strike out the words "along the roadway leading to" and Insert in lieu thereof the words "on Holston and Munson streets around."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For the erection of barracks and quarters for the artillery in connection with the adopted project for seacoast defenses, and for the purchase of suitable building sites for said barracks and quarters, \$1,250,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amend-

The CHAIRMAN. The gentleman from Minnesota [Mr. Taw-NEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 137, after line 25, insert:
"For the reconstruction on land owned by the United States of the military prison in San Francisco Harbor, \$50,000; the cost of which, when complete, shall not exceed \$250,000; the sum hereby appropriated shall be so expended as to give the maximum amount of employment to the inmates of said institution."

Mr. HULL. Before that is considered I want to recur to the paragraph just read. I move to strike out the last word. Now, Mr. Chairman, I would like to ask the gentleman from Minnesota [Mr. TAWNEY] if he does not believe there should be some addition to this provision for the erection of batteries and quarters at seacoast-defense places. In other words, is this not a very large cut from the amount that was requested by the Department for the purpose of caring for what is called the "Coast Artillery." My recollection is that when the artillery bill was passed increasing the force they wanted \$1,373,000 for the smaller buildings and some six or seven hundred thousand for the larger buildings. I do not understand that in this provision there is any limitation as to the size of buildings, but that it is intended to cover all the buildings for the Seacoast Artillery, both what has been carried in the Army bill and the sundry civil bill. If that is true, it seems to me the chairman of the committee ought to be willing to increase the amount to at least \$1,500,000 in order to cover more nearly the requirements of the Department.

Mr. TAWNEY. I will say, in answer to the gentleman, the law, as he well knows, limits the amount to be expended per man up to eighty men in the construction. That is the limita-There is a general limitation in the statute beyond which

they can not go in the construction of barracks.

Now, as to the other proposition, as to whether or not this is sufficient to meet the requirements of the service in consequence of the increased number of the Seacoast Artillery audefice of the increased number of the seacoast Arthiery authorized in the recent act, it may be that it is not, and it is not supposed to be sufficient to finally accommodate and to build barracks that will accommodate all the men that are authorized in that act. But it was supposed by the committee that this would give them all the money that could be expended during the next fiscal year and enough to enable them to build all the barracks that they will need to accommodate the additional men which they can enlist into the service during the next fiscal year. That is the reason we do not carry any more at this time. It is not thought by the committee that this will entirely meet the requirements of the service.

Mr. HULL. The gentleman, of course, is familiar with the proposition of the artillery branch of the service to concentrate, as they claim, for better administration, for more economic administration, certain scopes of batteries at one centralized place, where they have to go to the different batteries at different places, in place of having them in the quarters built at the place where the batteries are constructed. I think that the understanding was that they expected to complete the north coast, from Maine down along the Atlantic coast as far as

Baltimore, this year.

Mr. TAWNEY. That is contemplated, I will say; but it is conceded that it was not probable that really they would be able to accomplish that during the next fiscal year; and it was for that reason that we gave the amount we did. We gave with the view of giving them all they could expend during the year. We were informed fully as to the purpose of the Department desiring to concentrate the artillery in certain places on the Atlantic coast, but the construction can not all take

place at the same time. There will be more or less delay, and we thought, in giving them this amount, that we were giving all that they could expend during the next fiscal year.

The CHAIRMAN. The time of the gentleman from Iowa has

Mr. TAWNEY. I ask unanimous consent that his time may be extended.

There was no objection.

Mr. HULL. I would like to get an understanding of this. Mr. TAWNEY. The recommendation of the committee is based upon the fact that in the judgment of the committee, which is based upon the testimony, this is about all they could expend during the next fiscal year. And I will say to the gentleman from Iowa that, inasmuch as this is a new plan of construction, we thought, inasmuch as Congress would be in session next December, that if more money were needed to carry on the work, the House could take care of it during the remainder of the next fiscal year; that we could then appropriate for it, and appropriate more intelligently, as we would have more accurate knowledge of the actual needs of the Department than we can now. In fact, the evidence before the committee as to the necessities were somewhat hazy, because they were not absolutely certain as to what the cost would be. We thought this lutely certain as to what the cost would be. We thought this would accommodate them until next December, and then we could, when they have worked out their plan more fully, appropriate more intelligently.

Mr. HULL. Now, in one instance you use the language "in the judgment of the Secretary of War," and in the other you leave it out. I understand the only object of inserting that in the first proposition is to overcome the limit of law as to the amount that can be expended in any one building to \$20,000, and when you leave it out in the other you limit all other buildings

to less than \$20,000.

Mr. TAWNEY. No; in omitting it in the last we leave the language as it is now in the statute, leaving the other to correspond with the act approved June 6, 1900, which reads as follows:

For the construction of buildings at and the enlargement of such military posts as in the judgment of the Secretary of War may be necessary, and for the erection of barracks and quarters for the artillery in connection with the adopted project for seacoast defense, and for the purchase of suitable building sites for said barracks and quarters, \$1,000,000: Provided, That for the erection of barracks and quarters for artillery in connection with the project adopted for seacoast defense there shall not hereafter be expended at any one point more than \$1,200 per man for each man required for one relief to man the guns at the post up to eighty-three men, the present permanent strength of a battery, enlisted and commissioned, and for each man required beyond this number \$600 per man, from any appropriation made by Congress, unless special authority of Congress be granted for a greater expenditure. expenditure.

Now, that limitation absolutely controls the expendita e of appropriation under the last paragraph, appropriating \$1,-

Mr. HULL. They could expend whatever was necessary in the erection of a building.

Mr. TAWNEY. Under this limitation?

Mr. HULL. Suppose they have a camp at Baltimore and they propose to put up barracks and quarters for the men and that carries with it an administration building. cost a great deal more than \$20,000. Where there is a large number of batteries it would require a more expensive building than \$50,000.

Mr. TAWNEY. That is all covered by the limitation.

Mr. HULL. Your limitation is based on the barracks and quarters, but would it cover the proposition of all buildings at the posts? Is not that limitation this: That all the buildings at the post, including the administration building and quarters, shall not in the aggregate exceed so much?

Mr. TAWNEY. I will say to the gentleman that if the limitation carried in the sundry civil act approved June 6, 1900, will not operate to limit the amount spent on the administration building, then the other limitation, without this provision, the discretion of the Secretary, would limit the cost to \$20,000.

Mr. HULL. Under your provision here they have held that when you say "in the discretion of the Secretary of War" you are giving him entire power over the size of the buildings.

Mr. TAWNEY. I think that is the rule.

Mr. HULL. The difference between the Army bill and this

bill has been the insertion of those words in your bill and the omission of them in the Army bill. The question is whether the elimination of the words in regard to the artillery does not work so that when you erect the buildings for your men the limitation of so much to a man you might be unable to

Mr. TAWNEY. To build the administration building beyond a cost of \$20,000. There was no evidence before the committee as to the necessity or desire of the Department to construct any buildings of that character; therefore the committee thought it

wise to allow the limitation which is now fixed by statute to apply

Mr. HULL. I want to say to the gentleman that this scheme will carry with it an administration building.
Mr. TAWNEY. That may be. Mr. HULL.

Mr. HULL. The gentleman is not willing to concede that the amount should be increased?

Mr. TAWNEY. I am not. I think they will have enough for

the fiscal year.
Mr. HULL. Mr. Chairman, I withdraw the pro forma amendment.

Mr. TAWNEY. Now, Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

Mr. WALDO. Mr. Chairman, I reserve the right to offer an amendment to this paragraph.

Mr. TAWNEY. Will the Chair have the amendment reported

again?

The CHAIRMAN. The gentleman from Minnesota offers a new section, which the Clerk will report.

The Clerk read as follows:

On page 137, line 25, insert: "For the reconstruction on land owned by the United States in the military prison in San Francisco Harbor, \$50,000; the cost of which, when completed, shall not exceed \$250,000; the sum hereby appropriated shall be so expended as to give the maximum amount of employment to the inmates of said institution. stitution.

The amendment was considered and agreed to.

Mr. WALDO. Now, Mr. Chairman, I desire to offer an amendment as an addition to the paragraph ending at line 25, on page 137.

The Clerk read as follows:

Page 137, after line 25, insert: "For the purchase of a site for the increase of the fortifications and for the enlargement of seacoast defense at New York Harbor, \$1,000,000."

Mr. TAWNEY. To that I reserve a point of order. Mr. WALDO. Mr. Chairman, I desire to call the attention of the House to the fact that notwithstanding the heavy force that exists in the harbor of New York, the city of New York is practically defenseless against bombardment by a foreign fleet. This is a matter which the Chief of Artillery in the War Department has had under consideration for several years, particularly since the construction of Ambrose Channel has been under way, which increases the danger to the city.

Running from the entrance to the lower bay is a large body of very deep water, leading up to the eastern end of Manhattan Beach, about 5 or 6 miles from the fortifications at Sandy Hook. From this point a fleet would be within a mile of the shore, and could bombard practically all of Brooklyn, and would then be within 10 miles of the lower part of Manhattan, which could be reached at the same time. The only guns of the fortifications that could reach this fleet at all would be these at Sandy Hook, which would be between 5 and 6 miles be those at Sandy Hook, which would be between 5 and 6 miles away, and at night it would be practically impossible to reach effectively any fleet that was in this body of water off Manhattan Beach. The guns of such a fleet would be in the rear of the fortifications at Fort Hamilton, so that those fortifications could be shelled from the rear, and their guns could not reach the fleet in any way. Neither could the great fortifications at Fort Wadsworth reach this fleet effectively. It would be too far away, and more than that, they would have to shoot over Coney Island, and the buildings there would obscure any view of the whereabouts of the vessels.

There is another reason why this ought to be done, and that is that the Ambrose channel, which is now about completed, 35 feet deep and 1,000 feet wide, would be open, and there is no system of fortifications there to protect mine defenses in that channel. The War Department informed me that it would be practically impossible to protect mine defenses in Ambrose channel until the very end of the channel, where it ended at the Narrows. With fortifications at Nortons Point or some point on the south side of Coney Island, such a mine defense could be protected and the entrance of a hostile fleet into

the harbor stopped.

Now, I understand that the Appropriations Committee have refused to consider this, and that the War Department has considered that it would be too expensive a project to induce Congress to undertake. The total cost of such a project would be between two and three million dollars. If a foreign fleet should come into these waters, they could, with practical safety to themselves, drop a few shells into Manhattan and Brooklyn and levy a tribute of \$50,000,000 or \$100,000,000. take them more than a few minutes to do that; and I feel that while the greatest city in America is practically defenseless from such attacks, and is so considered by the military authorities of this country, something ought to be done. I offer this amendment as only a small beginning of what ought to be done at this Mr. SMITH of Iowa. Mr. Chairman, at the last session of Congress there was an estimate for additional land at Fort

Mr. WALDO. This has nothing to do with the improvements at Fort Hamilton, but is for a fortification farther down the harbor, on Coney Island, which the military authorities inform

me is absolutely necessary for the protection of the city.

Mr. SMITH of Iowa. Why have they not so informed Cou-

gress?

Mr. WALDO. I talked with them about this and they stated that they believed it would cost so much money that there was no use in presenting it to the Appropriations Committee. But I, as a resident and Representative of the great State of New York, believe it ought to be called to the attention of Congress here, even if the Department will not present it.

Mr. TAWNEY. I make the point of order.
The CHAIRMAN. Does the gentleman insist on the point of

order?

Mr. FITZGERALD. I hope the gentleman will withhold it for a moment. Mr. Chairman, I simply wish to say about this matter that there has been no estimate for the acquisition of these sites. It is for the acquisition of sites at Nortons Point, in the city of Namy York. I do not know when what the officials in the city of New York. I do not know upon what the officials of the War Department base the statement that it would be futile to submit this question to the Committee on Appropriations because the committee would not consider it on account of the cost. My experience as a member of the committee has been that the committee is ready to appropriate for the defenses of the country whatever sums are required for the defenses that are imperative to protect great cities and the seacoast. If the sites be essential as a part of the country's defenses, then the Department is to be criticised for not performing its duty in submitting the estimates for it. As a member of the subcommittee on fortifications, I wish to say there has been no intimation from the Department that such an appropriation is necessary, and I wish to assure my colleague from New York [Mr. Waldo] that from my experience as a member of that committee, if the Department would submit such an estimate it will be carefully and properly considered. If shown to be essential, the money will readily be appropriated. I desire to say this because, as a member of that committee, in view of what has been said, I might perhaps be subjected to some criticism for not having urged the appropriation.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Improvement of the Yellowstone National Park: For maintenance and repair of improvements, including not exceeding \$10,000 which shall be used for the repair and improvement of the east and south roads in the Yellowstone Forest Reserve, \$75,000, to be expended by and under the direction of the Secretary of War; and to be immediately available.

Mr. DIXON of Montana. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

Ing amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

After the word "reserve," in line 22, on page 139, insert the following:

"Also not exceeding \$1,000, which shall be used for the survey of a wagon road for light vehicles connecting the Mammoth Hot Springs in the Yellowstone National Park to a point on the western boundary of said park where the West Gallatin River crosses the boundary line of said park, and connecting with the wagon road heretofore constructed by Gallatin County, Mont., along the West Gallatin River. The Secretary of War is directed to report from such survey to the next session of Congress estimates of what it would cost to construct such road and upon the advisability and feasibility of such construction."

Mr. DIXON of Montana. Mr. Chairman, I desire to say in support of the amendment that it merely provides for a limitation on the appropriation for the park, requesting the Secretary of War to cause to be surveyed a line for a road for light vehi-cles from Mammoth Hot Springs to the West Gallatin River. Mr. TAWNEY. As I understand it, this does not create an appropriation, but simply diverts \$1,000 for that purpose? Mr. DIXON of Montana. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Survey of northern and northwestern lakes: For survey of northern and northwestern lakes; including all necessary expenses for preparing correcting, extending, printing, and issuing charts and bulletins, and of investigating lake levels, with a view to their regulation, to be immediately available, \$75,000.

Mr. PERKINS. Mr. Chairman, I move to strike out the last

word. I would like to ask how many years this survey of the

lakes has been continuing?

Mr. TAWNEY. The survey commenced a great many years ago and was partially completed, but since the construction of vessels of greater draft than originally it has become necessary to resurvey the lakes.

Mr. PERKINS. How long is it since the resurvey was started?

Mr. TAWNEY. The resurvey commenced in 1902, and the gentleman in charge of the survey when before the committee was unable to give the committee any definite idea of when the work would be completed. It is the judgment of the committee, however, that it should be nearing completion, and for that reason in the last session of Congress we reduced the appropriation from \$100,000 to \$75,000. The Department complained very bitterly on account of this reduction, claiming it would be necessary for them to suspend a part of the work and ask for an increase to \$125,000 for the next fiscal year; but we gave them only the \$75,000.

Mr. PERKINS. Has the gentleman any idea when the work

will be done?

Mr. TAWNEY. I have no idea when it will be done. not believe there is anybody who can tell. It will be completed whenever in the judgment of Congress the surveys have been sufficiently complete as to the various channels in the lakes. The plan, as I gather from the testimony of the gentlemen who appeared before the committee, contemplates surveying practically the whole lakes, regardless of the usual routes of travel

of the vessels on the lakes.

Mr. PERKINS. Does the gentleman think this survey will ever be completed or will it become a permanent charge on the

Government of \$75,000 or \$100,000 a year?

Mr. TAWNEY. It may be that when vessels of greater tonnage than are now constructed and with greater draft are built it may afford an excuse for a resurvey, and thus keep on indefinitely, but without any material change in the draft of vessels now on the Lakes it ought to be completed in a very few years, in my judgment. But that is not the judgment of the men who are in charge of the survey.

Mr. PERKINS. Does the gentleman think that all this survey is necessary for the purposes of navigation or is a great

deal of it unnecessary?

Mr. TAWNEY. The Lake Carriers' Association is very insistent upon the survey being continued, and they claim that there is a great demand for it; that the resurveying has not gone on long enough; that the resurveys in general of channels which have heretofore been traversed by vessels on the Lakes on account of the greater draft of the vessels now make it very essential that the survey should be continued.

Mr. PERKINS. There is no hope of this survey ceasing in the immediate future?

Mr. TAWNEY. No; there is not.

Mr. PERKINS. I am sorry to hear that. Mr. TAWNEY. But I think by reducing the appropriations occasionally we can hurry it up.

Mr. PERKINS. I hope so. Mr. Chairman, I withdraw the

amendment.

The Clerk read as follows:

International Waterways Commission: For continuing the work of investigation and report by the International Waterways Commission, authorized by section 4 of the river and harbor act approved June 13, 1902, \$20,000.

Mr. TAWNEY. Mr. Chairman, upon the request of the gentleman from Pennsylvania last evening we passed over all the items beginning at the bottom of page 102, line 22, over to and including line 10, page 106, and I now ask to return to those items.

The CHAIRMAN. The gentleman from Minnesota asks to return to items under the head of United States Geological Survey, heretofore passed over without prejudice.

Mr. JAMES. Mr. Chairman-

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. JAMES. A parliamentary inquiry: Is it necessary to have unanimous consent to return to provisions passed over?

The CHAIRMAN. The Chair thinks not. The items were

passed over without prejudice and were subject to the call of the chairman of the committee.

Mr. JAMES. I merely wanted to suggest to the gentleman perhaps we might be able to finish this paragraph relating to the Soldiers' Home, and then recur to these paragraphs.

Mr. TAWNEY. I agreed with the gentlemen who are inter-

ested in this paragraph that when I reached the item of Soldiers' Homes I would return to this.

Mr. JAMES. How long does the gentleman think it will

take upon the proposition?

Mr. TAWNEY. I do not think it will take very long to dispose of it; an hour probably.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For general expenses of the Geological Survey: For the Geological Survey and the classification of the public lands and examination of

the geological structure, mineral resources, and the products of the national domain, and for surveying forest reserves, including the pay of necessary clerical and scientific force and other employees in the field and in the office at Washington, D. C., and all other absolutely necessary expenses, including telegrams, furniture, stationery, telephones, and all other necessary articles required in the field, to be expended under the direction of the Secretary of the Interior, namely.

Mr. DALZELL. Mr. Chairman, I move to amend by inserting, after the word "domain," line 1, page 104, the following:

To continue the preparation of a geological map of the United States, gauging streams, and determining water supply.

The CHAIRMAN. The gentleman from Pennsylvania offers

an amendment, which the Clerk will report.

The Clerk read as follows:

Page 104, at the end of line 1, insert the following: "To continue the preparation of a geological map of the United States, gauging streams, and determining water supply."

Mr. TAWNEY. I make the point of order against both provisions. I think the gentleman from Pennsylvania should segregate his amendment. There are two separate and distinct propositions, but I make the point of order against the amendment as offered, but suggest it perhaps ought to be separated.

The CHAIRMAN. Is that the only point of order the gen-

tleman makes?

Mr. TAWNEY. I make the point of order against the amendment offered by the gentleman from Pennsylvania on the ground that there is no authority of law for the preparation of a geological map of the United States or for the gauging of

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order made that there is no

authority in law?

Mr. DALZELL. Yes, sir. Mr. Chairman, I think it is exceedingly fortunate that the chair is occupied by the present occupant of the chair, for the reason that the questions involved in these amendments about to be offered—one already offered have already been passed upon by the Chair a year ago, and his ruling at that time was so clear and definite that it is incapable of being misunderstood. I do not exactly agree with the ruling of the Chair with respect to the second part of this amendment of mine, the part that relates to the gauging of streams, etc. As the gentleman from Minnesota has suggested, my amendment is subject, perhaps, to division. So far as the first part of it is concerned the proposition for continuing the work for making a map of the United States is very clearly within the organic act creating the Geological Survey, which reads as follows:

For the salary of the Director of the Geological Survey, which office is hereby established under the Interior Department, who shall be appointed by the President, by and with the advice and consent of the Senate, \$6,000: Provided, That this officer shall have direction of the Geological Survey, the classification of the public lands, and the examination of the geological structure, mineral resources, and products of the national domain.

· Now, of course, the making of a map is an absolute essential in connection with this Geological Survey. The formulation of conclusions of the Department in making a geological survey in classifying the public lands, and so on, necessarily involves the making of a map, and this is the work that has been in progress and has been provided for and appropriated for year after year for a great many successive years. The language of the amendment that I have suggested is the language of the current sundry civil appropriation bill. So that so far as the first part of the amendment is concerned it is clearly within the purview of the Geological Survey. But aside from that, as I recollect it, the Chair on a previous occasion ruled on this exact question and admitted the provision for the continuation of this map. Now, so far as the second part of the proposition is concerned, the gauging of streams, the Chair has already ruled on that subject, and I will leave it to my friend from Wyoming [Mr. Mon-DELL] to argue that question.

Mr. MONDELL. Mr. Chairman— The CHAIRMAN. Does the gentleman from Wyoming desire to be heard on the point of order?

Mr. MONDELL. I would like to be heard on the point of or-

der, if the Chair will bear with me while I discuss it along the line of my discussion of a year ago.

Mr. TAWNEY. Mr. Chairman, I desire to interrupt the gen-

tleman for a question.

The CHAIRMAN. Does the gentleman from Wyoming [Mr. Mondell] yield to the gentleman from Minnesota [Mr. TAWNEY]?

Mr. MONDELL. With pleasure.

Mr. TAWNEY. Does the gentleman propose to discuss the merits of the proposition with respect to the gauging of streams or the point of order?

ago that he desired to discuss it along the line of the argument

of a year ago

Mr. MONDELL. I make that statement to the Chair because do not care to take the time of the House in a second discussion along the lines of the discussion of last year. But I am inclined to think that the Chairman could not have taken into consideration carefully some suggestions made in my argument I hold, Mr. Chairman, that water is a mineral; that the organic act establishing the Geological Survey provided among other things for an examination of the mineral resources of the United States, and I call the Chair's attention to my argument on that point, which appears on page 8487 of

the Record of June 14, 1906.

Now, Mr. Chairman, there can be no question but what the Survey has authority to examine the mineral resources of the United States. That must be admitted, because that is the language used in the organic act. It seems to me there can be no question about water being a mineral—one of the most widely diffused and one of the most valuable minerals on earth-and I desire to call the Chair's attention to the fact that it is so defined by every known authority on the subject. There is no higher authority on the subject of minerals than Prof. E. S.

Dana, and in his text-book of mineralogy he says: Mineral species as a rule are limited to solid substances, the only liquids included being metallic mercury and water.

The CHAIRMAN. Will the gentleman from Wyoming permit the Chair to interrupt him?

Mr. MONDELL. I will be pleased to.
The CHAIRMAN. The amendment offered by the gentleman from Pennsylvania [Mr. DALZELL] said:

On page 104, at the end of line 1, insert the following: "To continue the preparation of a geological map of the United States, gauging streams, and determining water supply."

The question of mineral resources of the United States is not involved in this amendment, nor is it involved in any part of the paragraph that has been read.

Mr. MONDELL. The gauging of streams, Mr. Chairman, is

the measuring of this mineral.

The CHAIRMAN. As the Chair understands, the gentleman says they have a right to investigate the mineral resources of the United States, and water being mineral, therefore they have the right to investigate the water and the water supply. that is not involved in this. Does the gentleman from Wyoming contend that because they have a right to investigate the mineral resources of the United States, therefore they have a right to gauge streams?

Mr. MONDELL. I would say it would necessarily follow, Mr. Chairman, because I know of no way in which you may determine the quantity of mineral resources except by measuring

them.

The CHAIRMAN. Will the gentleman permit a question? What is the purpose of gauging the streams?

Mr. MONDELL. The purpose of gauging the streams is to determine the amount of this particular mineral resource and its availability for use by determining its amount and the characteristics of its flow.

The CHAIRMAN. As a mineral?

Mr. MONDELL. As a mineral. Does the Chair desire any further authorities on the question of water being a mineral? If so, I would be very glad to call the Chair's attention to the Century Dictionary, to the Standard Dictionary, to all of the dictionaries of the English language, all of which define water as a mineral.

It seems to me there can be no question on this point.

If the Geological Survey has the right and the authority to make examination of the geological structure and mineral resources of the national domain, it has authority for making these examinations in any way which may be beneficial to the people of the United States, and how can this be done better than by measuring and testing the quantity, the quality, the regularity or the irregularity of the flow, and all those important points which are determined in this investigation and which tend to and do indicate the amount, the method of occurrence, and the utility of this most widely diffused and most valuable of minerals?

I do not care to take up the time of the House or the Chair with a further discussion of this matter, unless there may be some question in the mind of the Chair in regard to the mineral character of water, for it seems to me that that having been determined, there can be no question but what the Survey have the right to measure and examine this mineral as herein proposed.

And, further, if the Chair will bear with me, I would like to call attention to the fact that the gauging of streams and the examination of water supplies is one of the things necessary Mr. MONDELL. The point of order.

Mr. TAWNEY. I understood the gentleman to say a moment for the classification of the public lands of the United States;

that it is utterly impossible to determine the character of certain lands without the knowledge of their water resources. Lands are valuable in the arid and semiarid regions depending entirely upon the presence or the absence of a water supply. A region absolutely arid, aye, a region that is a desert, may be made to blossom as the rose if there is a sufficient water supply available for its irrigation. How can the Survey determine and report on the character of these lands of the United States without an examination of the water supply, upon the presence of which the character of the land depends as to whether it is irreclaimable or land which may be reclaimed and made fruitful. There are many regions in which the question as to whether lands may be reclaimed or not, as to whether they may be utilized for pasturage depends entirely upon the depth to water; and in order to classify these lands so as to know whether they are lands which may or may not be irrigated, and may or may not be utilized for pasturage, whether they may or may not be utilized for farming pur-poses, depends very largely, and in many instances entirely, upon the question of the depth to which the herdsman, the farmer, or the ranchman may have to dig to secure water; and on many of the public lands the most important question to be determined in the classification of such lands is the question of water supply.

Now, Mr. Chairman, it seems to me that whether you view this matter from the standpoint of classification of lands, a work clearly within the jurisdiction of this Bureau, or from the standpoint of the examination of mineral resources of the United States, in either case the Chair must hold, first, that there can be no thorough, definite, purposeful, useful classification without a knowledge of the water supply; second, that there can be no complete examination of the mineral resources of the United States without an examination of that mineral resource, more valuable in the arid regions of the United States, at least, than all the gold and silver and all the mines of copper and iron. So it seems to me the Chair must hold that this amendment, so far as it relates to the gauging

of streams, is in order.

Mr. TAWNEY. Mr. Chairman, so far as the point of order relates to the gauging of streams for the purpose of determining the water supply, I do not think it is necessary for me to address the Chair in the light of the very clear, logical, and conclusive decision or opinion rendered upon the same question during last session. The gauging of streams for the purpose of determining water supplies and the gauging of streams for the purpose of determining the extent to which they increase the mineral resources of the country are two entirely different and distinct propositions; and it is not necessary to discuss whether water is a mineral. That we all understand. We also understand that all portions of the earth formation are in some degree mineral, and that does not mean necessarily that mineral land is not agricultural land, although agricultural land may have some mineral in it.

Now, Mr. Chairman, with reference to the other questionthe continuation of the geological map. The act creating the Bureau of Geological Survey was enacted in 1879. It was enacted, as the Chair will remember, after Congress in the preceding year had passed a resolution calling upon the National Academy of Sciences to report upon an organization of some bureau in which could be united the geological survey and the topographical geological surveys, then being carried on in three

separate and distinct branches of the Government.

The language of that act is:

For the salary of the Director of the Geological Survey, which office is hereby established under the Interior Department, who shall be appointed by the President, by and with the advice and consent of the Senate, \$6,000: Provided, That this officer shall have the direction of the Geological Survey and the classification of the public lands and examination of the geological structure, mineral resources, and products of the national domain.

The field of the activities of the Geological Survey, by the organic act creating it, is limited to the national domain. In compliance with the report of the committee appointed by the National Academy of Science on this proposition, the language is identical, with the exception that in this act the term used is "national domain" instead of "public domain."

Now, on the question as to whether or not this limits the field of its activities to the national or public domain, or whether that authority carries the Geological Survey into every State in the Union, that question was very fully and elaborately dis-cussed on the point of order in the last session, and this is what the Chair said:

Mr. Dalzell. Am I right in concluding that the groundwork and foundation of the Chairman's ruling is that "national domain" and "public lands" are convertible terms under the act?

The Chairman, Oh, no; "national domain" and "public lands" are not convertible terms; but the Chair believes that the national do-

main has a well-defined meaning, and does not mean the whole United States. The gentleman from Pennsylvania yesterday argued that the "national domain" means the whole United States and all the States of the United States. The Chair has an entirely different opinion from

Now, how did Congress construe the act creating the Geological Survey and the extent of its jurisdiction? The first appropriation was made in 1879, and it was made for the expense of the Geological Survey and the classifications of the public lands and the examination of the geological structure, mineral resources, and products of the national domain, to be expended

under the direction of the Secretary of the Interior, \$100,000.

Nothing is there said about a geological map of the United States. It was not contemplated. It was not thought that the purview of the act creating the Geological Survey contemplated a geological map of the United States. Follow the appropriations from the time of the creation of this Bureau down to 1883 and you will not find a line in any of the appropriation bills for the Geological Survey authorizing the making of a geological map of the United States. It was not until 1883 that this item first appeared in any appropriation bill appropriating money for the Geological Survey. Since that time it has been carried in connection with other appropriations for the Geological Survey, but it was not included in the organic act creating this Bureau. It was not claimed that it was included at any time until 1883. There is therefore absolutely no law authorizing the making of a geological map of the United States.

How inconsistent it would be to say that this act creating the

Geological Survey contemplates a geological map of the United States, when authority is not given in the organic act to make a geological survey of the United States. You can not make a geological map of the United States without first making a topographical geological survey, and authority was not given for that purpose. Therefore it is impossible for any man to argue that authority for making a geological map of the United States is included in the original authority conferred upon or creating the Geological Survey.

Mr. WILEY of New Jersey. May I ask the gentleman a

question?

Mr. TAWNEY. You may. Mr. WILEY of New Jersey. Of what value would a geological survey be if it was unaccompanied by a map? Absolutely

Absolutely none, I grant you. man, who is a distinguished engineer and a geologist, has made the point more clearly than I can possibly make it. A geological map without a geological survey could not be made at all, and yet nobody pretends to say that this organic act contemplates a geological survey of the United States. Authority is given to make a geological survey of the national domain, which means the unsold lands belonging to the people of the nation, not the land belonging to the States or people of the That is not making a geological survey of the national domain, and that kind of land is not included in the term "national domain," as the Chair clearly indicated a year ago

when ruling upon this same question.

therefore, Mr. Chairman, that this act creating maintain, the Geological Survey not giving authority for the making of a geological survey of the United States or a geological map of the United States, and the subsequent Congresses up to 1883 never having recognized that the original act gave that power and authority, there is no law authorizing it, and it is not such a tangible work in progress as the Chairman of the Committee of the Whole, the distinguished gentleman now presiding over this committee, and many other distinguished Members of the House who have presided over the Committee of the Whole have held to constitute a public work in progress. Such a work must be a tangible work. It must be something that is tangible and not intangible; something more than the gauging of water or measuring of water or surveying indefinite areas of

Mr. SHERLEY. Can there be anything more definite in area than a survey of the national domain or of the territory of the United States?

Mr. TAWNEY. Well, I doubt if there could be anything more indefinite than the survey of the territory of the United States, because all the territory of the United States has not yet been explored. That would include the territory of the Philippine Islands, the Aleutian Islands, Alaska, and all the other insular possessions of the United States.

Mr. SHERLEY. I suggest to the gentleman that that might have something to do with the magnitude of the undertaking, but would have nothing to do with the definiteness of the undertaking.

Mr. TAWNEY. There are parts of the Northwestern States where no civilized man has made an appearance or visited. I therefore contend, Mr. Chairman, that if the point of order is good as to the gauging of streams, it goes to the entire amendment, and I also maintain that the point of order is good as to the entire amendment, because a geological map of the United States is not authorized by law and there is no geological sur-

vey authorized by law.

Mr. SHERLEY. Mr. Chairman, I desire to say only a word in connection with the point of order. Without discussing that part of the point of order which relates to the gauging of streams and which the present Chairman a year ago sustained, I desire to call to the attention of the Chair the fact that so far as it relates to that part of the amendment which reads "the making of a geological map of the United States" the point is not well taken. That provision relates to a work in progress, and it is a work with a definite limit to it. The point that the Chair made in his ruling a year ago was that as to the gauging of streams there could be no limitation, that it would be a continuing work never to be completed, and that therefore the precedents that were cited did not apply.

Mr. TAWNEY. Will the gentleman permit an interruption? Mr. SHERLEY. Certainly.
Mr. TAWNEY. I want to call the gentleman's attention to the fact that the making of a topographical and geological survey is never completed. The testimony before the committee of the chief of the division in charge of the duty of making plates informed the committee that they are changing their plates all the time because of the changes that are found to be necessary by the resurvey of the same areas made necessary by the changes of the topographical conditions. This one is as indefinite as the other.

Mr. SHERLEY. It is manifest, of course, that in the completion, in the sense of ultimate determination, of everything to be determined about the topography of land no completion can be had, but in the ordinary common use of the phrase in determining whether the project is capable of being completed it is manifest that the making of a map of the territory of the United States is a work that can be and will be in due course

of time completed.

No sort of work undertaken by human hands ever reaches perfection, and if it be an argument that inasmuch as work can be improved by being done over, therefore it will never be finished, the argument of the gentleman from Minnesota would seem to be of force, but without that very extreme view it can not apply to the present case. I submit in all common sense that the making of a geological map of the United States is to the mind of any man a work capable of being definitely

Mr. KEIFER. Mr. Chairman, I do not care to occupy much time, and I shall confine myself to an attempt to answer the argument of the chairman of the Committee on Appropriations as to the matter of maps. It is not necessary, Mr. Chairman, to go back into the history of the Geological Survey for the purpose of making the point I desire to submit. It may be well to say, Mr. Chairman, that in the early history of this country we had in the War Department topographical engineers, whose business it was to make maps essential to be used in the

War Department.

That was discontinued a number of years ago, and when the Geological Survey was organized the War Department was obliged to rely upon the Geological Department for all its interior maps and the maps made by their surveys. I undertake to say now that all the maps which will be found in the office of the Engineer's Department of the War Department, except some additions or references made thereto as to streams, crossings, roads, etc., are maps that came from and were made by the Geological Survey.

But, enough of that history. Mr. Chairman, the gentleman from Minnesota [Mr. Tawney], chairman of the committee, says that there is no authority of law for the making of these maps. We made a law in the last sundry civil appropriation bill, and I now read from that a clause or two. Under the heading of "For general expenses of the Geological Survey," we

find this:

For the Geological Survey and the classification of the public lands and the examination of the geological structure, mineral resources, and the products of the national domain, to continue the preparation of the geological map of the United States, etc.

Not to complete it, but to continue the work of making it. Now, we come to the rule that shows that it is in order to make appropriations as to work that is being continued. Under the act that applies to the present fiscal year we appropriated money only to continue it, and it is therefore clearly to be pre--conclusively to be presumed-that that is being continued now. But before going to that, I wish to answer what the gentleman from Minnesota says about there being no authority to make geological surveys, when he says that if there is not that authority, then there is no possibility of continuing the making of maps. Turning and reading again from the same law of last year, we find, under the same heading, this appropriation:

For topographical surveys in various portions of the United States, \$350,000, to be immediately available.

That is for topographical surveys, not of the public domain, but of various portions of the United States, and further we find this:

For geological surveys in various portions of the United States, \$200,000, to be immediately available.

It is not a question of the survey of the public domain. there a doubt about what that means? There is no doubt about the language used in the paragraphs of the act under which we are now proceeding in this fiscal year. Now, if I have made the point, I am about through. I shall now call the attention of the Chair to Rule XXI, paragraph 2, which is as follows:

2. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

We appropriated, as I have already stated, in the last sundry civil appropriation bill for the continuance of the preparation of maps, and it is now being continued, and hence the amendment is in order as it only provides for the continuance of a public work or object already in progress, and plainly within

The CHAIRMAN. The Chair is ready to rule.

Mr. THOMAS of North Carolina. Mr. Chairman, I do not wish to detain the Chair if the Chair is ready to rule, but I am very much interested in this matter and I would like to submit some authority.

The CHAIRMAN. The Chair will hear the gentleman from

North Carolina.

Mr. THOMAS of North Carolina. Mr. Chairman, following up what the gentleman from Ohio [Mr. Keifer] has said, calling attention to the fact that an appropriation for the continuation of a public work would be in order upon this bill, I want to call to the attention of the Chair several other authorities in the Digest and Manual. Doubtless the Chair has the authorities before him. The gentleman from Minnesota [Mr. Tawney] contended that the work must be a tangible work in progress. I find a number of authorities holding certain works, certainly not more tangible than the preparation of a geological map, to be continuation of public works in progress.

For instance, I find that the continuation of a topographical survey has been held to be the continuation of a public work in progress and therefore in order on an appropriation bill. It is held that the distribution of the card indexes by the Library of Congress is the continuation of a public work in progress. Also that an appropriation for the completion of a list of claims is the continuation of a public work. I contend that the completion of a geological map, as provided for in the last sundry civil appropriation bill, is just as much the continuation of a public work in progress as any of the works mentioned in these authorities to which I call the attention of the Chair.

Therefore I think the Chair should overrule the point of order. The CHAIRMAN. The amendment offered by the gentleman from Pennsylvania reads as follows:

Page 104, at the end of line 1, insert the following:
"To continue the preparation of a geological map of the United States, gauging streams, and determining water supplies."

A year ago, it will be remembered by those who took an interest in it at that time, that all of these questions were presented elaborately in an argument covering two days in this House, The present occupant of the chair was then sitting as the chairman of the Committee of the Whole House on the state of the Union, and in an elaborate opinion settled these questions at that time.

Therefore, the Chair at this time does not think it necessary to go fully and completely into these cases. The Chair therefore desires to say that he thinks that the point of order should be sustained to the amendment proposed by the gentleman from Pennsylvania for two reasons. To continue the preparation of a geological map of the United States is one thing; gauging streams and determining water supply is another thing, and the Chair thinks that that portion of the amendment which has reference to the gauging of streams and the determining of the water supply is subject to the point of order for two reasons, First, because the gentleman does not limit it to the national domain, and clearly, if the holdings of the Chair a year ago are to be sustained and followed here, it must be at all events and under all circumstances confined to the national domain,

unless it can be shown to be a continuing work in progress, which the Chair holds is not the case with gauging streams and determining water supply. Therefore, inasmuch as a portion of this amendment is obnoxious to the rule, the Chair thinks it is all obnoxious to the rule, and sustains the point of order.

Mr. DALZELL. Mr. Chairman, of course I accept the ruling of the Chair, and now I offer the first half of that amendment as relates to the making of the geological map.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 104, at the end of line 1, insert "to continue the preparation of a geological map of the United States."

Mr. TAWNEY. I make the point of order, Mr. Chairman, that there is no law authorizing a geological survey of the United States or a map of the United States.

Does the gentleman from Pennsylvania The CHAIRMAN.

desire to be heard? Mr. DALZELL. No.

The CHAIRMAN. The Chair is ready to rule. the point of order was made on a clause contained in the sundry civil bill at that time providing for the preparation of a geological map. Afterwards, when the whole thing had been carefully debated on the floor, the gentleman from Indiana [Mr. CRUMPACKER] withdrew the point of order, so that precise question was not presented to the Chair at that time, but the point of order against the making of a topographical map was presented to the Chair at that time, and the Chair thinks that the preparation of a geological map is on all fours with the case presented then of the preparation of a topographical map. The Chair at that time, in a decision of some length, held that, while there had been no statutory authorization for the preparation of topographical maps, yet, inasmuch as that work had been carried in successive appropriation bills, it became within the meaning of the rules of this House a continuing work in progress, and held it in order. Therefore the Chair overrules at this time that point of order. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. TAWNEY. Mr. Chairman, I move to strike out the words "United States" and substitute the words "national do-

I move that as an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment to the amendment proposed by the gentleman from Pennsylvania, which the Clerk will report.

The Clerk read as follows:

Strike out in the amendment the words "United States" and in-rt "national domain," so as to read "to continue the preparation of geological map of the national domain."

Mr. TAWNEY. Now, Mr. Chairman, I want to be heard. I am aware of the fact members of the committee are anxious to proceed, but not more so than I am, with the consideration this bill, but I want to present to the committee some facts with regard to the work of the Geological Survey in connection with the making of a geological survey of the United States. In the first place, Mr. Chairman, I say it without any fear of successful contradiction, that there is not a man upon this floor who does not know and is not satisfied in his own mind that every dollar of money that is appropriated from the Federal Treasury for the making of a geological or topographical map of his city or of his State is unauthorized by law or by Constitution of the United States. The work of making geological surveys and topographical surveys that devolves upon the Federal Government to-day must of necessity be confined to the territory which belongs to the United States. work of making a geological and topographical survey of your State, and of my State, and of the State of Pennsylvania, and of the State of New York devolves upon the people in that State to make and defray the expense of making. No man upon this floor can justify the appropriation or the expenditure of one dollar of money from the Federal Treasury to make a topographical or geological survey of his State, his county, his dis-

Now, this expenditure is not made by the Federal officials alone. Here we have in the hearings partnership between the head of the Geological Survey and the heads of the various bureaus under State governments. Think Here is a written contract for the doing of that which belongs exclusively to the States to do, whereby the Federal Government, in so far as an official of the Government, unauthorized by law, can bind the Government, agrees to do certain things in connection with the making of a geological survey of that State, included in this contract. The geologist of the State of Illinois, who has come on to Washington for the purpose of laying the necessity for this authority and appropriation before the members of the Illinois delegation, or at least some of them, admitted to one of the members of that delegation

last night that with the \$17,000 that he obtained from the Federal Government for the purpose of aiding his State in making a geological survey of his State he was able to get a larger appropriation from the State legislature for that purpose than he otherwise could. The money of the Federal Government is therefore not only used for the doing of that which belongs to the State to do, but it is being used for the purpose of bribing State legislatures or influencing them—I care not what you may call it—in making larger appropriations for this purpose than otherwise these officials say they could obtain.

Mr. KEIFER rose.

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Ohio?

Mr. TAWNEY. I do.
Mr. KEIFER. I simply want to inquire for information whether it is true that the State of Illinois was given by the Geological Survey \$17,000 out of our appropriations to carry on their State work, or whether it is only true that the Geological Survey made an arrangement by which the General Government

aided in the matter of its geological survey?

Mr. TAWNEY. I would say to the gentleman from Ohio that if he will take the hearings and read them, the contract between the Director of the Geological Survey and the head of two bureaus, he will ascertain exactly what the terms of that unlawful contract are, entered into without authority of law by the Director of the Geological Survey of the United States. will say more specifically in answering his question that that money, by the act of the Director of the Geological Survey, and not by the act of Congress, is apportioned to the State of Illinois to aid the State of Illinois in making a survey it ought to make, and a survey which the Federal Government has no right or power to make, or can not make, without the consent of the State of Illinois.

Mr. KEIFER. Mr. Chairman, I think the gentleman misunderstood my question. I wanted to know whether there was given, as he stated in the earlier part of his speech, to the State of Illinois, I believe, \$17,000 to aid the State in making its geological survey, or whether the arrangement was not simply that the State might assist the General Government in the matter of making its geological survey, thereby saving ex-

pense to the General Government?

Mr. TAWNEY. Not at all. Mr. Chairman, the Federal Government can not make a geological survey of the State of Illinois without the authority and consent of that State. That of itself shows conclusively that the Congress of the United States never contemplated the making of a geological map of the United States. Why, the present Director of the Geological Survey came to my own State-Minnesota-some years ago to make a geological survey of that State. The geologist, Professor Winchell, denied him the right, and he did not make it. And he is to-day seeking to undermine State geologists in other States of the Union in order that he may add them to his power and influence in the matter of increasing his appropriation.

The CHAIRMAN. The time of the gentleman has expired. Mr. TAWNEY. Mr. Chairman, I would like five minutes

more.

CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for five minutes. Is there objec-

There was no objection.

Mr. TAWNEY. Now, the point, gentlemen, I make is, that it is not and never has been contemplated that a geological map of the United States should be made by the Federal Government, and that is proven by the fact that the Federal Government has not the power nor the authority to make it except by and with the consent of the State. But, Mr. Chairman, there is a more serious side to this question. Is the Congress of the United States willing to further surrender its right to a bureau officer to obligate our Government to aid in the doing of that which there is no statutory authority to do? Are we going to permit a bureau officer to formulate the policy of our Government with respect to cooperation with the State government in the doing of that which is not a part of the business of the Federal Government, but which belongs, as I said before, exclusively to the States to do?

I maintain, sir, that if it is wise for us to do this, then we should enact a law authorizing it. We should enact a law specifically designating the terms and conditions upon which this cooperation should be carried on without leaving it to the discretion of any bureau chief to determine what should be our policy. And above all, Mr. Chairman, I maintain that it is morally wrong for the Congress of the United States, in the face of the testimony it now has, to further appropriate money that may be used by our Geological Survey or by the State geologists to coerce the legislative bodies of the States into

making appropriations for these surveys which they otherwise could not obtain.

Now, another fact, Mr. Chairman. None of the money which we appropriate for this purpose is expended in any State except upon the condition that that State contributes a like amount. Think of it! Our appropriations are taken, made as they are in lump sums, and are distributed how? It is not done impartially; but they are distributed only to the States that will contribute a like amount of money for the doing of that which it is best for the State to do.

Now, Mr. Chairman, in view of these facts, I think it is high time that the Congress of the United States should exercise its functions and either say by law, and not by appropriation, whether it will or will not further countenance and acquiesce in this policy of copartnership between the State and the Federal Government in the matter of making geological surveys, and which the Federal Government is powerless to make without the consent of the States themselves. I hope the amendment will be adopted.

Mr. GRAHAM. Mr. Chairman, I will ask the gentleman, Is not this question in the same line as the agricultural stations, for which the Government contributes? Is that not in partnership with the States of the Union?

Mr. TAWNEY. It may be in line, but it is an entirely dif-

ferent proposition.

Mr. SMITH of Iowa. One is authorized by law.

Mr. TAWNEY. One is authorized by law, and one is not authorized by law. The one is done by authority of Congress, and the other is not.

Mr. DALZELL. Mr. Chairman, it seems to me that there can not be a more extravagant waste of time than to discuss in this House at this time the proposition that the national domain and the United States are not analogous terms. That whole subject was discussed, as the Chairman has already said, extending over a period of two days last year, and the decision of the Chair, clear and explicit, so clear and explicit that no man can doubt, is a matter of record.

Will the gentleman permit one interruption? Mr. TAWNEY. Has he decided that the words "national domain" and "the

United States" are one and the same?

Mr. DALZELL. He has not. Now, with this other question, the proposition of the gentleman from Minnesota, anticipating something that is yet to be reached in this bill, is that the United States of America is powerless to make a topographical map of the United States of America and is dependent upon the exercise or the nonexercise of power by the legislatures of forty-five different States and the legislatures of our Territories and Commissioners in our colonial possessions. Why, there is not a civilized country on the face of the earth that has not a complete map, a topographical map, geological map, charts of its bays and its harbors; and yet it is said that in the case of the United States the making of such map is not a great national project. Why, for twenty-five years the United States has been exercising this authority; and it never entered the mind of any man until it entered the economic mind of the gentleman on my left [Mr. TAWNEY] that the United States could not accept from the various States the aid that they were willing to give toward the making of a map of the United States—topographical, geographical, geological—a great national project, impossible to be made except under a single head, by direction of a single bureau. When the State of Pennsylvania comes up and says "We will contribute to this great work" and the State of Illinois says "We will con-tribute to this great work," the proposition of the gentleman from Minnesota is that it is an unholy partnership into which the United States can not enter!

Now, it seems to me that it is not necessary to say anything more than that this, on its face, is a great national, necessary project, for which the National Government is bound to appropriate money, and that it is within the power of the National Government to accept such contributions as the States are willing to make toward that great national object. I hope the amendment offered by the gentleman from Minnesota will be

Mr. TAWNEY. Mr. Chairman, I just want to say one word in reply in regard to the distribution of this money. You take the geological map thus far completed and you will find that 90 per cent of that money that has been appropriated for that pur-pose has been expended in the Eastern States that are eminently qualified financially and from the standpoint of intellectual ability to make their own geological survey, but notwithstanding that, the money of the Government of the United States has been spent in the State of Pennsylvania, one of the richest States of the Union; in Massachusetts, and the State of New York and other Eastern States that were willing to enter into a partner-

ship with the Director of the Geological Survey in order that the Government might make a survey for them that they wanted and which they were not willing to pay for entirely themselves.

The Western States have not received their proportion of this money. Even the national domain has not received it. Scarcely any part of the national domain has been topographically or geologically surveyed, notwithstanding that they have for more than sixteen years been appropriating money for this purpose and for the benefit of the Eastern States, whose surveys are

practically completed.

Mr. SHERLEY. Mr. Chairman, some of the statements made by the distinguished chairman of the Committee on Appropriations are rather startling, and if they would stand the test of analysis might warrant this committee in destroying the Geological Survey, because that seems to be the desire of the Committee on Appropriations. But fortunately for that Survey the facts do not warrant some of the extreme arguments made by the distinguished chairman. He charges the Geological Survey with bribing the State legislatures. He does not mean that. He is simply dealing in extravagance of language brought about by a good zeal in the line of economy. What he means is that the Government is appropriating certain moneys, and the States, by appropriating certain money to cooperate, can get the work done quicker, and the American people being sensible people, when work is to be done they want it done as rapidly as possible, and therefore are appropriating the money through the State legislatures. [Applause.]

The gentleman will not stand here and say for an instant

that a dollar of the money appropriated by the National Congress has been wrongfully used in bribing any individual in any

State of the Union.

Mr. TAWNEY. I did not make the statement that it was

used to bribe individuals or States.

Mr. SHERLEY. The gentleman from Minnesota was not conscious of the force of his own language, and when I undertook to interrupt him to save him from extravagance he was too busy to yield. What he did say was that appropriations are being made and being used for the purpose of bribing the States to make appropriations, and the RECORD will bear that

Mr. SHACKLEFORD. May I ask the gentleman from Kentucky a question?

Mr. SHERLEY. Yes; I will yield for a question.

Mr. SHACKLEFORD. Is it not a policy pursued by the Geological Department to give surveys to those States that appropriate money and to withhold it from those States that do not contribute?

Mr. SHERLEY. It is not, and in answer to that proposition I state now that there are fifteen States that are cooperating, and that there is geological work being done in forty-seven States and Territories [applause], and I challenge the accuracy of that statement.

Mr. DALZELL. Mr. Chairman, I want to call attention of the gentleman from Missouri, who just asked whether or not surveys were not being made only where there were contributions by the State, to the fact that in his own State of Missouri not a dollar has been contributed by the State, while \$14,400 have been paid by the Federal Government for topographical survey in his State in one year.

Mr. TAWNEY. And that was a topographical survey of the

city of St. Louis.

If the gentleman will yield me one minute Mr. DALZELL. more, the statement of the gentleman from Minnesota, that money has been expended in the East and not in the West, is incorrect. I call his attention to the expenditure of money in Idaho, Missouri, Montana, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Wisconsin, Wyoming, and California. So that the gentleman from Minnesota is far adrift in the facts when he undertakes to make that statement.

Mr. GAINES of Tennessee. I ask unanimous consent that the time of the gentleman from Kentucky be extended five minutes.

There was no objection.

Mr. Chairman, I am indebted to the com-Mr. SHERLEY. mittee, and in order to show my appreciation I will agree not to take all of the five minutes. The gentleman from Pennsylvania [Mr. Dalzell] largely covered some of the facts I was going to speak to. He pointed out the inaccuracy of the statements made by the gentleman from Minnesota. The fact is that cooperation has been growing between the various States The fact is. and the National Government, and the reason for it is most plain and sensible. It simply enables the work to be done twice as rapidly as it could be done otherwise, and the States are awakening to a realization of the value of this work done under Government supervision, and in order to accelerate it are willing to contribute. There seems to be in the mind of the

gentleman from Minnesota an idea that there is some vice in the fact that the States are helping to defray this expense. The gentleman argues that the State should defray all the expense, but that if it only defrays half, then it is guilty of a great crime. It is at least doing half of what the gentleman himself wanted, and to that extent should not be subjected to criticism.

But the fact is that whether this should originally have been a matter for the States is no longer an open question. It has ceased to be a matter for State work. It has become a great national undertaking, and the only question for this committee to consider is whether we want to cripple and destroy it. The gentleman complains of the large authority exercised by the Director of the Geological Survey. How would be regulate it? By passing any act of Congress prescribing his duties and limiting his powers? No. He would take the method of destroying fig his powers? No. He would take the method of destroying it or limiting it to such a narrow territory that the work of the Survey would no longer be valuable. If he is so anxious to curb authority erroneously exercised in the Department, let him bring in proper remedial legislation, and let him not ask the committee to follow him in destructive legislation against one of the best works and one of the best bureaus of the Gov-ernment. [Applause.] [Cries of "Vote!" "Vote!"]

## MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CRUMPACKER, having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 24537) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1908, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Scott, Mr. Hemenway, and Mr. Blackburn as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 8316. An act for the establishment of a park on the northern portion of the Coeur d'Alene Indian Reservation, in Idaho.

The message also announced that the Senate had passed, without amendment, bills of the following titles:

H. R. 12858. An act permitting the county of Taos, in the Territory of New Mexico, to refund its indebtedness at a lower rate of interest; and

H. R. 25601. An act to repeal the act approved January 22, 1903, granting a pension to Minerva Robinson.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2011) granting an increase of pension to Lucinda L. McCorkle.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 7840) granting an increase of pension to Lewis A. Towne, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCumber, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 11040) to authorize the receivers of public moneys for land districts to deposit with the Treasurer of the United States certain sums embraced in their accounts of unearned fees and unofficial moneys, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Hansbrough, Mr. Nelson, and Mr. McLaurin as the conferees on the part of the Senate.

## SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. SULLIVAN. Mr. Chairman— The CHAIRMAN. Debate is proceeding under unanimous The Chair is about to recognize the gentleman from Massachusetts [Mr. Sullivan], but the Chair desires to state to the members of the committee that the way in which to cut off debate is not by crying "Vote!" "Vote!" but by objecting when request is made for unanimous consent. The Chair recognizes the gentleman from Massachusetts.

Mr. SULLIVAN. I was struck with the remarkable unanimity with which the House applauded the speech of the gentleman from Kentucky [Mr. SHERLEY] when he objected to the extravagance of language of the gentleman from Minnesota. I wish that the House would applaud with equal vigor the remarks of the gentleman from Minnesota when he objects to extravagance in appropriations; but it is my judgment that the House is far more unanimous in condemning extravagance

of language than it is in condemning extravagance in appropriations. [Applause.] There has been some suggestion here that cooperation between the National Government and the State governments is good; that it serves a useful purpose. I merely wish to point out that the great mining States of the West, which need topographical and geological surveys more than the States of the East, are compelled to wait because of their lack of financial resources, in order that the older and richer States of the East may first be served. I want simply to point out that that is one of the evil results of the system of cooperation.

Mr. THOMAS of North Carolina. I want to ask the gentleman, as a member of the Committee on Appropriations, if it is not true that one-third of these appropriations annually go to the Western States, instead of all the money going to the States of the East? Is not that a fact?

Mr. SULLIVAN. I assume that it is a fact, and my only objection to that is that two-thirds should go to the West rather than to the East, if the purpose of the original law were observed.

Mr. SHACKLEFORD. There is ten times as much work to be done in the West.

Mr. THOMAS of North Carolina. They get one-third, anyhow.

Mr. SULLIVAN. I know that the Geological Survey has great influence with this body. I have been told—I do not know whether it is true or not—that Members are reminded that unless these appropriations are given, and unless they struggle for them, the mapping in their own districts can not go on. Now that may be the proper way to influence the action of a Member of Congress or not. It is for each individual Member to decide that question for himself. But I want to point out, in answer to one of the suggestions of the gentleman from Pennsylvania [Mr. Dalzell], that there are many of the projects which are being executed by the Geological Survey which are not in any sense of the word national in their character.

For example, the Geological Survey frequently makes topographical surveys for cities in order to aid them in determining how best to construct waterworks and sewer works, and I would respectfully ask the gentleman from Pennsylvania [Mr. Dal-ZELL ] whether a topographic map in aid of a city that is about to construct waterworks is in any sense of the word a national project?

Mr. DALZELL. A part of the national project; yes. Mr. SULLIVAN. Let me ask the gentleman what part? Mr. DALZELL. It would depend very largely on the size of

the city in relation to the whole territory.

Mr. SULLIVAN. What relation, I will ask the gentleman, does the city bear to the National Government? Perhaps this may be a useful lesson in political economy.

Mr. DALZELL. It is a part of the national territory.
Mr. SULLIVAN. Is it any part of the national territory in a
sense which justifies the National Government in making appropriations for municipal work? I would like a fair answer

to that question.

Mr. DALZELL. Not for municipal work. The National Government makes no appropriations outside of the national domain, but a city is a part of the geographical territory of the

United States that some day or other will be all mapped.

Mr. SULLIVAN. Yes; if the gentleman has his way.

Mr. DALZELL. Just as much as a farm or a village or a
State, except that it is not so large.

Mr. SULLIVAN. It is true that every city in the United

States is incorporated within the geographical limits of the territory of the United States, but it is not true that any city of the United States is any part of the Government of the United

Mr. OLMSTED. Will the gentleman yield? Mr. SULLIVAN. The gentleman has answered his own question. He has stated that the National Government has no right to make appropriations for municipal purposes, but I respectfully submit that when the National Government expends this money for the making of a topographical map in aid of a sewer project of a city, that that is, in its practical effect, a national appropriation for municipal purposes, and to that extent is a violation of the theory of our Government. [Applause.]

Mr. SHERLEY. Will the gentleman yield for a question? The CHAIRMAN. The time of the gentleman has expired, Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that

the gentleman may proceed for five minutes.

The CHAIRMAN. The gentleman from K The gentleman from Kentucky asks unanimous consent that the gentleman from Massachusetts may pro-

ceed for five minutes. Is there objection?

Mr. PAYNE. Does the gentleman from Massachusetts ask it?

Mr. SULLIVAN. I prefer not to, but I am willing to submit. [Laughter.]

Mr. PAYNE. If the gentleman does not ask it, I shall ob-

ject. If the gentleman wants it, I shall not.
Mr. SULLIVAN. Oh, well, then I join in the request of the gentleman from Kentucky [Mr. Sherley], because I believe he has the right to ask a question.

The CHAIRMAN. Unanimous consent has been asked by

both the gentleman from Kentucky and the gentleman from Massachusetts. Is there objection?

There was no objection.

The CHAIRMAN. The Chair will recognize the gentleman from Massachusetts for five minutes.

Mr. SHERLEY. Will the gentleman yield?

Mr. SULLIVAN. Yes.

Mr. SHERLEY. The gentleman has asked a series of questions. The Chair will recognize the gentleman

tions based upon a hypothetical condition. Will he state, upon his own authority and knowledge, the name of a single city in the United States where topographical work has been done at the expense of the United States for the benefit of a sewer com-

Mr. SULLIVAN. There have been cases, I will state to the gentleman. I do not recall the name of any city at pres-

Mr. SHACKLEFORD. Was not St. Louis surveyed within

the last few years?

Mr. TAWNEY. If my colleague will permit, I shall be very glad to name them.

Mr. SULLIVAN. Yes; I yield to the gentleman from Min-

nesota for that purpose.

Mr. TAWNEY. And I shall state it on the authority of the Geological Survey. Both the city of St. Paul and the city of Minneapolis were topographically surveyed for the benefit of the municipalities and also for the benefit of the interurban railway companies.

Mr. SHERLEY. I will again ask the gentleman from Massachusetts-and he can transfer the question again, if he chooseswhether he believes that any of these surveys made in the city have been made upon any other scale than those that have been made out in the country at large, in order to accommo-date the survey to the needs of either a railway system or a sewerage system or anything else, and at the expense of the National Government?

Mr. SULLIVAN. Mr. Chairman, I will state to the gentleman I can not give of my own knowledge the name of any city that has procured a topographical survey to be made by the National Government; but it has been frequently stated to me, so frequently that I have not taken pains to record the statements, and I assumed that it was a settled practice that when cities through their Representatives asked that the Geological Survey should make a map for any local purpose, that request would be granted by the Geological Survey.

I did not believe until now that a single Member of the House would even question the statement. I am quite certain, if it is worth while, that within the course of a day or two I can give the gentleman from Kentucky information upon the ques-Mr. SHERLEY. I will be glad if the gentleman will do it,

so that in the future we would not have to depend upon state-

ments unbacked by detailed information.

Mr. SULLIVAN. The gentleman from Minnesota has answered the gentleman from Kentucky that topographical surveys were made of the cities of St. Paul and Minneapolis in aid of a local railway project. I submit to the gentleman from Kentucky that there is no more right for topographical surveys to be made in aid of a local railway project than to be made in aid of a sewer or water works.

Mr. SHERLEY. Oh, unquestionably not. Mr. SULLIVAN. Now I yield to the gentleman from Arkan-

Mr. BRUNDIDGE. I desire to ask the gentleman from Massachusetts simply a question. If I understood the gentleman from Massachusetts, his objection to this is because the Government has no right to go out and make appropriations to carry on that work that properly belongs to the States. Is that correct?

Mr. SULLIVAN. That is true; and in that connection—
Mr. BRUNDIDGE. And the gentleman—
Mr. SULLIVAN. The gentleman must not dictate the form of my answer. I trust the gentleman will allow me to make my answer.

Mr. BRUNDIDGE. But I had not finished my question. Mr. SULLIVAN. Then let the gentleman reconstruct his

Mr. BRUNDIDGE. If that be true— Mr. SULLIVAN. I have not answered; you must not assume anything is true until I have finished my answer.

Mr. BRUNDIDGE. Is there not in this very bill appropriations carried that are just as much subject to the same objection, and more so, than this item?

Mr. SULLIVAN. There are, Mr. Chairman; and that brings up the question whether having begun on a course of error it is the express duty of Representatives of the people to persist in it until the end. [Applause.] Of course there are in this bill items that are obnoxious to the reasons I have stated upon this point, but I did not suppose until now that any gentleman would insist that because there was a wrong in one part of the bill that we were justified in perpetrating other wrongs in other parts of the bill.

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!" "Vote!"]
Mr. OLMSTED. Mr. Chairman, I ask unanimous consent to speak for three minutes directly on this amendment of the gentleman from Minnesota.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to speak for three minutes on the proposition. Is there objection?

Mr. OVERSTREET of Georgia. I object. Mr. GARDNER of Michigan. Mr. Chairman, I ask, as a member of the committee, that I be allowed five minutes.

The CHAIRMAN. That can only be done by unanimous consent.

Mr. GARDNER of Michigan. Then I ask unanimous consent, Mr. UNDERWOOD. Mr. Chairman, I rise to a point of order. The CHAIRMAN. The gentleman will state it. Mr. UNDERWOOD. I make the point of order that debate

on this matter has been exhausted.

The CHAIRMAN. Debate has been exhausted upon the pending amendment, and the committee has been proceeding for some time only by unanimous consent.

Mr. UNDERWOOD, Mr. Chairman, I demand the regular

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. TAWNEY, I would like to have the amendment again

reported.

Mr. GARDNER of Michigan. I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last word, which is in order; and after that, the Chair will state, a man will be entitled to the floor for five minutes in opposition.
Mr. OLMSTED.

I would like to be that man, Mr. Chairman. Mr. SHERMAN. Mr. Chairman, is it not a fact that the gentleman from Pennsylvania offered an amendment and the gentleman from Minnesota offered an amendment to his amendment, so there are two amendments pending, an amendment to an

The CHAIRMAN. The Chair stands corrected, because he had forgotten temporarily the amendment offered by the gentleman from Minnesota to the amendment offered by the gentle-man from Pennsylvania. Therefore debate has been closed, and the motion of the gentleman is not in order. The question is on the amendment offered by the gentleman from Minnesota [Mr. TAWNEY] to the amendment offered by the gentleman from Pennsylvania, which the Clerk will report.

The Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment to the amendment

The question was taken; and the Chair reported that the noes seemed to have it.

On a division (demanded by Mr. Tawney and Mr. Sullivan) the committee divided; and there were-ayes 53, noes 112.

So the amendment to the amendment was rejected. The CHAIRMAN. The question now recurs on the amend-

ment proposed by the gentleman from Pennsylvania. The question was taken; and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I offer the following amend-

The CHAIRMAN. The gentleman from Wyoming [Mr. Mon-DELL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 1, page 104, after the word "resources," insert "including water."

Mr. TAWNEY. Mr. Chairman, I make the point of order against that. If water is a mineral, it is included in the original authority. If it is not, it is not, and that is all. If water is mineral, there is no occasion for specifying the word in this act, but if it is proposed by a subterfuge to get into this bill that which has already been ruled out as not belonging to it, it is not entitled to any consideration.

The CHAIRMAN. The Chair is ready to rule, unless the gentleman from Wyoming [Mr. Mondell] desires to be heard. Mr. MONDELL. The gentleman from Wyoming does not

care to take the time of the House further than to refer to the care to take the time of the House further than to refer to the fact that all the standard dictionaries and all the standard authorities classify water as a mineral. And the object of my amendment is to simply, clearly, and definitely include this mineral among the other minerals which are to be examined. It certainly would be germane to insert the word "iron" or the word "copper" or "coal" or "silver" at this point. I implyed specifically this one mineral which on a level of the include specifically this one mineral, which on a large portion of the public domain is the most valuable of all minerals.

or the public domain is the most valuable or all minerals.

Mr. BONYNGE. Mr. Chairman, I just want to say one word on this point of order. The argument made by the gentleman from Minnesota [Mr. Tawney] in support of the point of order made by him is that the word is unnecessary, as it is already included under the words "mineral resources." I submit, Mr. Chairman, that may be an argument against the advisability. Chairman, that may be an argument against the advisability of including those words in the bill and entitled to consideration by the Members in voting on the amendment, but it is not an argument in support of the point of order. All that is involved in determining the point of order is the single proposition of whether or not water is a mineral, and upon that the gentleman from Wyoming [Mr. Mondell] has made an extended argument.

The CHAIRMAN. The amendment offered by the gentleman

from Wyoming is as follows:

In line 1, page 104, after the word "resources," insert the words "including water."

The Chair thinks this is obnoxious to the rule, and that the point of order should be sustained. When the statute creating the office of the Geological Survey was passed, it had this lan-guage, and the Chair assumes if the Geological Survey of the United States has any power it was conferred upon it by the express language of the statute which created the Geological Survey, and that aside from it, it has no power. This is the

Provided, That this officer shall have the direction of the Geological Survey, the classification of the public lands, and the examination of the geological structure, mineral resources, and products of the

national domain.

Now, it occurs to the Chair that the word "water" is included in the term "mineral resources," and if water is not a mineral, in its relation to agriculture, therefore it is not included in the term "mineral resources," and can not be included in the term "mineral resources," and can not be included. in any of the powers conferred by statute upon the Geological Survey

Mr. BONYNGE. Will the Chair allow me one question?
The CHAIRMAN. Certainly.
Mr. BONYNGE. If water be a mineral and it is included under "mineral resources," then upon what ground can the Chairman sustain the point of order? How would it be observed to the rule prohibiting a change of law in an analysis. noxious to the rule prohibiting a change of law in an appropriation bill if water be a mineral and the Geological Survey has the right now to make an investigation of mineral resources? It may be unnecessary to put those words "including water" in, but how would the inclusion of those words be contrary to the rule or in extension of authority conferred upon the Geological Survey by existing law?

The CHAIRMAN. The Chair calls the attention of the gentleman from Colorado to the language of the bill which is pend-

ing and which the gentleman seeks to amend by his proposition.

Now, the gentleman from Colorado will observe, and other members of the committee will see, that the committee in for-mulating this bill has followed precisely the language of the statute, which the Chair has just read, creating the Geological

Classification of the public lands, the examination of the geological structure and the mineral resources and products of the national domain, etc.

Now, the Chair calls the attention of Members to the fact that the committee specifically follow the language of the statute. The Chair supposes that the gentleman from Wyoming is seeking to change that language, because if he were not seeking to change it it is already included in the bill; and if he is seeking to change it, it is a change of existing law, entirely outside of the authority conferred on the Geological Survey by that statute, and therefore the Chair sustains the point of order.

Mr. PADGETT. Mr. Chairman, I desire to offer an amend-

Mr. MONDELL. I desire to offer another amendment. The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.
The Clerk read as follows:

Insert after the words "mineral resources" the words "especially

Mr. TAWNEY. Mr. Chairman, I make the point of order. The CHAIRMAN. And the Chair sustains the point of order. Mr. MONDELL. I offer an amendment. The CHAIRMAN. The gentleman from Wyoming offers an-Mr. Chairman, I make the point of order.

other amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 1, page 104, insert the words "water resources and products of the national domain."

Mr. TAWNEY. I make the point of order, Mr. Chairman, against that amendment.

The CHAIRMAN. And the Chair sustains the point of order. Mr. MONDELL. I would like to be heard on the point of

The CHAIRMAN. The Chair has no desire to cut the gentleman off from being heard. [Cries of "Regular order!"]

Mr. MONDELL. I want to call the attention of the Chair to the fact that my amendment contains language that was not contained in the former amendment, and that there are added reasons why this amendment is germane to the bill. The Geological Survey has authority

Mr. TAWNEY. I understand that the Chair has already

ruled, and I demand the regular order.

Mr. MONDELL. The Chairman has not ruled. I ask the Chair to give me at least two minutes.

The CHAIRMAN. The Chair will be glad to give the gentle-

man three minutes.

Mr. MONDELL. I wish to call the attention of the Chair to the fact that my amendment proposes an investigation of the water resources and products of the national domain. It is clearly within the jurisdiction of the Geological Survey to examine into the mineral resources and products of the public domain. There is no product of the public domain so important, at least west of the Missouri River, no product of any such great value as water, and if this valuable product can not be investigated, what product of the public domain may be investigated? I desire to call the attention of the Chair to the fact that while my former amendment was ruled against, it seems to me that had the amendment used the word "iron" instead of "water" it would not have been subject to the point of order, and surely water is a mineral as much as iron. This amendment also proposes an investigation of this valuable product of the national domain, and I submit it is in order.

The CHAIRMAN. The Chair again calls attention to the fact that in the language of the bill pending the committee in formulating the bill have followed precisely the language of the statute, and all the powers conveyed on the Geological Survey are conferred by that statute. Now, if the examination of those things suggested by this amendment now rests with the Geological Survey, then the appropriation is provided in the bill; if it is not, then it is in contravention of the statute and is therefore new legislation, and the Chair sustains the point

of order. It is clearly obnoxious to the rule.

The Clerk read as follows:

For pay of skilled laborers and various temporary employees, \$20,000.

Mr. NORRIS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After line 10, page 104, insert:
"For the continuation of the investigation of structural materials belonging to the United States, such as stone, clay, cement, etc., under the supervision of the Director of the United States Geological Survey, to be immediately available, \$100,000."

Mr. TAWNEY. Mr. Chairman, I make the point of order against that amendment.

The CHAIRMAN. What is the point of order?

Mr. TAWNEY. On the ground that it is not authorized by law.

The CHAIRMAN. Does the gentleman from Nebraska desire to be heard on the point of order?

Mr. NORRIS. I do, Mr. Chairman.
The CHAIRMAN. The Chair will hear the gentleman.

Mr. NORRIS. I want to say to the Chair that the amendment which I have offered, and which the Chair now has in his possession, is identically the same amendment that I offered one year ago when we were considering this identical bill, when the same point of order was made and the Chair overruled the point of order. I do not care, Mr. Chairman, to take up the time of the Chair or the House in going over again the discussion on the point of order. Thus far the Chair has ruled the same as he did one year ago, and while I would not the Chair has any idea that his other ruling was erroneous, still at the same time I would not care to be heard unless the Chair has had a change of heart. This was found on page 8496 of the Congressional Record, dated June 14, 1906.

The CHAIRMAN. The Chair is ready to rule on the proposition.

Mr. TAWNEY. I should like to know if the amendment is the same amendment that was offered a year ago after the Chair had ruled that the original proposition was not in order.

The CHAIRMAN. Yes; because it has reference to materials of that character belonging to the United States, which the Chair held must be those materials belonging to the United States on the national domain, and limiting the scope of the appropria-

The Chair thinks it is clearly in order.

Mr. TAWNEY. Mr. Chairman, I want to say just a word, then, in opposition to the amendment. The Committee on Appropriations did not report this provision, for two reasons. In the first place, it is a duplication of work. In the second place, this service was placed in the Geological Survey in connection with the exhibit at St. Louis. It was intended to be temporary In its character. The men who had it in charge said to the Committee on Appropriations two years ago that if they would give them the appropriation for the next fiscal year the work would be completed by July 1, 1906, and the Committee on Ap-

propriations wrote that into the law

Now, I trust that the Members of this House will not, simply because of their friendship for the Geological Survey, allow that friendship, either for the personnel employed in that Bureau or for the work of that Bureau in connection with geology, to sway their judgments in respect to a matter of this kind. have at the Watertown Arsenal, in the State of Massachusetts, the best testing plant in the world. It is unequaled by any other, and if any gentleman will take the trouble to read the hearings he will find that that testing plant is testing building material of all kinds for people in every State in the Union, including reenforced concrete, which was the principal object of giving to the Geological Survey the opportunity of making tests of building material at the St. Louis Exposition.

Mr. LITTLEFIELD. I should also like to ask the gentleman

whether or not it is true that the laboratory in the Supervising

Architect's office is also testing structural material?

Mr. TAWNEY. It is true, and in addition to that we have the Bureau of Standards, created here in the city of Washing-

ton, for that very purpose.

Mr. LITTLEFIELD. And is it not also true that the Chemical Bureau in the Department of Agriculture, with their laboratory, have been testing the coals used by the Government at a very small expense?

Mr. TAWNEY. They are testing coals, and not only that,

but they are testing building material. All wood taken from the forests, from the Government forest reserves, is tested in the Forestry Bureau of the Department of Agriculture.

Mr. GAINES of Tennessee. You stated just now that the Bureau of Standards was also testing this material, arguing that it was unnecessary for this appropriation to be made for that reason. I should like to ask how many hundred thousands of dollars or how many million dollars we have spent in establishing that Bureau of Standards?

Mr. TAWNEY. I am unable to answer the question of the gentleman, but I know that the Bureau of Standards is testing the building material that is going into the House office building

that is costing the Government \$3,000,000.

Mr. GAINES of Tennessee. We have spent thousands and thousands of dollars to establish that Bureau of Standards.

Mr. TAWNEY. Yes. Mr. GAINES of Tennessee. And that is one of the businesses that it carries on.

Mr. TAWNEY. I fully understand the object of the gentleman from Nebraska in offering this as the representative of the Geological Survey, as he did in the last session of Congress. It goes to the Senate and there is broadened so as to include testing of building material not upon the public domain, but building material for the benefit of private interests. Now, Mr. Chairman, the Watertown Arsenal testing plant tests for everybody, but the Government is reimbursed for those tests made there to the extent of the cost of those tests, and in the Bureau of Standards, when testing is done for outside parties, these parties must also pay for the cost of the tests. The Geo-logical Survey makes its tests for nothing, wholly at the expense of the Government of the United States. It has more tests to make, because, forsooth, these tests can be made at the expense of the Government or as a gratuity to the person who wants the test made.

Mr. DALZELL. I want to interrupt the gentleman right there, and to say that these tests are not made for private in-

dividuals at all.

Mr. TAWNEY. The gentleman from Pennsylvania knows very well that the testing that is being done under the authority of the appropriation of the last session of Congress is made

for people outside or material outside of the material taken from the public domain.

Mr. DALZELL. The gentleman from Pennsylvania knows

nothing of the kind.

Mr. TAWNEY. Then the gentleman from Pennsylvania is not informed. Now, Mr. Chairman, I insist that we have two testing plants, one at Watertown and one at Washington. If the testing plant at Watertown, which is unequaled by any in the world and is now engaged to make tests of building material all over the United States, there is absolutely no use or justification of our continuing to appropriate money for the purpose of carrying on the same tests in the Geological Survey, which work is inconsistent with the purpose for which the Geological Survey was created.

WILEY of New Jersey. Mr. Chairman, I move to amend the amendment offered by the gentleman from Nebraska by striking out the words "one hundred" and inserting the

words "one hundred and fifty."

The CHAIRMAN. The gentleman from New Jersey offers an amendment, that the Clerk will report.

The Clerk read as follows:

Insert, after the words "one hundred," the word "fifty;" so that it will read "\$150,000."

Mr. WILEY of New Jersey. Mr. Chairman, I want to say in the outset that I have been struggling for three days with the physical grippe and also the grip of the Appropriation Committee, waiting to get in this amendment. Of the two grips, I prefer the former. I have received in that time this bundle of letters from engineers all over the United States, all urging that this appropriation should not be diverted. I want to say right here that the gentleman from Minnesota is absolutely in error as to his statement about the Watertown Arsenal. It can not at present test a reenforced concrete beam, for it is a horizontal testing machine. It has never tested one and never will test one until certain changes are made in their machinery, which will cost more than the \$35,000 which is in the appropriation.

Mr. TAWNEY. If the gentleman will pardon me, General Crozier stated to the committee, and I think his word is worthy of consideration, that they were testing reenforced concrete and testing all kinds of reenforced concrete, and because of the increased work that is now going on in the testing plant at the Watertown Arsenal the estimate of General Crozier, who has charge of the plant, there was an increase of \$20,000 in the appropriation for that work, so as to extend it to carry on the work, and the Committee on Appropriations has recommended and the House has approved of that increased appropriation.

Mr. WILEY of New Jersey. Mr. Chairman, all that has been gaid about the Watertown testing machine is quite true, but the main fact has not been touched on at all. I stated to the House that it was a horizontal machine. Any tests involving tensile strength it can carry on perfectly well, nor is there any trouble about testing for compressive strength; but in regard to testing for vertical strains, it is not equipped for that. Of course it can be equipped for it, but the St. Louis machine is already equipped for it. And when the gentleman speaks of duplication of work, that is exactly what he is doing. He is duplicating work that is now being satisfactorily done, in the opinion of the leading engineers of the United States, by putting up apparatus to do this work at Watertown.

Mr. TAWNEY. Who is doing the work—
Mr. WILEY of New Jersey. I can not be interrupted by anybody unless he is bigger than I am. [Laughter.] The location of St. Louis is almost in the exact center of this country, and on account of this central location the saving in transportation of material to be tested exceeds \$20,000 per annum. However, I have not time to make a speech, but I am going to read two or three letters here from men distinguished in their profession, and I am going to read their names. Here is a telegram which reached me this morning:

NEW YORK, February 23, 1907.

Hon. William Wiley,

House of Representatives, Washington, D. C.:

It is of the utmost importance to public interests that the investigation of structural materials, particularly with reference to reenforced concrete now being carried on at St. Louis by the Geological Survey, should be continued by the same agency and on an adequate scale. The appropriation should not be less than \$100,000. The investigation is now being carried on by the most competent experts in the country, and would lose a great part of its value if placed in other hands.

ALFRED NOBLE.

I will also quote the following. Capt. John S. Sewell, Corps of Engineers, United States Army, stated in the hearings for 1907 (p. 686) before the Appropriations Committee on the sundry civil bill as follows:

There was a good deal of discussion a while ago about the testing station in Watertown. I think the main purpose of that testing machine is for the test of metals used for the production of ordnance

material, and they have no facilities there for making the transverse tests—that is, taking a beam and breaking it.

Mr. Bernard B. Green, superintendent of the Library of Congress building, stated in the same volume of the hearings (p. 686) in speaking of the Watertown testing machine for testing ordnance materials:

I do not think anything has been built equal or superior to it. But it is a machine, nevertheless, that is limited in capacity and in range of efficiency. It is a horizontal machine and so not a good machine to test columns with. A vertical machine is needed for that.

Also the following letters referring to the Watertown testing machine:

Also the following letters referring to the watertown testing machine:

University of Pennsylvania,
Philadelphia, Pa., May 10, 1905.

My Dear Sir: I sincerely hope that the committee will see fit to make a favorable recommendation in the matter of an adequate appropriation for the continuation of the work initiated at St. Louis. That the need of such investigations carried on on an adequate scale, under proper auspices, is great is unanimously conceded in well-informed circles, and there are probably few who will consider it feasible, for reasons on which I need not enlarge, to conduct such under other auspices than those of the National Government.

As to the possibility of conducting such investigations on a scale in any way commensurate with their importance at the Watertown Arsenal, as at present equipped and under existing conditions of pressure on its limited facilities, it is, I feel sure, out of the question. Moreover, the principal machine at that laboratory, namely, the horizontal Emory machine, is not well adapted to bending tests on large reenforced concrete beams. I should suppose that an adequate enlargement of the existing facilities at Watertown would entail practically as large an outlay as would be required for the enlargement of your facilities at St. Louis. The latter location is geographically a central one, and, for that reason, offers advantages that will become increasingly important as the work develops.

I can not otherwise than think that the committee will recognize the validity of the representations in support of the proposition made by those who stand personally in a wholly disinterested attitude toward this matter.

Very sincerely, yours,

Edgar Marsburg,

Professor of Civil Engineering, University of Pennsylvania;

Professor of Civil Engineering, University of Pennsylvania;
Secretary of American Society for Testing Materials.

Boston, Mass., May 25, 1896.
I approve statement of Professor Marsburg. G. F. Swain,
Professor of Civil Engineering,
Massachusetts Institute of Technology.

University of Illinois, Urbana, Ill., May 24, 1906.

Dean Sir: I agree with your estimate of the importance and value of the proposed investigation of structural materials. I am also of the opinion that a separate organization along the lines proposed for making this investigation will be much more efficient and productive of better results than would be obtained by putting the work in the hands of an organization which is engaged in doing other work.

Concerning testing machines there seems to be no question that a horizontal testing machine (like that at Watertown Arsenal) is not adapted for work with concrete specimens and that vertical machines should be used. It is also true that to conduct experiments of any magnitude a number of these machines must be available.

I hope the appropriation will be made. It is for a good cause. I am ready to assist in the furtherance of such work.

Yours, truly,

A. N. Talbot,

A. N. Talbot,
Professor of Municipal and Sanitary Engineering,
in charge of Theoretical and Applied Machines.

FRICK BUILDING, Pittsburg, May 22, 1906.

MY DEAR SIR:

The principal work done at the Watertown Arsenal laboratory in the past has been on iron and steel, both in small members and in full-size members, such as beams and columns, and quite valuable and extensive work has been done in that line \* \* \* with the horizontal testing machine. \* \* \* Such a machine is not suitable for testing concrete beams, as that takes a vertical machine. \* \* \* In my judgment the work planned for the laboratory at St. Louis is a distinct field by itself, and it in no way interferes with the chosen field of the Watertown Arsenal laboratory. \* \* \* \* EMIL SWENSSON.

University of Wisconsin,

College of Mechanics and Engineering,
Madison, May 23, 1996.

Dear Sir: I note the suggestion that the concrete work might be
done at the Watertown Arsenal. I have no doubt it is possible to do
the work anywhere with the proper equipment and attention, but that
it would be done at Watertown within any reasonable time is not to be
hoped for. It seems to me to carry the work on satisfactorily it is absolutely necessary to have two or more machines of about 200,000
pounds capacity especially adapted for beam work. For column work a
capacity of at least 1,000,000 is very desirable, and for the most satisfactory operation a vertical machine is preferable. In my judgment it
is a physical impossibility to carry on the work with reasonable speed
with the single Watertown machine.

Trusting you will succeed in convincing the committee of the desirability of a special appropriation for this work, I am,
Very truly, yours,

Mr. SULLIVAN. Mr. Chairman—
The CHAIRMAN. The Chair will recognize the gentleman from Massachusetts.

the gentleman from New Jersey may proceed for five minutes

Mr. UNDERWOOD. J demand the regular order. The CHAIRMAN. Will the gentleman from Massachusetts

yield to the gentleman from New Jersey?

Mr. SULLIVAN. I yield. I supposed that the gentleman from New Jersey had concluded his remarks.

The CHAIRMAN. The gentleman from Minnesota asks unaulmous consent that the gentleman from New Jersey proceed for five minutes. Is there objection?

Mr. UNDERWOOD. I object.

Mr. SULLIVAN rose

The CHAIRMAN. The Chair will recognize the gentleman

from Massachusetts.

Mr. WILEY of New Jersey. Mr. Chairman, if I make a motion to strike out the last word, will I not be recognized for five minutes more?

The CHAIRMAN. Yes; the gentleman will be recognized.
Mr. UNDERWOOD. Oh, Mr. Chairman, I make the point of
order that there is an amendment to the amendment already pending, and it is not subject to another amendment.

The CHAIRMAN. The Chair had overlooked that fact.

gentleman from Massachusetts is recognized.

Mr. SULLIVAN. Mr. Chairman, I assume that the gentleman from New Jersey [Mr. Willey] is an expert in this matter, and I only wish that his testimony had been given so that we upon this side of the House could have heard it. I judge, however, from the few stray words I got, that he said there was some test which was not made at the Watertown Arsenal. I do not know what kind of a test that is, but I desire to read, for the information of the House, the kind of tests that are made there. There is the compression test, the test of tensile strength, an impact test, called a dynamic test, by the dropping of weights, an alternating stress test, where power is applied to a revolving bar or axle, a test under the influence of heat, a test under the influence of cold. Then there is what they call a transverse test.

Mr. WILEY of New Jersey. Will the gentleman please explain the transverse test that they have on that machine?

Mr. SULLIVAN. Yes; and I shall yield a part of my time to the gentleman. All of these tests, so far as the committee knows, which are necessary to be made are being made at the Watertown Arsenal. It is a splendidly equipped plant for this The machine there is the best in the world. It was installed in 1879, and there is no other in the world to equal it. In order to give the House some idea of the apparatus at that arsenal for the making of tests, and also of the character of materials which are tested, I will ask the Clerk to read from the hearings the marked parts on pages 473 and 474, which I send to the desk.

The Clerk read as follows:

Watertown Arsenal, Watertown, Mass., May 12, 1906.

Watertown, Mass., May 12, 1906.

The Chief of Ordnance, U. S. Army.

Washington, D. C.

Sir: I have the honor, in complying with your instructions of the 2d instant, to submit the following data upon the Watertown Arsenal testing laboratory:

(1) Apparatus:

Eight hundred thousand pounds emery testing machine, for tension and compression, loads on members up to 25 feet in length.

One hundred thousand pounds emery testing machine, tension and compression loads, samples 5 feet long.

Impact testing machine, 20 feet per second striking velocity, 60,004 pounds, chabotte and hase.

Repeated stress machine, 4 spindles at 500 rotations per minute, 1 high-speed spindle of 600 rotations per second.

Ball-bearing machine, thrust shafts.

Comparator, end standard and line standard measurements, 100-inch capachy, differential and microscopic movements.

Metallographic outfit, microscopic lenses and accessories.

Extensometers, dial, arc, and screw micrometer, with electric confact.

Micrometers for interior and exterior diameters.

Excensometers, dual, arc, and seteral fact.

Micrometers for interior and exterior diameters.

Micrometer for determination of internal strains in steels.

Astronomical level and micrometer beam.

Pyrometers, thermoelectric and mercurial thermometers.

Electric and gas furnaces.

Air compressor.

Electric traveling crane, for handling full-size test pieces.

Machine shop, equipped for micrometer work and preparation of test samples.

samples.

Mixing beds and tanks for cement and concrete investigations.

Fixtures for long-continued and endurance tests of concretes, plain and reenforced.

Chemical laboratory, fully equipped.

Mr. SULLIVAN. Now, I will ask the Clerk to read also those parts marked on page 474 of the hearings, which gives a list of the materials tested by this apparatus.

The Clerk read as follows:

om Massachusetts.

American woods: All native woods furnishing sticks 3 feet long, also full-size columns of the principal timbers of the Northern and South-

ern Atlantic States, the Middle States, and the States of the Pacific

ern Atlantic States, the Middle States, and the States of the Pacific slope.

Bridge columns—latticed, box, web plates, and angies.

Steels at different temperatures, zero to 1,600° F.

Cordage—hemp, manila, sisal, cotton, and steel wire.

Building stones, bricks, and clay products; brick plets.

Steel, heat and rechanical treatment of, ingots and forgings.

Cements, mortars, and concretes, plain and reenferced.

Respecting the industrial tests now under investigation—ingot steel and forgings therefrom, cements and concretes—special mention will be made of the latter group.

Comprehensive cement and concrete tests have been in progress during the past six years. The importance of cement construction to the industrial resources of the country was recognized, and this important series of investigative tests inaugurated in consequence thereof. Original lines of inquiry have been pursued on fundamental questions pertaining to the physics of cements. At the present time the tests have reached the subject of concrete columns, plain and reenforced. All types of modern concrete column construction are included, much of the special reenforcing material having been furnished by the engineering firms engaged as specialists in this work, who are cooperating with this laboratory in advancing the work.

Mr. SULLIVAN. Mr. Chairman, just a single word in con-

Mr. SULLIVAN. Mr. Chairman, just a single word in conclusion as to these tests by an expert of the highest order. The late Professor Johnson, of Washington University, St. Louis, in his book, The Materials of Construction, says:

There are to-day a few exceptionally fertile sources of exact information on subjects pertaining to materials of construction, prominent among which may be named the annual publication of the results of tests made at the United States Arsenal, Watertown, Mass., beginning in 1882.

The CHAIRMAN. The time of the gentleman has expired. Mr. SULLIVAN. I ask unanimous consent for one minute more.

The CHAIRMAN. Is there objection?

Mr. UNDERWOOD. Mr. Chairman, I shall have to object, inasmuch as I objected to the request of the gentleman from New Jersey

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey be given five minutes in which to conclude his remarks. He was interrupted and rather disconcerted. He is a practical man, I think, and I

think he can give us some information.

The CHAIRMAN. Is there objection?

Mr. UNDERWOOD. Mr. Chairman, reserving the right to object, I will ask unanimous consent that the limit of debate on this paragraph may be ten minutes, divided between the gentleman from New Jersey and the gentleman from Massa-

Mr. KEIFER. Oh, I should have to object to that.

Mr. SULLIVAN. I would like just one minute.

The CHAIRMAN. The Chair will state the parliamentary situation. The gentleman from Nebraska [Mr. Norris] offered an amendment. The gentleman from New Jersey [Mr. Wiley] offered an amendment to that amendment. The Chair recognitions of the control of the co nized the gentleman from New Jersey in favor of his amendment and the gentleman from Massachusetts in opposition to it. Debate on the amendment to the amendment can not proceed now except by unanimous consent, but it will be in order after the amendment to the amendment has been disposed of. Then there will be five minutes' debate on either side on the original proposition, and, of course, the gentleman from Nebraska, who offered the amendment, will be entitled to be heard in support The gentleman from Tennessee now asks unanimous consent that the gentleman from New Jersey may proceed for five minutes. Is there objection?

Mr. UNDERWOOD. I shall object unless debate on this paragraph is limited. If limitation can be secured, I will not object, but if it can not I demand the regular order.

The CHAIRMAN. Objection is made.

Mr. TAWNEY. Mr. Chairman, I move that all debate on
this paragraph and amendments be closed in fifteen minutes.

Mr. NORRIS. I think the chairman of the committee after he has been heard-

The CHAIRMAN. The Chair did not catch the motion. The gentleman from Minnesota moves that all debate on the paragraph and amendments thereto be closed in fifteen minutes

The question was taken; and the motion was agreed to. Mr. GAINES of Tennessee. Now, I ask unanimous consent that the gentleman from New Jersey [Mr. WILEY] be given five minutes.

The CHAIRMAN. The Chair will recognize the gentleman

from New Jersey for five minutes.

Mr. BARTHOLDT. Is that to come out of the fifteen minutes?

The CHAIRMAN. Yes.
Mr. BARTHOLDT. I want five minutes myself.
The CHAIRMAN. The Chair will state the Chair had in mind giving the gentleman from New Jersey five minutes, the gentleman from Missouri five minutes, and the gentleman from Nebraska five minutes.

Mr. WILEY of New Jersey. Mr. Chairman, I will give the committee an object lesson of the reason why the Watertown machines can not test a reenforced beam. The Watertown machine is a hydraulic machine with hydraulic power, and the power is applied at the ends, developing tensile or compressive strains, whereas to test a reenforced concrete beam for vertical pressure it is placed in the position in which the beam would be when in its place in the building under construction and tested for the strains it would be subjected to in such position. When a concrete beam is tested at the Watertown Arsenal for vertical strains it must be laid on its side and hydraulic pressure applied at the ends. The weight of such beam then becomes a factor in the result, but in the St. Louis plant this weight does not apply, since the beam is in its normal position. Now, there is an objection to the hydraulic pressure, which I The Watertown machine when it was made will state later. thirty years ago was a very perfect piece of apparatus, but it is now out of date.

The testing plant at St. Louis is thoroughly equipped and will test beams of 30 feet in length. They test them for any strain they desire. The beam is supported at the ends or in the middle, or supported at intermediate points, as may be desired, simulating the existing conditions under which the beam will rest when in position in the building, and then the desired pressure is applied by screws. There is a great difference be-tween the application of hydraulic pressure and that of screw. pressure in that when the screws are set and the desired pressure has been applied they will remain set, and the pressure is a constant factor, thus determining the strength of the beam under what is called a "fixed load," which again simulates the strains it would be subjected to when in its position in the building. Of course, if strains under variable load are desiredand this is the problem many engineers most desire to see solved-the pressure may be varied or changed from point to point and these additional strains thus developed determined. This can not be done under hydraulic pressure, for, in addition to the fact that the beam can not be tested in its proper position, as already stated, hydraulic pressure is not a uniform quantity. The reason for this is there is always a chance for leakage, which would change its entire character, and this is not the case where pressure is obtained by means of screws.

I have a great number of letters

Mr. LITTAUER. Will the gentleman permit a question? For

whom are these various vertical tests performed?

Mr. WILEY of New Jersey. I do not know for whom they are performed. I know they are aids to the engineering knowledge of this country and abroad. However, I know nothing about the details of the testing at St. Louis.

Mr. TAWNEY. How are we going to expend \$100,000? Mr. WILEY of New Jersey. We could spend \$150,000. Mr. Noble says it ought not to be less than \$100,000. The last time this bill was up I had an amendment to allow private firms to have tests made by paying the expense of such tests, but the gentleman from Minnesota would not allow it to go into the

bill. Mr. WEEKS. Do you think if the Fuller Construction Company wanted beams tested the Government ought to test them? Mr. WILEY of New Jersey. I am not going to answer any such question as that. I do not know what the Government ought to do.

The CHAIRMAN. The time of the gentleman from New

Jersey has expired.

Mr. WILEY of New Jersey. That is just what I thought would happen. I would like to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New Jersey has already been given unanimous consent to extend his remarks

Mr. WILEY of New Jersey. Mr. Chairman, one difference between a statesman and a politician is that the former takes a broad view in legislation regarding its effects on the whole country, while the latter views it simply from its probable effect in his own district and whether it will help or hinder his chances for reelection. Therefore I hope and, indeed, believe there are more statesmen than politicians in this House, for it is only by a broad view that one can realize the scope and the accomplishments of the Geological Survey.

Just why there should be any hostility, seeming or real, toward the Geological Survey in the House is a matter I can not understand, nor why there is a disposition to cut down their appropriation or to delegate their tests to another Department. Any withdrawal of funds at the present time is not only to be deplored, but will prove most disastrous and expensive, much more so than the amount withdrawn represents.

A series of experiments and tests have been undertaken and

are partly completed. The amounts required for this purpose have been carefully computed and given to the committee; the forces of skilled men have been assembled and the work committed to their charge; and to cut down the estimate would mean to abandon a number of investigations whose completion is not only sought for by the engineering profession of the country, but is needed by the United States Government itself, since all tests are at present confined to Government materials. Take, for instance, the tests on material needed for the dams and locks on the Panama Canal, representing \$40,000,000, and also bearing in mind the United States Government spends on building and construction work \$25,000,000 per annum. It has been estimated by the Supervising Architect that the tests already made have saved the Government 10 per cent at least, so that the saving already exceeds by far the estimated appropria-tion of \$100,000 to continue this work. The investigations at St. Louis, although under the management of the Geological Survey, are conducted by a board on which are representatives of the Navy Department, War Department, Treasury Department, and the Reclamation Service. The following list shows some of the material investigated:

(1) An examination of the cements, cement materials, sands, gravel, stone, clays and clay products, and other materials available for use in Government building and construction work in different parts of the country. (2) Examination and testing of concrete, reenforced concrete, etc., made of these various materials obtained in different parts of the country. (3) Steel rods and beams of different sizes and types used in reenforced concrete construction work. (4) The fireproofing and fire-resisting qualities of materials needed for use in Government building and construction work obtainable in different parts of the country. All of these investigations are intimately and inseparably associated with the building-material resources of the country, and hence are properly a part of the work of the Geological Survey.

On June 2, 1906, Gen. O. H. Ernst, of the Panama Canal Commission, and Mr. Taylor, Supervising Architect, and other members of the supervising board sent a letter to the President of the United States, from which the following extract is made:

When it is remembered that the yearly losses from fire in the United States aggregate \$2.30 per capita, as compared to 33 cents per capita in European countries; that the fire losses in the United States during the past ten years have aggregated not less than \$1.250,000,000 that the people expend annually in building and construction work \$1,000,000,000, and that this Government litesif expends annually for such purposes more than \$20,000,000, it is apparent that this whole subject deserves the most serious consideration by the Government.

This committee furthermore begs to express the opinion that a thorough investigation of the properties of the materials of construction and fireproofing and the resulting increased economies in our systems of construction may be expected to save annually from 5 to more than 10 per cent of these total expenditures, which would mean an annual saving to the Government alone on its present expenditures of from one to two million dollars and to the people of this country a saving of many millions each year.

The plant itself covers about 2 acres of ground at St. Louis,

The plant itself covers about 2 acres of ground at St. Louis, on which are three buildings, containing five large testing machines and some smaller ones. There are sixty experts and ten laborers, all specially trained for this work. The location ten laborers, all specially trained for this work. The location at St. Louis is advantageous as being about in the industrial center of the country. Moreover, the southern and western railroads transport this material, aggregating 100 carloads, without charge, while to carry the same material East would involve from \$15,000 to \$20,000.

A distinguished engineer, Mr. George S. Webster, chief engineer of Philadelphia, wrote me, under date of February 13, as follows:

follows:

Dear Sir: As a member of the committee on concrete and reenforced concrete, I am very much interested in the continuance of the appropriation of \$100,000 for carrying on the investigations of concrete and reenforced concrete at the United States Geological Survey laboratories at St. Louis, the appropriation to continue the work to be available until June 30, 1908.

The various laboratories in the country have not the requisite equipment for the carrying on of investigations on such a scale as will secure information as to the properties of cement in a reasonable time. The equipment of the laboratories at St. Louis is superior to those of any other laboratory in this country and possibly abroad. The work is well organized, and it would be a serious mistake to discontinue or reduce the present appropriation of \$100,000.

The only other Government laboratory was equipped for testing other materials, principally steed, and its horizontal machines are not adapted for testing beams, columns, and test pieces of concrete.

I sincerely trust, therefore, that the present Congress will make adequate provision for the continuance of the work at St. Louis, so that the work which is being done there in investigating structural materials may be completed.

I make in this connection an extract from a letter of February

I make in this connection an extract from a letter of February 13 from another eminent engineer, as follows:

For ten years I was connected with the building authorities of the city of New York, the latter five years of that time as the chief engineer of the bureau in the borough of Manhattan. During that time I was

in a position to fully realize the importance of the investigations that are being made at St. Louis. The inquiries concerning reenforced concrete during that time from all parts of the country, especially from the building bureaus of the various cities, were numerous, showing a great want of knowledge and a desire for information on this subject. The work at St. Louis is what is needed to supply this want.

You understand fully the important position that building construction occupies among the industries of this country. And when we remember the danger to life from bad construction due to incomplete and inaccurate information concerning structural material, it is easily seen that the work of the laboratory at St. Louis is for the common welfare and not for a particular class. It seems to me, therefore, a very necessary as well as entirely proper function of the Government. The only other governmental institution in any way fitted for investigations of this kind is the laboratory at the Watertown Arsenal. But that laboratory is equipped especially for tests on ordnance materials, and other tests are therefore only incidental and can be made only when they do not interfere with the regular work of the laboratory. The tests that are made on concrete lack the systematic character so necessary to secure comparable results. They consequently do not have the value of those made in accordance with a prearranged plan, such as is possible in a laboratory devoted to the one purpose. In my official capacity I visited the Watertown Arsenal to inform myself on the work along the line of structural material, and the lack of facilities for systematic research struck me at that time. Do not think for a moment that I would discredit in any way the work that is being done or has been done at Watertown, for I have full confidence in its reliability, but for satisfactory results the tests must be the main object of a laboratory and not an incident.

A distinguished member of the Appropriations Committee suggested these tests pro

Now, aside from the manifest detriment of transferring from Department already equipped and engaged in the work to one not equipped at all, it may be stated the Bureau of Standards was never designed for any such investigations. Its function is to determine what is the standard of length or of capacity, but in no way to deal with matters affecting geology. It is not enough to determine the characteristics of certain rocks suited for making cement or concrete or any other materials used in construction, but the character of other rocks near by, underlying or superimposed upon the cement rock, must be studied and their effect on the probable thickness or extent of the vein determined. This is one of many other geological aspects which ought to be known to reach a satisfacory result.

Besides, both the Bureau of Standards and the Watertown Arsenal are engaged in making routine tests required for use by the Government. It has never been found practicable to carry on work of this character in conjunction with investigations of the properties of structural materials, and it is well known that in carrying on such investigations men must devote their entire time to the work, as it is not practical to drop it temporarily and resume it again, as is done in routine tests. In other words, testing materials must be a continuous performance. This would necessarily mean the maintenance of two separate squads, and there would be more or less interference with both the regular and routine work and that of the investigations. It is therefore immeasurably better to have the work carried on under such conditions that are not interfered with by routine work, such as prevail at St. Louis under the direction of the United States Geological Survey, where the men devote their entire time to the one subject, viz, the investigation of the properties of these materials

Finally, to obtain any such results as are desired through the medium of the Bureau of Standards would imply thorough equipment, which must be a duplication of that at St. Louis which is already in operation, and a force of trained men, who could only be efficient after an experience of several years; hence, the results would be delayed during such time.

As to the Reclamation Service, if may be said that the determination, through these tests, of material suited for construction located near the points where it was to be used have already saved the Government nearly \$1,000,000, much of which was represented by the diminution of the transportation charges.

In this connection, one item alone affords proof of this statement. Two hundred and fifty thousand barrels of cement will be required in the construction of the Roosevelt Dam at the Tonto Basin. The contractor's price for this originally was over \$9 per barrel. By locating material at the site and equally suitable for the purpose this price was reduced at once by the contractor to \$4.81 per barrel, but the Government itself is obtaining cement for about \$1.75, which includes cost of transportation.

The Watertown Arsenal equipment was installed primarily for testing steel. The present machine was installed about thirty years ago, and is not regarded as a modern type of machine, and is not adapted for the character of work which is being done at St. Louis, for the reason that in testing columns the column has to be placed in the machine in a horizontal position, and it is necessary to apply counterweights in order to re-lieve the bending strains, due to the weight of the column itself and its preservation in a true horizontal position. This introduces an error which can not be accurately determined.

Moreover, the Watertown machine, I understand, has never been calibrated since its installation in 1879, which, of itself, would throw doubt on any results obtained by its use, and it is also a hydraulic machine, which is not, in current practice, regarded as the best type for accurate work in contrast with the St. Louis machines, which are screw machines. Being a hydraulic machine, it is impossible to carry a constant load on the test piece for any length of time, due to leakages around the packing, while the St. Louis machines, being screw ones, can maintain indefinitely the pressure applied.

Furthermore, the different laboratories, to possess the requisite equipment, would have to secure it and install it, which would take considerable time, so that it would probably not be less than six months before they can begin investigations. is necessary, in cement tests, to have the sample stored under uniform conditions. Such storage places are already provided in St. Louis and are in constant use.

It has been presumed by some who have combated this view that the tests at St. Louis are practically completed. That this is an error may be seen from the following considerations: Many of the beams under test have been arranged to have the test continued without intermission for upward of twelve months, and only a small portion of this time has elapsed. To cut down this appropriation at present would mean that all the conclusions which are to be drawn from these facts would have to be abandoned, inasmuch as the time covered by the appropriation would expire before the tests had been completed, and it is, therefore, evident that the several hun-dred test pieces which have been prepared to meet these conditions have not been in storage sufficient time to prepare them for the tests designed, and the results of the work in preparing these test pieces would be lost. Reenforced concrete beams are prepared and stored for various periods, from one month to twelve or eighteen months, before testing. The conditions under which they are stored must be uniform or the test is of no value. They are then tested at the proper time and the strains determined—the effect of the concrete on the steel reenforce and of the steel on the concrete. The buildings at St. Louis contain many such pieces stored till the proper time for testing shall elapse.

Furthermore, in testing beams, there are no appliances at the Watertown Arsenal which are suitable, and to test beams in a horizontal machine of this character would be applying crude methods, to say the least. The reason why this horizontal machine is not adapted at all for making tests of concrete beams lies in the fact that a beam would necessarily have to be placed in on its side, which would produce a flexure in the opposite direction for which the beam would be designed. Besides, the weight of the beam, which would ordinarily be a factor in its strength, would come on the side of the beam instead of in its usual position, and this would introduce two variables which would make such determinations practically worthless.

Even were this machine adapted for these tests, it would be impossible to make on one machine tests with sufficient rapidity to furnish the required information except after a long series of years. It would be necessary, therefore, to add additional equipment to the Watertown Arsenal in order that they might undertake these tests on a scale commensurate with their importance, and that they might be executed within a reasonable time, and such additions would involve an expense much greater than the entire appropriation which is proposed.

The force at the Watertown Arsenal would be utterly inadequate for carrying on these additional tests, and it would be necessary to secure additional assistants, which must necessarily be trained before they can be efficient, thereby delaying the securing of results. Also, it is necessary to have storage facilities, machines for mixing, and other appliances in order to carry on the tests in a satisfactory manner, and this equipment does not exist at the Watertown Arsenal to-day. St. Louis laboratory has the equipment, has the organization, and is carrying on the tests, and there is every logical reason why the work should not be checked, but should continue, and, above all means, avoid a duplication of this work by increasing the equipment at the Watertown Arsenal or any other Government laboratory, which at the present time possess no equipment for the work.

One gentleman on the Appropriations Committee stated to me that an expert had told him reenforced concrete was known for a hundred years and all information respecting it had been obtained that engineers desired some years ago. I was unable to obtain from him the so-called "expert's" name, but I told him if this gentleman existed he had put himself against the united wisdom of both the engineers and architects of the present time, and reminded me very much of the intelligent contra-

band who used to come "from the front" in war times and tell all in the minds of the general respecting engagements which were past and the ones they were determining for the future. As a matter of record, the first concrete beam was made in 1889 on the Pacific coast, and the first house in which the walls were reenforced by concrete was built in 1875, being the residence of Mr. W. E. Ward, of New York City. I would simply add in this connection the remark of Huckleberry Finn, to the effect, "It is better not to know so many things than to know a lot of things that aren't so." There has been more misinformation and erroneous so-called "expert testimony" given on the floor of the House during this debate than in any similar period in my experience as a Member.

Surely all these reasons ought to be convincing to this House that any attempt to reduce this appropriation is not only undesirable, but also criminal—not a crime, but a blunder.

The difficulty in the minds of some of the Appropriations Committee is due to the fact that the Geological Survey deals in exact methods and carries out this practice even to preparing its estimates. They are the exact amounts needed to prosecute its work, and surely there is no Member of this House competent to pass on this question, which has been settled after long and frequent conferences with the heads of the various departments of the Geological Survey. Any variation in the interest of a so-called "economy" will prove to be the greatest extrava-gance and involve a loss to the Government that can hardly be estimated, as well as a loss to science.

I will finish these remarks by quotations from letters from the various persons interested whom I was able to reach during the last three days. Some of these gentlemen have expressed their opinion to the Senators and Representatives from their State, and I give extracts from their letters bearing on both structural materials and fuel tests, which were in response to a circular letter I sent out, which I give below:

COMMITTEE ON THE DISTRICT OF COLUMBIA, HOUSE OF REPRESENTATIVES, UNITED STATES, Washington, D. C., February 20, 1907.

Washington, D. C., February 20, 1907.

My Dear Sir: You have doubtless noticed from the press dispatches that in the sundry civil bill just reported by the Appropriations Committee of the House of Representatives, no appropriation is recommended for the continuance of fuel investigations which the Government has been conducting at St. Louis during the past two and one-half years, and in which the members of the American Society of Mechanical Engineers have been greatly interested. Last year Congress appropriated \$200,000 for this work, and this year \$250,000. Another appropriation of \$250,000 is asked for continuing this work during the next year.

In view of the importance of this work and the fact that a number of new investigations have only been begun recently under the supervision of members of the society, the discontinuance of these investigations at the present time would be little short of a misfortune to the country.

I know that every member of the American Society of Mechanical Engineers realizes the importance of this work and wishes to have it continued until a number of important fuel and combustion problems can be definitely solved, and I feel certain that you will take pleasure in helping to accomplish this result. If such is the case you can best do this by immediately telegraphing and writing to one or more Members of Congress and the Senators from your State, calling their attention to the importance of this subject, and asking for their cooperation in securing the full appropriation estimated (\$250,000) in the sundry civil bill for the continuance of these investigations during the next fiscal year. The matter will probably be voted on in the House of Representatives during the latter part of this week and in the Senate a few days later.

fiscal year. The matter will atter part of this week and in Representatives during the latter part of this week and in a few days later.

You will doubtless be glad to know that in addition to the three-volume report on these fuel investigations which was published last year, four special reports, embracing the accumulated results of the investigations during the past two years, are now about ready for the printer, and will be published at an early date.

Please mail me copies of such telegrams and letters as you may send on this subject in order that I may act advisedly in endeavoring to carry out the well-known wish of the members of the society that ample provision be made for continuing these important investigations.

Yours, very truly,

WM. H. WILEY, M. C.,

\*\*Traction\*\* The part of this week and in the subject in order that I may be provised by the subject in order that I may be provised by the subject in order that I may be provised by the subject in order that I may be provised by the subject in order that I may be provided by the sub

Mémber of American Society of Mechanical Engineers and Member American Society of Civil Engineers.

A similar letter was addressed to civil engineers regarding the tests for structural material.

DEPARTMENT OF CIVIL ENGINEERING, MASSACHUSETTS INSTITUTE OF TECHNOLOGY, Boston, Mass, February 15, 1907.

Hon. W. H. Wiley,

House of Representatives, Washington, D. C.

My Dear Mr. Wiley: I am much interested in the work which the United States Geological Survey is doing at the testing station in St. Louis, and I sincerely hope, that the Government will renew the appropriation of \$100,000 which was made last year. I do not think I need to urge upon you the desirability of tests for the cements and concretes and other materials which are the products of our mines and quarries. I understand that the equipment of the structural-materials laboratory at St. Louis is as complete as anything of the kind in the country and the work well organized. In this case it would be a great pity to curtail or discontinue it.

The laboratory at the Watertown Arsenal is equipped particularly for tests of steel, and, I understand, kept quite busy doing work of this kind. They have also made some tests of concrete and are now testing some concrete columns. The work at St. Louis, however, is much

more extensive in the testing of cement materials, and I earnestly hope that Congress will not curtail it in any way.

With sincere regards, believe me, very truly, yours,

GEO. F. SWAIN.

NEW YORK, February 16, 1907.

Maj. WILLIAM H. WILEY,

Member of Congress, Washington, D. C.

Dear Sir: I am sorry to hear, from your communication of the 14th, that the Appropriation Committee intends not only to cut down the appropriation for the work at St. Louis from one hundred thousand to fifty thousand, but also to divide this smaller amount between the St. Louis laboratory and the Watertown Arsenal. That seems to me to be a grievous mistake. The results of the investigations will fail to be the most satisfactory unless the work is done under uniform conditions, which, in my opinion, is not likely when the work is divided as proposed.

which, in my opinion, is not likely when the work is divided as proposed.

I have not had an opportunity to examine the equipment of the St. Louis laboratory and can only rely on what information has been given by those connected with the work and by the technical press. You are probably better informed in that matter than I. But I am sure that the apparatus of the St. Louis laboratory is more modern and better suited to the work.

Not only do I deplore the intention of dividing the appropriation, but I think it is false economy to cut the appropriation from one hundred thousand to fifty thousand, as proposed. The smaller the funds available to the laboratory the longer must the result of the investigation be delayed.

I sincerely hope that you may succeed not only in preventing the splitting of the appropriation, but also in securing the original amount. Yours, truly,

AMERICAN LOCOMOTIVE COMPANY, RICHMOND WORKS, Richmond, Va., February 21, 1907.

Hon. WILLIAM H. WILEY,

Member of Congress, Washington, D. C.

DEAR SIR: Replying to your circular letter, I am handing you copy of a letter which I have written to Hon. John Lamb.

Yours, very truly,

V. Z. COWARSISTI.

Hon. John Lamb, Washington, D. C.

Dear Sir: As a member of the American Society of Mechanical Engineers I am very much interested in the fuel investigations which have been undertaken by the Geological Survey, and I would respectfully ask that you would give the sundry civil appropriation bill, of \$250,000 for continuing this work, your support.

The results of the investigations so far have proven of material assistance to not only mechanical men, but manufacturing industries, inasmuch as it can be used as a basis for ascertaining the actual fuel value of the different coals.

Thanking you in advance for anything which you may consistently do in this connection, I am,

Yours, very truly,

PARKER BOILER COMPANY, Philadelphia, Pa., February 21, 1907.

PARKER BOILER COMPANY, Philadelphia, Pa., February 21, 1907.

Hon. WILLIAM H. WILEY, M. C..

House of Representatives, Washington, D. C.

My Dear Sir: I sincerely hope that an appropriation will be made for continuing the fuel investigations and tests at St. Louis. We have been using the data already published, and if the work is continued the results will be very valuable; otherwise the work already done will be largely wasted.

At present only the largest power users and boiler builders can afford to make the expensive tests required to determine the best method for burning fuels, and we find that even they are not in accord and know relatively little. This is due to lack of cooperation and to the heavy expense which makes the problem one that only the General Government is competent to cope with.

As a comparative newcomer in the field of fuel utilization—five years on gas engines, ten years on boilers—I am astonished to find how little has been done toward securing consistent and useful data as a standard for reference. I find the biggest and greatest engineers more or less at sea on the subject. There is no agreement, no consistency, no proper cooperation.

for reference. I find the biggest and greatest engineers more or less at sea on the subject. There is no agreement, no consistency, no proper cooperation.

The writer has recently been at work on this very problem and has been developing a power-house chart, a copy of which is inclosed. In attempting to fill this chart in we have found that there is no data in existence that can be relied on. This has led to the design of a coal-test chart, a copy of which is also inclosed, for purpose of coordinating various tests of the same coal; but we find this impossible because the tests have been run at different times under different conditions, which make the results appear to be contradictory when brought together. The records are also full of tests by persons whose main object is to exploit some particular type of apparatus, and such tests are apt to be misleading.

We have been trying to get some of the big companies to cooperate to secure at least a few standard results, but find them loath to spend money for the benefit of the general public. The writer believes, however, that they could be got to cooperate by making tests in their own plants under the supervision of the Government test experts. This would add great value to the St. Louis work. What is particularly needed is a series of tests designed to determine the best rate of combustion for each grade of coal. These tests would be greatly to the advantage of the small fuel users, who are now largely at the mercy of all sorts of fakes and deceptions, which are only possible on account of the absence of accurate information.

We are writing all Members of Congress from this State, and California also, where coal is high.

Yours, very truly,

J. C. Parkee.

THE BALTIMORE AND OHIO RAILROAD COMPANY, OFFICE OF THE CHIEF ENGINEER, Baltimore, Md., February 21, 1907.

Hon. WILLIAM H. WILEY,

Member of Congress, Washington, D. C.

HONORABLE SIR: Relative to your circular letter of February 20 regarding the sundry civil bill appropriation of \$100,000 for continuing

the structural-B regials investigations, I beg to inclose herewith copy of a letter I have written to each of the following Congressmen: Hon. J. B. FORAKER, Hon. FRANK C. WACHTER, Hon. SIDNEY MUDD, HON. B. G. DAWES, HON. J. A. BEIDLER, HON. PINKNEY WHYTE, HON. C. H. GROSVENOR.
Yours, very truly,

D. D. CAROTHERS, Chief Engineer.

FEBRUARY 21, 1907.

Hon. B. G. Dawes,

Member of Congress, Washington, D. C.

Honorable Sir: I understand that the sundry civil bill provides for an appropriation of \$100,000 to continue the structural-materials investigations by the Geological Survey at St. Louis, Mo.

The geographical location of St. Louis seems to me to be the best adapted for this station, and the work being done is of such vital importance to the structural work carried on in the United States, that I feel the importance of continuing this station, and take the liberty of arging upon you a careful consideration of any transfer or change in the station at this time, and would strongly recommend that it be continued.

As a member of both the American Society of Civil Engineers and the American Railway Engineering and Maintenance of Way Association, I am sure that I voice the sentiments of all the members.

Yours, very truly,

-, Chief Engineer.

NEW YORK, February 21, 1967.

Hon. William H. Wiley,
Member of Congress, Washington, D. C.
MY DEAR SIR: Inclosed I send you a copy of a letter the original of which I sent to Mr. Dunwell. This is in response to your letter of February 20.

Very truly, yours, William J. Baldwin.

NEW YORK, February 21, 1907.

New York, February 21, 1907.

Momber of Congress, Washington, D. C.

My Dear Mr. Dunwell: As Representative from my district, I write you on behalf of an appropriation in the sundry civil bill for the continuance of the fuel investigations which the Goyernment has been conducting at St. Louis during the past two and one-half years.

This matter is of immense importance to the engineers of the country. Congress has already appropriated \$450,000, and the work has reached a point where it is practically complete, but it will be of no service unless completed and published.

There is an item of \$250,000 in the pending appropriation for the coming fiscal year. I believe this has been reported adversely, and I am of the opinion that it is a great mistake. I hope that you will feel at liberty to speak in favor of the appropriation and save the work already done.

Very truly, yours,

WILLIAM J. BALDWIN.

PHILADELPHIA, February 21, 1907.

PHILADELIPHIA, February 21, 1967.

Hon. Boies A. Penrose, Washington, D. C.

Dear Senator: In the sundry civil bill just reported by the Appropriations Committee of the House of Representatives, no appropriation appears to have been recommended for the continuance of the fuel tests and investigations which the Geological Survey has been conducting at St. Louis for the last two or three years. This work is, I feel, of great importance to the country at large, and especially to Pennsylvania, and I would ask your cooperation in securing an appropriation for the continuance of the same. The work is being carried out under the direction of members of the American Society of Mechanical Engineers, and is being conducted along lines which will ultimately develop a mass of invaluable information to all fuel producers and users.

ducers and users.

Trusting that you may see your way clear to help this cause along, I am,

Very truly, yours,

A. C. Wood.

PHILADELPHIA, February 21, 1907.

Hon. WILLIAM H. WILEY, M. C.,

House of Representatives, Washington, D. C.

Dear Sir: Your circular letter of the 20th to hand, and I have taken pleasure in writing a letter to Representative Thomas S. Butler, who represents the district of Chester and Delaware counties, in which district I am a resident, and I am acquainted with Mr. Butler intimately, he having been a schoolmate of mine.

I took similar action last year in regard to this same matter, and I trust that the appropriation may be carried through this year, as the mechanical engineers of the country ask comparatively little of Congress in the way of appropriations for investigation when compared with some other interests of the country.

With my best personal regards to yourself, I am,

Yours, very truly,

W. P. Dallett,

W. P. DALLETT.

PHILADELPHIA, February 21, 1907.

Hon. Thomas S. Butler, M. C., House of Representatives, United States,

House of Representatives, United States,
Washington, D. C.

Dear Sir: My attention has been called to what I consider a very important matter, namely, the omission of appropriation to continue investigations of fuel and problems of combustion at St. Louis, which were carried on and have been continued under the auspices of the Government since the St. Louis Exposition.

The results of these tests are of immense value to the mechanical and electrical engineers throughout the country, and also of immense importance to the public in the development of more efficient methods in the use of our natural fuel supplies and developing processes for handling the poor fuel supplies which are now utterly useless or being wasted.

handling the pool has septembered.

The report which was published last year of the work done in 1904–5 is an exceedingly valuable contribution to the subject as far as it goes, and I am looking in eager anticipation for the reports, which are now about in the printers' hands, of the continuation of these tests. These books would be extremely valuable to me if I could have them here at the present time, as I have an important matter coming

up or Saturday of this week and could use them to advantage. Of course they will be of advantage when they are published, and I trust that you may consider this matter of vital interest to your constituents and see that an appropriation is made to continue this valuable investigation work at St. Louis.

Yours, very truly,

W. P. Dallett.

PHILADELPHIA, February 21, 1907.

Hon. WILLIAM H. WILEY, House of Representatives, Washington, D. C.

My Dear Mr. Wiley: Your favor of the 20th instant received, and I am gratified to cooperate in securing an appropriation for the fuel tests. I inclose you copy of a letter which I have addressed to Senator Penrose and Representatives George D. McCreary and J. Hampton. Moore, of Philadelphia, and Irving P. Wanger, of Montgomery County, in which I reside.

Yours, truly,

JOHN BIRKINBINE.

PHILADELPHIA, February 21, 1907.

Hon. George D. McCreary,

House of Representatives, Washington, D. C.

Dear Sir: From the press dispatches I notice that in the sundry civil bill, just reported by the Appropriations Committee of the House of Representatives, no appropriation is recommended for the continuance of fuel investigations which the Government has been conducting at St. Louis during the past two and one-half years.

It would be extremely unfortunate if these investigations should be halted before they are completed, and I trust that you may feel justified in supporting the effort which I understand is being made to secure an appropriation of \$250,000.

The relative value of our fuels is a question of moment to all interested in the material development of the country, and the determination of these appears to me to be a work which the General Government can with propriety undertake.

Yours, truly,

John Birkinbine.

CONSOLIDATED GAS COMPANY OF NEW YORK, February 21, 1907.

Hon. William H. Wiley,

House of Representatives, Washington, D. C.

Dear Sir: In reply to your letter of February 20, I am inclosing herewith copy of letter to Mr. William M. Calder, M. C., as suggested by you in your letter.

Very truly, yours,

M. Shierer.

M. Shiebler, Assistant Engineer of Construction.

FEBRUARY 21, 1907.

Hon. WILLIAM M. CALDER, M. C.,

House of Representatives, Washington, D. C.

Dear Sir: In reply to a request of yours some time ago concerning questions before the House in which I might be interested, would say that in looking over the report on the operation of coal-testing plant at St. Louis I note that no provision has been made for the carrying on of the investigation into the coal resources of this country.

I beg to state that I consider the reports of investigations made during the exposition at St. Louis to be among the most valuable literature published by this Government, and should think that, for the benefit of the engineering fraternity in general as well as for the public at large, an appropriation at least as large as that made in previous years should be made for carrying on the work.

Wery truly, yours,

M. SHIERLER,

Assistant Engineer of Construction.

M. SHIEBLER,
Assistant Engineer of Construction.

BALDWIN LOCOMOTIVE WORKS, Philadelphia, February 21, 1907.

Mr. William H. Wiley,
Member of Congress, Washington, D. C.

Dear Sir: Replying to your letter of February 20, I beg to advise that I have written to the following Congressmen, as per attached copy: J. Hampton Moore, H. H. Bingham, J. E. Reyburn, R. O. Moon, W. W. Foulkrod, George D. McCreary, Boies Penrose, P. C. Knox.
Yours, truly,

S. M. Vauclain, Superintendent.

S. M. VAUCLAIN, Superintendent.

Schoolhouse Lane, Germantown, Philadelphia, February 21, 1907.

Hon. Boies Penrose, United States Senate, Washington, D. C.

United States Senate, Washington, D. C.

Dear Sir: May I ask your consideration that the full appropriation of \$100,000 be made in the sundry civil bill for continuing the structural materials laboratory investigations by the Geological Survey at St. Louis? I am informed that there is some danger of the money being appropriated for other purposes.

The work that is proposed is one of the most useful to the engineering profession that has ever been undertaken by the Federal Government. It is specially useful in the line of all cement products, and will increase the output of all our mills in this great industry when more is known about its structural properties combined with steel.

I trust that you will be able to use your influence in obtaining this appropriation.
Yours, truly,

SAMUEL T. WAGNER,
Assistant Engineer Philadelphia and Reading Railway.

Schoolhouse Lane, Twenty-first Ward, Germantown, Philadelphia, February 21, 1907.

Hon. George D. McCreary, House of Representatives, Washington, D. C.

DEAR SIR: May I bring to your serious attention an appropriation of \$100,000 in the sundry civil bill for continuing structural materials investigations by the Geological Survey at St. Louis?

I am informed that there is some danger of this amount being used

I am informed that there is some danger of this amount tening used for other purposes.

The whole engineering profession is intensely interested in the work that is going on at St. Louis and upon the results which are there being investigated will depend data upon what is now known as "reenforced concrete," a compound material which, when more is known about it, will prove one of the most valuable building materials known.

I trust that you will be able to help us get this appropriation.

Yours, truly,

Samuel T. Wagner.

BALTIMORE, MD., February 21, 1907.

Hon. WILLIAM H. WILEY,
Congressman, Committee on the District of Columbia,
House of Representatives, United States, Washington, D. C.
MY DEAR SIR: We beg to acknowledge receipt of yours of the 20th
instant, and inclose herewith copy of letter sent to the two Senators
and six Congressmen of this State.
Trusting same is satisfactory, we remain,
Yours, very truly,
HENRY ADAMS. Consulting Engineer.

HENRY ADAMS, Consulting Engineer.

FEBRUARY 21, 1907.

Hon. Isidor Rayner,
United States Senator, Washington, D. C.

Dear Sir: We understand that the sundry civil bill reported by the Appropriation Committee of the United States House of Representatives has eliminated from same the appropriation for the continuance of fuel investigation by the Government. We consider this investigation one of the most important ones for the benefit of the country at large, and therefore urgently plead with you to use all efforts to see that the appropriation which was made for previous years is continued.

Hoping that you can conscientiously carry this out, it being money well expended, we remain,
Yours, very truly,

Consulting Engineers.

Consulting Engineers.

THE GARRETT-CROMWELL ENGINEERING COMPANY,
ROLLING MILL ENGINEERS,
Cleveland, Ohio, February 22, 1907.

Hon. WILLIAM H. WILEY.

House of Representatives, Washington, D. C.

My Dear Sir: I duly received your letter of the 20th, calling attention to providing appropriation for carrying forward fuel investigations which have been started in St. Louis, and inclosed herewith please find copies of letters which I am to-day writing to Senator Dick and Congressman Burrox concerning this, which I trust is in line with what you desire.

Yours, very truly,

J. C. Cromwell.

FEBRUARY 22, 1907.

Senator Charles Dick.

Senator Charles Dick.

Senate Chamber, Washington, D. C.

Dear Sir: I am advised that there is pending before Congress a bill asking for an appropriation of \$250,000 to assist the fuel-investigation work which has been carried on during the last two and a half years at St. Louis, and which, I consider, has resulted in great good for all users of fuel.

This work is in the hands of a very competent set of engineers, and they are working out results which have been needed for a long time by the various engineers and manufacturers of this country, and I trust that you will see your duty clear to support the measure when it comes before you.

Yours, very truly,

Hon. M. E. Driscoll, Washington, D. C.

Dear Sir: My attention has been called to a bill before your honorable body to appropriate money for the continuance of investigation as to the value of certain fuels. I think the amount appropriated last year was about \$250,000 and that the same is asked for this year. To my mind, this is a very important item and will bring good results and benefit eventually every manufacturer in the United States and perhaps some other countries. I have read the reports of the committee for the time it has been in existence, and they are very interesting and instructive, and I know of no way by which the work can be so well done as by our Government. A private individual or corporation could not undertake it. But it will benefit every person in the United States eventually. I ask that you give this bill your support.

Yours, truly,

E. P. Bates.

FEBRUARY 22, 1907.

W. H. Wiley, Esq.,

Committee on the District of Columbia,

House of Representatives, Washington, D. C.

Dear Sir: Your letter of the 20th instant relative to further appropriation for fuel investigations received last evening, and I at once wired Col. Henry Du Pont, our Senator, and Hon. Hiram Burton, our Congressman, in accordance with your suggestion, and have written them this morning. Copies of letters and telegrams are inclosed herewith

I trust sincerely that the appropriation in question will go through,

as I have been greatly interested in this work and have gladly taken the matter up with each gentleman.

Trusting their attention in the matter may be a help, I remain, Yours, very sincerely,

EGBERT MOXHAM.

[Telegram.]

FEBRUARY 21, 1907.

Col. H. A. Du Pont,
Senate Annex, Washington, D. C.:
Would appreciate it if you can consistently lend your support to sundry civil bill for full appropriation relative fuel investigation.

EGBERT MOXHAM.

Col. H. A. Du Pont,

Senate Annex, Washington, D. C.:

Dear Colonel Du Pont: Last night I wired you that I would appreciate greatly if you could consistently lend your support to the sundry civil bill for the full appropriation relative to fuel investigation.

As you no doubt know, last year Congress appropriated the sum of \$200,000 for the carrying on of investigations which the Government had been conducting at St. Louis relative to fuel values. I understand a further appropriation of \$250,000 has been asked for to continue this work during the next year.

As an engineer, I have been greatly interested in the work of this investigation and believe it has brought to light a great deal of knowledge that will be of material benefit to the country in general. I therefore felt that the bill was a worthy one, and, understanding that it was to be voted on the last part of this week, I wired, trusting to bring the matter to your favorable attention. I trust you will not feel that I have imposed upon your kindness, and accept my best thanks for whatever attention you could give the matter.

Yours, very sincerely,

CINCINNATI, OHIO, February 22, 1907

Senator J. B. Foraker, Washington, D. C.:

Earnestly urge you to insist on appropriation continuing investiga-tion structural materials, St. Louis. Matter vitally important all in-dustries.

H. E. WARRINGTON.

NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY, Middletown, N. Y., February 22, 1907.

Hon. Thomas W. Bradley, Washington, D. C.

Dear Sir: The good work which has been done in the past by the appropriation for the sundry civil bill merits that this appropriation should again be allowed and the bill passed. Everyone recognizes the fact that good construction in public buildings is now demanded, and it can not be brought about without a thorough investigation of materials which go to make that construction.

I hope that Congress will see its way clear to make this appropriation again.

tion again. Yours, respectfully,

C. E. KNICKERBOCKER.

NEW HAVEN, CONN., February 22, 1907.

The Hon. N. D. Sperry, Washington, D. C.

My Dear Sir: Believing that the investigation of structural materials that the Government has been carrying on at St. Louis for the past two and a half years is of very great value to the engineering profession and to the community at large, I venture to ask you to use your influence toward the obtaining of an appropriation of \$100,000 needed to continue this work at St. Louis under the direction of the United States Geological Survey.

Very respectfully,

W. H. Moore.

SPARTANBURG, S. C., February 22, 1907. Hon. Joseph T. Johnson, Washington, D. C.

Washington, D. C.

My Dear Mr. Johnson: I note that no appropriation is recommended this year by the Appropriations Committee for the continuance of the investigation of structural materials which the Government has been conducting for the past two and a half years at St. Louis, Mo. An effort will certainly be made to secure sufficient funds to continue this most important work, and I do trust when the time comes you will do all you can to help.

It is difficult for one not actually engaged in construction to appreciate fully the importance of knowing all about the material which must be used in any work, and I shall only ask you to take my word for it that the engineering profession generally is very much at sea when it comes to knowing just how some of the most ordinary materials will behave under given conditions, and only so because the magnitude of the investigations necessary to illuminate these matters precludes their being undertaken by private enterprise.

Ultimately, I have no doubt, the Government will be liberal in such matters, and it would seem a pity, now the work has been begun, that it should be halted for lack of funds.

I think \$100,000 was appropriated last year for this work, and I hope you will see your way clearly toward advocating a similar appropriation this year.

Yours, sincerely,

Chicago, February 22, 1007

CHICAGO, February 22, 1907.

Hon. WILLIAM H. WILEY, M. C., Washington, D. C.

DEAR SIR: Your letter of 20th instant received this morning, and I have wired and written to Senator Allison and Congressman Mann, and inclose copies of same.

Yours, truly,

E. C. SHANKLAND,

E. C. SHANKLAND, Consulting Engineer.

FEBRUARY 22, 1907.

Hon. WILLIAM B. ALLISON,
United States Senate, Washington, D. C.:
It is of great importance that ample appropriation be made in sundry civil bill for continuing fuel investigations.

E. C. SHANKLAND, Consulting Engineer.

FEBRUARY 22, 1907.

Hon. WILLIAM B. ALLISON,

United States Senate, Washington, D. C.

Sir: I have wired you to-day urging appropriation for fuel investigation for the ensuing year.

These investigations as they have been conducted are of the greatest importance to the public, for they have shown already that slack coal from some sections which have heretofore been almost entirely wasted may be briquetted and converted into usable fuel on a commercial basis.

Yours, very truly,

E. C. Shankland,

Consulting Engineer. Consulting Engineer.

RICHMOND, VA., 621 EAST FRANKLIN STREET, February 22, 1907.

Hon. William H. Wiley,

House of Representatives, Washington, D. C.

Dear Sir: Yours of 20th instant just reached me. It gives me great pleasure to herewith inclose copies of letters I have written.

I am very much interested in the subject, and trust you will be successful in pushing the matter through.

I will appreciate it if you will kindly advise me at your leisure whether and where I could obtain the data already issued. I will esteem it a great favor if you will kindly let me hear from you, letting me know how I could obtain this data, and greatly oblige,

Yours, very truly,

R. Carter Beverley.

R. CARTER BEVERLEY.

RICHMOND, VA., 621 EAST FRANKLIN STREET, February, 22, 1907.

Senator Thomas S. Martin,
United States Senate, Washington, D. C.

Dear Sir: Being a mechanical engineer and very much interested in all kinds of engineering work, I beg to call your kind attention to the appropriation of \$250,000 included in the sundry civil bill for continuance of fuel investigations which the Government has been conducting at St. Louis for the past two years. This research has proven a most valuable one to the engineering profession, and I feel certain if discontinued will deprive not only the engineers but the entire country of data and information of great technical and practical value which can hardly be practically obtained elsewhere. I trust you will use your best endeavor in favor of this for its full amount, as mentioned, and greatly oblige, greatly oblige, Yours, very truly,

R. CARTER BEVERLEY.

Toledo, Ohio, February 22, 1907.

Mr. WILLIAM H. WILEY, M. C.,

House of Representatives, Washington, D. C.

DEAR SIR: Yours of the 20th at hand. Inclosed please find copy of letter sent to Senators Foraker and Dick and Representative Southard.

Yours, truly,

G. J. Rathbun.

Toledo, Ohio, February 22, 1907.

Dear Sir: You are undoubtedly aware of the fact that the fuel supply of the world is somewhat limited and that the present method of utilizing fuel where it is to be converted into work is exceedingly wasteful. The experiments which have been carried on in the Government fuel-testing plant in St. Louis have been of enormous benefit to the entire country, in that they have shown the possibilities of using cheap fuels, which have hitherto been considered comparatively worthless, and have indicated means whereby the higher-grade fuels could be used to much better advantage. This work is of such great importance that it should be continued. It is a measure that does not affect any particular section of the country, and should receive the careful consideration and support of every legislator.

If you will give this matter your careful attention, you will undoubtedly conclude that funds should be provided as required for carrying on this work.

Thanking you in advance for your valued consideration, I am,

CLEVELAND, February 22, 1907.

Hon. WILLIAM H. WILEY,

House of Representatives, Washington, D. C.

DEAR SIR: In accordance with your request of February 20, I inclose you herewith a copy of a letter which I have sent to the Hon. Theodore E. Burton, of the House of Representatives, and the Hon. J. B. FORAKER, of the Senate.

Yours, very truly,

ROBERT THURSTON KENT,

Engineering Editor The Iron Trade Review.

FEBRUARY 22, 1907.

Hon. Theodore E. Burton, House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

Dear Sir: I respectfully ask you to cooperate in securing an appropriation of \$250,000 in the sundry civil bill for the continuation of the fuel investigations which the Government has been conducting in St. Louis for the past two and a half years. The results obtained in the past investigation are so valuable and the subject is of such importance that it seems extremely desirable that these investigations be continued until full knowledge has been obtained of the best and most economical manner of utilizing the fuels of this country. It is a subject not only of importance from engineering and scientific standpoints, but also a question of economics of the very highest order.

Yours, very truly,

Engineering Editor.

ENGINEERING EDITOR,
The Iron Trade Review.

ALBANY, N. Y., February 22, 1997.

Hon. WILLIAM H. WILEY,

House of Representatives, Washington, D. C.

DEAR SIR: I am this day in receipt of your circular letter relative to appropriation for continuing investigations into structural material at St. Louis. Your letter did not reach me in time to telegraph to my Representative, and I have therefore written to him and to one of

my Senators, which will probably reach them as soon as a telegram now could. I trust your efforts to have reinserted an appropriation for the purpose named may be successful, but unfortunately the caliber and disposition of the Representatives of this State and this district in Congress are not such as to warrant any great hopes of exertion on their part in this matter.

Yours, truly,

CHARLES F. STOWELL.

ALBANY, N. Y., February 22, 1907.

Hon. George N. Southwick, Washington, D. C.

Dear Sir: I am informed that the sundry civil bill as reported by the Appropriations Committee has cut out an appropriation of \$100,000 asked for for continuing investigations of structural material, which has been in progress for some time at St. Louis.

The work which has heretofore been carried on by the Government in the above line is of the utmost importance and of incalculable value to the engineering profession and to the building trades. The subject has as yet by no means been exhausted, and the results of investigations still to be made promise even more important and valuable results than those already completed. This work is of such a character and magnitude that no private parties could perform it with anything like the completeness that has heretofore characterized it, and as a member of the profession most directly interested in this work i beg to protest against its discontinuance and to ask that you will use your influence to have inserted in the above bill an appropriation as asked for for the continuance of this work in the same manner and by the same force which has performed this work up to the present time.

Yours, truly,

Charles F. Stowell,

Consulting Engineer.

CHARLES F. STOWELL, Consulting Engineer.

MANCHESTER, N. H., February 22, 1907.

Hon. William H. Wiley, M. C.,

House of Representatives.

Dear Wiley: Yours received a few minutes since, and I have written senators Gallinger and Burnham and Representatives Sulloway and Currier, all of whom I know well, all to about the following effect:

"I see that in the 'sundry civil bill' as reported the item of \$250,000 to continue fuel experiments at St. Louis has been omitted. This matter is of immense pecuniary interest to every part of the country, and the work that is being done is of great importance to all manufacturing and steam-power interests. I hope to see the item restored and that you will use your powerful interest to that end," etc.

Yours, truly,

CHAS. MANNING.
Late Chief Engineer, U. S. Navy, and Chief Engineer Amoskeag Works.

SAVANNAH, GA., February 22, 1907.

Representative W. H. WILEY, Washington, D. C.

Washington, D. C.

DEAR SIR: Your favor of 20th instant has been received, and in response to it I have sent the following letters to Senators A. O. Bacon and A. S. CLAY and JOHN W. OVERSTREET, Representative from my district:

"DEAP SIDE. Will your cat him."

district:

"Dear Sirs: Will you not kindly urge the continuation in the sundry civil bill of the \$100,000 appropriation for the investigation of structural materials that the United States Government has been conducting at St. Louis, Mo., and protest against its removal to the Army arsenal near Boston, on the grounds that this work should be supervised by structural engineers?"

Trusting that this will be of service to you, I remain,
Yours, very truly,

J. DE BRUYN KOPS.

NEW YORK, February 22, 1907.

Hon. WILLIAM H. WILEY, House of Representatives, Washington, D. C.

DEAR BROTHER WILEY: A letter, carbon of which is inclosed herewith, has been sent to the following gentlemen of my personal acquaintance: Hon. Frank Brandegee, Senator; Hon. Wayne Parker, Representative: Hon. Herbert Parsons, Representative; Hon. WILLIAM SULZER, Representative.

Hoping to see you to-morrow evening,
Yours, in bonds,

NEW YORK, February 22, 1907.

New York, February 22, 1907.

My Dear Sir: The writer is presuming upon our acquaintance to ask your attention to a matter now pending before the House of Congress that is of great importance to the members of the mechanical engineering profession, namely, the question as to an appropriation for the continuance of fuel investigation that the Government has been conducting at St. Louis during the past two and one-half years.

It seems that there may be some opposition to the passing of this appropriation, and I want to express to you that it is the opinion of all mechanical engineers with whom I am in contact, and my fellow-members of the American Society of Mechanical Engineers, that it would be a great loss to the public in general to have this important and valuable investigation interrupted by a failure to give them sufficient money at this time to proceed.

Pray pardon me for calling your attention to this, but I am confident that it needs only to have your attention called to it for you to see the importance of the matter in question.

Very truly, yours,

CHAMBERSBURG, PA., February 22, 1907.

Hon. WM. H. WILEY,

Member of Congress, Washington, D. C.

DEAR SIR: In reply to your circular of February 20, we beg to inclose copy of telegrams sent this day to Senators Penrose and Knox, of Pennsylvania, and also to Congressman Mahon, of this district,

Respectfully,

THOS. I. Reference. Engineer.

THOS. J. BRERETON, Engineer.

Chambersburg, Pa., February 22, 1907.
Will you kindly urge sundry civil bill for continuing structural-materials investigations by Geological Survey at St. Louis instead of

transferring this work to Army arsenal, near Boston, as suggested in press dispatches? This work is of the greatest value to all members of the engineering profession.

THOS. J. BRERETON, C. E.

WILMINGTON, DEL., February 22, 1907.

Hon. WM. H. WILEY,

Member of Congress for New Jersey,

Washington, D. C. Washington, D. C.

Dear Sir: In response to your letter of February 20, in re fuel investigations at St. Louis, beg to say that I have written a letter to each of our two Senators and to our Representative, copy of which I inclose herewith.

If there is anything further that I can do to aid you in securing the appropriation for the continuance of this work, kindly write me and I will endeavor to aid you.

Very truly, yours,

H. L. FULENWIDER.

FEBRUARY 22, 1907.

DEAR SIE: You may be aware of the fact that the Government has been conducting fuel investigations at St. Louis for the past two years or more. The results of these investigations have been eagerly sought for by the engineering fraternities of this country; and when these investigations are completed, their results and deductions will be of inestimable value to the manufacturing industries of this country.

I note that the sundry civil bill, as it came out of the Appropriation Committee of the House, contained no provision for the continuance of these investigations. I carnestly entreat you to see that the appropriation for this work is made this year, because from the reports made to the American Society of Mechanical Engineers, of which the writer happens to be a member, the investigations are at a stage where it is essential that they should continue, or else lose the result of a great deal of work and time.

I beg to remain,

Very truly, yours,

SCRANTON, PA., February 22, 1907.

Hon. WM. H. WILEY.

DEAR SIR: A few minutes ago I received your letter and I have written our Member, Mr. THOMAS H. DALE, as you will see from the inclosure.

Yours, etc.,

JAMES ARCHBALD.

SCRANTON, PA., February 22.

Hon. THOMAS H. DALE. Hon. Thomas H. Dale.

Dear Sir: For the past two and one-half years there has been conducted in St. Louis an investigation of structural materials under an appropriation of \$100,000 from Congress. The work is not finished, and engineers, realizing its importance, wish to see it continued; so they ask Congress to include \$100,000 for this purpose in the sundry civil bill now before Congress. I write you both as a civil engineer and a friend to do what you consistently can to help this good work. W. H. WILEY, M. C., is an old friend of mine and much interested in this matter; so if you fall into our notions, you can confer with him.

Yours, etc.,

J. A.

ARDMORE, PA., February 22, 1907.

Hon. WILLIAM H. WILEY, House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

My Dear Mr. Wiley: I have noticed in the press dispatches that in the sundry civil bill, just reported by the Appropriations Committee of the House of Representatives, no appropriation is recommended for the continuance of fuel investigations, which were taken up at the St. Louis exposition and have been carried on for the past two and one-half years.

As a member of the American Society of Mechanical Engineers, I am deeply interested in these investigations, and I am sure that nothing has been done by the Government for a long time that has as much practical value as this work, and I consider that it has been conducted in the most economical manner. The appropriation is comparatively small compared to the great good it can do the manufacturing interests of the country. There is so much money spent, I regret to say, by our Government for things that are really of very little good, it does seem too bad to see an appropriation for a work of real value curtailed. I hope, therefore, that you will use your influence to try and have this appropriation go through.

Yours, very truly,

H. A. Gillis, President.

HARRISBURG, PA., February 22, 1907.

HARRISBURG, PA., February 22, 1907.

Hon. M. E. Olmsted,
 Member of Congress, Washington, D. C.

Dear Sir: I would consider it a favor if you would give your approval to an item in the sundry civil bill appropriating \$100,000 to continue experimental research on the strength and properties of building materials now being conducted under a previous appropriation by the Government at St. Louis. This work is of very great interest to engineers, and the results will be of general good to the country. The work is of such nature that it is not likely it will be undertaken by any private firm or individual.

Yours, truly,

MASON D. PRATT.

HARRISBURG, PA., February 22, 1907.

Hon, WILLIAM H. WILEY, M. C., Washington, D. C.

Washington, D. C.

Dear Sir: I beg to acknowledge receipt of your letter of February 20, and have taken steps to do what I can to help the matter along. I received one book on Tests of Materials, published recently, which was a great help to me, but I note that the new volume will shortly be published, and I would appreciate it if you would tell me to just who my application should be made for this volume, as I have been very much interested in following these investigations.

Fred W. Cohn.

BUCKEYE ENGINE COMPANY, Salem, Ohio, February 22, 1907.

Hon. WM. H. Wiley, M. C.,

Washington, D. C.

Dear Sir: Your letter of February 20, relative to fuel investigation at St. Louis, was duly received, and being interested in this, we sent the following message to Hon. James Kennedy:

"Entire scientific world deeply interested in fuel investigation at St. Louis. Please do all possible to get appropriation.

"Buckeye Engine Co."

Trusting our action will meet with your approval, we are, Yours, truly,

C. B. HUNT.

Pope Manufacturing Company, Hagerstown, Md., February 22, 1907.

Hon. WM. H. WILEY,

House of Representatives, Washington, D. C.

Dear Sir: I beg to acknowledge receipt of your letter of February 20, calling my attention to the neglect of the present Congress to provide funds for continuing the important fuel-investigation work begun at St. Louis. I appreciate keenly the value of these investigations, and inclose herewith a copy of letter written our State Senator, urging him to use his influence in behalf of this appropriation.

Yours, truly,

V. M. PALMER.

P. S .- Similar letter sent to Hon. GEO. A. PEARRE,

V. M. P.

HAGERSTOWN, MD., February 22, 1907.

Hon. ISIDOR RAYNER, United States Senate, Washington, D. C.

United States Senate, Washington, D. C.

Dear Sir: I have followed with great interest the fuel-investigation work which the Government conducted at St. Louis, and I note with great concern the failure to appropriate more money to continue this important and most valuable work. I feel that this can only be due to an oversight on the part of the Appropriations Committee, as the value of this work must be patent to anyone.

I feel that you will be especially interested in having these investigations continued because of their direct value to this State. The great heaps of now useless refuse piled up at our coal mines will become immense sources of stored-up energy, available by being converted into producer of gas and power. How great and widespread the results the future may bring we can little guess.

Maryland, with her immense coal fields and rapidly increasing manufacturing interests, will be greatly benefited.

For these reasons I would urge you to use your influence in having the needed appropriation of \$250,000 for the ensuing year included in the sundry civil bill.

Very truly, yours,

A. M. Palmer.

Pope Manufacturing Company, Hagerstown, Md., February 22, 1907.

Hon. William H. Wiley.

House of Representatives, Washington, D. C.

Dear Sir: I duly received your favor of February 20, with regard to the failure of the Appropriations Committee of the House of Representatives to include a recommended appropriation in the sundry civil bill for the continuance of fuel investigations which the Government has been conducting at St. Louis within the past two and one-half years. I immediately wired the Hon. George A. Pearre, House of Representatives, and Hon. Isidor Rayner, United States Senate, and confirmed same by letter, as per copies herewith inclosed.

Personally and as a member of the American Society of Mechanical Engineers I am greatly interested in this work and would greatly regret the failure of our National Congress to make suitable provision and appropriation for continuing the work during the next year.

Further, I would like to be in a position to follow up more closely the results of these tests than I have been able to do in the past, and if you can supply me with copies of such reports as have been made thus far or can give me such information as would enable me to secure such data, I would greatly appreciate same. As I have stated in the inclosed, I am very much interested in this work and believe that its results, if continued, will be highly beneficial.

Yours, very truly,

Harold L. Pope.

HAROLD L. POPE.

FEBRUARY 21, 1907.

Hon. George A. Pearre,

House of Representatives, Washington, D. C.

Dear Sir: Having noticed from the press dispatches that in the sundry civil bill just reported by the Appropriations Committee of the House of Representatives no appropriation is recommended for the continuance of fuel investigation which the Government has been conducting at St. Louis for the past two and one-half years, and as a member of the American Society of Mechanical Engineers, being deeply interested in this work, I would heartly recommend your indorsement of an appropriation for this purpose and your influence in securing the passage of this bill carrying the desired appropriation.

I believe that last year Congress appropriated \$200,000 for this work and this year \$250,000, and, further, that an appropriation of \$250,000 is asked for continuing the work during the next year. I have taken the liberty of wiring you as follows:

"In view of the importance of this work I would appreciate your indorsement for an appropriation for continuing fuel investigation."

I confirm the above message and again assure you of my personal appreciation of any efforts you may give toward furthering this very important work. I beg to remain, dear sir,

Yours, very truly,

FEBRUARY 21, 1907.

Hon. ISIDOR RAYNER, United States Senate, Washington, D. C.

DEAR SIR: Having noticed from the press dispatches that in the sundry civil bill just reported by the Appropriations Committee of the House of Representatives no appropriation is recommended for the continuance of fuel investigation which the Government has been conducting at St. Louis for the past two and one-half years, and as a member

of the American Society of Mechanical Engineers, being deeply interested in this work, I would heartily recommend your indorsement of an appropriation for this purpose and your influence in securing the passage of this bill carrying the desired appropriation.

I believe that last year Congress appropriated \$200,000 for this work and this year \$250,000, and, further, that an appropriation of \$250,000 is asked for continuing the work during the next year. I have taken the liberty of wiring you as follows:

"In view of the importance of this work I would appreciate your indorsement for an appropriation for continuing fuel investigation."

I confirm the above message and again assure you of my personal appreciation of any efforts you may give toward furthering this very important work. I beg to remain, dear sir,

Yours, very truly,

WEST VIRGINIA GEOLOGICAL SURVEY,
OFFICE OF THE SURVEY,
Morgantown, W. Va., February 22, 1907.

Morgantown, W. Va., February 22, 1907.

Hon. William H. Wiley,

House of Representatives, Washington, D. C.

My Dear Major Wiley: Replying to your favor of February 20, I will say that I have already written each of our Senators, as also each member of our delegation in Congress, concerning the desirability of restoring the appropriations to last year's basis for the United States Geological Survey, and have received answers from all of them that they will cooperate heartily in any such movement. Hence you can feel free to enlist all of our five Representatives—Davis, Dovener, Gaines, Hughes, and Woodnard; and should the effort fall in the House, I have assurances from both Senators Elkins and Scott that they will do all possible in the Senate. Hence our West Virginia delegation in both Houses is solid for restoring the items for the Geological Survey to the basis of last year's appropriations.

Very truly, yours,

I. C. White,

State Geologist.

FEBRUARY 22, 1907.

Hon. P. C. Knox,

United States Senator, Washington, D. C.

My Dear Senator: In the public press I notice that the Appropriations Committee of the House of Representatives has reported the sundry civil bill without it containing the requested \$100,000 item for the continuance of the investigation of structural materials which the Government has been conducting at the St. Louis laboratory during the past two and a half years on this and kindred subjects. Last year Congress appropriated a similar sum for this work, and another appropriation of \$100,000 has been asked for to continue this work during 1907.

Congress appropriated a similar sum for this work, and another appropriation of \$100,000 has been asked for to continue this work during 1907.

In view of the importance of this work and the fact that a number of new investigations, especially relative to concrete and reenforced concrete, have only begun recently, under the supervision of committees of engineers representing the isthmian canal, the Reclamation Service, the American Society of Civil Engineers, American Society for Testing Materials, and other similar societies, a discontinuance of the work at the laboratory, especially at this time, would amount to a calamity to the country, inasmuch as an enormous amount of concrete and reenforced concrete construction is now going on in the country, much of which is recklessly designed and constructed, as frequent failures, reported in the daily press, bear witness.

This is a subject of so much importance to the people and humanity that the European governments have and are spending large fixed sums on its investigation and with the view to laying down scientific laws and rules for its use in construction. Especially is that the case in Germany and France.

Taking a keen interest in this matter, so important to the profession of which I have the honor to be a member. I venture to address you personally, requesting your kind consideration of the matter, and, if possible, to have this item included in the sundry civil bill, which bill, I understand, is liable to come before the Senate in a few days.

It may be of interest to you to know that I have also taken the liberty to communicate with Congressmen John Dalzell, James F. Burre, and Andrew P. Barchfeld, but, owing to the urgency of the case, it was necessary for me to wire them, which, of course, did not permit extensive remarks on the subject. I would, therefore, in addition to thanking you in advance for your courtesy in this matter, should you have an opportunity to do so, when meeting any of the above gentlemen in the next few days.

With much respect, I

Consulting and Constructing Engineer, Pittsburg, Pa.

FEBRUARY 21, 1907.

Hon. A. P. Barchfeld, House of Representatives, Washington, D. C.:

Kindly save hundred thousand item, House bill appropriation Geological Survey testing laboratory, St. Louis. Urgent.

EMIL SWENSSON.

RICHMOND, VA., February 22, 1907.

Hon. William H. Wiley,

House of Representatives, Washington D. C.

Dear Sir: Your circular letter of February 20 is just received, and I have to-day telegraphed to the Hon. John Lamb. I inclose you carbons of both telegram and letter.

Yours, very truly,

E. T. D. Myers, Jr.

FEBRUARY 22, 1907.

Hon. John Lame,
House of Representatives, Washington D. C.

Dear Sir: I to-day telegraphed you as per inclosed confirmation, having just heard that no appropriation is recommended for the purpose. These investigations conducted by the Government are of enormous value to the engineering profession, and mean not only great economy in building in the future, but bear very direct and tangible relation to the avoidance of accidents and loss of life and property. I hope you will give this matter your careful thought.

Yours, very truly,

RICHMOND, VA., February 22, 1967.

Hon. John Lamb,

House of Representatives, Washington, D. C.:

I hope you will insist on incorporating in the sundry civil bill the appropriation of \$100,000 for continuing the investigations of structural materials at St. Louis.

E. T. D. Myers, Jr.

PARKERSBURG, W. VA., February 22, 1907.

Hon. WM. H. WILEY, Washington, D. C.

Dear Sir: In reply to your favor of the 20th instant, you will find inclosed a copy of a letter I have sent to West Virginia's Senators, Scott and Elkins, also to Congressman Woodyard, of our Congressional district, and to Beman G. Dawes, Ohio's Representative from the Marietta district.

Hoping my efforts will have aided in securing the necessary appropriation for continuing the investigation of structural materials, I am, Respectfully, yours,

Jos. P. Horstman.

PARKERSBURG, W. VA., February 22, 1907.

PARKERSBURG, W. VA., February 22, 1967.

Dear Sir: As an engineer I am much interested in seeing the Government continue the investigation of structural materials it has been conducting at St. Louis during the past two and one-half years.

Considering the value and importance of the results of this work, not only to the engineering profession, but directly and indirectly to the whole people, I trust you will feel that an appropriation for this work should be included in the sundry civil bill and, in accordance, vote that such an appropriation be made.

Thanking you for your attention to this matter, I am,

Respectfully, yours,

Assoc. Mem. Am. Soc. of Civil Engineers.

NEWARK, N. J., February 22, 1907.

MEWARK, N. J., February 22, 1991.

Senator Boies Penrose, Washington, D. C.

My Dear Senator: My attention has been called to the fact that Congress is likely to cut out for this coming year an appropriation in the sundry civil bill for the continuance of fuel investigations which the Government has been conducting at St. Louis during the past two and one-half years.

I wish to enter my protest against such a course on the part of Con-

The data which this investigation has given in the past and will give in the future year is of the greatest value to the American engineers, and I carnestly entreat you to use your powerful reference to have this appropriation made.

Yours, very respectfully,

D. ROBT. YARNALL.

FERRACUTE MACHINE COMPANY, Bridgeton, N. J., February 22, 1907.

MY DEAR MAJOR WILEY: I inclose copy of a letter which I have just sent to Senators Kean and Dryden and Representatives Gardner and Parker, and I hope it may do some good.

With kind regards to yourself and family, I am, Faithfully, yours,

OBERLIN SMITH.

Maj. WILLIAM H. WILEY.

FEBRUARY 22, 1907.

My Dear Senator: I write to call your attention to the great importance of having inserted in the sundry civil bill the \$100,000 appropriation for continuing the tests of structural materials at St. Louis, which highly valuable and important work the Government is already engaged in.

This testing has, I believe, been going on for some two or three years past, to the great benefit of engineering science and the public in general. Few subjects can be of more importance than ascertaining the strengths and other qualities of the materials used in constructive work that their efficiency and safety may be insured.

With kind regards I am,
Faithfully, yours,
Hon. John Kean.

Hon. JOHN KEAN.

OFFICE OF THE MARYLAND STEEL COMPANY, Sparrows Point, Md., February 22, 1907.

Hon. WILLIAM H. WILEY. Sparrows Point, Md., February 22, 1907.

House of Representatives, Washington, D. C.

Dear Sir: Your letter of the 20th instant, relative to the appropriation for the fuel investigations, received.

By the attached copies of letters, which I have written to our Senator and Representative from this district, you will note that your request has been complied with, and I trust the measure will pass.

Yours, truly,

Member of the American Society of Mechanical Engineers.

FEBRUARY 22, 1907.

Hon. Isidor Rayner,

United States Senator, Washington, D. C.

Dear Sir: My attention has been called to the fact that in the sundry civil bill just reported by the Appropriations Committee of the House of Representatives no provision has been recommended to further the fuel investigations which the Government has been conducting at St. Louis during the past two and one-half years.

As this is a matter of vast importance, I would most respectfully request that you use your influence, if you can consistently, to secure the appropriation asked for—\$250,000—to continue these tests during the next fiscal year.

Yours, very truly,

Member of the American Society of Mechanical Engineers.

AMERICAN CEMENT COMPANY OF NEW JERSEY, Philadelphia, February 22, 1907.

Hon. WM. H. WILEY,

House of Representatives, Washington, D. C.

MY DEAR SIR: I have your letter of February 20, in reference to the matter of the appropriation in the sundry civil service bill for the continuance of the structural-materials work at St. Louis, and I have to-day telegraphed Hon. J. Hampton Moore, as per inclosed. I have

also written Mr. Moore, Senator Penrose, and Congressman Wanger as per inclosed copies, all of which I hope will be of some assistance in the right direction.

Yours, very truly,

B. W. Lesley, President.

FEBRUARY 22, 1907.

FEBRUARY 22, 1907.

My Dear Senator: I am writing you to-day to urge that the full appropriation of \$100,000 be made in the sundry civil bill to continue structural-materials investigations by the Geographical Survey at St. Louis, and to protest against the transference of this work to the Army arsenal near Boston.

Having been connected for many years with the developement of the cement industry and the introduction of concrete work in buildings, bridges, etc., I have been associated with the various engineering committees in the preparation of standards for concrete and reenforced concrete. The Government, through the Geological Survey and the advisory board of fuels and structural materials, of which I am a member, appropriated last year \$100,000 for the work of the most satisfactory and uniform character in the way of experiments with cements, concretes, concrete beams, etc., which are to be acted upon by the joint committees of the engineering societies in the preparation of specifications. This work has gone so far and is so important and has been done in such a way that to change the location of this work from the present laboratory to the Army arsenal near Boston, as proposed, would involve a total loss of the especifications a year backward. For this reason I urge the retention of the appropriation of \$100,000 in the sundry civil bill for the laboratory at St. Louis, believing that the work when completed there will be most material to the welfare of solid and fireproof construction in the United States.

Similar letter written to Hon Irving P. Wanger, House of Repre-

States.
Similar letter written to Hon Irving P. Wanger, House of Representatives, Washington, D. C.
Yours, very truly,
Hon. Boies Penrose,
United States Senate, Washington, D. C.

FEBRUARY 22, 1997.

PHILADELPHIA, February 22, 1907.

W. H. WILEY,
House of Representatives, Washington, D. C.

Dear Sir: Yours of the 20th is duly at hand.
In response thereto, I send you carbons of two letters which I have written, and shall be pleased to do anything further that you feel desirable.
Yours, truly,
R. D. Woop.

FEBRUARY 22, 1907.

FEBRUARY 22, 1907.

J. J. Gardner,

House of Representatives, Washington, D. C.

Dear Sir: For the past two years experiments have been carried on by the Government for the purpose of investigating coals in the country, giving attention principally to the coals of the West and Southwest, all of which was proper, as these coals need to be studied in order that they may be brought to the attention of consumers and their value made use of.

I am going to ask you to use your influence with the New Jersey Congressmen to see that the appropriation is continued for the present year.

Congressmen to see that the appropriate year.

We can grow wheat each year, so that economy in consumption is but a small matter when compared with the consumption of coal, which can never be replaced.

Therefore, as this subject needs great attention, the small appropriation which the Government has given to it is most amply justified. Hence I am going to ask you to speak to the Jersey Senators on the question, so as to be certain that they fully understand it.

Yours, truly,

FEBRUARY 22, 1907.

George D. McCreary,

House of Representatives, Washington, D. C.

Dear Sir: There has been carried on by the Government a most interesting work in connection with the investigation of the different coals in the United States.

I see that the appropriation for that purpose is likely to be discontinued. This will certainly be such a great misfortune that I trust you can make it clear to the Philadelphia and other Congressmen that anything that can be done to help the work of investigating coals will be a great thing for the State.

All Pennsylvanians should take great interest in the subject.
I do not know who has the matter in charge, but it certainly should not be lost sight of and the work allowed to cease.

Yours, truly,

THE BALTIMORE AND OHIO RAILROAD COMPANY,
OFFICE OF ENGINEER OF SURVEYS,
Baltimore, Md., February 22, 1967.

H. R. TALCOTT, Engineer of Surveys, B. & O. R. R.

FEBRUARY 22, 1907.

Hon. WM. PINKNEY WHYTE,

United States Senator, Washington, D. C.

Sir: I understand that no appropriation has been made this year for carrying on the investigations which are being made by the Government to determine the strength of structural materials.

This is a line of investigation which is of vital importance to engineers, and to railroad men especially, and it seems to me that it is entirely proper for the Government to undertake the investigation so as to avoid the duplication which would follow if the investigation is made by individual companies and at the same time will guarantee a more thorough dissemination of the knowledge gained.

I hope that you can see your way to support any movement which may be made to appropriate funds for carrying on this most important work.

Yours, very truly,

Engineer of Surveys, B. & O. R. R., Lutherville, Md.

NORFOLK AND WESTERN RAILWAY Co., Roanoke, Va., February 22, 1907.

Hon. WILLIAM H. WILEY,
House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

Dear Sir: I thank you for your letter of the 20th instant, calling attention to the fact that the sundry civil bill, just reported by the Appropriations Committee of the House of Representatives, does not include any appropriation for the continuance of the investigation of structural materials which the Government has been conducting at St. Louis during the past two and one-half years.

In this connection I beg to transmit herewith copies of a letter that I have addressed to the Hon. John W. Daniel, the Hon. Carter Glass, and the Hon. Henry Bannon on this subject.

Yours, truly,

Chas. J. Churchill.

CHAS. J. CHURCHILL, Chief Engineer.

Hon. John W. Daniel,

United States Senate, Washington, D. C.

Dear Sir: My attention is called to the fact that the sundry civil bill, just reported by the Appropriations Committee of the House of Representatives, does not include any appropriation for the continuance of the investigation of structural materials which the Government has been conducting at St. Louis during the past two and a half years, and in which members of the American Society of Civil Engineers and the members of the American Railway Engineering and Maintenance of Way Association are very much interested.

Last year Congress appropriated \$100,000 for this work, and I understand that another \$100,000 is necessary for continuing this work during the year beginning July 1, 1907. This is a class of work that can be carried on satisfactorily and in a conclusive manner only under the auspices of the United States Government. I trust, therefore, you will try and secure the appropriation necessary for continuing the work.

Yours, very truly,

Yours, very truly,

Chief Engineer.

A. D. GRANGER Co., Pittsburg, Pa., February 22, 1907.

Hon, W. H. WILEY, Washington, D. C.

DEAR SIB: In response to your letter of the 20th on the subject of appropriation for the fuel investigation, beg to say that I have written to all the Representatives from this district as per inclosed carbons.

Trusting you will be successful, I am,
Yours, very truly,

E. W. BENTLEY.

A. D. GRANGER Co., Pittsburg, Pa., February 22, 1907.

Senator P. C. Knox, Washington, D. C.

Dear Sir: We have noted by press dispatches that the sundry civil bill, recently reported by the Appropriations Committee of the House of Representatives, does not recommend an appropriation for the continuance of the fuel investigation which the Government has been conducting for the past two or three years at St. Louis. The writer has a copy of these reports so far as they have been published, and knows personally that these investigations are of very great benefit.

I understand that \$250,000 was appropriated for this work during this year, and a like amount should be appropriated for this next fiscal

year.
Your cooperation in securing an appropriation at this time would certainly be appreciated by the engineers of the country.
Yours, very truly,

A. D. Granger Co.

A. D. GRANGER CO. E. W. BENTLEY, Manager Pittsburg Office.

THE PENNSYLVANIA STATE COLLEGE,
DEPARTMENT OF CIVIL ENGINEERING,
State College, Pa., February 22, 1907.

Hon. WILLIAM H. WILEY, House of Representatives, Washington, D. C.

DEAR SIR: Your letter of February 20 is received, and in response thereto I have sent a letter—copy of which is inclosed—to Senator Knox, as I understand that Mr. DRESSER, the Representative from this district, is confined at his home by illness.

Very truly, yours,

ELTON D. WALKER.

FEBRUARY 22, 1907.

Hon. PHILANDER C. KNOX, United States Senate, Washington, D. C.

DEAR SIR: It has recently come to my attention that Congress is apparently intending to omit from the sundry civil bill the appropriation of \$100,000 for continuing the investigations of structural materials which have been carried on for the past few years in St. Louis.

In view of the importance of these investigations, especially those relative to concrete and reenforced concrete, I would respectfully urge upon you the importance, to the engineering profession in particular and the public in general, of having these investigations continued. Investigations of this character, in order to be of value, must cover a wide field and extend over a period of time and consequently involve an outlay beyond that possible for any individual engineer. It would, therefore, seem fitting that the Government should continue such a work as this, and as one member of the engineering profession I hope that this omission from the bill may be remedled.

I also have noticed in some of the papers that the work which has been carried on by the hydrographic division of the United States Geological Survey for some years past in investigating the water resources and compiling statistics of stream flow in the different parts of the United States is in danger of curtailment for lack of funds. Investigations of this character, to be of value, must be continuous over a series of years, and the discontinuance of operations at any river station for a few years, even if the work were later resumed, would seriously vitiate the value of the work was a whole. The reason for this statement is that a series of exceptionally dry or exceptionally wet years might occur during the time that work was discontinued, which would consequently fall to appear in the records, and which would, nevertheless, be of importance in designing either for water-power or water-supply improvements.

The water resources of Pennsylvania are a valuable source of wealth which has been developed to a very limited degree, and such investigations as the Government has been making are necessary if they are to be developed to any such extent as is desirable.

In comparison with our mineral resources the value of our water power has been very largely overlooked, but the value exists and is capable of development nevertheless, and I trust that this

GREAT LAKES CONSTRUCTION COMPANY, Buffalo, N. Y., February 22, 1907.

Hon. W. H. WILEY,
Member of Congress, House of Representatives,
Washington, D. C.

Dear Sir: I am in receipt of your letter of February 20, and inclose herewith copy of a letter I have to-day addressed to Representatives Alexander and Ryan, which I trust will meet with your approval, and I heartily agree with you that this investigation is absolutely essential and should not be allowed to drop.

Yours, truly,

D'Arcy W. Roper.

GREAT LAKES CONSTRUCTION COMPANY, Buffalo, N. Y., February 22, 1907.

Hon. W. H. Ryan, M. C.,

House of Representatives, Washington, D. C.

Dear Sir: When the sundry civil bill was reported by the Appropriation Committee of the House of Representatives, the desired appropriation for continuing the fuel investigations which the Government started at the St. Louis exhibition was conspicuous by its absence.

As a member of the American Society of Mechanical Engineers, this is a matter of vital interest to me and to thousands of engineers to a greater or less degree. We Americans have a tendency which is entirely too practical, and it is a matter of serious regret that more information of the nature of this which is being sought by the fuel investigations is not available to the American engineering profession, and it would be a great calamity if these investigations were allowed to be dropped. I therefore take the liberty to beg of you, as Representative from this district, to give the matter urgent attention and endeavor to have the required appropriation inserted in this bill.

Yours, truly,

BUFFALO, N. Y., February 22, 1907.

Hon. WILLIAM H. WILEY.

House of Representatives, Washington, D. C.

Dear Sir: I have your letter of the 20th instant, and have written to the two New York State Senators and to the Congressman of this district, as per copies inclosed.

Hoping that you may succeed in securing an appropriation for this purpose, I am,
Yours, very truly,

C. H. Bierbaum.

BUFFALO, N. Y., February 22, 1907.

BUFFALO, N. Y., February 22, 1907.

Hon. Chauncey M. Depew,
Senate Chamber, Washington, D. C.

Dear Sir: The work done at the St. Louis testing plant during the last two years on the matter of investigation of coals and fuel values is such that it certainly deserves the hearty support of Congress in continuing the work for some time longer, in order to bring the work that has been done up to the present time to a logical conclusion.

The importance of this work is valuable and far-reaching in the industries of this country.

Hoping that you will favor the appropriation, I am,
Very respectfully,

NORFOLK AND WESTERN RAILWAY COMPANY, Roanoke, Va., February 22, 1907.

Hon. John W. Daniels, United States Senate, Washington, D. C.

United States Senate, Washington, D. C.

Dear Sir: As a member of the American Society of Mechanical Engineers, and also as a mechanical engineer of a large railroad corporation, I am, of course, particularly interested in the fuel test that the Government has been conducting in St. Louis, beginning at the time of the Louisiana Purchase Exposition.

Believing that this investigation will be of great benefit to the country at large, I want to ask that you will help in getting through the necessary appropriations for continuing the work during the coming

year.

I understand the appropriation asked for is \$250,000, and I hope you will see fit to help out in the matter.

Yours, respectfully,

JOHN A. PILCHER,

JOHN A. PILCHER, Mechanical Engineer.

WHEELING MOLD AND FOUNDRY COMPANY, Wheeling, W. Va., U. S. A., February 22, 1907.

Mr. WILLIAM H. WILEY, M. C., Washington, D. C.

DEAR SIR: I have your letter of February 20. Very truly, yours,

As a member of the American Society of Mechanical Engineers I am very much interested in the continuance of the fuel investigation which the Government has been conducting at St. Louis for the past two and a half years, and trust you will give the matter of an appropriation of \$250,000 for the next year your support.

Very truly, yours,

FRANK THOMSON.

JOHN W. FERGUSON COMPANY, Paterson, N. J., February 23, 1907.

Hon. JOHN KEAN, Washington, D. C.

Washington, D. C.

My Dear Senator: I understand from press dispatches that the sundry civil bill just reported by the Appropriations Committee of the House of Representatives makes no provision for the continuance of the investigation of structural materials, which the Government has been conducting at St. Louis during the past two years.

The continuance of this investigation as started is of the greatest importance to owners of buildings, engineers, and contractors, particularly as it embraces the question of reenforced concrete construction, which recently has come into prominence and is being used as a substitution for steel construction.

Everyone who has had experience with reenforced concrete construction realizes that its use is still in its infancy, and that there is a great deal still to be learned which can only be reported through physical tests on completed work.

I wish to urge upon you the desirability, and almost necessity, of appropriating the full amount of \$100,000 for this purpose, and that the investigation should be continued under the Geological Survey at St. Louis, where it was started.

With the sincere hope that you will interest yourself in this matter and aid to secure the passage of the above measure, I beg to remain Yours, truly,

J. W. Ferguson.

J. W. FERGUSON.

WILKES-BARRE, PA., February 23, 1907.

Hon. WILLIAM H. WILEY, Member of Congress, Washington, D. C.

MY DEAR MR. WILEY: Inclosed herewith please find carbon copy of letter I have just written to General Palmer in connection with your two favors of February 20.

Trusting that you will be successful in urging the continuance of these very valuable tests, I remain,
Yours, very truly,

R. V. Norris,

Government February

R. V. NORRIS, Consulting Engineer.

FEBRUARY 23, 1907.

Gen. Henry W. Palmer,

Member of Congress, Washington, D. C.

My Dear General: I notice that in the sundry civil bill no appropriation is recommended for the continuance of fuel investigations or the investigation of structural materials at St. Louis.

These investigations are giving a great amount of extremely valuable data which could not be obtained by individuals, and I think I voice the opinion of practically all engineers in hoping that these may be continued.

ontinued.

If you can do anything to assist in getting these items into the bill, you will earn the gratitude of all of the engineering profession.

Very cordially, yours,

Consulting Engineer.

VULCANITE PORTLAND CEMENT Co., Philadelphia, February 23, 1907.

Hon. William H. Wiley,

House of Representatives, United States,

Washington, D. C.

Dear Sir: I have your letter of the 20th in relation to the appropriation of \$100,000 for continuing the investigation of structural materials at St. Louis.

I have communicated with the two Senators from Pennsylvania and Members of Congress from Philadelphia; also Hon. Charles N. Fowler, of New Jersey (House of Representatives, Washington, D. C.), who represents the district in which our mill is located.

Yours, very truly,

JNO. B. Lober, President.

JNO. B. LOBER, President.

FEBRUARY 23, 1907.

Hon. H. H. BINGHAM, House of Representatives, Washington, D. C.

Mouse of Representatives, Washington, D. C.

My Dear Sir: I am writing you to-day to urge that the full appropriation of \$100,000 be made in the sundry civil bill to continue structural materials investigations by the Geological Survey at St. Louis, and to protest against the transference of this work to the Army arsenal near Boston.

Having been connected for many years with the development of the cement industry and the introduction of concrete work for buildings, bridges, etc., I have been associated with the various engineering committees in the preparation of standards for concrete and reenforced concrete. The Government, through the Geological Survey and the Advisory Board on Fuels and Structural Materials, of which I am a member, appropriated \$100,000 last year for the work of the laboratory at St. Louis. This laboratory has been doing work of the most satisfactory and uniform character in the way of experiments with cements, concretes, concrete beams, etc., which are to be acted upon by the joint committees of the engineering societies in the preparation of specifications. This work has gone so far, is so important, and has been done in such a way that to change the location of this work from the present laboratory to the Army arsenal near Boston, as proposed, would involve the total loss of the work so far done and practically put the work of making the specifications a year backward.

For this reason I urge the retention of the appropriation of \$100,000 in the sundry civil bill for the laboratory at St. Louis, believing that the work, when completed there, will be most material to the welfare of permanent and fireproof construction in the United States.

Yours, very truly,

R. W. LESLEY, President.

THE JACOB TOME INSTITUTE, Port Deposit, Md., February 23, 1907.

Hon. WILLIAM H. WILEY,
House of Representatives, Washington, D. C.

My Dear Sir: Your letter of the 20th is just received, and I note that you say this matter will be brought to a vote the last of this week, so that it is too late for me to try to reach any of the delegation from Maryland. I trust, however, that everything will go all right. The investigations surely ought to be carried forward, and if there be anything further that I can do I shall be glad to know about it. Yours, very truly,

WALTER FLINT.

EXPANDED METAL ENGINEERING COMPANY, New York, February 23, 1907.

Hon. WILLIAM H. WILEY, House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

Sin: Your letter of February 20 is duly received, and I will take pleasure to-day in writing to the Appropriations Committee. I thank you for calling my attention to this subject. I am largely interested in the result of this investigation and will do all I can to further the appropriation. If there were time and opportunity afforded, I could readily get up a good-sized party in New York to come down and appear in person before the committee. I am vice-president of the National Association of Cement Users, and also of the Concrete Association of America.

America.

Inclosed I hand you copy of my letter to the Committee on Appropriations to-day.

Very truly, yours,

MERRILL WATSON.

THE CONCRETE ASSOCIATION OF AMERICA, New York, February 23, 1907.

COMMITTEE ON APPROPRIATIONS, House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

Gentlemen: I address you appealing for your favorable consideration of an appropriation for \$100,000 to continue the work of investigation of structural materials now being conducted by the Government at St. Louis. A great industry is now being developed in this country. There are no fixed laws upon the subject, neither is there any official data. Municipalities throughout the country are legislating upon the subject, but each one is acting independent of the other because no uniform standards have been arrived at. It is therefore of the utmost importance for the promotion of uniform and wise legislation for the work begun at St. Louis to continue to completion. I appeal to you on behalf of the association indicated by this letterhead, as well as personally. I am interested in the business of reenforced concrete and have been for the past twelve years. The greatest drawback to this business is lack of official and scientific data. This can only be acquired by such a means as is now being employed at St. Louis. Continue the good work!

Very truly, yours,

MERRILL WATSON.

UTICA, N. Y., February 23, 1967.

Hon. WILLIAM H. WILEY,

House of Representatives, Washington, D. C.

MY DEAR SIR: Your letter of the 20th instant was slightly delayed in reaching me. I last evening telegraphed to the Hon. J. S. Sherman stollows:

"Continuance of \$100,000 appropriation for investigation structural materials under present management is scientifically important. Hope you will support measure."

I have no personal acquaintance with either Senator Platt or Senator Depew, and hardly think a telegram from me to either of them would be of any assistance to you. If Mr. Sherman's active assistance can be obtained, I think it will be of great advantage. He can probably advise you as to the best means of reaching the New York Senators, and if I can do anything further in aid of the cause, please command me.

Very respectfully, yours,

Chapman L. Johnson.

WEST PENN RAILWAYS COMPANY, Connellsville, Pa., February 23, 1907.

Hon. WM. H. WILEY, M. C., Washington, D. C.

Dear Sir: Have yours of February 20, 1907, and inclose herewith copy of letter I have just written to Hon. A. F. Cooper, M. C.

We are fully in accord with the movement toward continuing the investigations of fuel, and shall be only too glad to do anything we can to forward the matter.

Yours, very truly,

W. E. Moore,

General Manager.

W. E. MOORE, General Manager.

FEBRUARY 23, 1907.

Hon. A. F. COOPER, M. C., Washington, D. C.

MY DEAR MR. COOPER: Our attention has just been called to the fact that in the sundry civil bill reported by the Appropriations Committee of the House of Representatives no appropriation was recommended for the continuance of the fuel investigation which the Government has been conducting at St. Louis during the past two and one-

ment has been conducting at St. Louis during the past two and obehalf years.

I believe it would be very much to the advantage of the public generally, especially those people living in the coal-mining districts of Pennsylvania, to have these investigations continued, and we are therefore writing you requesting that you use your influence to the end of securing an appropriation of at least \$250,000 in the sundry civil bill to continue these investigations on the fuel problem.

Thanking you in advance for anything you can do toward this end,
Yours, very truly,

W. E. Moore. General Manager.

W. E. Moore, General Manager.

WEST VIRGINIA UNIVERSITY, Morgantown, February 22, 1907.

Morgantown, February 22, 1907.

Hon. WILLIAM H. WILEY,
Member House of Representatives, Washington, D. C.

Dear Sir: I have just received your valued favor of the 20th, and most heartily approve your efforts to have the appropriation for the continuance of fuel investigations included in the sundry civil bill. I inclose herewith a copy of the letter which I am sending to Senator Elkins, and I have also written a similar letter to our Representative for this district, Congressman Thomas B. Davis.

Trusting that your efforts will bear fruit, I am,
Very truly, yours,

Professor of Mechanical Engineering.

C. R. JONES, Professor of Mechanical Engineering.

WEST VIRGINIA UNIVERSITY, Morgantown, February 22, 1907.

West Virginia University,
Morgantown, February 22, 1907.

Hon. Stephen B. Elkins,
Senator, Washington, D. C.

Dear Sir: I have learned from press dispatches and other sources that no appropriation has been recommended for the continuance of the fuel investigation in the sundry civil bill, which the Government has been conducting at St. Louis for the past two or three years. This work I consider of the highest importance to West Virginia, and as our legislature makes no provision for the testing of our coals, either as boiler fuels or for their gas-making properties, every possible effort should be made to have the work continued by the National Government. The work already done at St. Louis has aroused the interest of the engineers all over the country to this long-neglected field of investigation, and while much good has already resulted, a number of investigations have only really been begun, and their discontinuance at this time would certainly be a misfortune to our State.

The published results have included some of the most helpful data that our literature affords in bringing before our classes at this institution the great engineering problems which our students, especially those locating in West Virginia, will have to face.

In view of the importance of this appropriation, I trust you will use your influence to have it continued.

Very truly, yours,

C. R. Jones,

Professor of Mechanical Engineering.

C. R. JONES, Professor of Mechanical Engineering.

FEBRUARY 21, 1907.

Hon. W. H. Wiley, Washington, D. C.

Dear Sir: Your letter of yesterday was duly received, and in compliance with your request I have written to Mr. Burton and to Senator Dick in regard to the fuel-testing plant.

I inclose copy of letter to Senator Dick; the other letter was practically identical with this. I thank you for calling my attention to the matter and for giving me an opportunity to speak a word in favor of the testing plant.

Yours, sincerely,

C. H. Benjamin.

FEBRUARY 21, 1907.

Hon. CHARLES DICK, Washington, D. C.

Hon. Charles Dick, Washington, D. C.

Dear Sir: If press reports are to be deleved, the sundry civil bill as reported to the House does not contain any provision for the continuance of the work at the fuel-testing plant at St. Louis.

I have been familiar with the work which has been carried on there the past two years and know the men who are in charge and I should consider it a serious blow to scientific inquiry and to economic investigation if the work should now be discontinued. The problems of fuel supply and consumption are becoming every year more important, and the experiments which are now under way at the testing plant will help in a large measure to solve these problems. The investigations now being made in regard to gas producers and to the use of alcohol for power purposes are instances in point. I trust you may find means to further the introduction and support of an amendment providing for the continuance of this important work.

Member American Society of Mechanical Engineers.

FEBRUARY 22, 1907.

Hon. W. W. Wilson, Washington, D. C.

Hon. W. Wilson, Washington, D. C.

Dear Sin: I wish to call your attention to my interest as an engineer in the continuation of the work that the Geological Survey has been carrying on at St. Louis, Mo., during the last two or three years in the way of testing fuel. Appropriations have been made from time to time to cover the expense of this work, and noting that it is about time for action to again be taken regarding the matter I trust you will appreciate its importance and be led to do what you can to continue this original and highly important line of investigation.

Very truly, yours,

YARMOUTHVILLE, ME., February 22, 1907.

Hon. Amos L. Allen, Washington.

DEAR SIR: Trust you will urge and vote for continuance fuel investigation with funds.

GEO. W. HAMMOND.

Hon. W. H. WILEY, Washington.

DEAR SIR: Inclosed and above are what I have sent to-day. Your letter came this morning while I was absent. The telegram went before 5 o'clock. The letters go on to-night's mail.

Very truly, yours,

GEO. W. HAMMOND.

YARMOUTHVILLE, ME.

Hon AMOS L. ALLEN, Washington.

Dear Sir: As a soda fiber manufacturer and, since 1885, a member of the Society of Mechanical Engineers, I realize the great importance of continuing the fuel investigation the Government has been conducting for two and a half years.

New investigations have been begun and not finished. The combustion of coal is not as well understood as it ought to be, and any improvement will be readily adopted and result in great saving. We are working too much in the dark. No individual or firm can afford to make exhaustive experiments to know all there is to be known.

I hope you will feel like urging and voting for the \$250,000 appropriation asked for for this purpose.

Yours, truly,

GEO. W. HAMMOND.

(Same letter to Hon, EUGENE HALE, Hon, WILLIAM P. FRYE.)

Massillon, Ohio, February 22, 1907.

WILLIAM H. WILEY, Washington, D. C.:

Inclosed copies of request to Senators and Representatives, as requested. Trust bill may contain the desired amount—\$250,000.

Very fraternally, yours,

EDMUND GARRIGUES.

EDMUND GARRIGUES.

FEBRUARY 22, 1907.

The Hon. CHARLES DICK, Washington, D. C .:

The Hon. CHARLES DICK, Washington, D. C.:

The question of an appropriation of \$250,000 to continue the fuel investigations which the Government has been conducting at St. Louis is one of great importance, and I would most respectfully urge attention to this matter. Trusting that we may have your personal support in securing the full appropriation estimated (\$250,000) in the sundry civil bill for the continuance of these investigations during the next fiscal year, I am,

Yours, very respectfully,

EDMUND GARRIGUES.

SYRACUSE, N. Y., February 23, 1907.

Hon. M. E. Driscoll,

Member of Congress, Washington, D. C.

Dear Sir: As engineers and members of the American Society of Civil Engineers we desire to call your attention to the importance of appropriating \$100,000 in the sundry civil bill to continue the investigation of structural materials which the Government has been conducting at St. Louis during the past two and one-half years.

This work, especially in regard to reenforced concrete, is of great importance to the country at the present time on account of the lack of exact information on this class of structural material, as exemplified by the partial failure of many such structures each month.

We believe that this work should be continued at St. Louis and not transfered to the Army arsenal near Boston and respectfully request that you use your influence for that end.

Thanking you for your consideration of this matter, we are,

Very respectfully,

Morrison & Farington.

MORRISON & FARINGTON.

THE NEW YORK, CHICAGO AND St. LOUIS RAILROAD COMPANY, Cleveland, Ohio, February 23, 1907.

Mr. William H. Wiley,

House of Representatives, Washington, D. C.

Dear Sir: Referring to your letter of February 20, I have addressed communication to Messrs. Burron and Dick, urging their assistance in the appropriation referred to, and I personally am indebted to you for your having called my attention to the matter. I inclose you copy of letter I have written these gentlemen.

Yours, truly,

A. W. JOHNSTON, General Manager.

A. W. JOHNSTON, General Manager.

THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD COMPANY, Cleveland, Ohio, February 28, 1997.

-, General Manager.

United Building Material Company, Boston, Mass., February 23, 1907.

Hon. WILLIAM H. WILEY,

House of Representatives, Washington, D. C.

Dear Sir: I note your advices in regard to the reported action of the Appropriations Committee affecting the experimental work at St. Louis. It does not seem to me that this appropriation would be denied after the substantial starting given this project in last year's sundry civil bill.

I will do what little I can to urge further appropriation, and am also very anxious to know why it is proposed to suspend this work at St. Louis and transfer the work to the Watertown Arsenal.

Very respectfully, yours,

E. S. Larned.

UNITED STATES COAL AND COKE COMPANY, Gary, W. Va., February 23, 1907.

N. B. Scott,
United States Senate, Washington, D. C.:
Would urge your support of appropriation of \$100,000 in sundry civil bill for continuing structural-materials investigation by Geological Survey at St. Louis.

HOWARD N. EAVENSON, Chief Engineer United States Coal and Coke Co.

VIRGINIA POLYTECHNIC INSTITUTE, Blackburg, Va., February 23, 1907.

Hon. WILLIAM H. WILEY,

House of Representatives, Washington, D. C.

DEAR SIR: Yours of the 20th instant have been received, and I am sending you copies of my letters to different Congressmen whom I know.

Very truly, yours,

L. S. RANDOLPH.

BLACKSBURG, VA., February 23, 1907.

Hon. Carter Glass, House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

Dear Sir: I want to urge upon you the necessity for an additional appropriation for the continuance of the investigation of structural materials which the Government has been conducting at St. Louis since the exposition at that point.

These have been invaluable to the industrial interests of this country, and I would like to bear testimony to its personal value to the writer not only in his engineering work, but more particularly in his teaching. He has been enabled to place a larger amount and more reliable information, obtained from these reports, in the hands of his students.

Very truly, yours,

(Copy to Hon. H. D. Flood, George A. Pearre, H. L. Maynard, T. L. Martin, Jno. W. Daniel.)

PROVIDENCE, R. I., February 23, 1907.

Hon. Daniel L. D. Granger, M. C., Washington, D. C.

Washington, D. C.

Dear Sir: I note from press dispatches that in the sundry civil bill, just reported by the Appropriations Committee of the House of Representatives, there is not any appropriation recommended for the continuance of the investigation of the structural materials which the Government has been conducting at St. Louis during the past two years. If you have not had time to look into the matter, may I respectfully ask if you will do so, as the work at St. Louis has been of great benefit to the engineers of this country, and at this time, when reenforced concrete construction is being so extensively used, not only in the country, but all over the world, and there is so much practical information that should be learned regarding the subject, it will be most unfortunate, I think, if this appropriation is not made, not only for the engineering profession, but for the building interests and the general public.

Very truly, yours,

EDMUND B. WESTON,

EDMUND B. WESTON, Member American Society Civil Engineers.

Engineers' Society of Western New York, Buffalo, N. Y., February 23, 1907. Hon. William H. Wiley, M. C., Washington, D. C.

Dear Sir: This morning I received your letter of 20th with regard to the \$100,000 appropriation in the sundry civil bill. I wrote to M. J. Ryan, one of our Members of Congress, and I inclose letter (copy). I hope there will be enough civil engineers to use their influence to help in your valuable efforts to have this small request granted.
Yours, respectfully,

fully, S. M. Kielland, Civil Engineer B. C. R. R., Member American Society Civil Engineers, etc.

FEBRUARY 23, 1907.

Hon. J. Ryan, M. C., Washington, D. C.

Dear Sir: I write to ask your assistance to have passed an appropriation in the sundry civil bill for continuing structural materials investigation by the Geological Survey at St. Louis, Mo. The amount asked is \$100,000. The investigations are of such an enormous importance in their results to the whole nation—both in money and in life protection—that they ought to be continued and completed where they have so well been begun.

We civil engineers do not ask for many favors, so I hope that, too, will be a reason to assist us in this humble and unselfish request as here presented to your valuable consideration and action.

Yours, respectfully,

S. M. Kielland,

Member American Society Civil Engineers, Civil Engineer B. C. R. R. Co., etc.

NEW YORK, February 23, 1907.

Hon. WILLIAM H. WILEY, House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

DEAR SIR: The American Society of Mechanical Engineers, who represent, as you are aware, one of the most important lines of business so far as the material advancement of this country goes, have very strongly advocated the continuation of the investigations which were begun at St. Louis two and a half years ago for the purpose of investigation of the fuel propositions.

No more important subject, so far as the welfare of this country goes, is before Congress, and yet I note that in the last sundry civil bill the appropriations for the continuation of this work have been left out.

The recent remarks made by Admiral Evans indicates the desirability of the conservation of the coal which we have available at the present time. The result of these investigations, when properly known, will undoubtedly save more coal in our power plants than would be required by the United States fleets when needed for the conditions certified by Admiral Evans.

Speaking for myself, and, I believe, for very many others of the American Society of Mechanical Engineers, I hope that you will do what you can to see that appropriations are made for the continuation of these investigations.

I would say that, if you are not possessed of the information, the American Society of Mechanical Engineers is composed of 3,000 of the mechanical heads or managing heads of the principal manufacturing organizations of this country.

Yours, truly,

F. H. STILLMAN.

NEWTON HIGHLANDS, Mass., February 23, 1907.

Hon. W. H. WILEY, House of Representatives, Washington, D. C.

DEAR SIR: In response to your letter with reference to the continuance of the appropriation for the investigation of structural materials at St. Louis, I inclose herewith a copy of my telegram and letter to Captain Weeks.

Yours, very truly,

SANFORD E. THOMPSON.

NEWTON HIGHLANDS, MASS., February 23, 1907.

Hon. John W. Weeks, House of Representatives, Washington, D. C.:

Full appropriation, \$100,000. Very essential for structural material tests at St. Louis.

SANFORD E. THOMPSON.

Newton Highlands, Mass., February 23, 1907.

Hon. John W. Weeks,

House of Representatives, Washington, D. C.

Dear Sir: I understand that the sundry civil bill has been reported with no appropriation for the continuance of the tests of structural materials, and I have just wired you as per confirmation of telegram inclosed.

It is very essential for the restaurance of the structural materials.

inclosed.

It is very essential for the safety of reenforced concrete construction that definite rules for computation be recommended at the earliest possible moment. This can not be done without tests, and these tests can not be made by private parties; in the first place, because of the expense, and in the second place, because it would be almost inevitable that the conclusions would be biased, or at least that the public would not place faith in them.

The tests are now well under way at St. Louis, but from the nature of the material it is impossible to obtain final results in a few months' time.

time.

The joint committee of the National Engineering Societies has been holding frequent meetings during the past year, with no remuneration, the members paying their own expenses to the place of meeting. In addition the committee has consumed a great deal of valuable time in analyzing the results of tests already made, so as to eliminate all unnecessary work by the Government For example, I, as chairman of the committee on aggregates, have presented a forty-five-page report on the present status of this branch of the subject.

I trust that you will appreciate the importance of doing anything in your power which will further the insertion of this appropriation of \$100,000 for structural materials investigation.

The suggestion has been made that these tests be transferred to the Watertown Arsenal. In my opinion the arsenal might well handle a portion of the tests, especially the column tests; but the men at St. Louis are organized for the work of making and breaking beams, and it seems to me that it would be unwise to change the present organization.

Appreciating anything which you may do in this matter. I remain

Appreciating anything which you may do in this matter, I remain, Yours, very truly,

WASHINGTON UNIVERSITY, St. Louis, Mo., February 23, 1907.

WASHINGTON UNIVERSITY,
St. Louis, Mo., February 23, 1907.

Hon. William H. Wiley.

House of Representatives, Washington, D. C.

My Dear Sir: Your letter of the 20th instant is just received. I have sent the following to the Hon. William J. Stone, William Warren, members of the United States Senate, and the Hon. Richard Bartholdt, J. T. Hunt, E. E. Wood, Members of the House of Representatives, all from this State:

"As a member of the American Society of Civil Engineers, I respectfully urge you to insist upon incorporating in the sundry civil bill the desired appropriation of \$100,000 for continuing the investigations of structural materials at St. Louis, which have under the previous appropriation been so successfully inaugurated. I consider this work of great value to the whole country, and its possible interruption from failure of an appropriation would be a serious matter."

I thank you for bringing this matter to my attention and hope that the item may be replaced and passed.

Very truly, yours,

J. L. Van Ornum.

FEBRUARY 23, 1907.

Hon. Samuel W. McCall, Washington, D. C.

Hon. Samuel W. McCall, Washington, D. C.

My Dear Mr. McCall: A great many of my friends, and I can count among them the leading mechanical engineers, are interested in the continuance of the fuel investigations which the Government has been conducting at St. Louis.

It will be to their interest and mine if you will investigate this matter, and if you can see your way clear to vote for a suitable appropriation for this work.

Yours, very truly,

Secretary American Society Mechanical Engineers.

PITTSBURG, PA., February 23, 1907.

Hon. WILLIAM H. WILEY,

The Highlands, Washington, D. C.

MY DEAR SIR: Your letter of the 20th instant regarding the sundry civil bill reached me to-day, and I have accordingly written to Hon. John Dalzell, James F. Burke, A. J. Barchfell, and Senator Knox. I would have telegraphed, but a letter will reach them as soon as a telegram would.

Hoping that my letter will be of some service, I am,
Yours, very truly,

WM. WHITE, Jr.

WM. WHITE, Jr.

BOUND BROOK, N. J., February 23, 1907.

Hon. WILLIAM H. WILEY, Washington, D. C.

MY DEAR MR. WILEY: I received your letter, and early this morning wired our Member of Congress, Ira W. Wood, regarding the bill.

I have also written a letter to him and to both of our Senators. I know that Mr. Wood will do all he can for me, and I believe that at least one of the Senators will read my letter carefully.

Inclosed you will find copy of my letter to Mr. Wood; the other two letters are substantially the same, excepting the clause regarding the

telegram.

Am glad that you called my attention to this matter, and I hope that I may prove of some assistance.

Very truly, yours,

H. M. Herbert.

BOUND BROOK, N. J., February 23, 1907.

Hon. Ira W. Wood, M. C., Washington, D. C.

My Dear Mr. Wood: My attention has been called to the fact that
the sundry civil bill as reported to your House contains no appropria-

tion for the continuance of the investigation of structural materials, and in consequence I wired you to-day as follows:

"Kindly use influence to have full appropriation, \$100,000, in sundry civil bill for investigation structural materials at St. Louis passed."

As you are perhaps aware, this investigation has been in progress for the past two or three years, and I consider it a matter of vital importance, not only to us engineers, but also to every one interested in the economical and safe construction of buildings and structures of all kinds, that this important work should not be held up at this time for lack of a small appropriation. And I would urge that this work be continued, as at present, at St. Louis, as I believe that better results will be obtained there than by making the proposed change to the Army arsenal near Boston.

If you will use your best endeavors to have \$100,000 appropriated for the above purpose, I shall consider it a great favor.

Very truly, yours,

H. M. Herrert,

H. M. HERBERT, Member American Society Civil Engineers.

CINCINNATI, OHIO, February 23, 1907.

Hon. Joseph Rhinock, Member of Congress, Washington, D. C.:

Earnestly urge you to insist on appropriation continuing investiga-tion structural material at St. Louis. Matter vitally important all industries.

H. M. KNAPP.

COLUMBUS, OHIO, February 23, 1907.

Hon. WILLIAM H. WILEY, Member of Congress, Washington, D. C.

MY DEAR SIR: In obedience to your request of the 20th I have this day sent letters to Congressman E. L. TAYLOR, of this district, and Senator Dick, of Ohio, copies of which are, as you request, inclosed.

I certainly hope that you will be successful in carrying through the

appropriation.

appropriation.

In regard to the proposed removal of the work to this city, I do not know that that was ever seriously considered, but I thought that TAYLOR might be influenced by this consideration if no other would do. Wishing you success, I remain,

Very truly, yours,

HAROLD M. BUSH.

COLUMBUS, OHIO, February 23, 1907.

Hon. Charles Dick, United States Senate, Washington, D. C.

DEAR SIE: I am advised that the Appropriations Committee of the House has omitted from the sundry civil bill the item appropriating the money for the continuance of the work of Fuel Investigation Commis-

sion.

I wrote you about a year ago calling your attention to the value of this work and received your very satisfactory reply. I therefore take the liberty of again requesting your interest in this work and your support of the same.

The nature of the work of the Commission is such that its abandonment at this time would be an injury to the business of the entire country, and the coal-producing States would be the greatest sufferers thereby.

Thanking you in advance for your interest in this matter, I remain, Very respectfully,

LOUISVILLE, KY., February 23, 1907.

Hon. Swagar Sherley, M. C.,

Fifth Kentucky District, Washington, D. C.:

I urge appropriation of \$100,000 to continue investigations upon structural material by Geological Survey at St. Louis and protest against transferring the work thence to Army arsenal near Boston.

Chas. Hermany,

Past President American Society of Civil Engineers.

ILLINOIS, February 23, 1907.

Mr. WILLIAM LORIMER, M. C., Washington, D. C.

DEAR SIR: I noticed that no appropriation has been made for the continuance of the investigation of structural materials which has recently been conducted by the Government and feel that it would be very unfortunate if this investigation were not continued without interruption. I would therefore ask you to do what you can to secure the addition of an appropriation for this purpose in the sundry civil bill, and trust that a sufficient amount may be appropriated for this purpose. purpose. Yours, truly,

W. L. COWLES.

Hon. WILLIAM H. WILEY,

House of Representatives, Washington, D. C.

My Dear Sir: I have your favor of the 20th instant regarding the continuance of the investigation of structural materials which the Government has been conducting at St. Louis during the past two and one-half years.

I fully harmonize with your views and have the structural materials.

Government has been considered as the control of th

FEBRUARY 23, 1907.

Hon. RICHARD BARTHOLDT, House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

Dear Sir: I have received a letter from Mr. William H. Willey, Member of Congress, urging me to express my views in behalf of an appropriation for further investigation of structural materials, which the Government has been conducting at St. Louis during the last two and one-half years, in which the engineering profession of this country and, we may say, of the world, is especially interested.

I personally am very much in favor of seeing this work carried on for another year and longer, if necessary, to bring about a full knowledge of concrete, simple and reenforced, and I believe I will express the sentiment of the engineering profession of this locality and the West if

I would extend to you the request to kindly lend your influence in this behalf.

Yours, very truly,

\_\_\_\_\_\_.

Consulting Engineer.

SCRANTON, PA., February 23, 1907. Hon. WILLIAM H. WILEY, Washington, D. C.

Hon. WILLIAM H. WILEY, Washington, D. C.

SIR: In accordance with your communication of February 18, which was, however, received very late, I forward herewith copies of letters just sent to Representative Thomas H. Dale. The engineers of Scranton are greatly interested in the tests of fuels and other materials carried on by the Government, and if there were time to secure the action of our local engineers' club, consisting of about 250 civil, mining, mechanical, electrical, and other engineers, I have no doubt but that strong resolutions favoring such an appropriation would have been adopted and forwarded. Last year such action was, I understand, taken and communicated to Mr. Dale.

Trusting that through your efforts the appropriation may yet be secured, I am,

cured, I am, Respectfully, yours,

A. B. CLEMENS.

SCRANTON, PA., February 23, 1907. To the Senators and Representatives from Pennsylvania.

To the Senators and Representatives from Pennsylvania.

SIRS: We, the undersigned, being engaged in the various engineering professions, respectfully request that you favor the insertion of an appropriation in the sundry civil bill now before Congress for the amount of \$250,000, as asked for, to continue the investigations now being made by the Government on the various fuels of the United States. We believe these investigations to be of great value to the whole country, and especially to those engaged in engineering, manufacturing, and transportation.

Very respectfully,

E. H. Powell, A. Llano, D. E. Carpenter, C. Wadsworth,
F. W. Brady, Thos. N. Thomson, L. H. Hall, J. F. Cosgrove, A. B. Clemens, F. H. Doane, J. T. Beard, S. A. Fletcher, T. W. Holloway, John M. Maris, J. J. Cosgrove.

SCRANTON, PA., February 23, 1907.

Hon. THOMAS H. DALE, Washington, D. C.

Hon. Thomas H. Dale, Washington, D. C.

Sir: I inclose herewith a letter signed by Scranton engineers, to whom I was able to submit it in the very short time at my disposal. These men are in almost every case members of our leading national engineering organizations and are greatly interested in the work of testing fuels and kindred materials. I have no doubt that if a meeting of the Engineers' Club could have been called unanimous action would have been taken urging an appropriation for the prosecution of fuel tests in the sundry civil bill. You may remember that last year such action was taken and a record thereof communicated to you.

Trusting that you may lend your influence and support to the insertion of this appropriation, I am,

Very respectfully,

A. B. Clemens.

FEBRUARY 23, 1907. Hon. WILLIAM H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIB: Your letter of the 20th instant at hand concerning appropriation for fuel investigation, and have written the Hon. Theodorn E. Burton, and am inclosing you a copy of my letter.

Very respectfully,

AMOS B. MCNAIRY.

FEBRUARY 23, 1907.

Hon. Theodore E. Burton,

House of Representatives, Washington, D. C.

My Dear Mr. Burron: If I read the reports in the newspapers aright, I gather that in the sundry civil bill no funds are provided for continuing the fuel investigations the Government has been carrying on at St. Louis during the past two or more years.

As a manufacturer and mechanical engineer, I trust the announcement is incorrect, for I am sure that the results already accomplished along this line of investigation is of great importance to the industrial and domestic departments of our country. I have read with interest the reports already published and the valuable information given relative to heat units of the various coals, to say nothing of the many other characteristics mentioned appertaining to our coal measures, which I consider of inestimable value to the people.

I hope you are in favor of having the Government go on with this work and can lend your influence, if need be, toward securing funds to proceed with the investigations. I believe in this as much as I did in granite for our post-office.

Very truly, yours,

JACKSONVILLE, FLA., February 23, 1907.

Senator James P. Taliaferro, Washington, D. C .:

Influence Florida delegates urged to secure appropriation for investigating structural materials, sundry civil bill.

J. W. SACKETT.

E. BURSLEM THOMSON.

F. W. BRUCE.

SEMET-SOLVAY COMPANY, RETORT COKE OVENS, Syracuse, N. Y., February 23, 1907.

Hon. WILLIAM H. WILEY,
House of Representatives, Washington, D. C.

Dear Sir: I beg to acknowledge your letter of February 20, just at hand, regarding the fallure of the Appropriations Committee to recommend an appropriation for the fuel investigations at St. Louis during the coming year. I beg to inclose copy of letter which I have written to my Congressman on the subject.

Yours, very truly,

W. H. Blauvelt.

SYRACUSE, N. Y., February 23, 1907.

Hon. M. E. DRISCOLL,

House of Representatives, Washington, D. C.

DEAR SIR: I note in the daily papers that in the sundry civil bill no appropriation is recommended for the continuance of fuel investiga-

tions which the Government has been conducting at St. Louis during the past two and one-half years, and which the interests which I represent believe have been and will be of very great value to the metal-lurgical industries and to the country at large, provided they can be carried through to the logical and proper conclusion. Congress has appropriated a good deal of money in past years to this work and much of this money will be lost, or only of partial value, unless the work that has been undertaken is carried to a finish.

I trust that you will see your way clear to do what you can to insure the recommendation of suitable appropriation for the continuance of this work, which I understand has been estimated at \$250,000, the same amount as appropriated last year. If there is any down on your part as to the wisdom of the expenditure, I trust that an inquiry will be made among those naturally interested in the results of the work before the bill is permitted to go through without an appropriation for this cause, the true value of which is just beginning to be fully realized by the users of fuel for industrial and metallurgical purposes in this country.

Yours, very truly,

ANN ARBOR, MICH., February 23, 1907.

Ann Arbor, Mich., February 23, 1907.

Hon. W. H. Wiley,

Committee on Private Land Claims,

House of Representatives, Washington, D. C.

My Dear Sir: I beg to acknowledge yours of February 20, 1907.

relative to the appropriation for investigations upon structural material by the United States Geological Survey. I have this morning both telegraphed and written to the Hons. Julius Cæsar Burrows, William Alden Smith, Charles E. Townsend, Joseph W. Fordner, and Edwin Denby regarding the matter, and inclose you a sample letter which will give you all necessary information.

Very truly, yours,

FEBRUARY 23, 1907.

Hon. William Alden Smith,

United States Senate, Washington, D. C.

Dear Sir: Having learned that the sundry civil bill includes no appropriation for continuing the very valuable investigations of the United States Geological Survey upon structural materials, I took the liberty this morning of wiring you as follows:

"Very important to engineering profession that sundry civil bill provide funds for continuance of structural-material investigations by Geological Survey at St. Louis. Hope you can assist in this matter."

The work at St. Louis is just coming to a stage where the results obtained promise to be of exceptional value, not only to the engineering profession at large, but particularly to those engaged in the construction of the Panama Canal. It is unnecessary for me to call to your attention the wonderful utilization of reenforced concrete in building structures of all kinds and the interest of the State of Michigan in this material, nor should it be necessary for me to more than refer to the numerous instances of failure of such constructions to demonstrate to your mind the necessity of prompt and carefully conducted investigations upon this material.

I sincerely hope, as do a very large number of your constituents who are members of my profession or closely allied with it, that you may see your way clear to assist in the continuance of this work under the present management with an ample appropriation.

Very truly, yours,

Professor of Civil Engineering,

University of Michigan,

Professor of Civil Engineering, University of Michigan.

TOLEDO; OHIO, February 23, 1907.

Hon. WILLIAM H. WILEY, M. C., Washington, D. C.

Dear Sir: As requested in yours of February 20, I inclose copy of letter mailed to-day to Hon. J. H. Southard, Member of Congress from this district.

Yours, truly,

C. Buxton,

Member American Society of Civil Engineers.

Toledo, Ohio, February 23, 1907.

Hon. J. H. Southard, M. C., Washington, D. C.

Dear Sir: You no doubt are familiar with the fact that the Government has for the past two and one-half years been conducting an investigation of structural materials at St. Louis, for which an appropriation of \$100,000 was granted last year. This fund has been nearly exhausted, and unless another appropriation is made the work must cease, which would be unfortunate in the extreme. The American Society of Civil Engineers, realizing the importance of this work, is very desirous of having it continued at least until a number of problems, and especially those relating to concrete and reenforced concrete, which at this time is attracting so much attention throughout the country, can be definitely solved. In view of this situation, I would respectfully ask you to use your influence to have incorporated in the sundry civil bill an appropriation of \$100,000 for the purpose of continuing these investigations.

Yours, very truly,

Member American Society of Civil Engineers.

AMERICAN BRIDGE COMPANY, February 23, 1907.

Hon. Jas. H. SOUTHARD, M. C., Washington, D. C.

Dear Sir: I have been very much interested in the work which has been carried on at St. Louis during the past two or three years covering investigation of structural materials. This seems to me to be a work which can not well be carried on to good advantage by private parties, and one which, it seems to me, the Government can well afford to keep up.

to keep up.

An appropriation of \$100,000 for this work is wanted for the year beginning July 1, 1907. Some good work has been done in this connection, which will have to be stopped unless this appropriation is made. I would urge that this appropriation be included in the sundry civil bill now before your body.

Recent investigation relative to concrete and reenforced concrete have only been begun, and it is important that if anything is to come of the money already spent that it be kept up until these investigations are finished. The sum wanted is so small and the results of the investigation so important and useful to all the people that it seems

unwise to stop the work now for failure to appropriate the necessary

Trusting that you will investigate this matter carefully and aid what you can to keep up this appropriation for this worthy purpose, I am,

Yours, respectfully, M. J. RIGGS, Member American Association Civil Engineers.

(Have sent same letter to Senators FORAKER and DICK .-- R.)

THE CHICAGO AND ALTON RAILROAD COMPANY, Chicago, February 23, 1807.

Hon. W. H. WILEY,

House of Representatives, Washington, D. C.

My DEAR Mr. Willey: I received your letter of February 20, and promptly telegraphed our Chicago Members in Congress as per attached copy of telegram. I hope you will be successful in having this appropriation included in the sundry civil bill. S. M. FELTON. Yours, very truly,

CHICAGO, February 23, 1907.

Hon. M. B. Madden,
Hon. William Lorimer,
Hon. H. S. Boutell,
Hon. W. W. Wilson,
House of Representatives, Washington, D. C.:

I hope you will insist in incorporating in sundry civil bill appropriation of \$100,000 for continuance of investigation of structural materials at St. Louis, which Government has been conducting for past two years. This work is very important, and discontinuance of it would be great misfortune.

CINCINNATI, February 23, 1907.

WILLIAM H. WILEY, M. C., Washington, D. C.

WILLIAM H. WILEY, M. C., Washington, D. C.

Dear Sir: Yours of the 20th instant is at hand. I saw Mr. Warrington, chief engineer of our Cincinnati Southern, who sent dispatches to both Mr. Longworth and Senator Foraker, and I have written to each of them. I inclose copy of the letter to Mr. Longworth, the one to Senator Foraker being a copy, except as to the address and the closing paragraph. All of these papers will be in Washington by Monday next, and I hope will help in securing the appropriation.

Thus far I have seen little that has been published regarding the work which has been done at St. Louis, but the investigations are being made in a field in which every practicing engineer feels that he needs basic facts, and if this investigation produces none, then it should not be continued.

Very truly, yours,

M. D. Burke.

CINCINNATI, February 23, 1907.

CINCINNATI, February 23, 1907.

NICHOLAS LONGWOETH, M. C., Washington, D. C.

Dear Sir: At the St. Louis Exposition the American Society of Civil Engineers conducted a "world's congress of engineering." At the close of the exposition it was decided to ultilize the laboratories and machinery there assembled for testing and studying the physical properties of certain materials of construction about which further knowledge is desired. The United States Government made an appropriation for the purpose, and last year Congress appropriated \$100,000 for continuing the work during the year ending July 1, 1907. Very interesting results have been obtained. Only recently investigations have been commenced regarding concrete and reenforced concrete by engineers representing the American Society of Civil Engineers, the Isthmian Canal Commission, and the Reclamation Service, which studies can not be completed by the coming July. It was sought to secure an appropriation of \$100,000 in the sundry civil bill, providing for the continuance of the work for another year. I notice that this item has not been included in the sundry civil bill, and I take the liberty of writing to urge you to endeavor to have the appropriation included, as the stopping of the work at this time would be very wasteful and highly detrimental to all building industries.

It is plain that the physical properties of materials of construction and their combinations must be known before they can be either intelligently, economically, or safely used, and, with the laboratories and testing machines now installed at St. Louis, knowledge of great value can be added to that which now exists in this comparatively new field, where it is so much needed.

Our Government is not so liberal in these investigations as is that of either France or Germany, but we can not appropriate their work because of the difference in material and the time which must elapse before their results are available.

I think that Mr. Goebell will be glad to aid. I will also write Senator Fora

CITY OF COLUMBUS, OHIO, BOARD OF PUBLIC SERVICE, Columbus, February 23, 1907.

Columbus, February 23, 1907.

Hon. W. H. Wiley,
Member of Congress, Washington, D. C.

Dear Sir: Your letter of the 20th instant, relative to appropriation for investigation of structural materials, was duly received.

I inclose herewith copies of letters to Hon. E. L. Taylor, Hon. Joseph B. Foraker, and Hon. Charles B. Dick urging them to support an appropriation of not less than \$100,000 for the continuance of these investigations.

Very truly, yours,

John H. Gregory,
Engineer in Charge. John H. Gregory, Engineer in Charge.

FEBRUARY 23, 1907.

Hon. Charles B. Dick,

Senator, Washington, D. C.

Dear Sir: My attention has just been called to the fact that no appropriation has been recommended in the sundry civil bill for continuance of investigations of structural materials which the Government has been conducting at St. Louis during the past two years or so.

The investigations which the Government are carrying on are of the greatest importance, and I would urge you to support an appropriation of not less than \$100,000 for the continuance of this work for the year beginning July 1, 1907.

Very truly, yours,

John H. Gregory,

Engineer in Charge,

JOHN H. GREGORY, Engineer in Charge.

CINCINNATI, OHIO, February 23, 1907.

Hon. J. B. Foraker, United States Senator, Washington, D. C.

United States Senator, Washington, D. C.

DEAR SIR: I have been much interested in the investigation of structural material which the Government has been testing for the past two years at St. Louis, and as an engineer and a member of the American Society of Civil Engineers I hope Congress will authorize a continuation of this work for the year beginning July 1, 1907, as a discontinuance of these investigations would seem like throwing away a great deal of the work done.

Anything you can do in this matter will be appreciated by the undersigned, a resident of Cincinnati.

Very truly, yours,

W. Archer, Civil Engineer.

THE HELDERBERG CEMENT COMPANY, Howes Cave, N. Y., February 23, 1907.

Hon. WILLIAM H. WILEY, Washington, D. C.

Dear Sir: Replying to your favor of the 20th, we have written to our Representative in Congress, Mr. George M. Southwick, urging him to work for an appropriation for the continuation of fuel investigations at St. Louis.

The writer would be greatly interested in getting a copy of the report of these fuel investigations already published and have his name placed on the mailing list for any new reports to be issued, and trust you can arrange this.

you can arrange this. Yours, truly,

HELDERBERG CEMENT CO., By F. W. KELLEY, General Manager.

My Dear Mr. Wiley: Yours of the 20th did not reach me until yesterday morning. I had to write the two letters myself Sunday, one to John Dalzell, of the House, and one to Senator P. C. Knox, of the Senate. They are both, practically speaking, a copy of the inclosed. If I had more time, could have given them a stronger letter. You will please excuse the pencil, but the fact is my den is so cold to-day that it is very difficult for me to write with a pen. Hoping what I have done will be of service to the cause, as ever,

Yours, sincerely,

Past President American Institute Mechanical Engineers, Past President American Institute Mining Engineers.

BETHLEHEM, PA., February 24, 1907.

[Copy of the letter sent to KNOX and DALZELL.]

[Copy of the letter sent to KNOX and DALZELL.]

I have noticed in the press dispatches that the sundry civil bill just reported to the House contains no appropriation for continuance of the investigation of structural material or for fuel investigation, which the Government has been making. In regard to the former, it is of the utmost importance to the civil engineers that it should be continued, at least until the most important problems have been solved, and they are many. In regard to the latter, it is as important to the mechanical engineer as the former is to the civil. In fact, every engineer that has to do with coal, iron, or steel, whether he is a civil, mechanical, mining, or electrical, are most vitally interested in both problems, and beyond this the people of the whole country should be equally interested with the engineer. A want of proper knowledge of material may cause failure, consequently loss of life and untold misery, which we have almost daily evidence of, and I ask that you will do all you can to have the experiments continued for the welfare of the people.

Mr. BARTHOLDT. As a member of the Convent.

As a member of the Committee on Public Mr. BARTHOLDT. Buildings and Grounds, I have become deeply impressed with the importance of the tests of structural material. I have been reliably informed by officers of the Government, not of the Geological Survey, that these tests will result in great economy to the Government; that in connection with the erection of the new public buildings there is in the last bill passed by this House about \$1,000,000 that can be saved to the Government as a result of the work already accomplished by these tests, especially with regard to reenforced concrete, and I believe that if this investigation is continued the Government will save more than a million dollars every year, not for private parties, but for itself, in construction work, especially since we are now undertaking the construction of the Panama Canal, and large works of construction are being constantly carried on.

Mr. MADDEN. How would it affect the work in connection with the construction of the Panama Canal?

Mr. LITTAUER. I would like to know where this million dollars is saved that has already been indicated.

Mr. BARTHOLDT. It will be saved in securing better build-

ings for the Government for less money.

Mr. LITTAUER. What particular building? If this million dollars is to be saved, and this estimate has been made, what

matching building is to have a certain amount of saving in it?

Mr. BARTHOLDT. That is very simple. In other words, if we appropriate \$100,000 for a new post-office building, the Government will secure for that amount of money a better building than it would secure if these tests had not been made.

Mr. TAWNEY. Can not that test be made at the Watertown Arsenal?

Mr. BARTHOLDT. No, sir. I will answer the question by saying that the tests at the Watertown Arsenal are tests of ordnance material, mainly metals.

The gentleman does not want to make a mis-Mr. TAWNEY. statement of facts here. I want to correct him. The report

Respecting the industrial tests now under investigation—ingot steel and forgings therefrom, cement, and concrete—special mention will be made of the latter group.

Then he goes on to enumerate the number of tests-2,702 public tests that he made in the last year, outside of the ord-

nance of the War Department.

Mr. BARTHOLDT. My information, which is reliable, is to the effect that the machines at Watertown are not adapted for tests of structural material at all, but adapted to tests of metals or ordnance material, as I said before. As to the work being done in the laboratory of the Supervising Architect, that office has not the necessary appliances. In other words, if you vote down this amendment you simply discontinue all these im-portant and most valuable tests. They will not be made at Watertown and they will not be made by the Supervising Architect.

Mr. TAWNEY. Will the gentleman tell me whether they will be made at St. Louis or at the Jamestown Exposition?

Mr. BARTHOLDT. They will be made at St. Louis, if I have anything to do with it.

Mr. TAWNEY. The gentleman knows very well that it is to be moved to Jamestown.

Mr. BARTHOLDT. I am perfectly willing, Mr. Chairman, to run my chances as to whether they are to be made in St. Louis or not. Even if that plant were temporarily to be moved from St. Louis to Jamestown, I would still be in favor of this investigation being continued. [Applause.]
Mr. GAINES of Tennessee. Mr. Chairman-

The CHAIRMAN. Will the gentleman from St. Louis yield to the gentleman from Tennessee?

Mr. BARTHOLDT. If he will be brief.

Mr. GAINES of Tennessee. Now, will this additional appropriation elaborate the possibility of this machinery doing this, that, or the other-something that it is doing now?

Mr. BARTHOLDT. Mr. Chairman, I am not in favor of increasing the appropriation to \$150,000. I am for the amend-

ment offered by the gentleman from Nebraska.

Mr. GAINES of Tennessee. What is it that the machinery does not do that the gentleman wants done?

Mr. BARTHOLDT. All the machinery for these tests has already been acquired. That plant occupies three buildings at St. Louis, and it occupies an acre and a half of ground, and they are ready to make all kinds of tests with the machinery now on

and. This will not cost any additional amount of money. Mr. GAINES of Tennessee. They have all kinds of machinery at Watertown for testing cement, mortars, and concrete, plain

and reenforced, and building material of all sorts.

Mr. BARTHOLDT. Mr. Chairman, I merely want to impress upon the minds of the Members the advantage to the Government itself in having these tests continued.

The CHAIRMAN. The gentleman is recognized for the last

five minutes

Mr. NORRIS. Mr. Chairman, there are two objections only that I have heard made to this appropriation. They were made by the chairman of the Committee on Appropriations. that there is a duplication of work, and the other is that the work is done for private individuals. I want to say that neither one of these statements is in accordance with what are really the facts. There is no duplication of work. I want to say right here, Mr. Chairman, that I am not complaining or finding fault with the experiments that are performed at the Watertown station. They do a class of work there that is highly beneficial, wherein the money expended in behalf of the United States is well and economically expended.

Mr. GAINES of Tennessee. By whom?

Mr. NORRIS. But this particular item is for a different purpose entirely. This work has been under the charge of an advisory board, in which there is one engineer from the Isthmian Canal Commission, two from the War Department, two from the Navy Department, the Supervising Architect of the Treasury, and the chief engineer of the Reclamation Service. They are experimenting with the actual conditions as they are found to exist in different parts of the country in the struction of buildings and dams in which the Government is interested.

Now, then, at Watertown they perform a different kind of operiments. But this appropriation is for the purpose of enexperiments. abling the Geological Department to go out into the field where we are going to build buildings, construct dams, etc., to make examination of the sands, stone, gravels, clays, and other materials for cement, etc., found in the vicinity of such governmental undertaking in order that such work may be performed economically and in such a way that it will last and be permanent and substantial.

Mr. LITTLEFIELD. Mr. Chairman-

Mr. NORRIS. Just a moment. I only have a short time. The CHAIRMAN. Does the gentleman yield? Mr. NORRIS. Not at the present time.

In the next place, we are experimenting in the cement work in connection with the Panama Canal, where it is estimated we are going to build locks and dams that will cost \$40,000,000. We want to build for all time. This board has been experimenting and will continue to experiment as to the best materials and the proper proportion in which they should be used. There is some material that is to be used that will be exposed to the atmosphere, some to fresh water, and others to salt water. takes time to experiment; and they are taking the time and experimenting with it and trying it under all conditions.

Mr. TAWNEY. Now will the gentleman allow me? Mr. NORRIS. Just a moment. I want to answer the other

objection the gentleman has made.

Now, Mr. Chairman, the gentleman has stated it is done for private parties only. I want to say that the Government of the United States is the greatest builder in this country. It is constructing more buildings and more improvements than any individual.

Mr. TAWNEY. Will the gentleman permit an interruption?
Mr. NORRIS. After a while, if I have time.
Mr. TAWNEY. I want to correct a statement made by the

Mr. NORRIS. I want to finish what I have to say. If I

have time, I will yield later.

They go on experimenting in different kinds of building materials. Incidentally the public gets the benefit of any experiments they perform. While the Government is making experiments in its own materials, to be used upon its own buildings, its own dams and improvements, everybody gets the benefit of the experiment, and the people generally receive the benefit that the Government has brought about in the experiments with its own property under the provisions of this law. We not only get better Government work on public undertakings, but all the people can take advantage of the improvements made possible by the governmental experiments. Now, the gentleman says this is done for private individuals. Why, the law, this very amendment, provides that it can not be done for private individuals. This very amendment provides that the experiments will be made upon property belonging to the United States.

This supervising board that I have referred to on June 2, 1906, made a report to the President in reference to the work that is being done by this Department, in which they say:

that is being done by this Department, in which they say:

When it is remembered that the yearly losses from fire in the United States aggregate \$2.30 per capita, as compared to 33 cents per capita in European countries; that the fire losses in the United States during the past ten years have aggregated not less that \$1,250,000,000; that the people expend annually in building and construction work \$1,000,000,000, and that this Government itself expends annually for such purposes more than \$20,000,000, it is apparent that this whole subject deserves the most serious consideration by the Government.

This committee furthermore begs to express the opinion that a thorough investigation of the properties of the materials of construction and fireproofing, and the resulting increased economies in our systems of construction, may be expected to save annually from 5 to more than 10 per cent of these total expenditures, which would mean an annual saving to the Government alone on its present expenditures of from one to two millon dollars, and to the people of this country a saving of many millions each year.

On December 5, 1906, the President, in a letter to the chief

On December 5, 1906, the President, in a letter to the chief engineer of the Isthmian Canal Commission, spoke in the highest terms of the work done by this Department, and called attention to the value of these experiments in structural materials in connection with the construction of the Panama Canal

and other Government work.

There is no appropriation made by Congress that will be of more value to the people of the United States than this particular one. Its result will mean cheaper and better buildings, not only for the Government, but for all our people. It will save millions in the construction of the Panama Canal and in the Reclamation Service of the great West, and besides make those great undertakings more substantial and less liable to destruction and decay.

Mr. TAWNEY. Right there, will the gentleman permit a

question?

Mr. NORRIS. All right.

The CHAIRMAN. The time of the gentleman has expired. TAWNEY. I ask that the gentleman may have two

Mr. KEIFER. Not unless there is to be extension of the time for debate.

Mr. TAWNEY. I ask unanimous consent that during— Mr. KEIFER. I object to any extension of time unless you divide the time for debate.

Mr. TAWNEY. You have had sixteen minutes on your side. The CHAIRMAN. The gentlemen are out of order. Mr. KEIFER. If you will not divide the time, I will object.

Mr. KEIFER. If you will not divide the time, I will object.

The CHAIRMAN. The gentleman from Alabama objects.

Mr. TAWNEY. I ask unanimous consent that I may have two minutes and the gentleman from Ohio may have two minutes

Mr. SHACKLEFORD. I demand the regular order.

Mr. UNDERWOOD. I object.
The CHAIRMAN. The gentleman from Alabama objects. Mr. TAWNEY. I ask unanimous consent for one minute, to correct the statement made by the gentleman from Nebraska.

The CHAIRMAN. Is there objection?
Mr. UNDERWOOD. I object.
The CHAIRMAN. Objection is made. The question before the House is the amendment offered by the gentleman from New Jersey [Mr. Wiley] to the amendment offered by the gentleman from Nebraska [Mr. Norris].

Mr. WILEY of New Jersey. I withdraw my amendment. The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to withdraw his amendment to the amendment.

Mr. TAWNEY. I move to strike out the last word of the pending amendment.

Mr. DALZELL. No; debate has been exhausted. Mr. KEIFER. Debate has been closed at the instance of the

The CHAIRMAN. The Chair will state the parliamentary, status. The gentleman from New Jersey [Mr. Wiley] asks unanimous consent to withdraw his amendment to the amendment. Is there objection?

Mr. SHACKLEFORD. I object.

The CHAIRMAN. The gentleman objects. The question, then, is on the amendment of the gentleman from New Jersey, [Mr. Wiley] to the amendment offered by the gentleman from Nebraska [Mr. Norris].

Mr. THOMAS of North Carolina. Mr. Chairman, let us have

that amendment reported.

The CHAIRMAN. If there be no objection, the amendment will be again reported.

Mr. PAYNE. Regular order!

The CHAIRMAN. Objection is made.

The question being taken on the amendment of Mr. WILEY

of New Jersey, it was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Nebraska [Mr. Norris].

The question being taken, on a division (demanded by Mr. there were-ayes 83, noes 35.

Accordingly the amendment was agreed to.

Mr. DALZELL. Mr. Chairman, I offer the following amend-ment, to follow the amendment just adopted.

The Clerk read as follows:

The Clerk read as follows:

Following the amendment just agreed to, add the following:

"For the continuation of the analyzing and testing of the coals, lignites, and other minerals and fuel substances belonging to the United States, in order to determine their fuel value, and so forth, under the supervision of the Director of the United States Geological Survey, to be immediately available, \$250,000: Provided, That in examinations, hereby authorized, of fuel materials for the use of the Government of the United States, or for the purpose of increasing the general efficiency or available supply of the fuel resources in the United States, the Director of the Geological Survey may have the necessary materials collected from any part of the United States where they represent extensive deposits; and it shall be the duty of the Director of the Geological Survey to have examined, without charge, the fuels required for use by the Government of the United States, and to give these examinations preference over other work: Provided further, That in publishing the results of these investigations the materials examined shall not be credited to any private party or corporation, but shall be collected and described as representing such extensive deposits."

Mr. TAWNEY. Against that amendment I make the point of

Mr. TAWNEY. Against that amendment I make the point of order that it is not in order and not authorized by law.

Mr. DALZELL. Mr. Chairman, so far as that part of the amendment that I have offered is concerned, which follows the words making the appropriation, I think that portion is subject to the point of order.

Mr. SHACKLEFORD. Why don't you make the appropria-

tion larger?

Mr. DALZELL. But up to that point the amendment is identical with one passed upon by the Chair one year ago. I call the attention of the Chair to page 8500 of the Congressional Record of the last session. The gentleman from Colorado [Mr. BROOKS] offered an amendment.

For the continuation of the analyzing and testing of the coals, lignites, and other minerals and fuel substances belonging to the United States, in order to determine their fuel value, etc, under the supervision of the Director of the United States Geological Survey, to be immediately available, \$100,000.

That was subsequently raised to \$250,000, the same amount as is incorporated in my amendment. To that the gentleman from Iowa [Mr. SMITH] made the point of order, and the Chairman of the Committee of the Whole said:

The organic act, which has already been referred to and quoted, provides for the examination of the geological structure and mineral re-

sources and products of the national domain. It seems to the present occupant of the chair that that language is broad enough to cover fuel substances belonging to the United States. The Chair therefore overrules the point of order.

As I say, subsequently the amount was changed to \$250,000. Now, assuming, of course, that the Chair will follow his previous rulings, as I have no doubt he will, the first part of that amendment is in order; and it seems to me that if that be so, the gentleman might be very willing to withdraw his point of order so far as the remainder is concerned, because it is in the interest of good legislation. I am willing that the Chair should

Mr. TAWNEY. I insist on the point of order.

Mr. DALZELL. I withdraw the portion that is subject to the

point of order, if the gentleman insists on it.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. TAWNEY. The request of the gentleman from Pennsylvania was to withdraw that portion of it which was subject to the point of order.

The CHAIRMAN. But he can only withdraw it as a whole

and then reoffer such portion of it as he desires.

Mr. DALZELL. I withdraw it as a whole, and now I offer the first part of it, the part that the Chair has already ruled

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment that the Clerk will report,

The Clerk read as follows:

After the amendment just adopted insert the following:

"For the continuation of the analysis and testing of the coal, lignite, and other mineral fuel substances belonging to the United States, in order to determine their fuel value, etc., under the supervision of the Director of the Geological Survey, to be immediately available, \$250.000.

Mr. TAWNEY. Mr. Chairman, I want to say a word in opposition to the amendment. Under the language of this amendment the Geological Survey has not only \$250,000 appropriated for this fiscal year available for the purpose, but \$250,000 carried by this amendment would be likewise available for expenditures this fiscal year.

I want to say that statements were made by the gentleman from Pennsylvania [Mr. Dalzell] and the gentleman from Nebraska [Mr. Norris] a moment ago that the test of building material was not made for the benefit of private interests and that the material tested was all taken from the lands of the United States.

I made the statement that that was not the fact, and the basis of my statement is the fact that last fall a representative of the Geological Survey called me up by telephone in my home city. I went to the hotel to see him, and I learned from him that he had been sent there by the Geological Survey for the purpose of getting limestone rock from a local quarry situated back of the city of Winona to ship to the city of St. Louis to be tested. Now, that land was not owned by the Government of the United States; that land was owned by a private individual when the gentleman made the statement.

When I stated that these tests were made for individuals and that the material was not the material taken from the land owned by the Government, I was stating the truth. The gentlemen challenged the statement, and I wanted simply to make that statement of my own personal knowledge as to what they were doing and what this man had been sent there into my district to do. The purpose was so evident that I could not help noticing it, remembering it very distinctly and the purpose as expressed by the gentleman who represented the Geological Survey. I wanted the House to know that this law is

not being observed.

Now, I want to say, in respect to the amendment offered by the gentleman from Pennsylvania, that I am informed by one of the best consulting engineers in the city of St. Louis that samples of coal taken from all of the principal coal deposits of the United States have been tested, and that there is no longer any necessity for the continuation of these coal tests, and this man is one who was employed as the chief engineer of the gas-producing tests until the 1st of December, when he voluntarily separated himself from that service. I am informed by the Representatives on this floor from the city of St. Louis that he is not only one of the most reliable men in the city of St. Louis, but one of the ablest consulting engineers in that city, and he was speaking from personal knowledge. Read the statement of Mr. Holmes here, and you will see that these fuel tests have got down to the point now of testing the relative merits of the equipment for the production of gas and for the consumption of coal.

Now, I maintain that when the Government of the United

States enters upon the domain of determining the relative merits of the equipments intended for the use of consuming coal for the purpose of producing steam or gas or for any other purpose, we are getting outside the domain of the Government, and we are making it possible for the representatives of the Government to crush out the manufacturers of one machine for the purpose of building up manufacturers of another in its place.

Now, what has taken place? Read the testimony of Mr. Holmes in the hearings—I read it very carefully to-day—and you will see that one of the things they are now experimenting with is the kind of grate that shall be used in the consumption of coal for the production of steam; whether the grate should be manufactured so as not to admit of so much coal dropping through and being consumed and burnt up there.

Mr. LITTLEFIELD. And for the purpose of consuming

Mr. TAWNEY. Yes; for the consumption of smoke. Mr. DALZELL. Mr. Chairman, the gentleman from Minnesota [Mr. Tawney], speaking to my amendment, which has relation to a coal test, goes back again to the subject of tests of structural material for the purpose of showing, as he thinks, the individual as contradistinguished from the national character of that work. I want to call the attention of the committee to some facts. This work was directed by a supervising board, on which was an engineer of the Isthmian Canal Commission, the Supervising Architect of the Treasury Department, an engineer of the Reclamation Service, two representatives from the War Department, and two from the Navy Department, as these Bureaus and Departments are engaged in building and construction work. It was organized in this manner in order to avoid duplication and to increase its value, furnishing immediate information needed in the Government building and construction work, now costing about twenty-five millions a year, and in connection with the Isthmian Canal locks and dams, costing about forty millions.

In addition to that I have here a copy of a letter written by the President of the United States and addressed to John F. Stevens, chief engineer Isthmian Canal Commission, in which

the President says:

The United States Government, through the Geological Survey and the Forest Service, is engaged in investigating the properties and best methods of use of the building materials and fuels of the United States. These investigations are so intimately connected with the industries and welfare of the nation that they should be carried forward as rapidly as possible and should have the advantage of the best service and cooperation which it is possible to secure.

The experts in charge of the examination of structural materials under the advice of this board are making an exhaustive investigation of American cements, concrete, and other structural materials; and I am anxious that these investigations should be such as to make them of a special value in connection with the construction work of the isthmian canal and other Government work.

So much for the testimony as to the national character of this

So much for the testimony as to the national character of this work. With respect to these fuel tests, if the committee will turn to page 572 of the hearings before the Committee on Appropriations of last year, 1906, it will find outlined in those hearings a complete programme for these fuel investigations, and the statement made that the completion of this programme would require several years. After that testimony was submitted to the committee an appropriation was made for \$250,000, and immediately after the passage of the appropriation a new equipment, estimated for, was purchased, the necessary additional experts were employed, and the investigations, necessarily modified in accordance with the wording of the appropriation act, were inaugurated.

Mr. Chairman, I might, if I saw fit to occupy the attention of the committee at any length, point out how this is a great national work that devolves especially upon the United States. The interests of the United States are such that this work can be carried on by no other parties so successfully and efficiently as by the Government. Let me call attention now to one or two reasons assigned. The Government is a large user of coal, and must necessarily use a great variety of fuels in its public buildings in different parts of the country, in its light-houses, in its ships, and it purchased coal to the extent last year of \$3,500,000. The Government is a large owner of fuel. It still owns about 60,000,000 acres of coal, oil, and gas lands. The fuel problem is, in a large sense, a national problem, considered as the basis of heat, light, and power. The fuel problem is one which affects the whole people of the country. Furthermore, it is of immense importance in connection with naval practice. investigations that are being made, showing the quality of fuel, the variety of it, the capacity of it, and the method of its use, are of very great service, not only to the public in general, not only to the United States as a user of coal and the owner of property, but to the naval service that used last year, as I am told, 200,000 tons of coal. I trust there may be no hesitation

in indorsing this amendment, as the House indorsed it a year

Mr. LITTLEFIELD. I wish to ask one question of the gentleman from Pennsylvania. Is it not a fact that the Supervising Architect's bureau has a laboratory or bureau or division whose duty it is to investigate structural materials? been so advised by the Supervising Architect, and it seemed to me that the scope of that bureau is precisely like this in many respects. Is the gentleman familiar with that?

Mr. DALZELL. I am familiar with it, and I would say to the gentleman that the Supervising Architect jointed in a report made upon the subject to the effect that he has no such equip-

ment as is necessary to efficiently make these tests.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTHOLDT. Mr. Chairman, I move to strike out the last word. What the gentleman from Minnesota said about the character and standing of the St. Louis engineer who wrote the letter about fuel tests is true-

Mr. UNDERWOOD. Mr. Chairman, I rise to a point of

order.

The CHAIRMAN. The gentleman will state it.
Mr. UNDERWOOD. The gentleman is not speaking to his amendment to strike out the last word.

The CHAIRMAN. The point of order is sustained. Mr. BARTHOLDT. I will come to that, Mr. Chairman. Chairman, I move to strike out \$50,000 from the appropriation.

The CHAIRMAN. There is an amendment pending offered by the gentleman, and that is to strike out the last word.

Mr. BARTHOLDT. I withdraw the amendment. The CHAIRMAN. The gentleman from Missouri asks unanimous consent to withdraw the pro forma amendment.

Mr. UNDERWOOD. Mr. Chairman, I object. Mr. BARTHOLDT. Mr. Chairman, I think I can proceed in order.

The CHAIRMAN. The gentleman may attempt it. [Laughter. ]

Mr. BARTHOLDT. I can show why the last word should be stricken out; why it is necessary that I should be heard in order that the House may see the necessity of striking it out. Upon the receipt of the letter

Mr. LITTLEFIELD. What is the last word?
Mr. BARTHOLDT. I am coming to it. I will have the last word this time. Mr. Chairman, upon the receipt of that letter I wired to the Engineers' Club at St. Louis, asking their opinion on the value and the continued necessity of these investigations. In answer to my question I received a telegram from the president of that club, which reads as follows:

ST. Louis, Mo., February 22, 1907.

Hon. RICHARD BARTHOLDT, Washington, D. C .:

Engineers' Club of St. Louis heartily indorses work done by Geological Survey fuel-testing plant, and favors continued maintenance of same here or elsewhere. Abandoning work now would be a great mistake.

E. R. Fish, President.

I shall be guided in my vote on this amendment by the opinion of the St. Louis engineers, who as experts undoubtedly know more about the value of this work than we as laymen do.

Mr. UNDERWOOD. Mr. Chairman, I rise to the point of order.

The CHAIRMAN. The gentleman from Alabama makes the point of order that the gentleman is not speaking to his amend-The gentleman from Missouri will confine his remarks to the subject-matter of the amendment or to the amendment to which his amendment is an amendment.

Mr. BARTHOLDT. Mr. Chairman, I propose to extend my remarks in the RECORD.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn.

Mr. TAWNEY. I move to amend by striking out the words "immediately available."

Mr. UNDERWOOD. Mr. Chairman, I object to the unanimous consent of the gentleman from Missouri to withdraw his pro forma amendment.

The CHAIRMAN. The question is on the pro forma amendmen offered by the gentleman from Missouri.

The question was taken; and the amendment was rejected. Mr. TAWNEY. Mr. Chairman, I move to strike out the language in the amendment making the \$250,000 appropriated immediately available, which is in effect giving them \$500,000 for this fiscal year.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out of the proposed amendment the words "to be immedi-ely available."

The question was taken; and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. TAWNEY) there were-ayes 45, noes 45. Mr. TAWNEY. I demand tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Minnesota, Mr. TAWNEY, and the gentleman from Pennsylvania, Mr. Dalzell, will take their places as tellers.

The committee again divided; and there were-ayes 52,

noes 49.

So the amendment was agreed to. [Applause.]
The CHAIRMAN. The question is now on agreeing to the amendment offered by the gentleman from Pennsylvania.

Mr. TAWNEY. Mr. Chairman, I move now to reduce the appropriation to \$200,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out of the amendment the word "fifty;" so it will read "\$200,000."

Mr. TAWNEY. Now, Mr. Chairman, I do that upon the statement of the gentleman from Pennsylvania that out of the current appropriation of \$250,000 the Geological Survey has bought very expensive machinery for carrying on these tests. It is therefore manifest that they will not need \$250,000 for the service if the service is continued during the next fiscal year, and again, up until the beginning of the fiscal year they never had in any one year for this service of testing fuel and coal deposits in the States of Pennsylvania, West Virginia, and other

States more than \$37,500.

Mr. DALZELL. Mr. Chairman, on the statement of the gen-

tleman from Minnesota I accept the amendment.

The question was taken; and the amendment was agreed to. Mr. FITZGERALD. Mr. Chairman, I move to strike out the words "two hundred" and insert the words "one hundred."

Mr. DALZELL. That is not in order now.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows: Strike out the word "two" and insert the word "one;" so as to read "one hundred thousand."

Mr. DALZELL. Mr. Chairman, I make the point of order against that amendment that we have already voted upon the subject in question.

Mr. FITZGERALD. Not on the subject of \$100,000.

Mr. DALZELL. Oh, yes; we have.
Mr. TAWNEY. Mr. Chairman, the vote was taken on my amendment. It was not taken on the amendment of the gentleman from Pennsylvania.

The CHAIRMAN. The first amendment on which the vote was taken was, as the Chair understands it, to strike out the words "to be immediately available." That was carried, and there was a motion to strike out the words "two hundred and fifty" and make the amount \$200,000, and that was carried. Therefore the amendment of the gentleman from New York [Mr. FITZGERALD] is not in order.

The question is on agreeing to the amendment as amended. The question was taken; and the amendment as amended was

agreed to.

The Clerk read as follows:

For topographical surveys in various portions of the national domain, \$250,000, to be immediately available.

Mr. OLMSTED. Mr. Chairman, I offer an amendment, which

I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 104, line 12, strike out "national domain" and insert "United States."

Mr. SMITH of Iowa. I make a point of order, Mr. Chairman,

The CHAIRMAN. What is the point of order?

Mr. SMITH of Iowa. The point of order is that this is not authorized in the United States, but in the national domain. The CHAIRMAN [Mr. SHERMAN]. Following the decision of

the occupant of the chair, whose place the present occupant but temporarily occupies, the Chair will overrule the point of order.

Mr. OLMSTED. Mr. Chairman, I desire to be heard on that amendment.

Mr. TAWNEY. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state his parliamen-

tary inquiry

Mr. TAWNEY. I understood the Chair to overrule the point of order made by the gentleman from Iowa against the amend-

The CHAIRMAN. The Chair overruled the point of order

following the rule of the occupant of the chair, whose place he but temporarily took

Mr. TAWNEY. If the gentleman will pardon me, the ruling of the Chair was just the opposite. The ruling of the gentleman in the chair preceding the gentleman now occupying the chair

was just opposite the ruling the Chair has now made.

The CHAIRMAN. The gentleman from Minnesota is in error. The Chair anticipated this point being raised, and before temporarily taking the place of the former occupant of the chair asked him as to his ruling, and the Chair is simply following what would have been the ruling of the regular occupant of the chair had he been here.

Mr. TAWNEY. The amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED] was to change the words "national domain" to "United States" in the body of this act?

The CHAIRMAN. It was.
Mr. TAWNEY. So that hereafter the law governing the power and jurisdiction of the Geological Survey is extended to the United States as contradistinguished from the national domain, as heretofore. I would ask the Chair if that is not a

change of existing law?

The CHAIRMAN. The Chair understands that the permanent occupant of the chair held this proposition to be in order upon the theory that it was a continuance of the work in progress

Mr. OLMSTED. It was so held one year ago.
The CHAIRMAN. The permanent occupant of the chair, the gentleman from Indiana [Mr. Watson], so held last year.

Mr. TAWNEY. Will the Chair kindly have the amendment reported as to where it belongs in this paragraph?

The CHAIRMAN. The Clerk, without objection, will again report the amendment.

The amendment was again reported.

Mr. OLMSTED. Mr. Chairman, the bill in its present form uses the words "national domain." In my judgment there is not a particle of difference between the meaning of that term, so far as it relates to territory, and the use of the term "United States." I think "United States" and "national domain" mean the same thing. But I have offered my amendment so that there can be no possible doubt of it. I should hardly think there could be any doubt, except that there seems to be a doubt in the mind of the gentleman from Minnesota [Mr. Tawnex], who holds that "national domain" means only the land acwho holds that inational domain means only the land actually owned by the Government. Now, I find that the dictionaries define "domain" as meaning—and I find this language in Worcester: "Territory under the jurisdiction of a sovereign; demesne, dominion, empire." Therefore, when we use the term "national domain" it means any portion of the territory over which the United States has dominion as a sovereign, over which it has jurisdiction. "National domain," indeed, is a broader term than the "United States," as it might be held to include the Philippines.

But, in order that there may be no mistake, in order that there may be no such construction put upon it as the gentleman from Iowa thinks might be put upon that language, so as to confine these topographical surveys to land absolutely owned by the Government, I have offered this amendment, changing the words "national domain" to "United States." I have also sent another amendment to the Clerk's desk increasing the

amount for topographical surveys.

Mr. TAWNEY. Mr. Chairman, the language covered or used in carrying this appropriation is identically the language used in the organic act creating the Geological Survey; and I assume that we have no authority to appropriate under the first ruling of the prior occupant of the chair—no authority to appropriate money for any purpose other than within the purview and scope of the powers conferred upon the Geological Survey when that Survey was created. That is the reason why that language is used for the topographical surveys in various portions of the national domain. That is the language of the organic act creating the Geological Survey.

Mr. OLMSTED. Will the gentleman yield for a question?
Mr. TAWNEY. Certainly.
Mr. OLMSTED. How does the gentleman construe the term
"national domain," and what does he think is the meaning of
the words "United States?"

I construe it as the former occupant of the Mr. TAWNEY. chair construed that word at the last session of this Congress, when he made a diametrically opposite ruling from the ruling which he left on the desk of the chair when he retired and the present occupant took the chair.

Mr. SHERLEY. Will the gentleman yield to a question? Mr. TAWNEY. Just one moment.

That definition was that the national domain and public lands are not convertible terms. That the Chair believes that the national domain has a well-defined meaning and does not mean the United States. The gentleman from Pennsylvania yesterday argued that the term

"national domain" are not all the United States. The Chair is of an entirely different opinion from that.

Mr. SHERLEY. Will the gentleman yield to a question?

Have we not been appropriating under the phraseology, using the words "United States" since 1883?

Mr. TAWNEY. We have since 1883 been appropriating in the language that is contained in the organic act creating the Geological Survey.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. TAWNEY. Division!
The committee divided; and there were—ayes 48, noes 21.

So the amendment was agreed to.

Mr. OLMSTED. I now offer the other amendment.

The Clerk read as follows:

On page 104, line 12, strike out "two hundred and fifty" and insert four hundred."

Mr. OLMSTED. Mr. Chairman, for two years past we have appropriated \$350,000 for this purpose annually. tee this year has cut it down to \$250,000. While I have great respect for the chairman and the members of this Appropriation Committee, and great admiration for their work in almost every item of this bill, I feel that as to this particular item just economy requires us to increase rather than diminish the amount. The Director of the Geological Survey in his last report says:

The plans approved for the fiscal years 1906 and 1907 are more than half a million dollars short on work urgently called for.

He says that the demands for these topographical surveys come from the Secretary of War, the Secretary of the Interior, as well as from Members of Congress and from State authorities. There is a great demand for a continuance of this work is a demand for double the amount that my amendment calls for.

Now, Mr. Chairman, it has been urged that these appropriations are made for the benefit of private parties-for sewage systems of cities, street railways, and all that sort of thing. Why, these topographical surveys were commenced in the first instance by the War Department. They are absolutely necessary for the operations of the War Department. You can not locate a military camp without a topographical survey or locate the roads or streams or water supply. It is of great advantage and absolutely necessary to military encampments.

Now, it has been stated, and erroneously stated, that these

moneys are expended most largely in the Eastern States, in the larger and wealthier States, and particularly in those States which contribute to the expense. I want to call attention to a statement beginning on page 353 of the hearings on this bill, a statement submitted by the Director of the Geological Survey, in which he gives the approximate amount expended in each State and Territory to June 30, 1906, for topographical mapping. I call attention to the fact that there has been two or three times as much expended in the Western States as in the Eastern or larger States.

Four hundred and fifty-one thousand two hundred dollars expended in Arizona, \$28,400 in the Eastern State of Connecticut, \$532,600 in the Western State of California, and \$150,000 in the Middle State of Pennsylvania, which has contributed that much additional to carry on the work. And so I might go through this list. If there be no objection, I will put the list in the Rec-ORD, and not take time to read it.

Mr. SHACKLEFORD. Will the gentleman compare the areas

of the States-for instance, Arizona and Connecticut?

Mr. OLMSTED. I am putting in all the States, whether their areas are great or small. I am denying the statement that this money is expended in the East instead of in the West. I have no objection to its being expended in the West. simply correcting that statement that it is expended in larger proportion in the East. This is the whole statement as submitted by the Director of the United States Geological Survey:

Approximate amounts expended in each State or Territory to June 30, 1906, for topographic mapping.

It is impossible to give the exact amounts expended in each State for topographic work for the reason that until the last few years no account of the cost of work was kept by States.

In the following table are included allotments from the general appropriation for the Geological Survey used for topographic mapping in the first years after the Survey was established and before topographic mapping was separately appropriated for; appropriations for topographic surveys; for topographic surveys in forest reserves; allotments from the irrigation funds for topographic mapping (1889-90); also proportionate cost of special appropriations for work in the Indian Territory.

Alabama	\$114,300
Arizona	451, 200
Arkansas	148, 100
California	532, 600
Colorado	265, 500
Connecticut	28 400

Delaware	\$12,300
District of Columbia	2, 500
Florida	13, 200
Georgia	121,700
Idaho	113,000
Illinois	50, 900
Indian Territory	100,000
Indiana	20, 000
Iowa	70, 100
Kansas	278, 400
Kentucky	96, 700
Louisiana	41, 600
	37, 700
	48, 300
Maryland	10, 300
Massachusetts	50, 200
Michigan :	26, 000
Minnesota	25, 800
Mississippi	4,000
Missouri	142,000
Montana	334, 000
Nebraska	137, 900
Nevada	261, 900
New Hampshire	52, 500
New Jersey	41, 000
New Mexico	202, 700
New York	260, 000
North Carolina	110,000
North Dakota	62, 800
Ohio	150,000
Oklahoma	31, 300
Oregon	106, 800
Pennsylvania	150,000
Rhode Island	13, 600
South Carolina	43, 500
South Dakota	128, 900
Tennessee	153, 600
Texas	414, 000
Utah	458, 000
Vermont	35, 000
Virginia	009 100
Washington	223, 100
West Virginia	182, 300
Wiegonein	157, 300
Wisconsin	78, 900
Wyoming	156, 800
Mr. COOPER of Pennsylvania. California alone had	\$72,000

set aside last year, and the State contributed \$15,000.

Mr. OLMSTED. This is a great work, which this House has so often sustained by its vote as to show that it meets with its approval. More than a million copies of these maps and topographical surveys have been sold by the Government and the money turned into the United States Treasury. There is no work that the Government does the results of which are so much sought after as these topographical surveys, locating every road, public and private, and every stream in the United States. It is a work in progress. Now, Mr. Chairman, I see my time is nearly up-

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Chairman, I want to state, before the vote is taken, that you are even more liberal to the Geological Survey in taking money out of the Federal Treasury to be expended in the States, to do that which belongs to the States, than the Geological Survey itself demands. The total estimate for this service for the next fiscal year is \$350,000. Now, the gentleman from Pennsylvania, whose State is not yet completely surveyed topographically, proposes to give them \$50,000 more than they are asking for. When the Geological Survey fails to ask for all that it wants, or that it can use, I think it is safe for Members of Congress, even though they have been buttonholed by members of the Geological Survey on other branches of the service, to accept their estimates and not to vote \$50,000 more for this service than the Survey itself estimates it can expend in the next fiscal year. I want to say that there has been no greater exhibition of extravagance in the consideration of the appropriation for this service than that which has been exhibited by the gentleman from Pennsylvania [Mr.

Mr. OLMSTED. Will the gentleman permit me to ask him a question? I merely want to call his attention to the fact—
The CHAIRMAN. Does the gentleman from Minnesota sur-

render the floor?

Mr. TAWNEY. I yield to the gentleman.
Mr. OLMSTED. I call the gentleman's attention to the fact that he must be mistaken, because the Director of the Geological Survey, on page 9 of his report, says these demands have been growing with such urgency that it is no longer possible to ignore them, and it is therefore recommended that the appropriation of \$400,000 for such surveys be requested for the fiscal year 1907-8.

Mr. TAWNEY. I have the Book of Estimates here, in which he estimates \$350,000 for this service.

Mr. SHACKLEFORD. There are some more Pennsylvania

quadrangles that have not been surveyed.

Mr. GAINES of Tennessee. Mr. Chairman, if the committee will pardon me, I think this committee ought to adjourn for a few minutes, to let us go to lunch. The chairman of this committee [Mr. Tawney] has been here since 11 o'clock. He is a

very important factor in this debate. He can not go and get lunch as long as the House sits. He has stayed here in this way for several days, and we hardly have a quorum here. I have been urging the gentlemen to remain, but it is difficult to keep them here.

TAWNEY. I move to reduce this appropriation to \$300,000, believing that it can be safely reduced to that amount. The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Minnesota?

Mr. GAINES of Tennessee. Yes; I yield.

Mr. TAWNEY. I have made the motion to amend the amendment offered by the gentleman from Pennsylvania.

Mr. OLMSTED. If the gentleman from Minnesota will make it \$350,000 I will agree, as far as I am concerned.

Mr. SLAYDEN. I will ask the gentleman from Minnesota if

\$300,000 is the amount estimated?

Mr. TAWNEY. It is \$50,000 below the estimate.

Mr. GAINES of Tennessee. Now, Mr. Chairman, if I have

The CHAIRMAN. The gentleman has not the floor. The gentleman has yielded to the gentleman from Minnesota.

Mr. GAINES of Tennessee. Is the gentleman going to let us

take a recess for a short while for dinner?

Mr. TAWNEY. Let us dispose of that amendment. Mr. GAINES of Tennessee. You said that before. There is

hardly a quorum here and everyone is hungry.

Mr. TAWNEY. I will say that up to the fiscal year 1905 [laughter] the amount was never above \$300,000. Let me, for laughter] the amount was never above \$300,000. Let me, for the information of the committee, give you the appropriations for a series of years. In 1899 they had \$199,000. It was then raised to \$200,500; then it was \$240,000; then it dropped to \$200,000. Then in 1895 it was cut to \$150,000; in 1896, \$150,000; in 1897, \$175,000. In 1900 was the first time they got up to \$240,000 again. Then it ran at \$240,000 for three years. Then it was raised to \$300,000, and continued at that figure until the fiscal year 1906, when it was increased to \$350,000 on the floor, which was above the estimates of the Department, as it is now proposed to increase it above the estimates of the Department. I think that \$300,000 is ample for this service.

Now, I yield to the gentleman from New York [Mr. PAYNE].
Mr. PAYNE. Mr. Chairman, I hope the committee will not
go wild over this amendment and vote it in as it is offered by the gentleman from Pennsylvania. I think it ought to be amended as proposed by the gentleman from Minnesota, chairman of the committee, to \$300,000, as that sum ought to be ample for this service. And I say this, Mr. Chairman, in view of the fact that I am informed by a gentleman on the committee that in the fiscal year 1905-6, the year that closed last June, the State of New York got \$8,000 out of this appropriation for the survey of the State of New York, but the State itself expended \$208,000.

In other words, we could use a good deal more in our Stateyes, twenty times more-than we get from the United States Government, and still I think my colleagues from the State of New York are inclined to be reasonable about this appropriation; and for one, representing in part the State of New York, I say that we ought not to increase this beyond \$300,000. I do not know as I agree with the gentleman from Minnesota wholly in regard to the deficit coming in 1908, and yet the appropriations are mounting up high, and it is time for us to stop to consider whether we want to make them any higher. is a good place to commence and put this at \$300,000, \$50,000 above what was recommended by the committee and within \$50,000 of the amount estimated, and I hope the amendment recommended by the gentleman from Minnesota will be agreed

Mr. THOMAS of North Carolina. Mr. Chairman, is it in order to debate the amendment offered by the gentleman from Minnesota?

The CHAIRMAN. It is; and it has been debated.

Mr. THOMAS of North Carolina. Has debate been exhausted?

The CHAIRMAN. It has not. Mr. THOMAS of North Carolina. Mr. Chairman, I wish to be heard in opposition to the amendment. I am aware that the hour is late, and I shall not detain the committee long. There seem to be constant charges made upon the floor that those interested in the work of the Geological Survey and favoring appropriations therefor are under the influence of the officials of the Geological Survey. I want to repudiate that charge, and I believe in repudiating that charge as to myself I can do so for others.

Mr. Chairman, I am not so familiar with other branches of the work of the Geological Survey, but I regard the work of making topographical maps as of inestimable value to the agricultural interests of the country, and independently of any suggestion from anybody connected with the Geological Survey, I am heartily in favor of the appropriation for topographical maps.

Mr. LITTLEFIELD. Will the gentleman yield?

Mr. THOMAS of North Carolina. I have only five minutes. Mr. LITTLEFIELD. I have been examining during the last three or four weeks the Department of Agriculture, and there are all kinds of maps being made by that Department for the benefit of agriculture. I had a curiosity to know how these

particular maps are going to benefit agriculture.

Mr. THOMAS of North Carolina. The maps made by the Agricultural Department are not topographical maps. I do not know how many maps are made by the Department of Agriculture. I know some of them are very valuable, the soil survey maps especially, showing the agricultural resources and advantages of the country. I am discussing the amendment increasing the appropriation for topographical maps. I believe these maps also to be exceedingly valuable. Three hundred and fifty thousand or \$400,000 distributed by the National Government in cooperation with the States, or without cooperation with the States, is a small amount to distribute to forty-five States. I would like to see the amount made sufficient to do a great deal more topographical surveying. like to see \$400,000 appropriated. But I understand the gentleman from Pennsylvania agrees to accept an amendment to his amendment making the amount the same as in the last sundry civil appropriation bill-namely \$350,000.

Mr. OLMSTED. I will consent to that.

Mr. THOMAS of North Carolina. Well, if not four hundred thousand the amount should be at least \$350,000. Now, Mr. Chairman, I have received to-day a letter from a gentleman of the highest character, Mr. Joseph Hyde Pratt, the State geologist of North Carolina. It might be charged that he, too, was under the influence of the Geological Survey. I do not know whether he is or not, but I have confidence in him because he is a gentleman of culture, of scientific attainments, and highly esteemed. He is a professor at the University of North Carolina as well as State geologist. I will quote his letter:

NORTH CAROLINA GEOLOGICAL AND ECONOMIC SURVEY, Chapel Hill, N. C., February 21, 1907.

North Carolina Geological and Economic Survey,
Chapel Hill, N. C., February 21, 1907.

Hon. C. R. Thomas,
House of Representatives, Washington, D. C.

My Dear Mr. Thomas: I have just heard regarding the report of the Committee on Appropriations regarding the appropriation for the United States Geological Survey, and notice that there is a decided reduction in the amount asked for topographic and water-supply work and also for the work of the coal and structural material testing plant, this latter being under the direction of Prof. J. A. Holmes, our former State geologist.

North Carolina is very much interested in the topographic work. As you know, we have dozens of requests in North Carolina for further topographic work. These maps are being appreciated more and more each year and their value is being realized so that all classes of people now desire these maps. With any decided reduction in the appropriation for topographic work, it will mean less work can be done in North Carolina as well as other States and especially any cooperative work which we hope to take up on a larger scale this year. I am already preparing a bill for our State legislature for an appropriation of \$10,000 for cooperative work with the United States Geological Survey in the preparation of topographic maps.

I do not know what chance there is of putting back this appropriation to the original figure, but I wish to call your attention to the fact that we are in North Carolina trying to obtain a good deal more work on our topographic maps and do not want to see our chances diminished for obtaining this work.

With best wishes, I beg to remain,
Cordially, yours,

Mr. TAWNEY. The gentleman Mr. Chairman is not sneak-

JOSEPH HYDE PRATT, State Geologist.

Mr. TAWNEY. The gentleman, Mr. Chairman, is not speaking to the amendment. There is no appropriation here for geological maps.

Mr. THOMAS of North Carolina. I said topographical maps and was referring to topographical maps. Topographical maps are referred to in the letter. The gentleman did not catch the meaning of the letter.

It is from North Carolina's State geologist, and refers to topographical maps, the paragraph of the bill now under discussion. Now, Mr. Chairman, continuing my discussion of the bill and

this paragraph.

The last sundry civil bill carried an appropriation for topographical surveys of \$350,000, "in various portions of the United States." The committee has, in this bill, reduced the appropriation to \$250,000. This is \$100,000 less than the current appropriation, and \$150,000 less than the estimate of the Director of the Geological Survey.

We are spending millions of money for our national defense and a great Navy, and we also make liberal appropriations for such internal improvements as rivers and harbors. Certainly this is not the time to call a halt in making appropriations for such other internal improvements as the investigation of the agricultural and mineral resources of the whole United States.

The appropriation for the whole work of the Geological Survey has been reduced in the present bill from \$1,463,000 to \$870,000. The appropriations for hydrographic surveys, fuel tests, and for tests of building materials have been omitted entirely, and the appropriations for topographical and geological surveys and maps largely reduced, so as to materially cripple and retard the work, if not destroy it in some instances. There are many reasons why the appropriations should be increased rather than reduced. I am especially interested that there should be no halt in the work of topographical surveys. This part of the work of the Geological Survey benefits all agricultural interests of the country as well as prospective immigrants and home

It is insisted by some that the States should do this work, but we all understand how impossible it would be for the States so thoroughly and so well to do the work. The reports do not have the same weight, and, furthermore, the work is national in its scope and importance. The States have been doing their part. In the hearings before the committee it will be seen that the States have appropriated altogether up to June 30, 1906, over three-quarters of a million dollars for cooperative work on topographical surveys. The appropriations for geological and topographical surveys are linked together. "A geological survey," says Mr. Walcott, "without a topographical logical survey," says Mr. Walcott, "without a topographical basis is money thrown away, because there is no data upon which to tie the work and no map to show the geology so anyone can locate the results." Both surveys are made to aid in the development of our country-topography to aid in the investigation of agricultural resources, and geology to promote the development of our great mineral resources. This is a strong development of our great mineral resources. reason why the work should not be confined to any one portion of the country. It is as important to the eastern section of the country as to the great western part of the United States. Certainly the appropriations as compared with other appropriations are very small, and I trust that the amendment for an increase of the appropriation for topographical maps to \$350,-000, instead of \$300,000, will be adopted and this great work of internal improvement permitted to continue.

It is a work that concerns and is of interest to the whole country. The work is national and not local. In the Swiss Republic, the French Republic, in Great Britain and Canada, and in every great country the topographical and geological surveys and maps are national in scope and character. Let us con-

tinue the work in the United States. [Applause.]
Mr. TAWNEY. This work is being done in every State of the United States. I feel that this work which is of so great advantage to the people of this country, including my own State, should continue, and I am most heartily in favor of increasing this appropriation to the amount in the last bill. We will not ask the \$400,000, but we do ask for \$350,000.

I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. OLMSTED. Mr. Chairman, just a word——
The CHAIRMAN. Debate is exhausted on this amendment.
Mr. OLMSTED. I merely want to say that if this is voted

down I propose to make it \$350,000.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division there were-ayes

So the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment as amended.

The question was taken; and the amendment was agreed to. The Clerk read as follows:

For geological surveys in the various portions of the national domain, \$150,000, to be immediately available.

Mr. OLMSTED. Mr. Chairman, I offer the two following

amendments, which I send to the desk and ask to have read. The Clerk read as follows:

Page 104, line 15, strike out "national domain" and insert "United

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to. The Clerk read as follows:

Page 104, line 15, strike out "one" and insert "two;" so that it will read "\$250,000."

Mr. TAWNEY. Mr. Chairman, if the Chair will yield long enough for me to make a statement, I would like to simply say that this amendment is \$50,000 greater than the estimate.

Mr. OLMSTED. Does the gentleman move to make it any

I move to make it \$200,000.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amend the amendment by striking out the words "and fifty thound;" so that it will read "two hundred thousand."

The CHAIRMAN. The question is on agreeing to the amend-

ment to the amendment.

The question was taken; and the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment as amended.

The question was taken, and on a division (demanded by Mr. SMITH of Iowa) there were—ayes 43, noes 28.

So the amendment was agreed to.

Mr. GAINES of Tennessee. Mr. Chairman, I make the point that there is no quorum present.

Mr. TAWNEY. Mr. Chairman—
The CHAIRMAN. For what purpose does the gentleman rise?
Mr. TAWNEY. I rise to make a statement to the committee. A great many of the Members that are here now have been here all day

The CHAIRMAN. Will the gentleman from Tennessee withhold his point of no quorum for a moment?

Mr. GAINES of Tennessee. I will.

Mr. TAWNEY. I was going to suggest that we take a recess until half past 8 o'clock, or that the committee rise and go into the House and then take a recess until that time.

Mr. GAINES of Tennessee. Then I will withdraw the point

of no quorum. The CHAIRMAN. Does the gentleman from Minnesota move that the committee do now rise?

Mr. TAWNEY. No.

Mr. GAINES of Tennessee. Then I insist on my point of no quorum.

The CHAIRMAN. The Chair will count.
Mr. TAWNEY. Mr. Chairman, I will state that it is the opinion of Members that we will not have a quorum of the House and therefore can not go back into the Committee of the Whole if the point of no quorum was made should we take a recess now, as I suggested a moment ago. That would put the further consideration of the bill over until next Monday. It is absolutely essential-it is necessary-that this bill go to the Senate by Monday morning.

Mr. PAYNE. I hope my friend from Tennessee will not interpose any objection to that. Let us go on and pass this bill

to-night.

Mr. GAINES of Tennessee. It is extraordinary for this tremendous bill to be passed here with a handful of Members

present. Mr. PAYNE. I want to say to the gentleman that the other night we had a night session and about half an hour later than it is now the Members came in; and I want to say to him further that under the rules 100 constitute a quorum in Committee of the Whole, and there are certainly 100 Members present now.

The CHAIRMAN. The Chair has just counted. There are 104 Members present—a quorum. The Clerk will read.

The Clerk read as follows:

For engraving and printing the geological maps, \$75,000.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

At the end of line 15, page 105, insert: "For examination of the water resources and products of the national domain, \$200,000."

Mr. TAWNEY. Mr. Chairman, I make the point of order that that is not authorized by law, and the same question has

been ruled on three times this afternoon.

Mr. MONDELL. Mr. Chairman, I wish to be heard just a moment on the point of order. I desire to call the attention of the Chair to the fact that the former occupant of the chair in passing upon the amendment which I offered, in which it was proposed to insert the words "including water," after the words "mineral resources," in line 1, page 104 of the bill, made this statement: "Now, it occurs to the Chair that that word 'water' is included in the words 'mineral resources.'" And my amendment proposing to include the word "water" was held to be superfluous. Now, Mr. Chairman, if the word "water" is included, as stated by the former occupant of the chair, in the words "mineral resources," then it is competent for this committee to the mineral resources and to provide by a specific appropriation for an examination of one particular mineral resource, and that is what my amendment proposes to do. I segregate "water" from the other mineral resources and provide for its examination.

Mr. LITTLEFIELD. Just as silver, lead, or any other

Mr. MONDELL. As we might segregate silver or lead or iron or any other mineral, and we now provide for an examination of that particular mineral, which is included, according to the statement of the former occupant of the chair, in the term "mineral resources."

Mr. SHACKLEFORD. Mr. Chairman, I make the point of order that this raises a question which has been three times

ruled on to-day.

Mr. ELLIS. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ELLIS. I understand this is an amendment to follow the paragraph just read, and I was trying to get recognition of the Chair so as to offer an amendment to that paragraph.

The CHAIRMAN. The Chair will recognize the gentleman

when this matter has been disposed of.

Mr. MANN. This is a separate paragraph, Mr. Chairman. The CHAIRMAN. Does the Chair understand the gentleman desires to offer an amendment relating to the subject-matter

in the preceding paragraph?

Mr. ELLIS. Yes, sir.

The CHAIRMAN. Then the Chairman will recognize the gentleman for that purpose. The amendment offered by the gentleman from Wyoming is not an amendment to this paragraph, but a new paragraph.

Mr. TAWNEY. I understood we had passed the paragraph

and read another paragraph from the one the gentleman from

Missouri wants to amend, line 6, page 105.

The CHAIRMAN. Oh, no. The Chair saw the gentleman from Missouri on his feet, but the Chair recognized the gentleman from Wyoming, and now the Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Page 105, lines 10 and 11, strike out "\$75,000" and insert "\$100,000."

Mr. TAWNEY. Mr. Chairman, I will say I have no objection to that amendment. The theory of the committee was that in view of the fact we were reducing the topographical work of the Geological Survey that they would not need more than \$80,000, or within \$20,000 of the estimate. The members of the subcommittee were informed this morning that there is two years' work accumulated and that they will need the entire force for at least two years to bring the work current; therefore I accept the amendment.

The question was taken; and the amendment was agreed to. The CHAIRMAN. The proposition offered by the gentleman from Wyoming the Chair understands to be substantially the same as the regular occupant of the chair has two or three times ruled upon and each time has sustained the point of So the present occupant of the chair, following the rule of the permanent occupant of the chair, sustains the point of

Mr. BARTHOLDT. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 105, at the end of line 11, add the following:
"Provided, That the moneys received by the Director from the sales of topographic and other maps printed by the Geological Survey shall be deposited in the Treasury of the United States to the credit of the appropriation for engraving and printing the geological maps of the United States."

Mr. TAWNEY. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For continuation of the survey of the public lands that have been or may hereafter be designated as forest reserves, \$100,000, to be immediately available.

Mr. ENGLEBRIGHT. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add after line 14, page 105, a new paragraph, as follows:

"For investigations of the mineral resources of the national domain, in addition to the amount herein appropriated, \$250,000.

"Provided, That not to exceed \$150,000 of this amount shall be expended in the investigation of water resources."

Mr. TAWNEY. Mr. Chairman, I make the point of order against that amendment.

The CHAIRMAN. The point of order is sustained.

Mr. ENGLEBRIGHT. Mr. Chairman, I then offer the first half of the amendment before the word "Provided."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add after line 14, page 105, a new paragraph, as follows: "For investigations of the mineral resources of the national domain, in addition to the amount herein appropriated, \$250,000."

Mr. TAWNEY. Mr. Chairman, I make the point of order on that. The committee has already passed on the subject-matter of this amendment and fixed the amount for this service. It

can not be amended. The amendment comes too late.

The CHAIRMAN. The Chair thinks that the gentleman from Minnesota is right. The committee has passed to another section of the bill. The Chair sustains the point of order.

The Clerk read as follows:

In all, for the United States Geological Survey, \$870,020.

Mr. NEEDHAM. Mr. Chairman, I desire to offer an amend-

The CHAIRMAN. The gentleman from California [Mr. NEEDHAM] offers an amendment, which the Clerk will report. The Clerk read as follows:

After the word "dollars," line 25, page 105, add: "Provided, That not to exceed \$200,000 thereof may be expended in the examination of the water resources of the United States."

Mr. Chairman, I make the point of order. The CHAIRMAN. The point of order is sustained.

Mr. NEEDHAM. That is simply a limitation upon the whole

appropriation. It is in order.

The CHAIRMAN. As presented it was more than a limita-

tion, and the point of order is sustained.

Is there objection to the Clerk making the necessary change

in totals made necessary by the amendment adopted? [After a The Chair hears no objection, and it is so ordered. pause.]

Mr. TAWNEY. Mr. Chairman, I offer an amendment here for the purpose of correcting an error in the printing of the bill. The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Transpose the matter following the word "hundred," in line 7, and all of lines 8 and 9 on page 41, to come in at the end of line 24 on that

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken; and the amendment was agreed to.
The CHAIRMAN. The Clerk will now resume the reading of the bill on page 144.

The Clerk read as follows:

The Clerk read as follows:

For president of the Board of Managers, \$4,000; secretary of the Board of Managers, \$2,000; general treasurer, who shall not be a member of the Board of Managers, \$4,000; inspector-general and chief surgeon, \$3,500; assistant general treasurer and assistant inspector-general, \$2,500; two assistant inspector-general, at \$2,500 each; clerical services for the offices of the president, general treasurer, and inspector-general and chief surgeon, \$15,500; messenger service for president's office, \$144; clerical services for managers, \$4,500; agents, \$1.400, of which sum not more than \$200 shall be paid to the agent at Washington, D. C.; for traveling expenses of the Board of Managers, their officers and employees, \$16,000; for outdoor relief, \$1,000; for rent, legal services, medical examinations, stationery, telegrams, and other incidental expenses, \$7,000; in all, \$66,544.

Mr. OLMSTED. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee if he will not accept an amendment on page 157, in line 19, changing that item from \$1,400 to \$1,700, of which sum not more than \$500 shall be paid to the agent at Washington. It is an increase of \$300. He used to be paid \$800.

Mr. TAWNEY. Mr. Chairman, I must say that I can not

The matter was thoroughly considered a year consent to it. ago when the Board of Managers of the Soldiers' Home was before the committee, and the reduction was made by the committee at that time.

Mr. OLMSTED. Mr. Chairman, I will not press it if the gentleman is unwilling to accept it.
The Clerk read as follows:

In all. \$4,476,544.

Mr. BOWERSOCK. I offer the following amendment.
The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 158, line 4, after the word "dollars," change the period to a semicolon and add the following:

"And provided further, That no part of this appropriation shall be apportioned to any National Home for Disabled Volunteers that contains a bar or canteen where intoxicating liquors are sold."

Mr. BARTHOLDT. Mr. Chairman, I make the point of order that that is new legislation. I am aware of the decision of the Chair last year.

Mr. STAFFORD. This amendment is different in its phraseology, Mr. Chairman.

Mr. TAWNEY. Will the Chair kindly have the amendment reported again.

The amendment was again reported.

Mr. CRUMPACKER. Just a word or two upon the point of That proviso, if the Chair will give his attention, is in identically the same form as the proviso attached to the appropriation for State Soldiers' Homes in the following paragraph. It is copied from it. It reads:

Provided further, That no part of this appropriation shall be apportioned to any State or Territorial Home that maintains a bar or canteen where intoxicating liquors are sold.

It is clearly a limitation. When that proviso was put on the

appropriations for State and Territorial Homes, three or four years ago, the point of order was made against it, just as it was a moment ago. I think probably the gentleman from Missouri made the point of order at that time. It is as clearly a limitation as it is possible for a proviso to be. It is contained in the paragraph following that is carried from year to year, and it would be subject to the same point of order if it were not a limitation

The CHAIRMAN. Does the gentleman from Wisconsin de-

sire to be heard?
Mr. STAFFORD. Mr. Chairman, I have nothing to add to what I advanced last year. I do not know whether the Chair has seen any additional light; but it does not seem to me that this is a limitation, because the limitation does not say that no part of this appropriation shall be used for the purpose of a canteen, but it limits by legislation the conditions that must exist in the Homes before the appropriation will be available. Carried to the logical extreme if a proviso was added that no appropriation should be available in places where the Soldiers' Homes are surrounded by saloons or located within a mile thereof or in a city having saloons, the amendment would have to be sustained along the same line, if the pending amendment is in order.

Mr. JAMES. Will the gentleman allow me to ask him a question?

Mr. STAFFORD. Certainly.

Mr. JAMES. The point of order was made last year as to the proviso that no part of this appropriation shall be apportioned to any National Soldiers' Home that maintains a bar or canteen where intoxicating liquors are sold. The point of order was made on that by yourself, and the point of order was overruled.

Mr. STAFFORD. I have just said in my opening statement that I was aware of the decision of the Chair last year in sustaining the point of order, and had nothing further to advance from what I advanced at that time.

Mr. JAMES. What is the difference between the amendment now offered by the gentleman from Kansas [Mr. Bowersock] and the one to which the gentleman made the point of order which was overruled? Are they not identical in real meaning?

Mr. STAFFORD. There is a difference in the phraseology. The phraseology is copied and is identical with the phrase that is appended to the appropriation for State and Territorial That is an appropriation for Homes over which the National Government has no direct control, and so a limitation as to the conditions under which appropriations are to be available does not infringe any regulation over which it is in the power of Congress to legislate, but as to the National Homes, Congress has power to legislate direct, and this proviso is legislative under the rule forbidding legislation on appropriation bills. I respectfully submit that there is a distinction between the two cases, and this amendment infringes the rule.

Mr. MANN. Mr. Chairman, I can very readily see the difference between the point of order on the amendment sustained by the Chair last year and the amendment on which the point of order is offered now, not as to the phraseology of the amendment, but as to the proposition which is proposed to be amended. The proposition to which the amendment was offered last year was in regard to the payment of a gratuity to various State and Territorial Homes. It is perfectly manifest that the ruling of the Chair last year on that proposition was correct, because, without interfering in any way with the established law, Congress can give or refuse to give to a State or Territorial Home gratuity which was proposed to be given under certain conditions; but here is a situation now proposed where Congress by law is creating Soldiers' Homes. It has by law provided for the government of Soldiers' Homes. At Soldiers' Homes it has the government of Soldiers' Homes. At Soldiers' Homes it has vested the government in a Board of Managers in accordance with the provisions of the statute. It is true that Congress can refuse to appropriate, but, Mr. Chairman, it is also true that the Chair has frequently ruled that Congress can not, against a point of order, by a limitation change the organic law. Here is a provision that although Congress has created these Soldiers' Homes by an organic law, although it has provided for the government of the Soldiers' Homes by a Board of Managers, a proposition through the form of a limitation to take away the

control of the Board of Managers and by affirmative legisla-tion in the guise of a limitation to change the statute upon that subject. While limitations are usually favored by the Chair, properly, still it is true that the Chair might well rule, it seems to me, that a limitation in this guise, changing the law, giving the Board of Managers the discretion over the management of the Homes, is positive affirmative legislation, as it undoubtedly would be construed by the Comptroller of the Treasury, and therefore subject to a point of order. It is perfectly manifest that an item of this kind in the bill is construed by the Comptroller of the Treasury as positive legislation, although it be in the form of a limitation.

Mr. GARDNER of Michigan. Mr. Chairman, the Board of Managers having control of these Homes are creatures of the Shall the creatures be greater than their creator? It resolves itself into that.

Mr. TAWNEY. Will my colleague on the committee submit to an interruption?

Mr. GARDNER of Michigan. Surely.

Mr. TAWNEY. The law creating the Board of Managers specifically provides that the control of the Homes shall be under such regulations as the Board of Managers shall provide.

Now, the point made by the gentleman from Illinois is that when Congress assumes to make a regulation for the Home, it is to that extent changing the existing law which places the complete control of the Home under a Board of Managers.

Mr. GARDNER of Michigan. Then I repeat myself. clothe our creatures with greater power than we ourselves are

able to exercise.

Mr. TAWNEY. Oh, you can do this, but you can not do it

on an appropriation bill that changes existing law.

Mr. McCALL. Is it not true that the law is the creature of Congress, and on that theory it would be entirely proper to change any law on an appropriation bill?

Mr. LITTLEFIELD. The gentleman from Michigan has not stated his full proposition. He has been twice butted into be-

fore he succeeded in stating it.

Mr. McCALL. The gentleman from Michigan permitted me

to ask a question.

Mr. GARDNER of Michigan. Certainly.

Mr. McCALL. I am not anticipating anything that the gentleman may say. The gentleman stated a proposition very clearly, and I simply addressed myself to what he had said rather than to what he might say.

Mr. GARDNER of Michigan. If the board of directors shall

formulate any rules or regulations contrary to what the Congress believes ought to exist in a Home, the Congress ought to have the right to change those rules in the interest of good government. Otherwise, supposing they should formulate a rule that a man should eat but once a day, or that instead of drinking beer he should drink liquor, or some other specific thing, as a regulation. Ought we to be compelled to stand by those regu-

lations, whatever they might be?

Mr. BARTHOLDT. If the gentleman will permit me, there is no question at all that Congress has the right to legislate—to make rules and regulations for the Homes; but the question is whether it can be done here on an appropriation bill in the

way of new legislation.

Mr. GARDNER of Michigan. We authorize them with regard to the State Homes, and make it a condition precedent to receiving any appropriation for the maintenance of men in those Homes that liquor shall not be sold in the Home.

Mr. STAFFORD. Will the gentleman permit me, right there?

Mr. STAFFORD. Will the gentleman permit me, right there? Mr. GARDNER of Michigan. Yes.
Mr. STAFFORD. We have no authority whatever over the jurisdiction of those respective Homes, but we can consistently place a limitation on the appropriation made for these State and Territorial Homes, and so far as National Homes for disabled soldiers are concerned, the authority is vested in a board which has the authority of law and authority is vested in a which has the authority of law, and we are attempting to over-

come that authority.

Mr. GARDNER of Michigan. And the Board is a creature of Congress, and therefore, under the gentleman's argument, is

greater than the Congress itself.

Mr. STAFFORD. Oh, no. Congress has that authority, but not upon an appropriation bill.

Mr. JAMES. I should like to call the attention of the gentleman from Michigan to the decision of the Chair on this question during the last session. The Chair overruled the point of order. In ruling upon it he called attention to a ruling made Mr. PAYNE, of New York, upon an amendment offered by Mr. Charles B. Landis, of Indiana, as follows:

Provided, That no part of this appropriation shall be available for the agricultural college of any State or Territory until the Secretary of

Agriculture shall be satisfied, and shall so certify to the Secretary of the Treasury, that no trustee, officer, or employee of such college is engaged in the practice of polygamy or polygamous relations.

After much discussion on this amendment the Chairman [Mr. PAYNE, of New York] held that it was a limitation of appropriation which the House had a right to make, or Congress had the right to make, and was not new legislation. Now, what difference is there between a limitation with regard to polygamy in Utah, upon an appropriation made by the United States for an agricultural college, and an appropriation made to maintain a Soldiers' Home, where the limitation is that spirituous, vinous, or malt liquors shall not be sold there?

Mr. GARDNER of Michigan. It seems to me they are in

harmony.

Mr. JAMES. Absolutely.

Mr. GARDNER of Michigan. If the Government can do it in one case, it can do it in the other. The principle is the same.

Mr. JAMES. Mr. Watson, of Indiana, who now occupies the chair, was also Chairman last session when a like amendment was offered as is now offered by Mr. Bowersock, of Kansas; and a like point of order was by the Chairman overruled and the amendment held germane, and therefore in order, and he quoted approvingly the decision of Mr. PAYNE, which I have referred to.

Mr. MANN. Does Congress provide by law for the govern-

ment of any of the agricultural colleges?

Mr. GARDNER of Michigan. It determines the conditions under which they shall receive aid from the Government.

Mr. MANN. Undoubtedly it has the right to determine those conditions; but they can receive the money or leave it, as they please. But here is a provision that takes away from the Board of Managers a discretion which under the law they now have, and to that extent it is positive legislation.

Mr. GARDNER of Michigan. I will leave it to the Chair.

The CHAIRMAN. The Chair is ready to rule on the proposi-

tion. The language used in the amendment offered by the gentleman from Kansas is as follows:

And provided further. That no part of this appropriation shall be apportioned to any National Home for Disabled Volunteers that contains a bar or canteen wherein intoxicating liquors are sold.

This very proposition was presented in regard to the State Soldiers' Homes in 1904, and the Chair at that time overruled the point of order and held it in order as a limitation. Chair were only following the precedent he would be constrained to overrule the point of order in this case. One year ago this whole question, as most of the Members will remember, was taken up and discussed thoroughly and elaborately, and at that time the gentleman from Kansas offered this proviso:

That this appropriation shall be available only under the condition that no bar or canteen shall be maintained at said Homes for the sale of beer, wine, or other intoxicating liquors.

In legislation we look to the substance, and not to the form, and unless there is an affirmative attempt to restrict the adminstrative power or departmental function, it has always been held that a limitation in negative language is in order.

The present occupant of the chair went fully into the authorities and quoted a large number of decisions by Mr. Hemenway, of Indiana; Mr. Burton, of Ohio; Mr. Payne, of New York, and other eminent parliamentarians who had occupied this chair when questions of similar import had been raised, all sustaining the theory that limitations of this character are clearly in order.

The Chair does not care to go fully into this line of decisions again, because the Chair believes that the ruling at that time was acquiesced in and believed to be the proper ruling under the circumstances. Therefore the Chair overrules the point of order.

Mr. SULLIVAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Provided further, That no part of this appropriation shall be apportioned to any Home any inmate of which is found in attendance during the next fiscal year upon any race-horse meeting or is discovered in any pool room where gambling is carried on or in any place where malt or spirituous liquors or tobacco is sold.

Mr. SULLIVAN. Mr. Chairman, the amendment offered by the gentleman from Kansas is intended to make the National Government a keeper of each individual soldier at these Homes. I simply offer my amendment in order to perfect the enterprise and make the Government the keeper of the old soldier's morals, so that he shall not be tempted by liquor, tobacco, gambling, or horse racing. I trust that the gentlemen who will support the amendment of the gentleman from Kansas will also, in their desire to protect the old soldier, support the amendment which I have offered.

The CHAIRMAN. The question is on the amendment to the amendment, offered by the gentleman from Massachusetts.

Mr. SIMS. Is it too late to make a point of order?

The CHAIRMAN. It is too late because debate has occurred. The question is on the amendment to the amendment.

The question was taken, and on a division (demanded by Mr. Sullivan) there were—ayes 13, noes 66.

So the amendment to the amendment was lost.

The question now is on the amendment The CHAIRMAN.

offered by the gentleman from Kansas.

Mr. TAWNEY. Mr. Chairman, this amendment doubtless will be supported by some gentlemen upon the theory that it is in the interest of temperance, and that it is for the purpose of protecting those who live in the National Soldiers' Homes. Mr. Chairman, it is entirely erroneous for any man to vote for this proposition upon the theory that it is in the interest of tem-perance or for the protection or benefit of the old soldier.

A year ago we adopted a similar amendment, limiting the appropriations for the present fiscal year, which limitation takes effect on the 4th of March of this year, or a week from next Monday. As a result of our action, and in anticipation of that limitation going into effect at the Home in the State of the gentleman who offers this amendment, people are making preparations for the sale of liquor, are making preparations for the maintenance of brothels, in which they hope and expect that when the beer hall in the Home at Leavenworth is closed these old soldiers will be found spending their pension money and otherwise indulging in vice and luxury. At the Home in Milwaukee, in anticipation of this law going into effect a week from next Monday, twenty saloons have been built and are ready to go into operation one week from next Monday for the purpose of getting the pension money from the old soldier, which is now going to maintain him in the Home and helping

which is now going to maintain this in the Home and helping to maintain those of his family that are not there.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman if there is any Home in any State where the State legislature is wiping out these saloons, as they are in Tennessee:

Mr. TAWNEY. There is none, and they have not done it in Tennessee

Mr. GAINES of Tennessee. Yes we have, in nearly every

town and county in the State.

Mr. TAWNEY. The testimony of the governor of the gentleman's own State denies that statement, and the "bootleggers" of Tennessee are, in violation of that State law, selling concoctions to the inmates of the Mountain Home, and some of those inmates have lost their lives, as I am informed by the gentleman from Tennessee, in consequence of the poison it con-

Mr. GAINES of Tennessee. Not by selling whisky.
Mr. TAWNEY. No; injected into neat cider, poisoned with
what is known as "wood alcohol."

Mr. GAINES of Tennessee. Mr. Chairman-

The CHAIRMAN. Does the gentleman yield?

Mr. TAWNEY. I must decline to yield further. Here is a document which I hold in my hand, entitled "Canteen in Soldiers' Homes," being a supplement to the hearings before the subcommittee of the House Committee on Appropriations in charge of the sundry civil appropriation bill for 1908, which document contains the recommendation of the Board of Man-agers, and who compose the Board of Managers? The comrades of these old soldiers who are living in these Homes. These Homes, gentlemen, are not asylums for the purpose of reform-ing these men. The average age of the old soldier in the Home is 67 years. They go into the Home in many cases because of habits that they have contracted in the Army or since they have come out of the Army. You can not reform them. consequence is that when you deprive them of the opportunity to get a drink of beer in the Home you drive them out into the saloons and the brothels that are kept and maintained on the money of the old soldiers in the Homes.

This document contains the letters of temperance people, of the best class of citizens in every community in the communities in which every one of these homes are now located. I have marked a number of them. Here is one on page 122, written by Mr. Jesse L. Pritchard, and dated from the Western Branch, National Home for Disabled Volunteer Soldiers, at Leavenworth, Kans., January 22, 1907. Here is another one, written by Mr. Benjamin F. Endres, written from Leavenworth, a prominent business man in that city, wholly disconnected from the Home, who says:

It is a well-known fact among those living near the Soldiers' Home that the sale of beer to inmates is done under close restriction, and to my knowledge I have never known of an old veteran to become intoxicated on beer sold at the canteen, for the very good reason that he is entitled to but a small quantity as a beverage each day.

The influence of such a privilege on the old veteran is a very good

one; it induces them to remain upon the premises and causes them to remain away from various dives, where they not only buy an inferior quality of beer, but there are many cases on record where the old veteran has been lured into these dives and drugged and robbed. I in my official capacity have observed that since it has been rumored that the canteen at the Home will cease to exist that a low element of outside people have attempted to come to Leavenworth to open low dives, for no other purpose than to prey upon the old veterans from the Home.

Here is a gentleman speaking from his personal knowledge of the conditions in the Home at Leavenworth, in the State of Kansas. I have here a letter from the archbishop of the Catholic Church at Milwaukee, strongly urging the continuance of the beer hall in the interest of temperance and for the protection of the old soldier, and I have here a letter printed in this document from a minister at Dayton, Ohio, who speaks from personal knowledge and describes the conditions that obtained before they had a beer hall in the Home and the condition since then. Every chaplain in every Home except one protests against the abolition of the canteen. Every officer in every Home, every surgeon in every home, and in addition to these officers, the best element of the people—temperance, law-abiding element of the people—in every community are protesting against the abolition of the canteen, and they do it in the interest of temperance and in the interest of the old soldier.

Mr. GRONNA. Mr. Chairman, coming from the only State where prohibition is really strictly enforced, I desire to ask the gentleman from Minnesota if he has any letters from the

temperance people of my State about the canteen?

Mr. TAWNEY. No; I will say to the gentleman from North Dakota that these communications come from people who live in the vicinity of the Home; people who have had occasion to observe the conditions before the beer hall was established and since the beer hall was established, and their testimony counts infinitely more than does the testimony of the mistaken advocates of temperance who are trying to abolish the old soldiers' beer hall in the Home. [Applause.]

Mr. GRONNA. That is, the testimony from the States where

they have the saloon?

Mr. TAWNEY. Yes; and in the gentleman's State there are 300 more saloon licenses issued, according to the population of his State, than there are in the State of South Dakota, where there is no prohibition.

Mr. GRONNA. But we have not a single open saloon in

our State.

Mr. TAWNEY. They are "blind pigs." Now I want to read a letter, Mr. Chairman, from the governor of the Danville Home, which is located in the city in which the Speaker of this House

The CHAIRMAN. The time of the gentleman from Min-

nesota has expired.

Mr. TAWNEY. May I have five minutes more?
The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. He says:

DANVILLE BRANCH, NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS, National Home, Danville, Ill., January 14, 1907.

National Home, Danville, Ill., January 14, 1997.

Sir: I take the liberty of writing you in regard to the canteen in the Soldiers' Home. In the beginning it may not be amiss to state that I am a member of the Methodist Church, and came to this Branch of the National Home with a strong prejudice against a canteen. I could not bear the idea of being in any way connected with such an institution. But the logic of facts has forced me away from my original position, and years of experience have but strengthened the convictions which these facts forced upon me. I know it is a trite saying that the soldiers in the Home are old and their habits of life are formed; nevertheless it is true, and the duty—for it is no less than a duty—of those who are in charge of these Homes is to see that the evil results of wrong habits, when they exist, may be reduced to the minimum, and those who would take this power away from the Home management are doing an incalculable harm, though actuated by the best of motives.

There are numerous members of the Home who will be satisfied with a glass of beer at the Home, who, if deprived of this privilege, would go into the adjacent city or towns and there get no one knows what to drink, and then probably be beaten and thrown into the streets to live or die as the case might be. It is bad enough as it is. My experience both with and without the canteen shows that it is much worse without it. In so far as the men can be saved from the dens and dives in the city, in that far the cause of temperance, sobriety, and discipline is subserved.

I earnestly beg, sir, that the Home management may be permitted to control this question in the interest of sobriety and decency, and this can be done to a very considerable extent at least by allowing the men a place inside the Home grounds where they can assemble, drink their beer, smoke, and talk, and yet be under strict scrutiny. I make no reference to the money question. I base my appeal upon the grounds of sobriety, morality, good order, temperance, and d

I. CLEMENTS, Governor.

Hon. J. A. Tawney, Chairman of the Appropriations Committee, House of Representatives, Washington, D. C.

That letter is signed by I. Clements, governor of the Home. [Applause.] Now, Mr. Chairman, there is one other letter

which I want to read if I can turn to it. It is from the sheriff of the county of Milwaukee, William R. Knell. I will read only that part which gives a description of the roadways, and mark you, gentlemen, the Home at Milwaukee is situated outside of the corporate limits of the city, and the police have no control over the sale of liquors in the city of the Home at Milwaukee, That, perhaps, is the reason that to-day there are standing twenty saloons at the door of that Home that were not there a year ago, before this limitation prohibiting the sale of liquor to the Home was enacted in this Congress.

What Home is that?

Mr. TAWNEY. The Northwestern Home at Milwaukee.

Mr. SIMS. Twenty saloons?

Mr. TAWNEY. Twenty saloons have been erected in anticipation of this bill going into effect.

Mr. SIMS. To be patronized by the soldiers there? Mr. BUTLER of Pennsylvania. Is it necessary for these saloon keepers to apply for permission to sell liquor?
Mr. TAWNEY. Where?

Mr. BUTLER of Pennsylvania. At Milwaukee.

Mr. TAWNEY. No, sir; I said before that they are outside of the city of Milwaukee. They would get their licenses under county license. The Government of the United States has no control over that.

Mr. BUTLER of Pennsylvania. I understand; but the authority is in somebody certainly to grant them permission to sell liquor.

Mr. TAWNEY. Here is what the sheriff says:

Mr. TAWNEY. Here is what the sheriff says:

The past four years I have been connected with the sheriff's office, and have had charge of the outdoor work during the last two years. During that period of time we have had numberless calls to the vicinity of the Home, and I assure you that some of the sights witnessed there can not be described.

The old soldiers, as a rule, are no worse with regard to the drink habit than the average run of men; but the methods employed and the alluring temptations thrown out to the old gray-haired heroes is what aggravates the situation and does the mischief. All efforts should be made to devise means to keep them on the grounds of the Home, not to drive them out.

I firmly believe that the morals and behavior of a large percentage of the population of the Home could be immeasurably improved if the service at the canteen were to include the dispensing of beer and even good liquor. Good liquor, if dispensed to the veterans in reasonable quantities, will not injure them nor set them crazy drunk; it is the vile concoctions, commonly called "rye," "brandy," etc., which robs these old men of all sense, reason, and judgment.

Much of the drinking indulged in is, in fmy opinion, merely a repetition of the old, old story of the forbidden fruit. If stronger drink than is now sold at the canteen should be had there, many would never think of indulging at all; others would use it very moderately, and the absolute craving for it would be reduced to a minimum. Fully one-half of those now going outside would never think of leaving the grounds at all. The mere thought of not being able to satisfy the appetite for a good drink is what first starts the craving.

Once in one of the many drink shops surrounding the Home the men seek to make the best of the opportunity, and the result is well known.

It is not what a man drinks of his own desire which does the damage;

known.

It is not what a man drinks of his own desire which does the damage; it is the excess brought on by environment, association, and the despicable methods resorted to to encourage lewdness and debauchery. I say, by all means retain the canteen, and, if possible, widen its scope.

Very truly, yours,

WM. R. KNELL, Sheriff of Milwaukee County.

Hon. J. M. Holley, Esq.,

Manager National Home for Disabled
Volunteer Soldiers, La Crosse, Wis.

Mr. Chairman-

The CHAIRMAN. Does the gentleman yield?

Mr. SIMS. I would like to ask the gentleman why will not the soldiers drink mild drinks at saloons as well as inside the Home? Why will not the saloons keep mild drinks as well as alcohol and such-

Mr. TAWNEY. Oh, that question answers itself.
Mr. GOULDEN. Mr. Chairman, in opposition to this amendment I desire to briefly say that as a trustee for more than five years of the New York State Home at Bath, with more than 2,000 inmates, my experience has been of a practical character. Our experience with and without the canteen should be accepted by the members of the committee as of greater value than that of the theorists and faddists who oppose the sale of beer and ale in these Homes, for nothing else is ever sold. There are nine national and thirty State Homes, in twenty-seven different States, with a population of 46,000.

The average age of the inmates is 67, and 50 per cent, in round figures, are in the hospital. They are growing old fast and soon will join their comrades on the other shore, answering the last summons of the Great Commander. Why deprive them of the opportunity of meeting together socially in the canteen hall, enjoying a glass of good, wholesome beer or ale—for nothing else was sold in the Bath Home—a pipe or cigars? For the information of the Members of the House I shall read the rules and regulations that obtain in these Homes that are carried out to the letter. [Applause.] Regulations that govern this matter

are very clearly stated in a supplement to the hearings from which the chairman of the Committee on Appropriations has been quoting, or rather I should have said from the report of the Board of Managers of the National Home for Disabled Volunteers. It is found on pages 10 and 11. These are the regulations which govern the sale of malt liquors in the various Soldiers' Homes:

When beer is sold at a Branch under post-fund management the utmost care must be exercised to prevent any member from drinking to excess. The place of sale will be under the direct charge of a discreet noncommissioned officer, assisted by a sufficient number of suitable members selected from the guard force. They will be present at all times when the place is open for sales, and will have power to make arrests or expel from the place any persons showing evidences of intoxication or a disposition to create disorder.

In the management and conduct of the beer hall or building used for such purposes, the following rules will be strictly observed and enforced:

tion or a disposition to create disorder.

In the management and conduct of the beer hall or building used for such purposes, the following rules will be strictly observed and enforced:

1. Temperance is to be taught and encouraged at all times.

2. No member visibly under the influence of intoxicants shall be admitted to the hall.

3. The hall shall not be opened before breakfast. It shall be closed between 12 and 1 o'clock, noon, and closed for the day one-half hour before supper.

4. But one ticket shall be sold to any member at any one time.

5. Governors of Branches may llimit the amount of beer to be sold to any member and may make special arrangements for members employed in the shops.

The conditions of admission to the Home are such that all of the members must be disabled and without means of support. To enjoy its benefits they must separate themselves from their families and kindred; 96 per cent of the total membership fought in the civil war; their average age is nearly 67 years, and many of them are the victims of misfortune. They are thrown together as comparative strangers at an age when new friendships are not readily formed, and their tendency is to brood over their life failures. Unless they are afforded some ediversions they swell the hospital rolls and the death rate. The social influences of the beer hall and the diversions and entertainments incident to its operation have contributed in no small degree to the health and contentment of the members of the Home.

In July last the governors of all the Branches were required to report in relation to the operation of the beer hall at their respective Branch Homes, as to its effect upon discipline and the sobriety of the members, and to furnish statistics from the records bearing upon the subject. These reports without exception furnish positive evidence as to the value of the beer hall in the promotion of temperance, sobriety, and moral conduct. The chaplains of all the Branch Homes were also requested to report on the same subject. Of the eight

At Bath there are some fifteen of these places, a few conducted respectably and the rest of the worst character, selling adultered and poisonous compounds that are positively injurious to the health of those who drink the stuff.

In the canteen only the best malt liquors are sold, and only in

moderate quantities, to the inmates

I may say that the reports of all the governors of these Homes are in favor of the canteen. The chaplains, with but two exceptions, favor it. The board of trustees, of which I have the honor to be a member, composed of nine citizens of the State of New York appointed by the governor, passed this resolution one year ago:

Resolved, That it is the sense of the board of trustees of the New York State Soldiers and Sailors' Home that the best interests of the institution and the good of the members thereof will be subserved by the reestablishment at the Home of the canteen at which only malt ilquors are sold, and the board urgently requests the several Members of Congress from the State of New York to use their best endeavors to accomplish this result.

The CHAIRMAN. The time of the gentleman has expired.
Mr. GOULDEN. Mr. Chairman, I ask unanimous consent for five minutes more. I have not troubled this committee

The CHAIRMAN. Is there objection?

There was no objection.
Mr. GOULDEN. The following letter is from the Catholic chaplain, an able and zealous clergyman having the love and respect of all the inmates and the confidence of the trustees and officers:

New York State Soldiers and Sailors' Home, Bath, Steuben County, N. Y., January 16, 1996. Hon, J. A. Goulden, M. C., Washington, D. C.

Dear Sir: In compliance with your request, I send my views as to the advisability of returning to the canteen system in the Soldiers' Homes of the country.

I have been Catholic chaplain at the New York State Soldiers and Sailors' Home for nearly four years. When I began my work here I was opposed to the canteen, but experience has taught me that it is morally impossible to eradicate intemperance. The best we can do is to endeavor to control it. A large number of the inmates formed an

appetite for intoxicating liquors early in life and now consider them essential. To my mind it would be far better to establish a canteen at this Home in which the men could obtain mild stimulants under proper restrictions than to practically force them to frequent the saloons, of which there are many in the proximate vicinity of the Home, where the vilest kind of liquors are generally sold.

I am, yours, sincerely,

Mr. Chairman, I have also the letter of the surgeon in chief of this Home, quite an able young physician, who writes as follows. It is dated at the Bath Home, January 2, 1906, addressed to myself:

New York State Soldiers and Sallors' Home,

Bath, Steuben County, N. Y., January 2, 1906.

Hon. J. A. Goulden, M. C., Washington, D. C.

Dear Sir: Through the commandant I have been informed that you desire my opinion, along with others, as regards the advisability of reestablishing the so-called "canteen" at this Home.

After mature deliberation on the subject I am fully convinced that as a practical means for promoting temperance in the use of alcoholics as well as in conserving the health of the men by offering them a limited amount of a pure beverage (beer or ale) in place of the poisonous material obtainable at our gates the reestablishment of the post exchange should be advocated.

Respectfully, yours,

C. K. Haskell, Surgeon.

I have a third letter, which I shall put in the RECORD, from the commandant himself, a gentleman who is known as one of the strongest temperance advocates, a member of the Anti-Saloon League, I understand, which my distinguished young friend from New York [Mr. Benner] is representing on this occasion, I am informed.

Mr. JAMES. Mr. Chairman, will the gentleman yield for a

Mr. GOULDEN. Certainly.

Mr. JAMES. I will ask the gentleman if it is not true that his argument epitomized is this: That it is better for the Government to put saloons in the National Homes and keep all the soldiers partially drunk all of the time rather than to have them

totally drunk part of the time? [Laughter.]

Mr. GOULDEN. Not at all. It is just the opposite. That might be true in the district in which the gentleman from Kentucky lives, but it certainly is not true of the district represented by my good friend from New York [Mr. FASSETT], in which this Home is located. [Applause.]

Mr. JAMES. Will the gentleman yield for a further ques-

Mr. GOULDEN. I refuse to yield.

I desire to say that I have watched this canteen matter in the Home very carefully. I have seen its operation time after time, and it has always been one of those things that even a temperance man could most heartily approve. I have never seen an inmate under the influence of liquor in connection with the canteen at the Soldiers and Sailors' Home at Bath. And I may add that the consensus of opinion of the officers of the Home and of all of those who live in Steuben County, N. Y., who are familiar with this matter, who know the facts thoroughly, is in favor of a reestablishment of the canteen in the State Home at Bath and of the reestablishment of the canteen in the National Homes all over this country.

The following is a letter from the commandant, to which I

referred:

The following is a letter from the commandant, to which I referred:

New York State Soldiers and Sallors' Home, Bath, Steuben County, N. Y., December 29, 1905.

Hon. Joseph A. Goulden, M. C., Washington, D. C.

Dear Colonel Goulden: In the year 1896 the legislature of this State authorized the trustees of this institution to sell beer and ale to members of the Home on the Home grounds, the profits to be used for the support of the library and reading room of the Home and for such purposes as might be deemed best for the comfort and amusement of the members. Under this authority beer and ale were sold on the Home grounds until May 1, 1904, when a "no-license" vote in the town of Bath, in which town the Home is situated, rendered further sale impossible for a period of two years. The town of Bath has now voted for license again, to take effect on May 1 next, so that after that period there will be no obstacle to the reestablishment of the canteen except such as have been or may be imposed by Congress. In the appropriation should be apportioned to any State or Territorial Home that maintains a bar or canteen where intoxicating liquors are sold. The same provision was also inserted in the supply bill of 1905. The trustees of this institution and the good of the members will be subserved by the reestablishment of the canteen at which only malt liquors are sold." I concur in their view. The canteen is maintained at many of the National Homes, and, as far as I know, at all of them under authority of Congress. Why a distinction should be made between State and National Homes is not obvious. Another circumstance that has a strong bearing upon this subject is that all sorts of vile intoxicants are permitted to be sold in unlimited quantities in the Immediate vicinity of the Home. The present no-license régime furnishes no protection whatever in this respect, and after May next such sales will be legal. It seems to me that to prohibit the sale of mait liquors on the grounds of the Home grounds does not appeal to good reas

ment. It is to be hoped that the present Congress will take a different view of the matter from that held by its predecessor.

Respectfully,

J. E. EWELL, Commandant.

I also quote the following from the hearings before the subcommittee of the Committee on Appropriations in regard to the subject of the canteen.

In reply to a question of Chaiman TAWNEY, Major Harris, the treasurer of the National Homes, said:

The effect upon the inmates, diminishing the number of arrests for drunkenness and their going outside without permission.

The CHAIRMAN. Do all the governors and chaplains recommend the continuance of the canteen in which nothing but beer is sold?

Major Harris. All the governors do and, with two exceptions, all the chaplains. There were two chaplains who dissented. They thought that the canteen was an evil rather than a benefit. One of those has experienced a change of heart since his last letter and has made a report in favor of the canteen. He has revised his opinion. The experience of the other man in the Home has not been very great, and I have no doubt his expression is honest as to his views on the subject. With those two exceptions all are very heartily of the opinion that the canteen is a benefit rather than a detriment to the Home. The CHAIRMAN. With one exception, the chaplains say the maintenance of the canteen or the beer hall in the Home is more conductive to good order and discipline and more beneficial physically and otherwise for the inmates of the Home than it would be if that institution was prohibited?

Major Harris. Very decidely, it is.

The CHAIRMAN. That judgment is based upon the experience of the Board and the governors and chaplains where they had no canteen and have since had the canteen, where these men have formed their judgment from personal observation as to the changed conditions brought about by the addition of the canteen?

Major Harris. Yes, sif. Experience has also shown, and that is borne out by the reports of the governors, that whenever for any reason the members have been confined within the limits of the Home and had free access to the canteen and did not have access to saloons outside, that drunkenness has ceased and good order has been maintained to a marked degree.

In conclusion, I appeal to the Members of the House to treat my comrades fairly and to de them that institution which them decembers have been confined within the limits of the Home and had free access to the canteen and did not have access to saloons outside, that drunkenness has ceased and good order has been maintained to

In conclusion, I appeal to the Members of the House to treat my comrades fairly and to do them that justice which they demand. The canteen hall is a place where they can assemble in social and pleasant conversation, enjoy their glass of pure beer or ale, and smoke their pipes. It is an aid to morals, to sobriety, and to discipline. Let it be restored to all the Homes. [Applause.]

Mr. BENNET of New York. Mr. Chairman, if in the town of Bath they are selling as bad whisky as my friend and colleague says, it is a violation of the laws of the State of New York. It is a violation of section 165 of the agricultural law. If the governors of that home had the interests of the old soldiers at heart they would be doing them a far better service if they would see that the sellers of that particular kind of liquor were driven from that particular locality.

Now, Mr. Chairman, there has been laid on the desk of each of us, through the kindness of some unknown friend, a document headed "Canteens in Soldiers Homes." The peculiarity of that document is that it contains letters relative to the eight Homes in which there are canteens, and not one word from the one Home in the United States where there is no canteen.

Mr. STAFFORD. May I ask the gentleman what Home is

that?

Mr. BENNET of New York. The Washington Soldiers' Home. Mr. STAFFORD. That is not a National Home for Volunteer Soldiers, but a Home for those that served in the Regular

Army, where the conditions are entirely different.

Mr. BENNET of New York. I am not yielding. tleman is in part correct in saying it is not exactly on the same footing that these other Homes are. This is a Home for the regular soldier, paid for by themselves. Yet Congress has passed a law under which in that Home, which they themselves pay for, there is no canteen. Now, Mr. Chairman, I am from a family that has always gone to the wars. Two of my family went to the civil war; and I believe now and always have believed that the men on both sides of that great conflict went into that war, in the great majority of cases, from patriotic motives. Will any gentleman here rise in his place and say that the volunteers of 1861 to 1865 are less sober than the regular soldiers? I say that they were men who went into the Army from impulses of patriotism. They were not drunkards, and I am sure they will compare favorably—yes, even better than the regular soldier himself. Let me give you some figures. They are reports made from the Board of Managers as to the men who have committed offenses. Now, there was on an average 20 per cent in the Washington Home, where there is no canteen, who were up for some character of offense. In the Central Home, at Dayton, Ohio, there were 57 per cent; in the Northwestern Home, with a canteen, in Milwaukee, in the last nine years the average percentage has been 49½ per cent.

Mr. STAFFORD. Will the gentleman p. Mr. BENNET of New York. Certainly. Will the gentleman permit a question?

Mr. STAFFORD. At the Marion, Ind., Home they never had a canteen until a year ago. Can the gentleman state the percentage of cases that occurred there before and the percentage since the establishment of the canteen? Is there not a lack of

figures that will corroborate his statement?

Mr. BENNET of New York. I will give the gentleman the figures for the Marion Home when I get to it. In the Eastern Home, 30.7; in the Southern Home, down at Hampton, 54.1; in the Western Home, 24.3; in the Pacific Home, in California, less than 15.3. I am informed that there are practical physical difficulties in the way of getting out there to get liquor.

In the Marion Home, 34.5, and, as the gentleman from Wisconsin intimates, that is not exactly a fair comparison because until the last two years they didn't have a canteen there. well, I will read the figures for the whole nine years of these first seven without a canteen: Nineteen per cent, 23 per cent, 23 per cent, 37 per cent, 33 per cent, 36 per cent, 31 per cent, and 35 per cent. In 1905, when the canteen was put in, the figures jumped from 35 to 43 per cent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEFIELD. I ask unanimous consent that the time

of the gentleman may be extended.

The CHAIRMAN. Is there objection? [After a pause.] The

Mr. BENNET of New York. In 1906 it was 49.3 per cent. So that since 1904, when the canteen was not there, until 1906, the last year that it has been there, the percentage of total offenses has increased from 35 per cent to 49 per cent.

Mr. BARTHOLDT. Will my friend state to the House who

compiled those statistics?

Mr. BENNET of New York. They are compiled right from these books which I have here.

Mr. BARTHOLDT. Were they not compiled by the prohibition lobby that had its headquarters here in Washington?

Mr. BENNET of New York. If they were compiled by the prohibition lobby they were doing good work. Now, I make the statement on my responsibility as a Member, showing the sources of my information, and I will print them in the Record.

Mr. STAFFORD. Will the gentleman explain how it came that during the two days at the Leavenworth Home, July 2 and 3, when the Home managers thought the law passed last year was in force, during which two days the canteen was closed, that there were twice the number of arrests made for drunkenness, resulting from drink obtained outside of the Home, than on the two succeeding days, when the canteen was open?

Mr. BENNET of New York. The fact that those two days

were the 2d and 3d of July I think will sufficiently answer that

question. [Laughter.]

Mr. GAINES of Tennessee. Will the gentleman yield for a

Mr. BENNET of New York. Yes.
Mr. GAINES of Tennessee. Will the gentleman inform the committee whether any officer in control of the Soldiers' Home at Bath has undertaken to indict and prosecute the violators of

their local antiwhisky law?

Mr. BENNET of New York. If they have, I have not heard of it; and my friend from New York [Mr. GOULDEN] is one of

the board of managers.

Mr. GAINES of Tennessee. There is nothing to exclude them

from doing that, is there?

Mr. BENNET of New York. Not a thing. Our courts are open, and we have a very stringent liquor law, under which the sale of impure liquor is a crime. We have a better pure-food law than the National Government has, and under that law the sale of impure liquor is a crime.

Mr. GOULDEN. Those saloons are regularly licensed by the great State of New York; and my colleague [Mr. Bennet] was a member of the legislature, and I have no doubt he assisted

in perfecting the license laws of that State.

Mr. BENNET of New York. My recollection is that I voted for a bill to prohibit a saloon within a mile of the Home in Bath. That is what I voted for. [Applause.]

Mr. GOULDEN. The gentleman's colleagues did not.

Mr. BENNET of New York. I decline to yield further. Now,

some gentlemen, looking into this thing captiously, might say that these offenses were not offenses that sprang primarily from liquor, and that therefore the comparison was not exactly fair. So let us take the per cent of drunkenness. The great argument they make is that the men go out of the Homes and get ment they make is that the men go out of the Homes and get drunk in the towns. Here is Washington, with a percentage of 11.8 per cent; the Central Home, 20.8 per cent. These are the men who are tried and convicted in the Homes for being drunk. In the Northwestern Home, 18.7 per cent; in the Eastern, 13.1; in the Southern, 35 per cent. All these Homes have the canteen. The Washington Home, with a percentage of 11.8, does not; the Western, 14.8; the Pacific, where they can not get a drink anywhere, 5.1.

Mr. KAHN. Mr. Chairman, if the gentleman will allow me right there

Mr. BENNET of New York. I will yield right there. It is a

good place.

IN. The gentleman says they can not get a drink The governor of the Pacific Home says that any-Mr. KAHN. anywhere. where within 2 miles they can get anything they want. I refer the gentleman to the governor's letter on page 19 in these

Mr. BENNET of New York. At Marion, 14.1 per cent; Danville, 15.3 per cent. So that at every single place where they have a canteen, with the exception of the Pacific Home, they have more drunkenness than in Washington, where they do not have the canteen. I can not see any reason on any ground why the canteen should be continued in these Homes The large proportion of the people in these Homes are sober; and when the representative of the Board of Managers was before the committee he was asked if he had consulted the inmates as to whether or not they wanted the canteen continued, and he said that he had not, and did not intend to, and did not think it would be good for discipline to ask the inmates whether they wanted the canteen continued.

Mr. STAFFORD. If the gentleman will pardon a question right there, where are many letters from the surgeons and chaplains of these various Homes, all asking for the continuance of

the canteen.

Mr. BENNET of New York. I have never denied that. Mr. STAFFORD. Of course they do not know anything about

the conditions of the Homes where they are in attendance

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET of New York. I should like to have three min-

Mr. SIMS. Make it five minutes, and let the time be equally divided.

Mr. OVERSTREET of Georgia. I object.
The CHAIRMAN. The Chair will recognize the gentleman from Wisconsin [Mr. Otjen].

Mr. SIMS. Mr. Chairman, why not let the time be divided equally between those in favor and those opposed. posed to the amendment have had fifteen minutes and the gentleman from New York has only had ten minutes. I ask that the time of the gentleman from New York be extended for five min-

The CHAIRMAN. The gentleman from Tennessee asks that the time of the gentleman from New York be extended for five Is there objection? minutes.

Mr. SIMS. I hope the gentleman from Georgia will not object.

Mr. OVERSTREET of Georgia. I shall object, unless the time is limited to ten minutes on each side.

The CHAIRMAN. Does the gentleman object?

Mr. OVERSTREET of Georgia. I will withdraw the objection

Mr. BENNET of New York. Mr. Chairman, without wearying the House with additional figures, I will say that the same proportion obtains under these heads that I have already read. The percentage for introducing liquor into the Homes. Every time the proportion is in favor of the Home in Washington.

That means bringing liquor from the outside into the Home.

Mr. STAFFORD. Does the gentleman know the average age

of the inmates of the Washington Home?

Mr. BENNET of New York. I decline to yield further. Mr. Chairman, I will ask unanimous consent to insert all of the figures in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to insert the figures in the Record. Is there ob-

There was no objection.

Statistics in relation to discipline, etc., in National Soldiers' Homes.

Year.	Washing- ton.	Central.	North- western.	Eastern.
1898	.167 .13 .16 .183 .197 .218	Per cent. 0.553 .592 .603 .619 .527 .565 .584 .57	Per cent. 0, 485 , 595 , 449 , 412 , 395 , 438 , 625 , 524 , 510	Per cent. 0. 266 . 298 . 516 . 35 . 282 . 227 . 202 . 31 . 317
Average for nine years	. 203	. 577	.495	.307

Statistics in relation to discipline, etc., in National Soldiers' Homes-Continued.

- PERCENTAGE OF OFFENSES OF ALL KINDS-continued.

Year.	South- ern.	Western.	Pacific.	Marion.	Danville.
1898	Per cent. 0.648 .369 .255 .885	Per cent. 0.354 .305 .244 .219	Per cent. 0.098 .164 .209 .12	Per cent. 0. 199 . 231 . 377 . 339	Per cent. 0.445 .763
1902 1903 1904 1905	.611 .608 .51 .524 .464	. 209 . 143 . 212 . 282 . 335	.051 .102 .092 .399 .145	.368 .310 .354 .438 .493	. 262 . 32 . 349 . 317 . 281
Average for nine years	.541	. 244	.153	. 345	. 359

Average for period of the eight Homes with canteen 0.377
Average for period of Washington Home (no canteen) . 203 PER CENT OF DRUNKENNESS.

Year.	Wash- ington.	Central.	North- western.	Eastern.
1898 1899 1900 1901 1901 1902 1903 1904 1904	Per cent. 0.136 .104 .111 .088 .108 .117 .133 .131 .138	Per cent. 0.173 .288 .269 .27 .215 .201 .17 .153 .136	Per cent. 0.188 .261 .173 .15 .153 .166 .372 .112 .112	Per cent. 0. 136 141 .288 .164 .088 .07 .046 .12 .133
Average for nine years	.118	. 208	. 187	.131

Year.	South- ern.	Western.	Pacific.	Marion.	Danville.
1898	Per cent. 0,372	Per cent. 0, 164	Per cent. 0.037	Per cent. 0,076	Per cent.
1899	. 201	, 201	.057	.069	0.346
1900	.215	.133	.057	.135	.349
1901	.715	.124	.062	.142	.187
1903	.388	.112	.054	.151	.075
1904	. 304	. 121	.06	.161	.10
1905 1906	.238	.148	.029	. 197	.128
Average for nine years	. 350	.148	. 051	.141	. 153

Average for period of the eight Homes with canteen\_\_\_\_\_\_ Average for period of the Washington Home, no canteen\_\_\_\_\_ PER CENT FOR INTRODUCING LIQUORS INTO HOMES.

Year.		Wash- ington.	Central.	North- western.	Eastern.
1898		.003 .002 .003 .006 .006	Per cent. 0.024 .012 .059 .061 .055 .07 .079 .057 .061	Per cent. 0, 018 .012 .032 .026 .023 .034 .026 .047 .051	Per cent. 0.004 .001 .037 .049 .041 .045 .023 .053
Average for nine years		.006	. 053	.029	. 032
Year. Sout	hern.	Western.	Pacific.	Marion.	Danville.
Per	cent.	Per cent.	Per cent.	Per cent.	Per cent

iear.	Southern.	western.	Pacine.	Marion.	Danville
	Per cent.				
1898	0.055	0.005	0.006	0.008	
1899	.019	.012	.091	. 002	
1900		.014		.014	0.05
1901		.002		. 033	. 04
1902	.012	. 002	.002	.040	.06
1903	. 015	. 003		. 038	.10
1904		. 022		. 069	.10
1905		. 034		.042	.08
1906	.015	.042	.003	. 043	. 08
Average for 9 years	.02	. 015	.003	. 032	. 07

PER CENT OF ABSENCES WITHOUT LEAVE.

Year.	Wash- ington.	Central.	North- western.	Eastern.
1838	0.127	Per cent, 0.013 .106 .141	Per cent. 0.011 .133 .151	Per cent. 0.107 .118 .126

Statistics in relation to discipline, etc., in National Soldiers' Homes-Continued.

PER CENT OF ABSENCES WITHOUT LEAVE-continued.

Year.  1901 1902 1903 1904 1905 1906  Average for nine years.		Wash- ington.	Central.	North- western.	Eastern.
		Per cent. 0.026 .081 .052 .049 .062 .051	Per cent. 0, 221 .207 .269 .252 .198 .261	Per cent. 0.171 .148 .182 .13 .205 .20 .147	Per cent. 0.091 .089 .064 .088 .107 .12
		. 059			
Year.	Southern.	Western.	Pacific.	Marion.	Danville,
1898 1899 1900 1901 1902 1903 1904 1904 1906	.019 .011 .02 .106 .134	Per cent. 0,098 .069 .068 .038 .089 .062 .086 .127 .156	Per cent. 0.024 .097 .132 .046 .014 .032 .023 .02 .043	Per cent. 0.027 .066 .128 .076 .105 .104 .145 .149 .127	Per cent.  0.073 .152 .138 .052 .05 .051 .043 .021
Average for nine years	.068	.088	.047	.103	. 064

Average for period of the eight Homes with canteen\_\_\_\_\_ Average for period of Washington Home, no canteen\_\_\_\_\_

Mr. BENNET of New York. Now, Mr. Chairman, I find that some gentlemen here are misled as to what the exact situation of the law is. On the 12th of June this House put in this provision:

Provided, That this appropriation shall be available only under the conditions that no bar or canteen shall be maintained at said Homes for the sale of beer, wine, or other intoxicating liquors.

That is, it stopped it during the life of that appropriation. The Senate amended that as follows:

Hereafter there shall not be maintained in any Home for Disabled Volunteer Soldiers any bar or canteen for the sale of beer or wine or other intoxicating liquors.

That technically threw the matter into conference, and the conferees, although both Houses had voted against the canteen, this House for the entire life of the appropriation and the Senate permanently, made this modification:

Provided. That no part of this appropriation shall be available after March 4, 1907—

Thus limiting the decision of both Houses-

except on condition that no bar or canteen should be maintained at said Home for the sale of beer, wine, or other intoxicating liquor after said date.

I have been asked, Mr. Chairman, to criticise the conferees, but I shall not do so. I assume that the conferees did their duty; but I have a picture in my mind's eye of the gentleman from Minnesota staying out hour after hour, and day after day, agonizing to maintain the position of this House. I realize that he is defenseless against the attack, if it is made, because he is bound in honor not to disclose on the floor of the House what took place in the conference. Therefore I will assume, although he vigorously opposed this amendment last year on the floor, that when he got into conference he attempted with all the vigor of his great personality to maintain the rights. all the vigor of his great personality to maintain the rights of the House, and that the Senate conferees ran over him and

forced a compromise which was no compromise, but a recession from the position of both Houses.

Now, Mr. Chairman, I hope that we will vote to continue to make the inmates of the National Homes as sober as we have made the inmates of the Home at Washington, and I know our constituents will approve of our action. [Applause.]

Mr. TAWNEY. I would like to ask the gentleman from New

York a question.

Mr. BENNET of New York. What is it?

Mr. TAWNEY. Was whisky sold within a mile of the Home in Washington?

The CHAIRMAN. The gentleman has half a minute of his time remaining.

Mr. BENNET of New York. Then I will answer the gentleman. That is a fact, and it is also the fact that within a mile and a half of the Central Home at Dayton no liquor is allowed to be sold, and yet the drunkenness in the Dayton Home is about four or five times as great as in the Home here.

Mr. NEVIN. Mr. Chairman, as to that I should like to be

heard in my own right for a little while.

Mr. BENNET of New York. I will modify that and make it three times.

The CHAIRMAN. The Chair has recognized the gentleman from Wisconsin [Mr. OTJEN].

Mr. BENNET of New York. Just a moment; I want to correct that one error. I did not have the figures. The figures for the Washington Home are 11.8 per cent, and the figures at the Dayton Home are 20.8 per cent—nearly twice as much.

Mr. BURLESON. Who made those figures? Mr. BENNET of New York. They were made right here by

the Board of Managers.

The CHAIRMAN. The time of the gentleman from New York has expired, and the Chair has recognized the gentleman

from Wisconsin. Mr. Chairman, the Northwestern Branch of Mr. OTJEN. the Soldiers' Home at Milwaukee is in the district that I represent, and I would fail in my duty if I did not rise here and protest against the abolition of the canteen. [Applause.] average age of the men at the Soldiers' Home is nearly 70 years; Whatever their habits are fixed; they are as fixed as the rock. habits they have, they will carry with them to the grave, so it is nonsense to say that any men in the Home will be tempted and misled by the fact that there is a canteen there. It is not true that the canteen is a temptation. I speak in regard to the canteen at Milwaukee. The building is to one side, and if any man goes to it, he goes to it because he wants to go there. I do not say that if the canteen is run in the Home the men will not go out among the saloons. Some will. There are some men in the Home who do not drink, but the great bulk of the men there do drink, more or less, and if you close the canteen you will simply drive more of these men out into the saloons. I know the conditions of that Home. I know the conditions of the men there. I know the conditions around outside of the Home. The saloon men outside are glad to have this amendment adopted, so as to drive more of these men into these dens outside, where there is no control, where they take advantage of these old men, and where they manage, in one way or another, to get their pensions from them. Every official, from the manager to the chaplain, connected with the Homes says it will be a mistake to abolish the canteen. The chaplain at the Home says so. I can not stop to read all of these statements given in the hearings relating to canteens in the Homes. In these hearings there are statements from Archbishop Mess-mer, the archbishop of the Catholic Church. There is a statement here from Bishop Webb, of the Episcopal Church, and I want to read a few words of what he says. He says:

I feel very strongly that the abolishing of the canteen is a very grave mistake, even from the point of view of those who are trying to do it. The only possible result will be to drive the soldiers to the low taverns and dives outside of the grounds of the Home, where they are under no restraint of any kind. How anyone who knows anything about the conditions can think for a moment that any good is to be accomplished by any such action I do not see. The canteen, with its proper restrictions, is the greatest possible help to temperance in its true sense. I most sincerely hope that it will not be abolished.

There are statements here from the mayor of the city, from the chief of police, from the sheriff, from the judge of the police court, from the judge of the municipal court. There are statements here from Col. A. G. Weissert, who was commander in chief of the Grand Army of the Republic; from Gen. F. C. Winkler, one of our leading Grand Army men and a respected citizen, and from the best people of the city of Milwaukee. They have no other purpose than to tell the truth and to say

that which is for the best interest of the soldier.

The CHAIRMAN. The time of the gentleman has expired. Mr. SIMS. Mr. Chairman, I want to call the attention of the House to the character of evidence that we are asked to believe in opposition to the amendment, which constitutes these hear-Now, listen to the very second answer that is given.

Major Harris. It has been a matter of experience in the history of the Homes that the tendency is for low groggeries to be located in the vicinity of the Homes, and it has always been the programme to keep the men from frequenting these vile and low places, where they not only sell the lowest kind of liquor, but they are run and occupied by thieves and prostitutes and everything that is vile.

Here is a statement as a foundation upon which the canteen is sought to be restored, that the tendency of these low, vile, inhuman criminal wretches is to concentrate at the doors of the What kind of a reflection is that upon the volunteer disabled soldiers of this country—that they are attracted to the resort of thieves, prostitutes, and scoundrels, that the tendency is for this kind of people to go there? Why that tendency? Why does evil segregate and go to any particular place except that it is more welcome there? Why do gamblers go to a certain place or town if there is no grambling there? Why do these infamous wretches that are here described, the low-dive people and the prostitutes, go to the doors of the old soldiers' Homes? I do not believe any such a story.

No soldier has had an opportunity to say anything in these hearings. No; the inmates are not to be consulted. The men whom they claim are so anxious to buy beer and wine, and things of that sort, who are going to fill up and patronize these -are they not worthy of giving evidence? the evidence of the governors of Homes, of chaplains, or some of them, and, strangely enough, it nearly always comes from where liquor or beer is manufactured or sold. Milwaukee is prolific in evidence here, and we know Milwaukee is prolific in something else—in beer. But I say, take the average old soldier. What is his age? It could not be under 65 or 70 years, and tell me that men of that age frequent these dens and debauch themselves, and on account of which we are asked to put the canteen inside of these Homes? Demanded not by the soldiers, but demanded by the people who make the vile stuff and make a profit out of selling it to these soldiers. Tell me of building up saloons in anticipation of these Homes? What is the anticipation of the character of the inmates? What is the anticipation of the character of the old soldiers? Is it on the supposition that they will rush in and patronize the low groggeries? Thank God, there are those who wore the gray and wore the blue in the South who are not filling these groggeries and saloons. There is no Home in the South that will attract twenty groggeries of the character described here, and tell me that this is done for the soldier who wore the blue? God knows I think too much of the volunteer soldier who fought for what he believed was right, who was not stimulated by something which stole away his brains while making him a reckless madman. I deny that men of this character patronize these kind of places. These arguments are inspired by the love of guilty gold and rest on greed and avarice that would rob an angel of his wings if they could be sold at a profit.

Mr. Chairman, I read from these hearings the report of the chaplain of Mountain Branch Home in Tennessee, which shows the effect of the canteen in that Home:

MOUNTAIN BRANCH, August 3, 1906.

Mountain Branch, August 3, 1996.

Sire: Replying to your letter of July 17, 1906, touching the beer hall, I have the honor to say, in answer to the question, "Has the influence of the beer hall, on the whole, been an advantage or a disadvantage to the members of the Home?" with a careful observation of fourteen months without the presence of the beer hall and nineteen months with it in existence and full operation, my judgment is that its influence is a disadvantage to the members.

To the question, "What, if any, effect has it had in restraining members accustomed to the use of alcoholic beverages from indulging in strong liquor?" will state a good per cent of the class above described content themselves with the use of beer, while there is another class anxious to break away from the drink habit and would, in my judgment, succeed but for the presence and influence of the beer hall in the Home.

ment, succeed but for the presence and influence of the beer hall in the Home.

Again, "What, if any, is the influence of the beer hall in promoting social acquaintance of the members and relieving the tendency to depression incident to barrack life?" In answer to this question, I feel sure that the presence and influence of the beer hall creates a fretful chasm between those who patronize the beer hall and those who do not, and thus hinders rather than helps sociability, while, with the age and decrepitude of those who patronize the beer hall, the habit seems to incline them to be more fault-finding, moody, and irritable.

Finally, to the question, "Would the discontinuance of the beer hall.

Finally, to the question, "Would the discontinuance of the beer hall, in your judgment, result in more or less drunkenness among members of the Home?" I beg to say that it is my impression that its discontinuance would result in very much less drinking and considerable less drunkenness The quest

The question is one of difficult solution, and I devoutly trust that the agitation will continue until that which is wisest and best for the members of the Home is attained.

Respectfully,

J. A. Ruble, Chaplain.

Hon. FRANKLIN MURPHY, President Board of Managers.

Mr. NEVIN rose. [Applause.]

Mr. NEVIN. Mr. Chairman, I have lived within 3 miles of the Central Branch of the Soldiers' Home since the time its foundation stone was laid. I know almost every inmate of it, because for three successive times I have canvassed it when I was a candidate for Congress. I know the men, I know them personally, and I know the history of that institution. Those soldiers are as good a class of men as ever lived on this earth. [Applause.] But they are like all men. They have gone through the war. They fought the battles of our country. They are feeble. They have wounds upon them; they have old age and sickness, and, like every other man, they want the right to take a drink if they see fit, and that is all you are giving them. [Applause.] You are not compelling them to drink. You are not asking them to drink, but you are simply saying to the soldier who fought your battles that if he wants a glass of beer he can have it. I know the history of these men, and I know the history of them so far as crime is concerned.

I do not care anything about your figures. For many years

I was prosecuting attorney in that county, and I know that five times the amount of crime was committed upon soldiers before the canteen was there than committed upon them since. plause.] I know when they used to go to our city of Dayton after their pension was paid, and would go home, and right along the railroad track leading out to the Soldiers' Home they were waylaid and robbed. Three murderers, sir, I tried in one term of people who robbed and murdered and killed old soldiers going to their Home when drunk. It has not been true since. I venture to say not 20 per cent of the crimes upon them have been committed since the canteen was in the Home that were committed before. They used to come down to Dayton. would go to the low groggeries, and they would be enticed there they would go to brothels; they would go here and there, and then they were robbed.

We had pocket-picking case after pocket-picking case, larceny case after larceny case in which a strong-armed man held them up and robbed them, who followed men with a dirk and dagger and who killed them for the few paltry dollars he could We have not any more of them out there. find on them. I speak in the cause of the good people of Dayton, and I speak in the interest of the soldiers of that Home when I ask of you, gentlemen, not to take away the canteen from that Central Branch. [Applause.]

Some gentleman has said here that the soldiers are not heard in this. I will venture the prediction now that if you will appoint a commission and leave it to the soldiers of the Home you will find that three-fourths will be in favor of it. I know they want it. The difference is that instead of coming down into the city and drinking whisky and being assaulted on the way home, they are taken as American citizens, treated kindly, given a glass of beer if they want it, and when some of them who are old and do not know how much to take, consume a little too much, they are restrained. They can not buy any more of the checks, and the result is that they are looked after and cared for. These men are not bums. These men are not the class of men that the gentleman from Tennessee would have you believe we have there.

Mr. SIMS. I did not say any such thing

NEVIN. That he would have us believe we have there. Mr. SIMS. I said that this gentleman on whose testimony

you rely says they attract such people as that.

Mr. NEVIN. I said when they are led away that is true. But when you get out to the Home you will find a magnificent class of men who are intelligent, some of them speaking two or three languages, men who are magnificently read in history, men who are able to play music, to paint, and all of that. It is an astonishing fact that in these Soldiers' Homes you find some of the best educated men in all the country, and yet they are men who want to take a glass of beer. Why should it be cut off from them? It does not compel them to drink. not a saloon set up to tempt them, but it is a restraining influence. It is simply that those who are in their old age and who desire a glass of beer can have it, and nothing more. If they want it they will get it, but instead of getting it at the Soldiers' Home canteen they will go down to the city of Dayton and go into the groggeries and drink vile whisky. Then we will have the old régime, we will have the old thing that we had when I was prosecutor there, and we will have more trouble with the soldiers in the Home than all of the rest of our popula-

tion put together. In the interest of good government I ask that you vote for the canteen.

The CHAIRMAN. The Chair will first recognize the gentleman from Michigan [Mr. GARDNER], who is against the amendment, and afterwards will recognize the gentleman from New

York [Mr. FASSETT].

Mr. GARDNER of Michigan. Mr. Chairman, this morning I was called from the floor of this House into the room of the Committee on Appropriations to meet the commander in chief of the Grand Army of the Republic, who is now in this city, Gen. R. P. Brown, of Zanesville, Ohio. He said, among other things, in my presence, and in the presence of several other gentlemen, Members of the House, "I come commissioned by the commandant of the Soldiers' Home at Dayton, Ohio," which is the one just referred to by the gentleman from Ohio [Mr. NEVIN], "to urge upon you to continue the canteen in that Home." The commander in chief is himself, as it came out in the conversation, a member of the Board of Managers of the State Home at Sandusky, Ohio. He said that when he had his last report there were 1,353 inmates. It was asked him, "Would you have beer sold or the canteen established at the State Home at Sandusky?"

Mr. LITTLEFIELD. Under his charge?

Mr. LITTLEFIELD. Under his charge?
Mr. GARDNER of Michigan. Under his charge; where he has a vote. He said, "I would not; never." In the one case he said he spoke by the request of the commandant. In the other the spirit of the commander of the Grand Army rose up and said, "I will protect my comrades by my votes where I have authority to do it and keep the canteen out."

Now, again, gentlemen, do not be unmindful of the fact that there is a new element coming into these national Homes, the young soldiers of the Spanish-American war, and in increasing numbers. We are putting the cup to their lips as well as to the lips of the gray-haired veteran of '61—the heroes of Santiago as well as the heroes of Appomattox. Then, again, side by side with the men who are in the State Homes they walk with the men who are in the national Home, elbow to elbow, under the same flag, having fought in the same battles, and yet you in this House say to these men in the State Homes, constituting a large majority of all the veterans of the civil war in all the Homes—you say to them through the State receiving aid, "You can not receive one dollar of aid for the care of these soldiers if you have a canteen in them.'

You make flesh of one and fowl of the other. You say because a man is in a State Home he must be prohibited from beer. You would say because a man is in a National Home, out of the same regiment, out of the same company, he can have

Where is the consistency, gentlemen?

Mr. GOULDEN. Does not my colleague think that if we allow the canteen to be continued in the National Homes we should do so in the States Homes?

Mr. GARDNER of Michigan. To be consistent, you can not

do anything else.

Mr. GOULDEN. .That is what we are going to do. Mr. GARDNER of Michigan. The Home within a mile of the dome of this Capitol was established by law

The CHAIRMAN. The time of the gentleman has expired. Mr. GARDNER of Michigan. I ask two minutes more.

There was no objection.

Mr. GARDNER of Michigan. That Home was established by law requiring on the part of the soldier, and does to this day, to make an annual contribution from his pay in the Regular Army. Yet after they had built that Home and cared for themselves, given their lives to their country, not for four years nor five years, but for twenty, thirty, and forty years, literally their manhood life, you come up here and say to them in their old age, in the evening of life, "If you want these stimulants and ought to have them-within the sound of my voice-you say you can not have it, though you have given forty years to the service of your country." Is it consistent, gentlemen, to vote it? To be consistent, if you give it to one Home, give it to all. [Applause.]

Mr. FASSETT. Mr. Chairman, it is precisely because I take advantage of the hope that this House will be consistent for at least a short period of time in the passage from one part of the bill to another part, that I speak what I would have said to a latter part of the bill with reference to canteens for soldiers and

sailors in the State Homes.

Mr. Chairman, when it comes to the issue of rum or no rum, of drink or no drink, of temperance or intemperance, I refuse to let the impassioned orators on the other side place my name with the lower delights, although it might bring them the delights of men that have been transported into silent wreck.

It seems to me that this is not a time for a discussion of the temperance question. It is not a question of general morals. It is a question of specific prudence in the management of Soldiers and Sailors' Homes. It is a question not of theory but of practice. It is not a question of what constitutes the highest possible ideals for the old soldiers. It is not a question of what the old soldier ought to be. It is a question of human experience and of human happiness. [Applause.] It is a question that can be solved by the actual experience of men having these men and their welfare in charge. Not one of us would yield to another in our desire to make the last days of the relics of the wars comfortable and happy and moral as possible. My good friend, my colleague of New York, talks about making a man sober by legislation. You can not make a man sober by legislation any more than you can make him intelligent or rich by legislation. These men are no children. We have these men in the Homes because they have no other home.

And, when gentlemen talk of the enforcement of discipline against these men—have suggested turning them out again into the world to go to the poorhouse or to the county jail or the workhouse, we must make these men the best that it is possible for them to be; not as they ought to be, not as our fancy, not as our love, not as our hero worship would have them; but we must take these old men as they actually are [loud applause], scarred, tattered, life worn, struggle worn, relics of a strenuous time. Poor old men! Their habits were formed in the heat and passion of youth. Here they are. How will you treat them? I can not speak for the National Homes; I can not speak for other Homes; but in my own district are 2,200 old soldiers and sailors, averaging between 60 and 70 years of age, I suspect as high in morals, as high in intelligence, as regular and proper in conduct as the average collection of 2,200 remnants of any war by any people anywhere; but they are there with fixed habits. Now for three years that Home has been dry, and the town of Bath has been dry, but last fall the town of Bath went wet, and the experience has been unhappy in the management of the Home. By their unanimous vote the board of trustees, men of every rank and experience in life, have asked us to allow them to reestablish the old beer hall, where the soldiers, with music, find entertainment and drink in the Soldiers' Home. We have refused. Saloons have sprung up. Now, we can not change these men's habits by law. Can we let the spectacle be afforded to the young of Bath of the pitiful weaknesses of an increasingly helpless old age? [Applause.1

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I ask unanimous consent that the gentlman's time be extended five minutes,

Mr. TAWNEY. I move that all debate be now closed. [Cries of "Oh, no!"

Mr. FITZGERALD. I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. TAWNEY. I withdraw the motion. I did not know

that there was such a general desire to extend the time.

The CHAIRMAN. Does the gentleman from New York [Mr. FASSETT] desire further time?

Mr. FASSETT. Not that I think I can add anything to what

other gentlemen have said-

Mr. GAINES of Tennessee. I ask it for the gentleman.

Mr. FITZGERALD. I ask that my request be submitted to the House. I have asked unanimous consent that the gentleman's time be extended five minutes. I think that is the thing for the Chair to submit.

The CHAIRMAN. That may be, but the Chair is trying to find out whether the gentleman from New York [Mr. Fassett] wants the time or not.

Mr. FITZGERALD. The request would not have been made if the gentleman had not wanted it, and I assume that it is not within the province of the Chair to inquire.

The CHAIRMAN. But the Chair thinks otherwise, and rules

otherwise.

Mr. FITZGERALD. I respectfully differ from the Chair. Mr. FASSETT. Mr. Chairman, I would be very glad if the House would extend me unanimous consent for a few minutes

The CHAIRMAN. Unanimous consent is asked that the gentleman's time be extended five minutes. Is there objection?

There was no objection.

Mr. FASSETT. Mr. Chairman, I would not have asked for one moment's time if these people, who are my neighbors and who have given lives of consecrated service to this Home at Bath, did not believe it was important for the welfare of that Home and its inmates that this House should concede them the privilege of having the canteen in the Soldiers' Home. It is not pleasant to be here and to be confounded and confused in public thought or in public accusations with the friends of rum, with the friends of greed, with the friends of lust, with the friends of crime. Mr. Chairman, it is because I believe this House will in the end legislate for these soldiers along the line of what they are and of what conditions have made them and of what their lives may be made under proper and sane regulations that I have taken the floor at all. If legislation could make them perfect we would enact that legislation by unanimous consent, and they would be ideal heroes in every aspect and every relation of life. We did not ask these men whether they drank poison, we did not ask their habits when they were at the front risking their lives for the nation, and now when they are on their road to the long rest that knows no waking it is too late for us by legislation to try to make them perfect. And the very chaplains-the men who are charged with their spiritual welfare-say that it is more easy to reach them and sustain them and maintain them and elevate them if they are permitted this indulgence than otherwise.

am not so much voicing my own sentiments as the sentiments of the men who by association and training and devotion know what the old soldier needs, know what these old men are accustomed to, know that the elements of humanity are strong within them, and that they seek to get, as you and I have always sought to get, that which we were forbidden to have, if the fruits are sweet. [Applause.] And I say it ill becomes us to read each other moral lectures here. It is not a question of morals so much as the practical regulation of human beings, who need a kindly care rather than the restraining arm of violont law. Gentlemen have said: "Why not punish the saloon violout law. Gentlemen have said: "Why not punish the saloon keepers?" Have they ever tried to get a conviction for the violation of an excise law? It needs more evidence than would be needed to convict a man to be sent to the scaffold, ordinarily, to convict a man of selling intoxicating liquors.

Mr. BENNET of New York. Will my colleague yield?

Mr. FASSETT. Certainly.

Mr. BENNET of New York. I will answer for one, and will say yes, that I have tried under the Raines law in our State, and that as a result of the efforts of those who were associated with me, in the city of New York we have reduced the number of vile resorts known as "Raines law hotels" from 1,400 to fewer than 600, and it is perfectly possible under our law to do it.

Mr. FASSETT. That is an entirely different proposition. Mr. Chairman, I thank the House for its courtesy. [Prolonged applause.]

Mr. TAWNEY. Mr. Chairman, I move that all debate on this amendment be closed at fifteen minutes to 10 o'clock, the time to be divided equally for and against the amendment.

The CHAIRMAN. The gentleman from Minnesota moves that all debate be closed at fifteen minutes of 10 o'clock.

The question was taken; and the motion was agreed to. Mr. BARTHOLDT. Mr. Chairman, the question is simply whether this House or the committee is to be controlled in its decision of this question by sentiment—I shall not apply an adjective to the word sentiment—or by practical experience and by common sense. I for one propose to be controlled when I cast my vote by the advice of those who have managed the Soldiers' Homes heretofore.

A few weeks ago the National Board for these Homes held a meeting in the city of Washington, and, as is well known, the President of the United States is president of that Board, and that Board consists of a number of very distinguished gentlemen, all temperance men, and the majority of them prohibitionists. That Board passed a resolution upon the motion of

the junior Senator from Missouri—

Mr. GARDNER of Michigan. Will the gentleman yield?

Mr. BARTHOLDT. I can not yield. Upon the motion of the junior Senator from Missouri a resolution was unanimously passed, asking Congress to continue the canteen. I for one propose to be controlled by the practical experience that these men have had in the management of the Homes. The comparison between the Soldiers' Home here and the National Home for Volunteer Soldiers is not correct and does not hold good. The Soldiers' Home here in Washington is under the discipline of the War Department, while to the National Home only old veterans are admitted. As to the statistics submitted by my friend from New York [Mr. Bennet] I desire merely to refer to the report of Governor M. R. Patrick, of the Central Branch, in which he says that the official reports of Hon. Ira Crocker give the number of arrests of members from July 12, 1885, to July 1, 1886, at 486, while for the same length of time after the beer hall was opened, from July 1, 1886, to July 1, 1887, the arrests were 254, a difference of 212.

The CHAIRMAN. There were thirteen minutes of time remaining when the gentleman from Missouri was recognized At that time the gentlemen who were opposed to this amendment had taken forty-five minutes and only twenty-seven minutes for those in favor of the amendment. Therefore the Chair thinks that in all fairness the gentleman from Iowa [Mr. Hepburn], who is to close, should have the remainder of the time. [Applause.]

Mr. HEPBURN. Mr. Chairman, the gentleman from Missouri said that this was a question of common sense against sentiment—sentiment without an opprobrious epithet, an epithet I presume he could have supplied to the sentiment of this character if the occasion had been seemly.

Mr. Chairman, to my mind this is an important occasion, and this question is an important one for the membership of this House. Mr. Chairman, this is the only time that this Congress will have an opportunity or has had an opportunity to range itself upon one of the great moral questions that agitate the American people. [Applause.] This is the only time that this House of Representatives has had an opportunity to see whether its sentiments shall be in favor of that temperance that so many of our people are the advocates of or whether we shall cast our influence on the other side—the side of rum, as the gentlemen have said.

Mr. Chairman, I am astonished particularly at the gentleman from Missouri [Mr. Bartholdt]. It is not long since we heard how eloquently he pleaded for peace, for quiet, for the good order of the universe and of the world. He was willing to deprive his Government of all the power of self-defense in the interest of peace, and yet, Mr. Chairman, more men are slaughtered by rum each year than by war in any ten years of the world's history. [Applause.]

Mr. Chairman, if you measure it by money, rum costs the people of the United States thirteen hundred millions of dollars every year—more than the cost of all of the armies of Europe during the last twelve months. Two hundred thousand men are estimated to die through the influence of rum Yet during all the war of the rebellion, during all of that four years of slaughter, but 67,000 men died wearing the uniform of blue on all the battlefields of four years. Chairman, that it is an evil every man confesses. We may not do much, we may not accomplish much in checking its ravages, in stopping its sway, but I can say in this House that so far as the opportunity goes, so far as it is within our power, we will cast our influence on the side of morals, in the interest of peace—peace—peace throughout the world—peace in the homes, quiet and order in American homes!

Mr. BARTHOLDT. Will the gentleman permit an inter-

ruption?

Mr. HEPBURN. I certainly will.
Mr. BARTHOLDT. Is not this amendment in the interest of

rum, rather than temperance?

Mr. HEPBURN. Mr. Chairman, I would say not, so far as the votes of this House are concerned. I have not yet been taught in that school where certain gentlemen seem to indicate they have been, that it is easier to do that which it is difficult to do. That is their theory. They say that if we do throw difficulties around the drunkenness of these men they will be more drunken. In proportion as we build barriers around them they will be able to scale and overcome them. That is their theory. They tell us that if these men do not have the opportunity to be drunk they will become drunk. Is there philosophy in that? That is the answer to the gentleman's query.

Mr. Chairman, I am not familiar with these Homes. know whether gentlemen who have extolled the canteen have been dispassionate in their statements or not, but I can not believe that removing the opportunity for drunkenness increases drunkenness. I do not believe that the appetite for liquor will be promoted and increased by throwing impediment in the way of the indulgence in that appetite; and so I vote against the canteen. I believe it is a harm; I believe we at least ought not to throw our influence on that pernicious side; and therefore I shall not vote as will my friend from Missouri [Mr. Bar-THOLDT]. [Applause.]

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Kansas.

The question was taken; and the Chair announced that he was in doubt.

The House divided; and there were—ayes 92, noes 88.

Mr. TAWNEY. Mr. Chairman, I demand tellers.
Tellers were ordered, and the Chair appointed Mr. TAWNEY and Mr. Bowersock to act as tellers.

The House again divided; and the tellers reported—aves 91,

So the amendment was agreed to.

The Clerk read as follows:

The Clerk read as follows:

State or Territorial Homes for Disabled Soldiers and Sailors: For continuing aid to State or Territorial Homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, \$1.175.000: Provided, That no part of this appropriation shall be apportioned to any State or Territorial Home until its laws, rules, or regulations respecting the pensions of its inmates be made to conform to the provisions of section 4 of an act approved March 3, 1883, entitled "An act prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes;" but the above proviso shall not apply to any State or Territorial Home into which the wives or widows of soldiers are admitted and maintained: And provided further, That no part of this appropriation shall be apportioned to any State or Territorial Home that maintains a bar or canteen where intoxicating liquors are sold.

Mr. GOULDEN. Mr. Chairman, I move to amend by striking

out the proviso.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 158, beginning with line 21, strike out the proviso and the rest of lines 21, 22, 23, and 24.

The CHAIRMAN. The question is on the amendment offered

The CHARLES AND THE QUESTION IS OF THE AMERICAN THE QUESTION WAS TAKEN; and the amendment was rejected.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word just for the purpose of reading to this committee the very short statement in the RECORD touching upon soldiers of the Army conducting saloons on the outside of their posts, a very astonishing statement, I dare say, to all of you, as it was to me. I read from page 592 of the RECORD of December 10, 1906, from a speech of one of the Senators from Ohio, who read the testimony of G. W. H. Rucker in connection with the Brownsville matter.

Mr. TAWNEY. Mr. Chairman, to what is the gentleman speaking?

Mr. GAINES of Tennessee. I am speaking to a pro forma amendment.

The CHAIRMAN. The gentleman moves to strike out the last word.

Mr. TAWNEY. Mr. Chairman, I do not think it is right to waste time in trying to get into the Brownsville affair.

Mr. GAINES of Tennessee. That is not my purpose at all, and I wish the Brownsville matter never had occurred. God knows I am sick and tired of it, as everybody else is. I read as follows:

Then there is the testimony of G. W. H. Rucker:

"About Monday night last, about half past 8, I took two cases of soda water to saloon near edge of town. There were about thirty or forty negroes inside, gambling, as near as I can ascertain about the crowd, and I heard three or four negroes making threats that they would die and go to heaven before they would go back into post, but do not know what the conversation was about. Yes; I know if I would see this soldier again I would recognize him. I could pick him out of a crowd. He was a soldier. Yesterday morning I passed this negro saloon, but nobody was there. About 12 o'clock, it must have been, as I was picking up empty cases, I went to this saloon, and the proprietor told me that he did not need any 'pop,' as the boys had been having a little trouble with the citizens, and they were all in the post. He is working for two soldiers who are in the post, who own the saloon. He said that if a gun had been fired last night that Company C could have come out without any orders, and would run every man out of town; that this Company C could whip the whole State of Texas."

Now, that is not my statement: that is the statement of Mr.

Now, that is not my statement; that is the statement of Mr. G. W. H. Rucker, and is printed in the RECORD and quoted by Senator Foraker—a most remarkable thing, Mr. Chairman, that the soldiers wearing the uniform of the American Army are conducting saloons on the outside of posts where they are stationed to preserve order and peace and sobriety and to glorify and uphold the American Army.

Now, it seems to me that the distinguished Secretary of War, Judge Taft, ought to know this, and hence I put it in the RECORD. I say it is a great outrage to permit that sort of thing. can not, Mr. Chairman, read the whole paragraph, because I do not want to get connected with my proposition the unfortunate Brownsville matter, but for the purpose of putting it in the RECORD, to call it to the attention of this great representative body of the people, the country, and that splendid Secretary of War, Judge Taft. Simply for those reasons I rose in my seat to say this much.

The CHAIRMAN. Without objection, the pro forma amend-

ment will be considered as withdrawn.

The Clerk read as follows:

The Clerk read as follows:

Back pay and bounty: For payment of amounts for arrears of pay of two and three year volunteers, for bounty to volunteers and their widows and legal heirs, for bounty under the act of July 28, 1866, and for amounts for commutation of rations to prisoners of war in rebel States, and to soldiers on furlough, that may be certified to be due by the accounting officers of the Treasury during the fiscal year 1908, \$200,000: Provided, That in all cases hereafter so certified the said accounting officers shall, in stating balances, follow the decisions of the United States Supreme Court or of the Court of Claims of the United States after the time for appeal has expired, if no appeal be taken, without regard to former settlements or adjudications by their predecessors.

Mr. GARRETT Mr. Chairman, I reserve the point of condenses.

Mr. GARRETT. Mr. Chairman, I reserve the point of order on the proviso for the purpose of asking the chairman for in-

formation as to that.

Mr. SMITH of Iowa. Mr. Chairman, I will state that under the rule of the Treasury Department certain claims for back pay and bounty were rejected. Subsequently the Court of Claims of the United States in other similar cases decided in conflict with the auditing officers of the Treasury Department. The result of that simply is that under the rule of the Treasury, they will not reopen a settlement once made. Every claimant goes to the Court of Claims. The Court of Claims then calls on the Treasury Department for the record. record is transcribed and sent to the Court of Claims. Court of Claims then gives judgment if the claimant is entitled to judgment. Then the matter is recertified to the Treasury Department to pay, and the result is the Government has to pay the claim, just the same. This provision was drafted by the law officers of the Government after consultation with the Treasury official, one of the law officers, charged with the defense of these claims. He insists that the cost, expense, and labor are vastly increased by this circuitous settlement of going through the Court of Claims, calling on the Treasury, the Treasury furnishing the record, the Court of Claims entering judgment, and the judgment being certified back to the Treasury, and this can be avoided by simply providing that where the Supreme Court of the United States or the Court of Claims has decided that a certain claim is a valid claim against the United States, under this paragraph the Treasury Department will reopen the case and adjudicate the claim, thus avoiding this unnecessary labor and expense.

Mr. GARRETT. Let me ask the gentleman-my ideas are very hazy about this; I have only a hint of it, and I am asking purely for information. I hope the gentleman will understand. I am not trying to delay matters— Mr. SMITH of Iowa. Certainly.

Mr. GARRETT. Under the rule of the Department, is it not true there is a certain ruling there as to cadets in West Point which has been overturned by the Supreme Court or the Court of Claims?

Mr. SMITH of Iowa. Not with reference to this item. sibly that may be true, but it has nothing to do with this item.

Mr. GARRETT. As a matter of fact, as I understand-Mr. SMITH of Iowa. This is simply back pay and bounty of volunteers of the civil war.

Mr. GARRETT. And this will not in fact result in any increase in expenditure, but will save money?

Mr. SMITH of Iowa. It will not increase expenditures, but will save money and a large amount of labor.

Mr. GARRETT. I withdraw the point of order.

The Clerk read as follows:

Convention with Mexico: Toward the construction of a dam for storing and delivering 60,000 acre-feet of water annually, in the bed of the Rio Grande at the point where the headworks of the Acequia Madre now exists, above the city of Juarez, Mexico, as provided by a convention between the United States and Mexico, proclaimed January 16, 1907, \$1,000,000, to be available as needed and to be expended under the direction of the Secretary of the Interior in connection with the irrigation project on the Rio Grande: Provided, That the balance of the cost of said irrigation project over and above the amount herein appropriated shall be allotted by the Secretary of the Interior as may be needed and as may be available from time to time from the reclamation fund and collected from the settlers and owners of the land benefited under the provisions of the reclamation act approved June 17, 1902, and acts supplemental thereto or amendatory thereof.

Mr. MANN. Mr. Chairman, I reserve the point of order on

Mr. MANN. Mr. Chairman, I reserve the point of order on the proviso for the purpose of asking the gentleman a question. I have talked with the gentleman from Iowa about this, and I understand something about it. I would like to ask the gentleman whether in his opinion there is any possibility of compelling the payment of the entire cost of this work out of the reclamation fund if this appropriation should now be stricken

If you read the proviso-Mr. TAWNEY.

Mr. MANN. Well, this carries an appropriation of a million dollars for the construction of this dam in connection with the Rio Grande, and the proviso provides the balance shall be paid out of the reclamation fund. What I wish to ask the gentle-man is whether the United States Government—and I am sure they have given careful study to the subject—whether there is any possibility of compelling the payment of the cost of all of this work out of the reclamation fund, instead of a part out of the National Treasury?

Mr. TAWNEY. Well, I will say to the gentleman from Illinois that is a very difficult question to answer. The committee

considered the matter very carefully.

Mr. MANN. I do not wish to detain the House very long.

I wish the gentleman's opinion very briefly.

Mr. TAWNEY. The Geological Survey has made this apportionment, or rather the Department of the Interior and the Department of State. All that we could possibly do was by affirmative legislation or declaration, and say that the balance of this money and the balance of the cost of this construction must be paid out of the reclamation fund. Now, it is for Congress in the future, if a demand comes from the Reclamation Bureau for an appropriation in addition to this \$1,000,000, to simply refer to this provision, and they have promised to build the rest out of the fund or to charge the balance to the land, or refuse the appropriation.

Mr. MANN. The gentleman thinks this is the best possible provision we can get for the protection of the Treasury?

Mr. TAWNEY. Absolutely; it is the only protection I can conceive of. This leaves a future appropriation, if one is asked for, entirely in the hands of Congress.

Mr. MANN. I supposed when the irrigation act was passed that that ended specific appropriations out of the Treasury for

irrigation purposes.

Mr. TAWNEY. I think that is the general impression in the House, but we did not know that there was about \$33,000,000 of alleged claims filed in the State Department which would be used as the basis of a convention between the United States and Mexico, whereby the Government of the United States would obligate itself to give to the people of Mexico 60,000 acre-feet

of water every year.

Mr. MANN. I withdraw the point of order, Mr. Chairman.

The Clerk read as follows:

Court-house and jail, Nome, Alaska: For the erection of a court-house and jail at Nome, Alaska, \$30,000, to be immediately available, and the \$10,000 appropriated by the sundry civil act of June 30, 1906, for the erection of a jail and repairs to the court-house at Nome

Alaska, is hereby made available for the erection of the new building herein provided for, and the Secretary of the Treasury is authorized to turn over to the Department of Justice, as a site for the erection of this building, so much of the reservation at Nome, Alaska, under the control of the Treasury Department as may be necessary for a proper site and grounds for the new building; to be expended under the direction of the court of the second division of the district of Alaska, subject to the approval of the Attorney-General.

Mr. SMITH of Iowa. Mr. Chairman, I offer the following

amendment.

The CHAIRMAN (Mr. CRUMPACKER in the chair). The gentleman from Iowa offers an amendment, which the Clerk will

The Clerk read as follows:

On page 162, in line 6, strike out the word "thirty" and insert in lieu thereof the word "twenty."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

The Clerk read as follows:

Defense of suits before Spanish Treaty Claims Commission: For salaries and expenses in defense of claims before the Spanish Treaty Claims Commission, including salaries of Assistant Attorney-General in charge as fixed by law, and of assistant attorneys and necessary employees in Washington, D. C., or elsewhere, to be selected and their compensation fixed by the Attorney-General, to be expended under his direction, so much of the provisions of the act of March 2, 1901, providing for the Spanish Treaty Claims Commission, as are in conflict herewith not-withstanding, \$92,000, of which not exceeding \$200 may be expended for law books and books of reference.

Mr. CAMPBELL of Kansas. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking the chairman of the committee whether or not there is a probability that

man of the committee whether or not there is a probability that

this Commission will ever complete its work.

Mr. TAWNEY. I will say to the gentleman that it is the judgment of the committee that if the limitations that are written into this appropriation bill becomes a law it will come to an end very much quicker than it otherwise would.

Mr. CAMPBELL of Kansas. What is the work that is being done by the Commission? Are they doing anything besides

drawing their salaries?

Mr. TAWNEY. They are denying and rejecting a great many claims. It may be said to the credit of the Commission that they are not passing favorably upon 1 great many, but pass unfavorably upon a great many.

Mr. MANN. They are disposing of all the claims as rapidly as they come to an issue, I may say to the gentleman. The principal difficulty has been to take testimony and get the case

to an issue.

Mr. TAWNEY. The principal difficulty is the getting of the testimony taken, the testimony of the claimant or the Govern-

Mr. SMITH of Iowa. I think the provision in the next paragraph of the bill will dispose of three-fourths of the cases in

ninety days, if it passes the House and the Senate.

Mr. MANN. I think I can tell the gentleman what the diffi-culty is. The Commission has made a certain ruling in regard to the liability of the Government that is adverse to a large number of claims. The attorneys for the claimants have therefore persistently declined to bring their cases to an issue for the purpose, if possible, of getting a decision in some other way, from some court which would allow these claims. The Commission is without the power to compel them to put these claims to issue, and so they have tried to dispose of them.

Mr. CAMPBELL of Kansas. It was stated a year ago that the work ought to be completed in at least a year from that time. Now I see that this appropriation contemplates at least another

in salaries for the Commissioners and other officers

Mr. MANN. The reason I give the gentleman is the absolutely correct reason. The great majority of these claims are based upon a certain proposition as to the liability of the Government. The Commission, in deciding a case, decided that the Comment was not liable. The attorneys of the claimants The attorneys of the claimants, Government was not liable. knowing that if they put their claims to issue and have the claims determined will have them determined adversely to that ruling, are holding back their claims for the purpose of endeav-oring to get a decision from the court somewhere which would

overturn the decision of the Commission.

And the provision in the bill, on which I congratulate the committee in reporting, fixes it in such a manner that these claims must be prosecuted, and they must put up the money so that they can be prosecuted. The gentleman understands that the Government so far pays all the cost of taking the testimony

in these cases

Mr. CAMPBELL of Kansas. On both sides?

Mr. MANN. On both sides.

Mr. CAMPBELL of Kansas. It is difficult to understand why the Government should pay the expenses of a claimant to get testimony against it in this class of cases.

Mr. SMITH of Iowa. I would like to say to the gentleman from Kansas the explanation of the gentleman from Illinois is correct, but I think this additional statement might be given. As long as the Government is willing to pay for taking all the testimony of the claimants in cases of that kind before this Commission, these gentlemen, who realize that under the prece dents they are doomed to defeat, are still willing to go on and take their testimony, as it does not cost them anything; and if they do not succeed, as suggested by the gentleman from Illinois, in gaining a reversal of the decision of the Commission or an act of Congress that will give them some relief, they will at least have secured a permanent record of the evidence for one hundred years to come, so that they or their descendants may knock at the doors of Congress and ask for relief and claim that the record is in their favor.

I will say to the gentleman the information I Mr. MANN. got of this I did not receive from the Commission, but have received by talking to a number of attorneys of claimants, who have bitterly complained of the ruling of the Commission and have stated that so long as they could prevent it they never would bring their claims to an issue until they got a ruling re-versing the decision of the Commission by some court.

Mr. CAMPBELL of Kansas. I am hoping that the legisla-tion proposed on this bill will result in terminating this Commission. I would like to see one commission or bureau that was started for the purpose of doing a particular work terminate some' time.

Mr. MANN. I think the provision made by the Committee on Appropriations is one of the most brilliant flank movements that I have ever heard of. [Laughter.]

Mr. CAMPBELL of Kansas. I congratulate the committee.

The Clerk read as follows:

The Clerk read as follows:

Spanish Treaty Claims Commission: For expenses of taking testimony abroad, \$25,000: Provided, That no part of this appropriation shall be available unless the said Spanish Treaty Claims Commission shall, within sixty days from the passage of this act, ascertain the average cost of taking the claimant's evidence, including cross-examination of claimant's witnesses, in all cases heretofore tried, which average shall be computed by first ascertaining the average cost of taking evidence, per page, by dividing the whole sum expended from appropriations under this head by the total number of pages of evidence taken in all cases and multiplying this cost per page by the number of pages of claimant's evidence taken in cases heretofore tried and dividing this by the number of cases so tried, and having so ascertained the average cost of taking claimant's evidence shall, by rule, require every claimant to pay, in the first instance, the costs of taking his evidence at such average price per page, and to deposit with the clerk of the Commission within thirty days, for the purpose of paying such costs, the amounts so found to be the average cost of taking claimant's evidence, and that upon failure of any claimant to make such a deposit within the time so limited, his claim shall be dismissed with prejudice.

Mr. CANDLER. Mr. Chairman, I make the point of order

Mr. CANDLER. Mr. Chairman, I make the point of order against this proviso, beginning on line 13 to the end of the

paragraph.

Mr. SMITH of Iowa. It is not subject to the point of order. It is an express limitation on the appropriation, and it does not require anything to be done.

Mr. CANDLER. I will submit to the Chair for a ruling on it.

It is clearly legislation and contrary to the statute to-day.

Mr. SMITH of Iowa. Oh, no. There is no statute on the subject.

Mr. CANDLER. There is a statute.

Mr. SMITH of Iowa. Oh, no; not at all.
Mr. CANDLER. My information is that there is an act of Congress. That comes to me from a source that I understand to be accurate.

Mr. SMITH of Iowa. I know the gentleman is sincere, but there is no statute, and it is a limitation.

Mr. PARKER. Mr. Chairman, I want to say a word on the point of order. In the latter part of the proviso it is provided that unless the claimant pays a certain amount of money within thirty days his claim shall be dismissed with prejudice. certainly is legislation, contrary to existing law, and is amenable to the point of order.

Mr. SMITH of Iowa. That is not the provision at all. The

limitation is that this appropriation shall not be available unless a certain specific rule is made, which is entirely optional with the Commission to adopt; and if it is adopted it does not pro-

vide for the dismissal of the claim.

Mr. PARKER. It says if the parties do not pay the amount fixed by this Commission their claims shall be dismissed.

Mr. SMITH of Iowa. It does not say that. Mr. PARKER. Then what does it say?

Mr. SMITH of Iowa. It says that the appropriation shall not be available unless they comply with the rule which may be made by the Commission. It simply means that the appropriation will not become available if the rule is not made.

I do not see it that way. Mr. PARKER.

Mr. SMITH of Iowa. It involves the same principle as was

involved in the question of the State Homes and the National Homes

'Mr. PARKER. There is no such rule. It says that no part of the appropriation shall be available unless the said Spanish Treaty Claims Commission shall, within sixty days from the passage of this act, ascertain the average cost of taking the claimant's evidence; then it shows how to do it, and then it goes on to say that the claimant must pay in the first instance the costs of taking his evidence and to deposit the money with

the clerk of the Commission within thirty days.

Mr. SMITH of Iowa. No; it says that the Commission shall by rule require every claimant to pay these advance costs.

Mr. PARKER. Having ascertained this cost of taking claimant's evidence, it shall by rule order the claimant to pay the costs, or else his claim shall be dismissed.

Mr. SMITH of Iowa. And the money is not available unless they adopt such a rule, but it is available if they do.

Mr. PARKER. It seems to me this is a very roundabout way of reaching a result.

Mr. CANDLER. Is it optional with the Commission? \* \* \* Mr. SMITH of Iowa. Yes.

Mr. MANN. They are not required to spend the money for taking the testimony if they do not want to.

The CHAIRMAN (Mr. CRUMPACKEB). The question is a very close one, but this is a limitation in form, and therefore the

Chair overrules the point of order.

Mr. CANDLER. Then I move to strike out the proviso.

When this Spanish Treaty Claims Commission was created and cases were filed before it, the number of cases presented amounted to 542. They have disposed of 342 cases, leaving yet to be disposed of by this Commission 200 cases. Upon the recommendation of the Commission it, was provided that the Government should pay the expense of taking the testimony for the claimant, with the exception of the payment of the witness fees. I see the gentleman from Iowa [Mr. Smith] shakes his head, and therefore I will read it. In the Commission's letter to the President, dated April 7, 1906, it is said that liberal arrangements were made to pay for the interpreters, commissions. sioners, and stenographers, leaving only the witness fees to be paid by the claimants.

Now, the only reason why I make this motion is because the Government did assume certain responsibility in reference to these claims. It provided a forum in which they could be They invited the claimants to present their claims in this form for consideration. They went further and provided that they would pay for the taking of this testimony, the interpreters, commissioners, and stenographers, but that claimants should pay the witness fees. Having tried and disposed of 300 cases under that provision, is it now just and right to the remaining 200 cases to require them to assume greater were imposed upon those whose cases have burdens than already been disposed of?

Mr. CAMPBELL of Kansas. Will the gentleman yield for a

question?

Mr. CANDLER. With pleasure.

Mr. CAMPBELL of Kansas. Does the gentleman happen to have any information as to how many cases of those 300 that have been disposed of were tried and argued either upon the law or facts?

Mr. CANDLER. I could not tell you accurately.
Mr. SMITH of Iowa. The majority of them were Maine

Mr. CANDLER. Quite a number were argued. The exact number I do not know.

Mr. CAMPBELL of Kansas. I understand not to exceed seven or eight.

Mr. CANDLER. Oh, yes; a much greater number than that. Mr. CAMPBELL of Kansas. Is it not a fact that not to exceed ten or fifteen cases have been argued, either upon questions of law or fact, within the last seven or eight years?

Mr. CANDLER. I can not give the gentleman the informa-

tion he wishes

Mr. CAMPBELL of Kansas. That is my information.

Mr. CANDLER. All I know I get from the report of the Commission, in which they state that 542 cases were filed before them, and that they have tried and disposed of 342 cases, leaving 200 yet to be disposed of. I think those 200 are entitled to the same consideration at the hands of the Government as the 342 that have been disposed of, and I do not believe an

Then there is one other question, that they require this deposit to be made within thirty days, and unless the deposit is made within thirty days the case shall be dismissed with preju-That means that they can not come back into court.

do not believe that is sufficient time.

Mr. SMITH of Iowa. They have three months.

Mr. CANDLER. It says that they shall deposit the money with the clerk of the Commission within thirty days.

Mr. SMITH of Iowa. And the Commission has sixty days in

which to promulgate the rule.

Mr. CANDLER. Some of the claimants live in Cuba and in other countries, and can not be communicated with promptly.
All the claimants should be given the same treatment at the hands of the Government, and we should not treat 342 one way and then impose additional burdens on the 200 whose cases yet

remain to be disposed of.

Mr. SMITH of Iowa. Mr. Chairman, the Spanish Treaty Claims Commission, without any action of Congress or any statute as a basis for it, proceeded to adopt the most extraor-dinary rule ever heard of in any tribunal of a judicial character. It provided that the Government of the United States should pay not only its own costs, but all the costs of commissioners, interpreters, and stenographers to take the claimants' evidence in an attempt to prove claims against the United The result was not especially obnoxious until now, when it appears that men whose claims are already defeated in this Commission by the establishment of precedents conclusive as to their determination are still willing, if the Government of the United States will pay the costs, to take their testimony, or at least pretend that they want to take their testimony, so as to delay the matter, and this committee thought that this Commission should not be kept going forever at a cost of something like \$200,000 a year in order that these gentlemen may, at the Government expense, make up a record on which they and their descendants may appeal from time to time to the Congress of the United States for generations yet to come for the payment of claims rejected by the Spanish Treaty Claims Commission.

The law required that the claimants should file their claims within a specific time or the claims would be forever barred. Consequently if these claims are dismissed their rights are terminated, and that is why it says that they shall be dismissed with prejudice, because no claims could be filed hereafter, they

being barred.

The purpose was to enact the rule that prevails in every court of justice that the claimants must pay the expense in the first instance of their own witnesses and the taking of their own testimony.

Mr. FITZGERALD. If that rule had prevailed from the beginning, would the Spanish Treaty Claims Commission be in existence now

Mr. SMITH of Iowa. I think not; and if any Member wants to end this Commission, he ought to vote for this provision of

Mr. SULLIVAN. Mr. Chairman, I move to strike out the last word. As a member of the subcommittee, I do not intend to oppose the action of the committee; but I have felt that I ought to make a brief statement concerning this rule. rule had been adopted in the beginning, no one could have doubted its justice. I think its justice can be seriously doubted now after so long a period of time has elapsed and after so many cases have been tried.

There is no doubt that the rule will accomplish a useful purpose, because, unquestionably, it will wind up the Spanish Treaty Claims Commission, which is "a consummation devoutly to be wished." I wish, however, that we had wound it up in I wish, however, that we had wound it up in another way. A year ago I sought to get a bill passed abolishing the Commission and transferring its jurisdiction to the Court of Claims, which is a permanent tribunal, constantly deciding questions of international law, and splendidly equipped to do justice between the Government of the United States and

the claimants.

It is my own opinion that the rules of decision laid down by this Commission were not sound as a matter of international law, and that they have operated to do injustice to the claimants. The claimants, believing that they could not succeed under the rules of decision laid down by the Commission, have sought by every practice to avoid taking their evidence and perfecting their cases and bringing them to an issue, and so the claimants have been playing back and forth, seeking to get an appeal to some other court. A bill providing for a writ of certiorari from the Spanish Treaty Claims Commission to the Supreme Court has been pending in Congress. I believe it was reported by one branch at one time, but failed to pass. have been hoping to get a writ of certiorari so that the decision of the Claims Commission could be reviewed. If they do not succeed in getting that writ unquestionably the labors of this Commission will be brought to an end within six months after the adjournment of this Congress. I am glad to have the work of the Commission ended, but I am extremely sorry that in

bringing it to an end we have done substantial injustice to the claimants where we assumed an obligation under the treaty with Spain to do justice to them.

[Mr. GAINES of Tennessee addressed the committee. See Appendix.]

Mr. CAMPBELL of Kansas. Does not the gentleman think that the measure of injustice that may be done by this rule has been more than mitigated by the great and unprecedented concession which has been made by the Government in paying for the testimony that has been taken in their cases?

Mr. SULLIVAN. No; I regard the payments by the Government for the taking of the testimony in the light of a Barmecide feast. The Government has invited these claimants to come to its banquet; it has spread its board and put upon the table fine linen and shining glass, but it has procured for them no viands to eat. The Government has provided for the taking of the testimony and then provided the Commission which adopted a rule that excluded the claimants from any possibility,

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The question was taken; and the amendment was rejected. Mr. SMITH of Kentucky. Mr. Chairman, I ask now to return to page 126, for the purpose of offering the following amendment, which I send to the desk and ask to have read.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent

Mr. TAWNEY. Mr. Chairman, that section to which the gentleman from Kentucky refers in his amendment was passed without prejudice, and it does not require unanimous consent.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Add as a new section after line 7, page 126, the following: "Lincoln memorial shaft or tablet: To aid in the construction of the Abraham Lincoln memorial shaft or tablet at Hodgensville, Ky., to be paid to the chairman of the commission appointed by the governor of the Commonwealth of Kentucky under an act of the general assembly of that State approved March 16, 1906, the sum of \$10,000."

The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from Kentucky.

The question was taken; and the amendment was agreed to. The Clerk read as follows:

The Clerk read as follows:

For payment of salaries, fees, and expenses of United States marshals and their deputies, \$1,300,000, to include payment for services rendered in behalf of the United States or otherwise, Advances to United States marshals, in accordance with existing law, may be made from the proper appropriations, as herein provided, immediately upon the passage of this act; but no disbursements shall be made prior to July 1, 1907, by said disbursing officers from the funds thus advanced, and no disbursements shall be made therefrom to liquidate expenses for the fiscal year 1907 or prior years: Provided, That the salaries of the United States marshals for the eastern and western districts of the State of Oklahoma shall be at the rate of \$4,500 each for the fiscal years 1907 and 1908.

Mr. MCON. Mr. Chairman, I make a point of order account.

Mr. MACON. Mr. Chairman, I make a point of order against the proviso of the paragraph at the bottom of page 168.

The CHAIRMAN. The gentleman from Arkansas makes the point of order to the proviso in the paragraph beginning at

Mr. TAWNEY. What is the ground of the point of order?
Mr. MACON. That it increases the salaries of officers.
Mr. TAWNEY. Well, Mr. Chairman, perhaps it is subject to the point of order, but I desire first to state to the gentleman from Arkansas that if this proviso is not added, and Oklahoma comes into the Union before the end of the next fiscal year before Congress convenes, there will be no provision whatever for the organization of the district attorney's office and no provision whatever for the payment of the marshal's or the district attorney's salaries. It is in anticipation——
Mr. MACON. Mr. Chairman, I do not know of any marshals

in Arkansas who are receiving the sum of \$5,000 per annum, and I do not know why Oklahoma's marshals should have preference

over them in the matter of salary.

Mr. TAWNEY. The committee was influenced by the fact—Mr. MACON. If the gentleman will make the salary \$4,000, just the same as other marshals are getting, I will withdraw the point of order.

Mr. TAWNEY. Mr. Chairman, I would say that it is contemplated that the work in the State of Oklahoma both of the district attorney and of the marshal at first, at least for several years, until the rights of the Indians are fully settled, will be infinitely greater than the work of the marshals and the district attorneys in the State of Arkansas. If the gentleman wants to make the point of order he can.

The CHAIRMAN. The point of order is sustained.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word-

Mr. MACON. But the last word is already out.

Mr. GAINES of Tennessee. Maybe I can show to my good friend from Arkansas that while he is perfectly sincere in making his objection there are reasons why the salary ought to be different. Arkansas has been a good State of this Union for a long, long time. There are no Indians in it that I know of

Mr. CAMPBELL of Kansas. Except good ones.
Mr. GAINES of Tennessee. If there are, they are good ones.

There are Indians in Oklahoma. It is a new country

Mr. SHACKLEFORD. In Arkansas the marshals get \$4,000 per year, and that means for their entire time.

Mr. GAINES of Tennessee. I don't know anything about

Mr. SHACKLEFORD. Ordinarily the marshal gives his time for the salary.

I demand the regular order. Mr. MANN.

The CHAIRMAN. The regular order is demanded. Mr. TAWNEY. Mr. Chairman, there is no last word to that paragraph. It is out of the bill, is it not?

The CHAIRMAN. The point of order has been sustained to a

portion of the paragraph only. The gentleman will proceed.

Mr. GAINES of Tennessee. Mr. Chairman, I do not know anything about Indians in Arkansas. I never heard of any of them in a long time, and I am sure that none of them are ever sent to Congress. Here is Oklahoma; it is a Territory that is full of lawless people, compared to Arkansas and Tennessee and any other old State.

It has many Indians in it, it is a new country, and the marshal will have more dangerous work to do and will have more work to do, so I think that if \$4,000 is paid an attorney in Arkansas, it is worth \$4,500 in the Territory of Oklahoma, soon to be a State, and that is why I hope my friend will withdraw his opposition.

Mr. MACON. I will say to the gentleman that I can not

consent to do so.

The CHAIRMAN. The pro forma amendment will be con-The Clerk will read. sidered as withdrawn.

Mr. MACON. Mr. Chairman, I thought I had the floor. The CHAIRMAN. The gentleman from Arkansas.

Mr. MACON. I am a Christian when it comes to opposing increases of salaries on appropriation bills. I know that if these salaries are fixed at \$4,500 that will be \$500 more than

the marshals in my own State are receiving——
Mr. GAINES of Tennessee. But you have no Indians.
Mr. MACON. Wait until I get through. There will be a time in the nature of things, perhaps, when Oklahoma will become as civilized as Tennessee, as Arkansas, or any other State in the Union, and then her officers should not receive higher salaries than officers of other States; but if they are fixed higher now, they will not be reduced then, and gentlemen know it, I dare say, and I say that within the history of the life of the gentleman from Tennessee he has never known where a salary was once fixed for an officer of this Government and afterwards reduced because of changed conditions. They are always increased—not reduced. [Applause.]

The CHAIRMAN. The pro forma amendment will be con-

sidered as withdrawn.

The Clerk read as follows:

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, \$460,000: Provided, That this appropriation shall be available for the payment of the salaries of regularly appointed clerks to United States district attorneys for services rendered during vacancy in the offices of the United States district attorney: Provided, That the salaries of the United States attorneys for the eastern and western districts of the State of Oklahoma shall be at the rate of \$5,000 each for the fiscal veers 1907 and 1908. State of Oklahoma s years 1907 and 1908

Mr. MACON. I make a point of order against the proviso in the paragraph just read.

Mr. SMITH of Iowa. There are two provisos. The gentle-

man means the last one?

Mr. MACON. Yes.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

All laws fixing the annual salaries of the United States attorney for the southern district of New York, and of assistants in his office, shall hereafter apply in all respects to and be construed as fixing the annual salaries of the United States attorney for the northern district of Illinois, and of assistants in his office.

Mr. MACON. Mr. Chairman, I make a point of order against the paragraph just read. I do not like to see salaries fixed

Mr. MANN. Mr. Chairman, will the gentleman reserve his point of order for a moment?

Mr. MACON. I will reserve the point of order; yes

Mr. MANN. Mr. Chairman, I may say to the gentleman I understand the reason for this item is this: A great deal of work

in connection with the prosecution of the antitrust laws and violations of interstate-commerce laws is now being carried on at Chicago, the northern district of Illinois,

Under the law as it now stands the assistant district attorneys in the city of New York are not limited to salaries of \$2,500. In Chicago they are limited to salaries of \$2,500. impossible in the city of Chicago to obtain and keep assistant district attorneys who are qualified to do the antitrust work and violations of interstate commerce law work for that price. The result of that is that these attorneys are employed out of the trust fund by the Government without being under the control of the district attorney, and the purpose of this amend-ment is that these assistant attorneys shall be under the control of the district attorney, so that that office shall be engaged in the prosecution of these violations. There are now pending prosecutions against the Standard Oil Company at the office in Chicago some three thousand and more counts in eight different items. It requires expert work to try those cases. The attorney for the defense, I will say to my friend from Arkansas, in that case receives a salary of \$100,000. It can not be expected that assistant district attorneys can be obtained sufficient to cope with these tried and expert criminal lawyers at a salary of \$2,500, and the only purpose of this is to permit the district attorney to increase the salaries of these assistant attorneys under his control, to place them under the control of the assistant district attorney. It is distinctly in the interest, I may say to my friend, of the prosecution of persons violating the antitrust and interstate-commerce laws. If it were not for that distinctive purpose, I would not ask the gentleman,

if he can see his way, to withdraw the point or order.

Mr. MACON. In reply to the gentleman from Illinois [Mr. MANN], I will say that I never knew an honest and conscientious officer that would not discharge the duties of his office for a small salary just as efficiently as he would for a large one, if he assumed the obligation.

Mr. MANN. I fully agree with the gentleman. Mr. MACON. I never understood that the salary had anything to do with the efficient discharge of the duty if the officer assumed an obligation to perform the duty.

Mr. MANN. The gentleman is perfectly correct. agree with him in his statement. But this is the point. You can not obtain in the city of Chicago experienced attorneys as assistant district attorneys at a salary of \$2,500 to cope with these big cases. Why, Mr. Chairman, the district attorney's office has lost a number of assistant district attorneys in the last two or three years because they have gone out and obtained a \$5,000 or a \$10,000 salary. Now, all that is expected here is to pay a reasonable salary; but you can not try these cases on this basis

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SULLIVAN. Mr. Chairman, I desire to be recognized.

Mr. TAWNEY. Regular order, Mr. Chairman.
The CHAIRMAN. The Chair sustains the point of order. Does the gentleman from Arkansas insist upon his point of

Mr. MACON. I do. Mr. SULLIVAN. The gentleman has stated that he will reserve his point of order for two or three minutes longer, and I ask that the Chair recognize me in my own right.

The CHAIRMAN. Regular order has been demanded, and

that is equivalent to an objection. The point of order has already been sustained, and the Clerk will read.

The Clerk read as follows:

For salaries, including pay of officials and employees, as follows: Warden, \$4,000; deputy warden, \$2,000; chaplain, \$1,500; chief cierk, \$1,800; physician, \$1,600; bookkeeper and record clerk, \$1,200; stenographer, \$900; six clerks, at \$900 each; telephone operator, \$4,80; engineer and electrician, \$1,500; assistant engineer and electrician, \$1,200; two captains of watch, at \$1,000 each; steward and store-keeper, \$900; superintendent of farm and transportation, \$900; two teamsters, at \$600 each; cook, and baker, at \$720 each; guards, at \$70 per month each, \$26,000; in all, \$49,220.

Mr. SMITH of Iowa. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 179, in line 7, strike out the words "forty-nine thousand two hundred" and insert in lieu thereof "fifty-four thousand."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken; and the amendment was agreed to. Mr. MACON. Mr. Chairman, I ask unanimous consent to return to page 169.

The CHAIRMAN. The gentleman from Arkansas [Mr. Macon] asks unanimous consent to return to page 169. For what purpose?

Mr. MACON I do that for the purpose of withdrawing a point of order that I made upon the last paragraph on that page.

Mr. BABCOCK. Mr. Chairman, I object.

The Clerk read as follows:

In all, \$124,420.

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment. The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 179, in lines 10 and 11, strike out "\$124,420" and insert "\$129,220."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken; and the amendment was agreed to. The Clerk read as follows:

The Question was taken; and the amendment was agreed to. The Clerk read as follows:

Parliamentary precedents: That there be printed and bound 2,500 copies of Hinds's Precedents of the House of Representatives of the United States, with reference to such cases of procedure in the United States senate as may be useful in connection therewith, and also with reference to such laws of Congress as may relate to the House of Representatives and its membership, the said compilation to be of the typographical style, size of page, and style of indexing used in House Document No. 576, second session Fifty-fifth Congress, known as "Parliamentary Precedents of the House of Representatives of the United States," and to be divided into volumes each approximately of the size of the said House Document No. 576. The sets of volumes of the said work shall be distributed as follows: Three sets to each Representative, Delegate, and Senator in the Fifty-ninth Congress and three sets to each Representative, Delegate, and Senator in the Fifty-ninth Congress and three sets to each Representative, Delegate, and Senator in the Sixtieth who is not a member of the Fifty-ninth Congress; one set to each committee room of the House and Senate; ten sets to the Library of Congress; ten sets each to the House and Senate libraries; 500 copies for distribution to the State and Territorial libraries and designated depositories as in the case of documents printed under section 54 of the act approved January 12, 1895 (28 Stat. L., 608); and the residue to the folding room of the House. The said compilation shall be made by Asher C. Hinds, who shall also prepare a complete index digest thereto, and supervise the printing thereof. The sum of \$20,000 is hereby appropriated, to be available for payment to said Asher C. Hinds when the printing of the work under his supervision shall have been completed, the same to be in full payment for said work, except the cost of printing and binding the same. The plates used in printing said work shall be the proper

Mr. MANN. Mr. Chairman, I wish to offer an amendment. The Clerk read as follows:

Mr. MANN. Mr. Chairman, I wish to offer an amendment. The Clerk read as follows:

On page 183, after line 16, insert:

"House of Representatives office building: For maintenance, including heating, lighting, and ventilation, miscellaneous items, and for all necessary services, \$30,000. And the said office building and the employment of all service, other than officers and privates of the Capitol police, that may be appropriated for by Congress, necessary for its protection, care, and occupancy, shall be under the control and supervision of the Superintendent of the Capitol Building and Grounds, subject, until said building is completed, to the approval and direction of the Commission appointed under the sundry civil appropriation act approved March 3, 1903, to supervise the construction of said building; and such control and supervision by the Superintendent of the Capitol Building and Grounds shall be and continue after the completion of said building, and not later than July 1, 1908, subject to the approval and direction of a commission consisting of the Speaker of the House of Representatives and two Representatives in Congress, to be appointed by the Speaker. Vacancies occurring by resignation, termination of service as Representative in Congress, or otherwise in the membership of said commission shall be filled by the Speaker, and any two members of said commission shall constitute a quorum to do business. The Superintendent of the Capitol Building and Grounds shall submit annually to Congress estimates in detail for all services, other than officers and privates of the Capitol police, and for all other expenses in connection with said office building and necessary for its protection, care, and occupancy; and said commission herein referred to shall from time to time prescribe rules and regulations to govern said Superintendent in making all such employments, together with rules and regulations governing the use and occupancy of all rooms and space in said building. The assignment of rooms in said building

Mr. TAWNEY. Mr. Chairman, I have a letter here from the superintendent of the Capitol in respect to the subject-matter of I would like to have it printed in the RECORD this amendment. in connection with the amendment offered by the gentleman from Illinois.

The letter is as follows:

HOUSE OFFICE BUILDING-APPROPRIATIONS AND REPORTS. Office Building, House of Representatives, Washington, D. C., February 23, 1907.

Washington, D. C., February 23, 1907.

Hon. James A. Tawney,
Chairman Committee on Appropriations,
House of Representatives.

Sir: I am sorry that my report on the House office building, made to the House Commission under date of December 1 last, was not printed prior to the discussion on the floor the other evening. It would have shown the preliminary difficulties encountered before the construction of the building could proceed. It would have pointed out the fact that the twin tunnel of the Pennsylvania Railroad runs under the eastern portion of this building, and that the foundations of the building could not proceed until this construction was out of the way; and

that our building foundations were of extraordinary character ever and surrounding this tunnel and could only proceed with watchfulness and care and some delay. Further, that the actual construction could not begin until April 12, 1905, that the foundations of the building were completed and the first brick laid on July 5, 1905, and that the setting of stone began in August, 1905. It is, therefore, a year and ten months since the actual construction began, and the results should speak for themselves. The amount of extraordinary foundations required on account of the presence of the tunnel exceeded in volume and cost the ordinary foundations of the building.

It should also be borne in mind that the progress of a building of this character is limited to the progress of the exterior stonework, and that the contract entered into on the authority of the House Commission, among other things, was based upon the low time limit given by the bidder—May 1, 1907.

The character of construction adopted in the House office building should not be placed in comparison with the ordinary office-building construction, as the general character and arrangement of the materials used in office-building construction allows a very rapid progress, and the progress in construction of this building should be compared with buildings of its type.

I am free to confess that if the building had been of brick only, or even if it had been constructed with an exterior facing of limestone, a material which is easy to produce in the quarry, that it could have been ready by this time, but marble is a stone which is not so easy to get, especially if chosen with a certain due regard to fine quality and appearance. The stone used in the House building for a selected quality, and the contract term does not expire until about May I next. No doubt the gentlemen are considering the date of the act of authorization and the lapse of period with some annoyance. I think it just to the House Commission and to this office to point out some of the facts which c

Very respectfully, Elliott Woods, Superintendent U. S. Capitol Building and Grounds.

Mr. MANN. Mr. Chairman, just briefly, for the benefit of the House, I will say that the amendment only provides for the regulation and control of the building and does not provide for the distribution of the rooms, leaving that to be done by the next Congress when it meets.

The question was taken; and the amendment was agreed to.
Mr. MACON. Mr. Chairman, I am going to ask the House to give me unanimous consent to return to page 169 of the bill for the purpose of withdrawing a point of order that I made against the last paragraph on that page.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to return to the third section of page 169, having

made a point of order against the section.

Mr. BABCOCK. I withdraw my objection, Mr. Chairman.

The CHAIRMAN. Is there objection? [After a pause.]
The Chair hears none. Does the gentleman withdraw his point of order?

Mr. MACON. Yes, sir; I stated that I asked unanimous consent for the purpose of withdrawing the point of order.

The CHAIRMAN. Without objection, the section will be con-

sidered as restored to the bill.

Mr. SMITH of Iowa. Mr. Chairman, in connection with the matter under discussion yesterday, in reference to the insane hospital, I ask unanimous consent to print in the RECORD the appeal of Charity Ann Hoyle from the assessment on the prop-

The CHAIRMAN. The gentleman from Iowa asks leave to print a statement in the RECORD.

Mr. SMITH of Iowa. The appeal in the matter of this land. The CHAIRMAN. The Chair hears no objection. The appeal is as follows:

# APPEAL.

Washington, D. C., September 15, 1902.

WASHINGTON, D. C., Reptember 18, 1902.

To the Board of Equalization and Review, District of Columbia:

I, Charity A. Hoyle, residing on Hamilton road, Washington County, respectfully appeal from the assessment on the following-described property: Farm of 81.67 acres in plat 28, Hamilton road, in county, assessed at \$200 per acre in the name of Henry J. Hoyle, and request that the assessment be changed to \$100 per acre for the ground, for the reasons set forth in accompanying statement.

CHARITY ANN HOYLE.

CHARITY ANN HOYLE, Widow of Henry J. Hoyle, Congress Heights, D. C.

The CHAIRMAN. The Chair desires to ask the attention of the gentleman from Arkansas to page 169. The Chair understands two points of order were offered by the gentleman from Arkansas

Mr. MACON. I made a point of order against the last paragraph on that page.

The CHAIRMAN. The Chair understands. Without objection, the last paragraph will be reinstated in the bill. Is there objection? [After a pause.] The Chair hears none. The Clerk read as follows:

For the Court of Claims, \$15,000.

Mr. OTJEN. Mr. Chairman, I move to amend, in line 15, by striking out the word "fifteen" and inserting the word "eight-

The Clerk read as follows:

Line 15, strike out "fifteen" and insert "eighteen."

Mr. OTJEN. I desire to state that last year we passed a law that requires all the reports and printing to be charged up to the court. Formerly the reports sent here were paid for out of

Mr. TAWNEY. I will state to the gentleman from Wisconsin that the Committee on Appropriations now has under consideration the same item in the preparation of the general deficiency appropriation bill. There is no question about it being taken care of, but the committee is not at this time sufficiently advised as to the necessity of increasing the amount for the next fixed preparation of the sufficiency and it suggests to great the suggest the suggest to great fiscal year to accept it. It is a deficiency, and it ought to go on the general deficiency bill. The deficiency arises under the The Court of Claims must send their findings to Congress, and under the rules of the House these findings are referred to the appropriate committee and printed automatically, and the cost of the printing is charged up to the Court of Claims. It is something that we can not estimate for. That is how the defi-ciency arose, and it will be taken care of in the general deficiency bill.

Mr. OTJEN. With that statement I withdraw the amend-

ment.

The Clerk read as follows:

For salaries of members, officers, and employees of the Isthmian Canal Commission, including assistant purchasing and shipping agents, and all other employees in the United States, \$200,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 190, in line 3, strike out the words "two hundred" and insert in lieu thereof the words "one hundred and eighty-four."

The amendment was agreed to.

The Clerk read as follows:

The Clerk read as follows:

SEC. 2. All funds collected by the government of the Canal Zone from rentals of public lands and buildings in the Canal Zone and the cities of Panama and Coion, and from the Zone postal service, and from court fees and fines, and collected or raised by taxation in whatsoever form under the laws of the government of the Canal Zone, are hereby appropriated until and including June 30, 1908, as follows: The revenues derived from the postal service to the maintenance of that service; the remaining revenues, after setting aside a miscellaneous and contingent fund of \$10,000, to the maintenance of the public school system in the Zone and to public improvements within the Zone. A detailed statement of all receipts and expenditures under this paragraph shall be submitted to Congress after the close of the fiscal year 1908.

Mr. FINLEY. Mr. Chairman, I wish to reserve a point of order on section 2, just read. I should like to ask the chairman of the Committee on Appropriations what is the necessity for this legislation, permitting the money to be expended first

and accounted for afterwards?

Mr. TAWNEY. Mr. Chairman, at the present time there is absolutely no authority for the expenditure of the Isthmian Canal receipts for any purpose whatever. It is the purpose and policy of the Commission, so far as the maintenance of schools is concerned, and as far as the maintenance of their courts and their postal system is concerned, to have the cost paid out of the Canal Commission receipts. That is what they are doing at the present time. This will legalize what they have been doing, and we were obliged to do this because of the fact that they have no government there except under the Canal Commission. We authorize them to continue to collect these receipts and to apply them in the manner proposed here, and give to Congress a statement of the total amounts collected, and also a statement of the expenditures that have been made for those purposes which relate peculiarly to the government of the Zone.

Mr. FINLEY. Am I to understand that this proceeding has

been going on without any authority of law?

Mr. MANN. If the gentleman from Minnesota will pardon me, I think he is mistaken in reference to the collection of the receipts. The receipts are collected and turned into the Treasury of the United States.

Mr. TAWNEY. I beg the gentleman's pardon; they are not. The Government owns a number of buildings there, and it is proposed to turn the revenue from those buildings over to the

school fund in lieu of any other tax.

Mr. FINLEY. I understand the gentleman from Minnesota, the chairman of the Committee on Appropriations, to say that this would legalize what had been done heretofore without authority of law.

Mr. MANN. That is not my understanding of it.

Mr. TAWNEY. If the gentleman will bear with me just a moment I will turn to the hearings, where the general counsel of the Commission went over this matter very fully.

Mr. FINLEY. It is on page 892.
Mr. TAWNEY. Yes; it is on page 892.
Mr. FINLEY. I have read that; but I do not quite understand the necessity for this legislation. Who will have control of the expenditure of this money?

Mr. TAWNEY. The Canal Commission. I read from page

The CHAIRMAN. What are the revenues of the Zone? Mr. Rogers. They are estimated at \$160,000 for next year.

Mr. Rogers is the counsel of the Commission.

Mr. Rogers is the counsel of the Commission.

The Chairman. All that money is expended for schools?

Mr. Rogers. No, sir; it is not. Under the plan I recommended, the revenues of the Zone will be appropriated in about the following manner: All of the revenues which are derived from the postal service will be devoted to maintaining the postal service. The schools on the present basis cost about \$30,000, but in the course of the current year will cost very much more than that, because it is our desire to give an education to a large number of white children who are coming in, and also, so far as we can, to the native population, and that cost will probably ultimately rise to the neighborhood of \$50,000. We pay all of that out of the Zone revenues. The balance of the revenues are now collected very largely from the municipalities.

Mr. FINLEY. I have read that.

Mr. FINLEY. I have read that.
Mr. TAWNEY. I read this to show that the revenues have heretofore been applied by the Commission in the manner indicated

Mr. FINLEY. Then the Commission will expend this money? Mr. TAWNEY. Yes; and account to Congress for the aggregate of the expenditure, and also the purposes for which it was expended in detail.

Mr. LITTLEFIELD. I move to insert after the word "detailed" the words "and classified," in line 3, so that we will get a detailed and classified list of expenditures.

Mr. TAWNEY. I have no objection to that.
Mr. LITTLEFIELD. And then, after "expenditures," I move
to insert the words "without the duplication of items." I have
had some experience as to that in the Committee on Expenditures in the Department of Agriculture.

Mr. TAWNEY. I have no objection to either amendment,

The CHAIRMAN. The Clerk will report the amendments. The Clerk read as follows:

After the word "detailed," in line 3, page 194, insert "and classi-

After "expenditures," in line 4, page 194, insert "without the duplication of items."

The amendments were agreed to.

The Clerk read as follows:

The Clerk read as follows:

Sec. 4. That \$100,000 of the said appropriation for the fiscal year 1908, "For skilled and unskilled labor on the Isthmus for the departments of construction and engineering and administration," shall be transferred to the appropriation "For skilled and unskilled labor engaged in the health and sanitation department on the Isthmus of Panama" of the same act; that \$300,000 of the said appropriation "For skilled and unskilled labor on the Isthmus for the departments of construction and engineering and administration," shall be transferred to the appropriation "For miscellaneous expenditures" for the same departments, of the same act; that \$50,000 of the appropriation "For pay of officers and employees other than skilled and unskilled labor on the Isthmus, for the construction and engineering and administration departments," shall be transferred to the appropriation "For pay of officers and employees other than skilled and unskilled labor on the Isthmus," of the same act; and that any unexpended balance of the appropriation in the said bill "To continue the reequipment of the Panama Railroad" may be paid to the Panama Railroad Company to reimburse that company for direct expenditures for equipment and construction: Provided, That all expenses so reimbursed shall first be audited in all respects as if disbursed directly under the Commission.

Mr. TAWNEY. Mr. Chairman, on line 13, page 194, I move

Mr. TAWNEY. Mr. Chairman, on line 13, page 194, I move to strike out the word "eight" and insert the word "seven." This is an error in printing. It should be for the fiscal year 1907.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

On line 13, page 194, strike out the word "eight" and insert the word "seven."

The amendment was agreed to.

The Clerk proceeded and completed the reading of the bill. Mr. TAWNEY. Mr. Chairman, on the day that we commenced the consideration of the sundry civil bill, owing to some misunderstanding, there was a provision on page 32 that was stricken out on a point of order. Its importance is such that I am constrained to ask unanimous consent to return to page 32, at the top of page, and ask unanimous consent that that provision may be reinserted in the bill.

A MEMBER. What provision is it?

Mr. TAWNEY. It gives the Department the power to lease the buildings back of the post-office building, and also au-thority and an appropriation for the Department to make the necessary repairs for the occupants.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to turn to page 32. Is there objection? [After a pause.] The Chair hears none. If there be no objection, the paragraph described by the gentleman from Minnesota will be restored to the bill.

There was no objection.

Mr. TAWNEY. Mr. Chairman, that concludes the consideration of the bill, and I move the committee do now rise and report the bill and amendments to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to; accordingly the committee rose, and the Speaker having resumed the chair, Mr. Watson, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25745, the sundry civil appropriation bill, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass

The SPEAKER. Is a separate vote demanded on any of the amendments? If not, they will be considered in gross

Mr. BABCOCK. Mr. Speaker, I demand a separate vote on

the canteen proposition. Mr. TAWNEY. I hope, Mr. Speaker, that the gentleman will withdraw that demand. We want to pass the bill this evening,

and I have some doubts whether we have a quorum.

Mr. BABCOCK. I will withdraw the demand, Mr. Speaker.
Mr. TAWNEY. Mr. Speaker, I demand the previous question
on the bill and amendments to final passage.

The question was taken; and the previous question was or-

The amendments were considered and agreed to.

The bill was ordered to be engrossed and read the third time; was read the third time, and passed.

On motion of Mr. Tawney, a motion to reconsider the last vote was laid on the table.

TRANSFER OF BILL ON CALENDAR.

The SPEAKER. The Chair suggests to the House that House bill 10103 is a public claims bill and should be transferred from the Private Calendar to the Calendar of the Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

# LEAVE OF ABSENCE.

Mr. Nevin, by unanimous consent, was given leave of absence indefinitely, on account of serious illness in his family.

# WITHDRAWAL OF PAPERS.

Mr. Denby, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of J. E. Allen and C. E. Allen, Fifty-eighth Congress, no adverse report having been made thereon.

## STEPHEN M. HONEYCUTT.

The SPEAKER laid before the House the bill (H. R. 3498) for the relief of Stephen M. Honeycutt, with a Senate amendment.

The Senate amendment was read.

Mr. WILLIAMS. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

# RATIFYING ACT OF THE ASSEMBLY OF ARIZONA.

The SPEAKER laid before the House the bill (S. 8451) ratifying and confirming chapter 58 of the twenty-third legislative assembly of the Territory of Arizona, providing for repair of the Territorial bridge at Florence, Pinal County, Ariz., a similar House bill being on the Calendar.

The Clerk read the bill, as follows:

Be it enacted, etc., That chapter 58 of the session laws of the twenty-third legislative assembly of the Territory of Arizona, providing for the repair of the Territorial bridge at Florence, Ariz., approved March 16, 1905, be, and the same is hereby, ratified and approved.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. Williams, a motion to reconsider the last vote was laid on the table.

A similar House bill (H. R. 8969) was laid on the table.

The SPEAKER. The gentleman from Michigan [Mr. Denby] will act as Speaker pro tempore for the session to-morrow.

# ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 25601. An act to repeal the act approved January 22, 1903, granting a pension to Minerva Robinson;

H. R. 25242. An act to authorize additional aids to navigation in the Light-House Establishment, and for other purposes;

H. R. 14464. An act for the relief of Wiley Corbett

H. R. 25513. An act extending the time for making final proof in certain desert-land entries:

H. R. 2926. An act for the relief of the heirs of John Smith; H. R. 5169. An act for the relief of W. B. Sutter;

H. R. 25475. An act to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906;

H. R. 12858. An act permitting the county of Taos, in the Territory of New Mexico, to refund its indebtedness at a lower rate of interest; and

H. J. Res. 223. Joint resolution relating to the holders of medals of honor. The SPEAKER announced his signature to enrolled bills of

the following titles:

S. 6140. An act granting an increase of pension to Julia A. Birge;

S. 6177. An act granting an increase of pension to Louisa Anne Morton;

S. 6663. An act granting an increase of pension to Thomas M. Chase S. 6245. An act granting an increase of pension to Susan

Mahany

S. 6281. An act granting an increase of pension to Joseph C. Bowker

S. 6319. An act granting an increase of pension to Angus Fraser;

S. 6380. An act granting an increase of pension to Josiah B. Kinsman:

S. 6467. An act granting an increase of pension to John M. Smith:

S. 6127. An act granting an increase of pension to John R. Callender

S. 6475. An act granting an increase of pension to Harvey Key;

S. 6518. An act granting an increase of pension to William H.

S. 6531. An act granting an increase of pension to Francis A. Dory

S. 6567. An act granting an increase of pension to George C.

S. 6570. An act granting an increase of pension to George W. Cole:

S. 6910. An act granting an increase of pension to George F. Chamberlin:

S. 6606. An act granting an increase of pension to Alexander Sholl;

S. 6652. An act granting an increase of pension to Hiram H. Lockwood;

S. 6093. An act granting a pension to Hester A. Coller

S. 6044. An act granting an increase of pension to John H. Arnold ;

S. 6103. An act granting an increase of pension to William P. Visgor;

S. 5992. An act granting an increase of pension to Franklin Craig.

S. 5970. An act granting an increase of pension to Julia A. S. 5981. An act granting an increase of pension to John H.

La Vaque S. 12. An act granting an increase of pension to Nancy Little-

field: S. 6076. An act granting an increase of pension to John Mc-

Knight: S. 6078. An act granting an increase of pension to Elijah B.

Hudson; S. 161. An act granting an increase of pension to Ruth E.

Rogers S. 6634. An act granting an increase of pension to John P.

Murray: S. 6635. An act granting an increase of pension to John A. Morris:

S. 6672. An act granting an increase of pension to Hannah Peavey;

S. 6702. An act granting an increase of pension to Charles E.

Du Bois; S. 6711. An act granting an increase of pension to Harvey B. F. Keller;

S. 6713. An act granting an increase of pension to James L. Short

S. 6724. An act granting a pension to Mary W. Granniss;

S. 6726. An act granting an increase of pension to Mary A.

S. 6731. An act granting an increase of pension to Elizabeth H. Rice

S. 6734. An act granting an increase of pension to John C. Snell:

S. 6768. An act granting an increase of pension to John E. Hayes

S. 6774. An act granting an increase of pension to James B.

S. 6818. An act granting an increase of pension to John E.

S. 6838. An act granting an increase of pension to Samuel Shepherd;

S. 6899. An act granting an increase of pension to George H.

S. 6909. An act granting an increase of pension to William H. Adams ;

S. 6911. An act granting an increase of pension to George A.

S. 6665. An act granting an increase of pension to Samuel B. T. Goodrich;

S. 6669. An act granting an increase of pension to Timothy B. Lewis:

S. 6609. An act granting an increase of pension to John Shank

S. 6610. An act granting an increase of pension to Isaac John-S. 6612. An act granting an increase of pension to George H.

McClung; and

S. 6616. An act granting an increase of pension to Jacob P. Crooker.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL. Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 2324. An act granting a pension to Christina Vetter; H. R. 5497. An act granting a pension to Cora Allie Booth;

H. R. 5774. An act granting a pension to Cornelia Mitchell; H. R. 5926. An act granting a pension to Sarah C. Pitman;

H. R. 7255. An act granting a pension to Christopher Horn;

H. R. 9445. An act granting a pension to Ida E. G. Pierce; H. R. 10023. An act granting a pension to Martha J. Lewis; H. R. 10164. An act granting a pension to Emma L. Beatty;

H. R. 13163. An act granting a pension to Rittie Blackwell; H. R. 15492. An act granting a pension to William L. Tyler;

H. R. 16819. An act granting a pension to John V. Sumner; H. R. 16905. An act granting a pension to Anna E. Marble;

H. R. 16925. An act granting a pension to Johanne Lange;

H. R. 18519. An act granting a pension to Benjamin W. Mc-

H. R. 18874. An act granting a pension to Nannie T. Johnson; H. R. 19079. An act granting a pension to Phoebe Templeton;

H. R. 20148. An act granting a pension to Floral Fenzl H. R. 526. An act granting an increase of pension to Robert

H. R. 560. An act granting an increase of pension to Wilson

H. R. 561. An act granting an increase of pension to Giles

H. R. 654. An act granting an increase of pension to Amos J.

H. R. 1171. An act granting an increase of pension to Alfred Nichols

H. R. 1223. An act granting an increase of pension to Andrew Jarvis:

H. R. 1232. An act granting an increase of pension to John V.

H. R. 1242. An act granting an increase of pension to Luke Reynolds;

H. R. 1377. An act granting an increase of pension to Thomas G. Dallman

H. R. 1474. An act granting an increase of pension to Thomas C. Fisher

H. R. 1574. An act granting an increase of pension to Frank-

H. R. 1665. An act granting an increase of pension to Frederick E. Hayward;

H. R. 1728. An act granting an increase of pension to George C. Vance

H. R. 1767. An act granting an increase of pension to James H. Marcum

H. R. 1838. An act granting an increase of pension to Asa J.

H. R. 1851. An act granting an increase of pension to Ralph D. Parsons

H. R. 1890. An act granting an increase of pension to Adam Leak :

H. R. 2064. An act granting an increase of pension to Daniel Sullivan:

H. R. 2270. An act granting an increase of pension to John

H. R. 2821. An act granting an increase of pension to Turner J. Preble H. R. 2905. An act granting an increase of pension to Burr

Clark

H. R. 3239. An act granting an increase of pension to George W. Stewart :

H. R. 3785. An act granting an increase of pension to Frederick W. Wagner;

H. R. 4150. An act granting an increase of pension to John C. McGinis:

H. R. 4553. An act granting an increase of pension to William R. Wilkins

H. R. 4757. An act granting an increase of pension to Edward

H. R. 5029. An act granting an increase of pension to Beverly W. Sullivan;

H. R. 5050. An act granting an increase of pension to Ephraim M. Boltz

H. R. 5162. An act granting an increase of pension to James F. Travis

H. R. 5202. An act granting an increase of pension to Jennie R. Hunt:

H. R. 5388. An act granting an increase of pension to Silas Garrison;

H. R. 5627. An act granting an increase of pension to John C.

H. R. 5634. An act granting an increase of pension to John Redding;

H. R. 5800. An act granting an increase of pension to Joseph G. Maddocks H. R. 6206. An act granting an increase of pension to Stephen

J. Henning: H. R. 6237. An act granting an increase of pension to David

Bethurum: H. R. 6353. An act granting an increase of pension to John

Shobert; H. R. 6767. An act granting an increase of pension to Hobart

P. Sweet H. R. 7242. An act granting an increase of pension to Marcus

Davis: H. R. 7374. An act granting an increase of pension to Elijah C. Adelotte:

H. R. 7554. An act granting an increase of pension to Andrew Cramer ;

H. R. 7565. An act granting an increase of pension to Orville Dickinsón:

H. R. 7578. An act granting an increase of pension to Levi Hoskins

H. R. 7634. An act granting an increase of pension to Martha

H. R. 8408. An act granting an increase of pension to Richard

H. R. 8503. An act granting an increase of pension to David

C. May; H. R. 8682. An act granting an increase of pension to James

H. R. 8770. An act granting an increase of pension to Charles W. Burgess

H. R. 8775. An act granting an increase of pension to Carrie Diefenbach;

H. R. 8785. An act granting an increase of pension to John

H. R. 9256. An act granting an increase of pension to Martha E. Sanford: H. R. 9448. An act granting an increase of pension to Thomas

B. Hockley

H. R. 9664. An act granting an increase of pension to Edwin C. Durfey

H. R. 9785. An act granting an increase of pension to William

H. R. 9838. An act granting an increase of pension to Joseph H. R. 9850. An act granting an increase of pension to Benja-

min F. Williams H. R. 10212. An act granting an increase of pension to Charles

M. Arnold;

H. R. 10241. An act granting an increase of pension to Joseph

H. R. 10301. An act granting an increase of pension to George N. Beymer

H. R. 10431. An act granting an increase of pension to Charles W. Kenisston; H. R. 10739. An act granting an increase of pension to N. Del-

mont McReynolds;

H. R. 10889. An act granting an increase of pension to William H. Garrison

H. R. 10935. An act granting an increase of pension to Annie

L. Boone; H. R. 11198. An act granting an increase of pension to Eman-

uel Sandusky;
H. R. 11285. An act granting an increase of pension to Wil-

liam Kirkpatrick; H. R. 11621. An act granting an increase of pension to Hollis

H. R. 11845. An act granting an increase of pension to Wil-

liam J. Clark; H. R. 11848. An act granting an increase of pension to George

E. York H. R. 11995. An act granting an increase of pension to Wesley

Layton: H. R. 12240. An act granting an increase of pension to Albert

J. Ackerley H. R. 12344. An act granting an increase of pension to An-

drew J. Sproul; H. R. 12346. An act granting an increase of pension to Abra-

ham D. Stouffer;

H. R. 12349. An act granting an increase of pension to Edgar M. Barber

H. R. 12353. An act granting an increase of pension to Jacob Little

H. R. 12563. An act granting an increase of pension to Andrew L. Hook ;

H. R. 12580. An act granting an increase of pension to Charles

H. R. 12631. An act granting an increase of pension to James

H. R. 12969. An act granting an increase of pension to Alexander Buck

H. R. 13012. An act granting an increase of pension to Charles L. Cole

H. R. 13133. An act granting an increase of pension to Gilbert W. Clark :

H. R. 13334. An act granting an increase of pension to Erastus

H. R. 13810. An act granting an increase of pension to Abraham J. Simmons;

H. R. 13816. An act granting an increase of pension to Thomas McPeek

H. R. 13963. An act granting an increase of pension to William H. Turner;

H. R. 14104. An act granting an increase of pension to Milton Brown

H. R. 14228. An act granting an increase of pension to Abram Nussbaum:

H. R. 14244. An act granting an increase of pension to Edwin R. Phillips:

H. R. 14779. An act granting an increase of pension to Willard Wheeler;

H. R. 15241. An act granting an increase of pension to Samuel De Haven

H. R. 15452. An act granting an increase of pension to Solomon Stanfield;

H. R. 15543. An act granting an increase of pension to George W. Maynard;

H. R. 15688. An act granting an increase of pension to Esther

H. R. 15879. An act granting an increase of pension to Jacob

H. R. 16192. An act granting an increase of pension to Charles Reed

H. R. 16221. An act granting an increase of pension to Job Clark

H. R. 16261. An act granting an increase of pension to John P. Bare

H. R. 16343. An act granting an increase of pension to Francis D. Matheny

H. R. 16439. An act granting an increase of pension to Pat-

H. R. 16607. An act granting an increase of pension to Mary Denny;

H. R. 16608. An act granting an increase of pension to Catharine McNamee;

H. R. 16687. An act granting an increase of pension to Jefferson G. Turner;

H. R. 16718. An act granting an increase of pension to James Miltimore

H. R. 16834. An act granting an increase of pension to Allan S. Rose

H. R. 16839. An act granting an increase of pension to Benjamin F. Johnson;

H. R. 16939. An act granting an increase of pension to Patterson Reese

H. R. 17002. An act granting an increase of pension to Levi Deater

H. R. 17091. An act granting an increase of pension to George Myers

H. R. 17245. An act granting an increase of pension to Joseph

H. R. 17307. An act granting an increase of pension to John A. Baker

H. R. 17394. An act granting an increase of pension to Albert W. Boggs

H. R. 17655. An act granting an increase of pension to Fritz Dittmann

H. R. 18040. An act granting an increase of pension to Thomas Akin;

H. R. 18110. An act granting an increase of pension to Asail

H. R. 18396. An act granting an increase of pension to John

H. R. 18515. An act granting an increase of pension to Martin Johnson:

H. R. 18518. An act granting an increase of pension to William W. Wertman:

H. R. 18556. An act granting an increase of pension to William H. De Bruler

H. R. 18571. An act granting an increase of pension to Ann

H. R. 18604. An act granting an increase of pension to Thomas M. Luman; H. R. 18653. An act granting an increase of pension to Rich-

ard Limbird H. R. 18814. An act granting an increase of pension to Francis

G. Knapp; H. R. 18831. An act granting an increase of pension to James

H. R. 18993. An act granting an increase of pension to James

H. R. 19065. An act granting an increase of pension to William

R. Rodenberger H. R. 19069. An act granting an increase of pension to Cornelius A. Willis;

H. R. 19106. An act granting an increase of pension to Margaret Epperson;

H. R. 19125. An act granting an increase of pension to Mary W. Humphreys

H. R. 19291. An act granting an increase of pension to Charles Bachman;

H. R. 19421. An act granting an increase of pension to Ella A.

H. R. 19580. An act granting an increase of pension to Jane Williamson

H. R. 19594. An act granting an increase of pension to Hosea Hudson: H. R. 19599. An act granting an increase of pension to William

J. Large H. R. 19658. An act granting an increase of pension to Ary S.

Bennett: H. R. 19739. An act granting an increase of pension to Henry

D. Miner : H. R. 19794. An act granting an increase of pension to Henry

C. Jewett; H. R. 19937. An act granting an increase of pension to Mil-

dred L. Allee; H. R. 20003. An act granting an increase of pension to William

Yahn: H. R. 20004. An act granting an increase of pension to Isaiah

Perkins H. R. 20057. An act granting an increase of pension to Cynthia

H. R. 20062. An act granting an increase of pension to Philip

H. R. 20082. An act granting an increase of pension to William

Van Alst;

H. R. 20155. An act granting an increase of pension to Frank L. Weiss, alias Louis Weiss

H. R. 20170. An act granting an increase of pension to Mathias Mannes

H. R. 20183. An act granting an increase of pension to Catherine Way

H. R. 20217. An act granting an increase of pension to Ferdinand Kunkel:

H. R. 20270. An act granting an increase of pension to Michael

H. R. 20299. An act granting an increase of pension to Lizzie E. Enright;

H. R. 20414. An act granting an increase of pension to Albert

H. R. 20588. An act granting an increase of pension to Nich-

olas S. Cantine; H. R. 20590. An act granting an increase of pension to Hannah O. Reynolds;

H. R. 20622. An act granting an increase of pension to Samuel Shoener

H. R. 20840. An act granting an increase of pension to Thomas M. Lord:

H. R. 20886. An act granting an increase of pension to William W. Bell;

H. R. 20890: An act granting an increase of pension to Lafayette Doughty

H. R. 20952. An act granting an increase of pension to John

H. R. 20054. An act granting an increase of pension to Henry

McDevitt: H. R. 20956. An act granting an increase of pension to James Kenney

H. R. 20959. An act granting an increase of pension to William G. Dickey

H. R. 20961. An act granting an increase of pension to George

F. Fogg H. R. 20963. An act granting an increase of pension to Rianzo

M. Norton H. R. 20972. An act granting an increase of pension to George

W. Rothrock H. R. 20999. An act granting an increase of pension to John H.

H. R. 21040. An act granting an increase of pension to Ella C.

H. R. 21052. An act granting an increase of pension to Edmund A. Locker

H. R. 21055. An act granting an increase of pension to Archibald Bates

H. R. 21073. An act granting an increase of pension to Michael Harman:

H. R. 21085. An act granting an increase of pension to Anthony Patterson

H. R. 21131. An act granting an increase of pension to Cornelius Shea

H. R. 21141. An act granting an increase of pension to George E. Castor, alias George E. Custer ;

H. R. 21244. An act granting an increase of pension to Levi E. Eldred:

H. R. 21262. An act granting an increase of pension to Margaret Adams; H. R. 21267. An act granting an increase of pension to Jerome

B. Clark ; H. R. 21284. An act granting an increase of pension to Wil-

liam Earnest: H. R. 21306. An act granting an increase of pension to James

Pool: H. R. 21336. An act granting an increase of pension to Her-

mann Hoffmeister; H. R. 21337. An act granting an increase of pension to Henry J. Barrows

H. R. 21342. An act granting an increase of pension to Charles A. Parker

H. R. 21348. An act granting an increase of pension to William Seymour Alden;

H. R. 21430. An act granting an increase of pension to Alonzo

H. R. 21525. An act granting an increase of pension to John Short

H. R. 21559. An act granting an increase of pension to William Ivers

H. R. 21562. An act granting an increase of pension to Valentine Goebel:

H. R. 21608. An act granting an increase of pension to Louis Green:

H. R. 21659. An act granting an increase of pension to Rose Sevin:

H. R. 21711. An act granting an increase of pension to Thor Nelson

H. R. 21734. An act granting an increase of pension to Ste-

phen B. H. Shanks; H. R. 21746. An act granting an increase of pension to William N. Carlisle;

H. R. 21784. An act granting an increase of pension to William Hall;

H. R. 23235. An act granting an increase of pension to James L. Barney

H. R. 24358. An act granting an increase of pension to John R. Cauley;

H. R. 20352. An act granting a pension to Martha Stevens;

H. R. 21352. An act granting a pension to Hester A. Parrish; H. R. 21038. An act granting a pension to Lucy A. Gaylord; and

H. R. 21130. An act granting a pension to Margaret McNally. SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 8316. An act for the establishment of a park on the northern portion of the Coeur d'Alene Indian Reservation in Idahoto the Committee on Indian Affairs.

#### ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Sunday, February 24, at 10 o'clock a. m.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Chairman of the Interstate Commerce Commission, transmitting a report of investigations of block-signal system and appliances for the automatic control of railway trains-to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of The Trustees of the Cumberland Presbyterian Church, Pulaski, Tenn., against The United States-to the Committee on War Claims, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FOSS, from the Committee on Naval Affairs, to which was referred the joint resolution of the House (H. J. Res. 236) authorizing the Secretary of the Navy to furnish metal for a bell, reported the same with amendment, accompanied by a report (No. 8073); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURRIER, from the Committee on Patents, to which was referred the bill of the House (H. R. 22678) to provide increased force and salaries in the United States Patent Office, reported the same with amendments, accompanied by a report (No. 8075); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 24539) to prohibit in the District of Columbia the intermarriage of whites with negroes or Mongolians, reported the same without amendment, accompanied by a report (No. 8072); which said bill and report were referred to the House Calendar.

### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as folows

By Mr. LAMAR: A bill (H. R. 25795) to authorize the Pensacola and North Eastern Railroad Company, a corporation existing under the laws of the State of Florida, to construct a bridge over the Escambia River, between the counties of Santa Rosa and Escambia, in the State of Florida-to the Committee on

Interstate and Foreign Commerce.

By Mr. MILLER: A bill (H. R. 25796) authorizing the Secretary of the Interior to segregate, survey, and schedule towns in that part of the Choctaw and Chickasaw nations heretofore segregated as coal and asphalt lands, in accordance with act of Congress approved June 28, 1898, and to reappraise the town of Hartshorne, in the Indian Territory, and to provide the expenses incident thereto—to the Committee on Indian Affairs.

By Mr. SMITH of Kentucky: A bill (H. R. 25797) to authorize the purchase of a portrait of Henry Clay—to the Committee

on the Library

By Mr. CALDER (by request): A joint resolution (H. J. Res. 252) relating to the disappearance of our foreign trade balances—to the Committee on Ways and Means.

By Mr. SMITH of Arizona: Memorial of the legislature of Arizona, asking appropriation by Congress for conducting the Territorial legislative assembly of said Territory—to the Committee on the Territories.

Also, memorial of the legislative assembly of Arizona, asking for an appropriation for controlling the waters of the Gila

River—to the Committee on the Public Lands.

Also, memorial of the legislature of Arizona, asking Congress to increase the per diem of the legislators of certain Territories.—to the Committee on the Territories.

By Mr. BURKE of South Dakota: Memorial of the legislature of South Dakota, asking Congress to pass a law enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the legislature of South Dakota, asking Congress to open Tripp County, S. Dak., to homestead settle-

ment-to the Committee on Indian Affairs.

# PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:
By Mr. ANDREWS: A bill (H. R. 25798) granting a pension

to Samuel Barbeau-to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 25799) granting an increase of pension to Jacob L. Roseberry—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 25800) granting a pension

to John Collins—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 25801) granting an honorable discharge to Seth Davis—to the Committee on Military Affairs.

By Mr. GOULDEN: A bill (H. R. 25802) granting an increase of pension to Jeremiah Haley-to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 25803) granting an increase of pension to William R. Hicks—to the Committee on Invalid

By Mr. LAMAR: A bill (H. R. 25804) granting an increase of pension to J. A. Houseman-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25805) granting an increase of pension to Edwin L. Carrington—to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 25806) granting an increase of pension to George Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25807) granting an increase of pension to

Orange S. Church—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 25808) granting relief to Charles Aholt and others—to the Committee on Claims.

By Mr. SCHNEEBELI: A bill (H. R. 25809) granting an increase of pension to George Seegfried—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 25810) granting an increase of pension to Alfred Booze-to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Emergency Society of the Carolinas, for the Appalachian and White Mountain reserve bill—to the Committee on Agriculture.

Also, petition of the Hardwood Manufacturers' Association of the United States, for an appropriation for improvement of in-

terior waterways-to the Committee on Rivers and Harbors.

Also, petition of the Real Money Association, of Shawnee County, Kans., against legislation tending to contraction of the currency-to the Committee on Banking and Currency.

Also, petition of the United Commercial Travelers of America, for the Sherman mileage-rate bill-to the Committee on Interstate and Foreign Commerce.

Also, petition of various organizations of citizens in the States and the District of Columbia, against the Littlefield bill-to the

Committee on the Judiciary.

By Mr. BARCHFELD: Petitions of citizens of Randolph, Ind.; Mount Carmel, Pa.; Albert Lea, Minn.; Mercer, Ill.; Deuel, S. Dak.; Ben Hill, Ga.; Bradford, Pa., and Lee, Ill., against bill S. 5221, to regulate osteopathy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DALE: Petition of Daniel Gallagher, against the House committee substitute for the sixteen-hour bill—to the

Committee on Interstate and Foreign Commerce.

Also, petition of the Washington Stock Exchange, against bill S. 6906, for the incorporation of banks in the District of Columbia-to the Committee on the District of Columbia.

Also, petition of the First Methodist Church of Dalton, Pa., for the Littlefield bill-to the Committee on the Judiciary.

Also, petition of Gunster Brothers, for bill S. 6923, for better protection of packages sent through the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. DEEMER: Petitions of Eureka Legion, No. 241; West Branch Legion, No. 995; North Bend Legion, No. 944; Hughesville Legion, No. 1160, and Haytville Legion, No. 12, Order of the National Protective Legion, against House Document No. 608, to amend and codify the statutes relating to the classification of second-class matter and the rates of postage thereon—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Paper to accompany bill for relief of Dr. James Carroll-to the Committee on Military Affairs.

By Mr. DUNWELL: Paper to accompany bill for relief of Dr. James Carroll—to the Committee on Military Affairs.

By Mr. ESCH: Paper to accompany bill for relief of Elicta E. Brooks—to the Committee on Pensions.

By Mr. FITZGERALD: Petition of the California State Federation of Labor, against the position of the President relative to the Japanese in California—to the Committee on Foreign Affairs.

Also, petition of the Washington Stock Exchange, against bill S. 6906, for incorporation of banks in the District of Columbiato the Committee on the District of Columbia.

Also, petition of the Woman's Republican Club, for an investigation as to the condition of women and child laborers in

the United States—to the Committee on Labor.
. Also, petition of the National Institute of Arts and Letters, in favor of a liberal copyright law-to the Committee on Patents.

By Mr. FLOYD: Paper to accompany bill for relief of Green Mhoon (previously referred to the Committee on Invalid Pento the Committee on Military Affairs.

By Mr. GOULDEN: Paper to accompany bill for relief of

Dennis Reardon—to the Committee on Military Affairs.

By Mr. HUFF: Petition of the Washington Stock Exchange, against bill S. 6906, for incorporation of banks in the District of Columbia-to the Committee on the District of Columbia.

Also, petition of E. W. Clark, against bill H. R. 13655 (the

Littlefield bill)—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of James Carroll-to the Committee on Military Affairs.

By Mr. WILLIAM W. KITCHIN: Paper to accompany bill

for relief of William A. Fretwell-to the Committee on Claims. By Mr. MANN: Petition of the transportation committee of

the Chicago Canal Association, against the reciprocal demurrage bill-to the Committee on Interstate and Foreign Commerce

By Mr. MINOR: Petition of Sturgeon Bay Legion, No. 686, Order of the National Protective Legion, against bill to amend and codify the statutes relating to second-class mail matter (House Document No. 608)—to the Committee on the Post-

Office and Post-Roads.

By Mr. NORRIS: Petition of Headquarters of the Union Veterans' Union, for bill H. R. 24544 (volunteer officers of the civil war on the retired list)—to the Committee on Military. Affairs

By Mr. OVERSTREET: Paper to accompany bill for relief of Dr. James Carroll—to the Committee on Military Affairs.

By Mr. PEARRE: Petition of Hagerstown (Md.) Typographical Union, favoring bills S. 6330 and H. R. 19853, the copyright law; with amended clause requiring legal affirmation as to compliance with the law—to the Committee on Patents.

By Mr. PRINCE: Petition of the Evening Mail, of Galesburg, Ill., against tariff on linotype machines-to the Committee on Ways and Means.

By Mr. REYNOLDS: Petition of the Woman's Christian

Temperance Union of Altoona, Pa., for bill H. R. 13655 (the Littlefield bill)—to the Committee on the Judiciary

By Mr. REYBURN: Petition of the Washington Stock Exchange, against bill S. 6906, for incorporation of banks in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Dr. Hertzel Lodge, No. 14, J. O. S. of Jacob, approving action of the House in the rejection of the proposed literary test for admission of immigrants, etc.-to the Committee on Immigration and Naturalization.

By Mr. WOOD: Paper to accompany bill for relief of Alfred Booze-to the Committee on Invalid Pensions.

# HOUSE OF REPRESENTATIVES.

SUNDAY, February 24, 1907.

The House met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows:

Let not your heart be troubled: ye believe in God, believe also in me.

In my Father's house are many mansions: if it were not so, I

would have told you. I go to prepare a place for you.

For we know that if our earthly house of this tabernacle were dissolved, we have a building of God, an house not made with hands, eternal in the heavens.

For in this we groan, earnestly desiring to be clothed upon with our house which is from heaven

If so be that being clothed we shall not be found naked.

For we that are in this tabernacle do groan, being burdened: not for that we would be unclothed, but clothed upon, that mortality might be swallowed up of life.

Now he that hath wrought us for the selfsame thing is God, who also hath given unto us the earnest of the Spirit.

For I am persuaded that neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come.

Nor height, nor depth, nor any other creature shall be able to separate us from the love of God, which is in Christ Jesus our

Eternal God, our heavenly Father, whose heart goes out in approbation and love to those who seek to do Thy will and thus add to the sum of human happiness and departing leave the world a little better that they have lived and wrought.

We thank Thee for the men whose characters and deeds we are here to memorialize, men whose gifts and talents fitted them in an eminent degree for the onerous duties laid upon them by their fellow-citizens. Let Thy blessing, we beseech Thee, be upon this service, that those who shall record their tribute of love and respect may inspire those who shall come after them to faithful service.

We thank Thee for the hope of immortality which lifts us in our better moments to larger life and nobler deeds and which bids us look forward to a brighter world beyond the confines of earth. Let Thine everlasting arms be about those who mourn the loss of their dear ones, and in Thine own good time bring them to dwell together in one of the many mansions prepared for those who love the Lord, and Thine be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

RECESS.

Mr. BISHOP. Mr. Speaker, I move that the House take a recess until 10.30 a. m.

The SPEAKER pro tempore (Mr. DENBY). The question is on the motion of the gentleman from Michigan.

The question was taken, and the motion was agreed to.

The recess having expired, the Speaker pro tempore [Mr. BISHOP] called the House to order.

EULOGIES ON THE LATE SENATOR ALGER.

Mr. DENBY. Mr. Speaker, I offer the following resolutions, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. RUSSELL A. ALGER, late a Senator from the State of Michigan.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjuvened.

journed.

Resolved, That the Clerk communicate these resolutions to the

senate. Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolutions.

The question was taken, and the resolutions were agreed to.

Mr. DENBY. Mr. Speaker, I ask unanimous consent that leave to print upon the subject of the day's exercises be extended to all Members of the House for a period of ten days.

The SPEAKER pro tempore. Is there objection?

There was no objection, and it was so ordered.

Mr. DENBY. Mr. Speaker, the truest tribute to the departed is the silent requiem that chants in the hearts of a great people when death comes to a loved and honored leader. main may vie with one another in the superlatives of praise, we may exhaust the language of eulogy—we do not add one jot or tittle to the fair fame of the illustrious dead. As it is beyond our power to take from him any part of that respect and love that have been his reward in life, so it is idle to suppose that we can control the hand of history and by our feeble efforts make him nobler, better, greater than he was. He, the dead, whom we vainly strive to exalt, gains nothing by our praise. His place is secure, and the story of his life becomes a cherished possession-his legacy to the living.

We have gathered here to-day to pay this public honor to our lamented Senator, Russell A. Alger. But the great heart of Michigan has rendered to him in death an honor so perfect that no eulogy spoken here can add to its simple dignity. tribute can there be so earnest and so pure as the bowed heads

and the bitter tears of a mourning populace?

Michigan, which so greatly honored him in life, received him home as a sorrowing mother receives the body of her son. Upon a day of bitter cold the train arrived. Snow covered the streets of Detroit. It was Sunday morning, and, free from the engage-ments of their week-day toil, the citizens of the Senator's home chose to spend their holiday standing in the rigors of the open air to pay their sad tribute. The beautiful city opened wide her tender arms and took him to her heart again. suggested another great occasion, when, having left the Cabinet of President McKinley, the affectionate sympathy of Detroit went out to him and she made him welcome home. Then flags and music and mighty cheers showed their loyalty and devo tion; but when last he returned the concourse that filled all the thoroughfares stood silent and stricken as he passed them by. As one was the generous outburst of sympathy and honor, that all the world might know how true to the living statesman beat the heart of Michigan when causeless slight was put upon him, so the other was the reverent expression of her grief when he came home to stay forever. And upon the next day, when the last honors were paid and the bugles sounded taps over the soldier's grave, again in the winter weather the people of Michigan came out to say farewell. The streets were crowded, the cemetery thronged with a silent multitude. All classes, all ages, all conditions, one purpose—to honor General Alger, representative and friend to all, benefactor to many. Delicate women, busy men, veterans of the great war, worn and feeble that their country might be safe and strong, the sires of '61 and the sons of '98, all standing bareheaded in the snow when the General came home.

Ah, sir, there was tribute, there was eulogy, such as few eccive. What inspiration to the living in this high honor to receive. the dead! And these scenes, Mr. Speaker, but lately I was witness of. With the thought of this living, throbbing eulogy so freshly present in my mind, Mr. Speaker, do you think I can try to-day to eulogize Michigan's loved Senator? But there is no study more inspiring than that of the nation's patriots, who in many walks of life have illustrated the energy, adaptability, and capacity that have always marked the men of America; there is no duty more grateful than that of paying loving respect to their memory. That study and that duty are ours to-day.

General Alger was a typical product of his day and nation.' It is the glory of our country that this is so. Many other of his contemporaries raised themselves by their unaided efforts, as he did, from poverty to affluence, from obscurity to fame. Many other men fought gallantly at his side in the great struggle of 1861—the new birth of freedom upon this continent. It is well with a nation when this is so. I take nothing from his fame when I say he came into being in a generation when great emergency raised up many great men to meet it; great fighters like himself, great statesmen, great patriots. is said that every emergency breeds its master, as the Revolution bred Washington; as the civil war, Lincoln; the military exigency, Grant, when it seemed that Grant, and only Grant, could wear out the gallant forces of the South. But it seems to me that, be the emergency great enough, it will breed, in this country at least, not one man, but a nation of men of giant mold, men fit to cope with anything, men of one idea, if you like, men at least with but one fear, and that of dishonor.

The civil-war epoch was the heroic period of our national Men grew to their full stature then. So terrible a strug-

gle, waged on both sides for principle's sake, could not fail to develop the greatest qualities in the character of its partici-When a man leaves all that home may mean, to incur the horrors of march and battlefield and offers upon the altar of his country and his conscience, health and life and hope of the future, there is, Mr. Speaker, something stirring within him that proves him one with the Eternal. And when an entire nation dedicates itself to furious warfare, one part against another of the same great people, for four long years, and gladly suffers all the unspeakable agonies of that awful struggle until for very exhaustion the sword falls from the hand of one party to the conflict, may we not say, sir, that that nation was not born to die? It, too, has shown itself of the immortals. I do not propose to burden this paper with statistics; but, sir, to show where Michigan stood during this time and what she did to prove her right of equality in the sovereign sisterhood of States, I give you these facts only:

On the outbreak of the war there were in Michigan about 775,000 inhabitants. During the war Michigan sent to the Federal Army 90,747 soldiers, or about 12 per cent of the entire population and about 60 per cent of her able-bodied sons. Of the 90,747 men and boys whe served under the flag, 177 officers were killed on the field, 85 officers died of wounds, and 96 of disease, 358 in all; and 2,643 men were killed, 1,302 died of wounds, and 10,552 died of disease, or 14,497 enlisted men, a total of all ranks who died during the war of 14,855, about 16 per cent of all soldiers engaged from the State. This does not take into account the great host whose lives were shortened and whose health was destroyed. A notable fact in regard to this splendid army of volunteers from Michigan is that 67,468 of the men were native-born American citizens. Of the remainder, nearly 9,000 were Canadians, and about 13,000 were natives of

the British Isles and Germany.

Let me call your attention to one striking fact in regard to the mortality list. Two hundred and sixty-two officers were killed or died of wounds out of a total of 358 in all who died. Those men were well led whose officers died in such numbers on the field of battle. Against the lurid background of the war General Alger first comes into public view, as captain of Company C, Second Michigan Cavalry. Thereafter, through successive promotions earned by skill in the handling of troops and gallantry on the field, he rose to be colonel of the Fifth Michigan Cavalry, and later was brevetted major-general of United States Volunteers. There is not time to recite here the many conflicts in which he participated or the many deeds of daring he performed during his service in the Army. Certain it is that he was a brave and able soldier, leading his men with dash and view into the forcest of the fighting. vigor into the fiercest of the fighting, wherever it was to be found. He was the typical cavalryman, infinitely careful of the health, comfort, and well-being of his troopers when care could be shown, utterly reckless of their lives and of his own when attacking the enemy. The whole great story, full as it is of romance and of valorous devotion to duty, is told in this one sentence from the Congressional Directory:

Brevet major-general, United States Volunteers, June 11, 1865, for gallant and meritorious services during the war, having participated in sixty-six battles and skirmishes.

Sixty-six battles and skirmishes! Sixty-six occasions when death was an ever-present possibility, generally a probability; when the young life, with all its courage and all its hopes, afterwards so abundantly realized, was freely offered for the flag.

Let me touch very briefly upon one only of these many engagements. I quote his own account of the dreadful days at Gettysburg, July 3 and 4, 1863. It will be remembered that the plans of Lee are supposed to have contemplated a cavalry charge on the Federal right, which, with Pickett's terrific on-slaught on the center, was to break the line and give the victory to the Confederate forces. Had Stuart been successful in getto the Confederate forces. Had stuart been successful in get-ting to the rear of the Federal position, no one can tell what might have been the outcome. That historic spot, now known as the "High-water mark of the rebellion," might have been in-stead the low-water mark of southern reverses, from which the gray tide might have swept on, whither no one knows. At any rate it is certain that the cavalry action on the right of the Federal line was of critical importance. General Alger, in a report made to the Adjutant-General of the Army, July 1, 1880, thus describes the part his men took at Gettysburg:

July 3. At 10 a. m., our brigade being on the right of the army, the enemy's cavalry, under General Stuart, appeared in our front in large force. I was ordered to dismount my regiment and attack him, which I did, driving him back about half a mile and into a thick wood. Here he rallied and attacked me and was repulsed, but with a heavy loss to my regiment, as well as to him. Again he attacked me, moving round on my left flank, but was again repulsed. In this last attack I also sustained a serious loss, including the gallant Maj. Noah H. Ferry (brother of United States Senator Ferry), of my regiment.

Being unable to hold my position longer, my ammunition being nearly exhausted, and while the enemy was diverted by a charge

of the Seventh Cavalry, Colonel Mann, on my right, I fell back and mounted my regiment. While mounting the enemy charged past my right flank, about 40 rods distant, driving the Seventh Michigan back in confusion. At that moment, having mounted a portion of my command, I directed Major Trowbridge to take it and charge the enemy, which he did gallantly, having his horse shot and killed under him in so doing.

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A few moments later the balance of the regiment was engaged and the enemy checked and driven from the field, only, however, to rally and come down upon our brigade in still greater numbers. This charge was met by Colonel Town with his First Michigan, which had been held in reserve until now, who charged, checked, and broke the enemy's ranks, driving him from the field in confusion, assisted by the other regiments of the brigade.

This left our brigade in possession of that hotly contested field, and night having closed in, this terrible battle ended, and at our left, where the roar of cannon and muskerty had been kept up all day, all was now quiet except occasional desultory firing along the line. My loss in killed and wounded was very severe. Major Ferry, who was cheering his battalion to hold its ground, was instantly killed. His death cast a deep gloom upon the whole brigade. He was a gallant soldier and an exemplary man, and his loss was a great blow. July 4, at 10 o'clock a. m., our division marched from Gettysburg battlefield to intercept the enemy, who was retreating along the South Mountain road toward Williamsport. We marched, via Emmettsburg, up the road leading to Monterey, a small place, as it appeared in the night, on the top of South Mountain Range, the Fifth Michigan Cavalry being in the advance. As we approached the summit of the mountain about midnight (the night being very dark) we were surprised by the enemy opening fire upon us with two howitzers charged with grapeshot, at short range. The confusion following was only for a moment, and they were soon driven off and the command moved forward. Arriving at the summit of the mountain, the trains of the enemy could be distinctly heard moving along down the road which intercepted the line of our march, the road leading down the west slope

General Custer, who commanded the cavalry brigade engaged during the battle, in his official report, made August 22, 1863,

The enemy was soon after reported to be advancing on my front. The detachment of fifty men sent on the Oxford road were driven in, and at the same time the enemy's line of skirmishers, consisting of dismounted cavalry, appeared on the crest of the ridge of hills on my front. The line extended beyond my left. To repel their advance I ordered the Fifth Michigan Cavalry to a more advanced position, with instructions to maintain their ground at all hazards. Colonel ALGER, commanding the Fifth, assisted by Majors Trowbridge and Ferry, of the same regiment, made such admirable disposition of their men behind fences and other defenses as enabled them to successfully repel the repeated advance of a greatly superior force. I attribute their success in a great measure to the fact that this regiment is armed with the Spencer repeating rifle, which in the hands of brave, determined men, like those composing the Fifth Michigan Cavalry, is, in my estimation, the most effective firearm that our cavalry can adopt. Colonel ALGER held his ground until his men had exhausted their ammunition, when he was compelled to fall back on the main body. The beginning of this movement was the signal for the enemy to charge, which they did with two regiments, mounted and dismounted.

During his military career General Alger was at different times severely wounded, captured by the enemy, but escaped, and stricken with fever.

When at last the war was over he returned to Michigan and took up the pursuits of peace with the same courage, vigor, and intelligence that marked his military career. He had no fortune to repair, but one to make. The rapidly growing business of the State and the great lumber industry, then in its infancy, offered opportunities of which he was not slow to avail himself. By his own ability and farsighted business skill he made a great success in business and was soon numbered among the most prosperous and influential men in the State, and so remained until his death.

Michigan has always loved and honored the General. made him her governor, then the President made him Secretary of War, and after he had left that position Michigan sent him to the United States Senate. It was my pleasant privilege, as a member of the legislature of 1903; to make the first seconding speech in behalf of General Alger. Upon that occasion I was so impressed with the unanimity of the sentiment in his favor that I referred to this vote in the legislature as merely confirmatory of the action of the people, taken by popular vote, without

the formality of a ballot.

If I were asked to name the qualities of General Alger which more than any other accounted for his remarkable success in political life and for the devotion of his friends, I would say his kindness, generosity, tact, and sweetness of disposition, the great human attributes that charm and attract and make the world akin. His course through life was marked by many deeds of unostentatious charity. How much he gave will never be

known, but that his bounties were very large is certain from the occasional instances brought to public notice. In Detroit he was mourned by none more sincerely than by the newsboys of that city. They have there a large organization consisting of six or seven hundred members, called the "Newsboys' Association." General Alger helped the boys in and out of the association with clothing and other necessaries and with his kindly cheer, year after year, until he became the "newsboys' friend," a badge of honor he was well worthy to wear. How many other persons there are who regard his passing as the loss of their best earthly friend can not be known. His charities he tried to hide, but you will hear to-day some instances that could not be concealed. He rendered back to society in constant benefactions the riches it gave to him. He was one of the kindest, most lovable men in public life.

Mr. Speaker, General Alger met death as a friendly messenger, not unexpected and, save for the pain of parting from those whom he loved so well, and who in their sorrow have our tenderest sympathy, the summons was not unwelcome. He faced the end in that perfect peace that is the reward of a life well He was engaged to the last in the discharge of the duties of his high office, and when the time came it found him ready to go. I think Tennyson's last poem gave General Alger's

feeling toward death so clearly I quote it here:

Sunset and evening star
And one clear call for me,
And may there be no moaning of the bar
When I put out to sea. But such a tide as moving seems asleep,
Too full for sound and foam,
When that which drew from out the boundless deep
Turns again home. Twilight and evening bell And after that the dark, And may there be no sadness of farewell When I embark. For tho' from out our bourne of time and place The floods may bear me far, I hope to see my Pilot face to face When I have crost the bar.

Mr. LACEY. Mr. Speaker, I will not speak at any great length upon the life, services, and memory of General Algera.
The Representatives from the great State of Michigan will do this fully, as his character deserves. Iowa originally was a part of the Louisiana Purchase, subsequently was transferred to the Territory of Michigan, and so for a time the State which I have the honor in part to represent was a part of the Territory of Michigan. Our ties were then close and intimate, and we of Iowa have always retained a profound interest in the affairs of that splendid sister State. The statue of General Cass stands in Statuary Hall, the old Hall of the House of Representatives, a Valhalla in which the patriot dead of America will be commemorated. There is a place in that hall for General Alger, and whether chosen for that place or not, he has a more enduring place in the hearts of the people of the State which he has so greatly honored.

In the civil war he became a general. He filled all the positions to which he was there called with the highest honor and ability, and shed his blood upon many battlefields in behalf of

his country and of his flag.

In 1896 I recall a political trip which was planned in the campaign of that year for General Alger, a wounded Union soldier and a general of high distinction, with General Sickles and General Howard-Sickles with but one leg and Howard but -the three of them passing from State to State, speaking briefly at different points, receiving an ovation that they so well earned during the days of the civil war.

General Alger's career in that war will always be pointed to with especial pride by Michigan. Michigan has honored him with high office as governor of the State and as Senator of the United States. He was chosen during a critical period for the position of Secretary of War, and the Spanish war was conducted under his administration. For his part in that war he never received the credit that he deserved, but, in the language of Shakespeare, "did not escape calumny."

In a Roman triumph it was the custom to select a number of people to hoot at the conqueror as he passed by, to teach him

that he was mortal.

But mourners only appeared to watch the funeral train of the

same conqueror when death had claimed him.

When the Spanish war had closed there were those who were anxious to point out every flaw that could be found in the wonderful record of that brief but heroic epoch. Time has vindicated and will continue to vindicate General ALGER'S service in His service and that of General Shafter will be written in the history of the American Republic. General Shafter, who with 19,000 men surrounded and captured 29,000 Span-

iards, received obloquy and carping criticism for his heroism and success. He did not break into the magazines in his own defense, but intrusted his career to time and to history, and that career will receive the due credit which it deserves. American historian will be just. General Alger, while directing from the office of Secretary of War the management of that great war, great at least in its results, though brief in time, never received the credit that he deserved. In one hundred and thirteen days the Spanish power was erased from the map in two hemispheres and the history of the world was changed. Mr. Speaker, there is no such thing as a resultless war. We may have the wireless telegraph, we may have the smokeless powder, we may have the crownless king or queen, but there is no such thing as a resultless war; and the results of that brief war of one hundred and thirteen days will figure much in the history not only of the United States of America, but of the world.

General Alger's ability in conducting the hurried details of that improvised war will be written to his honor in the future accounts of the nineteenth century. On next Wednesday the seventieth birthday of General Alger will have arrived. He almost filled out, though not quite, the allotted three score years and ten of man. Those were honorable years. He was recognized for his true worth by those who knew him best and stood by him through evil and good report, and his State rallied around him and sent him to the Senate of the United States and would have elected him again if he had so desired, but failing health led him to make the announcement that he did not desire that distinction, and he failed to serve out quite the full term for which he was chosen. He was often spoken of for the Presidency. He was formally nominated in more than one national convention. Well do I remember, Mr. Speaker, the enthusiasm with which his name was received in 1888 in the Chicago convention when a soldier of his old regiment, who had after the civil war cast his lot in the South and had come up as a delegate to that convention, spoke about the various men who had been thought of and suggested, both before the meeting of the convention and on the floor of that convention, describing the heroism of General Alger without naming him; he finally came to the statement, "What is the matter with Alger?" and a cry went up from the convention "He's all right," and there was a battle cry born right there on the floor of that convention. From that answer originated a phrase which has been upon the tongues of millions of all kinds of men in public meetings from that day down to the time General Alger's honorable career was rounded out with the sleep that knows no waking. We meet here this cold, blustery, wintry day, selecting the holy Sabbath day to honor his memory in the closing hours of the Fifty-ninth Congress, when night sessions have overworked both of the bodies which make up the American Congress. We stop during these hurried hours in the closing days of this session to do honor to a man who has honored his State, honored his nation, and who has brought credit and distinction to the great legislative body of which this House is a part.

I wish, Mr. Speaker, simply to lay upon the snow which covers his grave to-day a wreath from Iowa in memory of Michigan's

distinguished soldier, citizen, and statesman.

Mr. FORDNEY. Mr. Speaker, to-day we meet in commemoration of one of the most illustrious sons of the great State of Michigan, and I deem it a profound privilege to here speak a few words in behalf of the memory of such an one as the late Senator Russell A. Alger.

Mr. Speaker, I had known the deceased for over thirty yearsin fact, from my early manhood. I had known him as an employer, as a private citizen, as a public man, and as a friend; and from that extended acquaintance with him I feel that my life has been enriched and ennobled to an extent far beyond my present ability to express. His life was so full of goodness, the purity, the simplicity, and the faithfulness so lacking in the most of us that justice can not be done his memory in the brief time I feel that I am privileged to ask at the hands of this

Much will be said and much has been said here and elsewhere of our departed brother in more fitting phrases and loftier speech than it is my ability to command, but I doubt much whether any will hold the memory of that man in as loving reverence as do I by reason of my long acquaintance and association with him.

Senator Alger came to Michigan a young man, poor as viewed from the standpoint of latter-day greatness, but rich in the eyes of God. He came with the muck of the furrow on his feet, but with a heart of sterling manhood beating in his breast. He came to us when to live in Michigan meant more than mere sweat of brow, when it meant a fight with the help of the strong right arm of the Lord, when it meant unswerving trust in a

power higher than humanity can bestow, and when it meant to know no defeat in the face of seeming failure. He faced the obstacles of the sturdy pioneer of his day with the fortitude that predicted his future success. He helped us hew our homes in the vast forest fastnesses of the great State; he helped us lay the foundation of our State government; he helped us to build what we have builded; he toiled with us, arm to arm and shoulder to shoulder, from our infancy to our present greatness, and whatever glory there may have been achieved by the State of Michigan, in either national or State affairs, his hand has been one of the guiding influences pointing to us the right way and helping our faint and faltering footsteps when we would turn back.

Mr. Speaker, not an avenue of the life of our great Commonwealth, be it religious, commercial, or political, is there but that has felt the beneficent touch of his gentle influence. He was with us in all our undertakings, and while many times honored at the hands of his adopted State, yet the gratitude thus expressed for him falls far short of just compensation for his life's efforts and sacrifices in her behalf.

His early life in Michigan was spent in the woods when the lumber industry in that State was paramount, and as a lumberman he laid the foundation of his future prosperity.

As a young man among us, forgetful of self, at the sacrifice of opportunity, as it seemed then, at a time when hope and honest effort count for much in the lives of young men, he put behind him all personal ambitions; the then present opportunities became secondary in his thought and with the zeal and love of a true American, in the year 1861, offered himself, his hopes, and his ambitions that his State and his country might be saved. His was a life and character to which war, with its attendant horrors and deprivations did not appeal. He had other aims in life than that of marches and battle, but to his great sense of duty and patriotism there were no two ways.

His not to reason why, His but to do and die.

The necessity of his motherland was paramount. that she needed him was enough, and he went. His services in the war between the States, his achievements and sacrifices, his rise from the humble position of a captain of a company to the higher rank of brevet major-general, United States Volunteers, is fittingly chronicled elsewhere.

On his return to us at the close of the war, bearing the scars and stains of his active and eventful participation therein, un-changed and untarnished by the glories of conquest and the flattery of an admiring Commonwealth, in his gentle and retiring manner he took up the thread of life where it had been severed; he started where he had left off, never fearing, nothing daunted, and by that indomitable perseverance so characteristic of his every effort and ambition, never for a moment regretting the time he had given for the preservation of the Union, unaided. save by his silent reliance on that ever present source of strength, he built the foundation of a career, both private and public, attained by few.

It was some years after his return from the war that I became acquainted with him, and at that time he was well on the road to success which so fittingly crowned his every effort. In later years it was my privilege to have been acquainted with him in his public and social life, and in all these opportunities of a most thorough acquaintance in all capacities, I can say that I have never known any man whose confidence and esteem I have cherished more than I do that of Senator Alger.

Mr. Speaker, it is scarce in this life that we find a man of so retiring a nature, so unassuming in every detail, so thoughtful of others, so unselfish and so faithful, who attains the position in public or private career as did Senator Alger. We find many admirable characteristics in all with whom we come in daily contact, and possibly very few undesirable qualities, but seldom do we find all of the virtues centering themselves in the life of one man that were characteristic of the life of Mr. Alger. His success was due to his nobleness of purpose, his fidelity to trust, his unswerving devotion to his friends and to his promises, his love for all mankind, and his purity of thought. A criticism once passed on him in my presence was that he placed too much reliance on everyone with whom he came in contact. Ah! would that all men had that simple, childlike trust in their fellow-men that stamped every moment of the career of Senator Well may it be said that he believed all men, for suspicion is born of untruthfulness. And while Senator Alger may have suffered many times for this unfaltering trust placed in his brother men, yet that very trust which has shown a life so free from blame, so free from corruption, so full of all that is most desirable in men, has borne him on pinions of love above the petty suspicions, inferences, and insinuations usual in these days, and has placed him on a pinnacle unscathed and unsullied.

Mr. Speaker, no man can love uncleanness, corruption, or untruthfulness in another, and I say that few men are loved by those who know them best as was Senator Alger loved by those who knew him best. To be sure, his pathway in life was not without its disappointments, its defeats, and annoyances. His public career at times was attacked, his purposes assailed, and his ambitions thwarted, but through it all, through the malignity and abuse that was maliciously directed at him at one stage of his public life, does his untarnished character shine like a lone star in the blackness of night. From the chaos of envy, malice, selfishness, and abuse he rose purer, more loving, and more beloved than ever. Clad in an impenetrable armor of a clean conscience, a pure purpose, and a love for all mankind, he marched with head aloft amid the petty cross fire of political jealousy and intrigue, knowing full well that "truth, crushed to earth, will rise again," and that the invectives of hatred and malice could but make the brighter, by the contrast, the purity expressed in his every thought and deed.

He conquered because he "loved his neighbors as himself," and by this love his enemies became his friends.

It was my privilege, Mr. Speaker, to be on intimate terms with Mr. Alger during the declining years of his life, through periods when his dear ones daily despaired of his recovery. was with him at his rallying intervals, at which times he most faithfully attended to his every duty, both public and private, and I knew his condition—learned it from Mr. Alger himself and, with the deepest sense of gratitude for the lesson of patience, cheerfulness, and hope which he thus taught me, I say not one word of complaint, irritability, or regret did I ever hear pass his lips. Standing in the shadow of death's valley, and knowing it, to the end he maintained that same kindly, Godfearing, and forbearing nature that had characterized his whole Little wonder a loving family mourns the loss of such a husband and father; little wonder that the great State bows its head in silent anguish at the news of the death of such a son; little wonder that a nation pauses to place the emblems of reverence and sorrow on his bier.

Our friend Russell A. Alger remains with us only as a memory, and since his death I have heard so many kindly words spoken of him by his colleagues that it seems sad that living he might not have known how much we valued, trusted, and appreciated him.

By nature he was sunny and cheerful, and the atmosphere about him was always warm and bright. Though possessed of great self-reliance, he had no frills and needed no starch to strengthen his dignity. Those of us who came to best not only respected him, but learned to love him. Those of us who came to know him

Death came to him as it should come to all of us; not as an enemy, but as a friend; not as a defeat, but as a victory; not as an end, but as a beginning; not in the guise of a serpent, but in the form of an angel. Death came to him, not as life's curse, but as life's coronation. His life work is finished, his pleasant voice is hushed, his feet no longer press the sands along the shores of time, but those of us with whom he mingled will, until our last days, be grateful for having known such a character, and I believe we are all broader, truer, and better men because our friend for a time sojourned with us.

[Mr. GARDNER of Michigan addressed the House. See Appendix.]

Mr. HAMILTON. Mr. Speaker, Russell A. Alger was born in a log cabin in Medina County, Ohio, in the year 1836. He was born in poverty; but it was the robust poverty of farm life in the earlier period of our Republic, which, though it knew nothing of luxury and frequently lacked even the necessaries of life, was never abject.

He was rich in the poverty of being born so poor that he could see something above him to struggle for.

He was reared in poverty, but it was the poverty of boyhood on the farm, rich with hope and health and ambition; and it was the poverty of a time and place which drew no lines of caste and social distinction.

His father and mother died when he was 11 years old, and after their death he worked for his board and clothes until, at the age of 14, he began to earn wages, beginning at \$5 a month and increasing until at the age of 20 he was earning \$15 a

Meanwhile he had been going to school winters, and his schooling culminated with a term or two at Richfield Academy.

In 1857 he began reading law with Wolcott & Upson, in Akron, Ohio, and was admitted to the bar, but he never practiced law; and in 1861, having moved to Grand Rapids, Mich., he enlisted as a private in the Second Michigan Cavalry, and was commissioned captain of Company C. He served three years, participated in sixty-six battles and skirmishes, was seriously wounded, and rose by successive promotions until he reached the rank of colonel, and was brevetted major-general for gallant and meritorious service,

He was elected governor of Michigan in 1884, was a conspicuous candidate for the Presidency in 1888, served as Secretary of War from 1897 to 1899, was appointed a Senator of the United States to succeed James McMillan in 1902, was elected to that office in 1903, and died January 24, 1907.

General ALGER died a rich man. In 1867 he entered into a partnership known as "Moore, Alger & Co.," which evolved in 1881 into a corporation known as "R. A. Alger & Co." This partnership and this corporation dealt in pine timber lands. They acquired vast tracts of magnificent pine forests, which increased in value while they held them until single trees were worth five times what the land whereon they grew had cost per acre.

To lumber interests were added mining interests, railroad interests, and banking interests, until General Alger became a multimillionaire.

Victor Hugo says: "Be fortunate and you will be thought a

General Alger was something more than a fortunate man. Whatever there was of greatness in his personality or his career is due not alone to good fortune, but to a blend of certain inherent qualities-the qualities of honesty, generosity, philanthropy, courage, and patriotism.

These qualities alone, however, do not make major-generals, Secretaries of War, United States Senators, or governors.

It is possible to hold these places without these qualities, and many a private in the ranks has had all these qualities and never been heard from outside his own immediate neighborhoed.

Neither is it greatness in itself to have held any or all of these offices. There have been many major-generals, and some few of them may be remembered.

There have been many members of many Cabinets, and some few of them may be remembered.

The various States from time to time have elected a good many Senators, and some few of these are still remembered.

As to governors, there are forty-five of them now performing

their executive functions, and there are two or three, perhaps, whose names are known beyond the boundaries of their States.

It has been estimated that about 4,000,000 people die every year, and the percentage of those who do things to make their names remembered is not high.

It is impossible to analyze the baffling, illusive, internal illumination which we call personality which differentiates one man from another.

There were greater lawyers than Lincoln, greater legislators than Lincoln, greater orators than Lincoln, and yet the personality which we call Abraham Lincoln will hold his name forever above the flood of years.

By universal consent he has taken his place among the few great souls who belong to all time.

We may account for the greatness of some men whom conspicuous talent has driven on to great achievement by calling it the abnormality of genius. But if we point to most men of eminence and say such and such traits made them great, we are obliged to admit that others endowed apparently with these same traits have utterly failed.

No philosopher has ever undertaken to name the elements and give their true proportion in the human compound which the world calls greatness.

It is possible for a man to be great without honesty, like Mariborough; brave without patriotism, like Benedict Arnold; great without morality, like Rousseau, or great like Voltaire, to whom Frederick the Great wrote: "If your works deserve statues, your conduct deserves handcuffs."

Then, too, greatness is a relative term, and it is hard to determine the point where it grades into mediocrity or the point where it shades into notoriety, which is a sort of bastard brother of greatness.

To this class belong all those who possess that impalpable quality—impossible to describe, teach, or counterfeit—the faculty of fooling the crowd, which amounts to genius in some cases and collects toll from the credulity of all ages.

I lay no stress on money. I do not call a man great necessarily because he has capitalized an industry, taken the right tips on stock, discovered a mine, cornered oil or steel, captured the standing timber of a nation, owns a town, or controls a railroad.

The men who have done these things have their reward, and their reward, among other things, amounts to the monotony of the very best, a dulled faculty of enjoyment, and eternal vigilance to protect what they have obtained.

Solomon tried it all. He asked God for wisdom, and because

he asked God for wisdom and not for wealth or honor we are told that wisdom, wealth, and honor were added unto him; and, having tried it all, in his old age, from a throne of ivory in a palace of cedar, he pronounced it all vanity.

We are like travelers on a journey. The world has been explored, but it is a new country to all of us, and we travel mostly alone, although the caravan in which we journey is large. And we pick up the baubles which others have left along the way, make collections of them, capitalize them, issue shares on them, decorate ourselves with them, and go the way that those who left them went.

One man has the money-getting faculty; another has not. One man has the bump of acquisitiveness, and another has not; and generally when there is a convex on one side of a man's head there is a concave on the other side to make up

Of course there are great men of wealth and men of great wealth, but the public comment makes little distinction, except that the five-talent man attracts more attention than the twotalent man and is therefore singled out for more frequent denunciation.

We have no titles of nobility, but we have men who command markets to rise, and they rise; to fall, and they fall; who could buy a moderate-sized kingdom without financial inconvenience, and we have constant illustrations of the involuntary deference that one million pays to two millions.

People are constantly rated according to their bank accounts, not only in Dun's and Bradstreet's, but socially.

These distinctions are not abolished above-ground even in the cemetery, where the shadow of the monument of financial success falls across the pauper's anonymous grave in the potter's field just over the fence.

General Alger was a rich man, but his claims to distinction are in no wise based upon his wealth, except that it enabled him to respond nobly to the charitable impulses within him, to respond nobly to his own constant desire to relieve want and to extend the hand of pity and alleviation to all those in distress.

I read some days ago the story of a man who died and, being called before a Mighty Presence, was asked to state what things he had accomplished while on earth, and he humbly answered that he had accomplished nothing; that his life had been a failure, and then there rose up a multitude of witnesses of good deeds done in secret, until this feeble, wayworn failure in the race of life was glorified.

And so I think some things in General Alger's life, least known about, may constitute his most enduring claim to glory.

He was a man of exalted patriotism. He risked his life time and again for love of country.

Perhaps humanity may sometimes meet upon some higher level than patriotism, but at present there is no nobler trait in human nature than love of a man's country.

He was an honest man, and the reputation of an honest public official is part of the moral capital of our whole country.

He was a modest man. He never stood around on prominent corners for the purpose of being pointed at as a celebrity.

He was a sincere man. Sincerity is a trait that in the long run can not be counterfeited. It is like a flame-no one can

A man's name comes to stand for what he is, and the name of Gen. Russell A. Alger stands for the life of a brave, generous, honest gentleman, who loved his country and served it to the best of his ability.

Mr. DARRAGH. Mr. Speaker, my acquaintance with Gen. RUSSELL A. ALGER had its beginning soon after the close of the He was at that time, as he ever after continued to civil war. be, the idol of the veteran soldiery of Michigan.

He was then serving as commander of the Department of Michigan, Grand Army of the Republic, to which office his comrades had elected him in recognition of his valor as a soldier and of his worth as a citizen. He was the first man ever chosen. to fill that office.

Our acquaintance later ripened into a warm personal attachment which remained unbroken to the end.

The recollection of the kindly interest which Senator ALGER ever made manifest in matters which concerned me and the helpfulness of his counsel impel me to pay humble tribute to the memory of him whom I esteemed as a friend and admired as a

To the people of the State of Michigan, whose love and high esteem for Senator Alger had been so frequently demonstrated. the announcement of his death came with all the force of a personal bereavement. His never-failing kindness, his faith in his fellow-man, his gracious hospitality, his munificent and yet unostentatious charity, his sublime courage and patience and dignity when unjustly assailed, his correct life, and his honorable and distinguished career as a soldier and as a citizen all endeared him to the hearts of the people of his State, who knew him best and loved him most.

RUSSELL A. ALGER at the age of 11 years faced the world as a poor and obscure orphan boy. With something of that courage and confidence which was a dominant trait in his character he confronted the situation. He earned his daily bread and acquired an education. He studied law and was admitted to practice.

At the outbreak of the civil war he raised a company of volunteers and was mustered into the service of the United States as captain of Company C, Second Michigan Volunteer Cavalry, of which regiment Philip H. Sheridan was soon thereafter placed in command as its colonel.

Captain Alger was, by promotion, made major April 2, 1862. He was wounded and taken prisoner in action at Booneville, Miss., July 1, 1862; was appointed lieutenant-colonel Sixth Michigan Cavalry October 30, 1862, and colonel Fifth Michigan Cavalry June 11, 1863.

He was again severely wounded in action July 8, 1863. He served with distinction under Sheridan, Kilpatrick, and Custer, and participated in more than three-score battles and minor engagements.

"For gallant and meritorious services during the war" he was commissioned brevet brigadier-general and was mustered out of the service as brevet major-general, United States Volunteers, at the age of 29. Such is the brief history of his brilliant and honorable military career.

When hostilities had ceased and his country no longer needed his services in the field, he returned his sword to its scabbard and devoted himself to business affairs with the same energy, the same intelligent forcefulness, the same courage that characterized his military service, and abundant success crowned his

Senator Alger's life was one of achievement. The influence of such a life as his, let us hope, will live on as an inspiration to the young man of to-day and to the young man of the future.

The greatest of English poets has said:

The evil that men do lives after them; The good is oft interred with their bones,

To this sentiment I do not fully subscribe. Rather let it be said that the good equally with the evil that men do will live after them and bear fruit each of its kind.

From early life Senator Alger was deeply interested in public affairs. He did not seek political preferment until he was chosen by his party as its candidate for governor of his State in 1884. To this office he was elected, but declined a renomination two years later.

At the Republican national convention in 1888 Governor ALGER was the candidate of his State for the office of President, and was one of the three leading candidates for that high office.

From the date of the organization of the military orders of the Loyal Legion and the Grand Army of the Republic, General ALGER took a lively interest and a prominent part in the affairs of these societies. He was elected commander in chief of the Grand Army of the Republic in the year 1889.

In 1897 President McKinley appointed General Algen to a place in his Cabinet as Secretary of War. In the discharge of the duties of this office, made difficult and trying by reason of the war with Spain, and because of our almost complete unpreparedness for war, General Alger labored diligently, and with a measure of success which few men could have equaled under like conditions.

The following high tribute was paid to the character and services of General Alger by his successor, Mr. Secretary of War Taft, in the formal announcement of General Alger's death made to the Army:

The Secretary of War announces with deep sorrow the death of the Hon. Russell Alexander Alger, which occurred on the 24th instant, at his residence in this city.

General Alger was Secretary of War during the administration of President McKinley, from March 5, 1897, to August 1, 1899; a period during which the administration of the War Department was brought into great prominence through its activities in connection with the war with Spain and the military operations in the Philippines that succeeded it.

General Alger was patriotic, earnest, and most devoted to the interests of the Army, and especially considered of the realistic the succeeded.

Succeeded it.

General Alger was patriotic, earnest, and most devoted to the interests of the Army, and especially considerate of the welfare of enlisted men. He was a gentle, kindly man, with great confidence in his friends and associates, and was much beloved by his subordinates. He was the subject of unjust criticism because of the country's lack of preparedness for war when war came, although for this he was in no wise responsible. His record as a soldier in the civil war was long, useful, and highly honorable.

General Alger became United States Senator by appointment of the governor of Michigan on Sentember 27, 1902, to succeed

of the governor of Michigan on September 27, 1902, to succeed

the late Senator James McMillan, and was elected to that office on January 20, 1903.

Owing to failing health, he declined to be a candidate for re-His term of office as Senator would have expired on March 4 next.

His last prayer was answered:

I want to die in the harness. I want to give my family and friends just as little trouble as possible when the time comes. I would prefer to live, but I am ready to go.

"Like one that wraps the drapery of his couch about him and lies down to pleasant dreams" Senator Alger passed into the great unknown.

Upon no citizen of Michigan has a grateful people bestowed so many and such high honors as were cheerfully accorded to Senator Alger, if we except only Gen. Lewis Cass. Russell A. ALGER died full of years and full of honors. His deeds will be his most enduring monument.

We live in deeds, not years; in thoughts, not breaths; In feelings, not in figures on a dial. We should count time by heart-throbs. He most lives Who thinks most, feels the noblest, acts the best.

Mr. TOWNSEND. Mr. Speaker, to me it is a rather solemn and unpleasant duty to speak on memorial occasions, and were it not for the fact that he whose memory we honor here to-day was a resident of Michigan, I should adhere to my hitherto un-broken rule of contemplating in silence the memory of my departed friends. I can see much that is proper and much that is beautiful in setting apart a day of the Congress to eulogize deceased Members. I am only sorry that we live in such an age of business and of practical things that when a man dies we have scarcely time to attend his funeral, much less to memorialize him. It is undoubtedly an evidence of man's divinity that in the presence of death resentments are softened and only good thoughts are in control.

Sometimes things are said on such occasions as this which rught to have been said before death had stopped the ears to words of censure or praise. It is probably true that he who has passed to the Great Beyond will not be affected by what we may say here to-day, but we possibly—the few of us who are -will be made better for having contemplated the man who has departed from among us. How much better it would be if we could only find time to say the things that the man would

like to hear before he has gone out from among us.
RUSSELL A. ALGER since 1859 and until his death in this city was a resident of Michigan. He contributed largely to the development of our State and for many years was one of our foremost citizens. At his death he was considered a wealthy man, but his wealth was due to his own energy and ability; and he will not be known hereafter because of his wealth, but rather

because of his life as a public citizen.

His was a strenuous life, and much of it was passed during crucial periods of our country's history. When the rebellion broke out he enlisted and was mustered in as captain of Company C, Second Michigan Cavalry, and at the end of seven months he was promoted to the position of major of his regiment. In six months more he became a lieutenant-colonel of the Sixth Michigan Cavalry, and after seven months more he was again advanced to the position of colonel of the Fifth Michigan Cavalry; and on June 11, 1864, for meritorious services in battles, he was brevetted brigadier-general, and one year later was made brevet major-general of United States volun-

Few soldiers of the great civil war have advanced more rapidly; but promotion came not as the result of achievements on parade, but rather because of things done in action. He was engaged, as has been stated here, in sixty-six battles and skirmishes, and so strong was his faith, so dauntless his courage, that defeat was never contemplated by him. I have thought that the "plunger" in business life makes the most brilliant soldier; he has a vision of something desirable, and no intervening obstacle retards him. General Alger in business more than once had his all staked on practically a single venture. He only saw success. He did not see, or, at least, was not deterred by, the difficulties in his path. He knew that lumber was a staple, and into it he plunged with all the vigor of his strong nature. Several times it seemed that he had gone in too deeply, but lumber rose to meet his necessities and success was his. In war it was the same. He believed in the ultimate triumph of the Union and recognized nothing insuperable in its pathway. In 1884 he was elected governor of Michigan, and in 1888 was a formidable candidate for President at the Republican national convention at Chicago. One of the sad yet glorious memories of Michigan's citizens is General Alger's connection with the War Department. Sad, because circumstances placed upon his

brow a crown of thorns, which malice and ignorance pressed down hard; glorious, because he lived long enough to see himself vindicated and to have the crown of thorns supplanted by a wreath of immortelles. Michigan never lost faith in her distinguished son, and on the death of Senator McMillan the vacancy was filled with General Alger.

He died in the harness. His was a nature which could not endure idleness, and his wish to serve to the last was gratified. Only when the war was over and the Union preserved did he lay down his sword. Only when the Great Commander or-dered him to "fall out" did the beloved Senator Alger quit the distinguished service he had rendered his State and nation.

It seems most fitting that his eyes should close here in the nation's capital. In 1865, at the age of 20 years, he, as major-general, beheld the glorious concluding spectacle of the civil war. Here at the beginning of the Spanish war he was the Secretary of War. Here, as Senator since 1902, he assisted in shaping the destiny of the nation he fought to preserve. here loving hands tenderly bore his earthly tenement to its last resting place in Michigan, where there was but one heart, and that heart was sad. His bereaved family will miss him most, for he was preeminently a devoted husband and a loving father.

But thousands of newsboys, who through his bounty and encouragement were inspired with ambition to do and to be, will mourn his death, and the citizens of Detroit and all Michigan will appreciate that one of their most respected and influential men has gone out from among them.

Death is always a solemn thing; whether it comes in the morning, at noon, or at night, it is unwelcome; but of very few men could it be said that their work was more nearly finished, their lives more completely rounded out, their duty more fully performed than of Senator Alger when he "wrapped the drapery of his couch about him and lay down to pleasant dreams.

For a year or more he stood in his open grave and waited for the walls to fall upon him; but he was unafraid and asked no He had met death before. He had become familiar with all the sensations which come to a man under those circumstances and was unterrified. A few days before he died I sat beside him in the dining room of this House, and he discussed his coming dissolution hopefully and cheerfully, and when I reminded him that all Michigan was his friend he said: "I believe that is true, and I would rather have that to console me than to know that I could have my days prolonged." His face lighted up, and his eyes shone with an expression of perfect faith and confidence. He was apparently ready to go, and well could he have repeated the words of the venerable poet, uttered under similar circumstances:

I know not where His islands lift
Their fronded palms in alr;
I only know I can not drift
Beyond His love and care.
And so, beside the silent sea,
I wait the muffled oar;
No harm can come from Him to me
On ocean or on shore.

His life work was well done, and the allotted span of life having been passed, he went to sleep amidst the flowers of love and esteem and awakened at the Master's commendation-" Well done, thou good and faithful servant, enter thou into the joy of thy Lord.'

EULOGIES ON THE LATE HON, HENRY C. ADAMS.

Mr. NELSON. Mr. Speaker, I offer the resolutions which I send to the desk.

The Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. Henry C. Adams, late a Member of this House from the State of Wisconsin. Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Sentender

ate. Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were unanimously agreed to.

Mr. NELSON. Mr. Speaker, duty and desire alike prompt me to offer to the memory of the distinguished dead a just and tender tribute. I was not within the inner circle of his friends, for he was of a generation just preceding my own, but I knew him personally and well for more than one-half the years of my life; and during all these years, however much at times we might chance to differ in our personal choice of measures, as of men, we were never on other than friendly terms; and his

closest friends are now, it gives me great pleasure to add, equally near and dear to me.

It was on Monday, the 9th day of July, last summer, that HENRY CULLEN ADAMS crossed the bar and saw, face to face, his Pilot and his God.

He was on his journey home. The first session of the present Congress, in which he had played a somewhat stirring, strenuous, and conspicuous part, had just passed into recorded history. Against the urgent and the anxious counsel and advice of his colleagues and of his friends he had stayed to see the word written at the end of the last chapter. In thus playing his prescribed part in this drama of modern American history making, played as it is in the fierce lime light of national publicity, he had overstrained his frail and then enfeebled health beyond the point its marvelous elasticity had permitted in the past. Thus the dreaded messenger overtook him, speeding homeward behind the modern fiery foe of distance and of time, serving the inevitable summons even before he could reach again home, wife, children, and find rest. For a week or more, in a quiet room at the Auditorium Hotel, in Chicago, life grappled with death, hope fought despair; but at last his dauntless will gave way and his immortal spirit winged its long voyage across the silent river and passed through the inwardswinging gates of eternity beyond the boundaries of time.

To his many friends in his home State, and more particularly to the community in which fifty and six years of activity were spent, his departure came as a rude and sudden shock. gressman Adams had for years been a man of extremely frail physique, but he was so active, energetic, and self-reliant that no one who knew him was quite prepared for the sad news when the tidings of his mortal end flashed over the wires. Obituaries, those humble handmaidens of History, dipped their gentle pens in the ink of brotherly love and wrote for the last time of his honorable parentage, his humble birth, his high educational attainments, his splendid achievements in the affairs of men, praised his many virtues, forgot his frailties—for who hath none?—and now we—you, his colleagues, and I, his successor—in this Congress would say the last word and do the last honor to the departed dead in the same spirit of kindly fellowship, for when face to face with the unsolved mystery of mysteries who can have thought of aught but his brother's virtues? And so, hoping for mercy as we show mercy, we bow our heads in humility and speak most kindly of them we shall know again when the hourglass of our allotted time shall have run its unknown course.

There were mourning and gloom manifest in his home city, not merely in the trappings and outward tokens, the crape and drapery on doors, the floating flags on capitol, court-house, and city hall, but in the tearful eye, the spoken voice, and the sad hearts of all whom "Cully" (as he was familiarly called) had encircled within the limits of his life.

Thus it is written that HENRY CULLEN ADAMS was born in Verona, Oneida County, N. Y., November 28, 1850. His father was Benjamin Franklin Adams, a very cultured gentleman and a graduate of Hamilton College, New York, of which institution of learning he was for some time professor of Greek and Latin.

But the East was not to be the field of action in which the ambitions of Henry Cullen Adams should find development. In the early fifties, all but a babe in his mother's arms, his parents bore him with them westward. Thus it was that at the last session of Congress his voice rang out in clarion tones for what he believed to be the best interests of the West.

Wisconsin had only shortly before been admitted into the proud sisterhood of sovereign States, and to her virgin soil the elder Adams had directed his footsteps and upon that soil he wisely pitched his tent. At first the Adams family lived at Beaver Dam, later moved to Liberty Prairie, and finally settled near Madison, the old farm being now a part of the capital city.

The elder Adams had a great love for agriculture. respect the influence of the father was strikingly reflected in his honored son. From his days upon the farm at Liberty Prairie agriculture and its kindred pursuits became the constant theme of his oratory and the field of his success. It was not, however, as a farmer, but as a champion and spokesman of farm industries, that Henry Cullen Adams climbed the ladder of fame.

He early realized that knowledge constitutes power. While doing his share of the work on his father's farm he longed for the magic wand—an education. It may be that the young man, looking into the dim vistas of the future with the prophetic eye of hope and ambition, saw gleaming on some far-away hillton the dome of the National Capitol, which by pursuing steadily the pathway of loyalty to Ceres he was to reach before his journey's end. After the public schools he attended for one year the little academy that lies nestled away from the main highways of men in the beautiful town of Albion. This little institution of learning, by the way, was destined to produce men in Wisconsin who have come to be leaders in law, letters, and politics. The names of Justice Charles K. Bardeen and Senator Knute Nelson occur to me as illustrating the high type of its scholarship, and many of these noted men were classmates of our departed friend. He was also for three years a student at the University of Wisconsin, but ill health, his constantly recurring affliction, prevented graduation, as it did his subsequent essay on a legal career. He undertook to read law in a law office, but was forced to desist, and thereupon engaged in the dairy and fruit business as an avocation, in which he continued up to the last fifteen years, which, aside from his official duties, he largely devoted to real estate.

Mr. Adams's activity in the great field he had made his life study was too extended and varied for me to review within the limits of my time. It is enough to point out that by virtue of his superior education, clear and forceful rhetoric, and profound interest in agriculture his rise was rapid and continuous in the esteem and confidence of the farmers of his State. He was institute conductor, and one of the most popular. He became secretary of the State Horticulture Society; then president of the State Dairymen's Association, a field in which his greatest honors were won. He was for a long time an influential member on the State board of agriculture. Linked with that of his devoted personal friend, former Governor William Dempster Hoard, the name of Henry Cullen Adams will long be found high in the annals of agriculture and dairying not only in Wiscensin but in all the West.

ing not only in Wisconsin, but in all the West.

His political history is equally varied and extensive. It follows naturally that a man so gifted as Mr. Adams should be a leader in the great American pastime—politics. From the time he entered the legislative assembly, in the early eighties, up to his death, with the exception of a very few years, he was serving the public and his party in some high official position. He was assemblyman, superintendent of public property, dairy and food commissioner, and Congressman. It was in the two latter positions that he did the greatest good for his fellowmen. His successor as dairy and food commissioner has given Mr. Adams very high praise for laying the foundations through wise legislation of the dairy and food department, perhaps the most essential department in the State government for the protection of the people from the injurious consequences of the sale of fraudulent adulterations of food.

Mr. Adams was a Republican. He was high in the councils of the party. For years he was a member of the State central committee. In State and Congressional conventions his voice was generally heard, and frequently as presiding officer. He was, too, at one time a delegate at large to the Republican national convention. But though a party man, he was never intensely partisan. He could differ with men and not harbor feeling. He was too full of the milk of human kindness to permit the base feeling of envy, malice, or hatred to corrode his heart. He loved his friends and clung to them, but he wanted no enemies and had extremely few.

Mr. Adams was rich in his family life. He was married in 1878 to Anna B. Norton, of Madison, a good wife and a gracious lady, who still survives him. They have four children—two sons and two daughters, splendid types of manhood and womanhood.

Henry Cullen Adams was of an independent mind. In this Hall he more than once demonstrated his moral courage and his independence. Nay, more; he displayed the highest quality of soul—that of self-sacrifice. It was the verdict of his colleagues and of his friends when he passed away that in the service of his country he made the sacrifice, greater than which no man can make for the land he loves and the welfare of its people. He gave all he had—his strength, his life.

of its people. He gave all he had—his strength, his life.

The great bard of the Romans sang of old "Dulce et decorum est pro patria mori," a strain of patriotic sentiment that has reechoed in the hearts of men down to us through all the corridors of time. And may we not say that if war has its heroism, no less has peace, for who in public life does not know that it takes as much of moral courage and of self-sacrifice to stand up for conscience and for right on the battlefields of peace as upon the wild, delirious fields of war?

Mr. SHERMAN. Mr. Speaker, very trite but very true is the statement that blessings brighten as they take their flight. Perspective adds to the beauty of a scene. The great characters of the world have ever appeared greater as depicted in history than as seen by their associates. The love of a mother for a child never appears quite so strong as when intensified by the death of the child. So it seems to me to-day it is with our

late friend. The sweetness of his character seems sweeter, its strength stronger, since he left us.

Henry C. Adams was a most unusual personality. With the physical strength of a child, apparently frail in the extreme, he had limitless moral and mental courage; his rugged honesty was as great as his muscular power was slight. His mental equipoise was well-nigh perfect; his judgment of men and measures was superior; he was industrious, studious, painstaking, wishing ever to carry more than his portion of every burden.

He was persistent, was aggressive, and yet his thought of others was so kindly that the aggressiveness was never offensive. He was true—true to every public trust intrusted to him; true to those whom he called friend. He was noble—noble of thought, of word, of deed. He was Christ-like—bear me witness his colleagues who saw him day by day saw him as he struggled to accomplish something for the betterment of some condition, saw him as with his ringing voice and clear diction he opposed some action with the wisdom of which he could not assent. Was ever unkind word heard to come from his lips?

He accorded to others with whom he radically differed honesty of thought and action. In all the hundreds of men who have come and gone during my nearly a score of years of service here I have known, admired, loved many. Some have disclosed wondrous strength of intellect, some superior courage, some special consideration for others, some unusual industry, devotion to duty, capacity for accomplishment—all integrity—and yet, as I mentally call the roll of those whose earthly work has closed, I think of none who possessed so many of the characteristics which attract and hold friends, so much of brightness, of sympathy, of loving-kindness, of sweetness of character, as dear "Cully" Adams.

Mr. HAYES. Mr. Speaker, more than thirty years ago, while a student at the University of Wisconsin, I first became acquainted with Henry Cullen Adams. In his younger life, when I knew him in Wisconsin, he manifested the same qualities of mind and heart which distinguished him in his last days as a Member of this House. An honest, open-hearted frankness, and extreme loyalty to any cause which he espoused were perhaps his most marked characteristics as a youth, as a citizen, and as a legislator. Indeed, Mr. Adams possessed many of the qualities that justly make men great, beloved, and distinguished. He was a loving and loyal friend and had arisen to that height of soul development where he could forgive his enemies. to hear the voice of conscience he pursued with fidelity the course which duty pointed with a boldness and courage which elicited the admiration and praise of all who knew him or watched his public career. This House, during his service here, had frequent exhibitions of the zeal and fearlessness with which he advocated those measures which he believed to be right, and with which he fought in almost savage ferocity those things in legislation and in the conduct of the business of the House which he believed to be wrong.

Of old American stock, his soul was loyal to that perfect law of liberty for which his fathers strove, and he always granted to others all the freedom of thought and conduct which he claimed and exercised for himself. He had no patience with the methods by which men sometimes seek to hamper the exercise of those rights of conscience which all men having any of the elements of greatness recognize as our dearest heritage. He carried this spirit of toleration into his duties here, and in all his relations with his colleagues he was always courteous, gentle, and manly, although he did not hesitate in debate to call things by their right names and hit hard and directly from the shoulder those things that aroused his opposition. In these things we, his colleagues, may with profit follow in his footsteens.

Mr. Adams's public career properly began with his election to the legislature of Wisconsin in 1883, but the work which most entitles him to the gratitude of the people of his State was that which for eight years he did as dairy and food inspector of the State of Wisconsin. The knowledge and experience gained by him in the conduct of that office proved to be of immense value to the House and to the country during the last session of Congress in the preparation and passage of the meat-inspection measure and the pure-food bill, in both of which he took a prominent part. In the death of Mr. Adams just at the most useful period of his life the country at large has lost an able, an honest, and a conscientious legislator, and the agricultural interests of the country an intelligent and faithful friend and representative.

Mr. Speaker, I believe that without offense to his friends or to the proprieties of this occasion I may speak of a matter purely

personal to Mr. Adams. Even when I knew him as a student the disease which must have made a large part of his life a constant pain and which ultimately caused his death had already fastened itself upon him. This disease forced him to give up his university course before it was fully completed and to abandon whatever ambitious projects he may, in his early manhood, have cherished for himself. He devoted himself to agricultural pursuits in the hope, no doubt, that an outdoor life would restore him to perfect health and strength. This hope was never fully realized. Although handicapped by this lack of health and strength he was always most cheerful, and his fellow-citizens, recognizing his ability and worth in spite of the disease which would have made of most men hypochondriacs and invalids, continued to advance him from one position of trust and responsibility to another where the labor incident to his official duties so absorbed him as to make him almost forget his physical ailment. To comparatively few men has come in such great measure the confidence and respect which those of his fellow-men who best knew him freely and gencrously accorded to Mr. Adams. As I look over his life since I have known him, and think of the terrible physical handicap under which he labored, I am surprised that he was able to accomplish so much that will be of lasting benefit to his State, to his country, and to his fellow-men. But the years we spend in this world are only the beginning of eternity. The grave is only the open door to larger opportunity, to grander effort, to holier, nobler living. Not as the light of a candle which flickers in the darkness for a brief time and then goes out forever is the life of man, but rather as the light of the sun which, after the work of the day, goes down only to rise again upon other scenes, to warm and stimulate other fields, other trees and flowers. And so as we pay tributes to the memory of our departed colleague, let us hope that the sun of life which in this world was somewhat obscured for him by the clouds of physical weakness may have risen full orbed and clear upon that immortal life into which he has entered.

Mr. McCARTHY. Mr. Speaker, with mingled feelings of pain and pride I rise to say a few words regarding the life and character of Hon. H. C. Adams. I am overwhelmed with sorrow when I reflect upon the nation's loss, his State's loss, and his family's loss. The nation has been deprived of the services of a great, good, and competent Representative. The State of Wisconsin has suffered an equivalent loss, and his family has been bereft of a wise, kind, and indulgent husband and father.

A certain sort of mental pleasure is realized, however, in being able to honestly offer evidence of his noble character and devoted loyalty to the country he loved so well, his lofty ideals,

and his high and noble purposes.

It is no exaggeration to assert that Mr. Adams was a constructive statesman and an ideal Congressman. He was honest in all things and careful and painstaking in all things. He possessed the courage of his convictions and never sidestepped or flinched in the performance of what he conceived to be his duty, and never "dodged a record vote," or anything else, through fear of personal consequences, as many others in this day and generation do. His word was as good as a gold bond, and he kept his promises like a man that he was, and stood out "foursquare to all the world and every wind that blows."

Notwithstanding his public career was cut short by the "grim reaper," Death, of which I am confident he was admonished months in advance, he was indefatigable in the performance of

his public duty.

By reason of his long and successful experience as State food and dairy commissioner of Wisconsin, where such subjects are thoroughly understood, he was technically qualified to dictate, in some measure, the most important legislation passed by Congress during his membership. And it is also a matter of common knowledge, at least among his colleagues in this Chamber, that in the preparation of the pure-food bill and the law governing the inspection of packing houses and meat products the technical knowledge and natural genius of H. C. Adams exercised a potent influence on legislation. This statement can be corroborated by the President of the United States and the Secretary of Agriculture. Certain distinguished gentlemen may vie with each other for all the honor of this new and important legislation, but the fact remains the legislation itself bears the well-known earmarks of H. C. Adams. He was not an egotist, never sounded his own praise or boasted of his own achievements, and the world may never know what he has done to make

Had his life been spared it is certain he would have developed into one of the most prominent and useful Members of this body.

It can be truly said of Mr. Adams that he sacrificed his life in the service of his country if ever patriot did. hausted by his arduous labors in the committee and on the floor of the House, yet he was always on guard and never known to desert the post of duty or complain of long hours or hardships when the weal or woe of his country or constituents were at stake.

He was not "all things to all men;" but he was the same Adams to all men; he played no favorites, and everyone knew where to find him at all times and under all conditions and circumstances

I am reliably informed that he was a descendant of John Adams on one side and of Daniel Webster on the other. was he of that proud inheritance, and both lines of ancestors have been honored by his life, his conduct, and his example to

posterity.

"Gentle be the summer rains which fall upon his grave," and may his survivors and posterity forever stand firmly for the principles for which he and his illustrious ancestors lived and

died.

Mr. BABCOCK. Mr. Speaker, the death of Hon. H. C. ADAMS, of Wisconsin, was a calamity to the State and nation. I had known him for many years. His character was as sturdy as the oak, and his ideas of right and wrong were so thoroughly fixed that there never could be any question as to his integrity. His wide experience and public career had especially fitted him to perform the duties of a Member of Congress, and it was his work and his devotion to duty that were largely responsible for his death. His ideas on public matters were always well digested and clear in his own mind, and his ability to express them was recognized by practically all of the Members of this His physical make-up was too weak to support the brain and mind of the man who was constantly at work in the interests not only of the district which he represented, but of the whole country.

I loved him as a brother and feel his loss keenly. His high character and manly instincts will be an example for the com-

ing generation.

Mr. LEVER. Mr. Speaker, nothing that I can say in eulogy of the late Henry C. Adams can measure my admiration of him as a man or give my real appreciation of his service as a co-

worker in this Congress.

In an intimate acquaintanceship, covering his entire service in Congress, I found him to be an affable, genial, candid, and at the same time earnest and intelligent man. Toward all great questions involving the interest of his fellow-citizens his attitude was easily ascertainable. He concealed nothing, and expressed his opinions with the utmost candor and with a force which can come only as the result of intense earnestness. As a companion he was engaging; as a conversationist, always interesting; as a fellow-worker, always reliable, and as a public servant he approximated the ideal. Of frail physique and always in wretched health, it would not be hard to imagine him as a person of morose and cross disposition. Ill health too often embitters the sweetest disposition. With Mr. Adams it was not thus; on the contrary, he was an optimist in his He loved the beautiful, was moved to tears by disposition. music, and was a disciple of that faith which regards the world as growing better day by day and sees in life something worth its living. He enjoyed a good joke and delighted to entertain his friends with numerous reminiscences of his own All in all, his was a most lovable character, and experience. uplifted and ennobled those whose privilege it was to come in contact with it.

In politics Mr. Adams was a Republican, and yet I feel that it can be safely said of him that he was never a partisan in the offensive meaning of that word. It was my pleasure to serve with him on the great Committee on Agriculture for a number of years, and yet I do not recall a single partisan utterance as falling from his lips. To the members of this committee from the South he was especially considerate. I take it that it was not a tribute to them personally, but a liberal and in-telligent recognition of the wonderful agricultural and indus-trial possibilities of that great section from whence they came. There never came before that committee a proposition looking to the development of the southern interests which did not enlist his sympathy and active help. He was absolutely nonsectional in his views, and, if anything, he gave preference to the South.

No man on the committee, I dare say no man in the House, was so thoroughly conversant with agricultural problems in this country, both in their scientific and practical aspects, as was the deceased. His whole life was given to a special study of agriculture in all its varied phases; his knowledge of it was intimate, so much so that he was regarded in Congress and by the country as an authority. To develop the agriculture of the country, to make farm life pleasant, to educate and train the farm boy and farm girl to a better conception of the manifold advantages of farm life, to impress upon the country the value of science in agriculture, to demonstrate the necessity of care and intelligence as a prerequisite for successful agriculture—all these, and more, made up the life work of this good man. He was an enthusiast upon the subject, and though buffeted and browbeaten by prejudice and misunderstanding, his optimism never deserted him nor his faith in the coming of a time when ideal farm conditions should prevail in this country leave him.

It was this enthusiasm, this belief that a good fight for a worthy cause could not fail, which induced him to introduce and fight through Congress a bill doubling the appropriation to the State experiment stations of the country. Who can forget the earnestness, the vigor, the persistency, the tenacity which marked his efforts in this behalf? Nothing could daunt him, nothing could stem the tide of his enthusiasm. The opposition was brushed aside by the justness of his cause and by the eloquence and earnestness with which he presented it, and this one act, this one supreme and triumphant effort in behalf of the American farmer, is sufficient to make Henry C. Adams one of the splendid characters of our history. And when agriculture receives that recognition to which she is entitled, when our farmhouses are filled with educated and happy occupants, and when ideal conditions have been reached, his name will be revered along with that of Morrill and Hatch. Can any higher tribute be paid to any man than to give him equal rank with those men in our history who have wrought most effectively and wisely for the greatest industry of the nation? The time will be when the name of ADAMS will be whispered in reverence by every man who believes in an educated agricultural people.

Loyal to his friends, liberal in his views, independent in his opinions, courageous in his convictions, an aggressive fighter, a skillful debater, an eloquent advocate, an earnest worker, a wise legislator, he was the embodiment of all the elements essential to the highest type of American citizenship, and the bright example of his life and work may well serve as a guide star for those of us he has left behind.

Mr. KENNEDY of Ohio. Mr. Speaker, I first became acquainted with Mr. Adams at the beginning of the Fifty-eighth Congress. In the short, very short, period within which I knew him I learned his wondrous qualities of heart and mind and to appreciate him, in a measure at least, as he deserved.

Mr. Adams was possessed of sterling qualities; was a coherent and logical thinker, his mind invariably reaching right and correct conclusions on all of the great social problems of his time and with a courage unfaltering and steadfast that led him to adhere to the right as he knew it. These characteristics being dominant in this representative of the people whose memory we commemorate to-day, it seems impossible that any words which we can set in order here upon this Sabbath of sorrow would exaggerate the public loss in the death of Henry Cullen Adams.

His work in the National House of Representatives was suddenly interrupted by death almost as soon as it was begun, but in the brief period while he was associated with us he conquered to himself a place in our respect by his vigorous intellect. His qualities of heart and soul won universal friendship and affection.

It was my privilege to know him somewhat intimately, and I know of nothing sadder than the regret of that great mind and soul at its own limitations imposed by bodily weakness. While seldom well, and never strong, Mr. Adams was always cheerful and lovable. Those who knew him best had for him the warmest affection and most profound respect. As a Representative, both his influence and his vote were used and administered as a sacred and holy trust in the interests of those whom he represented, and in bringing my humble tribute to his memory I wish to conclude with the thought that whatever he did was well done, as if his life had been molded and controlled by the sentiment of the poet when he said:

Do good! Do noble deeds!
Not dream them all day long,
So that life and death
And the vast forever shall be
One grand, sweet song.

Mr. OTJEN. Mr. Speaker, we meet to-day to pay our tribute of respect to the memory and character of Henry Cullen Adams, Member of Congress from the Second district of Wisconsin.

He left Washington shortly after the adjournment of the first session of the Fifty-ninth Congress for his home in Madison. On arriving at Chicago he was taken sick, and after an illness of a few days died at the Auditorium, in that city. In his death his State and his nation sustained a great loss.

Mr. Adams held many important positions of trust and honor, both public and private, in his State. He served his State as a member of the assembly, superintendent of public property, and dairy and food commissioner. In November, 1903, he was elected a Member of the Fifty-eighth Congress. Few men were so well qualified by experience and training for the important duties required of a Member of Congress.

He was a man of great force and ability, kindly and genial in manner. He had that quality usually known as "good common sense" in the highest degree. He made friends easily and quickly, and soon won a prominent position among his associates in the House of Representatives. His Congressional career was exceptionally successful. In his term of three years he accomplished much, especially for the agricultural interests of his State and nation, and they have cause to remember him with gratitude.

His duties as a member of the Committee on Agriculture in the Fifty-ninth Congress were exceedingly important and arduous. In the legislation relating to meat inspection his services were most valuable. The President called him into consultation upon this important legislation, and its satisfactory solution was largely due to his extended knowledge of the subject and his good judgment. His response to the call of duty in the closing days of that important session of Congress overtaxed his bodily strength and undoubtedly was the principal cause of his untimely death.

Life is a great mystery. The object and purpose of our being here are not made clear to us. Men strive here to attain the highest purpose, to gain the greatest success in life, and we may well ask, What is success? Some conceive it to be one thing, some another. Many strive after wealth as if it were the most desirable and highest object to be obtained. "Cully" Adams, as he was familiarly known, had that which money can not buy. He had earned the respect, the confidence, and love of his neighbors and fellow-men. What greater success can one gain in this world than to win the love and esteem of mankind?

Most of his life was spent in exposing fraud and deceit and in the betterment of humanity. The world has gained something through his life; it has been made better thereby. He was honest, faithful, and true, and in all positions of life met every requirement of right and duty. His State mourns his loss.

Mr. STAFFORD. Mr. Speaker, on this Sabbath, in the Hall in which he so well distinguished himself, we come to lay our garlands of praise to the late Henry Cullen Adams in the memorial records of Congress, and to pay tribute to his nobility of character, his high ideals of public duty, his eminence as a legislator, and his worth as a man:

To accord him a proper place in the legislative annals, attention should be directed to his independence in political action, to his devotion to principle, and to his adherence to right-doing in every endeavor.

He was too conscientious and too forceful a character to surrender meekly to rule and numbers when he held fixed convictions. This trait was exemplified in his position on several measures in his last year's service in Congress that brought him distinction and renown. Notably may be mentioned his stand in oppositon to joint statehood and to free trade with the Philippines. His courageous and independent position on these measures, though it lowered heavy and undeserved criticism upon him, marks more than aught else his strong personality and his courage to do right as he saw it.

Not only was his independence of action commanding, but his judgment on large public questions was respected for its conservatism and soundness. Again, he was gifted with voice and phrase to claim distinction as an orator and with poignancy of repartee to be classed as a strong debater. The Congressional, Record will bear lasting testimony to his keen mentality and to his command of good English.

Born and reared on a farm, he had the advantage of the academic training at the State University at Madison that stamped him indelibly as a college-bred man. The various positions of trust and responsibility that he filled before his elevation to Congress as State legislator and in administrative capacities equipped him for the rôle he was to play in the larger and more responsible position of Representative.

It can be said without hyperbole of statement that few Representatives in three years of service attained a more commanding position and rose so rapidly to eminence as Mr. Adams.

His greatest public service was as arbitrator of the differences arising from the meat-inspection measure, where the expert knowledge he had acquired years before as State dairy and food commissioner placed him in the unique position of being best qualified to speak as to the need of Government inspection, and as to the proper legislation to safeguard the interests of the public. Though he triumphed in the settlement of a dispute of great consequence to humanity's cause, his great effort in achieving this result accelerated unquestionably within two weeks of its accomplishment his untimely end.

With greatly impaired health, he gave close application to every detail connected with legislative work, which was a marvel to all who knew his sufferings. Many a time in the last three months of his service good friends, seeing his failing health, urged and cautioned him to rest, but, impelled with that strange call of duty, he heeded not their admonitions to rest for

his own sake.

But though he suffered and labored under greatest difficulty, no complaint and no wailings were ever uttered to his intimates, for his temperament was roseate by nature, and it shone more resplendent because of its envelopment in the mask of suffering.

It is inexpressibly sad to have a conscientious public servant sacrifice his life on the public altar, and especially where health is broken and where every effort seems to reduce the vitality one jot more until the last drop is drained. Those of robust and sturdy constitution fail to contemplate the indomitable and overpowering will that impels these frail crafts with keen mentalities to keep aloft in their aspirations and achievements.

Dead in his prime, Mr. Adams sacrificed his own life to the welfare of the people's cause, and he died a martyr in the highest calling of unselfish devotion to duty and of performance well done. In his passing away, the Second district has lost a capable Representative, the State a high-minded citizen, and the

people a faithful public servant.

Mr. ESCH. Mr. Speaker, during the fifty-nine years of Wisconsin's statehood she has sent eighty-eight different individuals to represent her in this body. Of this number six have died in office: Luther Hanchett, Benjamin F. Hopkins, Joseph Rankin, William T. Price, George B. Shaw, and, last, Henry Cullen Adams, whose life and services we this day commemorate.

It is a sad duty to speak a final word for those who leave us filled with years and honors, but sadder still is it to voice our sorrow for the friend and colleague the sands of whose life have but half run. Memorial exercises such as these are proper in that they afford us an opportunity, in the midst of our public cares and labors, to give our estimate of the life and services of the dead. Through our words we may inspire those who read to emulate that which we find to be true and just and

of good report.

In the death of Mr. Adams Wisconsin lost a most capable and experienced Representative. With a broad knowledge of public affairs and thorough understanding of men and measures, he entered the Fifty-eighth Congress well equipped to win for himself a successful legislative career. As a practical farmer, as State dairy and food commissioner, he acquired a reputation as an expert on agricultural subjects which extended far beyond the borders of our State. From the very beginning he took an active part in shaping legislation affecting the agricultural interests of the country. His arguments in favor of the oleomargarine bill in the public prints and before committees of Congress were largely instrumental in securing its passage. His appointment as a member of the Committee on Agriculture by the present Speaker of the House was a fitting recognition of his peculiar fitness. He did not disappoint the expectations of his friends. Realizing the valuable work of the various agricultural experiment stations of the United States, and that with an increase of funds at their disposal this work could be largely increased, he at once introduced a bill with this end in Nothing more finely illustrated a distinctive trait of view. Nothing more finely illustrated a distinctive trait of Mr. Adams's character as to fixity of purpose and indomitable will than the patient, courageous, and splendid fight he made for his bill. After the lapse of many weeks and months he won. He deserved to win, and as a result his memory lives in the chief seats of learning of almost every State in the Union.

Loyalty to duty was another trait of character which Mr. ADAMS possessed in large measure. All of us were impressed by it during the hearings and consideration of the meat-inspection legislation in the closing days of the last session. No man in either House had, on questions pertaining to inspection and the packing interests, greater practical or scientific knowledge. He entered heart and soul into the whole subject-matter, he spared not himself, his opinions were sought, he was called into counsel by the President, and when obstacles arose

he helped to smooth the way. All this he did, but at what a sacrifice!

Nature in the disposal of her favors had endowed him with a feeble body, but vouchsafed to him a clear, strong, and active mind. A mind so strong as to enable him to sustain for years an enfeebled frame through the sheer power of will. However, those sultry, nerve-racking, laborious days which marked the close of the last session slowly sapped the small reserve of Mr. Adams's vitality, and day by day his feeling of exhaustion increased. Two weeks before the adjournment we advised him to leave Washington for the mountains or the seashore. With characteristic spirit he replied, "I can not go away. I must stay here until the pure-food and meat-inspection bills have passed." And so he stayed, and early in July proceeded on his homeward journey only to die on the way.

Mr. Adams's loyalty to duty found a counterpart in his loyalty to his friends. During stress of recent political storms he always stood steadfast. With frankness and courage he proclaimed his faith and stoically abided the consequences. He

faithfully followed the poet's injunction:

To thine own self be true, And it must follow as the night the day, Thou canst not then be false to any man.

His friends he numbered by the score in all parts of our State. He bound them to him as with hoops of steel through the warmth and generosity of his nature. To the needy and helpless his heart and hand were ever open.

The citizen with decision of character, generosity, broad-mindedness, and high ideals is sure to be a man of influence and public spirit in his city, district, and State. Such was our deceased colleague. In matters economic, political, and educational he played a leading part, and the force and effect of his

example will long abide.

In his domestic relations Mr. Adams was singularly happy. The Mecca of all his pilgrimages was his own hearthstone. The love of wife and children helped him to forget his bodily sufferings and to inspire him to greater achievements. In him the spirit seemed ever to be willing. Now his life work is ended, for "God's finger touched him and he slept."

Mr. DAVIDSON. Mr. Speaker, in compliance with a custom honored in its observance we have met to pay our tribute of

love to the memory of a deceased colleague.

As the closing hours of the Fifty-ninth Congress approach, with all the tumult and strife which usually attend the close of a session, it is eminently proper that we pause on this sacred day and quietly review the life and work of one who served well and faithfully the people who honored him, Henry Cullen Adams, late a Member of this House from the State of Wisconsin.

His career here, all too short, was yet sufficiently long to gain for him the cordial friendship and esteem of his colleagues and, in turn, for him to demonstrate his ability as a legislator in

the National House of Representatives.

Mr. Adams from young manhood strove to make his life a benefit to the community in which he lived. For a number of years he was prominent in the public affairs of Wisconsin. For four years he served that State as a member of its legislature, during which service he aided in securing legislation intended to protect the people from adulteration in food products, and especially in dairy products. A farmer and the son of a farmer, his natural instinct led him to become interested in the development of the agriculture of the country.

As president of the Wisconsin Dairymen's Association and also as the dairy and food commissioner of Wisconsin, in which latter office he served for eight years, he devoted his energy and his ability not only to the enforcement of the laws, but in developing broader ideas among the dairymen of the State and the consumers of the dairy products, in order that they might work harmoniously together for the advancement of the interests of an industry which is so vital to the prosperity of our State.

It was during this period that the Congress of the United States enacted a law to prevent the sale of oleomargarine colored in imitation of butter. Those who were engaged in that contest have always appreciated and been grateful for the splendid service rendered in behalf of that legislation by Mr. Adams. Whatever he became interested in he became a thorough student of, and having devoted much time and study to that particular subject, he was able to be of great assistance in demonstrating the absolute necessity for that legislation and the equity and justness of its enactment.

The people of the Second Congressional district of Wisconsin, appreciating his ability, elected him as their Representative in the Fifty-eighth Congress, and he was reelected to the Fifty-ninth. His principal committee assignment was to the Commit-

tee on Agriculture. To the work of that committee he brought intelligent, broad-minded, comprehensive ideas. It was largely through his influence that the increased appropriation for the agricultural experiment stations through the country was made, and, in fact, it may truthfully be said that he alone was entitled to the credit for that legislation. His last great work as a member of that committee was in the preparation of what is known as "the meat-inspection act," passed at the last session of this Congress. We know that Members of the House hon-estly differed with each other over the provisions of that act. Each of us was desirous of the enactment of an effective law, and during the days when the fate of that measure hung in the balance Mr. Adams, although far from well, devoted his every energy to not only the perfection of the measure, but in harmonizing the differences between Members in order that the bill might become a law. His friends are pleased to know that the provisions of that bill which represented his convictions have stood the test of trial, and that the measure is producing beneficial results to the people and to the country.

His work, however, was not confined to measures pending before the committees of which he was a member. He took an active interest in all matters of legislation, and we all remember how pronounced was his opposition to the Philippine tariff

bill and the joint statehood bill.

Those who were closely associated with him knew that he regretted sincerely the fact that his position on these two measures put him in opposition to the Administration and to the leaders of his party on the floor of this House. did not deter him from pursuing the course his judgment dictated, and it is to his everlasting credit and honor that, as a legislator representing a district the equal in population and intelligence of any other district in the country, he stood in this forum and defended their interests and their rights to the best of his ability, regardless of its effect upon his own personal popularity with the membership of this House. He had made a careful study of those two questions. His judgment was formed after mature and conscientious deliberation, and, having decided what he believed was the right course to pursue, he never faltered or wavered in the contest which was to follow.

He was a sincere man, a courageous man, an honest man; therefore in the contests in which he engaged he fought openly and fairly, but forcefully, for his convictions. Differences of opinion upon matters of legislation were not permitted to interfere with his social and personal relations with Members, and those against whom he contended respected and honored him the

more for having been loyal to his convictions.

Lamentable, indeed, would be the condition if members of a legislative body were to be influenced in their convictions either by the clamor which comes from the multitude or the glare which surrounds those high in authority. He who without fear or favor pursues his course as his judgment dictates must in the end be given credit for consciention service. This was characteristic of our departed colleague. During his long official career he discharged the duties of every position which he occupied from a firm conviction of the right, without fear or favor and without considering what the effect might be upon his

A few days before the close of the first session of the Fifty ninth Congress, realizing that he was far from well and that his arduous labors here were undermining his strength, I personally urged him to go away and rest for a few days, or even to go home and remain for the balance of the session. This he determinedly declined to do, insisting that under no cir-cumstances would he leave his duties at the Capitol until the session was ended. He remained at his post of duty watching carefully the legislation in which he was interested until it was finally enacted into law. Then, upon the adjournment of Congress, he started for his home, where, with his family, he hoped to find rest and there regain his wasted strength and energy. But the task had been too severe, the strain too great. His weakened constitution gave way, and while en route to his home it was necessary for him to be taken to a hotel in Chicago, where, after a short illness, he passed away. Thus it may be said of him, as of those who defend their country's

service of the country he loved. In his death the nation lost an able, conscientious, and earnest legislator. In his death the State of Wisconsin lost an upright, honorable citizen, one who had done much for it and tis various interests. In his death the people of the Second Congressional district of Wisconsin lost not only an able Representative, but a faithful servant, one who was always careful in attending to every duty and quick to respond to every request made by his constituents. He never neglected the pension claim of an old soldier or a soldier's widow. The

honor on the battlefield, he died with his armor on and in the

teachers and children of the public schools always received from him every courtesy he could extend, and this was also true of all his constituents. To his wife and children the loss is still greater, and we deeply sympathize with them. They, however, have the consolation that in life he commanded the respect, the admiration, and the confidence of his fellowcitizens, and, while they mourn sincerely his untimely death, they know that, after all, it is but the sleep from which he will awake in a brighter and better place, where pain and sickness enter not in.

Mr. BROWN. Mr. Speaker, I feel it my duty as a Representative from the State of Wisconsin, and as a long-time friend, to add a word to what has already been so well said in remembrance of our late colleague, Henry Cullen Adams.

My first acquaintance with him dates back to the year 1870,

when we were students together at the University of Wisconsin. For three years I met him daily-in the class room and upon the campus-and grew to recognize in him a young man of ability

and great promise. "Cully" Adams Adams was a genial, whole-souled fellow in college, well beloved by his fellow-students. He was a thoroughly conscientious student, who, when he had finished considering a subject, had a complete understanding of it. He took high rank as a student and was considered among the ablest debaters in the institution at a time when debating societies flourished, and when they filled a most important part in rounding out the

education of the young men of his time.

He spent three years at the University of Wisconsin, but on account of ill health was unable to complete his college course. Thus it will be seen that even in early manhood he suffered from the handicap of being afflicted with poor health, and it is not too much to say that from the time of his leaving the university to the day of his death he saw very few, if any, Yet with all of this to contend with few of those well days. who were his early associates have risen so high or accomplished so much in the about thirty-year period allotted to him for his life's work. Few public men were more universally known throughout Wisconsin than he, and his career was of interest to all; hence it was with universal anxiety that the citizens of his State learned that he had been stricken with illness while en route from the capital to his home at the end of the last session, and a feeling of deep sorrow was manifest when, after a few days of suffering, the end came.

His public career consisted of two terms as member of assembly; six years as superintendent of public property; eight years as dairy and food commissioner, and as a Member of the

Fifty-eighth and Fifty-ninth Congresses.

He was raised on a farm, and by study and experience became a practical dairy farmer; hence he brought to his duties as dairy and food commissioner a knowledge of the needs of the dairy interests of the State, and put that knowledge to practical use in administering the office, and in consequence performed his duties with ability and to the great advantage of the dairy interests of his State. Even before entering Congress and while he was yet a State official he made his impress on national legislation in behalf of the dairy interests of the country. Probably no man either in or out of Congress exercised as much influence in securing the passage of the oleomargarine bill as did he. During the consideration of the bill by the committee he made exhaustive argument in behalf of the legislation and showed such broad and profound knowledge of the subject that by the force of his logic he compelled attention and convinced the committee and Congress that the legislation was demanded.

When he entered the Fifty-eighth Congress he was well equipped to take up his duties promptly, and he introduced without delay what was known as the "agricultural experiment-station bill and secured the approval of the committee which authorized him to report it to the House, where it was placed on the Calendar, but his efforts, though persistent, were unable to force consideration of the measure in that Congress. This was a great disappointment to him, but instead of discouraging him it nerved him to greater effort. Even before the adjournment of the Fifty-eighth Congress he had commenced a campaign throughout the country, which was destined to bring him vic-tory. He solicited the support of agricultural colleges everywhere, and through his influence farmers' institutes discussed the legislation, and as a result pressure was brought to bear until at the opening of the Fifty-ninth Congress, because of the universal demand, the bill was reported from the committee and passed without material opposition during its first session. This one important measure, which was enacted into law during his second Congress solely because of his individual efforts, was an accomplishment which any Member could well be proud of securing, even after a long term of service.

He also took a prominent part during the last session in securing the enactment of the pure-food law, it being admitted by all that his technical knowledge of the subject and his clear conception of the need for governmental regulation was of great advantage to his associates in formulating and passing the legislation, which is now conceded to be most practical and beneticial.

He again came into prominence during the consideration of the meat-inspection provision of the agricultural appropriation bill as the first session of the present Congress was nearing its close. It was generally conceded that his broad knowledge, sound judgment, honesty of purpose, and strong personality had much to do in smoothing out the differences which at times seemed to endanger the possibility of securing adequate legislation. With less than two terms' service he had compelled legislation of the greatest importance and had taken rank with the best debaters in the House. His clear statement, sound logic, personal magnetism, and forcible and eloquent expression, together with the fact that he invariably spoke with a purpose, enforced attention in this body, where it is so difficult to secure listeners.

In the death of Representative Adams this House has lost an able, conscientious Member, and his family, the country, the party, and his State have suffered an irreparable loss.

Mr. JENKINS. Mr. Speaker, it is an unpleasant duty to have to speak of the death of anyone, and I regard that duty calls upon me at this time for a few remarks. I feel as though I ought not to remain silent upon this mournful occasion. appreciate that I can not add to what has already been said, but as duty calls upon us now it gives me pleasure to testify to the many excellent qualities of our late colleague, Hon. H. C. Adams. It was not my good fortune to know him long and intimately as others have, as I only had a speaking acquaintance with him until he was elected a Member of this House. I had seen him but few times prior to his membership, but I knew enough of him to appreciate his worth and sincerely regret his death.

As an active worker in many industrial ways I had heard of him long before I had the pleasure of meeting him. He was truly an excellent representative of a strong people—a man of excellent judgment. He was honest, intellectual, and capable; in many ways very progressive, a leader among strong men. He had long been an energetic, active friend of the people, fearless in the discharge of every public duty.

Understanding the need of the farmer, he devoted much time

to the agricultural interests of the country with great benefit to the people. He was admired and respected by all who knew him. During my acquaintance with him he appeared to be a sufferer from some disease that seriously impaired his health and retarded the progress he otherwise would have made. But during that time I never heard him utter one word of complaint, and his cheerfulness under the circumstances always made him a pleasant companion.

Having been a tireless student, he was well read, a splendid conversationist, ready debater, and well equipped for public service. As a colleague he was very much respected for his readiness to help his State and his delegation. He never uttered one disrespectful word, always endeavoring to harmonize difficulties and promote good feeling. He came from a splendid family. I knew his father well, for I had the honor of serving in the legislature of our State with him.

Mr. Adams was popular among those who knew him, and his circle of acquaintance was large, his friends many. The testimonials at his death evidenced his high standing and that his home people realized his death was a great loss to them, as well as a loss to our State. His early death was the direct result of his untiring efforts to serve the people as a Member of this House. He never favored himself at the expense of the people, and his desire was always to do his duty regardless of the effect upon himself. We all know how rapidly he grew in influence and power. At the time Mr. Adams left Washington to return to his home for a much-needed rest he had as bright and as honorable future as any Member of this House. The news of his sickness and death was a shock to his many friends.

It is a duty we owe to the name and memory of a good man to place on record our opinions of him. His life was a shining example of what industry and honesty can accomplish, and it was a painful matter that, after having served his people and country so well, he could not be permitted to return to his family and home he loved so well before having to depart this

Mr. Adams more than filled the measure of life and reached an honorable and distinguished manhood. A happy home was robbed of a loved husband and father. One of the important

Congressional districts in the State lost a distinguished Representative, the people an able and trustworthy friend. I know I do not make it too strong when I say his early and untimely death was not only a great loss, but that it was sincerely mourned by the entire membership of the Fifty-ninth Congress.

EULOGIES ON THE LATE HON. JOHN H. KETCHAM.

Mr. PAYNE. Mr. Speaker, I call up the resolutions which I have sent to the Clerk's desk.

The Clerk read as follows:

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. John H. Ketcham, late a Member of this House from the State of New York. Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House at the conclusion of the memorial exercises of this day shall stand adjourned. Resolved, That the Clerk communicate these resolutions to the

Resolved, That the Clerk communicate these resolutions to the family of the deceased.

The resolutions were unanimously agreed to.

Mr. PAYNE. Mr. Speaker, there were a number of gentle-men who desired to take part in these exercises to-day who are necessarily absent; but I understand general leave to print has already been granted.

The SPEAKER pro tempore (Mr. KNAPP). The Chair is informed that leave has already been granted.

Mr. PAYNE. Mr. Speaker, John H. Ketcham was born December 21, 1832, and had nearly reached the age of 74 years at the time of his death last November. He was brought up in a very small rural community, his father being a general store-keeper and farmer. He was from English stock, his ancestors having migrated to this country with the Pilgrim Fathers. His education was in the district school and in the academy, giving him in those early days few advantages of education. had, however, the opportunity which falls to a boy on the farm of self-education. He passed his boyhood working upon the farm by day and studying at night. This gave him a vast amount of information and a broad education, which contributed much to his success in life. Afterwards he became a farmer, developing a marble quarry upon his farm, which brought out his unusual capacity for business and genius for

At an early age he became a political leader in his town, hav-ing been elected supervisor in 1853, before he had attained his twenty-first birthday. This office, of no mean importance and a source of education, was held by Mr. Ketcham until he was elected to the State senate in 1857. He was only 25 years of age at this time, and is said to have been the youngest man who ever held this important position. He was reelected to this office two years later.

In the summer of 1862 he became interested in raising troops, and soon raised a regiment, so great was his zeal and industry. He was unanimously chosen colonel of this regiment, which was known as the One hundred and fiftieth New York Volunteers. He had no previous military experience, but by his close study of military affairs he soon gained the education and experience which fitted him to become a model officer. His regiment took an active part in the battle of Gettysburg, and here General Ketcham was severely wounded. Afterwards he joined General Sherman in the famous march to the sea, and was again wounded at Argyle Island, in the Savannah River. The surgeon ordered an amputation of his leg to save his life, but Colonel Ketcham resisted this, preferring to take his chances of death rather than go through life with a single limb. As a result of this wound he was not able to return to the Army. I have obtained from the office of The Military Secretary a statement of his service, which is as follows:

WAR DEPARTMENT

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE.

Statement of the military service of Bvt. Maj. Gen. John H. Ketcham,
formerly colonel One hundred and fiftieth New York Infantry Volunteers, and brigadier-general of volunteers.

It is shown by the official records that John H. Ketcham was mustered into service October. 11, 1862, as colonel of the One hundred and
fiftieth New York Infantry Volunteers, to serve three years; that he
was present with his regiment to December 31, 1863, and that on January 31, 1864, in addition to the command of his regiment, he was commanding a detachment of the Third Brigade, First Division, Tweifth
Army Corps.

It appears that in January, 1864, several soldiers on duty in the
Department of the Cumberland were murdered by guerillas and that a
tax was levied upon the property of all disloyal citizens living within a
circuit of 10 miles of the place of the murder, and that the proceeds of
the tax were divided among the dependent families of the murdered
soldiers. On February 16, 1864, Colonel Ketcham was commended for
the manner in which he had discharged his portion of the duties in connection with the collection of the tax and was designated to proceed to
the State of New York with a portion of the soldiers so murdered. The

records show that he was absent from his regiment on duty on February 29, 1864.

After his return to the regiment he was present with it until October 15, 1864, when he received a leave of absence, from which he returned regiment, he was severely wounded in the thigh in battle near Savannah, Ga. A leave of absence for thirty days was granted him January 11, 1865, on account of the wound so received, and the leave of absence was extended for twenty days on surgeon's certificate of disability.

On March 2, 1865, he tendered his resignation in letter of that date, in which he stated that he had been in the military service for two and one-half years to his great pecuniary disadvantage; that he had been in the military service for two and one-half years to his great pecuniary disadvantage; that he had been until the properties of the military service for two and one-half years to his great pecuniary disadvantage; that he had been until the properties of th

F. C. AINSWORTH, The Military Secretary.

Mr. Speaker, I have read to the House the wonderful story of General Ketcham's military service from the records of the War Department. No words of mine could add anything to the eloquent recital preserved in the imperishable archives of our

While General Ketcham was still at the front with General Sherman he was nominated and elected to the Thirty-ninth Congress. He served at this time four consecutive terms, but was beaten for the Forty-third Congress, in 1873, during the Greeley campaign. The contest between himself and Hon. John E. Whitehouse was a memorable one, which has not been forgotten throughout the Empire State. General Ketcham was then appointed a Commissioner of the District of Columbia by then appointed a Commissioner of the District of Columbia by President Grant, and in this office accomplished some of the most important work of his life. He brought to the office his wonderful and untiring industry and business tact. He was a real friend of the District and his administration was heartly approved by the leading citizens of Washington. At the end of four years he resigned, having been elected to the Forty-fifth Congress. He held office for eight successive terms and declined a nomination for the Fifty-third Congress. Subsequently he returned to the Fifty-sixth Congress and had served continuously since. Although his service was not continuous, he was here for nearly thirty-four years, probably the longest service of any man who had ever been a Member of the House of Representatives.

I met some of his constituents at Saratoga in October last, who told me that the "old General" was confined to his bed and would probably die; but they said the convention would meet in his district the following week and, if there was a breath of life in his body, they would renominate him by acclamation.

They showed an honest, heartfelt pride in this act of loyalty and devotion to one who had been so long their chief. He was renominated, but died on the first Sunday in November, two days before election.

General Ketcham was a generous, warm-hearted, liberal man. He would go farther to do a favor for a friend than any man whom I have ever known. He was loyal and devoted to his own party, but generous and kind to those who opposed him. Frequently the opposition made no nomination against him. Often it was said that both party conventions contained only the loyal and devoted friends of General Ketcham. He had good common sense, business sagacity, and prudence. He was a quiet man, who never took the time of the House in debate, but whose advice and opinions were sound.

He was married in 1858 to Augusta Belden, to whom four children were born, three of whom, with his widow, now sur-

vive the General.

He had a warm place in the affections of all the people of his district, and his loss was greatly mourned. He had many friends on both sides of this Chamber, especially among those who had served with him long and knew him well. He left behind him the record of a long, busy, useful, and marvelously successful life.

Mr. SHERMAN. Mr. Speaker, to bear the burden of years cheerfully, patiently, resignedly, and uncomplainingly is a crown of glory of its own. When a man nears the goal of threescore and ten he must, perforce, stop to think of that which lies beyond; take stock of what life has brought to him

and ponder on what is to come.

To some this brings sorrow and grief; the parting seems all too near. To others it brings profound joy, because of physical or mental ailments, or because of a deep and abiding faith it seems useless or painful to tarry longer here. But he who approaches the mysterious change calmly, bravely, and cheerfully, whose physique and well-spent life enable him to continue those habits of industry acquired in days gone by; to meet his friends and associates each day as genially and as pleasantly as, when a youth, life was full of promise; to fear neither the presence of the messenger of death nor seek a nearer acquaintance with him-such an one is to be admired and beloved and must necessarily attract his younger associates as an example when their burden grows heavier year by year and the end of the struggle, perhaps not yet in sight, still reposes just a little way over yonder hill.

Let us not forget this lesson and this example when to-day we pay tribute to the memory of our beloved colleague, John H. Ketcham. In him were found these qualities to a singular degree. He was a valiant warrior. Death nor life possessed terror for him. During all his years he had faced every situa-tion as it arose. To meet it, to encounter it, to triumph over it was his custom and his delight. Through poverty to distinguished honors he progressed, steadily and unchanged. His kindly, genial manner never forsook him. His industry never tired. His faithfulness to private or public trust went unchallenged. His big heart, filled to the brim with human kindness, withered not. His patriotism and love of country responded to the call to arms and his spurs were won on the field of battle, simply to be laid away as mementos of duty done and not as evidence for self-exaltation or as souvenirs to humiliate a vanquished foe.

At his home, as a neighbor and a friend, he was a father to the young, an elder brother to the middle-aged, and a companion and comforter to those who had longest known him. In his district he was a champion to whom all appealed irrespective of party, and no appeal went unanswered. In this Hall he performed service worthy of his country and himself, and at the same time gave to us all an inspiration that the pathway toward the valley was not one to be trod in fear or loneliness.

Now that he has departed we miss him much. We sorrow because we shall never more meet and greet him, but we more than ever appreciate and realize what he was to us, what this House and his district suffers in his loss, Honest, faithful, true, and loyal, he was a pillar of strength to be counted upon in calm or storm.

It were needless to speak in detail of General Ketcham's work. The records of his thirty-four years of service in Congress will carry these details down to posterity. It were useless to tell of his achievements for his district. No man lives there but can tell of them. It were waste of time to recount his No man lives there heroic deeds during three long years of weary marching, bloody battles, and starvation camps in the civil war, for in the archives of the great granite building at the other end of the avenue they rest secure, to be read and admired by his children's children. In every position which he occupied General Ketcham made a record. He placed himself squarely and clearly on every proposition, and now that he is gone that record, like his memory, lives to stimulate and to beckon us onward to nobler aspirations and higher ambitions.

I can not better close my weak tribute to our departed friend than by reading the following in eulogy of him from the Hud-

son (N. Y.) Republican:

than by reading the following in eulogy of him from the Hudson (N. Y.) Republican:

Gen. John II. Ketcham was of the old school. He learned his politics from the old masters. Over fifty years of public service have brought him to his grave with an unsullied name. Sincere in his ways and honest in his methods, he stands out like the fir tree in the forest. What hosts of men have gone to Congress since he first went, climbed to the top, and have fallen and are forgotten! What reputations made and ruined since John H. Ketcham was first elected! What a list of investigations which have retired hundreds to private life can be remembered; but the man never lived who ever called this dead citizen to an accounting. He stood straight and clean through the heat of his many campaigns and through all the scrutiny of public officials. Simple in his ways of living, unaffected in his demeanor toward others, always approachable, his relations to his people were peculiarly personal and his affection for them sincere and deep rooted. He loved best to be busy for others. And this was no one-sided friendship. As he looked to them, they turned to him. Party lines were broken. Many times he ran without opposition. His death is no occasion for his own party to claim a monopoly of mourning. As he stood for and by his people when alive, now with sad hearts they think of him called to the great beyond. His was a unique life, born of a unique character. There may have been men more brilliant, there may have been men more eloquent, but the House of Representatives has never held a more unselfish, painstaking, earnest, honest statesman than he whom we miss to-day. His power in Washington was tremendous; where Senators falled he succeeded. Gentle, but persistent, he accomplished wonders. Men high in the councils of the nation looked on him with amazement, and many a millionaire statesman with all his money envied the reputation of this honest gentleman. Such was he whom we now so mourn. We shall have to go on without him, but the life that

Mr. GOULDEN. Mr. Speaker, it is always a sad duty to pay tribute to a friend who has gone to his reward. number of the Members of this body for the past thirty-odd years knew the manly form and the genial greetings of the late Gen. John Henry Ketcham. For more than fifty years he had ably and loyally served his country in various capacities, first as supervisor of his town, then as a member of both houses of the New York State legislature, followed by active service in the Union Army as colonel of the One hundred and fiftieth New York Infantry, then as brigadier and major general of volunteers; he was a Commissioner of the District of Columbia, and a Representative in Congress from 1865 to the day of his death, and, with the exception of eight years, was a useful and distinguished Member of this body, serving faithfully for a period of thirty-four years.

This briefly is the history of one of America's noblest sons. His record in private as well as in his official life was an honorable one. Perhaps the best test to apply to life's achievements is the opinion in which the individual is held by his

friends and neighbors.

General Ketcham was born, lived, and was buried from the old home at Dover Plains, in Dutchess County, N. Y. To those of his colleagues who attended the funeral on the 7th day of November last the sight witnessed will never be forgotten, when hundreds of his old-time friends, neighbors, and comrades took their last fond look at the face of him who lay quietly sleeping in the parlors of his beloved old home. Tears were in many eyes, and the simple but impressive service of two of his former comrades in arms, chaplains of his old regiment, was indeed a memorable scene, never to be forgotten.

As an old comrade, as well as a Representative of a near-by district, it was my privilege during the past four years to see much of our late colleague. He had a delightful personality that charmed all who met him. To know him was to love him. Others who knew him better will tell of his grand and glorious life, full of good deeds, of loving kindness, and of patriotic achievements. His life was that of a typical American citizen, replete with splendid results and full of encouragement and hope to the young men of the nation. He exemplified in his life the golden rule, "Do unto others as ye would that they do unto you," thus making and retaining as friends all whom he met.

Of him it could truly be said:

His life was gentle, and the elements So mix'd in him, that Nature might stand up And say to all the world, "This was a man."

Mr. KEIFER. Mr. Speaker, I appear here to-day to bear my testimony on the life and character of John Henry Ketcham, of the Twenty-first district of the State of New York. He was my comrade in the great civil war and a distinguished Member of this House during all my service therein, and he was always my personal friend. I met him here first in the Forty-fifth Congress and served continuously with him for four terms;

then, after an interval of twenty years, I returned and found him here to greet me in his always gentle-spirited manner. was a constant and lovable friend, and he was guided in all public, private, and personal relations by duty and lofty principles. He was a patriot in country and his fellow-men. He was a patriot in war and in peace. He loved his

JOHN H. KETCHAM was my senior more than three years. He served with distinction in the civil war about two and onehalf years, holding the rank of colonel, brevet brigadier-general, and brevet major-general of volunteers. Prior to his service in the civil war he had served a term as assemblyman and a term as senator of the State of New York. He left the Army in March, 1865, to enter the Thirty-ninth Congress, to which he was elected in 1864, and he served here for four successive terms (eight years), ending March, 1873. He was Commissioner of the District of Columbia for nearly three years, from July 3, 1874, to June 30, 1877, when he resigned, having been elected (1876) to the Forty-fifth Congress, and he then served for eight consecutive terms, ending March, 1893, when he retired voluntarily on account of ill health. He was, in 1896, elected to the Fifty-fifth Congress, and successively for four more terms, including the present (Fifty-ninth) Congress, and but for his death (November 4, 1906) he would have been elected to the Sixtieth. He has the singular distinction of having been elected to and having served in the House of Representatives of the United States seventeen Congresses. I do not recall any Member who served so long-nearly thirty-four years, covering a period of about forty-two years from the time he first became a Member of this House. This testifies of itself to his high character as a statesman and to his integrity. He was a Republican, but not a partisan in the sense that he was not in touch with all the people of his district. He commanded their confidence, regardless of party, and he always proved himself worthy of it. In all the years of his public life no suspicion of dishonesty was breathed against him. With a constituency of exceptional intelligence, energy, and spirit always constant to him we are sure he was a man of integrity and of no ordinary capacity. Such a constituency did not err in its estimate of their Representative here. A final test of the true merits of a man, both in public or private life, is found in the estimate his neighbors make of him. The public press may speak evil of a man and strangers may judge him erroneously by what they hear of him or of his acts, yet the word of mouth reputation given him by the people with whom he lives, his neighbors, who know him in his daily life is always right.

The life and public services of the man in whose honor we meet to-day cover a period in our country's history—indeed, in the history of the civilized world—that is rich and great in important events, marking the progress of civilization and the more universal recognition of the rights and liberties of man. It required more to constitute true greatness in the period in which he lived than in any antecedent like period.

General Ketcham's military service was signally marked by gallantry and uniform brilliancy. He did not hold at any time high command, and perhaps he did not aspire to attain to the important rank of a great commander, contenting himself with the command of a regiment or brigade. In doing this he won honors too often overlooked. Such service is necessarily performed by many in a large army and during a great war. Only a few can attain, in even a long and bloody war, to the first rank with high command in the field. Those who attain such rank and command are generally awarded praise and renown impossible to be earned or achieved save through the successful gallantry on the field of their subordinates. When a great campaign has been successfully terminated or an important battle has been won, naturally the commanding officer is given all the first credit, but no great commander in the Army Navy has ever achieved success save through the skill, gallantry, and bravery of those of all ranks and conditions under him. A captain of a company never became distinguished as such unless his lieutenants, noncommissioned officers, and private soldiers were also skillful, gallant, and brave. A colonel of a regiment must, likewise, to acquire distinction, have skillful, gallant, and brave officers and soldiers under him. An army to be reliably efficient must be and act as a unit throughout its entire organization. Alexander the Great, the Mace-donian Greek, Hannibal of Carthage, Cæsar, the most successful leader of the Roman legions, Bonaparte, in his long suc-cessful wars against the combined despotisms of Europe, would each have failed to acquire immortal fame but for their capable captains. So as to all other war chieftains who have won like fame in campaigns and battles. Indeed, it often has turned out that the glory of a battle which clusters around and clings to the successful general rests upon the valor of subordinates whose lives are sacrificed. The glory of Napoleon at Marengo, in Italy, which enabled him to wear the iron crown of Charlemagne, was won for him after he had suffered disaster and defeat on the same field by the heroism of Desaix, who gave up his own life to secure a victory. The pages of history are

illumined with like or similar striking examples.

It is sufficient to say that General Ketcham is entitled to share in the honor and glory which belongs to his comrades in the greatest and most sanguinary war of the ages, measured by its bloody character and by the results secured in the interest of human rights and in the upbuilding of civilization throughout the world. He should be awarded a due meed of praise for wellperformed duty in that war. He has passed over to join the great majority of his war comrades, whom he loved and who loved him.

But our dead colleague here was only a soldier in war; he was, in all his natural instincts, a man of peace. His inspiration for war was only that of duty, when his country and its institutions were imperiled. Peace and peaceable pursuits commanded his highest ambition, and to them he devoted his best energies, duty again being his inspiration. He was not ostentatious in anything he undertook, but he had a commendable pride to do all things well. His embarrassment on account of a defective hearing for many years would have been enough to have disheartened and totally disabled an ordinary man, especially for the performance of the onerous duties of a Representative in this House. With "ear sequestrate" he had not a "tuneless tongue." His voice was raised here on proper occasions, though no idle words fell from his lips. In the period marked by his entry (1865) into Congress and his death, over forty years, a generation of people died and another was born. But few remain of those with whom he served in the early part of his service here. They have passed beyond. What a galaxy of great men they were! They, with him, did not fear to grapple with the momentous political and national questions that presented themselves. Courage in dealing with fundamental political and high moral questions was essential to success, and this they did not lack.

They were too near to the awful baptism of war to be swayed from the performance of duties enjoined by the plainest provisions of the Constitution and essential to the maintenance of the fundamental principles of equality of citizenship through-out the Union of the States. They were not imbued with the hope or belief that wrong or digression from sound political maxims will in time correct evil tendencies. Wrong is always both agressive and progressive. Nor were these earlier great statesmen lulled into feelings of security by an universal ma-terial prosperity growing up around them. The direct danger is always to be apprehended to the rights and liberties of mankind, indeed to civilization, if not to Christianity, when people are pampered with general material prosperity. At such a time high duties are forgotten and a false security takes their place. Moral degradation come more generally from universal prosperity of a people than from times when the masses of the people are so poor that they are compelled to practice economy in domestic and public affairs. They then grow critically jeal-

ous of all rights, political as well as personal. What millionaire stops to warn the people of the danger of losing a political or personal right essential to be maintained to

preserve their just share of liberty?

Mr. Ketcham went on here and elsewhere in the even tenor of his way, never deviating from a settled ingrained conviction that there were certain essential and elemental principles that changed conditions or even time, that destroyer of almost all things, can not and should not do away with. He loved his things, can not and should not do away with. He loved his country, its Constitution and free institutions. He was a friend to the lowly and he bowed the suppliant knee to none save his Creator. He was in life respected and trusted by his neighbors and associates regardless of political party, and they were ready when death claimed him to honor him with an elec tion for the eighteenth time to a seat in this Hall. He died at peace with his fellow-men. He was a typical citizen of this Republic, an heroic volunteer soldier in war, a distinguished statesman in his State and national legislatures. His life was rich in deeds of good, and he did not live in vain.

Champion of right, \* \* \*
Thy spirit will return to join the strife no more.
Rest, citizen, statesman, rest; thy troubled life is o'er.

Mr. HULL. Mr. Speaker, I had not the privilege of knowing General Ketcham in his earlier life, and were it not for the close personal association with him during the past eight years would not attempt to add to what has been so well said by those who have known him in his home and those who are to follow who are familiar with his whole life.

My first acquaintance with General Ketcham began as a

Member of the Fifty-fifth Congress. In the Fifty-sixth Congress he was assigned to the same committee that I have the honor to be chairman of, and for almost eight years my right, ready at all times with his counsel and advice, taking no active part in the debate that came before us, or in fact in the debates in the House, but always thoroughly informed as to every measure we decided upon, and always thoroughly right, except when an appeal was made to his great heart, when he would sometimes admit that he would rather be wrong for a friend, where no principle was involved, than to be right and disappoint his friend.

These eight years of close association with General Ketcham fully justified in my mind the marvelous hold he had upon the people who have known him all his life and who started him upon his career, as has been said, before he was 21 years of age, and has kept him in the service of the people almost continuously for all the years since that time. I know of no other who could so patiently bear and so manfully overcome the

handicap of almost total deafness.

Going up from the smaller office of the township through the office of representative and State senator, the colonel of a New York regiment by the time he was 30 years old, a brigadier-general while still in the prime of his young manhood, a majorgeneral of volunteers, and while wearing the uniform of his country commissioned by his people to serve in the Congress of the United States, and recommissioned from that time on, with but brief intervals of service, until the angel of death touched him and he slept. A marvelous record that can only be ac-

counted for by the marvelous qualities of the man. I was impressed with the serene courage with which General Ketcham met his approaching death. Shortly after he was stricken, here in the city of Washington, with paralysis I called and spent the evening with him. He spoke about his situation and the question as to whether he would ever again assume his He referred to the advice that was given him to go duties. back to his home in New York. He said he answered: "I can meet my fate here as well as at home, and I want, if possible, when I get home to my constituents to shake them by the hand. If I can not do that, I can go back silent," or, as he expressed it, "in a box." Conscious of a well-spent life he serenely

awaited the summons to appear before the great Judge.

He endeared himself to all of his associates upon my committee, and he endeared himself to all of his associates in the It has been well said that he was a Republican, but not a partisan, and I can testify from my association with him that when he could do a favor to any Member of this House the question of the Member's party affiliation was never involved. It was the kindly, generous spirit of the man reaching

out to help his fellow-man.

His record is a part of the history of our country. As has been said, in civil life and in military life it forms a part of the great history of the Republic, and it is of such a character that not only his friends but his widow and his children can glory in the fact that they had him with them so long. Ripe in years and rich in experience he laid down the mantle of life without any dishonor being attached to any part of his past, with all who knew him saying from their hearts, "Well done, good and faithful servant;" and to him as a man, soldier, and statesman patriot and friend "All hail farewell." statesman, patriot, and friend, "All hail, farewell.

Mr. PARKER. Mr. Speaker, it is one of the treasures of service in this body that we make friends, and that we learn to know men from all over this country of varying personality

and strong character

It strikes one a little strangely to-day to find that having just celebrated the virtues of one who was in this House but for three years, we have now turned to commemorate the services of one who for thirty-three years and more was a distinguished It is indeed an impressive fact that a man who began his public career in the year 1854 could have so retained his hold over his fellow-men and his oneness with them for than half a century that neither bodily weakness nor that deafwhich so often separates men from their fellows made him any less one of humanity or any less close to all of his kind. On the contrary, every man who met him to the end of his days learned early in his acquaintance whether Gen. John Henry Ketcham liked him or not, and learned, too, if he did like anyone that he had the heart and the courage to know and to love him thoroughly. For that love I am grateful, Sitting next below him on a great committee, where I had often by his consent to take his place of precedence, and to perform the duties which naturally would have devolved upon was notable to find a friend who knew nothing of jealousy, nothing even of irritation because he could not always do everything that he wanted to do himself. It was something to find

a man that had so large a heart and in whom the two meanings of the word "heart" were so united—courage on the one hand, and sympahty and love for those he knew upon the other.

It is right and proper that these two qualities should go to-other. It is fitting that he who understands and loves his felgether. lows, and who with all his heart is a devoted worshiper of his country, should likewise be the bravest of the brave, the most self-sacrificing, and the most earnest in the performance of his It is a memorable thing to me to have known one who was so long his own full self, whether in his little village as supervisor or, at only 22, in the legislature of his State, or afterwards in its senate, or before he was 30 the colonel of a regiment, or before he was 32 going back to his State to perform a duty which was almost more necessary than the duty of service -the duty of uniting the people at home in support of the President and of his policy in that awful year of 1864, and taking a place in Congress to give support and loyal backing to that President in the dreadful closing days just before the end of the war; whether in these earlier days or through all the long course of his life and to the end this brave and loving man retained the love of his fellows, the almost adoration of his neighbors and home friends, and a fire of life which burned un-dimmed, unclouded, unchecked, whether in his intellect, in his courage, in his affection for those whom he had long known, or in that perpetual youthfulness of heart which made him ready to make new acquaintances and to love them all, old and new, to the very end. To such a man as this, when he is dead, we say, as my friend has just said, Farewell and all hail; farewell to the friend, but remembrance of his friendship as long as life shall last!

Mr. FITZGERALD. Mr. Speaker, to-day we revere the mem-ry of a remarkable man. Not one, perhaps, who had challenged ory of a remarkable man. the attention of the world by extraordinary talents and by brilliant achievements, but one, indeed, who had so ingrained himself into the affections of his people and had lived such an honorable and upright life and had manifested such extraordinary capacity for public life that for nearly fifty years he had been the chosen representative of his friends and neighbors in important places of honor and of trust.

JOHN H. KETCHAM was born at Dover Plains, N. Y., on December 21, 1832, within a short distance of the home he occupied at his death. His entire life, excepting the time when in the performance of public duties his presence was elsewhere demanded, was spent in the one locality. Descended from old English stock, his ancestors are traced back to the Pilgrim Fathers. His father settled in what was then known as the Harlem Valley, and was engaged in business as the keeper of a general store. The time of the son not spent in the district school was usefully occupied about the store and on his father's farm. He also attended a seminary of considerable renown in those days at Amenia, and subsequently attended for one term the Suffield Academy at Suffield, Conn., and the Worcester Seminary in Massachusetts.

With an elder brother he early acquired a farm which they worked together, and in time they developed into an important industry a marble quarry which was located on the farm.

Before he reached his twenty-first year John H. Ketcham

was chosen a supervisor, and so satisfactory were his services that he was reelected in 1854.

At that early age the characteristics which ever distinguished him and which accounted largely for his remarkable career were quite pronounced. He was a man of sterling integrity, of untiring industry, and of unfaltering persistency. stacle ever deterred him in the accomplishment of a determined purpose. Being a keen observer, gifted with accurate judgment, his experience in the country store had given him a wide acquaintanceship throughout his own and adjacent counties and enabled him to form quickly correct estimates of men.

While still a member of the board of supervisors he was chosen to the State legislature, and in 1857, at the age of 25, he was elected to the State senate, in which body he served several terms.

Upon the second call for volunteers by President Lincoln. JOHN H. KETCHAM was appointed by Governor Morgan a member of the war committee for Dutchess and Columbia counties. With his characteristic zeal and energy he set out to recruit the requiste number of men from the two counties. His wide acquaintanceship and his high standing naturally attracted to his aid the most desirable of the eligible men. When a regiment, designated as the One hundred and fiftieth New York Volunteer Infantry, was raised, he was chosen its colonel. With the same persistence and industry that had marked his efforts to raise the regiment he devoted himself to the study of military science and tactics, so that he might be of as much

aid as possible in preparing his men for their task and be prepared for the duties of the place to which he had been chosen.

I shall not attempt, Mr. Speaker, to trace his military career in detail. It will suffice for me to say that for conspicuous gallantry he was brevetted a brigadier-general and subsequently major-general. He was at Gettysburg, and accompanied Sherman on his march to the sea, and during that march he received a serious wound, from the effects of which he never fully recovered

While at the front with his regiment of home folks those at home did not forget him. In 1863 he was nominated and elected to the Thirty-ninth Congress. He was reelected to the Fortieth, Forty-first, and Forty-second Congresses. In 1872, in a contest memorable in the history of New York, he met his only defeat in a political contest, being defeated for Congress by the Hon. John O. Whitehouse.

General Ketcham was then appointed a Commissioner of the District of Columbia by President Grant. His associates were William Dennison, formerly governor of Ohio, and the Hon. Henry T. Blow, of Missouri. For four years he served on the Commission. With their wide experience and marvelous pre-science these men pictured an ideal city in its physical proportions at least, and with energy and vigor initiated a series of public improvements that were destined to have a marked effect upon the growth and improvement of the city. were opened, extended, and asphalted, small parks were created, facilities of various kinds were provided for those residing in the city, and a new Washington ordained in the fullness of time to be the ideal of the dreams of General Ketcham and his associates was begun.

As is not unusual, many were found to criticise the policy followed, and to condemn the many public improvements initiated, but time has amply and fully justified the propriety as well as the wisdom of their actions, and General Ketcham lived to enjoy the comforts that followed the completion of the projects he initiated.

General Ketcham was reelected to the Forty-fifth, Fortysixth, Forty-seventh, Forty-eighth, Forty-ninth, Fiftieth, Fiftyand Fifty-second Congresses, and then, owing to impaired health, he declined a renomination tendered by his party. In 1895 he returned, being elected to the Fifty-fifth Congress, and he was thereafter reelected to the Fifty-sixth, Fifty-seventh, Fifty-eighth, and Fifty-ninth Congresses, and but for his death a short time before the recent election he would have been reelected to the Sixtieth Congress.

He served in this House within a few months of thirty-four ears. It is difficult to comprehend a service of such length, Mr. Speaker, but it is brought home keenly to me when I realize that the length of his service here is practically measured by the years of my own entire life.

While his service was not continuous, yet it was in periods sufficiently long to enable his constituents to reap the benefits that come alone from long and continuous service

My acquaintance with General Ketcham dates from the Fifty-sixth Congress, when I commenced my service here. shall make no other reference to my association with him, Mr. Speaker, than to say that I have ever remembered with gratefulness that he was one of those who were particularly kind to me in those early days. I learned to know him and to love him, and I frequently sought his help and advice, knowing always that his generous and kindly nature would respond to every reasonable request. His wide knowledge of men and of the world was of immense value in determining many questions that perplex young men in the beginning in this body.

In politics General Ketcham was a Republican. He was a consistent party man. He believed in his party organization. While he may at times have held views on public questions not quite in accord with the majority of his party, still he was of that older, and, unfortunately, now less numerous school of public men who readily subordinated their own opinions to the consensus of opinion of their associates upon all political ques-tions which did not involve fundamental principles or matters of conscience

Few in this House who made the acquaintance of General Ketcham in his later years appreciated him fully. To understand thoroughly this somewhat quaint figure of recent years it would be necessary to visit the district which he represented and hear his people speak of him. Nineteen times he was nominated by his party for Congress, and so great was his hold upon the entire people and so highly was he esteemed that it was frequently believed that were it not for the anomalous condition that would have resulted from such action he could readily have been nominated by his political opponents.

This was due almost entirely to his desire to serve his people

faithfully and efficiently, regardless of political affiliations. To the last his habits of industry never changed. His was a familiar figure in all of the Departments of the Government in his numerous quests to aid some humble constituent; and many are the stories told to illustrate the tenacity and persistence that eventually brought success to his efforts.

Such men as General Ketcham play a much larger and more important part in the affairs of life than the majority of men realize. The really great men are not so much those who acquire enormous wealth or who dazzle the world with the brilliancy of their achievements or who enrich the sciences by valuable contributions to the mass of useful information already possessed by the rest of mankind; the really great men are those who perform the duties of their place in life, however exalted or humble it may be, in the most thorough, faithful, and perfect manner possible. Measured by such a standard, General Ketcham was a really great man, as he was a noble and a gentle man.

He being survived by a widow and three children, their hearts are lightened by the knowledge that he was a loving husband, a devoted father, a faithful public servant, a brave soldier, and a patriotic citizen, and a kind and a considerate man, who had helped many in the dark hour of their travail, because he was animated by lofty and noble motives; and that he is lovingly enshrined in the hearts of all who knew him.

Mr. DRISCOLL. Mr. Speaker, as we gather around the figurative bier of our late and lamented friend and colleague, I beg leave to pay my humble tribute of respect to his memory, to express my high esteem of his ability as a legislator, and to record my appreciation of the many noble qualities of mind and heart which were personified in him and combined in his amiable, rugged, honest, and manly character. Those who had the good fortune of his more intimate acquaintance, and especially during the younger years of his active life, are qualified to produce a more complete and accurate pen portrait of his very interesting personality, while I can give only my estimate of him, formed during our common service in this House.

One of the first men I met on entering the House was General Ketcham. I had heard something of his long and successful career in public life and in the business and military affairs of the country, and I was desirous, if not anxious, to make his acquaintance.

He entered public life as a young man and had represented his town, his assembly district, and his senatorial district in our State. He had won fame and distinction in the civil war. During several years he had been Commissioner of the District of Columbia, and was then the dean of the great New York delegation in the House of Representatives. He was not a distinguished debater, orator, or writer. He was not gifted with those rare mental powers and attainments by which some men charm and captivate their audiences and command followings by the sheer force of their intellect and magnetic supremacy, nor was he a profound scholar or expert in any field of the nation's great activities or enterprises. Therefore I was, to put it mildly, very curious to make his personal acquaintance and determine for myself what manner of man this was who had accomplished so much, who had behind him such a varied and successful career, who had for so many years maintained his leadership and had practically eliminated all opposition in his Congressional district, and who had tied to him his friends and constituents as with bonds of tempered steel.

Well, I met an elderly man of medium height, inclined to corpulency, and quite stooped. His hair—what was left of it—was gray, his face was wrinkled, his smile was pleasant, and his handshake hearty and below the belt. His kindly expressive eyes betrayed an approach to a wink or knowing glance, which I have since interpreted to mean about this:

Young man, I am glad to meet you, but don't know as I want to congratulate you. You may feel pretty big now, but you will feel smaller by and by. You have much to learn, and some things to unlearn. But go ahead. I have no time for idle talk, but if you need me, I am your friend.

His manner was abrupt and informal, but very courteous, and without the least sign of condescension. It is quite an art for a senior in the service to meet a freshman on the level and without giving any suggestion of a patronizing spirit. With him it was neither an art nor an accomplishment, but the ordinary manifestation of his warm heart and democratic manner. He was modest and unassuming at all times and under all circumstances—a plain matter-of-fact practical man—not the least affected or puffed up by the honors which had been showered upon him.

The first impression he made on me was agreeable, and it

grew better with years of acquaintance and more extended observation. His simplicity of manner, his entire absence of affectation, his uniform courtesy, and his good nature and genial disposition made one glad to meet him if only for a moment. He wore well, for he was genuine and sincere, never striving to attract attention, never pluming himself or assuming airs of superiority. He was active, alert, energetic, and well informed. He was handicapped by the infirmity of deafness, yet he kept up to date in the current events of the unwritten as well as the written journal. His conversation when you met him was largely in the form of questions. He did not seem to have the time or disposition for long talks or the discussion of unimportant matters. He put direct questions and wanted direct and concise answers. What you could tell him about any matter in which he was interested he grasped quickly, gave you a knowing look, and went his way. He did not spend much time in the House during long debates. He could not hear, and did not seem to get much pleasure or satisfaction out of the most eloquent-looking speeches. Yet he knew what was going on and when a vote was to be taken, and had the habit of being on hand for the roll call on important questions.

He was a practical politician of the old school, before the reign of civil service, when to the victor belonged the spoils, and he got his full share. It is said that his habit of place hunting continued under the new system, and with marked success considering the obstacles which were placed in his way by the law and the rules and regulations of the Civil Service Commission. Determination and persistency were marked features of his character. He did not gracefully accept refusals with polite explanations and apologies, and if there was any back door or indirect way to a little patronage for his constituents, he got it.

I do not think his tireless efforts in seeking places were prompted by policy or selfish motives in the expectation that by such service he could maintain his hold on his own office. doubtful if the distribution of patronage helps in that direction. There are generally many candidates for the same place. one who gets it considers it only his due. He may forget, while those who are disappointed have long memories. General Ketcham enjoyed helping others and doing favors. generous with his own means and had learned the luxury of doing good. There is a beautiful lesson in the life he led and lived—that men exist for one another and that this is a world of mutual help and sympathy. He was in harmony with nature and his environment, and if he were willing to receive he was also disposed to give to the full measure of his ability. His tireless industry and zeal in serving others were remarkable, and could not have been actuated by any sordid consideration. He did not play to the galleries or court spectacular notoriety; neither did he shirk any duty or responsibility in order to avoid criticism. He was an honest, earnest, resolute man, who did his duty day by day as he saw it and had an unusual faculty for accomplishing results. When the country was in danger and needed strong arms, stout hearts, and resourceful brains he responded to the call, and his rapid advance in the military service certified to his courage and patriotism.

He occupied many and exacting positions in public life, and filled them all to the satisfaction of the people. His best years and energies were freely given to his country, and he continued in the service while age and infirmity were creeping on. As there was much of heroism in his life, so there was much of pathos in his death. During last summer his health was rapidly failing. He was a sick man and was conscious of it, and he was disposed to retire, but his constituents insisted that he accept another nomination. His grit and resolution were greater than his strength. He consented to run, but before election day his restless spirit took its flight. He was permitted to live out his allotted time, and then was stricken down in the fullness of his honors and in the high regard of all who knew him.

His career is an example and inspiration to young men, for he illustrated what may be accomplished by honesty, industry, perseverance, and common sense. He did not impress me as a man endowed with remarkable intellectual powers, but he was a well-rounded, well-balanced man, and made the most of his talents. He was an extraordinary man within ordinary limitations.

He was a unique and interesting character, with hosts of friends and no enemies. He left his impress on society. The world was a little better and its people a little happier for his having lived. And in his death his party lost one of its ablest leaders, his State one of her most distinguished sons, his country one of its most consistent and practical legislators, and his colleagues one of their best-beloved associates.

Mr. SOUTHARD. Mr. Speaker, I wish to say a word as to the life, character, and public service of the late John H. Ketcham, of New York. I did not have the honor or the pleasure of his acquaintance until what may be called the later years of his life. His defect in hearing at the time I first met him had doubtless begun to limit to a certain extent his social intercourse, but we happened to live at the same hotel for a number of years, and during all the years since I first met him down to the time of his death I enjoyed his friendship and his confidence.

He frequently talked to me of his service in Congress, about his political experience, and the troubles, trials, and tribulations of a man in public life. What impressed me most in his char-acter were his toleration and his kindness. When thinking of him since his death I have often recalled the lines of Ella Wheeler Wilcox, I think it is. I may not quote them exactly, but nearly enough to preserve at least a part of their beauty and some of the sentiment:

So many gods, so many creeds, So many ways that wind and wind, That just the art of being kind Is all this old world needs.

There are men who seem to be endowed by nature to take a leading part in public affairs, and General Ketcham was one of His methods were quiet and unobtrusive, but nevertheless effective. No one can contemplate his public career without being convinced that he possessed in a remarkable degree the qualities which make for leadership among men. Intelligence, determination, and energy were qualities which he possessed in an unusual degree. He had that rare gift which enables some men to determine accurately the trend of affairs, and his judgment as to methods frequently astonished those who came in contact with him.

He was born on a farm. He came from good old Puritan stock, the authentic record of his family dating back to John

Ketcham, who landed with the Pilgrim Fathers.

The Hon. John H. Ketcham was born at Dover Plains, N. Y., December 21, 1832, and was about 74 years old at the time of his death.

The first public office held by him was that of member of the board of town supervisors, to represent the town of Dover. This was before he had reached his majority. He was reelected to the office, and before his term expired and while still holding the office he was chosen a member of the legislature of his State.

In 1858, while a member of the State senate, he married Augusta Belden, a daughter of William H. Belden and Sarah A. Belden. Four children were born of this marriage—Augusta A., Henry B., Charles B., and Ethel B., the last three of whom, with

his wife, survive him.

While in the legislature, or soon after the expiration of his term, came the civil war, and, as was to be expected, the serv ices of Mr. Ketcham were called into requisition. He was first appointed by Governor Morgan a member of the war committee for Dutchess and Columbia counties. Among his associates were Benson J. Lossing, afterward noted as an historian, and James Emmett, then a justice of the New York supreme court.

With his never-failing zeal and energy he prosecuted the work of the committee. The quota of the counties was soon filled, and the regiment known as the "One hundred and fiftieth New York Volunteers" was an assured fact. Mr. Ketcham was unanimously chosen colonel, and the departure of the regiment from the city of Poughkeepsie for the front was a notable event in the history of that locality. The ladies of Dutchess County presented the colonel of the regiment with a set of colors, and an elaborate demonstration was made in recognition of the conspicuous part he had performed in the work assigned him.

He was without military experience and training, but, nothing daunted, he set to work to acquire that military knowledge which he needed but did not possess. He succeeded in this as he did in other things, and by the same thorough methods. He was soon fighting at the front. He was with Meade at Gettys-burg and distinguished himself in that great battle. He was with Sherman on the march to the sea. He was at different times promoted for gallantry in service until he acquired the rank of major-general.

Near the close of his service he received a wound in the thigh which nearly cost him his life and from the effects of which he

never fully recovered.

Before the ending of his military service and while still at the front he was nominated and elected a Representative in the Thirty-ninth Congress in the year 1864. He resigned from the Army in March, 1865, to begin his long and useful career as a Member of this great body. He was reelected to the Fortieth, Forty-first, and Forty-second Congresses, and was nominated for

the Forty-third Congress, but was defeated. This was during the famous Greeley campaign. The odds were against him, and by the liberal use of money, it is said, his defeat was accom-plished, a candidate by the name of Whitehouse succeeding by a small majority. This was in the year 1872. After his defeat for Congress he was appointed Commissioner of the District of Columbia, William Dennison, of Ohio, and Henry T. Blow, of Missouri, being the other Commissioners.

The same energy, the same diligence, and the same progressive spirit characterized his work as Commissioner, but at the end of four years he was again elected by the people of his district to the Forty-fifth Congress. He was reelected to the Forty-sixth, Forty-seventh, Forty-eighth, Forty-ninth, Fifther than 1976 and tieth, Fifty-first, and Fifty-second Congresses, and declined a unanimous nomination for the Fifty-third Congress. reasons are stated for his declining this nomination. health is the one usually assigned. Whatever they may have been they were certainly creditable to him, and for him they It is certain, however, that he did not leave were sufficient. Congress with the intention of remaining permanently out of it, and he was nominated by acclamation by the Republicans of his district as their candidate for the Fifty-fifth Congress, and was again elected.

It was at this time that my personal acquaintance with General Ketcham began. He had been a Member of Congress continuously since his election to the Fifty-fifth Congress, and was a candidate for the Sixtieth Congress when he died, Novem-

ber 4, 1906, just two days before election day.

Had he lived, he would have added another to his remarkable series of political victories. He served in Congress seventeen full terms, or thirty-four years. He was a Commissioner of the District for four years, and he was for four years a member of the legislature of his State. He had spent several years in the Army, and his home town had laid claim to his services even before he had attained to a voting status. His life was one spent in the public service, and his greatest delight and his greatest pride was in the faithful performance of his public duties.

Few men in public life have been more highly honored, and few, if any, have maintained so strong a hold on a constituency. Whenever he manifested a willingness to serve, his nomination followed by acclamation. He was in this manner nominated for Congress at least nineteen times-unanimously, and by

acclamation.

It is said that he never suffered public defeat but once in his long career, and that was brought about by unusual and unfair means. It would seem that he always stood in such high esteem with his constituents that others were willing to stand aside when General Ketcham was willing to serve.

In politics he was a Republican. He ran for office on the Republican ticket—but after election, and always while in office, and in the discharge of his duties he was the servant of

the people

His honor and his integrity were never questioned either in private or official affairs. His business qualifications were of a high order, and of this world's goods he had accumulated a competency.

His education was that acquired in the district school, sup-

plemented by a year or so of academy life.

He knew all of the hardships encountered by the boy and the man on the farm seventy years and more ago, and when he had risen to a conspicuous position in life, when he had accumulated property and his influence had become great he was not found wanting in courtesy and sympathy for others less fortunately situated.

He was a brave soldier, but a most sympathetic man. was the friend of the oppressed, and kindness was his religion.

He believed in his people and they swore by him. Although his district was said to be normally Democratic, frequently he had no opposing candidate, and his election was almost always a foregone conclusion. In his home town the vote was always practically unanimous for John H. Ketcham.

By his home people he was not only respected and honored-Such a situation may exist or may have existed

elsewhere, but I have never known of one.

He was proud of his ancestry, but he certainly has added luster to his family name. Those following him can look back with increased pride to his achievements as a man, a soldier, and a statesman.

While it may not be said that his name is conspicuously associated with important legislation, he was always active and he did his part in the enactment of laws through all the years he was a Member of this body, under the operation of which the nation has grown great and powerful.

He was an enthusiastic advocate of the law by virtue of which rural free delivery has been established throughout the land.

With his passing a noble character and most valuable Representative will disappear from the Halls of Congress; his State will mourn the loss of one of her most honored citizens; his district a public servant they admired, esteemed, and loved.

Thousands will miss his generous smile and his helping hand, and all who knew him well will mourn the loss of one whose place it will be hard to fill.

Mr. PARSONS. Mr. Speaker, it was not my privilege to know intimately General Ketcham. My entrance to Congress was so recent and his infirmities in the last year or two of his life were such that there was no opportunity to make use of casual acquaintance here to get to know him well. He was a man, however, whose record I knew and in whom I was intensely interested. I desired to learn the secret of his life and of his success.

In the days of storm and stress in our own State of New York, in the days when Sumter was fired on, he was a member of the State senate, and was one of those who made the State prompt to respond to the needs of the nation. He came of splendid stock. And he had endeared himself to the citizenship of a county peopled by men and women of splendid stock. I think I have found the secret of his life and of his success. It lay in his brotherliness of spirit. An honored judge of our State, who was a member of the famous Dutchess County Regiment, the One hundred and fiftieth New York Volunteers, which General KETCHAM led to the war as colonel, said this of him: "Colonel Ketcham's coolness in times of danger and thorough knowledge of his duty saved the regiment many lives. His energy, perseverence, and tact secured for his men at all times their full share of supplies." We are told that wars are fought on men's stomachs, and that the science of war is to find how most efficiently to feed the men who are on the firing line. If General Ketcham looked so well after his men that their needs were always supplied, he rendered thereby a most effective service to the fighting unit of which his regiment was a part. But he did not do that for the reasons that the science of war would apply. He did it for a noble reason—he did it out of the same brotherliness of spirit which was ever with him. When he left his regiment during the war to come to Congress he said in parting:

Be assured that day will never come which will sever the ties of friendship and affection which bind me to you.

He faithfully kept those words, as every man, woman, and child in his own Dutchess County knows. He kept them not as a pledge, but out of that same brotherliness of spirit.

I was one of the committee appointed to attend his funeral and fortunately was able to be present. It was a beautiful, crisp, clear November day. It was moreover the day after election, an election memorable in our own State and memorable in the county of Dutchess. But the services carried us from the strife of the day previous back to the more glorious days of war, for those who conducted the services were clergymen who had been part of his regiment, and many men who sat around the bier were men who had had their baptism of fire at Gettysburg and had marched to the sea under him. Those of us who belong to a generation born since the civil war, and who have missed the intense feelings for country and fellow-soldier that the fire and sword of war create, find in such memorial services an experience that broadens and sweetens life. The words of love and reminiscence spoken at these services were not only a tribute to the departed, but doubtless deeply affected many of the younger generation as they did me.

General Ketcham was laid to rest in a cemetery which lies in the heart of that beautiful valley of Dutchess County, the valley of Tenmile River, the "beautiful hunting ground," as it was known to the Indians. As he was laid to rest the valley, enfolded by the hills, was engulfed by the setting sun with a golden glow, which seemed to me to be a fitting halo for a man of such brotherliness of spirit.

Mr. Bennet of New York. Mr. Speaker, in his seventy-fifth year, full of years and honor, Gen. John H. Ketcham was gathered to his fathers. His splendidly successful carer is a part of the glorious history of our State and a part also of the still more glorious history of our nation. My own personal acquaintance with General Ketcham was slight. His service here had commenced years before the date of my birth, and when I first met him here the weight of years and advancing infirmities were commencing to interfere with his regular attendance upon the sessions of the House. But personal acquaintance with General Ketcham was not necessary in order

to know of him. The way in which he served his district was and has been ever since I have reached years of understanding known to all in our State. He never had any difficulty in obtaining a renomination and rarely in obtaining a reelection. one of those honored by the Speaker of this House by appointment upon the committee which represented this House at the funeral of General Ketcham. No one could fail to be impressed with that service. It was the day after a heated political contest, which had been as fierce in Dutchess County as in any other county in the State. But within a day the men who had been partisans on November 6 became common mourners at the grave of their dead friend on November 7. were the political leaders there, but the countryside, and it was not at all out of keeping with the spirit of the service, which was really one of mourning, when one, a stranger to all of us Representatives, I am sure, evidently a lifelong friend and neighbor, and as evidently an adherent of the Roman Catholic Church, came in alone, stood for a moment at the side of the open casket, and offered up a prayer of that particular church. There were places and times when such an occasion would have been incongruous, but not at the side of the casket of one who had never in his district raised division of party or of creed.

As he served his district so his district remembered him always. In the last campaign, when all knew of his physical condition, when all knew that the complete service which he had given in the past could not be given in the future, when he was running on the same ticket with one of the most popular men who ever ran in our State, President Roosevelt, General Ketcham ran ahead of the Republican electors in every county in his district. To the last the people of that district remained faithful to one who had never ceased to be faithful to them.

And so, surrounded by troops of friends, beloved by all, he reached the time when in the beautiful imagery of the Scripture the grasshopper was a burden, and then the silver cord was loosed, the golden bowl was broken, and the pitcher broken at the fountain.

Mr. CANNON. Mr. Speaker, in the hurry of the closing hours of a short session of Congress, even if I had the ability, I have not the time to make preparation for addressing the House upon this occasion. Having been associated with the late Representative from New York [Mr. Ketcham] in service in the House for over a quarter of a century, having been during that time close to him personally, with the best relations from the personal standpoint as well as political standpoint, feeling that I knew the make-up of the man, his fixedness of purpose, his fidelity to the service, his genuine belief in the policies of the great party of which he was a member, I feel that it is apt for me to say a word touching our late colleague.

The last time I met John Ketcham was when calling at his apartments here in the city after he had become seriously afficted with the disease which terminated his life. He could not talk very plainly, as he had had a stroke of paralysis. He reached out his hand and his grasp was firm. The eye testified that my visit was welcome, and now and then he contributed to the conversation, hopeful at that time, and I have no doubt hopeful to the end, that his life might be further prolonged in order that he might give such service as he had given and hoped to be capable still to give to the public.

There was no fear manifested of death during that conversation. Full of years filled with public service, always honorable and useful, he felt that he had contributed to the best of his ability his due share to the public service. And that feeling was justified. And the impression left upon my mind in that interview was that, while I might never meet him again, he was ready when the hour came to cross over to cross without fear, feeling that in the limit of his best endeavor he had performed his duty to his constituency and to the Benphilic

formed his duty to his constituency and to the Republic.

"Many men of many minds" is an old saw. One like myself, who believes that the Government is through parties, welcomes party organization, both upon the part of the majority that may be in power from time to time and upon the part of the minority. Both the majority and the minority have a function to perform, the proper performance of which is necessary for the well-being of the Republic. John Ketcham, from the crown of his head to the soles of his feet, believed in the policies of the party to which he had belonged from its organization, and, without turning, stood with that organization. It might make mistakes, as all organizations make mistakes. All men make mistakes in Congress or out of Congress. Perfection is alone with Deity. And without apologizing, without seeking to avoid the responsibility for mistakes, if, perchance, they were made, manfully, with courage, Mr. Ketcham accepted it, never

seeking to transfer a mistake from his shoulders to the shoulders of other individuals—a manly, courageous man that truly represented the constituency from which he held his power of attorney; and we best represent the constituency by cooperating with other Representatives from other constituencies touching the policies that are to control the Republic.

He will be seen no more here. Ah, when we cross over how soon we are forgotten! And it is well it should be so; otherwise this would be one vast world of mourning. But those of us who knew John Ketcham best will always recollect him for his sturdy manhood, fidelity to colleague, willingness to accept responsibility, performing his duty as he saw it.

Mr. GROSVENOR. Mr. Speaker, when John H. Ketcham died there went from the shores of time to the abode of the blessed one of the most loyal and patriotic men of his day. In war he was a soldier of renown; in peace he was a citizen possessed of a grand character and a man of great usefulness to his home, to his State, and to his country. Those of his colleagues in Congress who did not know him until the latter terms of his service had very little conception of the grand character of the man. He had been a business man of great ability. had been a politician of rare capacity. He had been a soldier with a brilliant record in war. He had been a statesman of in-telligence, wisdom, and virtue. Many of us who saw him only in his years of practical decrepitude little understood the genius. the worth, the intelligence, the force of character with which he had been blessed in the earlier and better days of his strength and activity. He was a loyal Republican, true as steel to the principles of his party, but considerate and generous to the men of other opinions

Peace to his ashes, honor to his memory.

Mr. KNAPP. Mr. Speaker, in the death of John H. Ketcham not only his immediate constituency, but this House, of which he was an honored Member, has met with an irreparable loss. Common is the expression, "In death we are soon forgotten." The strongest, truest, bravest among us grows weary, faints, and falls along life's pathway. The busy activities of life rush in upon us, and those who are gone are too often gone from memory. Not so will it be with the subject of our tributes of to-day. His whole career, in youth, through manhood, and ripe old age, illustrates that fidelity to private and public duty which will keep fresh and green his memory.

It is only after life's changing struggles are over that man can best be judged aright. It is only after the hero has fought his last battle that we can realize the true meaning of his victories. It is only after the public official has passed away that we can realize the value of his life work. It is only after the neighbor of a lifetime has gone that we can realize the true meaning of his presence.

In life we often strive for position, place, power, wealth. These are as fickle as the shadows. It is only the character which a man builds that he is privileged to transmit as a lasting legacy to posterity. Mr. Ketcham was strong in the character which he builded.

He was not born to affluence. It was by the force of will, the practice of industry, the power of ability that he arose to honorable distinction and became almost the idol of an exacting constituency. He was not reared in the lap of luxury. He knew the hardships of poverty as well as the privileges of prosperity, and as he was undaunted by the one, so he was unmoved by the other. He was a splendid illustration of the possibilities of American manhood. As a young man struggling with adversity, as a citizen carving his way to honorable distinction, as a servant of the public, in all he invites and merits the tributes we pay to his memory.

He lived and acted in a period of exceptional importance a period which in industrial development, in expanding commerce, in the advancement of education, in the betterment of civilization was more eventful than any like period of time in national or world's history.

In his life work, both private and public, he measured up to those requisites which ever mark the true citizen and the worthy public official. But it is only of a few elements of his character that time permits us to speak. In his life work he was moved by honesty of purpose and the courage of convictions. Honesty is a virtue in which all other virtues center. With it man stands erect, challenging alike respect of self and confidence of fellow-man. Life is full of despairs and hopes, defeats and victories, trials and triumphs. The man moved by honesty of purpose endures the one and enjoys the other, conscious of his own rectitude.

Courage is an element which helps to make the character

strong. The timid man can pass an uneventful existence, leaving the world no better than he found it, and dying, be forgotten. The courageous man lives to make those about him and the world happier and better than he found it, and dying, is remembered. Honesty and courage—these are characteristics which when developed walls the streng inversions remembers.

which, when developed, make the strong, imperious man.

But, again, he was an intense lover of his country. His love was not of country, right or wrong, but of country right. Its institutions were of his faith, its Government of his allegiance, its union of his love. Moved by these convictions, when civil strife threatened that union he gave of his services, and for brave and heroic deeds on fields of battle was brevetted a majorgeneral in the United States Army. And when the strife was over and the Union again made one, he ever recognized the heroism of all who participated in that struggle and fostered that spirit of heart-united Union which knows no North, no South, no East, no West, but one country, one flag, and one national destiny.

In civil life he was called to various positions of trust and responsibility—supervisor of his town, member of the State assembly, State senator, and finally as the reward of merit, he was commissioned a Representative in the council of the nation. Elected and reelected to seventeen different Congresses, while not in consecutive service, he was in length of service the father of this House. His service in this body, covering in all a period of nearly thirty-four years, was equal to nearly one-half of the allotted span of life. Few men have attained such a record, and the simple statement of it emphasizes the value of his service and the confidence of admiring constituencies.

To speak of the history of that thirty-four years, so characterized by events vital in their importance as they affected the welfare and progress of the nation, time is not ours. Suffice it to say that he was ever in intelligent touch with these; ever watchful for and of service to the best interests of his immediate constituencies, regardless of position of rank or party, and ever enjoyed the confidence and affectionate regard of his colleagues in the House of Representatives.

Thus he blended the civil with the military. He lived the civilian and the soldier, and each discharged those duties which merited the honors bestowed upon him.

But confined not alone to his public service is the interest which attached to his life and character. In the home, the community, and his immediate constituency his death is especially mourned. In that community he spent the years of his younger manhood and all of his after life. During all of his years he went in and out among them. To them his life was an open book, and they read it well. His genial ways, carrying sunshine wherever he went; his neighborly acts so many and freely given; his deeds of kindly charity so many and so unostentatiously made, all of these are as fresh to mind as if they were but of yesterday. He was ever loyal to the welfare of that community. In his death who among them has not lost a friend?

Then appropriate is it that in this Chamber, so long the scene of his associations and labors, we pay tribute to his memory. Statues are reared not only to perpetuate the name, but to commemorate the deeds of individuals; they are erected not only in tribute to the dead, but as inspirations to the living. More enduring than the bronze or granite will be the example, the influence, and the character of John H. Ketcham.

# EULOGIES ON THE LATE HON. WILLIAM H. FLACK.

Mr. SHERMAN. Mr. Speaker, I offer the resolutions which I send to the desk.

The Clerk read as follows:

Resolved, That the business of the House be suspended and that opportunity be now afforded Members to pay tribute to the memory of Hon. WILLIAM H. FLACK, late a Representative from the State of New York. Resolved, That as a special mark of respect and esteem for Mr. FLACK, the House, at the conclusion of these proceedings, adjourn. Resolved, That the Clerk communicate these resolutions to the Senate.

Senate.

Resolved. That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were unanimously agreed to.

Mr. SHERMAN. Mr. Speaker, William Henry Flack, for two terms a Member of this House, departed this life at his home in Malone, N. Y., on the morning of February 2 last in his forty-sixth year. While the news of his decease did not come as a surprise to his friends and acquaintances, it was nevertheless a blow that brought to them heartfelt sorrow and deep sympathy for those he left behind, and for whom he entertained the love of a husband and father, idealic in its character and profound in its depth.

Mr. Flack, because of his physical condition, had not during his incumbency of office made the impress upon this House of which he was capable, yet he evinced all the qualities of a capable legislator, and he certainly was an industrious Representative, especially in matters affecting his district. His fidelity, his faithfulness, his manliness, his sturdy character were at once apparent to those with whom he came in contact. Reared to labor, and touching elbows in his younger days with men whose range of thought was limited, he sought a broader environment and soon attained it. His limited education was no bar to his progress toward honorable distinction, and he endeavored in every way, and with success, to broaden himself intellectually. Possessed of a judgment accurate and keen, he was a close and industrious student and reader, and soon began to make an impress on the community in which he lived. His political sagacity was unerring and his advice, which was freely sought, not alone on political, but on other matters, was as freely bestowed. In business as well as in politics he was ruggedly honest and every pledge was kept. Those who knew him are better for hav-ing known him and the community where he lived is better for having counted him as an integral and component part.

No man can speak ill of him. No man can say he was un-

true to a trust or a promise. His every act, personally or officially, was the act of an honest man, and his memory will abide with those who knew him as that of a man from every standpoint. His heart, his brain, his endeavor, were all as true as the needle. Beloved by his intimates, respected by his neighbors and his constituents, admired by those with knowledge of his reputation, Mr. Flack went to meet his Maker with no fear of the judgment and, I believe, with no wish that even one page of his record as a man might be erased or al-tered so far as his relations with his fellow-men were concerned.

He believed in his God, in his country, in his home, and in his friends. His effort was not for narrow betterment—the betterment of the individual alone—but for the betterment which affected the individuals and the community of which he was a part. No trumpet announced his comings and goings, but results told of his being there. He knew his own capacity and recognized his limitations. He used the former with judgment and never attempted to go beyond the latter. He was what he appeared—big of body, of heart, of brain; true to his honest instincts. Without effort so to do, he made and retained warm friends. They were drawn to him by his splendid, manly qualities, and they stayed with him from choice. To have been of his friends was a privilege, the memory of which will be pleasing and lasting.

Mr. GOULDEN. Mr. Speaker, only those who knew WII-LIAM HENRY FLACK intimately can appreciate the loss sustained by his untimely death. It was my good fortune to serve with him on the Committee of Merchant Marine and Fisheries during two Congresses. Service of this character, and especially as we both came from the Empire State, makes companions of Members.

The late Mr. Flack was a genial, honorable, whole-souled gentleman, a self-made man. He was born in 1861, hence at his untimely death he was less than 46 years of age-in the prime of life. Since his advent in this House his health had been in rather a precarious condition. Notwithstanding his physical allments he was faithful in the discharge of his duties, pleasant and agreeable in his intercourse with his associates. Of him in his daily work the words of Emerson apply:

Life is too short to waste
The critic's bite or cynic's bark.
Quarrel or reprimand;
"Twill soon be dark;
Up! Mind thine own aim, and
God speed the mark.

Being honored by the Speaker with an appointment to attend the funeral services of the late Mr. Flack, in common with my colleagues on the committee, I had the opportunity of observing his standing in the community in which he was born

Upon our arrival in Malone on the morning of February instant, a general gloom seemed to pervade the beautiful little mountain city, the capital of Franklin County, N. Y. At noon all the places of business closed and remained so until after the funeral. The church was filled with his friends, and the impressive services were conducted by four ministers of the gospel of as many different creeds. His Masonic brethren and other fraternal bodies were present in large numbers. The scene was one never to be forgotten, and made a lasting impression on his colleagues who were present. An old friend of

his, speaking to a member of the committee, said: "Flack was a man in every sense of the word, a model husband, a loving father, an obliging neighbor, and a kind, true friend." This was the universal opinion as expressed by friends and neighbors.

He has gone from among us, having crossed to the other shore, in the full hope of a blessed immortality. We firmly believe that our loss is his gain. It is a road that we must all travel, for it is appointed unto man once to die. This decree is unalterable; all must meet the destroyer-death. The memory of the life and deeds of our late colleague is ours to cherish and

He sleeps, but in that sleep beneath the sod
No dreams shall come—those dreams that banish sleep;
No watchers then, naught save the eyes of God,
To watch his slumber long, and still, and deep.
Then mourn him not as dead—he can not dle—
And mourn him not as sleeping in that day;
He wakes, he lives, not far in yonder sky,
But near us, though not seen, he walks to-day.

His memory will ever abide with his friends, a benediction and a blessing.

Mr. MINOR. Mr. Speaker, my acquaintance with our late respected colleague, Hon. WILLIAM H. FLACK, found its beginning in the early part of the Fifty-eighth Congress. As a Member thereof, he was to begin his Congressional life that, so unfortunately for himself and his country, terminated too briefly to permit him to attain to the higher positions in the House Representatives that he certainly would have won had his health permitted or his life been spared long enough to give him the experience so necessary for a Representative in Congressan experience that can only come from long service in the House.

Brother Flack was assigned to the Committee on the Merchant Marine and Fisheries, of which I was, and had been for several years, a member. Here it was that I formed his acquaintance and learned to respect his sterling qualities. I early discovered that he was not physically strong. It was plain that he was a sick man; but his determination to perform the duties of the position to which he had been assigned, in spite of physical infirmities, attracted my attention and commanded the admiration of all his associates on the committee.

We knew that Brother Flack attended meetings of the committee very often when, if he had given more thought to his physical needs, he would have remained away; but with him it was a contest between physical weakness and a mental determination to discharge the duties of his position; it was a question that arose between a sick bed and his duty in the committee room, and duty always won with him.

Brother Flack was among the most conscientious of Members. endowed with a strong mind and a high sense of public duty; he felt that he could not evade any responsibility that came to him as a member of the committee or this House.

Moreover, he realized, as but few new Members do, that all legislation, to be effective, beneficial, and just, must be carefully considered and formulated in the committee room.

Active, intelligent committee work is the foundation upon which rests the truly wise measures that govern, build up, and expand the magnificent moral and industrial institutions of

our country of which we, as a people, may feel justly proud.

These laws that are initiated and prepared largely in the committee rooms, and almost invariably based upon the principles of wisdom, equity, and justice to all men, hold within their limits more than 80,000,000 of sovereign people, the equals of any on earth.

All this, and the truth of this, was promptly grasped by the pure and active mind and great heart of Brother Flack; not because of his long service in this national legislative body, for he was just entering upon his first term; not because of a college education, for he had never enjoyed this blessing; but because of his endowment with a mind that was practical, a mind capable of grasping the logical rather than the theoretical affairs of American citizenship.

Brother Flack was not a man of high pretensions or of many words, but he possessed the faculty of grasping the true situation as it presented itself, and this enabled him to cast his vote and lend his influence for what invariably proved to be the right side of all questions that his brief service permitted him to aid in solving.

His colleagues on the committee realized that for a beginner in legislative work this Member from Malone, N. Y., was much above the average. Every Member of the House of Representatives who chanced to enjoy his acquaintance held him in the highest esteem.

There seemed to be a hidden and mysterious power not re-alized by its possessor that unconsciously drew men to him;

they believed what he thought, even though his thoughts were not expressed in many words. Men with such gifts are rare, indeed, but wherever known, in whatever walk of life they are found, their influence is well-nigh immeasurable, and this influence is either for good or for evil.

Thanks be to the Creator of the Universe for the lofty purposes, pure mind, and love of justice so conspicuous in this man from Malone; for with such a rich heritage all his might, mind, and strength were employed in the discharge of the most exalted duties of husband, a father, a citizen, and a representative of the people, whose confidence in him was unbounded.

Mr. Flack enjoyed the respect of the people in his home town of Malone, N. Y., to a remarkable degree. I was impressed with this fact from personal observation and coming in contact with the citizens of Malone. I chanced to be one of the members of the committee from this body who attended the funeral of the deceased, and it was gratifying to me to listen to the many testimonials offered by his fellow-townsmen; the evidence was unquestioned that William H. Flack was held in the highest esteem by those who had known him the longest and whose associations with him had been the closest.

Where can we look for better assurance of the true worth of any man than in his own town and among his neighbors with whom he has mingled for a long period of years?

I thought as I witnessed the sadness visible on every countenance, the genuine mourning that pervaded the very atmosphere in Malone, that W. H. Flack was all that I had believed him to be—a truly good man.

Mr. Speaker, William H. Flack, our beloved colleague, is dead; his life's burdens are cast off, his cares, his griefs, his sorrows, his responsibilities, his joys and pleasures are all ended.

He sleeps, and there is no power to arouse him till the trumpet shall sound that calls to the throne of Him who reigns supreme over His children of the earth, there to receive from His hand the final reward or chastisement according to their deserts.

The body of WILLIAM H. FLACK lies in the cemetery at Malone.

The curtain has been let down between the living and the dead, and behind that impenetrable curtain all is mystery.

It is not given to mortal man positively to know the habitation of a departed life; we know the tomb that holds the body; we know not of the spirit that has departed, because no man hath seen beyond the grave. We who believe in an allwise and just Ruler of the Universe, He who holds in his hands the destiny of men, of nations, and the world, and all therein, should be content to leave with Him the solution of life, death, and the eternity to follow.

They who do right accordingly as they are given to see the right, they who walk in the pathway that leads on to the better and nobler things of this life, who do good and avoid evil deeds, who walk uprightly before all men, doing unto others as they would that others should do unto them, may well afford to trust their future destiny in the hands of Him who doeth all things well.

I sincerely believe that these requirements were as nearly met as the frailties of human kind can meet them by our late beloved colleague, WILLIAM H. FLACK.

Mr. Bennett of New York. Mr. Speaker, William H. Flack was born and lived and died in Franklin County, in the State of New York. To those of us who come from the shifting population of a large city it is hard at times to comprehend the distinction which public office confers in other portions of the State, where the population is more settled. The counties of Clinton, Essex, Franklin, and St. Lawrence, which comprise the district represented here by Mr. Flack in the Fifty-eighth and Fifty-ninth Congresses, do not choose their representatives to public office lightly. Strongly Republican, a nomination there is usually equivalent to election. There have been many men there of whom it can be said, as of Mr. Flack, that their birth, their life, and their death have all been within the limits of one county. The habit of wandering is not strong, attachment to the soil is great; consequently a man in public life there is known to the voters, and even those who do not know him personally know of him.

I read in the biography of our late colleague that he held successively the offices of supervisor (being chairman of the board for two years), county clerk of Franklin County, chairman of the Republican county committee, trustee of the village of Malone, and Representative in Congress. Had he not been a man in the best sense of the word he would not have been so honored.

Knowing, as I do, the character of the men in the northeast portion of our State, a simple recital of the titles of these offices means much to me. It is the most complete of eulogies. I remember that from the same town of Malone came Congressman Wheeler, who in 1876 became Vice-President Wheeler; and I remember the other many distinguished men who have come from those four counties.

Prior to my service in the assembly of New York my knowledge of the men of that section was limited. But during my two years there I came to know, to appreciate them, and quite generally to vote with them. In stature large, for the most part, as was our deceased colleague, with clear minds and straight-thinking brains, it is no light or idle thing to represent such a constituency. We all know that illness prevented our colleague from making the record here that he otherwise might. During almost the whole of his two terms he was compelled by physical ailment to be absent, but we can all believe that had his health been such as to permit the record which he could have made, he would have been a credit even to that particular community. We knew him as a kindly, genial, straightforward, brotherly colleague. We shall miss him. We can rejoice that he faced the inevitable without shrinking. We are in some ways better for his having been here. Now that he is gone at so early an age, we can be glad that he had the privilege of this service. It meant much to him. His people were glad to be represented by him, and in him his district and his State had a worthy Representative. He leaves behind him that good name which is more to be preferred than great riches.

Mr. PERKINS. Mr. Speaker, I only knew Mr. Flack during his service in Congress. There I did not know him intimately, but I knew him pleasantly. Mr. Flack was a good type of a large and valuable class of men in public life. He was not a person who sought actively for personal prominence; he took little part in the debates in the House; he did not seek to exert any large influence on legislation. His strength lay in a just recognition of what he could do well and in a conscientious performance of the work for which he was fitted.

We sometimes underestimate the value of the work of such men. The community is naturally attracted by those who take a more conspicuous part, and those we call our leaders. It is probably nearer the truth to say that a large body of sensible, well-intentioned men, who do their work quietly and conscientiously, listening to what others say and exercising their own judgment, are really the leaders in politics and legislation. The story is told of a French officer, in some internal commotion in Paris, who cried out:

My company is marching down the street, and I must follow.

In this remark, at which many have jested, there is a profound philosophy. The officer did not misstate his true position, he recognized it. It is the company that leads, and little remains for the officer but to march after his men. If he bids them go in the direction they would go, they will follow him, and otherwise he will find that he must follow them.

This is eminently true of our great political bodies, and therein was Mr. Flack's usefulness and the usefulness of those who are like him. He formed one of a body of fair-minded men, who wish to do the thing that is right and who have intelligence enough to find out what that thing is. To such men the captains and the leaders address themselves, and when they have decided on the best policy, the captains and leaders follow in their wake.

Mr. Flack's usefulness was not lessened by any itching for notoriety nor any morbid desire for personal prominence. Freed from such distractions, he did his duty as an intelligent legislator, and this entitled him to the respect of his fellowmen. That he was kindly, that he was courteous, that he bore pain and sickness with fortitude and without vain repining constitutes an additional claim upon the kindly feeling of his associates and upon their recollection now that he is no more.

Mr. FITZGERALD. Mr. Speaker, the State of New York has suffered irreparable loss in its representation in this Congress through death. Two men—one aged, experienced, and trained in legislative work and methods, the Hon. John H. Ketcham, the other in the prime of life, with the vigor of ripened manhood, and infused with enthusiasm for legislative work, WILLIAM H. FLACK—have passed away within a few months.

WILLIAM H. FLACK was the type of man bound to succeed in a legislative body. He had had experience as a public official, serving in local boards and other offices with credit and some distinction. He had successfully managed and enlarged and de-

veloped several business enterprises in which he was interested, and he was known and regarded as one who had succeeded in his life's struggle.

It was natural that such a man should be selected by the people of his district to represent it in the Congress. For years he had been active in the management of industries upon the success of which the prosperity of his people largely depended. He knew their legislative wants and understood their position on public questions as well as, if not better than, any other man in the district.

My acquaintanceship with Mr. Flack did not antedate his entrance to this body. While not long nor intimate, yet it was sufficient to enable me with some degree of confidence to place a proper estimate upon his character and his capacity.

He was a large-hearted, kindly spoken, generous man. In demeanor he was modest. In speech he was direct and apparently bent upon using the fewest possible words to convey intelligently his meaning. He was an indefatigable worker and devoted to the interests committed to his care. He had a high sense of the dignity and the responsibility of membership in this body, and had he been permitted to continue here he would undoubtedly have left an indelible impress for good upon the legislation enacted during his service.

Inscrutable, indeed, Mr. Speaker, are the ways of Divine Providence. At the age of 46, successful in business, honored by a great constituency by being chosen to represent it in this body, surrounded by a happy, contented, and united family, he began a career in this House which to the impartial observer seemed full of promise. Yet in the very heyday of his success and prosperity he has been called to another, a happier, and more blessed life.

Mr. GROSVENOR. Mr. Speaker, I never knew Hon. WILLIAM H. FLACK until he came to Congress. He was a man of great modesty. He never, I believe, addressed the House. If he did, I have no recollection of it. He was a man who may have been said to have been reticent and possibly timid in pushing his opinions, but he was a man of intelligence, possessing strong judgment as to matters of business and legislation. He was pleasant, genial, and companionable. I can say but little of him, for I knew nothing of him in his home life. I knew nothing of him only as I gathered the mere fragments that indicate character while he served his short term.

acter while he served his short term.

He was stricken with disease, and longed to return to his duties. He was a strong advocate and supporter of the measures seeking to build up the American merchant marine, and he took especial interest in the promotion of the interests of the fish industries of the various States and Territories. He was active in support of the omnibus fish-hatchery bill, and wrote and presented to the House the report of the Committee on the Merchant Marine and Fisheries upon that measure. Had his life been spared and had he had strength and health, I am sure he would have made an efficient and valuable Member of Congress. But, stricken as he was, hopelessly ailing as he was, we could only hear that he was regretting his untimely disqualification for active service. His neighbors speak of him in the highest terms of praise, and the fact that he was sent to Congress from so intelligent a constituency speaks well for him and leaves little doubt that he was a man of high character and of virtuous mind.

Mr. DRISCOLL. Mr. Speaker, again, to-day, we are summoned to perform the sad office of mourning the death and commemorating the life of a Member of the New York delegation in the House of Representatives.

This is indeed a sorrowful occasion; more so than the other. The old must die and the young may die. To the one the end comes in the ordinary course and progress of natural laws. To the other it is violent, and it conflicts with some of those laws. The earthly tabernacle, however sound and strong in youth, grows old and weak with time and toil. When no longer able to sustain the soul, the spirit, the life, the vital spark, by whatever name, escapes without much struggle, pain, or suffering, and that is death. Not so with the man in youth or middle age. Some of the organs of the physical mechanism are strong and sound and perform their functions normally, while others, by inheritance or disease, are imperfect and can not do their part. In youth there is hope and resolution. The will is strong and so is love of life. The fight goes on in pain and travail until the vitality is exhausted and the patient must needs succumb. That, too, is death, but much more sad and tragic.

General Ketcham had overlived the allotted time of man on earth. He had done his work and rounded out his career, and

full of years and honors he passed away. But while Mr. Flack was yet in his prime, with many hopes and aspirations, and while he was still looking forward, his message came. He was cut off in the midst of his plans when his life work was only partially completed. But notwithstanding his poor health during his last years, and his early death, he accomplished much for good. Born and reared in northern New York, with its cold, stormy, severe winters and delightful, invigorating summers, he grew up strong, sturdy, and self-reliant, with a large body and a sound, well-balanced mind. His early condition in life was about the same as that of the great majority of American boys who have worked their way and made their mark. He was poor, but that was no cross. Poverty in Franklin County, where few are rich and all are measured by what they are, is quite a different matter from poverty in Wall street, where riches are the rule and all are measured by what they have, no matter how acquired.

In the country, on the farm, the American boy is not abjectly, or. There social distinctions are not based on wealth. The hired boy on the farm hopes some day to own a farm of his The hired girl who works in another's kitchen hopes some day to be a prosperous farmer's wife. There the employee and the employer eat at the same table, worship at the same altar, and mingle in the same social gatherings. The hired man may be poor in material accumulations, but he is rich in health and vigor, in hope and promise. Poverty under these conditions and in such an environment is never debasing, for it is not humiliating or belittling. That kind of poverty and that sort of adversity develop confidence and efficiency, build character, and fit the poor boy to improve his opportunities when they In that social condition and amidst those surroundings Mr. Flack was reared, and all through his life he typified that phase of our American civilization. He was never truculent and time serving toward those who thought they were his superiors, nor was he ever arrogant or overbearing in his attitude toward those less fortunate in getting on. He was ever a plain, big-hearted man, kind and generous toward all and obsequious toward none. In these times, when gold is worshiped and the dollar is placed above the man and social castes and distinctions are being established on bank accounts, it would be well if our young men would study the character and emulate the virtues of such men as WILLIAM FLACK.

Manifestly Mr. Flack had a taste and aptitude for public life. No man could accomplish what he did by accident. He was seven years supervisor of his town and two years chairman of the board. He was six years county clerk of his native county, and he was also trustee and president of the village of Malone and two terms Representative in Congress from the Twenty-sixth district of New York. He was also leader and chairman of the Republican organization of his county. That means that he was an able politician as well as a capable and honest public servant. He was in public life nearly all his years after attaining majority, which indicates that he was respected and trusted by those who knew him well. I am aware that some people speak with disrespect of politicians. They seem to look upon them as rogues, rascals, and crooks, and enemies of good society. On the part of some criticisms of this kind are prompted by envy and jealousy, and yet others, honest but misguided people, actually believe it. There can be no greater mistake. cism has less of justification. Of course, there are politicians and politicians. Some are honest and others are corrupt. in honesty, public spirit, and in all civic and moral virtues they, are far above the general average of society. They are not theorists or idealists alone. They must be practical in order to accomplish results. This is a representative government from top to bottom.

Every official, whether elected or appointed, holds his commission by the will of the electors, and all the way from the President down they fairly represent their constituents in virtue and intelligence. And Mr. Flack was fully up to the average of his. He was kind-hearted and generous and happiest when he was helping others and conferring favors. He had learned the luxury of doing good. If he was willing to receive, he was also disposed to give to the full measure of his ability. He was not vindictive; he was always ready to forgive and forget. He treated his opponents fairly, took no advantage, and never hit below the belt. He was not a cynic, neither was he a scolding, carping critic of men and measures. He took the world as he found it and adapted himself to conditions and tried to make them better. He was generous to him. He was not hot-headed and given to passion and arrogance, for he had a kindly disposition and a good word for each and all. He was an optimist, and looked on the bright side of

the picture. He was well disposed toward all, had faith in his fellow-men, and they had faith in him. He did not play to the galleries or court spectacular applause, but in a plain and unassuming manner did his duty day by day as he saw it. His head was clear, his heart was warm, and his ideals were high. He was possessed of sound common sense, and when he made up his mind and took a position, he held it with determination and consistency.

That kind of a politician was Mr. Flack, and these were the qualities of mind and heart which enabled him to retain The town of Waverly, the confidence of all who knew him well. the county of Franklin, the village of Malone, and the Twentysixth Congressional district are unusually intelligent and progressive constituencies. They successively and repeatedly honored Mr. Flack by electing him to office. Why did they do so? He was not a distinguished orator or writer. He was not possessed of those rare intellectual gifts by which some men dazzle and charm multitudes and command their obedience. He was not a man of such means that he could corrupt those electo-rates, if so disposed. They honored him because they knew and trusted him and because they liked him. He won his way step by step from place to place, always advancing by the sheer force of his good character, common sense, and personal mag-He wore his decorations so modestly and gracefully that the people delighted to honor him.

The House of Representatives is a distinguished body, so large that the ordinary Member cuts but little figure. It is governed by traditions, customs, and rules—especially rules. Because of those traditions, customs, and rules, and lack of experience the most brilliant men make but little headway during their first two terms. Mr. Flack served nearly four years, but he was handicapped by ill health nearly all the time. His colleagues from New York, and others who made his intimate acquaintance, liked, respected, and trusted him. His mind worked on honest lines. His judgment was sound, his conclusions reliable. He was careful, honest, and patriotic. With continued life, health, and service in the Congress he would have worked his way to the front here as in other fields of his activities. But after all his reputation will depend on his work and life at home in Franklin County. Assurance, cheek, and gall count for much on short acquaintance, while only substantial merit assures respect among those who know one well. Will Flack was admired and loved by his boyhood playmates and his life-long friends and neighbors. By the good people of Franklin County and beautiful and picturesque Malone he was known, understood, and appreciated. By them he is and will be missed. Their high regard for him in life and deep sorrow for his death bear witness to his worth.

The SPEAKER pro tempore. In pursuance of the orders heretofore made, and as a further mark of respect to the de-ceased, the House will now stand adjourned until to-morrow at 10 o'clock a. m.

Accordingly (at 4 o'clock and 5 minutes p. m.) the House adjourned.

# SENATE.

# Monday, February 25, 1907.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. EDWARD E. HALE. The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. Lodge, and by unanimous consent, the further reading was dispensed with. The VICE-PRESIDENT. The Journal stands approved.

ORDER. FOR EVENING SESSION.

Mr. LODGE. I move that the Senate take a recess at 6 o'clock until 8.15 this evening.

The motion was agreed to.

Mr. LODGE. I give notice that when the Senate reassembles after the recess I shall ask the Senate to go into executive session to consider important executive business.

NATIONAL SOCIETY OF DAUGHTERS OF AMERICAN REVOLUTION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the ninth annual report of the National Society of the Daughters of the American Revolution; which, with the accompanying report, was ordered to lie on the table and be printed.

WAADDAH ISLAND, WASHINGTON.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting an esti-mate of appropriation for inclusion in the sundry civil appro-

priation bill for the construction of a wharf and store thereon at Waaddah Island, near Neah Bay, Washington, for the use of the Revenue-Cutter Service and Life-Saving Service, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

IMMIGRANT STATION, HONOLULU, HAWAII.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Commerce and Labor, submitting an estimate of appropriation for an immigrant station at Honolulu, Hawaii, for the purchase of certain property owned by the Territory of Hawaii, the appraised value of which is stated at about \$50,000, etc.; which with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

#### INTERNATIONAL CONGRESS OF TUBERCULOSIS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State submitting an estimate of appropriation of \$25,000 to enable the Government to suitably participate in the International Congress of Tuberculosis which will be convened in Washington, September 21 to October 12, 1908; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

RULES AND REGULATIONS OF POST-OFFICE DEPARTMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 1st instant, a copy of the Postal Laws and Regulations, edition of 1902, which contains the laws and regulations governing the Post-Office Department and postal service in its various branches; which, with the accompanying paper, was ordered to lie on the table.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKenney, its enrolling clerk, announced that the House had passed the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon, with an amendment, in which it requested the concurrence of the Senate; insists upon its amendment; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Hefburn, Mr. SHERMAN, and Mr. DAVEY of Louisiana managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 25745) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes; in which it requested the concurrence of the Senate.

The message further transmitted to the Senate resolutions commemorative of the life and public services of Hon. Russell

A. ALGER, late a Senator from the State of Michigan.

The message also transmitted to the Senate resolutions commemorative of the life and public services of Hon. John H. Ketcham, late a Representative from the State of New York.

The message further transmitted to the Senate resolutions commemorative of the life and public services of Hon. Henry C. Adams, late a Representative from the State of Wisconsin.

The message also transmitted to the Senate resolutions commemorative of the life and public services of Hon. WILLIAM H. Flack, late a Representative from the State of New York.

The message further transmitted to the Senate resolutions commemorative of the life and public services of Hon. John F. Rixey, late a Representative from the State of Virginia.

The message also announced that the House had agreed to a concurrent resolution requesting the President to return the bill (H. R. 21121) granting an increase of pension to Marcus Wood; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills:

S. 4506. An act to provide for the better registration of births in the District of Columbia, and for other purposes;
S. 6993. An act to create the Barnaby road, from its inter-

section with the Livingston road to the District line, a public highway in the District of Columbia; and

S. 8206. An act for the relief of Elmore A. McKenna, late cap-

tain, United States Volunteer Signal Corps.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5290) providing for the allotment and distribution of Indian tribal funds.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

. 12. An act granting an increase of pension to Nancy Littlefield;

S. 161. An act granting an increase of pension to Ruth E.

S. 5970. An act granting an increase of pension to Julia A. Horton:

S. 5981. An act granting an increase of pension to John H. La Vaque :

S. 5992. An act granting an increase of pension to Franklin Craig;

S. 6044. An act granting an increase of pension to John H. S. 6076. An act granting an increase of pension to John Mc-

S. 6078. An act granting an increase of pension to Elijah B.

Hudson: S. 6093. An act granting a pension to Hester A. Coller;

S. 6103. An act granting an increase of pension to William P.

S. 6127. An act granting an increase of pension to John R.

Callender; S. 6140. An act granting an increase of pension to Julia A.

S. 6177. An act granting an increase of pension to Louisa

Anne Morton; S. 6245. An act granting an increase of pension to Susan Mahany;

S. 6281. An act granting an increase of pension to Joseph C.

S. 6319. An act granting an increase of pension to Angus Fraser:

S. 6380. An act granting an increase of pension to Josiah B. Kinsman:

S. 6467. An act granting an increase of pension to John M.

S. 6475. An act granting an increase of pension to Harvey

S. 6518. An act granting an increase of pension to William H.

S. 6531. An act granting an increase of pension to Francis A.

S. 6567. An act granting an increase of pension to George C. Gibson

S. 6570. An act granting an increase of pension to George W. Cole:

S. 6606. An act granting an increase of pension to Alexander Sholl:

S. 6009. An act granting an increase of pension to John S. 6610. An act granting an increase of pension to Isaac

S. 6612. An act granting an increase of pension to George H.

McClung S. 6616. An act granting an increase of pension to Jacob P.

S. 6634. An act granting an increase of pension to John P.

Murray S. 6635. An act granting an increase of pension to John A.

S. 6652. An act granting an increase of pension to Hiram H.

Lockwood; S. 6663. An act granting an increase of pension to Thomas M.

Chase: S. 6665. An act granting an increase of pension to Samuel

B. T. Goodrich; S. 6669. An act granting an increase of pension to Timothy

B. Lewis: S. 6672. An act granting an increase of pension to Hannah

S. 6702. An act granting an increase of pension to Charles E.

S. 6711. An act granting an increase of pension to Harvey B. F. Keller:

S. 6713. An act granting an increase of pension to James L. Short;

S. 6724. An act granting a pension to Mary W. Granniss;

S. 6726. An act granting an increase of pension to Mary A. Jackson :

S. 6731. An act granting an increase of pension to Elizabeth H. Rice

S. 6734. An act granting an increase of pension to John C. Snell;

S. 6768. An act granting an increase of pension to John E. Hayes;

S. 6774. An act granting an increase of pension to James B. Hackett

S. 6818. An act granting an increase of pension to John E. Anthony;

S. 6838. An act granting an increase of pension to Samuel Shepherd;

S. 6899. An act granting an increase of pension to George H. Nye:

S. 6909. An act granting an increase of pension to William H. Adams ;

S. 6910. An act granting an increase of pension to George F. Chamberlin;

S. 6911. An act granting an increase of pension to George A.

H. R. 2926. An act for the relief of the heirs of John Smith;

H. R. 5169. An act for the relief of W. B. Sutter;

H. R. 12858. An act permitting the county of Taos, in the Territory of New Mexico, to refund its indebtedness at a lower rate of interest

H. R. 14464. An act for the relief of Wiley Corbett;
H. R. 21574. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes

H. R. 25242. An act to authorize additional aids to navigation in the Light-House Establishment, and for other purposes; H. R. 25475. An act to amend an act entitled "An act to regu-

late the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May

1906;
 H. R. 25513. An act extending the time for making final proof

in certain desert-land entries;
H. R. 25601. An act to repeal the act approved January 22, 1903, granting a pension to Minerva Robinson; and
H. J. Res, 223. Joint resolution relating to the holders of

medals of honor.

# PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the legislature of the State of South Dakota; which was referred to the Committee on Public Lands, and ordered to be printed in the Record, as follows:

STATE OF SOUTH DAKOTA, DEPARTMENT OF STATE, SECRETARY'S OFFICE.

UNITED STATES OF AMERICA, STATE OF SOUTH DAKOTA:

I. D. Wipf, secretary of state of South Dakota and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 5 as passed by the tenth legislative assembly of the State of South Dakota, and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre this 19th day of February, 1907.

[SEAL.]

D. D. Wipf, Secretary of State.

D. D. Wiff, Secretary of State.

[SELL.]
D. D. Wiff, Secretary of State.

A joint resolution memorializing Congress to open Tripp County,
S. Dak., to homestead settlement.

Be it resolved by the house of representatives (the senate concurring), That
Whereas there have been introduced into the National Congress certain measures looking to the opening to homestead settlement that part of the Rosebud Reservation, in the State of South Dakota, lying and being in Tripp County, S. Dak.; and
Whereas said county comprises approximately 1,000,000 acres of land which needs only settlement and development to make it productive, and which when opened to settlement will add much to the assessment rolls and population of our great State; and
Whereas a line of railroad is now being constructed to the cast boundary of said tract, which will greatly assist in its development as soon as it is opened to settlement; and
Whereas in its present wild state said land brings very little revenue to the Indians, and none whatever to the State: Therefore, be it
Resolved, That we, for the good of the Indians and for the further development of our State, petition the Congress of the United States to hasten to provide ways and means for the early opening of this body of land to homestead settlement under such restrictions and conditions as they may deem wise, and that the secretary of state be authorized and directed to transmit a copy of this resolution to the Speaker of the House of Representatives of the United States and to the President of the Senate.

M. J. Chaner,

Sneaker of the House

M. J. CHANEY, Speaker of the House.

Attest:
JAMES W. CONE, Chief Clerk.

Howard G. Shober, President of the Senate.

Attest: L. M. Simons, Secretary of the Senate.

I hereby certify that the within joint resolution originated in the house of representatives and was known in the house files as joint resolution No. 5.

JAMES W. CONE. Chief Clerk.

STATE OF SOUTH DAKOTA, Office of the Secretary of State, 88:

Filed February 19, 1907, at 4.20 o'clock p. m.
D. D. Wiff, Secretary of State.

The VICE-PRESIDENT presented a joint resolution of the legislature of South Dakota; which was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE, SECRETARY'S OFFICE.

UNITED STATES OF AMERICA, STATE OF SOUTH DAKOTA:

INITED STATES OF AMERICA, STATE OF SOUTH DAKOTA:

I, D. D. Wipf, secretary of state of South Dakota and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 11 as passed by the tenth legislative assembly of the State of South Dakota, and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre this 19th day of February, 1907.

[SEAL]

D. D. Wiff, Secretary of State.

D. D. Wiff, Secretary of State.

A joint resolution memorializing Congress to pass a law enlarging the powers of the Interstate Commerce Commission, and to keep the highways of commerce open to all upon equal terms.

highways of commerce open to all upon equal terms.

Be it resolved by the house of representatives (the senate concurring). That it is the sense and belief of the legislature of the State of South Dakota that it will be to the best interest of the people of the State and of the United States that Congress enact such laws as will keep the highways of commerce open to all upon equal terms, and to put a complete stop to all rebates and abuses of traffic and of discriminations made to shippers, and to stop all rebates and discriminations of terminal track and sidetrack systems.

Resolved, That we most heartily concur in the following expressed opinion of President Roosevelt:

"The Government must in increasing degree supervise and regulate the workings of the railways engaged in interstate commerce, and such increased supervision is the only alternative to an increase of the present evils on the one hand or a still more radical policy on the other."

Therefore we most respectfully petition and request the Congress of the United States to enact such laws as will prevent abuse and dis-crimination on the highways of commerce and of terminal and side-

track systems.

Resolved, That the Members of Congress from South Dakota are hereby requested to use their influence and best efforts to procure the enactment of such needed legislation.

M. J. CHANEY, Speaker of the House.

Attest:
James W. Cone, Chief Clerk.

HOWARD C. SHOBER, President of the Senate.

Attest: L. M. Simons, Secretary of the Senate.

I hereby certify that the within joint resolution originated in the house of representatives and was known in the house files as house joint resolution No. 11. JAMES W. CONE, Chief Clerk.

STATE OF SOUTH DAKOTA, Office Secretary of State, 88:

Filed February 19, 1907, at 4.20 o'clock p. m. D. D. Wipf, Secretary of State.

The VICE-PRESIDENT presented a concurrent resolution of the legislature of North Dakota; which was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

RECORD, as follows:

Concurrent resolution offered by Mr. Rice indorsing that certain bill pending before Congress forbidding the internal-revenue department to issue liquor licenses in States where prohibition laws prevail to anyone without proof that the applicant has compiled with the laws of the State wherein the applicant resides.

Be it resolved by the senate of the State of North Dakota (the house of representatives concurring). That the legislative assembly of this State heartly approve and indorse said bill. Be it

Further resolved, That we recommend the Senators and Representatives in Congress of the State of North Dakota to support the said bill and use their utmost endeavor to secure the passage of the same.

Resolved further. That the secretary of state be, and he hereby is, directed to transmit copies of this resolution to the Senate and House of Representatives of the United States, and to the members of said bodies representing this State.

R. S. Lewis,

R. S. Lewis,

President of the Senate.

James W. Folex,

Secretary of the Senate.

TREADWELL TWICHELL,

Speaker of the House.

P. D. Norton,

Chief Clerk of the House.

I, James W. Foley, secretary of the senate, do hereby certify that the foregoing concurrent resolution originated in and was adopted by the senate of the tenth legislative assembly of the State of North Dakota, and was concurred in by the house of representatives.

JAMES W. Foley, Secretary of the Senate.

' The VICE-PRESIDENT presented the petitions of Harry B. Smith, Gustav Luders, Glen Macdonough, and Victor Herbert, all of New York City, N. Y., praying for the passage of the so-called "Kittredge copyright bill;" which were ordered to lie on the table.

He also presented a memorial of the Liederkranz of King-

fisher, Okla., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors;

which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of South Carolina, Missouri, Illinois, Pennsylvania, Texas, Ohio, Montana, California, New York, Wisconsin, Minnesota, Colorado, Washington, Kentucky, Nebraska, Maryland, New Jersey, Oregon, Connecticut, Indiana, Massachusetts, Oklahoma, Iowa, Michigan, Tennessee, West Virginia, Alabama, Kansas, Louisiana, Vermont, Virginia, Georgia, and the District of Columbia, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. GAMBLE. I present a joint resolution of the legislature of South Dakota, which I ask may be printed in the Record and

referred to the Committee on Interstate Commerce.

The joint resolution was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as

STATE OF SOUTH DAKOTA, DEPARTMENT OF STATE, SECRETARY'S OFFICE.

UNITED STATES OF AMERICA, STATE OF SOUTH DAKOTA:

INITED STATES OF AMERICA, STATE OF SOUTH DAKOTA:

I, D. D. Wipf, secretary of state of South Dakota and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 11, as passed by the tenth legislative assembly of the State of South Dakota, and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre this 19th day of February, 1907.

[SEAL.]

Secretary of State.

A joint resolution memorializing Congress to pass a law enlarging the powers of the Interstate Commerce Commission and to keep the high-ways of commerce open to all upon equal terms.

ways of commerce open to all upon equal terms. Be it resolved by the house of representatives (the senate concurring). That it is the sense and belief of the legislature of the State of South Dakota that it will be to the best interest of the people of the State and of the United States that Congress enact such laws as will keep the highways of commerce open to all upon equal terms, and to put a complete stop to all rebates and abuses of traffic and of discriminations made to shippers, and to stop all rebates and discriminations of terminal-track and side-track systems.

Resolved, That we most heartily concur in the following expressed opinion of President Roosevelt:

"The Government must in increasing degree supervise and regulate the workings of the railways engaged in interstate commerce, and such increased supervision is the only alternative to an increase of the present evils on the one hand or a still more radical policy on the other."

other."

Therefore we most respectfully petition the Congress of the United States to enact such laws as will prevent abuses and discrimination on the highways of commerce and of terminal and side-track systems, \*\*Resolved\*\*. That the Members of Congress from South Dakota are hereby requested to use their influence and best effort to procure the enactment of such needed legislation.

M. J. Charge.

M. J. CHANEY, Speaker of the House.

Attest:

JAMES W. CONE, Chief Clerk.

HOWARD C. SHOBER, President of the Senate.

Attest: L. M. Simons, Secretary of the Senate.

I hereby certify that the within joint resolution originated in the house of representatives and was known in the house files as house joint resolution No. 11.

JAMES W. CONE, Chief Clerk. STATE OF SOUTH DAKOTA, Office Secretary of State, ss:
Filed February 19, 1907, at 4.20 o'clock.
D. W. Wipf, Secretary of State.

Mr. GAMBLE. I present a joint resolution of the legislature of South Dakota, which I ask may be printed in the Record, and referred to the Committee on Public Lands.

The joint resolution was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOT DEPARTMENT OF STATE, SECRETARY'S O

UNITED STATES OF AMERICA, STATE OF SOUTH DAKOTA:

I, D. D. Wipf, secretary of state of South Dakota:

I, D. D. Wipf, secretary of state of South Dakota and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 5 as passed by the tenth legislative assembly of the State of South Dakota, and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre this 19th day of February, 1907.

[SELL]

D. D. Wipf, Secretary of State

D. D. Wipf, Secretary of State. [SEAL.] A joint resolution memorializing Congress to open Tripp County, S. Dak., to homestead settlement.

Be it resolved by the house of representatives (the senate concurring), That
Whereas there have been introduced into the National Congress certain measures looking to the opening to homestead settlement that part of the Rosebud Reservation in the State of South Dakota lying and being in Tripp County, S. Dak.; and
Whereas said county comprises approximately 1,000,000 acres of land which needs only settlement and development to make it produc-

tive, and which, when open to settlement, will add much to the assessment rolls and population of our great State; and

Whereas a line of railroad is now being constructed to the east boundary of said tract which will greatly assist in its development as soon as it is opened to settlement; and

Whereas in its present wild state said land brings very little revenue to the Indians and none whatever to the State: Therefore, be it

Resolved, That we, for the good of the Indians and for the further development of our State, petition the Congress of the United States to hasten to provide ways and means for the early opening of this body of land to homestead settlement under such restrictions and conditions as they may deem wise, and that the secretary of state be authorized and directed to transmit a copy of this resolution to the Speaker of the House of Representatives of the United States and to the President of the Senate.

M. J. CHANEY, Speaker of the House.

of the Senate.

Attest:
James W. Cone, Chief Clerk.

Howard C. Shober, President of the Senate.

Attest:
L. M. Simons, Secretary of the Senute.

I hereby certify that the within joint resolution originated in the house of representatives and was known in the house files as joint resolution No. 5.

JAMES W. CONE. Chief Clerk.

STATE OF SOUTH DAKOTA, Office Secretary of State, ss:
Filed February 19, 1907, at 4.20 o'clock p. m.
D. D. Wiff, Secretary of State.

Mr. HANSBROUGH. I present a concurrent resolution of the legislature of North Dakota, which I ask may be printed in the Record and referred to the Committee on the Judiciary.

The concurrent resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as fol-

Concurrent resolution [offered by Mr. Rice] indorsing that certain bill pending before Congress forbidding the Internal-Revenue Department to issue liquor licenses in States where prohibition laws prevail to anyone without proof that the applicant Las complied with the laws of the State wherein the applicant resides.

of the State wherein the applicant resides.

Be it resolved by the senate of the State of North Dakota (the house of representatives concurring), That the legislative assembly of this State heartily approve and indores said bill.

Resolved further, That we recommend the Senators and Representatives in Congress of the State of North Dakota to support the said bill and use their utmost endeavors to secure the passage of the same.

Resolved further, That the secretary of state be, and he hereby is, directed to transmit copies of this resolution to the Senate and House of Representatives of the United States and to the Members of said bodies representing this State.

R. S. Lewis.

R. S. Lewis,
President of the Senate.

JAMES W. Folley,
Secretary of the Senate.

TREADWELL TWICHELL,
Speaker of the House.
P. D. NORTON,
Chief Clerk of the House.

I, James W. Foley, secretary of the senate, do hereby certify that the foregoing concurrent resolution originated in and was adopted by the Senate of the tenth legislative assembly of the State of North Dakota and was concurred in by the house of representatives.

JAMES W. FOLEY, Secretary of the Senate.

Mr. HANSBROUGH presented petitions of sundry citizens of Walhalla, N. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PLATT presented a petition of the Chamber of Commerce

of Utica, N. Y., praying for the enactment of legislation to revise the laws relating to public lands; which was referred to

the Committee on Public Lands.

He also presented memorials of sundry citizens of Brooklyn and Lockport, in the State of New York, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of sundry musical composers of New York City, N. Y., praying for the enactment of legislation to amend and consolidate the acts respecting copyrights; which

was ordered to lie on the table.

He also presented memorials of Skillin Post, No. 47, of Rome; of Dwight Post, No. 109, of Sodus, and of Sydney Post, No. 41, of Ithaca, all of the Department of New York, Grand Army of the Republic, in the State of New York, remonstrating against the enactment of legislation to abolish the pension agencies

the enactment of legislation to about the pension agencies throughout the country; which were ordered to lie on the table. He also presented a petition of Local Union No. 27, Coopers' International Union of North America, of New York City, and a petition of Local Union No. 315, Boot and Shoe Workers' Union, of Elmira, N. Y., praying for the enactment of legislation providing for the protection of labor and industries from the competition of convict labor and prison-made goods; which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of West Winfield, Cambridge, Manlius, and Easton, all in the State of New

York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. SCOTT presented a petition of the Woman's Parliamentary Law Club of Parkersburg, W. Va., praying for the enactment of legislation to regulate the employment of child labor;

which was ordered to lie on the table.

Mr. KEAN presented petitions of the Central Baptist Church, of Woodbury; of the Kemble Memorial Methodist Episcopal Church, of Woodbury; of the First Baptist Church of Woodbury, and of the Ellis Woman's Christian Temperance Union, of Union, all in the State of New Jersey, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the State board of agriculture of New Jersey, praying for the adoption of certain amendments to the present denatured alcohol law; which was referred to

the Committee on Finance.

Mr. McCUMBER. I present a concurrent resolution of the legislature of North Dakota. The concurrent resolution is very short. I ask that it be printed in the RECORD and referred to the Committee on the Judiciary.

Mr. KEAN. Let the concurrent resolution be read.

There being no objection, the concurrent resolution was read and referred to the Committee on the Judiciary, as follows:

Concurrent resolution offered by Mr. Rice indorsing that certain bill pending before Congress, forbidding the internal-revenue department to issue liquor licenses in States where prohibition laws prevail to anyone without proof that the applicant has complied with the laws of the State wherein the applicant resides.

Be it resolved by the senate of the State of North Dakota (the house of representatives concurring), That the legislative assembly of this State heartily approve and indorse said bill. Be it Further resolved, That we recommend the Senators and Representatives in Congress of the State of North Dakota to support the said bill and use their utmost endeavors to secure the passage of the

Resolved further, That the secretary of state be, and he hereby is, directed to transmit copies of this resolution to the Senate and House of Representatives of the United States and to the members of said bodies representing this State.

R. S. Lewis,

President of the Senate.

JAMES W. FOLEY,

Secretary of the Senate.

TREADWELL TWICHELL.

Speaker of the House.

P. D. NORTON,

Chief Clerk of the House.

I, James W. Foley, secretary of the senate, do hereby certify that the foregoing concurrent resolution originated in and was adopted by the senate of the tenth legislative assembly of the State of North Dakota and was concurred in by the house of representatives.

JAMES W. FOLEY,

Secretary of the Senate.

Mr. GALLINGER presented petitions of Local Union No. 132, United Garment Workers of America, of Keene; of the Mule Spinners' Local Union, American Federation of Labor, of Manchester, and of Loomfixers' Local Union, No. 548, American Fed+ eration of Labor, of Lebanon, all in the State of New Hamp-shire, praying for the enactment of legislation providing for the protection of labor and industry from the competition of convict labor and prison-made goods; which were referred to the Committee on Education and Labor.

He also presented the petition of James R. Brown, of Washington, D. C., and the petition of William T. White, of Washington, D. C., praying for the enactment of legislation providing for the removal of railroad grade crossings and tracks east of New Jersey avenue to the United States navy-yard in the southeast section of that city; which were referred to the Committee

on the District of Columbia.

He also presented petitions of sundry citizens of Newport, of the Woman's Christian Temperance Union of Bristol, and of the congregation of the Methodist Episcopal Church of Bristol, all in the State of New Hampshire, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

, He also presented the petition of Theodore Morse, of New York City, N. Y., praying for the passage of the so-called "Kittredge copyright bill;" which was ordered to lie on the table.

Mr. CULBERSON presented a petition of sundry citizens of Jefferson, Tex., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. SIMMONS presented a petition of sundry citizens of St. Paul, N. C., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented the petition of James E. Hamlin, of North

Carolina, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

He also presented a petition of sundry citizens of the State of North Carolina, praying for the enactment of legislation to provide for the reorganization of the personnel of the Navy; which was referred to the Committee on Naval Affairs.

Mr. KITTREDGE. I present a joint resolution of the legislature of South Dakota, which I ask may be printed in the RECORD and referred to the Committee on Interstate Commerce.

The joint resolution was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA, DEPARTMENT OF STATE, SECRETARY'S OFFICE.

UNITED STATES OF AMERICA, STATE OF SOUTH DAKOTA:

I, D. D. Wipf, secretary of state of South Dakota;
I, D. D. Wipf, secretary of state of South Dakota and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of House joint resolution No. 11, as passed by the tenth legislative assembly of the State of South Dakota, and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre, this 19th day of February, 1907.

[SEAL.]

D. D. WIPF, Secretary of State.

D. D. WIPF, Secretary of State. [SEAL.] A joint resolution memoralizing Congress to pass a law enlarging the powers of the Interstate Commerce Commission and to keep the highways of commerce open to all upon equal terms.

ways of commerce open to all upon equal terms.

Be it resolved by the house of representatives (the senate concurring). That it is the sense and belief of the legislature of the State of South Dakota that it will be to the best interest of the people of the State and of the United States that Congress enact such laws as will keep the highways of commerce open to all upon equal terms, and to put a complete stop to all rebates and abuses of traffic, and of discriminations made to shippers, and to stop all rebates and discriminations of terminal track and sidetrack systems.

Resolved, That we most heartily concur in the following expressed opinion of President Roosevelt:

"The Government must in increasing degree supervise and regulate the workings of the railways engaged in interstate commerce, and such increased supervision is the only alternative to an increase of the present evils on the one hand or a still more radical policy on the other."

Therefore we most respectfully petition and request the Congress of

Therefore we most respectfully petition and request the Congress of the United States to enact such laws as will prevent abuses and dis-crimination on the highways of commerce and of terminal and sidetrack

systems.

Resolved, That the Members of Congress from South Dakota are hereby requested to use their influence and best efforts to procure the enactment of such needed legislation.

M. J. Change.

M. J. CHANEY, Speaker of the House.

Attest:
JAMES W. CONE, Chief Clerk.

Howard C. Shober, President of the Senate.

Attest: L. M. Simons, Secretary of the Senate.

. I hereby certify that the within joint resolution originated in the house of representatives and was known in the house files as "house joint resolution No. 11."

JAMES W. CONE, Chief Clerk.

STATE OF SOUTH DAKOTA, Office Secretary of State, 88:

Filed February 19, 1907, at 4.20 o'clock p. m.
D. D. Wiff, Secretary of State.

Mr. KITTREDGE. I present a joint resolution of the legislature of South Dakota, which I ask may be printed in the Record and referred to the Committee on Public Lands.

The joint resolution was referred to the Committee on Public Lands and ordered to be printed in the Record, as follows:

STATE OF SOUTH DAKOTA, DEPARTMENT OF STATE, SECRETARY'S OFFICE,

UNITED STATES OF AMERICA, State of South Dakota.

I, D. D. Wipf, secretary of state of South Dakota and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 5 as passed by the tenth legislative assembly of the State of South Dakota, and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota, done at the city of Pierre this 19th day of February, 1907.

[SEAL]

D. D. Wiff,

D. D. WIPF, Secretary of State.

A joint resolution memorializing Congress to open Tripp County, S. Dak., to homestead settlement.

Be it resolved by the house of representatives (the senate concurring). That whereas there have been introduced into the National Congress certain measures looking to the opening to homestead settlement that part of the Rosebud Reservation, in the State of South Dakota, lying and being in Tripp County, S. Dak.; and

Whereas said county comprises approximately 1,000,000 acres of land which needs only settlement and development to make it productive, and which when opened to settlement will add much to the assessment rolls and population of our great State; and

Whereas a line of railroad is now being constructed to the east boundary of said tract, which will greatly assist in its development as soon as it is opened to settlement; and

Whereas in its present wild state said land brings very little revenue to the Indians, and none whatever to the State: Therefore, be it

Resolved, That we, for the good of the Indians and for the further development of our State, petition the Congress of the United States to

hasten to provide ways and means for the early opening of this body of land to homestead settlement, under such restrictions and conditions as they may deem wise; and

That the secretary of state be authorized and directed to transmit a copy of this resolution to the Speaker of the House of Representatives of the United States and to the President of the Senate.

M. J. Chaner.

Speaker of the House.

Attest:
JAMES W. CONE, Chief Clerk.

Howard C. Shober, President of the Senate.

Attest:
L. M. Simons, Secretary of the Senate.
I hereby certify that the within joint resolution originated in the house of representatives and was known in the house files as "joint resolution No. 5."

JAMES W. Cone, Chief Clerk.

STATE OF SOUTH DAKOTA, Office Secretary of State, 88:

Filed February 19, 1907, at 4.20 p. m.
D. D. Wiff, Secretary of State. Mr. PERKINS presented a petition of sundry citizens of San Francisco, Pasadena, Los Angeles, and Monrovia, all in the State of California, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors;

which was referred to the Committee on the Judiciary Mr. HEMENWAY. I present a joint resolution of the legislature of Indiana, which I ask may lie on the table and be

printed in the RECORD. The joint resolution was ordered to lie on the table and be printed in the RECORD, as follows:

Engrossed house concurrent resolution No. 3.

Engrossed house concurrent resolution No. 3.

Be it resolved by the house of representatives of the State of Indiana (the senate concurring therein):

Whereas an international exposition, to be know as the "Alaska-Yukon Pacific Exposition," will be held at the city of Seattle, Wash., from June 1 to October 15, 1909; and

Whereas the purposes of said exposition are, first, to demonstrate the already great and increasing importance of our commerce with the countries bordering on the Pacific Ocean and to assist in its further development; second, to bring to the notice of the world the resources and possibilities of the Alaska and Yukon territories of the United States and the Dominion of Canada, and, third, to illustrate the marvelous progress of the western market; and

Whereas all lines of American manufacture and production would be benefited by large trade relations between this country and the Pacific Ocean countries and that development of the oriental and South American markets would increase the outlets and enlarge the markets for Indiana for food products, cement, and other products; and

Whereas no exposition has ever been held in the United States having for one of its main objects the promotion of Pacific commerce and advancement of trade with the Pacific coast countries: Therefore,

Resolved, That we commend the aims and purposes of this exposition. We believe that it will be of vast value in extending the acquaintance of the Pacific Ocean countries with each other, which will undoubtedly extend our markets, give our merchanis a more thorough knowledge of how to secure and hold this trade and assist our Pacific commerce.

Resolved, That a copy of this resolution, duly certified by the secretary of the senate and the clerk of the house, shall be transmitted to the President of the Senate of the United States, the Speaker of the House of Representatives, and to each Senator and Member of Congress from Indiana.

The State of Indiana, as:

THE STATE OF INDIANA, 88:

We, the undersigned, the secretary of the senate and the principal clerk of the house of the sixty-fifth general assembly of the State of Indiana, do hereby certify that engrossed house concurrent resolution No. 3 was adopted by the said house on February 2, 1907, and was adopted by the said senate on February 15, 1907.

In witness whereof we have hereunto subscribed our names this February 19, 1907.

JULIAN D. HOGATE, Secretary of Senate. M. S. HASTINGS, Principal Clerk of the House.

Mr. HEMENWAY. I present a resolution of the legislature of the State of Indiana, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

The joint resolution was referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

Engrossed senate concurrent resolution No. 7.

Engrossed senate concurrent resolution No. 7.

Whereas the proposed deep waterway from the Great Lakes to the Gulf would be of great commercial benefit and advantage to the State of Indiana: Therefore, be it

Resolved by the senate (the house concurring), That the Senators and Representatives of the State of Indiana in the Congress of the United States are respectfully requested to promote and support such measures as would look to the construction and maintenance of such deep waterway from the Great Lakes to the Gulf.

This is to certify that the foregoing is an exact copy of engrossed senate concurrent resolution No. 7.

JULIAN D. Hogare

JULIAN D. HOGATE, Secretary of Senate. M. S. HASTINGS, Clerk of House.

Mr. BURKETT presented petitions of sundry citizens of Lincoln, Beatrice, and Kenesaw, all in the State of Nebraska, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PROCTOR presented the memorial of Mrs. E. H. Knight, representative of the National Consumers' League and Federated Women's Clubs of Laramie, Wyo., remonstrating against the adoption of a certain amendment to the agricultural appropriation bill relative to the expenditure of money for aiding State officials to carry into effect the present pure-food law; which

was ordered to lie on the table.

Mr. KNOX presented petitions of Keystone Lodge, No. 147, aternational Brotherhood of Boiler Makers and Iron-Ship International Builders and Helpers of America, of Susquehanna; Local Union No. 52, United Garment Workers of America, of Scranton; Local Union No. 141, Boot and Shoe Workers' Union, of Philadelphia; Knowlton & Co., Philadelphia; Independence Lodge, No. 44, Amalgamated Association of Iron, Steel, and Tin Workers of the United States, of Berwick, all in the State of Pennsylvania, praying for the enactment of legislation providing for the protection of labor and industries from the competition of convict labor and manufactures; which were referred to the Committee on Education and Labor.

He also presented memorials of C. L. Woodward & Son, of Shunk, and of 32 citizens of Sunbury, in the State of Pennsylvania, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on

the District of Columbia.

#### . REPORTS OF COMMITTEES.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 8542) to authorize W. D. Clay and others to select lands in lieu of lands purchased by the father of said parties from the United States Government and lost by said heirs, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the Lill (H. R. 24374) to fix the boundaries of lands of certain landówners and entrymen adjoining the Coeur d'Alene Indian Reservation, reported it without amendment, and submitted a report

thereon.

Mr. DANIEL, from the Committee on Education and Labor, to whom was referred the bill (S. 8303) to establish the Foundation for the Promotion of Industrial Peace, reported it without amendment, and submitted a report thereon.

#### ESTATE OF SAMUEL GARLAND

Mr. STONE. By direction of the Committee on Indian Affairs, I report back favorably without amendment the bill (S. 8426) authorizing the Court of Claims to hear and adjudicate the claims of Samuel Garland, deceased, against the Choctaw Nation, and I submit a report thereon. It is a bill of one section, and I ask unanimous consent for its present consideration.

The Secretary read the bill.

Mr. KEAN. The bill provides for rendering a judgment?

Mr. KEAN. The bill provide.

Mr. STONE. It does.

Mr. KEAN. I think it had better go to the Calendar.

Mr. KEAN. I think it had better go to the Calendar.

Mr. KEAN. I think it had better go to the Calendar. The VICE-PRESIDENT. The bill will go to the Calendar.
Mr. STONE subsequently said: A moment ago I asked for the
present consideration of Senate bill 8426. The Senator from
New Jersey [Mr. Kean] asked that it might go over. I have explained to him since as I do to the Senate now that at the last session an exactly similar bill was passed by Congress, referring the claim of another party to the Court of Claims in the very language of this bill. The two claims are identical and By some oversight the name of the beneficiary are connected. mentioned in this bill was left out of the other, and this is simply to supply that omission so that both claims may go to the Court of Claims. The Senator from New Jersey having withdrawn his objection, I ask that the bill may be now considered.

There being no objection, the bill was considered as in Com-

mittee of the Whole. Mr. FULTON. I inquire from what committee the bill

The VICE-PRESIDENT. From the Committee on Indian Affairs.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time. and passed.

GRANT OF LANDS TO BOULDER, COLO.

Mr. PATTERSON. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 22599) to grant certain lands to the city of Boulder, Colo., to report it favorably without amendment, and I ask unanimous consent, for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its con-

sideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# SOUTHERN UTE INDIAN RESERVATION LANDS.

Mr. PATTERSON. I report back favorably from the Committee on Public Lands, without amendment, the bill (H. R. 24134) providing for the granting and patenting to the State of Colorado desert lands formerly in the Southern Ute Indian Reservation in Colorado, and I submit a report thereon. for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its con-

sideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PATTERSON subsequently said: I desire to enter a motion to reconsider the vote by which the bill (H. R. 24134) providing for the granting and patenting to the State of Colorado desert lands formerly in the Southern Ute Indian Reservation in Colorado, was passed this morning.

The VICE-PRESIDENT. The motion to reconsider will be

entered.

#### PRINTING AND DISTRIBUTION OF DOCUMENTS.

Mr. PLATT. I ask unanimous consent for the present consideration of Senate bill 8510.

Mr. McCUMBER. On account of other bills that have to be considered, I hope we will continue with the morning business in the regular order until it is disposed of.

The VICE-PRESIDENT. Is there objection to the reading

of the bill for the information of the Senate?

Mr. McCUMBER. Unless there are special reasons why we should consider the bill, I must object.

Mr. PLATT. It is a short bill, and will not consume much

Mr. TILLMAN. I will consent to the consideration of this bill, but I will not consent to the consideration of any other until we get through with the morning business.

Mr. PROCTOR. I call for the regular order.

The VICE-PRESIDENT. The Senator from Vermont calls for the regular order.

# ADDITIONAL DISTRICT JUDGE IN CALIFORNIA.

Mr. SPOONER. I am directed by the Committee on the Judiciary to report back favorably without amendment the bill (S. 7759) to provide for the appointment of an additional district judge in and for the northern judicial district of the State of California. I ask for the present consideration of the bill. It will take but a moment.

Mr. McCUMBER. I understand that objection has been raised right along to the consideration of bills when they were reported, and it certainly would be unjust to the rest to allow a bill reported to be considered and not relieve the others from

the same rule.

The VICE-PRESIDENT. Objection is made to the request of the Scuator from Wisconsin.

Mr. SPOONER. I have just come into the Scuate. I was

not aware of previous objections.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

# RULES AND REGULATIONS OF EXECUTIVE DEPARTMENTS.

Mr. HEYBURN. Mr. President, I rise to an inquiry as to what reports have been received pursuant to the resolution of the Senate of February 1, calling for copies of the rules and regulations of the Departments. I will ask information as to what Departments have reported pursuant to those resolutions.
The VICE-PRESIDENT. The Chair is advised that reports

have been received from the Department of Justice, the Department of Agriculture, the Postmaster-General, and the Depart-

ment of Commerce and Labor.

Mr. HEYBURN. I desire to request, if it is in order, that the Secretary of the Senate be directed to notify the Departments—or remind them rather—that have not yet responded to the resolution in order that proper proceedings may be had in the Senate for the purpose of procuring a response to the resolutions of the Senate.

Mr. GALLINGER. I will ask what is the order of business? The VICE-PRESIDENT. Reports of committees are in order.

Mr. HEYBURN. I take it this is a privileged inquiry that I may make at any time during the morning hour, as to whether there is a response from a Department of the Government that has been directed to report to the Senate. I therefore ask for an order that the Secretary of the Senate communicate with the Departments and inquire as to why a report has not been received.

Mr. SPOONER. I think the better way would be for the Senator to introduce another resolution. I presume it could be passed this morning. It is entirely an innovation to direct an officer of the Senate to communicate for the Senate with the Department. I hardly think that that is the proper course to

Mr. HEYBURN. I was in some doubt as to what might be the proper course, because it is not at all usual for the Departments to neglect to respond to a resolution of the Senate.

Mr. SPOONER. It has occurred before a number of times, and other resolutions have been passed, one, I think, calling for the reasons. I think the course suggested by the Senator is one hardly dignified and proper for the Senate to adopt. If he will introduce another resolution addressed to the Departments which have not replied, it will be an indication to them that the Senate desires this information and desires it promptly, and that would be the better course.

Mr. HEYBURN. I will adopt the suggestion of the Senator from Wisconsin. It is one of those cases that seldom arises, and I merely indicated the Secretary as the ordinary officer through whom the correspondence of the Senate passes.

Mr. ALLISON. I should be glad to have the resolution of February 1 asking for this information read, that we may know what it is.

The VICE-PRESIDENT. The Secretary will read the resolution.

The Secretary. The resolution of February 1 reads as

Resolved, That the Secretary of the Treasury be requested to furnish to the Senate for its information a copy of the rules and regulations governing the Treasury Department in its various branches.

Resolutions exactly similarly worded were sent to the Attorney-General, the Secretary of State, the Postmaster-General, the Secretary of the Interior, the Secretary of Agiculture, and the Secretary of Commerce and Labor.

Mr. ALLISON. I have no doubt that the answers are in course of preparation, and I am told that some have been sent Certainly we ought not to doubt that the Departments are

doing what they can to comply with the resolutions.

Mr. HEYBURN. Four of them, I will say, have been sent in. Some of those rules and regulations were particularly important in the discussion in which we have been engaged. While I consider that discussion practically closed and that the necessity for those rules and regulations has in a measure passed, yet it seems to me that three weeks would be a reasonable time in which to prepare the reply.

I regard this as of sufficient importance to claim the attention of the Senate until it is settled. I think I am within the regular order, for that matter. But I will prepare the resolutions as suggested, directed to the Departments that have not responded, and offer them at a later time during the day.

# WILLIAM O. BEALL.

Mr. CLAPP. I ask for an order which I think may properly

come under the head of reports of committees.

Some days ago the Secretary of the Interior submitted a report to the Senate and asked that the papers be returned as soon as the Senate was through with them. I have had the report printed, and I now move that the Secretary be instructed to return the papers to the Secretary of the Interior.

The VICE-PRESIDENT. Without objection, it is so ordered.

# COURTS IN NORTH CAROLINA.

Mr. PETTUS. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 23391) to change the time of holding the United States district and circuit courts in the eastern district of North Carolina, and to provide for the appointment of a clerk of the courts at Washington, N. C., to report it favorably without amendment.

Mr. SIMMONS. I ask unanimous consent for the considera-

tion of the bill just reported by the junior Senator from Ala-

The VICE-PRESIDENT. If there be no objection, the bill will be read for the information of the Senate.

Is that morning business?

The VICE-PRESIDENT. It is a report just made by the Committee on the Judiciary.

Mr. SIMMONS. I will state to the Senator from Massachusetts that it is simply a bill to change the time of holding courts to meet an emergency

The VICE-PRESIDENT. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its con-

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

# BILLS INTRODUCED.

Mr. SIMMONS introduced a bill (S. 8566) granting an increase of pension to Noah Greer; which was read twice by its

title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 8567) to provide for the purchase of a site and the erection of a public building thereon at Wellington, Kans.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. McCUMBER introduced a bill (S. 8568) granting an increase of pension to Rosanna A. May; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LATIMER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (S. 8569) permitting the building of a dam across the Savannah River at McDaniel Shoals;

A bill (S. 8570) permitting the building of a dam across the Savannah River at Turner Shoals;

A bill (S. 8571) permitting the building of a dam across the Savannah River at Middleton Shoals; and

A bill (S. 8572) permitting the building of a dam across the

Savannah River at Andersonville Shoals,
Mr. LATIMER introduced the following bills; which were
severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 8573) for the relief of the heirs of Mitchell King; A bill (S. 8574) for the relief of James Marsh; and

A bill (S. 8575) for the relief of Robert Adger, executor and trustee of the estate of James Adger, deceased (with an accompanying paper).

Mr. LODGE introduced a bill (S. 8576) granting authority to the United States circuit court for the eastern district of Pennsylvania to substitute the names of new defendants in certain suits now pending before it; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTUS introduced a bill (S. 8577) permitting the erection of a dam across Coosa River, Alabama, at the place selected for Lock No. 12 on said river; which was read twice by its

title, and referred to the Committee on Commerce.

Mr. CULBERSON (by request) introduced a bill (S. 8578) for the relief of the estate of R. S. Simonton; which was read twice by its title, and referred to the Committee on Claims.

# AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL,

Mr. LODGE submitted an amendment proposing to appropriate \$50,000 for the construction of a light-ship to be placed near the eastern end of Hedge Fence Shoal, Vineyard Sound, Massachusetts, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

He also submitted an amendment proposing that \$5,000 be paid from the permanent appropriation for expenses of regulating immigration in order to enable the President to ascertain the conditions existing under which, in the last provisio of the first section of the act to regulate immigration, approved February 20, 1907, it is made his duty to refuse to permit aliens therein described to enter the continental territory of the United States, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropria-

He also submitted an amendment relative to the acquisition of certain pieces and parcels of land lying in the vicinity of Massachusetts avenue and Rock Creek to become a part of Rock Creek Park, District of Columbia, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. KEAN submitted an amendment proposing to appropriate \$200,000 for gauging the streams and determining the water supply of the United States, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the

Committee on Appropriations.

Mr. CARTER submitted an amendment proposing to appropriate \$50,000 for the purchase of a permanent water supply, with land appurtenant thereto, and to purchase material and construct a water plant for the supply of Fort William Henry Harrison, Mont., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. MILLARD submitted an amendment proposing to appropriate \$150,000 to cover the necessary expense of additional buildings and equipment for the signal station of the United States Army at Fort Omaha, Nebr., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. CLAY submitted an amendment proposing to appropriate \$1,333,000 for the purchase of certain land in the District of Columbia for park purposes, etc., intended to be proposed by

him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed. Mr. BURROWS submitted an amendment proposing to appro-

priate \$500 to ascertain and reestablish the lines of the military reservation at the island of Mackinac, Michigan, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

He also submitted an amendment proposing to appropriate \$100,000 for the construction of a light-house and a fog-signal station of the second order to be located at the easterly end of Gull Island, Apostle group, westerly end of Lake Superior, Wisconsin, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. LATIMER submitted an amendment relative to the admission to practice before the United States court for China of all members of the bar of the Supreme Court of the United States or of the supreme court of any State or Territory, etc., intended to be proposed by him to the sundry civil appropria-tion bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. SCOTT submitted an amendment proposing to appropriate \$15,000 for the acquisition of a site for a public building at Fairmont, W. Va., and \$15,000 for the acquisition of a site for a public building at Grafton, W. Va., etc., and also \$1,333,000 for the purchase of certain land in the District of Columbia for park purposes, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Appropriations.

Mr. DANIEL submitted an amendment proposing to appropriate \$70,000 in addition to the sum of \$80,000 already appropriated by the act of June 30, 1906, for the extension and enlargement of the United States building which contains the United States court rooms, clerk's office, and post-office at Lynchburg, Va., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

#### AMENDMENT OF THE RULES.

Mr. PETTUS submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the first part of the nineteenth standing rule of the Senate be amended by inserting therein, after the words "shall first address the Presiding Officer," the words following: "nor shall such interruption be made for nor extend to debate."

BULES AND REGULATIONS OF EXECUTIVE DEPARTMENTS.

Mr. HEYBURN submitted the following resolutions for consideration:

Resolved, That the Secretary of the Treasury be directed to furnish to the Senate, for its information, a copy of all rules and regulations governing the Department in its various branches, pursuant to Senate resolution No. 239.

Resolved, That the Secretary of the Interior be directed to furnish to the Senate, for its information, a copy of all rules and regulations governing the Department in its various branches, pursuant to Senate resolution No. 240.

resolution No. 240.

Resolved, That the Secretary of State be directed to furnish to the Senate, for its information, a copy of all rules and regulations governing the Department in its various branches, pursuant to Senate resolution No. 241.

Mr. LODGE. Mr. President, four of the Departments have answered. It seems to me that it is very unusual not to give a Department a full opportunity to answer. The resolutions called for a great deal of information, and I should suppose it requires a great deal of work to prepare the returns. It seems to me that it is rather inconsiderate to expect the Departments to meet these resolutions so soon. I ask that the resolutions may go

Mr. HEYBURN. I should like to inquire as to whether that is strictly within the rule? The Senate having passed a resolution requesting the information, and almost a month having gone by, I ask whether a resolution instructing a compliance with the order of the Senate heretofore directed to the Department is subject to the rule and must go over?

The VICE-PRESIDENT. The Chair would so hold. These are new resolutions, and under the rule, an objection being

made, they must lie over.

Mr. HEYBURN. I shall call up the resolutions to-morrow morning during the morning hour.

SPECIAL EMPLOYEES OF EXECUTIVE DEPARTMENTS.

Mr. TILLMAN. Some answers have come in from the Departments to the resolution of February 8, and they have not They are from the Interstate Commerce Combeen printed. mission, the Treasury Department, and the Interior Department

While I am on my feet I will state that those inquiries are of very great importance in enabling the Committee on Appro-

priations intelligently to make appropriations for special agents and other persons to be employed, and I hope the other bureaus or Departments of the Government will not delay until it is too late for us to get the information for any use at this session. I ask for the adoption of the following order.

The order was read and agreed to, as follows:

Ordered, That the communications from the Interstate Commerce Commission of February 15 and 20, 1907; of the Secretary of the Treasury of February 21, 1907, and of the Secretary of the Interior of February 23, 1907, in response to Senate resolutions of February 8 and 14, 1907, making inquiry as to employees, amount paid them, etc., be printed, and referred to the Committee on Appropriations.

#### HEIRS OF PATRICK WHITE.

On motion of Mr. Clark of Wyoming, it was

Ordered, That permission be given to the claimant to withdraw from the files all papers submitted by her in reference to S. 5609, no ad-verse action having been taken thereon.

#### INDIAN APPROPRIATION BILL.

Mr. CLAPP. Before the close of the morning business I ask leave to call up the conference report on the bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908. I ask for its adoption.

The VICE-PRESIDENT. The Chair lays the conference report before the Senate. It has heretofore been read. The question is on agreeing to the report.

The report was agreed to.

#### INDIAN TRIBAL FUNDS.

Mr. CLAPP. I also call up the conference report on the bill (H. R. 5290) providing for the allotment and distribution of Indian tribal funds. The report was made on Friday and printed in the Record Saturday morning. I ask for its adop-

The VICE-PRESIDENT. The Chair lays before the Senate the conference report indicated by the Senator from Minnesota. The question is on agreeing to the report.

The report was agreed to.

# ADDITIONAL DISTRICT JUDGE IN CALIFORNIA.

Mr. SPOONER. I ask unanimous consent for the present consideration of the bill (S. 7759) to provide for the appointment of an additional district judge in and for the northern judicial district of the State of California.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# PRINTING AND DISTRIBUTION OF DOCUMENTS.

Mr. McCUMBER obtained the floor.

Mr. PLATT. With the permission of the Senator from North Dakota, I ask for the present consideration of the bill (S. 8510) to amend an act providing for the public printing and binding and the distribution of public documents.

The Secretary read the bill; and there being no objection, the

Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Printing with amendments.

The first amendment was, on page 3, line 11, after the word "instance," to insert the following additional proviso:

And provided further, That nothing in this paragraph shall be field to contravene the provisions of public resolution No. 11, approved March 28, 1904.

The amendment was agreed to.

The next amendment was, on page 6, line 1, after the word or," to strike out the words "any other" and insert "serial;" so as to read:

If the publication so ordered be an annual report or serial publication originating in or prepared by an Executive Department, bureau, office, commission, or board, it shall not be numbered in the document or report series of either House of Congress, but shall be designated by title, as hereinafter provided. Of all Department reports required by law to be printed, the usual number shall be printed concurrently with the departmental edition.

The amendment was agreed to.

The next amendment was, on page 6, line 13, after the word "others," to insert "if of a general public character;" so as to read:

PAR. 2. In the binding of Congressional numbered documents and reports, every publication of sufficient size on any one subject shall hereafter be bound separately and receive the title suggested by the subject of the volume; and the others, if of a general public character, shall be arranged in convenient volumes and bound in a manner as directed by the Joint Committee on Printing.

The amendment was agreed to.

The next amendment was, on page 6, line 15, after the word "Printing," to insert:

And those not of a general public character shall be delivered to the depositories in unbound form, and ten copies shall be bound and distributed as follows: To the Senate library, three copies; to the House library, three copies; the Library of Congress, three copies, and to the office of the superintendent of documents, one copy.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# MARCUS WOOD.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill (H. R. 21121) entitled "An act granting an increase of pension to Marcus Wood."

STEAM VESSEL FOR REVENUE-CUTTER SERVICE.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the bill S. 925, "An act authorizing the construction of a steam vessel for the Revenue-Cutter Service of the United States," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to the amendment of the House.

S. B. ELKINS. GEO. C. PERKINS, S. R. MALLORY, Managers on the part of the Senate. JAMES R. MANN, FRANCIS W. CUSHMAN, W. H. RYAN, Managers on the part of the House.

The report was agreed to.

# HOUSE BILL REFERRED.

An act (H. R. 25745) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

# PENSION APPROPRIATION BILL.

Mr. McCUMBER. The Senator from Vermont has courteously agreed that the pending measure, the agricultural appropriation bill, may be temporarily laid aside that I may call up the pension appropriation bill. I therefore call up the bill (H. R. 24640) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes, and I ask that the substitute reported with amendments from the committee February 20 may be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment in the nature of a substitute, and with amendments to the amendment.

Mr. McCUMBER. I ask that the formal reading of the sub-

Mr. MCCUMBER. I ask that the formal reading of the substitute be dispensed with and that it be read for action on the amendments of the committee.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the formal reading be dispensed with, that the substitute be read for amendment, and that the amendments of the committee shall first be considered. Without objection, it is so ordered.

The Secretary proceeded to read the proposed substitute.

The first amendment of the Committee on Pensions was, on page 1, line 11, before the word "million," to strike out "thirty-seven" and insert "forty-five;" so as to read:

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June 30, 1908, and for other purposes, namely:

For Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, \$145,000,000: Provided, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose: Provided further, That the amount expended under each of the above items shall be accounted for separately: And provided further, That hereafter the age of 62 years and over shall be considered a permanent specific disability within the meaning of the pension laws.

The amendment to the amendment was agreed to.

The amendment to the amendment was agreed to.

The next amendment to the amendment was, on page 2, line 6, after the word "laws," to insert:

And provided further, That the benefits of the act of February 6, 1907, entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico," are hereby extended to include any person who served the period of time therein specified during the late civil war or in the war with Mexico and who is now or may hereafter become entitled to pension under the acts of June 27, 1890, February 15, 1895, and the joint resolution of July 1, 1902, or the acts of January 29, 1887, March 3, 1891, and February 17, 1897.

The amendment to the amendment was agreed to.

The next amendment to the amendment was, on page 4, to strike out lines 8 and 9, as follows:

For salary of one agent for the payment of pensions, \$4,000.

And in lieu thereof to insert:

For salaries of eighteen agents for the payment of pensions, at \$4,000 each, \$72,000.

So as to read:

So as to read:

For fees and expenses of examining surgeons, pensions, for services rendered within the fiscal year 1908, \$600,000. And each member of each examining board shall, as now authorized by law, receive the sum of \$2 for the examination of each applicant whenever five or a less number shall be examined on any one day, and \$1 for the examination of each additional applicant on such day: Provided, That if twenty or more applicants appear on one day, no fewer than twenty shall, if practicable, be examined on said day, and that if fewer examinations be then made, twenty or more having appeared, then there shall be paid for the first examinations made on the next examination day the fee of \$1 only until twenty examinations shall have been made: Provided further. That no fee shall be paid to any member of an examining board unless personally present and assisting in the examination of applicant: And provided further, That the report of such examining surgeons shall specifically state the rating which in their judgment the applicant is entitled to, and the report of such examining surgeons shall specifically and accurately set forth the physical condition of the applicant, each and every existing disability being fully and carefully described. The reports of the special examiners of the Bureau of Pensions shall be open to inspection and copy by the applicant or his attorney, under such rules and regulations as the Secretary of the Interior may prescribe: And provided further. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in securing the introduction of a bill or the passage thereof through Congress granting pension or increase of pension; and any person who shall, directly or indirectly, contract for, demand, receive, or retain any compensation for such services shall be deemed guilty of an offense, be fined not exceeding \$500 or imprisonment not exceeding two years, or both, in the discretion of the court.

For salaries of eighteen

The amendment to the amendment was agreed to.

The next amendment to the amendment was, on page 4, line 13, after the word "services," to strike out "two hundred and fifty" and insert "in the pension agencies, four hundred and thirty-five;" in line 16, after the word "services," to insert "for each;" and in the same line, after the word "agency," to insert "shall be apportioned as nearly as practicable in proportion to the number of pensioners paid at each agency and the salaries paid;" so as to read:

For clerk hire and other services in the pension agencies, \$435,000: Provided, That the amount of clerk hire and other services for each agency shall be apportioned as nearly as practicable in proportion to the number of pensioners paid at each agency, and the salaries paid shall be subject to the approval of the Secretary of the Interior.

The amendment to the amendment was agreed to.

The next amendment to the amendment was, on page 4, after line 19, to insert:

For rent, New York agency, \$4,500. For examination and inspection of pension agencies, as provided by the final provision of the act of August 8, 1882, amending section 4766, Revised Statutes, \$1,500.

So as to read:

For rent, New York agency, \$4,500.

For examination and inspection of pension agencies, as provided by the final provision of the act of August 8, 1882, amending section 4766, Revised Statutes, \$1,500.

For stationery and other necessary expenses, \$30,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

# AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I now ask that the Senate proceed to the consideration of the agricultural appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908.

Mr. PROCTOR. The pending amendment is on page 41,

Mr. DEPEW. Mr. President-

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from New York?

Mr. PROCTOR. I can not yield, except for morning business. Mr. DEPEW. I gave notice on Friday last, Mr. President, that I desired to address the Senate this morning.

Mr. PROCTOR. I think the Senator will not be delayed beyond a short time. I have had several requests, but it is impossible to yield for anything except morning business

DEPEW. If it is the agricultural appropriation bill which the Senator desires to proceed with, it will take all day.

Mr. PATTERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Vermont

yield to the Senator from Colorado?

Mr. PROCTOR. I will yield to the Senator from New York [Mr. Depew], who, I understand, had previously given notice of his intention to address the Senate this morning.

Mr. DEPEW. I did.

Mr. PROCTOR. Then I yield to the Senator.

#### ELASTICITY IN THE CURRENCY.

Mr. DEPEW. Mr. President, I call up the resolution offered

by me on February 21, 1907.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted by the Senator from New York, which will be read.

The Secretary read the resolution submitted by Mr. Depew February 21, 1907, as follows:

Resolved, That the Committee on Finance be authorized to investigate and report what legislation, if any, may be necessary in relation to the deposit of public moneys and the issue of currency to prevent conditions of abnormal and dangerous rates of interest at certain periods of the year and provide such elasticity in the currency that it will be more responsive to the conditions of business.

Mr. DEPEW. Mr. President, I know of no legislation more important than the passage of measures for the relief of our monetary conditions, and to give greater elasticity to our currency. Our whole industrial and commercial fabric rests necessarily upon a financial policy and practice in accord with sound principles. No one pretends that our present method of hoarding public money and keeping it out of use and circulation is either wise or economical. Everyone conversant with affairs admits the need of more elasticity in our currency. We have been doing business, and almost miraculously succeeding in it, upon makeshifts brought about by political bitterness and party passion on the one hand and a device to meet an immediate financial crisis on the other.

A brief review of the situation will demonstrate our condition and its needs. There is an almost passionate feeling in the country that we should become a world power in all that phrase means. In national wealth, in marvelous productiveness, in agriculture and manufacture, in ability to command markets by the genius, skill, and industry of our citizens, and in the unparalleled opportunities which are here afforded, we are in a commanding position. We are isolated from attack and in-vulnerable because of our situation and resources.

Our Navy commands peace and our diplomacy has been brilliantly effective in maintaining it, but the flag upon our battle ships is about the only evidence in the ports and harbors of the world of our ability as a sea power. Our commerce is carried under alien flags and in foreign ships, whose officers are necessarily more friendly to their own people than to ours. nation can hold a first place whose goods and mails are dependent upon foreigners for transportation; but, apart from that and for immediate consideration, we must deal with a Chinese wall and triple-barred gates, built about that natural flow of money to meet industrial and commercial necessities, which prevent our having the place which our resources should command of financial supremacy. Passion, rather than a careful study of the lesson of successful practices in other highly developed countries, has governed our legislation.

Alexander Hamilton was one of the most marvelous creative geniuses the world has ever known. At 17 he so clearly stated the underlying principles of the American Revolution as to command the attention of all the colonies; while not yet 30 his contributions to the Federalist remain still a guide and text-book, and his labors in the New York Convention and the Constitutional Convention contributed more than those of

any other to the Constitution of the United States.

When Robert Morris, the Philadelphia banker, was patriotically financing the Revolution, Hamilton, then in the army and only 23, formulated a plan which if adopted would have pre-vented the collapse of the Continental currency. When he became vented the collapse of the Continental currency. When he became Secretary of the Treasury, in the cabinet of General Washing-ton, he devised our system for treasury and customs, which has expanded, but has not been altered from his day, and made the

report to Congress upon manufactures which has been the basis of all tariff legislation and of development under the tariff from his day until ours. He saw, with the prophetic vision with which he was gifted, that a country like ours, of undeveloped resources, must have a system of protection until it should be self-sustaining in every department. He saw that the country, with its vast undeveloped wealth in forests, mines, and agriculture, and its limitless possibilities in manufactures, must, to attain perfect results, have a sound and scientific financial system, both as regards the money collected by the Government and the issue of currency.

At this point, unhappily, came the breach between the ideas of Hamilton and Jefferson, which has retarded our growth, antagonized the people at different times for a century, and, culminating in the civil war, in an undreamed-of centralization of power, continues still to vex our politics and our policies.

The first national bank was the product of the teachings of Hamilton, and during its existence a most efficient help to both the Government and the people. The persistent opposition of Jeffersonian principles refused it a new charter, though its enemies, who declared the whole legislation which created it vicious and unconstitutional, did not hesitate when in power to put into the Treasury the \$573,000 profit which the Government made by the sale of the stock the Government owned, through an advance of 28.7 per cent upon the original investment, because of the admirable management and beneficent influence of the bank.

It took a panic, which shattered the credit of the Government and ruined the business of the people, to bring about the organization of a second national bank. This, like the first, was founded upon sound principles, and proved to be a great suc-Through it the money collected from the people for customs and taxes was available for the people's use. Through it and its branches the Government had an agency by which it could use its credit to advantage for a market for Government bonds at an advantageous rate of interest. Through it the people had a circulating medium which contracted and expanded according to the necessities of trade; but Jeremiah Mason, standing beside Daniel Webster in reputation and ability, president of a branch bank at Portsmouth, N. H., incurred the hostility of the Jethro Bass of that period, if I may quote from Winston Churchill's novel, and he immediately declared war upon the national bank. Practical politicians, impractical theorists, and ambitious statesmen saw in this question an opportunity to create a popular issue against corporate wealth.

Andrew Jackson, one of the strongest characters in our public life, a man of dauntless courage, audacity, and ineradicable prejudices, was made to believe by these strong and able men about him that the bank had been made a political machine for his overthrow. After four years of determined warfare he drove the bank out of business. Then came the panic of '37, in which practically the whole country was sold under the hammer. Then we had the device of State banks for the deposit of public moneys and for circulating medium under charters which differed as widely as the States, until by the failure of many of such banks, which were often speculative political enterprises, the Government lost large sums of money and the business of the country was deranged. Then we had the subtreasury scheme for locking Government money up and so far as national legislation was concerned the States were left to themselves to provide currency. Wise scientific methods were adopted in New England, under the Suffolk bank system, in New York and Indiana and in some other States, but in still other States there was wild-cat banking and the so-styled yellow dog and pup currency, always uncertain and often of no value, which demoralized business everywhere, and when the panic of '57 came there were no banking means of preventing or controlling it.

When it became necessary for the preservation of the nation during the civil war, that money should be had for carrying it on, our helplessness, because we had no financial or banking machinery which the Government could use, nearly lost us the battle. From the necessities of the hour the present system of national banking was inaugurated mainly for the purpose of creating a market for the sale of the bonds of the Government. To still further provide money the Government issued an irredeemable currency which fluctuated between par and 40 cents on the dollar, and under it the war cost a thousand millions of dollars more than if we had been upon a proper

basis.

When the civil war closed we had for our industrial and financial necessities in the upbuilding from its ravages the system of locking up Government money, and issuing an irredeemable currency. The wildest speculation of our time ensued and then followed the panic of 1873, the most disastrous, the most revolutionary, the most ruinous which any civilized country has experienced, and at the same time helpful in its results. But time has demonstrated that no mistakes of legislation or of unwise practice by the Government can permanently check our national development with our limitless resources and opportunities, and our people possessing the ability to adapt themselves to any conditions and the energy to rise triumphant out of difficulties and misfortunes.

Our lessons are not to be derived from the marvels done, but the greater marvels possible if we had been wise. The wheat fields of the West, and the mines in the mountains and in the bowels of the earth were productive with primitive appliances and hand-power, but it is invention, steam, and electricity, which have brought about present results in spite of the deficiencies of our fiscal system and its unscientific methods.

Ever since the destruction of the national bank by the refusal to renew its charter and the fierce political controversies which followed there has been a prejudice against banks and bankers. It is still too strong to revive in any form the old national bank. Ignorance on this subject has been the fruitful source of a library of loose literature.

As illustrating how little of sensible discussion and how much of bitter politics only there was in the debate on the question of the renewal of the charter of the national bank, I quote from the remarks of Congressman Desha, of Kentucky, who said:

The question was whether we will foster a viper in the bosom of our country that will spread its deadly venom on the land and finally affect the vitals of our republican institutions, or whether we will, as is our duty, apply the proper antidote by a refusal to renew the charter, thereby checking the cankering poison. He thought the bonus offered by the bank was a bribe offered to the nation. He had no doubt that George III was a principal stockholder in the bank, and that the English monarch regarded it as an instrument in effecting his nefarious purposes against the United States, and would bid up several millions of dollars rather than not to have the charter renewed. This is a safer method than encountering Americans in arms. Of that we made him extremely tired when we were in a state of infancy.

Old George the Third was at that time a lunatic,

A member of the committee on banks in the New York legislature, who was engaged in other business where he required the use of his credit to furnish him with capital, and this capital could only be had from the banks, seriously inquired of me whether it would not be both justifiable and wise to enact a law to compel banks to discount notes but prohibit their charging interest.

First, as to Government deposits. The practice has so far relaxed as to permit receipts coming from other sources than customs to be deposited in the banks. The customs receipts, however, which last year were over three hundred millions of dollars, are immediately locked up and that currency taken out of circulation. There are times when this hoard of the circulating medium amounts to two hundred and sixty millions of It is never less than twelve millions, and the average is

greatly in excess of this minimum. The Secretary of the Treasury in times of great financial disasters from want of currency takes out a portion of this money and deposits it temporarily in banks which are Government depositories. It is done under a power which has been questioned. There should be no question whatever upon a transaction of this nature. It should not rest absolutely in the discretion of any one man, no matter how able, how pure, or how great, to contract or expand the currency. This power has never been abused, but there is always the possibility of scandal even when not abused. The market responds instantly and

prior knowledge means a fortune.

In every civilized country except ours money, when collected by the government, is immediately deposited in the banks. There is no disturbance whatever in the natural flow of the current. Suppose the one hundred and thirty millions of dollars which are collected in October and November in New York City should be locked up; suppose this practice should prevail in every city, village, and town in the United States. The disastrous consequences to business would be beyond calculation. There can be no question as to the safety of these deposits. If there was the Government would have no right to make any at all. Under our national banking system failures are few in proportion to the number of banks and the amount of deposits. It is possible always to secure the Government, and it is a remarkable fact that the few banks which have failed have paid an average of 78 per cent to all classes of their creditors; but, with the rigid examinations now in force and the penalties which are provided for neglect or mismanagement, it is almost impossible for a bank to fail. The adoption of the practice by the Government, which prevails in the fiscal transaction of every city, village, and township, would at once give a measure of

relief by preventing arbitrary contraction, bad at all times, and in periods of financial stringency periling the whole fabric of credit.

The currency of other countries are bank notes and gold and silver coin, but we have one thousand five hundred million dollars of gold certificates, five hundred million dollars of silver certificates, three hundred and fifty million dollars of greenbacks, and five hundred million dollars of bank notes secured deposit of Government bonds with the Government. These silver certificates are a reminder of the crises and crazes through which we have passed, of the fallacies of flat money and fluctuating silver as a standard of value, which nearly captured the country in the frenzied efforts to make it so. It is safe to say that with a scientific system of currency circulation we never would have had the flat money and silver delusions which came near wrecking our industries and destroying

our prosperity.

We are the only one of the highly organized financial and industrial countries which has a currency absolutely inelastic; a currency which responds in no way to the requirements of business or to the needs of the people. Our interest rates fluctuate from 1 per cent to 125 per cent per annum, but the volume of our currency never changes. In England, France, Germany, Scotland, and Canada the volume of currency contracts or expands automatically according to the needs of business, while interest rates never fluctuate more than 2 or 3 per cent.

The German banks have a currency based upon assets, which, up to one hundred and thirty-five millions, are untaxed, and beyond that subject to a tax of 5 per cent. During most of the year the amount issued is less than the untaxed limit, and it is rare that it exceeds it. If it does it is only for an emergency which may last a week or less. There is no effort on the part of the bank to put the currency out or call it in, but it goes out or is redeemed as business requires. The same is true with France, where the currency is not taxed to the authorized limit of one thousand four hundred millions of dollars, and the amount issued has never reached anywhere near this limit. The volume of it contracts or expands automatically according to the requirements of the people. In Canada the banks are authorized to issue a credit currency based upon their assets to 100 per cent of their capital. This currency is taxed less than 1 per cent for the purpose of furnishing a guaranty fund for banks which may The amount of notes outstanding has never been equal to the limit authorized. In the fall conditions exist the same as with us. Then there is a marked increase in the amounts paid out by the banks. When the emergency is over and the demand ceases the notes return to the banks for redemption and the circulation is decreased by that amount. Under these systems the average life of the notes of France and Germany is about ten days; of Scotland, eighteen days; of the Canadian banks, thirty days, while the notes of our national-banking system remain out on an average of seven hundred and thirty days or two years. The limited time that the notes remain out in countries which have a scientific system of banking indicates its immediate response to the needs of the community.

The fact that our currency remains out until the paper is used up shows that it does not respond at all to the fluctuating demands of our business. In all great manufacturing and producing countries the conditions are practically the same, only differing in degree. On account of the extent of our territory, the volume and variety of our products, and the tremendous volume of our internal commerce, the demand fluctuates much more widely than in these older countries. Commencing with the cotton crop in the South and continuing with wheat and corn in the West and Northwest, farmers require currency with which to pay their help and conduct their harvesting operations. This demand is estimated at anywhere between one hundred and fifty and two hundred millions of The local bank has a part of its reserve with its reserve agents in reserve cities, and they have part of their reserve in the central reserve cities of New York, Chicago, and St. Louis. The demand for the currency made by the farmer at his local institution goes to these reserve banks and then to the reserve cities of New York, Chicago, and St. Louis. The demand must be responded to immediately, and this vast sum of currency is taken out of these centers and shipped bodily for distribution all over the country. As it comes out of the reserve of lawful money it results in the contraction of credits to four times the amount called for, which in no case will be less than six hundred millions and which often reaches eight hundred

millions of dollars.

No wonder when this contraction of eight hundred millions of credit takes place and demand loans are called in and accommodations refused that money rises by leaps and bounds to 10. 20, 50, and 100 per cent a year. The usurer has his opportunity,

the bank which is run for speculative purposes reaps its harvest, business contracts, disasters come, houses which require credit and are entitled to it can not secure loans, the wheels of industry slacken, the worker's time is reduced, and the effects reach every home, from the banker to the merchant, from the merchant to the manufacturer, and from the manufacturer to the farmer and the artisan.

When the crop harvest is over and the farmer receives his money he deposits it in the country bank and the reverse process is gone through. It is returned to the reserve cities first and then to the central reserve cities of New York, Chicago, and St. Louis. In the effort to put out this redundancy, interest rates go down to 1 and 2 per cent, there is a carnival of speculation and a subsequent harvest of disasters and distrust.

This has occurred year after year since the civil war. It increases with the growth of business. It is the incident, not the accident, of our banking system, but politics, ancient and modern, and century-old prejudices, accentuated by demagogues and doctrinaires, have prevented any remedies.

The percentage of contraction and expansion in Scotland and Ireland would, if applied to our currency, be \$90,000,000, and in Canada, so applied, would be \$165,000,000 yearly—quite sufficient for our needs. We are out of competition for leadership in the world's markets and controllership of the world's financial transactions. The old world will be fearless of the advance in our material interests so long as there is no corresponding progress and development in our financial system and tools of trade and commerce.

The recommendations from the committee of the Associated Bankers of the United States and from the Chamber of Commerce of New York are substantially the same, and are as follows:

First. Any national bank having been actively doing business for one year and having a surplus fund equal to 20 per cent of its capital shall have authority to issue credit notes as follows, subject to the rules and regulations to be determined by the Comptroller of the Currency:

(a) An amount equal to 40 per cent of its bond-secured circulation, but not to exceed 25 per cent of its capital, subject to a tax at the rate of 2½ per cent per annum upon the average amount outstanding. Provided, That if at any time in the future the present proportion of the total outstanding unmatured United States bonds to the total capitalization of all going national banks shall diminish, then the authorized issue of credit notes shall be increased to a correspondingly greater percentage of its bond-secured notes.

(b) A further amount equal to 12½ per cent of its capital, subject to a tax at the rate of 5 per cent per annum upon the average amount outstanding in excess of the amount first mentioned.

The total of credit notes and bond-secured notes shall not exceed the capital.

Second. The same reserves shall be carried against credit notes as are required by law to be carried against deposits.

Third. The taxes provided upon credit notes shall be paid in gold to the Treasurer of the United States, and shall constitute a guaranty fund for the redemption of notes of failed banks, and for the payment of the expenses of printing and the cost of redemption. In order that the guaranty fund may be ample from the beginning, any bank making application to take out credit notes for issue shall deposit with the Treasurer of the United States in gold an amount equal to 5 per cent thereof. The unused portion of this initial payment shall be an asset of the contributing banks, respectively, and shall be refunded from time to time when this may be done without reducing the guaranty fund below an amount equal to 5 per cent of the credit notes taken out.

Fourth. The Comptroller of the Currency shall designate numerous redemption cities conveniently located in the various parts of the country. Through the agency of the banks in such cities adequate facilities shall be provided for active daily redemption of credit notes.

Fifth. The provision of existing law limiting the retirement of bond-secured notes to \$3,000,000 per month shall be repealed.

Sixth. All public moneys above a reasonable working balance, from whatever source derived, shall be currently deposited from day to day in national banks without requiring collateral security or special guaranty therefor, but in no case shall the balance carried with any bank exceed 50 per cent of the capital thereof. All banks receiving such public moneys on deposit shall pay into the United States Treasury interest thereon at the rate of 2 per cent per annum.

It is well to consider what are the claims to consideration by Congress of the gentlemen who ask this legislation—what do they represent, and what is their expert knowledge? They are

the Chamber of Commerce of New York and associated bankers of the country.

The Chamber of Commerce is the oldest commercial organization in the United States. For more than a century it has worked for the best interests of our internal and foreign commerce. It includes in its membership leaders in every department of commercial and industrial activity. Their names are synonymous with banking, mercantile, and manufacturing probity and success in our own country and abroad. Citizens from every State in the Union are in its councils and participate in its deliberations.

The crisis became so acute and the peril so great last year, with money ruling over 100 per cent, that the New York Chamber of Commerce was moved as rarely ever before to consider the causes of the trouble and their remedies. After an inquiry covering the whole field of financial legislation in the United States and currency conditions in Europe and Canada, the Chamber of Commerce came unanimously to the conclusions substantially embodied in the recommendations which I have stated. The efficiency, the success, and the solvency of our national banks demonstrate the ability and honesty of those who manage them, and a committee representing these six hundred and odd institutions came practically unanimously to the same conclusions. It is rare, from so many independent and able thinkers and practical men, to find such unanimity. It is safe to say that these two bodies voice the best judgment and the highest and most intelligent expression of the people's thought on this grave subject.

Though the banks can now issue currency secured by Government bonds in the Treasury to the full amount of their capital. only 62 per cent of that amount has been issued. The reason is plain, that owing to the price of Government bonds and the expenses incident to the present system currency is not as profitable to many of the banks as other business which they are permitted to do. Bankers and bank directors do not differ from farmers or manufacturers or merchants in the conduct of their affairs. They do not feel authorized to employ the money of their stockholders or risk the cash of their depositors in any enterprise which does not make a profit. Experience has demonstrated that this bond-secured currency, instead of being responsive to commercial needs, fluctuates according to the price of United States bonds in the market. The holdings of the banks represent so large an amount of the national debt that they keep the price of the bonds at present figures, and it would be disturbing to the stability of business and credit if there was a radical change, which would permit or compel the throwing of this volume of Government obligations on the mar-But the proposal of these committees conserves existing conditions and only adds privileges and powers which will enable the banks-in a word, entice banks-to issue additional currency within the limits of the present law, which will be sufficiently elastic to prevent annual perils due to the present unscientific system.

It is conceded that the present currency secured by Government bonds is absolutely and uncontrovertibly safe. The question arises whether credit currency can be equally safe. can not idly dismiss the experience of nearly one hundred years and the lessons it teaches. That experience has demonstrated that upon the lines of these recommendations credit currency is perfectly safe, that it has never failed either to meet commercial demands or to be redeemed at its face value. Scotland, Ireland, Germany, France, and Canada are living wit-We can recall examples from the past in our country. The Suffolk system lasted for about forty years. Through it all banks in New England issued credit currency under a plan by which the Suffolk Bank, of Boston, was the redemption agency. The amount of currency issued by these banks nucruated widely, according to the monthly needs of the communities where they were situated, but it never reached one-half the amount authorized by law, thus showing that no inflation is possible, because it does not pay, and that issues in this elastic system will go out or come back according to the conditions of commerce.

The State bank of Indiana was a brilliant example in the same direction, and the safety fund banks in New York would have offered no exception, except that the tax intended by its originators to be a safety fund for currency alone was held by the chancellor to apply to all obligations of the banks. It has been estimated that if the currency of the banks which have failed in the forty years of the national banking system had not been secured by Government bonds, but the bill holders were forced to take their chances with other creditors in the general assets of the bank, the loss would have been about five millions of dollars. It has also been estimated in regard to the safety of this credit currency that the tax upon the circulation dur-

ing the same period, of 1 per cent up to 1900, and one-half of 1 per cent since, if applied as a safety fund, would have yielded nearly ninety millions of dollars with which to meet this five millions of loss. In addition to this guaranty fund nearly twenty times greater than demanded for safety, upon the calculation of averages by which life insurance lives, there is also provided a reserve of 25 per cent in lawful money.

The fact that a tax of 24 per cent upon the first 25 per cent and 5 per cent upon the balance would make the credit currency unprofitable, except in times of extreme stringency and high rates of interest, would force the return of these notes for redemption as rapidly as the profitable need for their use ceased. Under the present system of bond-secured notes re-demption is very slow, because, in the first place, there is a limit allowing only three millions a month to be redeemed, and because of transportation and other expenses; but the new system provides that there shall be numerous redemption agencies with adequate facilities for the active daily redemption of credit notes, that there shall be no expense for transportation to the shipper, and that the redemption agencies shall never be more than twenty-four hours from the issuing bank. All these are elements which insure elasticity by the speed, ease, and inexpensiveness of issue and redemption.

A brief review of the progress of the country during the forty years of our present system presents an illuminating contrast country's growth, expansion, and necessities and between our the ironclad limitations of the system upon which our business depends. Happily for our business and the possibility of conducting it under present conditions, 95 per cent of the vast transactions of trade and production are carried on by checks. are almost the sole medium in commercial centers. They duplicate and reduplicate in manifold forms the deposits upon which they are drawn. There is no difference in a bank's obligation to its depositor or to its note holder, who equally rely upon the credit of the bank, its management, and its 25 per cent reserve. except that the note holder is better off than the depositor, because he will have a guaranty fund in the hands of the Gov-

ernment which absolutely secures his safety.

The greater the commerce internal and external, the greater the productiveness of the farms and mines, the greater the output of the factories, and the larger the demands upon transportation facilities by rail and water, the more need there is for a sound and scientific financial system upon which these factors of wealth, prosperity, development, and employment depend. It can almost be said that the advance of the country has been due to the ingenuity of its bankers and business men, by their checks, drafts, and clearing-house certificates, in spite of Gov-

ernment hoarded money and inelastic currency. Since 1870 the value of farm properties has increased from nine thousand millions to twenty-seven thousand millions of dollars, and the number of people engaged in agriculture from six millions to nearly twelve millions. Since 1870 the value of farm products has grown from two thousand millions to seven thousand millions of dollars. From 1870 our railroad mileage has increased from fifty-three thousand to two hundred

and twenty-three thousand, or, with double tracks and sidings, to about three hundred and fifteen thousand miles.

Our population has increased from thirty-one and a half millions in 1860 to eighty-five millions in 1906. From the production in 1860 of 821,000 tons of iron, the basis of most manufactures, our iron production has grown to 25,000,000 tons, or nearly one-half of the world's output, and we have made a proportionate advance in steel. From about 50,000,000 of tons of coal in 1860 the production has grown to 425,000,000 in 1906. In petroleum and copper productiveness has been equally marvelous. Petroleum came upon the market at the commencement of the civil war with a limited demand, while now there is an output of 134,000,000 barrels per year; and copper has increased from an inappreciable amount in 1860 to over 420,000 tons in 1906. Our mineral products have advanced from not over \$250,000,000 in value in 1870 to \$1,400,000,000 in 1906.

We furnish 80 per cent of the world's supply of cotton, and incident to our own use of this and other materials our manufacturing interests have developed from 140,000 manufactories of various kinds in 1860, to over 600,000 in 1906; from 1,311,000 employees to over 6,000,000; the capital in these industries has increased from a thousand millions to fourteen thousand millions, and the value of the product of our manufactories from two thousand millions to seventeen thousand millions of dollars. For forty years we were the debtor nation in imports over exports, but since 1900 we are the creditor nation to the extent of between five and six hundred millions a year, and our foreign commerce has grown from fifteen hundred millions in 1880 to three thousand millions in 1906. Bank clearings have more than trebled, and have reached the astounding figure of

about one hundred and forty-five thousand millions. Our deposits in the savings banks have grown since 1880 from eight hundred to over three thousand millions of dollars, and the depositors from two millions three hundred thousand to eight millions.

Mr. President, here is an exhibit unequaled in the ancient, medieval, or modern world in everything which makes a nation great, prosperons, and powerful. This advance is without a parallel, and yet, for two months in every year it is retarded, partially paralyzed, and put in peril. Scientific methods in every department have increased beyond calculation. They have added immeasurably to the productiveness of farms and mines, to the capacity of manufactories, and the facilities of our railroads and steamships. A compromise, makeshift, and unscientific system of finance retards our development at home and our equality abroad. The time has been ripe for years for reform, and the remedy should come as quickly and completely as is the testimony of its needs and the evidence of the ways and means for its accomplishment.

#### AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908.

Mr. PROCTOR. I believe the pending amendment is on

page 41, the addition of \$1,000,000.

Mr. HEYBURN. I suggest that we take up the amendment submitted by the Senator from Oregon [Mr. Fulton] and pass

Mr. PROCTOR. There will be no objection to that. This is a committee amendment.

The VICE-PRESIDENT. The Secretary will state the amendment.

Mr. HEYBURN. Before it is read I will say that by agreement the amendment will terminate with the word "Congress, in line 5. An agreement has been reached among those who have the matter in charge.

The VICE-PRESIDENT. Will the Senator state where the amendment is to be inserted in the last print of the bill?

Mr. HEYBURN. After line 10, on page 43; but I do not intend to disturb the manner of proceeding suggested by the Senator from Vermont in charge of the bill.

Mr. PROCTOR. The Senate committee amendment— Mr. FULTON. What has been done with this amendment? Mr. FULTON. What has been done with th Mr. LODGE. It is coming up in a moment.

The Secretary. On page 43, after line 10, insert:

Provided further, That hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created, within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress.

Mr. PROCTOR. I understand that the proponent of the amendment proposes to leave off the latter part, leaving the amendment to terminate with the word "Congress."

Mr. PATTERSON. I am not going to urge any objection to the amendment, but I simply want to say that it is a good deal like shutting the stable door after the horse has been stolen. I doubt if the Forestry Service would have the audacity to attempt to set apart any more lands in the States mentioned in the amendment than it has already done. The amendment will not give the people of the States which have been invaded in this way the relief they ought to have, but, as the other Senators are satisfied, I will not make any further objection.

The VICE-PRESIDENT. The question is on agreeing to the

amendment which has been stated. The amendment was agreed to.

Mr. PROCTOR. Next in order is the committee amendment

to insert "one million," in line 5, on page 41, of the reprint. The VICE-PRESIDENT. The amendment

The Secretary. On page 41, line 5, after the words "necessary expenses," insert "one million."

The amendment was agreed to.

Mr. PROCTOR. In line 18, page 41, before the words "nine hundred," I move to insert "one million;" so as to read "\$1,-900,000

The amendment was agreed to.

The amendment as amended was agreed to.

Mr. PROCTOR. On page 42 the total should be \$2,400,000.

Mr. KEAN. Page 43 of the reprint. Mr. LODGE. Page 43 of the reprint.

The VICE-PRESIDENT. The amendment will be stated. The Secretary. On page 43, line 11, change the total so as to read "\$2,400,000."

The amendment was agreed to.

Mr. PROCTOR. On page 68, line 16, of the reprint, make the total "\$8,802,690."

The amendment was agreed to.

Mr. PROCTOR. On page 74, at the close of the bill, make the total "\$9,557,690."

The amendment was agreed to.

Mr. PROCTOR. The committee has nothing further to pre-

Mr. KITTREDGE. On behalf of the junior Senator from Iowa [Mr. Dolliver], who is unavoidably detained, I present an amendment.

The VICE-PRESIDENT. The Senator from South Dakota, on behalf of the Senator from Iowa, proposes an amendment, which will be stated.

The Secretary. On page 62, line 16, after the words "care taker," strike out "seven hundred and twenty" and insert "eight hundred and forty;" so as to read "care taker, \$840."

Mr. PROCTOR. There is no objection to the amendment.

The amendment was agreed to.

Mr. KITTREDGE. The total, in line 23, should be changed so as to read "\$31,340."

The amendment was agreed to.

Mr. BEVERIDGE. Is the bill open to amendment? The VICE-PRESIDENT. The bill is open to amendment.

Mr. BEVERIDGE. I offer the amendment I send to the desk. The Secretary. On page 18, line 12, of the new print, after the word "act" and before the semicolon, insert:

And the date of such inspection and packing or canning.

Mr. BEVERIDGE. As to this amendment, I have been informed and understand pretty generally that there is no objection, and therefore I shall not take any time at all upon the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Indiana.

The amendment was agreed to.

Mr. BEVERIDGE. I offer the amendment I send to the desk.

The Secretary. On page 27, after line 4, it is proposed to insert:

Insert:

That the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907," approved June 30, 1906, be, and it is hereby, amended by striking out, on page 679, chapter 3913, of the session laws of the first session of the Fifty-ninth Congress, the following words:

"That there is permanently appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$3,000,000, for the expenses of the inspection of cattle, sheep, swine, and goats, and the meat and meat food products thereof which enter into interstate or foreign commerce, and for all expenses necessary to carry into effect the provisions of this act relating to meat inspection, including rent and employment of labor in Washington and elsewhere for each year," and inserting in lieu thereof the following:

of this act relating to meat inspection, including rent and employment of labor in Washington and elsewhere for each year," and inserting in lieu thereof the following:

"That the Secretary of Agriculture is authorized and directed to prescribe and fix reasonable fees for the inspection and examination of all cattle, sheep, swine, and goats, and meat and meat food products thereof, maintained in accordance with the provisions hereof, which fees shall be fixed by the Secretary of Agriculture at a rate which as nearly as possible will serve only to defray the cost of said inspection and examination; and the said fees shall be uniform throughout the United States, and shall be collected by the Secretary of the Treasury and shall be deposited in the Treasury; and the schedule of such fees, together with the rules and requirements relating to the collection thereof, shall be set forth in the regulations prescribed by the Secretary of Agriculture and approved by the Secretary of Agriculture. The fund thereby created shall be subject to the requisition of the Secretary of Agriculture, as if appropriated by Congress, for the necessary expenses of carrying out the provisions of this act, and shall continue permanently available until used. That this section shall take effect and be in force from and after June 30, 1907; and that nothing herein contained shall be so construed as to in any way affect the appropriation of \$3,000,000 for the inspection of cattle, sheep, swine, and goats, and the meat and meat food products thereof, for the fiscal year ending June 30, 1907.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Wyoming?

Mr. BEVERIDGE. Yes; I yield.
Mr. WARREN. I wish to make a point of order against the amendment, but I do not desire to take the Senator from Indi-

Mr. BEVERIDGE. No; I have yielded to the Senator.

Mr. WARREN. But I wish to make the point of order and to withhold it until the Senator from Indiana can be heard.

Mr. BEVERIDGE. I had the floor, and I yielded to the Senator for the purpose of enabling him to give notice that he would make the point of order. I expected it. I will say to the Senator that if he had made the point of order I would have asked him to withhold it until I could submit some remarks.

The VICE-PRESIDENT. The Senator from Indiana has the

Mr. BEVERIDGE. Mr. President, as the memorable fight over the meat bill drew to its close last session I was one of those who advocated as earnestly as I advocated the bill itself that the Senate should agree to the conference report which retained all the bill excepting two points-one the date on the

cans, to which we have agreed this morning, and the other placing the cost of inspection on the packers. This was done to save the bill itself. We were confronted with the alternative of sacrificing these two features or else seeing the whole meat inspection bill killed.

So in the course of some brief remarks that I submitted at that time, which will be found in the RECORD, I said to those from another place who were sitting here watching, that, at the earliest opportunity, the contest for the restoration of those two points would be renewed, and since then publicly in many parts of the country I have said the same thing. beginning of this session I served notice of an intention to offer the two amendments, one of which has been generally concurred in since and has been agreed to this morning and the second of which I have risen to address the Senate briefly upon.

Mr. President, during the whole course of this argument in both Houses and during the whole controversy in the public press I have never yet seen one valid reason why it was that the packers who were to profit by this Government inspection should not pay the cost of that inspection. I have never seen one, I will not say convincing but even tolerable, reason why it is that we should deliberately put our hands into the Treasury of the United States and take out \$3,000,000 every year and practically pay it to the Beef Trust.

SHALL THE PEOPLE OR THE PACKERS PAY COST OF INSPECTION?

This question now is, "Shall we continue to make the people pay for the inspection of the packers' products or shall we change that and now make the packers, instead of the people,

pay for that inspection?" Of course the easy-I had almost said the cheap-argument was almost instantly advanced that the trust would not pay this cost, but that it would take this cost of inspection off of the cattle raiser on the one hand and off of the consumer on the other hand. I remember that my very much admired and eloquent friend from Montana [Mr. Carter], when making this point, was interrupted by myself when he was pointing out how this would be really a source of great revenue to the Beef Trust, which, of course, we all of us bitterly dislike; and I asked him whether or not the packers constituted an eleemosynary institution and whether he had ever heard of their being against any device by which they might swell their profits. Of course my

friend said he had not. That, Mr. President, was a sufficient thing to reveal the unsoundness of the proposition that really the packers would not pay, but that the cattle grower and the consumer would pay. If by this device the packers not only could put the charge for inspection on others, but could actually swell their own profits by charging many times the cost of inspection, the packers would welcome the enactment of this provision into law instead of resisting it.

Therefore, Mr. President, it occurred to me as quite singular that from the very beginning the chief and only effective resistance to the provision requiring the packers to pay the cost of the inspection which their own fault had caused should be the packers themselves.

Mr. President, this is not a statement made without authority. I said the other day, in addressing the Senate upon the great question of the nation's forest policy, that I should try to make no statement in the Senate that could not be substantiated by testimony. I have here the evidence that the packers would pay the cost of inspection if we put it on them. The question is whether or not the packers-whether or not the Beef Trustwould bear the cost; and in using the term "trust," I do not use it in the demagogic sense. I have no dislike for it as a trust. I have no doubt the great organizations called "trusts" are inevitable and grow out of correct economic principles. What I object to is their wrongs.

Now, Mr. President, it is agreed on all hands that if this disliked Beef Trust does pay this cost, then we ought to put the cost on them; and the only objection is that in reality the Beef Trust does not pay the cost but that the cattleman, the poor fellow out in the West with his uncounted herds and his swollen millions, pays it.

WHAT THE PACKERS' REPRESENTATIVE SAID BEFORE THE HOUSE COM-MITTEE.

Before the House Committee on Agriculture the most important witness who appeared was Mr. Wilson, the avowed representative of the Chicago packers. He did not conceal his character. He very frankly said: "I am here to represent the packers," and he was complimented in that committee for the ability with which he presented their cause and his entire frankness, which in his case, as always in all cases, wins the confidence and the esteem of men. He said before that committee the following, and I desire to have the attention of Senators:

The next paragraph is one-

This is Mr. Wilson, the representative of the packers, talk-

The next paragraph is one we do object to, and we object to it very strenuously, and that is the fixing of the expense of this inspection upon the packers.

After that no person can be heard to say here that it is not the packers who are making the fight against this amendment. This is their own authorized representative, the ablest man they could find in their entire employ. Mr. Wilson goes on:

The expense at present is borne by the Government. I do not be-lieve there is another health measure on the statute books where it is different. This would be, to our notion, and as far as we are aware, unprecedented, and therefore unfair.

I will show in a minute that it is not unprecedented:

We are standing to-day

That is to say, "we, the packers"-

We are standing to-day all the post-mortem condemnations at an expense of in the vicinity of a million dollars a year on these.

Listen, Mr. President:

We stand all that expense

That is the packers talking.

The farmer, the stock raiser, the stock grower, nor the shipper do not stand any of that. The cattle come in and we buy them and pay for healthy animals. The hogs come in there and we buy them for a product that is fit for food, and it is taken into our houses, and if it is condemned, we lose it, and the aggregate of that loss is in the vicinity of a million dollars a year.

Mr. Brooks. For each plant?

Mr. WILSON. No, sir; covering the plants that I represent.

So his authority is fastened in what I read to the Senate.

The producer and the consumer get the benefit of that. The consumer is protected in getting wholesome meat, and the producer has the advantage of the inspection in creating foreign markets, and so forth, for his products, and he has no expense: and it hardly would seem reasonable to us that we should have to stand, in addition to the cost of the condemned animals, the expense of the inspection.

He testifies further, because he was particularly repetitious on this point. Mr. Wilson spoke of the German tariff and then, going on, he said:

That was not on the general inspection. That was on a microscopic inspection for trichina, and in an emergency like that one packer might be glad during that period, in order to get the inspection, if it could not be gotten in any other way, to stand the expense; but I am sure there are no packers who would feel like paying this inspection fee.

That is the representative of the packers talking-

Mr. SCOTT

This is Mr. Scott, of Kansas, the member of the Agricultural Committee-

The general belief is, I think, that the packers whom you represent here sufficiently control the cattle market and the beef market so as to make it easy for them to recoup, if they desire to do so, any additional expense that might be put upon them by this inspection. Would you consider that there would be any doubt about your ability to do that?

Now, Mr. President, any person who is going to oppose this amendment must do so in the face of that statement made by the packers themselves formally appearing before a committee of Congress. Here is what Mr. Wilson replied:

Why, yes; I am sure there is very great doubt about the ability to do that; I think it is not possible for the packers to do so.

It is not necessary perhaps to read anything further. is sufficient, because I wish to be brief. I have a mass of testimony like that. Senators who resist the putting of the cost of inspection upon the packers can do so on whatever ground they please; but, after that, they must not insist that the packers do not pay the cost of inspection and that it will be put upon somebody else, because the accredited representative of the packers appearing before the House committee upon this particular point said that the packers would have to pay it, and that they objected to it, and he gave the reasons why the packers think

WHY DO THE PACKERS OBJECT IF THEY DON'T PAY THE COST?

Mr. President, there is another reason, a reason that would be absolutely conclusive in trying a case before a jury or in presenting the facts in a case in equity before a judge. The motives of men are really the key to all their conduct. If the packers do not pay the cost of inspection, if not only not paying the cost of inspection they can create a device to make larger profits for themselves out of the cattlemen on the one hand and the consumer on the other, then, why is it that the packers are the men who from the first have resisted this provision?

If the Beef Trust is not hurt, what is the motive for its opposition? If, as has been argued and must be, the Beef Trust not only is not hurt, but is actually benefited, because it gets back not only the cost of inspection, but a great deal more, then why have these gentlemen, whom nobody ever yet heard were bright and shining examples of unselfishness, from the start most bit-terly resisted this? That they have done so can not be denied

in the face of the statement of their representative made formally before the House committee.

ABSURDITY OF CONTENTION THAT PACKERS WILL PUT COST ON OTHERS.

But, Mr. President, if this direct testimony of the packers' representative himself, that it would be they and not the people who would pay the cost, was not before us; if the convincing argument that they would have no motive for resisting the cost if it did not come out of their pockets were not before us; there is another simple, common-sense argument that ought to be conclusive to the mind of any thinking man. Doctor Melvin testified before the House committee that the cost of inspection was absurdly low, much lower than we thought last year, from 2½ cents per head up to 5 cents a head. Is it within the limits of anybody's credulity that 5 cents can be so distributed over a 1,600-pound steer by the Beef Trust that buys it from the cattleman that the Beef Trust can say to the cattleman, "I will reduce the price on your steer so much of a fraction of a pound; I will scatter 2½ or 5 cents over 1,600 pounds of beef and pay you that much less?" It is not a practicable proposition. It is not business. It is not possible, and it is not true. The same thing is true of a hog weighing 400 pounds and a sheep weighing less

So, Mr. President, it is not possible that this comparatively slight cost should be taken out of the cattlemen. But, suppose it were—suppose we concede that for the sake of argument.
The VICE-PRESIDENT. The hour of 1 o'clock having ar-

rived, the Chair lays before the Senate the unfinished business,

which will be stated by the Secretary.

The Secretary. A bill (H. R. 13566) to amend sections 6 and 12 of the currency act approved March 14, 1900.

Mr. SPOONER. I ask unanimous consent that the unfin-

ished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered. The Senator from Indiana will proceed.

SUPPOSE THE CATTLE KINGS PAY.

Mr. BEVERIDGE. Mr. President, I desire to leave on record no ground either of fact or reason for any opposition to this amendment on the ground that we are doing a wrong either to the packers or to the cattlemen. So let us assume, for the sake of argument-and for the sake of argument only, for it is not true as a matter of fact-that the great growers of cattle on the ranges would have to pay the cost; for, as the Senator from Minnesota [Mr. Neison] said last year, with a vigor that amounted almost to bitterness, it was the range cattlemen who were resisting this, in conjunction with the Beef Trust. Suppose, for the sake of argument, that they do have to pay this miserable 2½ or 5 cents for the inspection of a steer, in order that the American people may not be fed tuberculosis and trichina beef and pork; is that a hardship on or an injustice to them?

Their profits are perfectly enormous, and I am glad of it. but is it wrong in justice and in policy, even if they have to pay this  $2\frac{1}{2}$  or 5 cents for inspecting a steer weighing 1,500 pounds, that they should do it? Even if the range cattlemen pay, why, as a matter of justice, should not the range cattlemen pay for the determination by the Government as to whether or not the cattle they are trying to sell to the American people are healthful or poisonous? Why should the people pay for finding out whether or not a cow or a steer from their herds has tuberculosis-an animal which will scatter the seeds of death throughout the country?

So, even if it be true, which the packers' representative says it is not, and which reason proves to be impossible, that this cost would go upon the cattlemen-there are only a few of them, comparatively speaking, because that industry, like any other industry, has been concentrated into the hands of a few great holders-why should they not pay for the necessity of finding out whether the cattle they send to the markets of the country are fit for food or agents of death? Why should the people pay for that? Will the Senator from Wyoming [Mr. WARREN], who gives notice of his point of order, answer that?

No! Mr. President, we have seen that the Beef Trust would pay it. The Trust's representative says so. We have seen that the Beef Trust would pay it, because the Trust is the chief force resisting it. We see that the Beef Trust does pay it, because it is unthinkable that this small sum can be scattered over the hundreds of pounds of a steer or hog. But even if the Trust does not pay and the cattlemen do pay, still as a matter of justice why should they not pay instead of the great body of the people?

NON-MEAT EATERS AS WELL AS MEAT-EATERS NOW PAY

Out of whose pockets, Mr. President, do these \$3,000,000 this year and \$5,000,000 next year come? Out of the pockets of our entire 90,000,000, does it not? But not all of our 90,000,000 eat meat. A great body of them eat no meat at all,

and yet to protect the packers or the cattlemen you compel a great body of the people who eat no meat at all and are not bit interested in this matter to pay the taxes out of their pockets instead of compelling the packers or the cattlemen to pay the cost out of their pockets.

The people who eat no meat are not even interested or affected. The cattlemen and the Beef Trust are both interested and affected. Yet you take the \$3,000,000 proportionately out of the pockets of people who eat no meat as well as out of the pockets of people who do eat meat, in order to let your hand rest lightly upon those impecunious organizations known as the "Beef Trust" and the "Cattle Growers' Association.'

Can any Senator justify in reason or conscience such legislation as that? If in this Senate Chamber of ninety men ten of us eat no meat and the rest do, is there any reason for the protection of one that the ten who eat none should help to pay the taxes that that one ought to pay, and the payment of which benefits him and him only?

Mr. GALLINGER. Mr. President—
The PRESIDING OFFICER (Mr. SIMMONS in the chair). Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. Certainly.
Mr. GALLINGER. I cooperated with the Senator from Indiana last session to secure the adoption of an amendment along the line he is now arguing. I have been out of the Chamber from necessity, attending to other business. I understood the Senator a moment ago to say that notice was given that a point of order would be made against his amendment. Am I correct?

Mr. BEVERIDGE. Yes.

THIS FIGHT WILL GO ON.

Mr. GALLINGER. Now, I wish to make a suggestion to the Senator. If he is to-day defeated in his contention by a point of order, which I apprehend will lie against the amendment, I trust he will take up this matter at an early day of the next session and let us fight this thing to a finish and see whether the American people are going to be taxed for this matter, which belongs, in my judgment, to the packers and to the producers of beef and pork, and let us ascertain how the Congress stands on that question after proper debate and due consideration. I trust the Senator will do that.

Mr. BEVERIDGE. I am very thankful to the Senator, and I will say to him I shall adopt his suggestion if it be true that this amendment meets an untoward fate. I shall hope, in view of the great public exigency and in view of the history of this law, that the Chair will see fit to submit the point of order to the Senate, so that the Senate may face it. I will say to the Senator that I will accept his suggestion, and I now serve notice on this floor that at the earliest day of the next session this fight will be renewed-renewed then and renewed hereafter until the American people themselves can pass upon this question. I am very much obliged to the Senator, indeed, for calling my atten-

Now, in this connection, having demonstrated as a matter of testimony as well as a matter of reason—the accuracy of which testimony no man can deny and the soundness of which reason can not be confuted here-I will make a test of the sincerity of those who think that the cost may actually be put upon the range cattlemen of the West. It is said that it will be put upon them by charging off of the beef the amount of inspection. I remember the evolution of that explanation. When the bill was first proposed they said that the Beef Trust will put this charge off on the cattle grower and the poor farmer and the consumer.

OFFER TO ACCEPT AMENDMENT.
But the moment it was pointed out to them that it would be rather difficult to distribute from 2½ to 5 cents over the hundreds of pounds of a steer or hog, they saw the absurdity of that argument, and then this new argument was advanced-and it is the argument we are confronted with to-day—that on every carload of cattle shipped to the packers they would take off in their charges, in their bill in payment for the cattle, various items, among which would be for cost of inspection so much, and in that way they would get that off of the cattle growers.

Now, if any person advancing that argument is sincere, if it is not true, as is generally believed, that there is an understanding between the packers on the one hand and the great cattle growers on the other, I put them to this test: Let them pro-pose an amendment to this amendment forbidding the packers from charging off the cost of inspection, and I will immediately agree to it. If that challenge is not accepted the sincerity of the whole contention that the packers would not pay this cost falls to the ground.

Mr. President, the same is true with the consumer, but there is another reason. The time was, of course, when these great organizations of capital raised or lowered prices with impunity.

They took advantage of every excuse for squeezing an extra cent out of the pockets of the people. But that time has passed, because they have found that any such ruthless and inexcusable robbery as that is instantly met by the proposition of remedial legislation, and that such a battle as that does not stop until they are confronted with laws on the Republic's statute books which remedy that evil.

I do not think in the present temper of the public mind you are going to find the Beef Trust availing itself of the opportunity, even if it had it, which it has not, of raising the price of beef or lowering the price of beef on this particular account. As I shall show you in a moment, bitterly as they resisted this law, now that it is in effect they would not have it repealed for mil-

lions of dollars.

THE LAW AN ADVERTISEMENT WORTH MILLIONS TO THE PACKERS.

Why, Mr. President, would they not? The Senator from Vermont [Mr. Proctor], the chairman of this committee, was the first man to point out why the packers when the law was actually on the statute book would be its most earnest supporters, and his prophecy has come true. Has anybody heard of any packer questioning the constitutionality of this law in the courts, this law which great constitutional lawyers declare was unconstitutional? Has there been another attempt, like there was in Kansas City over the first meat-inspection law in this country, to overturn this law? Does any Senator think that that is on account of any delicacy in the hearts of the packers or any forbearance toward the Government of the United States? Why are they not opposed to the law, now that we have put the cost of inspection on the people? Because the most beneficial thing that ever happened to them after they were put to the inconvenience of cleaning their plants, was the advertisement which this law gives them. That was pointed out at the beginning of this fight by the Senator from Vermont last session.

The Government of the United States, in protecting millions of American people who eat meat from the death that was being spread broadcast by the packers, afforded the packers an advertisement worth not figuratively, but literally, millions of dollars every year. To-day every citizen of the United States knows when he buys any beef or when he buys a can of meat food products that it has been passed upon by the experts of the National Government. That is so recognized by the packers, and they have put an advertisement like this [exhibiting] in all the widely circulated periodicals of the country. I want to read it. It is so large that the entire Senate can see it. I am reading, Senators, from an advertisement in one of the most widely cir-

culated periodicals in America:

# "U. S. Inspected

# Under the Act of Congress of June 30, 1906."

S PO 1906

THESE are the words that must be attached to every article of meat and meat food products offered for sale in interstate and foreign commerce. This is the law of the United States. Its purpose is to assure the public that only sound and wholesome meat and meat food products may be offered for sale.

It is a wise law. Its enforcement must be universal and uniform. The public is greatly interested in this law and will closely watch its workings and its effects.

NSPECTAND PASSEDUNDER

watch its workings and its effects.

You are familiar with the metallic tap-tap of the machinist when he inspects the wheels of the railway coach; you are familiar with the methods employed in the inspection of gas meters, street lamps, street car indicators, telephones, and many other forms of commercial and public activity. We should like to make familiar to you just what "U. S. Inspected and Passed" means as applied to Swift & Company, who supply a large proportion of the meats and meat food products consumed in America.

There is only one absolutely satisfactory method by which you can obtain this familiarity, and that is by seeing the law put to the daily test.

Swift & Company cordially invite

test.

Swift & Company cordially invite
you to visit any of their modern packing plants at Chicago, Kansas City,
Omaha, St. Louis, St. Joseph, St. Paul,
or Fort Worth, and see the United
States Government, through its in-

spectors, carrying out the provisions of the act of Congress of June 30, 1906.

Fac Simile of the Govern-ment Inspection Label on Swift's Wrapped Smoked Meats.

spectors, carrying out the provisions of the act of Congress of June 30, 1906.

Any person who is unable to visit one of the Swift packing plants, where we dress and prepare for market Beef, Mutton, Pork, Veal, Poultry, Hams, Bacon, Lard, Sausage, and other meat food products, will be cordially received at any of the Swift distributing houses—we have them in nearly every city in the United States and Great Britain—where U.S. Government Inspection will be explained and demonstrated. You, as a user of meats, lard, and other food supplies, are vitally interested in the products prepared by Swift & Company. We believe that you will, when you see how effectively we are carrying out the regulations of the Secretary of Agriculture, always mentally associate "U. S. Inspected" and the mame of "Swift" with everything that is good, wholesome and appetizing in meat and meat food products. Our packing plants are always open to the public. No passes are required and no introduction is needed to secure admission. Polite attendants, who will cheerfully answer questions and give information, will be found in every department. We sincerely wish you to know all about Government inspection—wish you to know just what it means to you as a consumer—and the best way to know is to see it in operation in one of Swift & Company's establishments.

SWIFT & COMPANY, U. S. A. By Louis F. Swift. President.

Mr. President, that is one advertisement like a great many. and it is not necessary, of course, for me to read more, though I have a large number of them here which the various companies which constitute this meat trust have scattered broadcast over the country; in other words-and I am sorry that it is lunch hour, for every Senator before he votes upon this ought to hear and consider these statements—the United States Government has given to the Beef Trust of this country an advertisement which it recognizes as being worth millions of dollars a year to them.

THIS ADVERTISEMENT NOW PAID FOR BY THE PEOPLE.

We not only give it this advertisement, but we pay it \$3,000,000 of the people's money in addition. Can any Senator justify that? You could not purchase with any sum of money an advertisement such as we have afforded the trust, and a sample of which I have just read to the Senate. It absolutely could not be purchased by any financial resources; but we, the representatives of the people, give it to the packers, and present them, in addition, with \$3,000,000 of the people's money for their own purposes.

I have heard within the last three or four days some very impassioned declarations about the necessity for economy. do not want to appropriate the people's money, it seems, for great public uses; but has anybody heard anyone who was preaching economy insist upon practicing it by making the packers pay the cost of inspection instead of making the people pay the cost of inspection?

Mr. President, what was the philosophy back of this idea of permanent appropriations for this inspection by the Government instead of putting it all on the packers? The real reason was the same reason that made the packers resist the increase of appropriations made last year. Senators must remember that when the agricultural appropriation bill was pending and we were appropriating only \$750,000 a year for inspection, the packers resisted the increase of that appropriation because that sum of money, it was claimed, did not afford adequate inspec-tion. It afforded enough for their export trade, and so they had to send abroad their good meats, and they availed themselves of that opportunity of keeping at home and of selling to the American people bad meats which they could not and dared not sell abroad. So they resisted the increase of the appropria-

The first compromise was \$1,000,000; the next compromise was \$2,000,000, and finally we were told that they would agree that it should be made \$3,000,000 if we would not put the cost on the packers. How generous! and how "economical!" Think of that !-\$3,000,000 of the people's money to save the packers the cost of the Government's inspection, which the misdeeds of the

packers themselves had caused.

But that was not and is not the worst. It was pointed out then that this great meat business would grow with the growth of the country; that this meat law would help its growth, and that, even if \$3,000,000 were sufficient last year, it could not be sufficient in two or three years, and that we would find ourselves confronted with exactly the situation that we were confronted with last year, to wit, an inadequate appropriation for an expanding business, so that within two or three years the Government would not be able to supply an adequate inspection, although at that very time the Beef Trust would be able to advertise to the American people that there is adequate inspection.

Does any Senator here believe-and I see one or two who are familiar with the work of the Appropriations Committee-that when two or three or four years from now the Department is compelled, in justice to the American people, to ask for an additional appropriation for inspection-does not every Senator here know that that increased appropriation will be resisted upon the specious plea of "economy?" I can hear now some of the speeches that will be made here by some of our Senators, who will say, "Why, we are paying \$3,000,000 a year already for this service, and that is enough; why increase it; let us be care ful how we spend the people's money. Let us be "economical." That is the speech that will be made. Well, why not be careful with the people's money now—why not be "economical" now; why not practice "economy" now—and put this whole cost on the Beef Trust, where it belongs?

We all know that the hardest thing possible is to get an appropriation increased for a service like that. I see the Senator from Wyoming [Mr. Warren] shakes his head. Does the Senator from Wyoming imagine that when, two or three years from now, the mighty growth of this tremendous industry will require not three, but five, millions, the Senate will not be alive with protesting Senators, who will say that in the interest of the people's pocketbook—in the interest of "economy"—we ought not to make an increased appropriation for inspection?

Very well! If that is true, and after you have thus impaired the inspection for which the law provides, you have introduced into that law an element of fraud. You have enabled the packers to say to the people, "Our meats are inspected; you have given them an advertisement that is unpurchasable in money, and yet you have refused to give enough money to enable the Government to properly inspect their meats.

Mr. WARREN. Mr. President—
The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Wyoming?

Mr. BEVERIDGE. Yes. Mr. WARREN. I do not wish to take the Senator's time, but since the Senator alluded to me, I will say that I hardly think the Senator's argument is good-

Mr. BEVERIDGE. I did not expect the Senator to think it

was good.

Mr. WARREN (continuing). That the Committee on Appropriations will not be able to meet all the calls that are made in view of the fact that we have gone during a two-year term of Congress from \$1,000,000,000 to about \$2,000,000,000, and that

within a very few years.

Mr. BEVERIDGE. Ah, Mr. President, I had not any doubt that the Senator from Wyoming would be willing to proclaim, as he has, that the Committee on Appropriations is able to take to its ample breast all the problems of the Government and solve them satisfactorily to the Senate and the country (or will it be to the satisfaction of the country?); but I call the Senator's attention to recent history in this very matter, and the Senator can correct me if I am wrong. Last year, when this law was proposed-which we heard very passionately denounced as the deathblow" to the American meat industry—we were appropriating each year \$750,000. When we proposed to put this cost of inspection on the Beef Trust, I have read to you from the reports before the committee how the Beef Trust resisted it. Can the Senator from Wyoming tell the Senate and the country whether it is not true that we were met with three or four propositions, the first one of which was to raise that \$750,000 to \$1,000,000 and the second was to raise it to \$2,000,000?

Mr. WARREN. Mr. President The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Wyoming?

Mr. BEVERIDGE. Certainly.

Mr. WARREN. The Senator may have heard of that; but this is the first time I have heard of any objection whatever to

the amount being \$3,000,000.

Mr. BEVERIDGE. As a matter of fact, Mr. President, I did hear it. I do not think there was anything very much going on that sooner or later I did not hear about in that now historic fight. It was said, "We will give you a million;" then it was said, "We will give you two millions;" and finally it was said, "Well, make it three millions." If the Senator did not hear that, then he was not as completely in the counsels of those for whom he spoke upon the floor last session as I would reasonably expect him to be. The \$3,000,000 that was finally gotten

was drawn like a strong and unspoiled tooth from the jaws.

Mr. WARREN. I hope the Senator will give us some reference where we will find that in the Record, or in print some-

where. I did not know it.

Mr. BEVERIDGE. There is no reference. We all know what occurred; we know how loath they were to increase it from one million to two, and from two to three millions. a matter of practical experience, does not every Senator know, does not the Senator from Wyoming know, that when, two or three years from now, the immense increase in this meat industry, of which I will speak in a moment, requires an appropriation in addition to the \$3,000,000 a year, that it will be one of the most difficult things in the world to get?

Mr. WARREN. On the contrary, Mr. President, it will be cheerfully met, as every other increase has been.

Mr. BEVERIDGE. If that is true, why do you make it a permanent" appropriation? Why is it said in this bill that hereafter," etc.?

Mr. WARREN. Because you insisted upon it.

Mr. BEVERIDGE. I did not insist upon it. I have insisted upon the packers paying the cost of inspection from the start. Does the Senator say that the packers would not pay? There is the statement formally made before the House committee by the packers' admitted representative that they would pay, and that they do not want to pay, and an increased appropriation will be necessary because of the growth of the business

Last year I listened, not in alarm, but, on the contrary, with amusement, to the worn-out, the disgustingly moth-eaten argument that we were going to hurt this great business by the meat-inspection law. "Let us not agitate," they said, because to inspection law.

tell the truth will be to hurt unrighteous profits; but it appeared to me that to tell the truth could never injure righteous profits; that to tell the truth would be finally to put the business upon a foundation of absolute honesty, from which it would grow and expand with a vigor and healthfulness impossible to it when its foundations were fraud.

And that, Mr. President, is what has occurred. Instead of the business decreasing after the law went into operation, it steadily and rapidly increased. I will give you one illustration that shows this and that demonstrates that this increase was due to the advertisements which the law permitted to be placed upon every pound of steak and every can of meat food product. In January, 1907, breadstuffs declined in one month nearly \$1,000,000, but they did not have "U. S. inspected and passed" upon them; while meat products increased in the month of January over two and a half million dollars because they did have—"U. S. inspected and passed" upon them. The U. S. inspected and passed" upon them. The reports-and this is on the domestic products only-show that from the month of November the increase has been constant and

immense. So this business will grow. It is growing now.

Next year it will be many per cent greater than it is this year, and the year after still greater; but nothing will be so easy, and therefore nothing is so certain, that any increase of appropriation for the necessary increase of inspection can be gotten through Congress.

That, Mr. President, shows the necessity of the system of making the packers themselves pay the cost of this inspection. There will be no danger then. It is not only just that they should pay, but it is an automatic arrangement. If they pay these fees into the United States Treasury, they pay in only as many fees as there are cattle, sheep, and hogs killed, and, therefore, they create a fund which grows with the growth of their business and shrinks with the decline of their business.

Therefore, the fund applicable to this inspection would be always as great as the business needs and never greater than the business requires. There would always be a fund in the United States Treasury sufficient to cover the cost of the entire inspection. That comes out of the pockets of the packers, who profit from the inspection, instead of coming out of the pockets of the people, who do not profit by the inspection, except to be saved from a death which they ought not in any event to be in danger of.

It was said by some Senator here last session that this was It was said by some Senator here last session that this was not the usual method; that this method of making the packers pay was exceptional. The contrary, Mr. President, is the truth. The national banks pay the cost of their inspection. Why should not the packers? The immigrants who come to our shores—the necessity for whom we are now opening our eyes to—are compelled to pay the cost of their inspection out of their own slender pockets. Why should the immigrant, who is coming here to make his home, to build up the country, and to develop its resources, pay the cost of his inspection and and to develop its resources, pay the cost of his inspection and the packers not pay the cost of their inspection?

It was pointed out by the Senator from Vermont [Mr. Proctor] last year that the oleomargarine manufacturers pay

the cost of their inspection; and so, Mr. President, I might go on to enumerate others. But the national bank can pay the cost of its inspection, the immigrant can pay the cost of his inspection, the oleomargarine manufacturer can pay the cost of his inspection, but let us protect the packers; they are poor men!

It is true that their business has been so unprofitable that four men in Chicago alone in the last twenty-five years have become worth altogether something over \$200,000,000, and as to men who are in that impecunious condition and who have a business who are in that impectations condition and who have a business so unprofitable, it is suggested that we ought not to lay our hands upon their pockets or the pockets of that business, but upon the pockets of the people, which are capacious and unfailing! It is true the immigrant pays, but do not let us see the packers pay; it is true that the oleomargarine manufacturer pays for the inspection of that product, but for heaven's sake let us protect the poor cattleman of the Western plains even if he does pay.

I have heard one other argument, Mr. President. It is an argument which to my mind deserves a pretty severe adjective. It is that if the packers pay the cost of inspection the consumer will not have confidence in the product. Well, of course an argument so meretricious as that ought not to be addressed to a body supposed to be as sound of mind and as sensible as this. The packers do not pay the salaries to the inspectors. The packers, under this amendment, pay a tax into the Treasury; and on the funds created by that tax in the Treasury the Secretary of Agriculture draws his draft for the salaries of the inspectors. It is the United States directly who pay the national inspectors; it is not the packers. And so the argument was absurd, and but for the respect I have for the men who used it

I would say it was intellectually dishonest to say that for the packers to pay the cost of inspection would mean to destroy the confidence of the people of our own or foreign countries in the product of the inspection. So that falls to the ground.

Mr. President, I have often wondered why it was that in a reform like this such vast effort was made to conjure up arguments artificial and fanciful, which, on an instant's examination by a fair and honest mind, are seen to be entirely untenable.

Of course, Mr. President, I am perfectly well aware that the great storm of wrath under whose power this bill was passed at the last session has died away, because the meat-inspection bill has passed so far as the immediate lightnings of that storm are concerned. There is no great public agitation about it now, because the great wrong and the filthy crimes it was meant to stop have been stopped; but if Senators imagine that there is not an interest in the hearts of the people as profound now, and all the stronger because it is silent, that it is wrong to make them pay this money instead of making the packers pay this money, they have made a very great mistake. I tell the Senate that those lightnings only slumber.

I have tested that over a wide extent of this country, putting

the arguments against the proposition of the Government pay-ing for the cost of this inspection before the farmers and the laboring men and other men of my own State and many other States, quite as frankly and quite as fairly and quite as much without feeling as though I were arguing upon the other side of the question, and I think I have had personal evidence as to how the people think upon that. Of course, in a matter of right and wrong it does not make any difference what the people think at first. That is not the thing which influences me. It is the sheer justice of this; but I refer to the people's state of mind.

No! Mr. President, the great hurricane of wrath which swept over the American people and caused the enactment of this law has passed away only in appearance and not at all in fact.

Mr. President, when this matter was before the Senate on a former occasion a great many speeches were made upon it. find that the chairman of the committee [Mr. Proctor] made a very emphatic speech, in which he said:

find that the chairman of the committee [Mr. Proctor] made a very emphatic speech, in which he said:

In regard to the other provision, the cost of inspection, it seems to be a radical departure and a very unwise one for the Government to defray this expense. I do not look upon it as a tax that can be put on the cattle grower or upon the consumer. It is a very small one at the most. I look upon it as a proper expense of advertising that should be charged to that account. These packers do a large amount of advertising, and certainly they do none that will yield such a tremendous return as the one of having the Government stamp on their products. I might cite the oleomargarine law as an illustration. There is a tax of one-quarter of a cent upon renovated butter. The result of that very small tax has been that the production of that article has Increased largely—I think nearly double—and that it has yielded an income to the Government of about double the expense of administering it. There has been a good deal of pressure brought to bear regarding this expense, and multitudes of telegrams have been received. It is plain, in looking them over, to see that they emanate from Chicago, and they are sent to different sections of the country to be forwarded to Congress. Many of them are in almost identical language. Several of them have a mistake in grammar, which is repeated identically in different telegrams. Here is a package of them, in which the sender asks "prompt action in passing meat-inspection bill providing for rigid inspection at Government expense."

That identical expression occurs in a large number of the telegrams, and, in fact, in nearly all of them that have been received. Here is another with the same expression, "rigid inspection at Government expense." The same language occurs in this entire package, "rigid inspection at Government expense." Here is another form, perhaps gotten out by one of the other packers.

They seem to be adroit packers, not only of meat products, but of men as well. They know ho

And the Senator from Vermont, the chairman of the committee, goes on at a good deal of length to show the injustice

of making the Government pay the cost of inspection.

Later on the same day the senior Senator from Massachusetts

[Mr. Lodge], in one of the most earnest, brilliant, and effective speeches that I ever heard fall from the lips of that talented -and I will read only the extracts bearing member of this bodyon this point-said:

Now, as to the payment of the tax. We make the maker of oleomargarine pay the tax for the inspection of his product. We collect from the steamship companies, nominally from the immigrants, a head tax to pay for that inspection service. When we put the Government label on these goods going out from the packing houses, we give them a value which they could obtain in no other way, especially after all that has occurred, and they ought to pay this expense. The inspection tax is a trifle, and it ought to be borne by those who are pecuniarily benefited by it.

Later on he said:

It is right and proper that this tax should be paid by those who directly benefit by it, and whose business methods have made severe inspection absolutely necessary.

Moreover, Mr. President, there is another very serious danger in the

opposite direction, and that is if we leave the inspection service to an annual appropriation, we shall find very soon that it is a convenient place for economy—

Just the point I made a moment ago-

and that we are going to cut down inspectors and cut off the expense of inspection until it is impossible to make it effective or efficient.

I for one hope, Mr. President—and it is for that purpose I rose—that our conferees will stand with the utmost strength for the views expressed by the Senate on those two points when they embodied this amendment in the bill.

Later on, when the conferees, after as gallant and able a fight as I ever knew a conference committee of the Senate to make, were defeated upon this, when it became clear that we had to yield on these two points or else see the bill itself go to its death, in a conference with the chairman of the committee, the Senator from Vermont [Mr. PROCTOR], and the Senator from North Dakota [Mr. HANSBROUGH] I said:

Very well, the bill itself is more important than these two items. The principle is more important than these two items, important as they are. I will support the report of the conference committee if it leaves these out, but saves the bill.

And I did that, and I did my best to prevent other Senators, because we were drawing into the hot days of summer, from saying anything about it, so that we might get through. But I found it impossible. My dear friend, a man whom I admire as much as any man I ever knew in public or in private life, the Senator from Minnesota [Mr. Nelson], made a speech the passion of which will be remembered by those who heard him, in the course of which he said:

I watched the course of this measure, and in many quarters it has been considered from the standpoint of the packers and the cattlemen. The American consumers and the ordinary American farmer have been left out of the question.

Nobody has heard any protest from the ordinary farmer who raises cattle. I come in contact with as many personally, I venture to say, and putting it mildly, as any man in this Chamber. I have talked publicly with thousands and privately with hundreds. The Senator from Minnesota [Mr. Nelson] was right about that, and he went on:

Was right about that, and he went on:

Three objects have been sought to be accomplished—first, to placate the packers; next, to placate the men who raise the range cattle, and, third, to get a good market for the packers abroad. What is the outcome of this?

Mr. President, we are to expend \$3,000,000 in inspecting the products of the packers, and then the American people are not to get the full benefit of that protection. When we come here and ask for the plain privilege of having the canned goods labeled, so that the American consumer can tell whether he is buying a fresh product or a stale product, the packers and the men who represent them get up on their hind legs and say, "You can not have it. We are omnipotent."

The Semetor from North Packets [Mr. McCurpers], in a greech

The Senator from North Dakota [Mr. McCumber], in a speech

of great courage and remarkable eloquence, said:

So they are insistent upon that single proposition-

The packers-

So they are insistent upon that single proposition, but they want the Government to pay. Why? If the packers will make a net income of from ten to fifteen million dollars more during the next twelve months by reason of the Government certificate on all their products, then I want to know what loss or damage the inspection is going to be to the packers; and if it is not a loss I want some Senator to tell me why we should pay out for them the sum of \$3,000,000.

And the question of the Senator from North Dakota has never been answered to this day. Senator McCumber continued;

But, Mr. President, the Senators who take the opposite view of this case base their claim upon the insistent proposition that if we charge the packers \$3,000,000 for inspecting their meat, they will charge it back again not only against the producer, but against the consumer. Mr. President, if that be true, then I am assuming that it will be because of the necessity upon their part. Is there any necessity that they should charge it back either to the field of production or the field of consumption? Will any Senator stand up here and deny the proposition that the packers charge the consumers all the consumption trade will stand?

I guess nobody has ever been found to deny that sound economic proposition of Senator McCumber.

Will any Senator deny the converse proposition that the packers pay as little to the producers as the producers' business will stand? If those two propositions are undeniable, then we may safely assume that the packers will act in the future as they have been in the past, and that is to charge to the consumptive trade and pay to the productive trade just as great and just as little as the two fields, respectively, will stand. They will follow that proposition.

Mr. President, we are asked to do it for another reason. It is stated to us that if we pay a bribe of \$3,000,000—

I shall never forget how that burning word "bribe" fell from the lips of the Senator from North Dakota-

to the packers, they will cease to rob the producers, who must rely upon them for what they get for their products. We tried that proposition many years ago in our intercourse and trade in the Mediterranean, when we paid to the Bey of Algiers a certain sum every year to prevent piracy upon American merchantmen. Did it work? The very next year they charged more, and so on. The piratical demands grew greater and greater, until the cry went forth that we would pay millions for defense but we would pay nothing for tribute to be protected; and we got our defense.

I do not believe that the producers in my State, or a single one of them, stand upon the proposition that we will ask the United States

oughly a Senator of the people he is. I will ask permission to insert some paragraphs from it in my remarks, as I can not find it at the moment among the many books on my desk.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

Mr. Gallinger. Mr. President, I shall detain the Senate but a moment. After the wretched and revolting exposé that has been made of the condition of things in the packing houses at Chicago, I have very little sympathy for the men who are engaged in that industry, men who

Government to bribe the packers in the sum of \$3,000,000 a year that they may not do any further or greater injustice to the producers; and if I thought my people did so feel, I say candidly that I would not attempt to represent their views upon the floor of the Senate of the United States.

There spoke the ideal spirit that ought to animate every American public man. When a man can not represent his constituency's views and do justice to the Republic and to his conscience, he is not an honest man if he does not say "Get some person who is more tractable than I."

The Senator from North Carolina [Mr. Simmons], who is now occupying the chair, made a speech of very great vigor and of some length. I will not read it all, but I will read one para-

graph of it.

Mr. President. I can conceive of nothing that Congress can do which will be of more benefit—and when I use the term "benefit" I mean financial, pecuniary benefit—to the packers of this country than the passage of this inspection law. They ought to be willing from a business standpoint, to say nothing about considerations of justice, to pay for this inspection if the cost were twice as great as it is.

That, last year, was the opinion of the Senator from North Carolina, who was and is a most valuable member of this committee, and I violate no confidence when I declare that it is his opinion now.

But, Mr. President, the Senator from Vermont [Mr. Proctor] the chairman of the committee, also made another speech in addi-

tion to the one from which I quoted, in which he said:

tion to the one from which I quoted, in which he said:

It seems to me a self-evident proposition that if producers fail to make their products such as to command public confidence, it is their duty to do whatever is necessary to restore that confidence. When fairly considered, the severest charge made against the packers is by their friends, who say that if the packers are made to pay this expense, they will charge it to the cattle grower and also to the consumer. I am prepared to believe most anything of this monopoly, but I can hardly think so meanly of them as this, which their friends admit will be their course. Their conduct in regard to this measure has been such as to show that at least they have no nice sense of proprieties. We have all had much experience with round-robin telegrams. We expect them from certain associations, but I have never seen such open and bare-faced use of this method of trying to influence Congress as has been made by these packers in flooding us with telegrams from all over the West in identical language, all evidently emanating from Chicago. If we are to be buncoed—

This is the language of the Senator from Vermont—

This is the language of the Senator from Vermont-

If we are to be buncoed, as I hold that we are to be in this matter of expense, it would be pleasanter to have it done with some neatness and so as to conceal the cheapness of its style. But, Mr. President, gentlemen of another body are about to go home to their constituents to take their judgment upon their acts.

Then he proceeds to give the reasons why the Senate con-

ferees found it necessary to make an agreement.

The other member of the conference committee was the Senator from North Dakota [Mr. HANSBROUGH], whose value to this Senate everybody here knows. He made a speech whose earnestness impressed this Senate powerfully and whose argument is unanswerable, in which he said:

I have myself arrived at these views after a very thorough study of the question and after the fullest consideration which I have been able to give to the subject. I have been particularly impressed with the character of the literature which has been sent to Senators and Repre-sentatives from all parts of the country.

Then he goes on also to call attention to the nature of the telegrams with which Congress, and both Houses of it, were flooded by the packers. The Senator from North Dakota goes

It is very strange, to my mind, that the advocates of the provisions contained in the House amendment and the packers should be fearful that the stock raiser will be obliged to pay this fee which has been spoken of here.

And both of those Senators from North Dakota come from a cattle-growing State.

I can not understand such a situation. If the stock raiser is going to pay this fee, why should the packer be interested? It is not any affair of his. If the man who raises cattle is taxed to pay the inspection, why should the packer be interested? The fact is there has been a good deal of controversy and a great deal of argument here intended to show that if we collect an inspection fee on the animals slaughtered it would be assessed upon the stock raiser, and the one individual above all others who seems to be most fearful of that outcome is the nacker himself. packer himself.

The Senator from New Hampshire [Mr. Gallinger] made a short but powerful address. It was full of feeling, for the Senator is a physician and spoke with emotion of the deaths this murderous practice had caused. That day he proved again what he has proved through so many faithful years, how thoroughly a Senator of the people he is. I will ask permission to

have made their millions and their tens of millions, and who, if they had been men of public spirit and correct impulses, would have had their packing houses as free from filth and disease-breeding conditions as is this Senate Chamber. They have absolutely neglected the conditions that ought to have existed, and have horrified not only this country, but the nations of the world, because of the conditions that were found to exist there.

packing houses as iree from hith and disease-breeding conditions that ought to have existed, and have horrified not only this country, but the nations of the world, because of the conditions that were found to exist there.

Mr. President, I want an inspection of meats in Chicago, an inspection as thorough as human ingenuity can devise. I feel like felicitating myself and my associates in this Chamber, in view of what has been spread before the world, that we are permitted to be here to-day. Almost every day I hear of the illness of some friend, and very often the information comes to me that it is due to ptomaine poisoning. Why should it not be, considering what has come to us as a matter of record knowledge?

I have listened to the reading of the letter which was sent to the desk by the Senator from Lowal [Mr. Dolliver] and the telegrams which were sent to the desk by the Senator from Wyoming [Mr. Warren]. They are for a rigid inspection, but they want the Government to pay for it. I recall the fact that Artemus Ward once said that he read and had been told that boils were good for the health of the human family. He said he had made an investigation of that and found it to be true, but he wanted the boils to be on the other fellow. [Laughter] So, Mr. President, these people think inspection is necessary, and they say it ought to be thorough in the interest of human health, but they want the Government of the United States to pay for inspecting meats which, if they did their duty, would not need an inspection.

I do not believe that the Government ought to have this burden of \$3,000.000 placed upon it for next year and \$5,000.000 the next, and perhaps \$10,000,000 in a few years, for inspecting the meats that pass which, if they did their duty, would not need an inspection.

I do not see why it could possibly fall upon the producers—the men who raise and sell the cattle to these packing houses—as the Senator from Wyoming contends. My fear is, in view of the conditions that already exist, that it will fall upon t

Mr. BEVERIDGE. Mr. President, I have about concluded what I desired to say upon this amendment. I wish a little bit to recapitulate. I am sorry that during the time when I was making two or three of the points made here the Senators who are now in the Chamber were necessarily at luncheon, because I showed from the record that the representative of the packers themselves formally admitted that if we put the cost upon them the packers would have to pay, and not the cattlemen, the producer, or the consumer.

I showed that the chief resistance to this measure last year and now comes from the packers, and that if they do not have to pay it they are absolutely without a motive for resisting it. I showed that even if it be true that the great range men, referred to by the Senator from Minnesota [Mr. NEISON] last year, paid the cost of the inspection—the trivial cost of inspecit was a matter of justice that they who profited from the business should pay for the inspection and for finding out whether their cattle were diseased, instead of spreading the cost of the inspection all over the American people, both those who eat meat and those who do not.

I will say to the Senators who are now here that I have read at length this flaring advertisement, every word of which de-scribes the law, asking visitors to come and see how this great concern puts into execution the law, calling their attention to

what "U. S. inspected and passed" means.

I am aware that there have been some changes of opinion from last year, but I have not yet heard any reason given for any change of opinion. I have shown, as was said last year by the Senator from Vermont [Mr. Procror], who was then passionately in favor of this amendment, that in this law we have given the packers an advertisement which money could not purchase. And I have asked why, in addition to giving them an advertisement that has increased the sales of their meats, we should also put our hands into the pockets of the people and give them \$3,000,000 of the people's money besides.

I showed the absurdity of the proposition that the inspection cost would come off the eaters of meat or the growers of beef, in view of the admission of Mr. Wilson, in the employment of the beef trust, who formally represented them, and of whom it was said in committee he was the ablest as he was the frankest man they had. I showed that what was prophesied at that time about the improvement in the meat business instead of its decline had come true, and that in the month of January meat and meat food products increased from fourteen millions and something to seventeen millions and something, and I tried to point out how absurd was the proposition that if the packers paid the cost, the people would lose faith in the products, be-

cause the charge made on the packers does not go from the packers to the inspectors.

It is collected by the Treasury of the United States. It constitutes a special fund in the Treasury, upon which the Secretary of Agriculture draws checks in payment of the salaries of the inspectors, and therefore that it was not only false but bizarre and grotesque to hold that the faith of the people in the products would be impaired if the packers, like the national banks or like the immigrants or like the oleomargarine manu-

facturers, pay the cost of inspection.

I have finally asked why it is if in all these other cases we make the business that receives the benefit pay for the inspection that renders it safe, why it is that the packers should be excepted? I shall insist on keeping on with that question, as suggested to me so kindly by the Senator from New Hampshire [Mr. Gallinger]. Will anybody tell the Senate or the people why we should deliberately put our hands into the Treasury of the United States and in addition to giving the packers an advertisement, which the Senator from Vermont pointed out last year was beyond price to them, give them \$3,000,000 of money taken out of the pockets of the people; those of the people who do not eat meat as well as the people who do eat meat?

Mr. President, notice has been given that a point of order will be made against this amendment. I understand fully that that is a question for the Chair to decide; but as respectfully as it is possible for a Senator to do I suggest at least the permissibility of submitting the point of order to the Senate. There are for that some very notable and, I might say, historic examples, with which the Senator from Kentucky [Mr. Blackburn] is especially familiar. For example, in the case of the Panama Canal bill that was made as an amendment to the river and harbor bill. It provided for the government of the canal. It was the whole canal law. As I remember it was what is publicly known as the "Spooner Act."

Mr. SPOONER. Was not that a question of germaneness? Mr. BEVERIDGE. No; I will read it. Mr. Pettigrew made Mr. SPOONER. the point of order.

Mr. SPOONER. It could not have been a change of existing

Mr. BEVERIDGE. Here is what he said:

I think the amendment is obnoxious to Rule XVI, as general legislation on a general appropriation bill.

Then they tried to pin Mr. Pettigrew down to the other point, but he declined to make the other point. He made it upon the ground that it was general legislation. I understand the rule provides for two things—general legislation and relevancy. would be perfectly competent for me to suggest to the Chair the relevancy of this matter and demand that it be submitted to the But I am not doing that.

Mr. SPOONER. I am not antagonizing the Senator. I am only asking for information.

Mr. BEVERIDGE. I know.

Mr. SPOONER. The Chair is obliged to submit to the Senate

the matter of relevancy.

Mr REVERIDGE. Yes; but the point of relevancy was not made and I do not make it now and here. It was that it was general legislation and that is the point of order now raised by the Senator from Wyoming. Nevertheless upon request the Chair did submit it to the Senate as a matter of public consideration.

The Senator from Wisconsin and older Senators will re-The Senator from Wisconsin and older Senators will remember very well the famous Platt amendment. It was put on the Army appropriation bill. No point of order was made against it. The public exigency was too great. It was passed in the closing hours. I remember very well where the Senator from Wisconsin sat across the way when the Platt amendment was passed. It is perhaps hardly in point, because no point of order was made upon it.

But the Philipping circle government bill is one. That was

But the Philippine civil-government bill is one. made as an amendment to the Army appropriation bill and the Senator from Alabama [Mr. Pettus] made the point of order upon it. Nevertheless it was submitted to the Senate, and a

yea-and-nay vote had.

The case in which the Senator from Kentucky [Mr. Blackburn] made the point of order was upon the Hawaiian cable, which was put on the diplomatic and consular appropriation bill. In each of these cases and in a large number of others, and it is not necessary to refer to them, the point of order was submitted to the Senate, not as a matter of right, but because of the great public considerations involved.

I respectfully call the attention of the Chair to the facts as to this particular amendment. First of all, it was an original part of a measure which was, without objection, put upon the appropriation bill unanimously last session. Secondly, that

law has now been reinserted in this bill, and this amendment is the exact reproduction of that portion of that identical measure, which last year went through this body unanimously, which the Senate stood by through its conferees, and which finally was stricken out in conference only to save the bill itself. a matter of vast public moment, upon which the American people have been pretty well informed and upon which a large

amount of discussion has taken place.

I have tried to present here at some length, though I have labored to be as brief as I could, the profound reasons, resting not only in justice, but in business expedience, why this taking of money out of the Nation's Treasury instead of out of the coffers of the packers should be stopped and the other method substituted. I have tried to show that if that is not done, the whole purpose of the law will within a year or two be imperiled, because it will be difficult to increase the appropriation with the increase of business.

Mr. President and Senators, I have concluded what I have to say on this question. I think there is nothing more immediately important or upon which the American people are more permanently determined or upon which they ought to be more persistently determined, and I shall close by doing what the Senator from New Hampshire so kindly rose to his feet and suggested that I should do, that is to say whatever the fate of this may be now, we will renew this contest until finally this principle, that where a business is benefited by an inspecit and not the people shall pay for that inspection, is established.

We are doing this for the people. We are only preventing by this law disease being sown broadcast throughout the Republic. I remember that last year the Senator from New Hampshire [Mr. Gallinger], who is a physician, rose and spoke with a feeling that almost choked his utterance, and called attention to the fact of cases of ptomaine poisoning of children and those

who are not children from diseased meat.

Mr. President, I see no reason against, and I have examined with great patience the reasons for, and I shall ask any Sento tell me whether there is any reason why the packers should not pay the cost of the inspection, which is worth to them untold millions as a business advertisement on the one hand, and which, on the other hand, prevents them from injuring the people. Shall the packers pay for this inspection or shall the people pay?—that is the question for the Senate to

Mr. McCUMBER. Mr. President, I wish to say a word on this subject.

Addressing myself more particularly to the Senator from Wyoming [Mr. Warren], who evidently made some remarks on this question to-day which I did not hear, but from the argument made by the Senator from Indiana [Mr. Beveridge] I assume that the Senator from Wyoming took the position that if this sum of three million, or whatever other number of millions it may be

Mr. WARREN. I will relieve the Senator from North Da-

kota by saying that I made no argument whatever.
Mr. McCUMBER. Very well. I understand that the basis for any claim that the Government should pay for this inspection is that the producers in the end will have to pay it if it is charged against the meat trust, as we call it, or the packers. If I am right in that, I want to know on what assumption it is based. Is it true or is it not that the raiser of cattle is wholly at the mercy of the meat combination? If that is true, we need some other law on the subject than a mere law as to who shall pay the fees. Is it true, also, that the meat trust or the meat combination fixes the price to the consumers all over the country? If that he true, then the whole American public are, to a greater extent than I have ever anticipated, wholly at the mercy of a dozen or so individuals in the United States.

If there is no other remedy than that, we must submit to such prices as shall be fixed by a few men or a dozen men. Then certainly we are reaching very closely to that condition where paternalism would be better than to be at the mercy of so few individuals, and nothing can be much worse than that

same paternalism.

Mr. President, I again ask Senators: Do the people who produce the stock pay this \$3,000,000? Is it charged to them and must they themselves bear this extra burden of inspection, and not the whole country? I understand it is the position of the Senator from Wyoming that one class of people ought not to be compelled to pay that which is for the benefit of all the people.

Now, let me call the attention of the Senate to the people. Perhaps Swift & Co., Libby & Co., and Armour & Co. pay not less than \$3,000,000 a year in advertising their goods. In all the great papers of the country, in all the magazines of the country, they pay, we will say, \$3,000,000 for

advertising. To whom do they charge it? To the public. The same people, of course, have to pay for advertising. sumer and the producer of meat pay for that in the end. Therefore upon the same argument that will sustain a Senator on the proposition that the Government should pay for the advertising which they get through this bill the Government should pay for the other advertising, and if the Government does pay for it, of course they can pay more for their hoof cattle and charge less for the finished product. The reason is just as good in one instance as it is in the other.

Mr. President, there is no advertising scheme in the world that is so beneficial to the meat producers of the United States as that single printed statement upon every ham or barrel of meat that goes from their place of business into a foreign counthe words "Inspected under the national law, and passed." That carried with it the same verity that the American eagle carries with it when it is stamped upon the twenty-dollar gold piece. It stands for purity and everything that the law requires. Nothing could be more beneficial. Have not their exports increased enormously since that time? Have they not been almost 10 or 15 per cent higher than they were in the previous years, giving them eight or ten or fifteen million dollars, and without requiring of them the sum of \$3,000,000 to pay for that which

benefits them more than anyone else?

Mr. President, it does not require a long argument to demonstrate the fact as to who is benefited. We to-day have a system of inspection of all grain—the corn, the oats, the wheat, the barley, and the flax-that is marketed all over this country. Have the farmers, the producers, come to Congress and asked that we should vote the necessary \$10,000,000 to cover that inspection? They pay for it. It is charged to them at the time. No one else makes the payment. Why should we mete out one rule to them and another rule to the meat producer? We could just as well say that in regard to the great grain crop, the great elevator companies would pay the farmer a greater price for his wheat if the Government would pay the cost of the inspection. We can say that as much as we can say that the producer will benefit in this instance if the Government instead of the person who is peculiarly benefited shall foot the expense.

Mr. President, I hope that this matter may be submitted to I hope that we can vote upon it directly. no reason why we should not as well as upon any other matter that has been presented to us. I certainly with all my heart will support the proposition of the Senator from Indiana that the people who are especially benefited by the legislation requir-

ing meat inspection shall pay the expense of it.

Mr. WARREN. Mr. President, I regret very much that the lateness of the hour and term prevents us from taking up this subject and going fully into it, for I should very much like to review the arguments or contentions presented by the two Senators who have preceded me-the Senator from Indiana and the Senator from North Dakota. I will only take time to say now that I dissent entirely from their views and contentions.

As to the point of order, I think I never saw a clearer and I suppose the Senators will admit that. It is general legis-It repeals in terms a standing statute and puts another in its place, and it is not of a class that is usually submitted to the Senate, either on an appropriation bill or in a separate bill.

Mr. BEVERIDGE. Will the Senator permit me to interrupt him?

Mr. WARREN. Certainly.

Mr. BEVERIDGE. I made no argument upon those two lines, but I related the special and particular circumstances attending the enactment of this legislation and the presentation of this amendment, and the only three cases which were equally if not more pronouncedly objectionable to the rules than this which were submitted by the President of the Senate. I will say to the Senator and to the Chair, who of course knows more about that than I do or than any of us, that I might have covered not the three great historic cases, but scores of them. It becomes a matter of public propriety and public duty to permit the Senate itself to vote upon this public question and not dispose of a matter of great public justice by a technicality.

Mr. WARREN. Mr. President, there have been thousands and thousands of times when a point of order has been raised and promptly ruled upon by the Vice-President, and of course along with this many thousand times the Chair has occasionally, but very seldom, submitted the question of order to the Senate.

A point of order could rest against this amendment on various grounds. This matter was one which was not estimated for. It has not been considered and reported favorably upon by a committee. It is general legislation, and of the most dangerous kind, because it understakes to place money in the Treasury and pay it out without any appropriation by Congress, not only for this year, but for all time. This is a question of order that is neither new nor upon which there can be any doubt, and it is not a question of relevancy. It is a question to be settled absolutely upon the exact terms made here last year by the Senate and House.

Mr. McCUMBER. Mr. President

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from North Dakota?

Mr. WARREN. Certainly, but I will be through in a moment.

Mr. McCUMBER. I wish to ask if it is not true that it was adopted just before the closing hours of the session and when we were as hurried in the matter of consideration as we are to-day?

Mr. WARREN. Let it remain settled then, since it is so well settled, until we can get time to consider the whole subject

Mr. GALLINGER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wyoming

yield to the Senator from New Hampshire?

Mr. WARREN. I am going to yield the floor in a moment. I will be just as anxious to discuss the matter when the time comes as the Senator from New Hampshire or the Senator from North Dakota or the Senator from Indiana.

Mr. GALLINGER. The Senator says this matter was settled by the Senate. I wanted to ask him if it was not settled on

a conference report?

Mr. WARREN. It was presented in all its forms in various reports and finally and fully settled by the Senate-by the

Mr. GALLINGER. But the Senate, as I remember it, acted adversely to the Senator's present contention when it adopted it.
Mr. BEVERIDGE. It did. It did twice, if I may interrupt

the Senator.

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Indiana?

Mr. WARREN. Certainly.

BEVERIDGE. The Senate only yielded because of a deadlock in the committee of conference with the conferees on the part of the House. I beg the Senator's pardon.

Mr. WARREN. Very well. Whether it did or not the Congress of the United States settled it in the usual way.

Mr. GALLINGER. Mr. President, a single word. When this matter was submitted to the Senate and debated by the Senate and voted upon by the Senate, the Senate decided that the packers ought to pay this amount of money, not the people of the country. It went to conference. The conferees on the part of the Senate, under stress at the close of a session, yielded to the House, and the law was enacted as it is now.

I think the Senator from Wyoming is not quite frank when he represents that the Senate itself has ever placed itself on record in favor of the present status. On the contrary, the Senate has placed itself on record as opposed to the principle that

is embodied in the present law.

Mr. WARREN. I will have to challenge the Senator's accusation of lack of frankness on my part, because he will remember that this whole meat-inspection legislation came in on the agricultural appropriation bill en bloc, in one long amendment, and no objection was made in the Senate. It was a case of unanimous consent, knowing that it would go to conference and be settled there. It was an unusual proceeding. By unanimous consent it came in in terms, the Senate expecting to have it changed in conference.

I am ready to submit the question.

Mr. HANSBROUGH. Mr. President, the contention of the Senator from Wyoming that this is general legislation I think needs some elucidation. My idea of general legislation is a measure that pertains to more than one subject. This amendment pertains wholly to one subject and one subject only.

I can understand, Mr. President, how the point of order could be raised against the original meat amendment, because that was general legislation, but here it is proposed to amend that amend-Surely it will not be claimed that it is not germane or

that it is not relevant.

The distinction may be very fine; I know there have been numerous decisions here that are antagonistic to my contention; but I think it is worth considering, if the question is to be submitted to the Senate. I maintain that there is a wide difference between the original meat amendment and the proposed amendment to that amendment at this time.

Mr. SPOONER. Mr. President, to be absolutely frank, as I always wish to be, I do not rise for the purpose of discussing much, if any, the point of order which has been made, mainly based upon the ground that this is general legislation. I do not understand the Senator from North Dakota [Mr. Hans-BROUGH] in his proposition that it is not general legislation

because it applies to specific individuals. It applies to all packers in the United States. The fact that in the main packpackers in the United States. The fact that in the main packers reside in Chicago is quite immaterial. They also reside in Omaha and in Kansas City. Wherever there are packers in the United States the law as it now exists applies to them.

Mr. HANSBROUGH. Will the Senator allow me to inter-

rupt him?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. SPOONER. Of course.

Mr. HANSBROUGH. I would admit that if this amendment pertained to the question of public lands or to Indian affairs or to the financial question or to any one of a dozen other questions in addition to the meat question it would be general legislation, but I think it is taken entirely out of the category of general legislation, and that the only question before the Senate is to decide whether it is germane or relevant.

Mr. SPOONER. The question is not yet before the Senate. It is lodged within the jurisdiction and the decision of the Chair. It would be just as logical to contend that an excise tax upon tobacco was not uniform because there were some States in the Union in which no tobacco was produced as to claim that this is not general legislation because there are portions of the United States in which there are no packers. But I did not

mean to go into that.

I want to say a word about what I often hear in the Senate latterly when a question not of relevancy, but of order, is made, and it is accompanied by a request from the floor that the Chair shall submit it to the Senate. For myself I shall never make, as I have never made, any such request of the Chair. It is explicable only upon the theory that the Chair may not or is expected not to decide it in accordance with the wish of the Senator making the request.

Mr. BEVERIDGE. Mr. President-

Mr. SPOONER. If the Senator will allow me, it must not be forgotten that the decision of this question upon a point of order does not rest as a finality with the Chair, because whatever the Chair may decide upon a point of order a Senator may appeal from that decision, if he prefers the decision of the Senate to the decision of the Chair. It may fall merely within the Latin proverb, de gustibus non est disputandum, but I have more than once been quite impressed with the peculiarity of a request from the floor that the Chair, instead of deciding the question according to his best judgment, as the Chair always does, should surrender to a doubt implied upon the floor and decline to rule in order that in the first instance the Senate might decide. that the Chair should be left to decide. Questions of relevancy the Chair must submit, but the Chair should be left to decide questions of order, and the Senate should be rather a court of appeal than a court of original jurisdiction, request being made that the Chair abdicate the function which is put by the rule primarily upon the Chair.

Mr. President, I have often heard reference made upon questions of order to the Platt amendment. A point of order was made upon the Platt amendment. Does the Senator from In-

diana wish to interrupt me?

Mr. BEVERIDGE. I was going to interrupt the Senator, but think I will ask permission when he gets through to say a

Mr. SPOONER. The Senator has that right. I did not

mean to decline to yield to the Senator.

Mr. BEVERIDGE. That is all right. I think no point of order was made on the Platt amendment.

Mr. SPOONER. It was put in by unanimous consent.
Mr. BEVERIDGE. Yes. A point of order was made on the canal amendment, the Philippine civil government amendment, and on the Hawaiian cable amendment. Those are a few notable instances where the point of order was made that it was general legislation on an appropriation bill, and it was

generally agreed to be so. When the Senator gets through, I will ask permission to say a word.

Mr. SPOONER. It is useless, then, to cite the Platt amendment upon a point of order, because it was incorporated by unanimous consent. It would not have been subject to a point of order. While some Senators thought it might be, the patriotism of this body led Senators to forbear to make any The action of the Congress, which alone can question about it. declare war, had put the Army of the United States into Cuba, and the action of the President and the Senate, which alone can make peace under the Constitution, had brought about a cessation of the war between the United States and Spain, with an obligation upon us that we should occupy Cuba and exercise there all the powers and discharge all the duties imposed by the rules of civilized warfare and the law of nations upon a military occupancy. So I always believed firmly that it was entirely competent for Congress in an Army appropriation bill providing expenses for the Army in Cuba and everywhere else to provide upon what terms that Army should be withdrawn

I remember another amendment to that Army appropriation bill which was much challenged. I do not remember now whether a point of order was made upon it or not. The Senator from Colorado [Mr. Teller], who never forgets anything, will remember. It was a Philippine government amendment which I offered to the bill. I always believed that that amendment, while very bitterly attacked upon the floor, was absolutely in order upon that Army appropriation bill, because it provided what international law provides as a part of the military function-civil government.

Mr. BEVERIDGE. Will the Senator permit me a question? Mr. SPOONER. Certainly. Mr. BEVERIDGE. Does the Senator claim that it was not general legislation?

Mr. SPOONER. Of course it was not general legislation.

Mr. BEVERIDGE. I call the Senator's attention to the fact that that amendment created on the face of it the most perfect suzerainty on paper in the world.

Mr. SPOONER. I call the attention of the Senator from Indiana to the fact that that amendment created no suzerainty

Mr. BEVERIDGE. That is a difference of opinion.

Mr. SPOONER. The Senator is quite accurate now, and I accord to him his opinion in perfect good faith, as he accords the right of opinion to me, for which I am profoundly grateful. Mr. President, the Platt amendment simply provided, as a

condition of the withdrawal of the Army of the United States from Cuba, that the people of Cuba should place in their constitution, or as an appendix to it, its stipulations, and it was voted into the constitution of Cuba or annexed to it by the people of Cuba. They made it a part of their own constitution. Congress did was to prescribe the conditions upon which the Army might be withdrawn from Cuba. Of course, when the Platt amendment was appended to the constitution of Cuba by the people of Cuba, it bound the people of Cuba. It was not a law operating in the United States, and it established, I think, in no proper sense a suzerainty.

But to go back, Mr. President, to the amendment which I have had the honor to offer for a civil government in the Philippines, to the military bill, I never shall forget—and I will take but a moment about it—two or three things in connection with that amendment. I was earnestly requested, Mr. President, to offer that amendment to the military bill. I had offered it as a distinct propositon long before that. There was no originality in it. It simply adapted the Louisiana

resolution of 1803 to the situation in the Philippines.

One evening I was at the White House with President McKinley, who, when he took the office of President, was a ripe and well-disciplined statesman, who grew in mental stature and in measure of statesmanship every hour under the tutelage of grave responsibility of that exalted office—a wise, sane, patriotic, powerful statesman, always unruffled; and, Mr. President, not only that, but always considerate and one of the sweetest and most charming personalities ever known or ever to be known to the history of this Government. He said:

Under the war power of the Constitution for some years now the whole responsibility of governing and caring for the 7,000,000 people in the Philippine Archipelago, 7,000 miles from us, has been upon me, with no line of legislation or Congressional enactment behind me. I am weary of it; the burden is too great; and I hope before the Congress adjourns—I plead for it—that whether of much efficacy or not, it shall not adjourn without putting behind me some enactment upon the subject.

And he suggested as what perhaps best might be enacted by Congress as a part of the military bill an amendment very similar to that which I had the honor to offer, and which I had, as I have said, long before offered and had referred to the appro-

priate committee.

It was not cowardice; it was not grasping for power. It curtailed the President's power, because up to that hour there was no limit upon his power, Mr. President, but the limit which international law puts upon the power of the commander in chief of a conquering army. So that amendment was offered and adopted by the Senate, and it was of unspeakable comfort to the then President of the United States, whose memory is revered by all within the bounds of the United States and by all civilized peoples beyond our bounds. I never spent in my lifeand if I should live to be a thousand years old I never could spend-a more uncomfortable three hours or more than I spent in that debate. I sat here, listening to Senators on the other side denouncing the amendment as unconstitutional, as an innovation, as conferring upon the President arbitrary power, as a delegation of legislative power clearly in violation of our funda-

mental law, I thought myself well prepared to answer the argument, Mr. President; but I sat here dumb because elaborate debate would have compelled an extraordinary session of Congress, which at that time every public interest was against. I only want' to say now that since then the Supreme Court of the United States has declared that amendment to be constitu-

Mr. President, as to this point of order, I have nothing to say. I am content to leave it to the Chair, and if I am discontented with the decision of the Chair I know my remedy.

Mr. BEVERIDGE. Mr. President, in respectfully submitting to the Chair the permissibility, I have not even gone so far as to say the propriety, of submitting this question of order to the Senate no one knows better than the Senator from Wisconsin, unless it be the Chair himself, that that implied not the slightest lack of confidence in the judgment of the Chair. We all know very well that on large public matters these questions are sub-mitted to the Senate. It is not for an instant that anybody questions the wisdom of the Chair; but it is that the matter in dispute is of such great public moment that, as a matter of public policy, the Senate itself should have an opportunity of passing upon the question directly, and it can only pass upon the question directly by the Chair taking that view of it and submitting it to the Senate. Nothing could have shown this more plainly than the last illustration given by the Senator Wisconsin himself. He showed that the exigencies surrounding the Philippine civil-government bill were such that notwithstanding the fact that it was unquestionably general legislation, still it ought to have been—

Mr. SPOONER. No; I did not say it was general legislation.

I say it was not.

Mr. BEVERIDGE. Oh, you say that. I beg the Senator's pardon, then. I have mistaken the Senator's view upon that matter. The Senator did not say so at that time, but I presume the entire Senate remembers the legislation, as it was not very long ago. The one I am referring to now, the paragraph giving the President full power, which went onto the appropriation bill, was clearly general legislation, new legislation, and did not pretend to be anything else.

But leave that aside. Some, at least, thought it was general legislation and some thought it was not general legislation, just as now some may think and some may not think this is general legislation; but the reason the question was submitted to the Senate was what the Senator describes as the "public importance" of the measure itself. It of course always be-

comes a question for the judgment of the Chair.

Therefore it is that the rule itself is not ironclad. none of the instances that I cite would not have been submitted to the Senate. If that was not general legislation, then the Chair ought not to have submitted it to the Senate, but ought to have held it in order directly; but he did not hold it in order directly, but he let the Senate vote upon it because it was a matter of too large public concern to be killed by a rule of the Senate.

Now, with respect to the Platt amendment, I wish the Senate to observe this analogy. The Senator says that the Platt amendment was not general legislation because it affected the Army, and, therefore, it was all right on the Army appropriation bill; but apply that in this case. This amendment affects agriculture, and therefore it is all right on the agricultural appropriation bill. But this goes further. This is an amendment to the meat-inspection law, which is reenacted in the agricultural appropriation bill. So if there is any analogy this case is stronger than the Platt amendment case, and if, upon the reasoning given by the Senator from Wisconsin, the Platt amendment was not general legislation, much less is this general legislation.

In addition to that, we have the consideration of the public policy for the Chair's attention, which is that this very provision, an integral part of the meat-inspection bill which went on the agricultural bill this last year unanimously and which is

reenacted this year, is a part of the law itself.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Wyoming?

Mr. BEVERIDGE. Certainly. Mr. WARREN. I want to ask the Senator from Indiana what he thinks of this proposed legislation contained in his amendment:

The fund thereby created shall be subject to the requisition of the Secretary of Agriculture, as if appropriated by Congress—
Mr. BEVERIDGE. I think that is a very good thing.
Mr. WARREN. The amendment proposed by the Senator

continues:

for the necessary expenses of carrying out the provisions of this act, and shall continue permanently available until used.

Does that square itself with the legislation that we have been

enacting of late by Congress?

Mr. BEVERIDGE. I very frankly say-and I do not desire to split any hairs about it—that the very purpose of my amendment is to cut off this taking of \$3,000,000 a year out of the Treasury of the United States and paying it for the packers' advertisements of inspection. We ought to make them pay it

Mr. SPOONER. In other words, you propose to enact general

legislation in the broadest form.

Mr. BEVERIDGE. Now, Mr. President, I was making some analogies with the illustrations given by the Senator from Wisconsin. It was not upon those considerations, however-Mr. SPOONER rose.

Mr. BEVERIDGE. Pardon me a moment. It was not upon those considerations that I was suggesting—and that I put it very delicately both the Chair and the Senate must admitthe propriety of submitting the question to the Senate. It was upon the real reason, after all, why all questions of this kind are submitted to the Senate, the real reason why all the illus trations I have given from the Philippine civil-government bill, the Hawaiian cable bill, and all the rest. They were submitted to the Senate by the Chair because they were matters of such large public concern that the Chair, acting in his discretion, said that they were things for the Senate to pass upon, and therefore he would not exercise his privilege of passing upon them. In making the suggestion I have made I will state again that that was the reason, and not, as the Senator knows, any distrust of

the Chair's ability or the Chair's conscientiousness.

Mr. President I did not impute to the Senator as an individual Senator any reflection upon the capacity or good faith of the Chair. I was speaking in a general way upon what I considered to be in its nature rather offensive to a presiding officer-requests which have been more than once made at this session of Congress that the Chair submit a question to the Senate. The rules give the Chair the right to submit it to the Senate. That enables the Chair, if he has doubt or for any reason he prefers that the Senate should pass upon it in the first instance, to submit it to the Senate. That is one A request from the floor of the Senate that the Chair shall submit to the Senate a given point of order, I say implies, Mr. President, of necessity, a fear, not that the Chair perhaps may decide it improperly—of course, not that—but that the Chair may not decide it as the Senator making the request wishes it to be decided. It is not polite and courteousam not speaking of the Senator from Indiana-to the Chair, whoever he may be. That is a matter committed by the rules to the Chair. It is to be done or not to be done upon his initia-It is to be done if he prefers to do it. It is not to be done, Mr. President, upon request from the floor, and under the constraint which such a request carries with it. That is what I think about it.

And, Mr. President, there is another thing to be said about it, which is a repetition upon my part. I take it the Chair—and I am not referring to the present occupant of the chair (the Vice-President in the chair), but to all occupants of the chair—sworn to the discharge of an important and conspicuous duty, will always decide points of order as to the Chair shall seem right, but any member of the Senate has a right-and it is not regarded by the Chair as offensive, and the Chair has no right to regard it as offensive-to appeal from the decision of the

Chair to the decision of the Senate.

I should be very sorry if into the suggestion which I have made, not because the Senator from Indiana made this request, but it has been made several times at this session, and I have

never heard it made without regret.

Mr. President, it does not imply any lack Mr. BEVERIDGE. of confidence in either the judgment or the conscience of the Chair to make, not a request—because that has not been made but to suggest in the most delicate and polite terms that a great public question should be submitted to the Senate. It is not discourteous to the Chair that that should be done. If so, the books and the records of this session are full of similar affronts made by men who had served many years in this body and who made the suggestion for the same reason that the suggestion is made to-day, and upon the same reasons upon which the Chair all through our history has seen fit to submit to the Senate certain questions in regard to which, perhaps, the Chair himself was in no doubt.

Mr. President, I do not think very much discussion would have arisen here, because the RECORD will show that my suggestion, made before the point of order was made and perhaps while the Senator from Wisconsin was out of the Chamber, was put in language studiously courteous that the permissibility-of course, I was aware that the Chair understood that it was permissible for him to do so-of its being submitted to the Senate.

In the instances that I have cited there was no impropriety discovered by the requests then made to submit those great questions to the Senate. Nobody ever thought to raise the question of impropriety. Every Senator knew, what I assume every Senator here now knows, that the only reason was that, in the mind of the Senator suggesting it, the gravity of the public matter involved in the decision was such that it would seem to be wise, as a matter of public policy, that it should be submitted to the Senate instead of being killed by the arbitrary operation of the Chair's decision under a rule. Chair might be bound in deciding by rule to unfavorably dispose of a measure which the Senate and the country, for the deeper reason of public policy, might want to enact.

do not think there would have been ten sentences of argument about this, save only the suggestion of the permissibility of submitting this to the Senate, so that the Senate itself could pass upon it. The citations of the precedents for such action were given without reading from these records on my desk; and when I was giving them, the kindly suggestion was made by the Senator from New Hampshire [Mr. Gallinger]—and everybody is well informed as to his complete mastery of the parliamentary law and precedents of this body-that whereas

I only gave three I might have given a score.

In each instance that I did cite, argument was not made that the subject of the point of order was not general legislation at all. Senators frankly met the question, which was that the matters were of sufficient importance to justify this body as a body in passing upon their merits, instead of compelling the Chair, by decision under an arbitrary rule, to defeat a measure which would benefit the people. It all comes down to that, and the Senator from Wisconsin recognized that when he described, with a pathos that touched me, his conference at the White House with President McKinley. I had almost arisen then to ask him—though I resolved to hold my inquiry until afterwards—if that did not demonstrate the fact that when the public exigency was great enough the Senate, in the exercise of its common sense and the Chair recognizing the gravity of the situation, would not relax the rule and submit to the Senate the merits of the proposition. Of course, that is exactly what that illustration did prove.

All there is in this matter is this: The question is whether or not the Chair might think that this or any other question he would submit to the Senate was a matter of enough public

concern for him to suspend the rule and do it.

I want to state to the Senator from Wisconsin that I hardly think he would respect me if I did not resent the suggestion that there was any discourtesy in speaking, in my own right as a Senator, to the Chair upon the point of order and the rules governing this body, of which I am a member. I remember that at the last day when the Senate was in session the Senator from Massachusetts [Mr. Lodge] rose-he could only do it by permission, and it was within the discretion of the and proceeded to give the Chair some advice concerning how he should rule upon a point of order. I have listened to the Senator from Wisconsin, the chairman of the Committee on Rules, at whose feet I sit, like Saul at the feet of Gamaliel, arise and instruct the Chair scores of times, and I never before suspected that in his instructing the Chair or giving the Chair the benefit of his knowledge upon points of order he really was cherishing in his breast any discourtesy.

I think the Senator and all Senators must, and gladly will, agree that the only question involved in submitting a question of this kind is the gravity of the measure and its importance to the American people. It is true that I was unfortunate in de-livering my remarks and the proofs that I submitted to this body during the lunch hour, and while the Chair was compelled to be absent at luncheon, but I think it has been demonstrated, after all, in the brief discussion that recently occurred here, that this is a matter of sufficient gravity and sufficient general public concern to the nation for the Chair to permit the Senate

itself to vote on it.

If the Senator from Wisconsin or the Chair cherishes any notion that in the suggestion, which was put with studied delicacy and politeness, there was anything to the contrary, I apologize in advance to the Chair. It has been done, of course, in the Senate before, frequently, without anybody ever questioning anybody's right to do it.

Mr. SPOONER. Mr. President, it is only fair that I should say to the Senator from Indiana [Mr. Beveridge] again that in what I have said upon the question of propriety I imputed not at all to him any intention to be offensive to the Chair. I was dealing with the practice which is growing up in the Senate, and which I make bold, without apology, to criticise. I am not opposed to the attitude of the Senator from Indiana on the merits of the proposition, and what I have said therefore is not antagonistic to his contention upon the merits.

Mr. BEVERIDGE. Will the Senator permit me?

Mr. SPOONER. Certainly.
Mr. BEVERIDGE. What I want is exactly what the Senator from Wisconsin wants-an opportunity given Senators to vote upon the question.

Mr. SPOONER I want more than that. The Senator referred to me as chairman of the Committee on Rules, which I have been for some years. I do not wish it to become a practice in the Senate, whenever a Senator thinks the Chair would, under his oath, decide the question of order one way and the Senate perhaps another, to request the Chair to forego his duty and to submit the question of order to the Senate. I do not think it is seemly in the Senate. The rule was not made for The rule was made in order to give the Chair the opportunity, which is sometimes, and sometimes ought to be, availed of, and it is the right of the Chair to submit a question of order to the Senate. The rule was not intended to give to Senators the proper function of asking the Chair-and a suggestion is a request about such a matter to an occupant of the chair who has any delicacy-not to decide it himself, but, in deference to the views of some Senator, to submit it to the Senate.

Mr. President, if a Senator rises and asks ordinarily that the Chair submit a question of order to the Senate, it places the Chair in an impossible position. It places the Chair under an embarrassment from which it is impossible for him to release himself except by submitting the question to the Senate. A notice of that sort from the Senate has peculiar weight and rather painful weight upon the Chair, the present occupant of the chair more than other occupants of the chair, because he is not a member of the Senate. A member of the Senate for the time being occupying the chair would feel a little more at

liberty than an ex-officio occupant of the chair.

I was not speaking with reference to the Senator from I was speaking of the subject, and I resolved not long ago that when next it rose, whoever presented it, I would submit that it is unjust to the Chair and not quite the dignified

thing for the Senate to do.

Mr. President, the Senator from Indiana talks about degrees of importance in questions of order as bearing upon this sub-I confess I am not quite able to discern any substantial distinction in that respect. In small things, as in great things, the honest man does his duty; and the Chair will decide points of order, whether they are important or unimportant, as the Chair deems it a duty to decide; and, I insist, that whether the Chair will submit to the Senate a question which under the rules he has a right to decide himself ought to be left for the Chair to determine and not be upon open petition from the floor that the Chair abdicate his function and leave it upon request to the Senate. The decision of the Chair in no matter, small or great, is not final. The Senator makes a mistake when he asserts that a matter-

Mr. BEVERIDGE. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. SPOONER. Certainly.

Mr. BEVERIDGE. When I was making my remarks a mo-

ment ago I intended to answer the point, so far as I am per-sonally concerned, by saying that although it is a right, I would under no circumstances appeal from the decision of the Chair or from the decision of any Presiding Officer in the Senate, although it is a legal right, unless it involved a matter of the profoundest conviction or the gravest danger. It would be a discourtesy. I recognize, like every other Senator, the entire right of the President of the Senate to do as he pleases.

Mr. SPOONER. It is no more a discourtesy to the Chair to appeal from his decision than it is a discourtesy to a judge to appeal from his decision; and not to appeal from the decision of the Chair when a Senator thinks it is wrong, and involves anything of substance, is to sacrifice duty to the phantom, and

mere phantom, of etiquette or supposed etiquette.

If the Chair decides wrongly in a matter which I regard as of consequence I know it would not be taken as offensive by any level-headed Presiding Officer that even a friend should appeal from his decision. The Chair has no right to regard it as offensive, and the Chair would almost always rather, much rather, have an appeal taken and the point decided by the Senate than to feel that the Senate thought he had decided wrongly and, therefore, by himself alone killed some measure which was regarded as of importance.

Mr. ALLISON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. SPOONER. Certainly.

Mr. ALLISON. I thought the Senator had finished.
Mr. SPOONER. The Senator from Iowa, by rising and addressing the Chair, has done me the very great service of admonishing me that I have finished all that I have any good rea-

Mr. ALLISON. I apologize to the Senator from Wisconsin. I supposed he had finished his remarks.

Mr. SPOONER. I had. Mr. ALLISON. I should like to ask the Chair what is the

pending question?
The VICE-PRESIDENT. The Senator from Wyoming [Mr. WARREN] has made a point of order against the amendment proposed by the Senator from Indiana [Mr. Beveridge].

Mr. ALLISON. That is not a debatable question, I believe. The VICE-PRESIDENT. It is not. The debate has been proceeding thus far by unanimous consent.

Mr. ALLISON. I call for the regular order. I ask for a decision of that question.

Mr. GALLINGER. Mr. President, I presume after the decision is made I can submit a few brief observations which I have been waiting to make on the point of order.

Mr. ALLISON. I will withdraw the demand for the regular order until the Senator from New Hampshire shall have con-

cluded, when I shall renew it.

Mr. GALLINGER. Mr. President, I shall not occupy the attention of the Senate many minutes. I shall not undertake to decide as to the propriety or impropriety of the request made by the senior Senator from Indiana [Mr. Beveridge]. As I remember the matter, he made it in the most delicate manner possible, and did not make a request, but rather made a suggestion.

Mr. President, I have not been here for sixteen years to be ignorant of the fact that this is not an innovation, and it strikes me the Senator from Wisconsin [Mr. Spooner] has taken the matter altogether too seriously. The same suggestaken the matter altogether too seriously. The same suggestion has been made over and over again to the presiding officer, and it is competent for the presiding officer to do practically as he pleases about it. I desire to call attention to some precedents-and I will occupy a very few minutes in doing so-in the action of the Senate on certain important matters along the line that has been discussed. I have not had time to look up many. I suggested to the Senator from Indiana that there were scores of cases in which questions of this kind have been submitted to the Senate.

As far back as the Thirty-first Congress, Mr. Howe made a

point of order against an amendment proposed by Mr. Conkling, and the point of order, beyond a question, was good, but it was submitted to the Senate. A little later on, in the Forty-sixth Congress, the Senate having under consideration the bill (H. R. 1343) to provide for certain expenses of the present session of Congress, Mr. Plumb offered to amend it by adding "for mileage of Senators at the extra session." Mr. Wallace raised the point of order that the amendment not having been moved by direction of a standing or select committee of the Senate or in pursuance of an estimate from the head of a Department was not in order. The question was submitted to the Senate.

In the Forty-third Congress Mr. Allen offered to amend the

agricultural appropriation bill by inserting:

For the purpose of purchasing and distributing seeds and seed grains among the drought-stricken inhabitants of the United States by the Secretary of Agriculture, and in his discretion and under such rules as he may prescribe, the sum of \$300,000, or so much thereof as may be necessary, the same to be made immediately available.

Mr. Vilas raised the point of order that the amendment was not moved by direction of a standing or select committee of the Senate or proposed in pursuance of an estimate of the head of some one of the Departments, and was therefore not in order under the first clause of Rule XVI. The then Vice-President, Mr. Stevenson, submitted the question to the Senate.

In the Forty-third Congress the telegraph cable company matter came up, when Mr. BLACKBURN raised the question of order, and it was submitted to the Senate by the Vice-President, Mr.

Stevenson.

In the Thirty-second Congress a bill to supply deficiencies in appropriations for the year ending June 30, 1852, was pending, and an amendment was proposed to that which it was argued was not a proper amendment. Mr. William R. King, who was a very distinguished Senator and who occupied the chair at that time, submitted the question to the Senate.

In the Fifty-first Congress an amendment to the Indian appropriation bill was offered, and Vice-President Stevenson submitted it to the Senate, the same point being made that is made to-day. In the Fifty-fourth Congress an amendment was offered to the Indian appropriation bill, and Mr. Faulkner, who was a most excellent presiding officer, submitted the question to the Senate.

The pension appropriation bill being under consideration in the Fiftieth Congress, an important amendment was offered to it, and a point of order was raised that it proposed general legislation to a general appropriation bill. The question was submitted to the Senate. I could cite, as I suggested to the Senator from Indiana, scores of instances if I had the time to look them I will not pursue the question further, although I had two or three other instances marked.

Mr. President, I rather agree with the Senator from Wisconsin [Mr. Spooner] that it is not quite the proper thing for Senators to make a direct request of the Chair that a question of this kind should be submitted, but I noted with particularity the delicate manner in which the Senator from Indiana suggested to the Chair that this might be done-that there were precedents for it-and I am sure that had it been my fortune or misfortune to have occupied the chair, I should not have felt that any discourtesy was shown me in that suggestion.

As a rule, the presiding officer of this body decides questions. It is presumed that every occupant of the chair is competent to do it under the rules of the Senate, and yet there are so many cases in which these questions have been submitted to the Senate where they might have been decided offhand that I think we might be patient with each other at least when a suggestion of this kind is made. I have intimated to the Vice-President once during the present session that he might submit to the Senate a question in which I was interested, but I mentioned it to him at the chair. I took the trouble to visit the Vice-President for a moment for the purpose of making the suggestion. The Vice-President very kindly intimated to me that he did not think he would do it, and that settled it.

Mr. President, we ought not to get in heat over this matter, for there is a very important question involved. I wish it might be submitted to the Senate, I am free to say, because I should like to vote on it. I think it is one of the greatest questions which has been presented to the Senate during the time I have had the honor of serving here. But if the Chair feels it his duty to decide this question himself according to the rules of the Senate, as he will do, of course, I shall be content, as will the Senator from Indiana and every other Senator.

It is to be noted that we have a remedy in an appeal from the decision of the Chair, but no Senator is rash enough to appeal from the decision of the Chair when the Chair decides rightly. So an appeal from the decision of the Chair is rarely taken, and I certainly would be one of the last Senators to enter an appeal unless I was satisfied fully that the Chair had mistakenly ruled on a question of great public concern.

The Senator from Indiana very gently suggested that I was an authority on parliamentary law. I am not. If there is any man on earth, unless it is the present occupant of the chair, who can compass the rules of this body and administer them with impartiality, I do not know who he is, because I have heard arguments made on this floor by Senators during the present session in direct conflict to what they have argued in previous Congresses. I have heard contentions made here that were startling to me, and yet they have prevailed; and I confess that I think a revision of our rules, making them a little more comprehendable than they are at the present time, would be a very wise undertaking for some great Senator to engage

in, and I regret that it has not been done long ago.
Mr. President, that is all I care to say on the subject.

Mr. WARREN. Regular order, Mr. President. The VICE-PRESIDENT. The Senator from Wyoming [Mr. WARREN] makes several points of order against the amendment proposed by the Senator from Indiana [Mr. Beveringe]. The Chair will consider but one, and that is that the amendment proposes general legislation. The rules of the Senate with respect to amendments proposed to appropriation bills are comprehensive and specific. Subdivision 3 of Rule XVI provides

No amendment which proposes general legislation shall be received to any general appropriation bill.

The question arises whether the amendment offered proposes general legislation. The Chair doubts whether there is a Senator within the Chamber who, upon the most casual reading of the amendment proposed, would not hold that it does distinctly and clearly propose general legislation. If it does propose general legislation and is in contravention of the rule, the Chair believes that it is his duty and in the interest of orderly procedure to hold that the point of order is well taken and that the amendment is out of order.

The precedents to which the attention of the Chair has been

directed with respect to the submission of questions of order to the Senate have no application to the pending question. presiding officers have in past years occasionally submitted questions of order to the Senate. It has been done under the authority conferred by Rule XX, in the discretion of the Chair and not from suggestions from the floor. During the present session the Chair has frequently been invited by Senators to submit to the Senate points of order on amendments which were not in order, and in every case of such invitation the Chair has felt obliged to decline to do so. To assent to such suggestions is to break down the rules which the Senate has deliberately

adopted for the conduct of public legislation.

The Chair feels that it is not for him lightly to break the rules and safeguards which the Senate has adopted for his and its guidance. The Chair, of course, has nothing to do with the merits of the amendment which is proposed. Whether the amendment is one of general public interest or otherwise is a matter with which the Chair can not concern himself. Senators interested in the amendment are not remediless. Chair, in holding that under the rule an amendment is not in order, does not kill the amendment. The Senate has provided against such a contingency by the rules which were long since adopted. If a majority of the Senate are of opinion that the ruling of the Chair is not in consonance with the spirit of the rules of the Senate, they may hold that the amendment is in order; or, if the Senate should be of opinion that in the large

jority of the Senate may determine it. The proposed amendment, which was offered by the Senator from Indiana on the 14th of February, was embodied in a bill introduced by him on the 6th of last December. The Chair is of opinion that if the measure is of such large consequence in the opinion of the Senate, as is now claimed, the Senate could have expressed itself upon that subject long prior to the closing hours of the present session and in an orderly and appropriate way.

public interest an amendment should be received regardless of

the rule, it is competent for the Senate so to decide, and a ma-

For these considerations the point of order is sustained. The Chair would say further that under the rules of the Senate an appeal lies from this decision, and the Chair would invite such an appeal if he is in error in the view he entertains of the force and effect of the rule.

Mr. HANSBROUGH. I offer an amendment to come in at the end of line 4, page 27, of the new print of the bill.

The VICE-PRESIDENT. The Senator from North Dakota

proposes an amendment which will be stated.

The Secretary. On page 27, at the end of line 4, it is proposed to insert the following:

Provided further, That after any food carcasses, and any or all parts thereof, of such animals shall have been duly inspected as provided for in this act, and the same shall be found to be sound, healthful, wholesome, and fit for human food, and shall have been marked, stamped, tagged; or labeled as "Inspected and passed" as provided for in this act, thereafter any change of any of such food carcasses or parts thereof into food products of any kind by any slaughtering, canning, salting, rendering, or manufacturing establishment, thereby necessitating further inspection of such food products in its process of manufacture and in its manufactured form, all expense incurred in such inspection, including the stamping, tagging, or labeling of such manufactured food product; shall be borne by the individual, company, or corporation producing such manufactured food product; and for the purpose of reimbursing the Treasury for all expense incurred in consequence of such inspection of said manufactured food product; and for the purpose of reimbursing the Treasury for all expense incurred in consequence of such inspection of said manufactured food product; and for the purpose of reimbursing the Treasury for all expense incurred in consequence of such inspection of said manufactured food products, including the stamping, tagging, or labeling thereof, the Secretary of Agriculture shall, under such rules and regulations as he may prescribe, ascertain as near as may be the total amount of such expense, and report the same from the person, firm, or corporation who manufactured such food product; and said sums when so collected shall be deposited in the Treasury.

Mr. WARREN, Mr. President—

Mr. President-

The VICE-PRESIDENT. Does the Senator from North Da-kota yield to the Senator from Wyoming?

Mr. HANSBROUGH. I presume the Senator from Wyoming rises for the purpose of making the same point of order against this amendment that he made against the amendment considered a little while ago; and with the understanding that the Senator will not press his point of order and that he will give me an opportunity to talk about a minute and a half or two minutes, I yield to him.

Mr. WARREN. I desire to make the point of order on the amendment. It is an amendment that was not estimated for, has not been reported favorably by any committee, and is general legislation and, in my opinion, of the broadest kind, if I may be permitted to say so. I do not wish to take the Senator off the floor.

Mr. HANSBROUGH. No. Mr. WARREN. But I ask that the point of order may be passed upon at the proper time.

Mr. HANSBROUGH. I am glad the Senator makes his point of order just as strong as possible.

The VICE-PRESIDENT. The Chair will state that discussion upon the point of order is by unanimous consent.

Mr. HANSBROUGH. I ask unanimous consent that I may

proceed for two or three minutes The VICE-PRESIDENT. Without objection, the Senator will be heard.

Mr. HANSBROUGH. Mr. President, under existing law relative to meat inspection the Government pays the cost of inspectors at all the meat-packing establishments. The amendment which I propose provides that when the packer takes the carcass, which has been inspected at the expense of the Government, for the purpose of working it up into canned meat or any other kind of food product, the Government being obliged, of course, to make an inspection of that process also, then the packer shall pay the cost of such second inspection. Surely it can not be claimed that the cost of such an inspection could be assessed back upon the stock raiser.

If I am not mistaken, this is the first bill or amendment to any bill which has been offered either in this Congress or the last Congress which provides that the packer shall pay for the inspection. All former bills provided, if I am not mistaken, that the Secretary of Agriculture should make an assessment; in other words, that he should levy a head tax on all animals, cattle, sheep, and swine slaughtered in the packing establishments. This amendment makes no such provision, but requires the Secretary of Agriculture to ascertain the cost of this second inspection and to assess that against the packers, whatever it may be, not so much per carcass, but the actual cost.

Of course, I do not care to take up the time of the Senate to discuss the merits of this great question. In my own judgment it will be the duty of the next Congress to bring in here, in view of the decision of the Chair, a general bill covering this subject, giving the two Houses an opportunity to vote their convictions, so elaborately discussed by the Senator from Indiana [Mr. BEVERIDGE], as to whether the American people should pay this tax, whether they use meats or not, and as to whether the packers themselves should not pay the cost of the advertisement they receive by having the brand of the United States put upon their products

Mr. PENROSE. Mr. President, I ask for the regular order. The VICE-PRESIDENT. The Chair sustains the point of order made by the Senator from Wyoming, and for the reasons heretofore given. Are there further amendments to the bill as in Committee of the Whole?

Mr. HEYBURN. Mr. President, I rise merely to suggest an amendment to correct an inadvertence in previous legislation upon a matter that is working a hardship. I am quite sure it was not the intention of Congress that such should be the result. On page 67, after the word "dollars," in line 3, I propose word, because I can do it more quickly than by having it read.

It proposes to allow the homesteader at the end of five years

to pay up to the Government all that is due under the reclamation act and be on the footing of other homestead settlers. Congress provided for the payment to be made in ten installments, and the Department holds that by reason of that the homesteader can not get his title for ten years. Of course that was not the intention of Congress, and it should be corrected.

I hope no point of order will be urged against the amendment. It carries no appropriation. It merely provides that upon complying with the law, at the end of five years the homesteader may receive his patent. Under the homestead law he may do that now, but in the reclamation act, through an inadvertence, doubtless, it was provided that the payment should be divided into ten parts. The amendment simply provides that at the end of five years he may pay up all payments and take his title and be on an equal footing with other homesteaders. The law can just as well be enacted in connection with this legislation. if the point of order is not raised against it, and make this property taxable and contributable for school and other local purposes. In the communities where this question arises they have no taxable property at all for the purpose of maintaining schools until the end of ten years, when they should have it at the end of five years.

So I propose the amendment which I send to the desk.

Mr. HANSBROUGH. I will ask the Senator if the amendment has been reported from a committee in the form of a bill?

Mr. HEYBURN. It was reported favorably as an amendment to this bill.

Mr. HANSBROUGH. From what committee? Mr. HEYBURN. The Committee on Irrigation. Mr. SPOONER. Let me ask if that is all there is in it?

Mr. HEYBURN. That is all there is in it, but is, of course, drawn in formal language.

The VICE-PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The Secretary. On page 67, line 3, after the word "dollars," insert:

That section 5 of the act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, be amended by adding thereto the

arid lands," approved June 17, 1902, be amended by adding thereto the following proviso:
"Provided, That upon the expiration of five years from the date of the entry of said lands by said entryman, upon proof of residence and cultivation of said land as required under the homestead laws of the United States and proof of cultivation as required by this act, and upon the payment by said entryman to the receiver of the United States land office for the district in which the said land is situated of all installments due or to become due upon said land under the provisions of this act, whether in payment for the said lands or for water rights thereon, said entryman shall be entitled, without further delay, to receive a patent from the United States for the said land, and to be discharged from all liabilities for any other or further residence upon said lands or payments for said lands or water except maintenance charges under this act."

The amendment was agreed to.

Mr. PERKINS. I desire to ask that extracts from the annual reports of the Secretary of Agriculture and of the Chief of the Weather Bureau be placed in the Record for future reference, if occasion should require it. There has been some adverse criticism as to the amount of money expended under the direction of the Department at the Mount Weather Observatory, in Virginia, and I think this report answers all that adverse criticism.

The VICE-PRESIDENT. Without objection, permission is granted

The matter referred to is as follows:

[Extracts from annual reports of the Secretary of Agriculture and of the Chief of the Weather Bureau concerning the Mount Weather Meteorological Research Observatory, Mount Weather, Virginia.]

First reference in Report of Secretary for 1903.

First reference in Report of Secretary for 1903.

It has been thought proper for many reasons to establish on the Blue Ridge Mountains, at Mount Weather, Bluemont, Va., a modern meteorological observatory of the best class for scientific research pertaining to problems of weather phenomena. A building for administration and for a school of instruction is being erected, and the plans are well advanced for a suitable power house and shop for balloon and kite ascensions, which will be built during the coming year. The recent advances in solar and terrestrial meteorology justify us in preparing to study at first hand the variations in the solar activity, and the corresponding changes in the weather conditions, especially from season to season. It is a complex problem and will require the best instrumental equipment, the ablest students, and a long series of observations before it can be finally solved. The desirability of being able to foresee a year in advance the type of season probable during a given period is so great as to make it imperative to lay broad scientific foundations at the beginning of the twentieth century, which will be of utility for future generations, who will surely build a great science of cosmical meteorology upon such data as can be supplied by the Mount Weather Observatory.

BUILDINGS ERECTED AND PROPOSED.

# BUILDINGS ERECTED AND PROPOSED.

BUILDINGS ERECTED AND PROPOSED.

During the past fiscal year, through the appropriations by Congress, it has been possible to erect buildings for use as meteorological observatories for the Weather Bureau at the following-named places, and at a total cost of \$32,922.97, viz: Amarillo, Tex.; Modena, Utah: Key West, Fla.; Sand Key, Fla.; Southeast Farallone, Cal. And buildings are now in course of erection at the following places, the total cost of which will be \$70,000, viz: Yellowstone Park, Wyo.; Duluth, Minn.; Devils Lake, N. Dak.; Havre, Mont.; Mount Weather, Va.; Block Island, R. I.; Narragansett Pier, R. I.

The wisdom of erecting buildings for the exclusive use and under the control of the Weather Bureau becomes more apparent every day. It saves to the Government the amount heretofore paid for rent of office quarters, which in many cases are unsuited to our needs.

# II. In Report of Chief of Weather Bureau for 1903.

MOUNT WEATHER RESEARCH OBSERVATORY.

MOUNT WEATHER RESEARCH OBSERVATORY.

The Weather Bureau is so far convinced of the importance of finding out the laws of these cosmical physics, by which alone the problem can be conclusively solved, that it has been thought proper to found a research observatory at Mount Weather, on the crest of the Blue Ridge Mountains, about 6 miles from Bluemont, Va., and equip it suitably for these investigations. Professor Bigelow has recently been placed in charge of supervising the plans for its construction and development upon the best modern principles. It is evident that such an institution, having its beginning in the early years of the twentieth century, will have an increased usefulness as the years go by, if it is organized according to the demands of the best science. It will require fine instruments and able students if it is to command the respect of the subject of solar physics has already grown to such proportions that the British Association for the Advancement of Science has set off a solar physics section from astronomy and mathematics; the solar physics observatory at South Kensington, under the able directorship of Sir Norman Lockyer, is putting forth valuable results; the solar observations by the Italians for the past thirty years have become invaluable as a basis for these studies; the observatory at Kalocsa, Hungary, and that at Zurich are known to all students for their important publications. Less directly, several of the great astronomical observatories are deriving some of their most valuable discoveries in astrophysics, which is simply another name for stellar meteorology. Thus Potsdam, Paris, Lick, Yerkes, Harvard, and other institutions are working zealously along these lines and filling out the realm of human knowledge in a fashion undreamed of a generation ago. It may be asked why, with all this wealth of material being secured in other places, it should be important for the Weather Bureau to enter upon these studies as well. The answer is simple. These observatories, for one thing, specia

combined result at a given time can be worked out harmonlously and correlated with the prevailing weather conditions. Furthermore, the publications of these several observatories are issued from the press as much as two to four years after the observations are actually made, so that it is obvious that these late reports can have little value in practical forecasting. We have no intention to enter upon the advanced research problems which rightly belong to specialists, but rather to adapt to the uses of the meteorologist and the forecaster such portions of the immediate uses of the Weather Bureau.

Specifically, the plan in mind contemplates the development of an observatory as indicated in the following statement:

(1) An observatory building is in process of erection at Mount Weather, which is well adapted as a school of instruction and for making observations of the ordinary kind with the common meteory. The propose of the construction of the propose of the construction of the propose of the construction of balloons and kites. The ascensions will be limited to the construction of balloons and kites. The ascensions will be limited to the construction of balloons and kites. The ascensions will be limited to the construction of balloons and kites. The ascensions will be limited to the construction of balloons and kites. The ascensions will be limited to provide isotherms as well as isobars on the high levels. It is proposed to make a complete series of ascensions first at Mount Weather, and afterwards in different portions of the United States, in order to observe the temperature conditions in all classes of cyclones are appropriated to make a complete series of ascensions first at Mount Weather, and afterwards in different portions of the United States, in order to observe the temperature conditions in all classes of cyclones. The proposed to make a complete series of ascensions first at Mount Weather, and afterwards in different portions of the United States, in proposed to make a complete series of ascensions

# BUILDINGS ERECTED, REPAIRED, AND IMPROVED.

During the past two fiscal years, through the appropriations by ongress, it has been possible to erect buildings for use as meteorogical observatories for the Weather Bureau at the following-named

places:	
Atlantic City N. J.: Cost of lot (Government reservation); cost of building.	\$6, 000, 00
Hattoras N C:	
Cost of lot, \$125; cost of building, \$4,875	5, 000. 00
Fort Canby (North Head), Wash,:	
Cost of lot (Government reservation); cost of building_	3, 992. 63
Port Crescent, Wash.:	
Cost of lot (Government reservation); cost of building	1,000.00
Tatoosh Island, Wash.:	
Cost of lot (Government reservation); cost of building_	4, 950, 00
Point Reyes, Cal.:	
Cost of lot (Government reservation); cost of building_	2, 989, 90
Amarillo, Tex.:	
Cost of lot, \$1,255; cost of building, \$6,503	7, 758, 00
Modena, Utah:	
Cost of lot (Government reservation); cost of building_	4, 346, 00
Key West, Fla.:	
Cost of lot, \$2,020; cost of building, \$7,994.75	10, 014, 75
Sand Key Island, Fla.:	
Cost of lot (Government reservation); cost of building_	5, 593, 00
Southeast Farallone, Cal.:	
Cost of lot (Government reservation); cost of building_	5, 211, 22
Mount Weather Ve .	
Cost of lot, \$1,413.90; cost of building, \$15,663.13	17, 077. 03
Total	
TOTAL	101 000, 00

Buildings are now in course of erection at the following places:

Devils Lake, N. Dak.: Cost of lot, \$2,300; cost of building, \$8,000	\$10, 300
Cost of lot, \$1,850; cost of building, \$5,700	7, 550
Mount Weather, Va.: Cost of lot, \$650; cost of building, \$10,000 Block Island, R. I.:	10, 650
Cost of lot, \$1,100; cost of building, \$7,700 Narragansett Pier, R. I.:	8, 800
Cost of lot, \$4,100; cost of building, \$8,000	12, 100
Total	70, 900

AREA OF LAND OWNED BY THE WEATHER BUREAU. The area of land purchased by the Weather Bureau during recent years, or transferred to that Bureau by the various branches of the Government, is as follows:

	Area.
Atlantic City, N. Jsquare feet	5,000
Cape Henry, Vaacre	1
Hatteras, N. Cdo	à
Jupiter, Flado Kittyhawk, N. Cdo	1
Kittyhawk, N. Cdo	1
North Head, Washingtondo	ā.
Point Reyes light, Californiado	à
Port Crescent, Washdo	1
Sault Ste. Marie, Michsquare feet	2,000
Tatoosh Island, Washingtonacre	1
Yuma, Arizdo	1
Amarillo, Texdo	3
Key West, Flado	- 1
Bismarck, N. Dakacres_	
Sand Key, Flasquare feet	2, 500
Southeast Farallone, Californiaacre	1
Mount Weather, Virginiaacres	773
Modena, Utahacre	1
Yellowstone Park, Wyododo	1
Duluth, Minndo	1000
Devils Lake, N. Dakdo	. 8
Havre, Montdo	
Block Island, R. Iacres_	13
Narragansett Pier, R. Ido	11
Total area (about)do	94

III. In Report of Secretary for 1904. MOUNT WEATHER METEOROLOGICAL RESEARCH OBSERVATORY.

During the past the year the main building of the Mount Weather Observatory has been completed, while the power plant, the building from which balloon ascensions and kite flights are to be made, and the magnetic building are being constructed. The physical laboratory for electrical and radioactive effects is being planned, the erection of which will take place in another year. Finally, a comprehensive physical observatory for photographing the sun directly and through the spectrum, for measuring radiation energy by actinometry and bolometry, with their allied equipment, will be required. This complex institution must grow up slowly as plans can be matured along the best modern lines. When the equipment is ready we shall make and send out apparatus for the exploring of the atmosphere to altitudes of from 3 to 10 miles. It is probable that many balloons will be simultaneously liberated from different stations so as to get records of storms and cold waves from their four quadrants. With observations from the magnetic, the electric, and the solar physics observatories, opportunity for study will be given to those who believe that the cyclonic and anticyclonic whirls that constitute storms and cold waves are mainly the result of changes in the amount or intensity of some form of solar radiation. It is the purpose to make the research at Mount Weather catholic in its broadness.

# IV. In Report of Chief of Weather Burcau for 1904.

IV. In Report of Chief of Weather Burcau for 1904.

OBSERVATORY BUILDINGS.

Carrying out the policy of the Department, the Weather Bureau has continued to cooperate with the leading universities throughout the country, and at the present time the relations existing are more cordial and the work done more important than at any time in the history of the service. Several universities and colleges have donated ground for the erection of buildings, notably the Bradley Polytechnic Institute of Peoria, Ill., and the Epworth University of Oklahoma City, Okla. Appreciation of the value of the work being done by the Weather Bureau has also been demonstrated by several other universities in placing at the disposal of the Bureau, without cost, office quarters in their buildings for recentily established stations, among them being the Brown University, of Providence, R. I., and the University of Wisconsin, at Madison, Wis.

The erection of buildings by the Weather Bureau not only saves the amount previously paid for rent of office quarters, but adds very much to the prestige of the service here and abroad. This prestige will be further increased upon the completion of the group of observatory buildings at Mount Weather, Va., at which place it is intended to conduct extensive experimental and research work. The present appropriation provides for the erection of not less than five buildings, but this number has proven inadequate to the growing demands from all sections of the country, and it is hoped that Congress will soon increase the appropriation sufficiently to provide for the erection of not less than ten buildings annually.

Buildings owned by the Weather Bureau.

Buildings owned by the Weather Bureau.

Value of lot.	Value of buildings.	Total value.
\$1,255.00 (a) 1,100.00 (a) 2,300.00 2,100.00 125.00 1,850.00 (a) 2,020.00	\$6,503.00 6,000.00 10,000.00 7,700.00 9,104.25 8,000.00 7,900.00 4,875.00 5,700.00 6,094.95 7,994.75	\$7,758.00 6,000.00 10,000.00 8,800.00 9,104.25 10,300.00 10,000.00 7,550.00 6,094.95 10,014.75
	\$1, 255, 00  (a) (a) 1,100, 00 (a) 2,300, 00 2,100, 00 125,00 1,850,00 (a)	lot.   buildings.     \$1,255.00

### Buildings owned by the Weather Bureau-Continued.

Location.	Value of lot.	Value of buildings.	Total value.
Kittyhawk, N. C	(a) (a)	\$1,616.00 4,346.00	\$1,616.00 4,346.00
Mount Weather, Va.: Observatory building Power house and balloon building	\$2,000.00 650.00	18,000.00 8,000.00	20, 000. 00 8, 650. 00
Stable	4,100.00	2, 000, 00 300, 00 8, 000, 00 4, 000, 00	2,000.00 300.00 12,100.00 4,000.00
Point Reyes Light, Cal Port Crescent, Wash Sand Key, Fla Sault Ste. Marie, Mich	(a) (a) 82.00 (a) (a)	3,000.00 1,000.00 5,593.00	3,000.00 1,082.00 5,593.00
Southeast Farallon, Cal	(a) (a)	3,000.00 5,211.22 5,000.00	3, 000. 00 5, 211. 22 5, 000. 00
Washington, D. C	25,000.00 (a) (a)	150,000.00 11,500.00 1,500.00	175, 000. 00 11, 500. 00 1, 500. 00
Total	42, 582. 00	311, 938. 17	354, 520, 17

aGovernment reservation.

bLessed

Weather Bureau buildings in course of construction, and approximate cost of each.

Location.	Cost of lot.	Cost of buildings.	Total cost.
Columbia, S. C. Peoria, Ill Nantucket, Mass	\$3,799.00 54.00 1,236.50	\$9,170.00 7,915.00 3,968.00	\$12,969.00 7,969.00 5,204.50
Mount Weather, Va. (3 buildings): Absolute building. Variation building. Kite building	(a) (a)	6,500.00 8,000.00 3,000.00	6, 500. 00 8, 000. 00 3, 000. 00
Total	5,089.50	38, 553. 00	43, 612. 50

#### 6 Government reservation.

#### THE MOUNT WEATHER METEOROLOGICAL RESEARCH OBSERVATORY.

At Mount Weather, Va., it is proposed to make and send out the apparatus for the exploring of the atmosphere to altitudes of 3 to 10 miles. In this work it is probable that many balloons will be simultaneously liberated from different stations, so as to get records of storms and of cold waves from their four quadrants. With the knowledge thus gained of vertical gradients of pressure and of temeprature, it will doubtless be possible to gain a better understanding of the mechanics of storms. This exploration will be useful in determining how near right are those who believe that change in temperature other than seasonal is mainly a function of the mechanics of the lower atmosphere—that portion lying below the 10-mile level; that in the study of those aberrations of climate called "weather," investigators need concern themselves only with the atmosphere near the earth; and that variations in the condition and in the intensity of the many forms of solar radiation are inappreciable in their effect on the weather of the earth.

solar radiation are inappreciable in their effect on the weather of the earth.

With observations from the magnetic, the electric, and the solar physics observatories which the Department is now building, and which will be equipped with the most approved appliances, opportunity will be given to those who believe that the cyclonic or anticyclonic whirls that constitute storms or cold waves are mainly the result of changes in the amount or intensity of some form of solar radiation. It is the opinion of the writer that the synchronism of changes in the activity of the chromosphere of the sun and the weather of the earth has not yet been established with sufficient definiteness to be of benefit to the forecaster, but a working hypothesis has been formulated which stimulates thought, study, and investigation. This fact must be credited to the patient work of Prof. Frank H. Bigelow. Even those who differ from him in their conclusions relative to the association between astrophysics and meteorology mast admit that the fertility of his thought and his earnest seeking after the problems which, when solved, shall raise meteorology from empiricism to a closer approach to an exact science, have been highly beneficial. The study of storms has too long been made from a single view point. Daring minds are needed, even those that are willing to take a considerable hazard in the hypotheses which they are willing to take a considerable hazard in the hypotheses which they are willing to lay down and attempt to demonstrate: for to doubt is to investigate. New truths are usually discovered by working inductively along conventional lines, but some of the greatest principles in nature have been made known to the world by deductive reasoning and by the assumption of a hypothesis that could not at the time be demonstrated. Due deference must be given to each other's opinions, and all must strive earnessty for the elucidation of the many difficult problems that now confront the meteorologist.

# LINES OF PROPOSED INVESTIGATIONS.

It is proposed to make the research at Mount Weather catholic in its broadness; to look for the truth, and not to despise its source or the means of its conveyance; to discuss meteorological observations from the point of view of their relations to solar physics; to select meteorologic and magnetic elements and compare them with solar observations; to carry on research in the allied subjects of radiation, atmospheric electricity, ionization of gases, radioactivity, etc. Progress in knowledge of the effects of the sun's actions upon weather conditions depends upon introducing more refined processes than have generally been assigned to meteorology. It is hoped to determine the nature of the alliance between meteorology and solar physics. The atmosphere of the sun and of the earth, together with the connecting radiations, will be studied as one branch of science having common interests, which may be designated as cosmical meteorology.

In the seven buildings at Mount Weather the Weather Bureau will have the most approved apparatus for measuring atmospheric electricity and magnetism, for measuring the solar radiation in the spectrum, for registering the sun-spot areas, the prominence output, and the extent of the faculæ. These are all valuable as registers of the solar

energy, which, falling upon the earth, may play a part in stirring up the atmosphere and producing our weather.

INTERPRETING THE LANGUAGE OF THE SUN.

INTERPRETING THE LANGUAGE OF THE SUN.

The climate and crop conditions from year to year depend largely upon the invisible and subtle solar radiations, known to exist as waves, like those used in wireless telegraphy. The space between the sun and the earth—that is, the cosmical ether—is filled with wireless messages which science is laboriously learning to interpret. Its votaries do not understand the solar code very well, and the process of deciphering it is like that of learning to read the Babylonian inscriptions, namely, by putting this and that together, learning to read a bit here and there, by intercomparisons, trial, and failure, till at length the language of the sun shall be understood. The time may come when it may be possible to interpret the seasonal weather from year to year in advance. It has not yet arrived. The sun moves leisurely through its cycles and the terrestrial conditions seem to follow loosely. At present all available information concerning these matters comes in scattered form from observatories, in reports two or three years old. It is necessary, therefore, to have instruments, trained research observers and computers, and a discussion of results, subject to the direct control of the Weather Bureau.

BUILDINGS COMPLETED AND PROJECTED.

### BUILDINGS COMPLETED AND PROJECTED.

During the past year the main building of the Weather Bureau observatory has been completed, the power plant and the building from which balloon ascensions and kite flights are to be made have been erected, and the magnetic buildings started. It has been found that the rocks are entirely free from magnetism, and that the field is uniform, so that it is a suitable place on which to locate a magnetic observatory. A physical laboratory for electrical and radioactive effects is being planned, the erection of which will take place during another year. Finally, a comprehensive physical observatory for photographing the sun directly and through the spectrum, for measuring the radiation energy by actinometry and bolometry, with their allied equipment, will be required. This complex institution must grow up slowly; as plans can be matured along the best modern lines, our assistants must be trained to work in several lines on a harmonious general plan, and the results must be carefully studied as the science progresses.

V. In Report of Secretary for 1995.

MOUNT WEATHER RESEARCH OBSERVATORY.

Under the authority of Congress, three years ago, the Department

V. In Report of Secretary for 1995.

MOUNT WEATHER RESEARCH OBSERVATORY.

Under the authority of Congress, three years ago, the Department undertook the establishment of a station at Mount Weather, Virginia, devoted to meteorological research, and has established there a plant especially adapted to atmospheric research. The temperature, moisture, and movements of the air at great heights will be ascertained by means of balloons and kites; the absorption of solar heat by the atmosphere will be measured; the dissipation of solar light and heat will be determined; the special analysis of the sunbeam will be carried out, and the electric condition will be determined. In addition to this we have added apparatus for studying the relations to the atmosphere of the magnetism of the earth, the temperature of the soil, and even the motions of the earth. All those phenomena have been shown to have a more or less intimate connection with meteorology.

In so far as aerial research may require it, sounding balloons will be liberated from many of the weather stations in distant parts of the country in cooperation with those at Mount Weather, since it is considered very important to know the condition of the atmosphere above the land every day of the year up to the greatest attainable height, especially during the passage of storms and cold waves. Therefore, Mount Weather may be expected to do as much for the science of meteorology and the future improvement of the service as the service has already done during the past thirty-five years for the material interests of the United States. The employees at this station must necessarily live close by their apparatus, and provision must be made for all the ordinary needs of domestic life precisely as is done in all large astronomical observatories and in military establishments. This has been done economically and in accordance with established usage.

VI. In Report of Chief of Weather Bureau for 1995.

VI. In Report of Chief of Weather Bureau for 1905.

It has encouraged the study of meteorology in educational institutions by allowing its scientists, outside of their official duties, to deliver
courses of lectures to students, so that there are now twenty institutions of learning where meteorology forms a part of the curriculum,
thereby giving preliminary training to the young men who, in after
years, will succeed to the duties now performed by the meteorologists
of the Government.

Finally, three years ago the Bureau began the establishment, at
Mount Weather, Virginia, of an institution devoted purely to meteorological research.

Finally, three years ago the Bureau began the establishment, at Mount Weather, Virginia, of an institution devoted purely to meteorological research.

In order that this country may do its share toward the advancement of meteorology along the lines that specially relate to conditions in America, it is imperative that the Weather Bureau should establish an observatory for its own special research work. It would seem a severe criticism to say that the United States Weather Bureau has 200 stations for routine observations, and spends such a large amount of money annually for routine work, without doing anything for the permanent improvement of the science upon whose development its efficiency depends. It was long since stated that the highest efficiency in any art implies a perfect knowledge of the higher science behind it. We have therefore secured a piece of land and inaugurated work at an establishment that is intended to respond to the present and prospective needs of meteorology. We have called this the Mount Weather Research Observatory, and have organized it on a broad and elastic basis, so that it may from year to year expand with the growing knowledge of our needs. The other weather bureaus of the world have been inclined to make research more prominent than practical routine. Their appointments, their promotions, and internal organization, and their whole animus, are in harmony with the principle that in the present state of meteorology research is more important than forecasts; that to establish a new law is better than to forecast rains, frosts, or storms; that, in general, our knowledge of the atmosphere and its mechanics needs to be increased, so that we may venture upon forecasts that will establish a new standard of accuracy.

In order to prosecute the researches contemplated at Mount Weather we have established there a plant especially adapted to atmospheric research. By means of balloons and kites the temperature, moisture, and movements of the air at great heights will be ascertained. The absorp

trometer. The electric condition will be determined by means of the electrometer, and the radioactivity, or ionization of the air, by means of the dissipation apparatus Ebert. To all this we have added apparatus for studying the relations to the atmosphere of the magnetism of the earth, the temperature of the soil, and even the motions of the earth shown by the seismographs. All these phenomena have been shown to have a more or less intimate connection with meteorology. In so far as aerial research may require it, sounding balloons will be liberated from many of the weather stations in distant parts of the country in cooperation with those at count. Weather, since it is considered to the country in the passage of storms and cold waves. These so-called "sounding balloons" may attain altitudes of 20 miles. Through them a record will be obtained of the winds and temperatures at that height as well as throughout the whole intermediate strata. Therefore Mount Weather may be expected to do as much for the science of meteorology and the future improvement of the service as the service has already done during the past thirty-five years for the material interests of the United States. As this country led the world in the practical application of meteorology, it is desired hencefort to lead in the development of the science itself.

In addition to the observational side of the above-mentioned studies, it is absolutely necessary to provide conveniences for experimental work—that is to say, a physical laboratory in while to investigate all questions that yield to treatment by experiment, as distinct from pure stallation for the manufacture, by the electrolytic process, of the hydrogen gas for the use of balloons. This process has been demonstrated to be by far the most convenient and economical method of obtaining large quantities of pure hydrogen. It has been necessary to obtain the cooperation of the manufacture so findia rubber in order to secure a material that will retain its elasticity at the very low temperatures to

WORK OF THE YEAR, WITH RECOMMENDATIONS-THE MOUNT WEATHER

WORK OF THE YEAR, WITH RECOMMENDATIONS—THE MOUNT WEATHER RESEARCH OBSERVATORY.

Buildings completed and projected.—Work on both buildings and grounds at the Mount Weather Research Observatory, Virginia, has been pushed as vigorously as circumstances would permit. The administration building and weather station was completed and equipped last fall and observations begun, which have since been used daily by the forecasters at Washington. Two magnetic observatory buildings have been completed during the year, one for absolute and one for differential determinations of the elements of the earth's magnetism. The instruments for both magnetic observatories are now being installed. The Power house, which was completed during the last fiscal year, has been fitted with engines, generators, etc., for use in aerial work. All of the large machines were in place by the end of March, 1905, and work was then resumed on the revolving kite shelter, which was completed before the end of the fiscal year. Work was begun on the building for the physical laboratory in July. There are still some difficult questions regarding the best plans for the solar physics work, but as a final decision is not required at present, more time will be employed in consultation.

In planning the power house and kite shelter and in the installation of machinery in the first named, valuable aid has been rendered by Prof. Charles F. Marvin.

The schedule of apparatus for the solar physics observatory has been submitted to prominent instrument makers for estimates as to cost of construction.

The subject of solar radiation appears to be so important that early in the year the climatologist, Mr. H. H. Kimball, was instructed to prepare himself to take up this line of research at the Mount Weather Observatory. Through the courtesy of Secretary S. P. Langley, of the Final Proparatus even the study of solar radiation is taken up in earnest.

Observations with the Angström pyrheliometer and the Pickering polarimeter have been continued at Washington throughout

Mount Weather in November, 1904, and have been continued uninterruptedly since that time.

Personnel of Mount Weather Observatory.—The research staff has been strengthened by the appointment of William J. Humphreys, Fh. D., Johns Hopkins University, and late professor of physics in the University of Virginla, to be supervising director at Mount Weather, to take effect July 1, 1905, and the recall of Mr. Louis G. Schultz from temporary detail in Argentina in connection with the equipment of magnetic observatories in that country.

It is a special and the recall of the United States Patent Office, has been appointed as a special ald to Professor Humphreys in studies of radiation, ionization, and solar physics.

The organization of the Mount Weather Observatory as at present constituted is as follows:

At Washington.—Director: The Chief of Bureau.

Board of advisers: Prof. Cleveland Abbe, Prof. Frank H. Bigelow, chairman; Prof. Henry J. Cox, Prof. Edward B. Garriott, Prof. Alfred J. Henry, Prof. Alexander G. McAdie, Prof. Charles F. Marvin, Prof. Illarry C. Frankendeld, and Prof. William J. Humphreys, who shall have supervision in detail of all work in the physical alboratory and solar physics observatory and general, rather than detailed, supervision of other researches. He will aid the research directors in matters wherein his knowledge may be of assistance, and will be an adviser rather than a director of their research, although in all matters of cooperation between research directors he will have the controlling voice. He will have charge of the discipline of the institution, referring to the Chief of Bureau such matters as can not be settled at the station which are also and the such parts of the professor Humphreys's principal aid in solar physics, and Mr. Herbert L. Solyom, who, by the kindness of Prof. E. B. Frost, is doing special work at the Yerkes Observations in atmospheric electricity and special work at the Yerkes Observations and the mean additional assistant.

Director of magnetic and electric res

PROBLEMS IN INSTRUMENTAL EQUIPMENT AWAITING SOLUTION.

proper subjects for investigation. The field of inquiry will therefore be a broad one.

PROBLEMS IN INSTRUMENTAL EQUIPMENT AWAITING SOLUTION.

For a number of years Prof. Charles F. Marvin, the official in charge of the instrument division, has endeavored to give a portion of his time and efforts to the study of problems which are directly related to the development of new apparatus and the perfection of the equipment now in use. Such efforts seemed to be indispensable, in order to keep pace with the demands for better instrumental devices. Thus far, however, while the value of such work has been conceded, it has had no recognized place or funds in the yearly schedule, and much of the little that has been done was accomplished only by effort during extra hours when the official in charge of the instrument division could be free from the constant interruption incident to the daily routine. During the last ten years the extension of the service with respect to the instrumental equipment of stations has been very great. In 1895 only about 361 automatic instruments of all kinds were in operation at stations. The number at the present time is 1,195.

Instrumental apparatus has been greatly improved and perfected; many new designs have been brought out and other scientific work accomplished, such, for example, as the partial determination of wha venocatants of the anemometer equation and the relation of wind vemperatures; studies upon the mechanics and equilibrium of kites, etc.

At no time in its past history has the Bureau assumed such an attitude toward the solution of the scientific problems of meteorology as at the present time. Extensive preparations are being made for a comprehensive study of difficult matters that may require years for their solution. At the same time many of the simpler but equally important problems are pressing for attention which it is hoped may be given in the near future.

Some of the investigations that can be taken up when the laboratories at Mount Weather are finished are as follows:

(5) Stations need apparatus for the more exact registration of the beginning and ending of precipitation. A device for this purpose has been partially worked out by Dr. Oliver L. Fassig, but important structural and mechanical improvements are required to render this device actually available for station use.

(6) Improvements are required in telethermographs. These instruments are needed at many stations.

(7) Itain gauges are needed suitable for exposure on mountain ridges remote from the habitation of the observer and in the watersheds of great rivers, so that the precipitation, snow or rain, for a whole season can be collected and measured, even though regular daily observations be not made.

(8) Apparatus intended for the recording of lightning has already received some attention, but we should be in a position to discuss the structural details of these devices and their merits and demerits on a basis of real experience.

(9) The new science of seismometry has revealed how widely sensitive the seemingly rigid earth really is to vibrations in its crust, and that all great earthquakes can be recorded over the entire globe by sufficiently sensitive instruments. On April 4, 1905, a great earthquake occurred in northwestern India, killing and injuring a great many people and causing the total destruction of towns and villages. The entire crust of the earth was set into elastic vibrations, which were recorded at the Weather Bureau and all over the world wherever delicate seismographs were maintained. Dr. F. Omori, secretary of the earthquake investigation committee of Japan, reports concerning the Indian earthquake that the large seismograph at Tokyo recorded first the waves proceeding from India to Tokyo direct, via Siberia, and by way of the Pacific Ocean. Still more remarkable than this, the seismogram at the Osaka Meteorological Observatory showed the waves which, crossing Europe and America, reached Japan by way of the Pacific Ocean, Still more remarkable than this, the seismogram at the Osaka Meteorologica

investigation.

(11) Similar to the foregoing is the question of atmospheric humidity at temperatures above 100° F. The present humidity tables end at 140° F. Many inquiries are received for values at higher temperatures, such as are encountered in methods for artificial drying, etc.

The Bureau can render a distinct service to many interests by an accurate extension of the tables into the upper ranges of temperature.

There is a demand upon the Bureau for authoritative results in each of the several lines of inquiry cited, but progress on such original work has heretofore been impossible; now, however, with the completion of the physical laboratory at Mount Weather, which, it is expected, will be under roof before cold weather, and the installation of apparatus in this and other buildings at that place, these important problems may soon be attacked with hope of success in their solution.

OBSERVATORY BULLDINGS.

# OBSERVATORY BUILDINGS.

The Weather Bureau completed the erection, during the fiscal year, of six buildings, and also has in course of construction six additional buildings. The following tables give the number of buildings owned by the Weather Bureau, the number in course of construction, the number of rented buildings occupied wholly for office and living purposes, and the stations at which living quarters are furnished by the Government separate from offices:

Buildings owned by the Weather Bureau.

Location.	Value of lot.	Value of buildings.	Total value.
Amarillo, Tex	\$1,255.00	\$6,503,00	\$7,758.00
Atlantic City, N. J	(a)	6,000.00	6,000.00
Bismarck, N. Dak	(a)	10,000.00	10,000.00
Block Island, R. I	1,100.00	7,700.00	8,800.00
Cape Henry, Va	(a)	9, 104. 25	9, 104, 25
Columbia, S. C	3, 799.00	9, 170.00	12,969.00
Devils Lake, N. Dak	2,300.00	8,000.00	10, 300, 00
Duluth, Minn	2, 100.00	7,900.00	10,000.00
Hatteras, N. C	125.00	4,875.00	5,000.00
Havre, Mont	1,850.00	5,700.00	7,550.00
Jupiter, Fla	(a)	6,094.95	6,094.95
Key West, Fla	2,020.00	7,994.75	10, 014, 75
Kittyhawk, N. C	(a)	1,616.00	1,616.00
Modena, Utah	(a)	4, 346. 00	4, 346. 00
Observatory building	2,000,00	18,000,00	20,000,00
Power house and balloon building	650.00	8,000.00	8,650,00
Absolute building	(a)	6,500.00	6,500,00
Variation building	(a)	8,000.00	8,000,00
Kite building	(a)	3,000.00	3,000.00
Stable		2,000,00	2,000.00
Mount Washington, N. H	(b)	300.00	300,00
Nantucket, Mass	1, 236, 50	3,968.00	5, 204, 50
Narragansett Pier, R. I.	4, 100, 00	8,000.00	12, 100, 00
North Head, Wash	(a)	4,000.00	4,000,00
Peoria, Ill	54.00	7,915.00	7, 969, 00
Peoria, Ill	(a)	3,000.00	3,000.00
Port Crescent, Wash	82.00	1,000.00	1,082,00
Sand Key, Fla	(a)	5, 593, 00	5, 593, 00
Sault Ste. Marie, Mich	(a) .	3,000,00	3,000.00
Southeast Farallon, Cal	(a)	5, 211, 22	5, 211, 22
Tatoosh Island, Wash	(a)	5,000.00	5,000,00
Washington, D. C	25,000.00	150,000,00	175, 000, 00
Yellowstone Park, Wyo	(a)	11,500,00	11,500.00
Yuma, Ariz	(a)	1,500.00	1,500.00
Total	47, 671. 50	350, 491. 17	398, 162, 67

<sup>&</sup>quot; Government reservation.

b Leased.

Weather Burcau buildings in course of construction, and approximate cost of each.

Location.	Cost of lot.	Cost of buildings.	Total cost.
Bentonville, Ark	\$500.00 (a)	\$5,500.00 10,000.00	\$6,000.00 10,000.00
building. North Platte. Nebr Oklahoma, Okla Springfield, Ill	1,000.00 (d)	c13,000.00 3,000.00 10,000.00 10,000.00	c 13, 000. 00 4, 000. 00 10, 000. 00 10, 000. 00
Total	1,500.00	51, 500. 00	53,000.00

Donated by University of Vermont.
 Government reservation.
 One-half cost, as building will take two years to complete.
 Donated by Epworth University.

VII. In Report of Secretary for 1906.

OBSERVATORY BUILDINGS

Five observatory buildings have been completed during the year, and one (the physical laboratory at Mount Weather, Va.) has been partially completed. The number of buildings of all classes now owned and occupied by the Weather Bureau is forty-one.

# MOUNT WEATHER RESEARCH OBSERVATORY.

MOUNT WEATHER RESEARCH OBSERVATORY.

Progress has been made in the establishment of the Mount Weather Research Observatory. A station of the first order has been maintained throughout the year for taking and telegraphing reports that are useful in making forecasts.

In the preparation for kite and balloon work, a number of important instruments have been installed and made ready for systematic work. Observations of the upper air are now being regularly taken in concert with similar aerial research institutions in foreign countries.

The interior finishings of the magnetic observatory buildings, the erection of the piers, and the installation of the magnetic instruments were completed during the year, and automatic and other records are now being continuously made.

VIII. In Report of Chief of Weather Burgay for 1996

# VIII. In Report of Chief of Weather Bureau for 1906.

VIII. In Report of Chief of Weather Bureau for 1966.

MOUNT WEATHER RESEARCH OBSERVATORY.

The meteorological work of a first-order station has been maintained throughout the year, and telegraphic reports were transmitted to the central office in Washington daily at 8 a. m. and 8 p. m.

Work on the Physical Laboratory was resumed in July and satisfactory progress was made during the summer and fall of 1905. The building will probably be completed early in 1907.

In the preparation for kite and balloon work a number of important instruments have been installed and made ready for systematic work. Among these may be mentioned: (1) The electrolyzer, for the manufacture of the hydrogen gas employed in the kite balloon and the small rubber balloons; (2) the apparatus for the manufacture of liquid air, employed in testing thermometers at very low temperatures; (3) the apparatus used in testing the barometers, thermometers, and meteorographs employed in connection with the kites and balloons. A medium-sized power kite reel was installed in the revolving kite house early in the year, and experimental kiteflying was begun in September of 1905. During the year the stock of meteorographs, of kites, and of kite wire was materially increased; the instrumental equipment now includes eight different styles of kite—balloon meteorographs, comprising English, German, and French designs, in addition to the Marvin type heretofore used in the kite work of the Bureau, and the new Fergusson pattern used at the Blue Hill Observatory.

In April, 1906, systematic cooperation was begun in connection with the work of the International Commission of Aerial Research by flying kites on prearranged term days, and this work is being regularly maintained.

The Interior finishings of the magnetic observatory buildings, the

The interior finishings of the magnetic observatory buildings, the erection of the piers, and the installation of the magnetic instruments were completed during the year.

The instruments for absolute observations, except the declinometer and some auxiliary apparatus, were received and set up before January 1, 1906. The remaining absolute instruments were received and put in place by the end of May, and routine observations were established at the end of the fiscal year.

The Eschenhagen magnetographs were set up in the basement of the absolute observatory in December, 1905, and have given a satisfactory record of the magnetic elements since that time. The Wild magnetographs were received and installed by the first of June, and were being adjusted at the close of the fiscal year.

A gas plant for heating and illuminating the magnetic observatories was put in during the winter and has given satisfactory service since then.

then. Plans were prepared for an additional office and dwelling for the director of upper-air research, and work on this building was begun July 1, 1906.

# OBSERVATORY BUILDINGS.

The Weather Bureau buildings referred to in my last report as being in course of construction at Bentonville, Ark.: Burlington, Vt.; North Platte, Nebr.; Oklahoma, Okla.; Springfield, Ill., and a physical laboratory at Mount Weather, Va., have been completed and are now occupied, with the exception of the last, which will probably be completed before July 1, 1907.

The following is a complete list of the buildings owned by the Weather Bureau, with the cost of the land and buildings in each case:

Buildings owned by the Weather Bureau.

Location.	Value of lot.	Value of buildings,	Total value.
Amarillo, Tex Atlantic City, N. J. Bentonville, Ark Bismarck, N. Dak Block Island, R. I. Burlington, Vt	(a) 570, 40 (a) 1, 100, 00	\$6,503.00 6,000.00 5,144.50 10,000.00 7,700.00 10,505.95	\$7,758.00 6,000.00 5,714.90 10,000.00 8,800.00 10,505.95

a Government reservation.

b Donated by University of Vermont.

Buildings owned by the Weather Bureau-Continued.

Location.	Value of lot.	Value of buildings.	Total value.
Cape Henry, Va Columbia, S. C. Devils Lake, N. Dak.	(a) \$3,799.00 2,300.00	\$9, 104. 25 9, 170. 00 8, 000. 00	\$9,104.25 12,969.00 10,300.00
Duluth, Minn Hatteras, N. C. Havre, Mont. Jupiter, Fla	2,100.00 125.00 1,850.00 (a)	7,900.00 4,875.00 5,700.00 6,094.95	10,000.00 5,000.00 7,550.00 6,094.95
Key West, Fla Kittyhawk, N. C Modena, Utah Mount Weather, Va.:	2,020.00 (a) (a)	7,994.75 1,616.00 4,346.00	10, 014. 75 1, 616. 00 4, 346. 00
Observatory building Power house and balloon building Absolute building Variation building	2,000.00 650.00 (a) (a)	18,000.00 8,000.00 6,500.00 8,000.00	20,000.00 8,650.00 6,500.00 8,000.00
Kite shelter Stable Barn Cottage for workmen	(a) (a) (a) (a)	3,000.00 2,000.00 900.00 1,300.00	3,000.00 2,000.00 900.00 1,300.00 300.00
Mount Washington, N. H	1, 236. 50	300.00	5, 204. 50

a Government reservation.

b Leased.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. I move that the Senate proceed to the consideration of the bill (H. R. 25483) making appropriations for the service of the Post-Office Department for the fiscal year end-

ing June 30, 1908, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Post-Offices and Post-Roads with

Mr. PENROSE. I ask that the formal reading of the bill be dispensed with, that the bill be read for the consideration of amendments, and that the committee amendments be first considered.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Without objection, it is so ordered. The Secretary will proceed to read

The Secretary proceeded to read the bill. The first amendment of the Committee on Post-Offices and Post-Roads was, under the subhead "Office of the Postmaster-General," on page 3, line 11, before the word "in," to insert "including livery hire;" so as to make the clause read:

For livery hire incurred by inspectors not covered by their per diem allowance, including livery hire in connection with the installation and inspection of rural routes, \$60,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 4, to insert:

That hereafter the Postmaster-General may from time to time designate any employee in the office of the Third Assistant Postmaster-General above the grade of a clerk of Class E to sign warrants, collection and transfer drafts in his stead, and such warrants and drafts when so signed shall be of the same validity as if signed by the Postmaster-General.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the subhead "Office of the
First Assistant Postmaster-General," on page 5, after line 6, to strike out:

strike out:

That hereafter clerks in offices of the first and second class shall be divided into seven grades, as follows: First grade, salary \$600; second grade, salary \$700; third grade, salary \$800; fourth grade, salary \$900; fifth grade, salary \$1,000; sixth grade, salary \$1,100; seventh grade, salary \$1,200. That clerks shall be promoted successively to the fourth grade in offices where the annual gross receipts shall be less than \$50,000; and to the fifth grade in offices where the annual gross receipts shall be at least \$50,000 and not in excess of \$200,000; and to the sixth grade in offices where the annual gross receipts shall be in excess of \$200,000: Provided, That the salary of clerks in second-class offices, except in localities where unusual conditions exist, shall not exceed \$1,000.

That hereafter carriers in the city delivery service shall be divided into five grades, as follows: First grade, salary \$600; second grade, salary \$800; third grade, salary \$900; fourth grade, salary \$1,000; fifth grade, salary \$1,100. That carriers shall be promoted successively to the third grade in offices where the annual gross receipts shall be less than \$50,000; and to the fourth grade in offices where the annual gross receipts shall be at least \$50,000 and not in excess of \$200,000; and to the fifth grade in offices where the annual gross receipts shall be in excess of \$200,000; Provided, That the compensation of a letter carrier shall not exceed \$1,000 in offices where the annual gross receipts are less than \$50,000; and shall not exceed \$1,000 in offices where the annual gross receipts are less than \$50,000; and shall not exceed \$1,000 in offices where the annual gross receipts are in excess of \$50,000 and not in excess of \$200,000; and shall not exceed \$1,000 in offices where the annual gross receipts are less than \$50,000; and shall not exceed \$1,000 in offices where the annual gross receipts are in excess of \$50,000 and not in excess of \$200,000; and shall not exceed \$1,000 in offices where the annual gr

receipts are in excess of \$200,000: Provided further, That letter carriers and clerks employed in cities recognized by the Post-Office Department as now having a population in excess of 75,000, where the gross receipts of said offices at the time of the passage of this act are less than \$200,000, shall be entitled to all the privileges and subject to all the requirements of this act applicable to post-offices whose gross receipts are in excess of \$200,000.

And to insert the following:

That after June 30, 1907, clerks in offices of the first and second class and carriers in the city delivery service shall be divided into six grades, as follows: First grade, salary \$600; second grade, salary \$800; third grade, salary \$900; fourth grade, salary \$1,000; fifth grade, salary \$1,100; sixth grade, salary \$1,200. Clerks and carriers at first-class offices shall be promoted successively to the fifth grade, and clerks and carriers at second-class offices shall be promoted successively to the fourth grade.

Mr. McCUMBER. I hope that amendment may be passed

I hope that amendment may be passed

over for the present.

Mr. PENROSE. Let it be passed over.

The VICE-PRESIDENT. The amendment will be passed over at the request of the Senator from North Dakota.

The next amendment was, on page 7, after line 14, to insert:

The annual gross receipts upon which the adjustment of the salaries of clerks and carriers for any fiscal year is based under the terms of this act shall be for the same period as the annual gross receipts on which the compensation of the postmaster is based.

The amendment was agreed to.

The next amendment was, on page 7, line 20, after the word "That," to strike out "hereafter" and insert "after June 30, 1907;" so as to read:

That after June 30, 1907, all promotions of both clerks and carriers shall be made at the beginning of the quarter following the expiration of a year's service in the next lower grade.

The amendment was agreed to.

The next amendment was, on page 8, line 17, after the word "That," to strike out "hereafter" and insert "after June 30, 1907;" and in line 21, after the word "grade," to insert "of salary;" so as to read:

That after June 30, 1907; any clerk shall be eligible for transfer to the service of a carrier, and any carrier shall be eligible for transfer to the service of a clerk, such transfer to be made to any grade not higher than the corresponding grade of salary, and the time which such clerk or carrier shall have served in the grade from which such transfer was made shall be counted in connection with the service to which such transfer may be made in computing the time of service necessary to entitle such employees to promotion.

The amendment was agreed to.

The next amendment was, on page 9, line 10, after the word "That," to strike out "hereafter" and insert "after June 30, 1907;" and in line 14, after the word "daily," to insert "and may serve as substitutes;" so as to read:

That after June 30, 1907, auxiliary employees may be employed, to be paid for actual service at the rate of 30 cents an hour: Provided, That such employees shall be required to work not less than two hours daily, and may serve as substitutes.

The amendment was agreed to.

The next amendment was, on page 9, line 17, after the word "That," to strike out "hereafter" and insert "after June 30, 1907;" so as to read:

That after June 30, 1907, substitutes may be employed, to be paid the rate of 30 cents an hour when serving for absent clerks and carriers

The amendment was agreed to.

The next amendment was, on page 15, after line 24, to insert: Substitutes for clerks and employees absent without pay.

The amendment was agreed to.

The next amendment was, on page 17, line 4, to increase the appropriation for allowance to third-class post-offices, to cover the cost of clerical services, from \$800,000 to \$900,000

The amendment was agreed to.

The next amendment was, on page 17, after line 16, to insert:

For the commencement of the preparation of plans for a suitable building for a post-office, to be constructed on property now owned by the United States in the city of New York, known as the Pennsylvania Raliroad site, and for the construction of the foundations for said building, \$100,000, or so much thereof as may be necessary, to be paid out of any money in the Treasury not otherwise appropriated, and not from or chargeable to the revenues of the postal service: Provided, That said plans shall be prepared and the work of constructing the foundations herein authorized shall be performed under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 18, line 20, to increase the appropriation for necessary miscellaneous and incidental items directly connected with first and second class post-offices and money-order service, etc., from \$250,000 to \$265,000.

The amendment was agreed to.

The next amendment was, on page 19, line 9, to increase the appropriation for pay of letter carriers at offices already established, including substitutes for carriers absent without pay, etc., from \$24,100,000 to \$24,450,000.

The amendment was agreed to.

The next amendment was, on page 19, line 18, after the word "dollars," to insert "and the sum of \$5,000 shall be immediately available;" so as to make the clause read:

For horse-hire allowance and the rental of vehicles, \$750,000, and the sum of \$5,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Second Assistant Postmaster-General," on page 21, line 19, to increase the appropriation for mail bags, cord fasteners, label cases, and labor and material necessary for repairing equipment, etc., from \$425,000 to \$450,000.

The amendment was agreed to.

The next amendment was, on page 23, line 11, before the word "thousand," to strike out "said forty-eight" and insert "five;" so as to make the clause read:

so as to make the clause read:

The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1907, for the transportation of mail on railroad routes carrying their whole length an average weight of mails per day of upward of 5,000 pounds by making the following changes in the present rates per mile per annum for the transportation of mail on such routes, and hereafter the rates on such routes shall be as follows: On routes carrying their whole length an average weight of mail per day of more than 5,000 pounds and less than 48,000 pounds the rate shall be 5 per cent less than the present rates on all weight carried in excess of 5,000 pounds; and on routes carrying their whole length an average weight of mail per day or more than 48,000 pounds the rate shall be 5 per cent less than the present rates on all weight carried in excess of 5,000 pounds up to 48,000 pounds, and for each additional 2,000 pounds in excess of 48,000 at the rate of \$19,24 upon all roads other than land-grant roads, and upon all land-grant roads the rate shall be \$17.10 for each 2,000 pounds carried in excess of 5,000 pounds.

The amendment was agreed to

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 24, line 21, before the word

"dollars," to strike out "one thousand eight hundred" and insert "two thousand;" in line 22, before the word "dollars,"
to strike out "one thousand eight hundred" and insert "two thousand;" in line 23, before the word "hundred," to strike out "six" and insert "eight;" and in line 25, before the word "hundred," to strike out "seven" and insert "eight;" so as to

Railway mall service: Eleven division superintendents, at \$3,000 each; eleven assistant division superintendents, at \$2,000 each; five assistant superintendents, at \$2,000 each; nineteen assistant superintendents, at \$1,800 each; 126 chief clerks, at \$1,800 each.

The amendment was agreed to.

The next amendment was, on page 27, line 1, after the word "service," to insert "during the fiscal year ending June 30, 1907, and thereafter;" so as to make the clause read:

Acting or substitute city letter carriers, rural letter carriers, post-office clerks, railway mail clerks, and other employees connected with the postal service who are temporary employees shall be paid at the usual rate for each day's service during the fiscal year ending June 30, 1907, and thereafter.

The amendment was agreed to.

Mr. PILES. I desire to call the attention of the chairman to an amendment to which I presume he will not object.

Mr. PENROSE. If the Senator will offer his amendment

after the committee amendments have been considered, I will accept it.

Mr. PILES. Very well.

The next amendment was, in the item of appropriation for transportation of foreign mails, on page 29, line 1, after the word "piers," to insert the following proviso:

And provided further. That the Postmaster-General be authorized to expend not exceeding \$5,000 for payment of indemnity for the loss of registered articles in the international mails, in accordance with the provisions of treaty stipulations.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Third Assistant Postmaster-General," on page 30, line 17, to increase the appropriation for stationery, including all money-order offices, from \$00,000 to \$105,000.

The amendment was agreed to.

The next amendment was, on page 31, line 8, after the word supplies," to strike out "freight, package, and cartage "supplies," to strike out "freight, person charges;" so as to make the clause read;

Supplies for city delivery service, including letter boxes, letter-box fasteners, package boxes, posts, furniture, satchels, straps, baskets, time cards, time-card frames, time-recorder supplies, maps, transfer designs, and stencils, \$80,000.

The amendment was agreed to.

The next amendment was, on page 32, line 3, before the word "thousand," to strike out "sixty" and insert "one hundred;" and in the same line, after the word "dollars," to strike out:

Provided. That hereafter purchases of typewriting machines shall be of that make of standard machines offered at the lowest price secured by competitive bids.

So as to make the clause read:

For the purchase or exchange of typewriting machines, envelope-opening machines, and computing machines, and for the purchase of

copying presses, numbering machines, and miscellaneous articles purchased and furnished directly to the postal service, \$100,000.

The amendment was agreed to.

The next amendment was, on page 32, line 14, to increase the appropriation for pay of letter carriers, substitutes for carriers on annual leave, and clerks in charge of substations of rural-delivery service, tolls, and ferriage, from \$32,987,409 to \$34,900,000.

The amendment was agreed to.

The next amendment was, on page 32, line 20, before the word "dollars," to strike out "eight hundred and forty" and insert "nine hundred;" so as to read:

That on and after July 1, 1907, letter carriers of the rural-delivery service shall receive a salary not exceeding \$900 per annum.

The amendment was agreed to.

The next amendment was, on page 33, line 6, before the word "dollars," to strike out "seven hundred and twenty" and insert "eight hundred and forty;" so as to make the proviso

And provided further, That in the discretion of the Postmaster-General the pay of any rural carrier on a water route who furnishes his own power boat, and is employed during the summer months, may be fixed at an amount not exceeding \$840 in any one calendar year.

The amendment was agreed to.

The next amendment was, on page 34, after line 22, to insert:

The next amendment was, on page 34, after line 22, to insert:

That section 484, Revised Statutes of the United States, be amended by adding thereto the following:

"Provided, That hereafter newspapers and periodicals may carry blank or printed return coupons as part of advertisements, or other blank space for writing concerning the subjects treated, not in excess of one-third of the superficial area occupied by the advertisement or article, without impairing their rights to the second-class rate of postage. No discrimination shall hereafter be made in the inclusion or the exclusion of any publication entered or offered for entry as second-class mail, but the rule of inclusion or exclusion shall be uniform in respect to all publications of the same class or character or relating to the same subject or matter, and all of such publications shall be either included or excluded."

The amendment was agreed to

The amendment was agreed to.

The next amendment was, on page 37, after line 9, to insert:

That all accounts of the joint commission of Congress authorized and appointed in pursuance of an act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes, shall be paid out on the audit and order of the chairman or acting chairman of said commission, which audit and order shall be conclusive and binding upon all Departments as to the correctness of the accounts of said joint commission.

The amendment was agreed to.

The reading of the bill was concluded.
The VICE-PRESIDENT. The amendment passed over, beginning on page 5, will be stated.

The SECRETARY. The amendment passed over was, on page 5, after line 6, to strike out all down to and including line 2, on page 7, and to insert, on page 7, after line 2, the paragraph from line 3 to line 14, inclusive.

Mr. McCUMBER. I have no objection to that amendment

being now agreed to without making any remarks.

Mr. CARTER. The amendment has been read.

The VICE-PRESIDENT. The amendment has been read.

The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PENROSE. I have two or three amendments of a minor character which I wish to offer on behalf of the Committee on Post-Offices and Post-Roads, altering the phraseology of the

II. I send the amendments to the desk.

The VICE-PRESIDENT. The first amendment proposed by

the Senator from Pennsylvania will be stated.

The Secretary. On page 32, line 9, after the word "supplies," it is proposed to strike out the words "freight, drayage, and cartage charges;" so as to make the clause read:

Supplies for the rural-delivery service, including collection boxes, furniture, satchels, badges, straps, map supplies, repairing satchels and furniture, repairing, erecting, and painting collection boxes in the rural-delivery service, \$85,000.

The amendment was agreed to.

Mr. PENROSE. I offer another amendment, which I send to the desk, simply altering the phraseology of the bill. The VICE-PRESIDENT. The amendment proposed by the

Senator from Pennsylvania will be stated.

The Secretary. On page 34, after line 22, it is proposed to

The VICE-PRESIDENT. As the proposed amendment is to an amendment already adopted, it will be necessary to reconsider the vote by which the original amendment was adopted. In the absence of objection, the vote by which the amendment was agreed to will be reconsidered and the amendment will be regarded as open to amendment. The amendment of the Senator from Pennsylvania [Mr. Penrose] to the amendment will be retated.

The Secretary. On page 34, in line 23, it is proposed to

strike out the following words in the amendment heretofore

That section 484, Revised Statutes of the United States, be amended by adding thereto the following:

And in lieu thereof to insert:

That section 3886, Revised Statutes of the United States, as amended by chapter 2. United States Statutes at Large, volume 25, be amended by adding thereto the following:

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BURNHAM. I offer the amendment which I send to the desk, to come in on page 33, line 6, to strike out the words inserted on the recommendation of the committee, "eight hundred and forty," and to insert "nine hundred."

The VICE-PRESIDENT. The amendment proposed by the Senator is to an amendment reported by the committee, which

has been agreed to. It will therefore be necessary to reconsider the vote by which the amendment of the committee was agreed to before the amendment of the Senator will be in

Mr. BURNHAM. Then I move to reconsider the vote by which the amendment was adopted.

The motion was agreed to.

The VICE-PRESIDENT. The committee amendment is now open to amendment, and the amendment to the amendment proposed by the Senator from New Hampshire [Mr. Burnham] will be stated.

The Secretary. On page 33, line 6, it is proposed to strike out "eight hundred" and insert "nine hundred."

Mr. PENROSE. I accept the amendment, Mr. President.

Mr. CLAY. What is the amendment, Mr. President?

Mr. PENROSE. It simply raises the compensation on a special rural carrier route in New Hampshire from \$840 to \$900

Mr. CLAY. One special route? Mr. PENROSE. There are six of them altogether in the United States.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PILES. To come in on page 26, line 12, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. On page 26, after line 12, it is proposed to insert:

That the leave of absence authorized by law to clerks in post-offices shall be construed exclusive of Sundays and holidays.

Mr. PENROSE. That amendment passed the Senate in the last post-office appropriation bill, although it did not stay in the bill in conference. I am willing to accept it for the pres-

The amendment was agreed to.

Mr. McENERY. I offer the amendment which I send to the desk, to be inserted at the proper place in the bill.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. It is proposed to insert:

That the Postmaster-General be, and he is hereby, authorized to create an additional division of the Rallway Mail Service, with head-quarters at New Orleans, La., and to assign to duty one division superintendent, in addition to those heretofore appointed, and who shall be paid a salary of \$3,000 per annum; and one additional assistant division superintendent, at \$1,800 per annum.

Mr. PENROSE. Mr. President, that amendment was brought to the convenience of the con

up in the committee, but the committee did not have time to fully investigate the merits of the proposition. I am willing to accept it for the present.

The amendment was agreed to.

Will the Senator from Pennsylvania tell me Mr. STONE. how much less the appropriation for this year is than it was last year for carrying the mails on railroads?

Mr. PENROSE. As I understand it, Mr. President, as near as an estimate can be made, the reduction made by this Congress in the compensation to railroads for the transportation of the mails is in the neighborhood of \$4,000,000.

Mr. STONE. Is that appropriation made in a lump sum, or is it made so much for each line? How is it distributed?

Mr. PENROSE. The appropriation is made in accord with

the estimates of the Post-Office Department for the fiscal year for which this appropriation was intended. Congress can not distribute the several allotments among the railroads. The Department estimates and Congress appropriates

Mr. STONE. Perhaps it is my own fault, but I am not much wiser than I was before. I have asked the question because, in the last day or two, I have had a number of telegrams and communications of one kind and another from people living along the Wabash, in Missouri particularly, expressing great fear that a reduction in that pay would very much impair their mail service.

Mr. PENROSE. Well, Mr. President, there has been a great demand for a number of years for a reduction in the compensation of the railroads. Congress for the first time in a generation has made a substantial reduction.

Mr. STONE. Perhaps such a reduction ought to be made, but will the reduction be general?

Mr. PENROSE. It is absolutely horizontal, and in proportion, to every railroad in the country.

Mr. CLAY. I do not think there will be any reduction until there is a reweighing of the mails. My recollection is that the bill provides for a reweighing, and then for a reduction ranging from 5 to 10 per cent. I have the provision before me, which reads as follows:

reads as follows:

The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1907, for the transportation of mail on railroad routes carrying their whole length an average weight of mails per day of upward of 5,000 pounds by making the following changes in the present rates per mile per annum for the transportation of mail on such routes, and hereafter the rates on such routes shall be as follows: On routes carrying their whole length an average weight of mail per day of more than 5,000 pounds and less than 48,000 pounds the rate shall be 5 per cent less than the present rates on all weight carried in excess of 5,000 pounds; and on routes carrying their whole length an average weight of mail per day of more than 48,000 pounds the rate shall be 5 per cent less than the present rates on all weight carried in excess of 5,000 pounds up to 48,000 pounds, and for each additional 2,000 pounds in excess of 48,000 pounds at the rate of \$19.24 upon all roads other than landgrant roads, and upon all land-grant roads the rate shall be \$17.10 for each 2,000 pounds carried in excess of 5,000 pounds.

Mr McCREARY. From what page is the Senator reading?

Mr. McCREARY. From what page is the Senator reading? Mr. CLAY. Page 22. I thought that the reduction was 5 per cent from 5,000 to 40,000 pounds, and 10 per cent from 40,000 to 80,000 pounds.

Mr. CARTER. The reduction is 5 per cent from 5,000 pounds to 48,000 pounds, and 10 per cent reduction on all over 48,000 pounds. It will be observed, if the tonnage basis is invoked, that after 48,000 pounds the tonnage payment is reduced the equivalent of 10 per cent.

Mr. STONE. What is about the average reduction?

Mr. CARTER. The average reduction is difficult to figure out at this time. There is no reduction under 5,000 pounds daily carried over a given mile. Between 5,000 pounds and 48,000 pounds the reduction is 5 per cent of the present railway pay. All over 48,000 pounds is computed upon a basis of tonnage. The present rate is twenty-one dollars and some cents per ton per mile; the rate allowed by the bill is \$19 per ton, instead of \$21.35; and on the land-grant railroads it is fixed by the bill at seventeen dollars and some odd cents per mile.

Mr. CLAY. I will ask the Senator if he has made any calculation as to about what the reduction will be?

Mr. CARTER. The reduction, according to the Second Assistant Postmaster-General, on the railway mail pay and railway post-office cars will run between four and five million dol-lars. There is some reduction, it will be perceived, on the railway post-office cars, which added to the reduction made on the tonnage percentage basis here employed, will aggregate \$4,000,-000, and perchance more than that on the increased tonnage of the coming year.

Mr. McCREARY. May I ask the Senator a question? If the reduction is four millions, it would mean four millions less than the amount paid last year, would it not?

Mr. CARTER. The aggregate amount will probably be more than was paid out last year; but, if we made the payments upon the basis of last year, we would be paying out \$4,000,000 for the current or coming year's service in excess of what we will pay under this bill.

Why was it necessary to make the change? Mr. McCREARY. Mr. CARTER. Mr. President, the question of a change in the rates came up in the consideration of the charges for secondclass mail matter. The subject of the charge to the publisher and the price we paid for the service seemed so correlated that the one subject could not be very thoroughly considered without giving some consideration to the other.

The Commission, which made the recommendation upon which this reduction is based, carefully considered the testimony taken and the deductions drawn therefrom by what was known as the "Wolcott Commission," which investigated this question of railway-mail pay some years ago. In the first place, the Commission, or some members of it, thought a much greater reduction could be made than that which was finally determined upon. The reduction here recommended is clearly within the limits which Professor Adams—recognized as a very careful and accurate statistician-concluded would be entirely equitable and the reduction is made upon the theory that by virtue of the vast increase of the business of the railronds in carrying the mails, they will be as adequately compensated, with this reduction considered, as they were when in 1873 the present basis was determined upon. The basis was somewhat changed in 1876 and 1877.

At the time the present basis of payment was prescribed by law, the maximum tonnage per mile per year over any given road was about 16 tons. At the present time one road carries over 244 tons per mile per year over a given piece of track. The Commission concluded that some reduction ought to be made in view of the economy necessarily involved in the increase of tonnage; but in the consideration of the matter we found other factors of great importance.

The startling fact was disclosed that the average weight of the mail carried in a railway postal car is only about 2 tons, whereas from 20 to 30 tons of dead matter is carried along with the 2 or 2½ tons of mail. It is believed, however, that this reduction, notwithstanding that low tonnage, can be tolerated by the roads because of the possibility of using upon the main trunk lines storage cars to a greater extent than heretofore, so as to increase the amount of tons carried upon a given If the tonnage could be increased to 6 tons per car, the roads could carry the mail at even a lower rate than this bill contemplates; but under the present arrangement it is found difficult for the Post-Office Department to adequately load cars.

Mr. LA FOLLETTE. I offer the amendment which I send to the desk, to come in at the end of line 17, page 24.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. On page 24, line 17, after the word "dol-

lars," it is proposed to insert:

Provided, That no part of this appropriation shall be available after January 1, 1908, for any postal car that has not been equipped for electric lighting, and which shall not thereafter be lighted with electric light.

Mr. PENROSE. I shall have to raise the point of order that that is amenable to the rule, it being legislation not having been considered by a committee.

The VICE-PRESIDENT.

The VICE-PRESIDENT. What is the point of order?
Mr. PENROSE. The point of order is that the amendment contains general legislation and is open to objection under the

Mr. LA FOLLETTE. Mr. President, I do not believe that the proposed amendment will be found to be obnoxious to the rule upon a careful reading. It is simply a qualification or limitation of the appropriation.

Mr. PENROSE. Mr. President, the amendment is in the nature of general legislation, it has not been estimated for, and has not been considered by any standing or select committee of the Senate.

Mr. LA FOLLETTE. It does not require any estimate or

any appropriation to meet it.

Mr. CARTER. Mr. President, I assume that the nature of the amendment shows how obnoxious it clearly is to the rule. The amendment provides, in short, that unless a given car is supplied after a specified date with electric lights it shall not be used to carry the mails, unless it becomes a gratuity.

I have no doubt of the desirability of requiring that all the railway post-office cars shall be provided with electrical appliances; but it is not clear that the appliances are used so generally upon the roads, or are likely to be used so generally upon the roads, as to make this a workable provision.

The Senator might suggest that, of course, on each car an installation could be be made, but the railroads are not compelled to carry the mails. They carry the mails under contract, and we might by virtue of an amendment of this kind drive the railway post-office cars off a certain line of railway, thus crippling the service in a given direction, and doing it very thoughtlessly. If it is possible to effectively require the lighting of cars with electricity, I understand that great bene-fit would follow in diminishing the chance of fire or destruction of the mails in case of disaster upon the line of road, and it would be infinitely better and more secure for the postal employees; but it is impracticable to tell here upon the floor whether the amendment fixing an arbitrary date upon which all cars not lighted by electricity shall cease to be used will not seriously cripple the service.

Hence it is, Mr. President, we see the wisdom of the rule which requires that matters shall be first considered by either a standing or select committee of this body. About the first thing a standing committee of the Senate would have done in connection with this amendment would have been to refer it to the proper officer of the Post-Office Department for the purpose of ascertaining whether conditions were such that the adoption of the amendment would seriously cripple the service, because, after all, the effectiveness and continuity of the service

are matters of very clear and prime importance.

Mr. SPOONER. Has the amendment been referred to a com-

mittee?

Mr. CARTER. It never has been referred to any committee and never has been considered by a committee, nor referred to any Department, nor is there any report upon it of any kind.

Mr. CARTER subsequently said: I rise to a question of per-

sonal privilege

The VICE-PRESIDENT. The Senator from Montana.

Mr. CARTER. Mr. President, during the debate on the post-office appropriation bill I stated that the amendment presented by the Senator from Wisconsin [Mr. La Follette], relating to the lighting of post-office cars by electricity, had not been sub-mitted to any committee, nor had it been reported upon by any Department of the Government. Since that statement was made I find that Senate resolution No. 79, embodying the proposition presented by the Senator from Wisconsin, was actually referred to the Post-Office Department, and upon that reference a report from the Postmaster-General was obtained.

I ask that the report of the Postmaster-General be incorporated in the RECORD, to the end that the statement made by me may be corrected and the views of the Post-Office Department

set forth on that subject.

The VICE-PRESIDENT. Without objection, permission is granted.

The report is as follows:

OFFICE OF THE POSTMASTER-GENERAL, Washington, D. C., January 2, 1907.

Hon. Boies Penrose, BOIES L'ENROSE, Chairman Committee on Post-Offices and Post Roads, United States Senate.

Chairman Committee on Post-Offices and Post Roads,

Sir: I have the honor to acknowledge receipt of your letter of the 14th ultimo, inclosing copy of S. R. No. 79, which authorizes and directs the Postmaster-General to require railroad companies carrying the United States mails, within one year from date of the approval of the resolution and thereafter, to furnish electrically lighted cars for the transportation of the United States mails, and in which railway postal clerks are employed and carried.

In reply to your request for my opinion regarding its merits, I have to say that while a great many of the railroads are experimenting with electricity as a method of lighting their best passenger cars, and the Department not only claims the authority under existing law to require the very best lighting for its mail cars in which clerks are employed, but will continue to exercise that authority to the extent of requiring post-office cars built in every particular according to specifications furnished by the Department to be lighted by electricity whenever it proves a reliable light, it must nevertheless be said that the lighting of passenger and mail cars by electricity has not reached that stage of perfection which makes it an adequate light under all conditions.

The mandatory requirement to furnish only electricity would be impracticable in the case of many railroads and unsatisfactory to the service in the case of many other roads.

The strongest and steadlest light that can be obtained is demanded for postal cars. Night work would be performer at great risk to the eye, and at the further risk of retarding the separation of mails, if no better light could be produced than that now furnished to passenger cars by some of the electric-light systems. The Department has for several years endeavored to follow closely all experimental tests of electric lighting for cars, with a view to requiring that form of lighting whenever and wherever it proves entirely satisfactory.

The Department realizes fully the exceptional

Mr. CULBERSON. I ask that the amendment may again be

The VICE-PRESIDENT. The Secretary will again state the amendment.

The Secretary read as follows:

Provided, That no part of this appropriation shall be available after January 1, 1908, for any postal car that has not been equipped for electric lighting, and which shall not thereafter be lighted with electric light.

Mr. LA FOLLETTE. Mr. President, it will be observed from a reading of the amendment that the Senator from Montana is mistaken about it. The amendment does not prohibit the use of any car not equipped for electric lighting. It simply withholds the appropriation from such cars as do not, after a stated time, use electricity for lighting purposes

Mr. CARTER. I will say to the Senator that I was not mistaken in that. I said that the amendment would, in effect, pro-

hibit the use of such cars unless they were gratuitously used.

Mr. LA FOLLETTE. It is not at all possible that the railroad companies would relinquish their fat pay for carrying the mail because they were required to equip their cars with elec-That they are enormously overpaid is well understood by everyone who has given any study whatever to this subject. It is true that the bill offered by the committee makes a small reduction in the extravagant pay which the railroads receive for carrying the mails. But the proposed cut is very small, indeed. There is no danger, Mr. President, that any company will take any of their cars out of service because required to incur the small expense incident to providing electric light for

each mail car as required by the amendment which I have offered.

This amendment, sir, is a proposition that is not new. It has been considered by the committees which have had charge of this subject from time to time. At least I am certain that propositions of this sort have been introduced and referred to such committees. I know that a joint resolution was offered by myself early in the session and referred to the Committee on Post-Offices and Post-Roads. I know that the Committee on Post-Offices and Post-Roads of another coordinate branch of the legislative department has had under consideration a like

There is not a line of road in the United States where a month goes by that mail is not burned and sometimes life sacrificed because the cars are lighted with oil or some other like material rather than electricity.

The men in this service are hard worked and poorly paid. They are in positions of the greatest peril. The mail car is in the place of special danger in every train. This service, which must be very hazardous at best, is entitled to have every reasonable thing done for it which will in any degree reduce that hazard. The railway mail clerks ought not to have added to the chance of wrecking the awful peril of fire, which is almost certain to follow a wreck where the mail cars are lighted with oil lamps.

Mr. President, I am confident that the amendment is not subject to a point of order.

Mr. PENROSE. I confess that this appropriation bill reached the Committee on Post-Offices and Post-Roads so late in the session that it was impossible to consider all the propositions before the committee. This was among those that the committee did not have time to sufficiently look into.

I withdraw my point of order and accept the amendment for the time being, and to give me an opportunity of conferring with the Department and ascertaining the practicability of carrying out this very excellent project within the time required by the amendment of the Senator from Wisconsin.

Mr. CLAY. Mr. President, I take it for granted that when the chairman of the committee accepts the amendment it will be the duty of the conferees on the part of the Senate to insist in a reasonable way that it shall remain in the bill and become the law.

Mr. LA FOLLETTE. I can not doubt that good faith will be observed.

Mr. CLAY. Would it not be better to provide a longer time, giving the roads more time in which to equip the cars with electric lighting appliances? Can they do it within twelve months?

I doubt very materially if in twelve months it can be ac-Would it not be better to give a longer period complished. of time, say, two years, or even three years, for the purpose of completing it? I doubt very much whether all the roads carrying the mails can equip their cars in that length of time. The Senator may have investigated the subject and knows more than I do in regard to it. We ought to give at least a reasonable length of time, and I doubt if it can be done in twelve

Mr. LA FOLLETTE. I agree with the Senator from Georgia that ample time should be given the railroad companies to equip their mail cars with electrical appliances and light them within a year. I believe that this can readily be done from such investigations as I have made, such expert knowledge as I have been able to get upon the subject. But if the Senator has information to the contrary and wishes to offer an amendment or suggestion respecting that, I shall be ready to con-

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

The amendment was agreed to. Mr. CLAY. Mr. President, a bill carrying \$210,000,000 ought to be considered by the Committee on Post-Offices and Post-Roads more than one day before it is reported to the Senate. The Senate Committee on Post-Offices and Post-Roads had this bill only one day, and had but about six hours to devote to it. It was not our fault. This bill ought to have been considered for a week or ten days by the Committee on Post-Offices and Post-Roads. It reached the Senate only two or three days ago. Consequently the committee has not had the time necessary to carefully consider a measure carrying \$210,000,000. It demonstrates that an appropriation bill of this magnitude ought to reach the Senate at least more than two or three or four days before the time for adjournment.

This measure was considered for a few hours. We could not help it. We did not have the time to devote to it, and the public

interest demands that a measure of this kind shall be considered more than a few hours.

Mr. CULBERSON. Mr. President, it is not improper, I think, to add to what the Senator from Georgia has said that the report of the committee in favor of the bill has not yet been submitted to the Senate, or at least has not yet been printed, so that it can be examined.

Mr. PENROSE. As long as I have been on this committeenearly ten years-I have never known of a written report to accompany the bill.

As far as I am concerned as chairman of the Committee on Post-Offices and Post-Roads, the matter has not been hastily I have been for months in touch with the hearings considered. in the House and later on with the progress of the debate upon the bill in the House of Representatives. Few important alterations have been made by the Senate Committee on Post-Offices and Post-Roads. I think the hundred thousand dollars for the site of the post-office in New York City, a unique proposition, in respect to which the committee was unanimous, a slight alteration in the schedule of increases relative to clerks and carriers, strongly recommended by the Department and already acted upon by the Senate when it passed the Crane bill, are about the only substantial alterations in the bill from the form in which it passed the House of Representatives. While the time has been short, and I regret that many of the appropriation bills, notably the river and harbor bill, came over so late to this body that it could not be considered in all the details that were perhaps desirable, I do not think that the very few alterations made in this bill would have required any extended deliberation by the Senate Committee on Post-Offices and Post-Roads.

The railroad pay has been cut down from an estimate of \$47,660,000 to \$44,660,000, a very slight increase over last year, owing to the enormous growth of the service and a practical reduction after an agitation of many years.

It is true, Mr. President, that only a very few Mr. CLAY. changes have been made in this bill. It is true, however, that the Senate committee has not had the time to consider the items passed by the House. I do not question what the chairman said, that he has given attention to this bill as it progressed in the House, but I simply desired to call the attention of the Senate to the fact that the House has passed this bill only a few days before we are to adjourn, and that the members of the Senate committee has not had the time to consider the items that had passed the House.

Mr. PENROSE. I take a little pride, as chairman of the committee, in stating that there is not a personal claim or a provision of an individual character in this bill, such as frequently encumber appropriation bills. Every paragraph in it relates to current expenses in a great business Department of the Government. I do not recall a single item of appropriation in this bill that is above the estimate of the Department, and in a great majority of the cases there is a considerable reduction below the estimates of the Department. Whether anything would have been gained by spending several weeks in a tedious consideration of propositions purely routine in character, speaking for themselves upon the simplest inspection of the reports of the Department, I do not know.

Mr. FORAKER. I should like to ask the Senator in charge of the bill what provision there is, if any, in the bill for the

pneumatic-tube service?

Mr. PENROSE. The provisions concerning pneumatic-tube service are to defray the expenses of contracts already in existence and in course of execution.

Mr. FORAKER. Where can I find that provision? I do

Mr. FORAKER. Where can I find that provision? I do not find it at all. I beg the Senator's pardon, but I have been necessarily absent from the Chamber on other duty, and I am not familiar with the bill.

Mr. PENROSE. The Senate committee made no alteration in the House provision, which is found on page 21, line 11:

For the transmission of mail by pneumatic tube or other similar devices, \$1,250,000.

Mr. FORAKER. I offer an amendment to the bill, to be in-

serted at the end of line 13, page 21.

The VICE-PRESIDENT. The Senator from Ohio offers an amendment, which will be stated.

The Secretary. After the word "dollars," on page 21, line 13, strike out the period and insert a semicolon and the following words:

And the Postmaster-General is hereby authorized to enter into contracts not exceeding in the aggregate \$1,388,759 under the provisions of the law for a period not exceeding ten years: Provided, That said service shall not be extended in any cities other than those in which the service is now under contract under authority of Congress, except the borough of Brooklyn, the city of New York, and the cities of Baltimore, Md.; Cincinnati, Ohio; Kansas City, Mo.; Pittsburg, Pa., and San Francisco, Cal.

Mr. FORAKER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Ohio?

Mr. PENROSE. I was going to say to the Senator that I will accept his amendment.

Mr. FORAKER. That is entirely satisfactoy.

Mr. CLAY. I think we ought to have a vote on the amend-

Mr. CULBERSON. Is the amendment in order?

Mr. CLAY. I make the point of order that it is not in order, that it proposes general legislation. I think the Senator will find, if he will examine the report of the Postmaster-General, that he has said in his report to Congress that no bids have been received for this work, and he has made no recommendations

Mr. LODGE. On the point of order I think there can be no doubt that the amendment is in order because it is simply a repetition of existing law.

Mr. FORAKER. In exact language.

Mr. LODGE. In exact language.

Mr. FORAKER. If the Postmaster-General has received no

bids and made no contracts, it is not our fault.

Mr. PENROSE. I ought to state that this matter was not very strongly pressed before the committee, and the committee was informed that the Post-Office Department had not been able to secure any bids in the cities referred to in the amendment, and that this paragraph, which was in the last appropriation act, had not been taken advantage of in those cities. The suffering does not appear to be acute in those communities, or there would doubtless have been a greater uprising in favor of

Mr. FORAKER. There is a good deal of uprising in these cities in favor of the amendment, but the gentlemen who seem to have a monopoly of putting in pneumatic-tube service do not seem to be ready yet to proceed at Cincinnati and these other cities; and if we can invest the Post-Office authorities with power to proceed in the matter if these gentlemen do not want to do it we will find somebody who will put in pneumatic-tube

Mr. CLAY. I wish to call the Senator's attention to the fact that the Postmaster-General says he has been unable to receive any bids for this work, and he recommends that the Government put in the tubes and perform the work. The Postmaster-General deals with the question at length in his report, and contends that the Government ought to do the work, and intimates that it will be impossible to have it done otherwise.

Mr. FORAKER. That may prove to be the case, but I should like the Postmaster-General to be authorized again, as he was by the last legislation on the subject, and we can meet the proposition suggested by him later if that be necessary. If there is nobody willing to come forward and do the work, we will then probably ask the Government to do the work, but we want this pneumatic-tube service.

The VICE-PRESIDENT. Does the Senator from Georgia in-

sist upon his point of order?

Mr. CLAY. I desire to read what the Postmaster-General says about the merits of this proposition:

Preumatic-tube mail service has heretofore been in operation in the cities of Boston, New York, Philadelphia, Chicago, and St. Louis. The contracts in effect June 30, 1906, contemplated approximately 51 miles of double lines of tubes to be placed in operation, but on that date only about 28 miles of tube lines were in actual operation, at an annual rate of expenditure of \$445,563.84.

The appropriation act for the current year authorized the extension of this class of service to the borough of Brooklyn and the cities of Baltimore, Cincinnati, Kansas City, Pittsburg, and San Francisco, and provided also that contracts could be made for a period not exceeding ten years (instead of four, as heretofore) and for an amount aggregating an annual rate of \$1,250,000. On July 27, 1906, an advertisement was issued inviting proposals for the performance of this class of service in the cities where it has heretofore been performed, with some extensions, and also in the additional cities named. Proposals were received for service in Boston, Brooklyn, New York, Philadelphia, Chicago, and St. Louis. The aggregate of the bids received for these cities was greater than could be allowed, having in mind the service contemplated for those cities for which no bids were received and the limitation as to expenditure fixed by the appropriation act. Conferences were therefore had with the bidders, resulting in some reduction in the amounts of the proposals, and contracts were finally awarded for service as follows.

Now he goes on to say:

In my report of last year reference was made to the inauguration of pneumatic-tube service in 1893 and the subsequent extensions thereof; also to the work of an expert commission composed of business men and civil engineers of national reputation, appointed in 1900 by authority of Congress, which commission reached the conclusion that ultimately governmental control of pneumatic-tube systems for transmitting the mails would be found essential to a satisfactory administration, and I stated reasons which led me to make the recommendations that legislative authority be granted to make contracts for ten-year terms and that there be inserted in every future contract an option of purchase by the Government.

I do not care to consume the time of the Senate in further reading from the report, but you will find that the Postmaster-General is of opinion that the parties who desire the contract with the Government for the purpose of performing this work want at the hands of the Government an extravagant price. They are trying to hold up the Government, and the Postmaster-General has recommended that hereafter the Government undertake to perform this work. These new companies declined to bid in accordance with the terms fixed by the Government, and the Postmaster-General could not receive any bids for the work at the price fixed by the Government, which, in my opinion, was an extravagant price. And what was the result? These companies thought they could come to Congress and secure more money for this work, and the Postmaster-General undertook to meet them and to say, "If you do not accept the price fixed by Congress, the Government will undertake to do this service itself."

I do not hesitate to say that in my opinion we are paying more for the service than we ought to pay, and that under no circumstances ought Congress to increase the amount per mile. The Postmaster-General clearly intended to convey the idea that he desired the Congress to say that the Government should undertake the service. Probably he thought it would bring these parties to reasonable contracts.

Mr. President, if the companies have failed to comply with the law and send in bids which the Government could accept under the previous acts of Congress and we come forward again and appropriate, it is an encouragement to those parties to receive at the hands of the Government extraordinary prices for this work. I do not believe that the amendment ought to be adopted.

Mr. SPOONER. Does the Senator mean to say that the Postmaster-General intimates that the companies are trying to hold

up the Government?

Mr. CLAY. I can not go that far. He does not say that in exact language. But the Postmaster-General had a commission examine the cost of this work, and he recommended that Congress allow so much money per mile. I believe it was \$17,000 a mile. At the last session of Congress we appropriated so much money and provided for the extension of the service in the cities named. The Government advertised for bids, and no bids were received, and then the Postmaster-General comes back and recommends that the Government take under consideration the question of doing the work itself.

Mr. SPOONER. Will the Senator allow me to inquire of

him, as I am quite unfamiliar with the subject Mr. CLAY. Certainly.

order.

Mr. SPOONER. Are these pneumatic tubes protected by patents?

Mr. CLAY. I think some of them are and some are not, probably.

Mr. SPOONER. Might it not be a wise thing to put it in the alternative and allow the Postmaster-General to make contracts with these companies, or if he can not do it at a reasonable price, if the field is open that the Government should put

Mr. CLAY. That would be preferable beyond any question. Mr. FORAKER. I would have no objection to that, except only I would rather have the amendment stand in the form in which it is, because in this form it is not subject to a point of

It is a copy of the existing law? Mr. KEAN.

Mr. FORAKER. It is a copy of the existing law. If the Postmaster-General can not get bids we simply do not get our pneumatic service, and next year we will have to try again.

Mr. PENROSE. This identical provision was in the last bill. Mr. SPOONER. And it has been unproductive of results?

Mr. PENROSE. Unproductive of results.

Mr. SPOONER. Will it not go on being unproductive of results?

Mr. PENROSE. The committee did not desire to go on with unproductive results; but the Senator from Ohio desires to make another trial.

Mr. FORAKER. I did not want to try to incorporate in the bill an entirely new provision which might be subject to a point of order. Learning of the trouble only quite recently, having time to do nothing else really than what I have done, I thought would like to have the same provision repeated in the hope that the Postmaster-General may be successful in getting bids and starting this work. If at the end of the year nothing has been done, we certainly will try in some other way to get the benefit of this service.

Mr. SPOONER. I hardly think it would be subject to a point of order. We had some experience in regard to armor plate. The Government could not get bids at a reasonable price, and we provided in connection with an appropriation for armor

plate, if acceptable bids were not made, for the construction of an armor-plate plant, and we received bids which were ac-ceptable. I would a great deal rather that private interests should do this business than have the Government undertake to

Mr. FORAKER. I do not know who does this business; I do not know anything about the people who are to put in the pneumatic-tube service; I never heard their names mentioned, but I have no objection to that kind of a provision being incorporated if the Senate will accept it. I only want to escape the dangers of a point of order; that is all.

Mr. SPOONER. I should think, if the proper sum was appropriated and there was connected with it the power in the Government itself to provide these facilities if they could not

be procured otherwise, it would bring about the desired result, Mr. FORAKER. We would have to appropriate a sum that is

not estimated for if we were to make two propositions.

Mr. SPOONER. It would be out of order, I suppose. Mr. FORAKER. I think it had better go this time I think it had better go this time as it is, and we shall do the best we can with it, and next year we will try to get it in a shape where it will work, if it does not work

Mr. CLAY. Mr. President, I am very much against this amendment, but after looking at the law providing for these contracts I am not prepared to say that the point of order could be sustained. I believe that the amendment ought to be defeated, to say the least of it. The amendment has never been referred to the Committee on Post-Offices and Post-Roads. We have never had a minute to look into it. We might have called before us the Postmaster-General and asked him some questions relating to it if it had been referred to us.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia

Does the Senator from Georgia yield to the Senator from Ohio?

Mr. CLAY. Certainly.
Mr. FORAKER. It is my recollection that the Senate very carefully considered this matter a year ago; and it is my recollection that the Senator from Georgia aided us in arriving at a conclusion that was agreed to, as it was finally adopted.

Mr. CLAY. I think the Senator from Ohio is mistaken.

Mr. FORAKER. That is my recollection. I think the Senator at first was opposed to it, but finally agreed to the amendment in the form in which it was adopted and became a law.

All I ask is that we may repeat in this law what was placed in the law last year, but without any results.

Mr. CLAY. I will say to the Senator that we have allowed the Post-Office Department the exact dollars that the Department asked-

Mr. FORAKER. Mr. President-

Mr. FORAKER. Mr. Fresident—
Mr. CLAY. On moment. We allowed the Post-Office Department every dollar that the Department asked for the purpose of putting in these tubes in the cities named. We allowed the Department \$17,000 per mile; and the Department reports back that private parties will not do it for that amount and that that is a reasonable sum for such work.

Mr. FORAKER. Right there, what I wish to ask the Senator

is, if it can not be done, what harm is done?

Mr. WARNER. You do not increase the appropriation? Mr. FORAKER. We do not increase the appropriation We do not increase the appropriation. do not cost anybody anything. It simply gives us an oppor-tunity to get during the coming year possibly what we thought we were securing last year.

Mr. CLAY. I have great doubts, I will say to the Senator, whether the pneumatic-tube service has been satisfactory in any instance. In fact I do not believe, from the report of the Postmaster-General, it has been satisfactory. To a large extent it has been a failure, and I judge, from reading the report of the Postmaster-General, that the time is not far distant when the entire service will be done away with. If you take the report of the Postmaster-General and read it, you will find that even in those cities that have the service it has not been satisfactory to the Government, and there has been no pressure upon the part of the Postmaster-General during the present session of Congress to insist upon a further extension of the service.

I do not desire to take up the time of the Senate further. Mr. CULBERSON. Mr. President, I do not rise to this par-

ticular amendment, but merely to say, in addition to what the Senator from Georgia [Mr. Clay] said and what I said a moment ago about the lack of time for considering the bill, that the report of the committee in its favor has not yet been printed so that Senators can examine it.

In saying that there was no purpose on my part, of course, to criticise the chairman of the Committee on Post-Offices and Post-Roads, or the committee of which I happen to be a member,

but solely to emphasize a condition in the Senate which ought not to exist and for which the Senate itself is not responsible. The chairman of the committee [Mr. Penrose], however, suggested that it was not customary and it had not been the practice to make written reports to accompany this bill in the Senate. Not being able to attend the meeting of the committee for the few hours it considered the bill on account of another official engagement, I endeavored this morning to secure the report in its favor, to examine it with the limited time remaining for its consideration. I noticed on the Calendar of the Senate, on page 35, that there had been a report made in favor of the bill by the chairman of the committee, the report being numbered 7276. I have sent twice to-day to the document room for a copy of this report, and each time I have been informed that the report has not yet been received from the Public Printer. I take it from this publication in the Calendar that the report, in fact, has been made and that it has not yet been received from the Public Printer to be examined by the Senate. It is a matter, Mr. President, essential, it is true, to a consideration here, but I want it understood that I was not speaking idly when I said the report had been prepared and there had not yet been time for its printing and submission to the Senate.

The VICE-PRESIDENT. Does the Senator from Georgia insist upon his point of order?

Mr. CLAY. I do not.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio [Mr. FORAKER]. The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. On page 22, line 13, after the word "dollars," insert:

Provided, That no part of this sum shall be expended in payment for transportation of the mails by railroad routes where the average weight of mails per day has been computed by the use of a divisor less than the whole number of days such mails have been weighed.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AGRICULTURAL BANK IN THE PHILIPPINE ISLANDS.

Mr. LODGE. I move that the Senate proceed to the consideration of the bill (S. 6249) to provide for the establishment of an agricultural bank in the Philippine Islands.

The motion was agreed to; and the Senate, as in Committee

of the Whole, resumed its consideration.

The VICE-PRESIDENT. The bill has been heretofore read and the amendments of the Committee on the Philippines agreed to. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. McCerary]. The Senator from Massachusetts [Mr. Lorge] has moved to lay the amendment upon the table, and the question is upon that mo-

Mr. McCREARY. As that amendment is the same as a bill which has passed the House, I think we should have a quorum

present. I make the point that no quorum is present.

The VICE-PRESIDENT. The Senator from Kentucky suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allee	Dick	Lodge	Proctor
Ankeny	Elkins	Long	Rayner
	Flint		
Bacon		McCreary	Scott
Berry	Foraker	McCumber	Simmons
Blackburn	Frazier	McEnery	Smith
Bulkeley	Frye	Mallory	Smoot
Burnham	Fulton	Millard	Spooner
Burrows	Gamble	Nelson	Stone
Carter	Hansbrough	Newlands	Taliaferro
Clark, Wyo.	Heyburn	Nixon	Warner
Clay	Kean	Overman	Warren
Crane	Kittredge	Penrose	Whyte
Culberson	Knox	Perkins	
Curtis	La Follette	Pettus	
Depew	Latimer	Piles	

The VICE-PRESIDENT. Fifty-seven Senators have answered to their names. A quorum being present, the question is on the motion of the Senator from Massachusetts to lay on the table the amendment of the Senator from Kentucky.

Mr. McCREARY. I ask that the amendment be read.

The VICE-PRESIDENT. The amendment will be read at the request of the Senator from Kentucky.

The Secretary. It is proposed to add at the end of the bill the following:

SEC. 4. That on and after the passage of this act there shall be levied, collected, and paid upon all articles coming into the United

States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries: Provided, That all articles wholly the growth and product of the Philippine Islands coming into the United States from the Philippine Islands shall hereafter be admitted free of duty, except sugar, tobacco, and rice, manufactured and unmanufactured, upon which there shall be levied, collected, and paid only 25 per cent of the rates of duty aforesaid: Provided further, That the rates of duty which are required hereby to be levied, collected, and paid upon products of the Philippine Islands coming into the United States shall be less any duty or taxes levied, collected, and paid thereon upon the shipment thereof from the Philippine Islands, as provided by law, under such rules and regulations as the Secretary of the Treasury may prescribe; but all articles wholly the growth and product of the Philippine Islands admitted into the ports of the United States free of duty under the provisions of this act, and coming directly from said islands to the United States for use and consumption therein, shall be hereafter exempt from any export duties imposed in the Philippine Islands; Provided, however, That in consideration of the rates of duty aforesaid, sugar and tobacco, both manufactured and unmanufactured wholly the growth and produce of the United States free of duty; Provided Author, That on and after the 11th day of April, 1909, all articles and merchandles going from the United States into the Philippine Islands, shall be admitted free of duty; Provided further, That on and after the 11th day of April, 1909, all articles and merchandles going from the United States into the Philippine Islands, shall be admitted free of duty; Provided further, That in addition to said duty when levied, and in case said articles are admitted into the United States free of further, the paid upon articles of merchandise of Philippine Islands manufacture coming into the United Sta

States.

Sec. 5. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported from the Philippine Islands, for which no entry has been made, and all goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by law prior to the passage of this act, and to no other duty, upon the entry or the withdrawal thereof: Provided, That when duties are based upon the weight of merchandise deposited in any public or private bonded warehouse said duties shall be levied and collected upon the weight of such merchandise at the time of its entry.

The VICE-PRESIDENT. The question is on agreeing to the

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Massachusetts to lay on the table the amendment proposed by the Senator from Kentucky.

Mr. McCREARY. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HANSBROUGH (when his name was called). I have a pair with the senior Senator from Virginia [Mr. Daniel]. I transfer that pair to the Senator from Rhode Island [Mr. ALDRICH], and vote. I vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. Foster]. I will transfer that pair to the junior Senator from Delaware [Mr. Du Pont], and vote. I vote "yea."

Mr. SIMMONS (when his name was called). I have a gen-

eral pair with the junior Senator from Minnesota [Mr. Clapp].
Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. Carmack], who is absent. I transfer that pair to the Senator from New York [Mr. Platt], and vote. I vote "yea."

Mr. TILLMAN (when his name was called). I have a general pair with the junior Senator from Vermont [Mr. DILLING-HAM]. As that Senator is absent, I shall have to withhold my

Mr. WARREN (when his name was called). I will ask if

the Senator from Mississippi [Mr. Money] has voted?
The VICE-PRESIDENT. He has not voted.
Mr. WARREN. I wish to announce that I have a general pair with that Senator, and I withhold my vote.
The roll call was concluded.

Mr. CULLOM. I have a general pair with the junior Senator from Virginia [Mr. Martin]. I transfer that pair to the junior

Senator from New Jersey [Mr. DRYDEN], and vote. I vote yea.'

I wish to announce that the Senator from Iowa Mr. HALE. [Mr. Allison] is paired with the Senator from Alabama [Mr.

Mr. SCOTT. I wish to announce that my colleague [Mr. Elkins] is paired with the Senator from Texas [Mr. Bailey].

Mr. KITTREDGE. I have a general pair with the junior Senator from Colorado [Mr. Patterson]. I suggest to the senior Senator from South Carolina [Mr. TILLMAN] to transfer his pair with the junior Senator from Vermont [Mr. DILLING-HAM] to the Senator from Colorado [Mr. PATTERSON], so that we may both vote.

Mr. TILLMAN. That is entirely agreeable.

Mr. KITTREDGE. As the Senator from Vermont [Mr. DIL-LINGHAM] and the Senator from Colorado [Mr. PATTERSON] will stand paired on this question, I vote "yea."

Mr. TILLMAN. I vote "nay."

The result was announced—yeas 47, nays 11, as follows: YEAS-47.

Allee Ankeny Bulkeley Burkett Burnham Burrows Carter Clark, Wyo.	Dick Flint Foraker Frye Fulton Gallinger Gamble Hale	Knox La Follette Lodge Long McCumber McEnery Mallory Millard	Perkins Piles Proctor Scott Smith Smoot Spooner Stone
Crane Cullom Curtis Depew	Hansbrough Heyburn Kean Kittredge	Newlands Nixon Overman Penrose	Sutherland Warner Wetmore
	NA.	XYS-11.	
Bacon Berry Blackburn	Frazier Latimer McCreary	McLaurin Pettus Rayner	Tillman Whyte
100000	NOT V	OTING-32.	
Aldrich Allison Bailey Beveridge Brandegee Carmack Clapp	Clarke, Ark. Clay Culberson Daniel Dillingham Dolliver Dryden Dubois	Du Pont Elkins Foster Hemenway Hopkins Martin Money	Mulkey Nelson Patterson Platt Simmons Taliaferro Teller Warren

So Mr. McCreary's amendment was laid on the table. Mr. CULBERSON. I offer the amendment which I send to the desk

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas will be stated.

Mr. CULBERSON. Before that amendment is read, Mr. President, and especially before a motion to lay it on the table is made, I want to say to the Senate that there is no law now in the Philippine Islands reserving a homestead or any part of a homestead to the head of a family. There is no provision in this bill, which authorizes a corporation to loan money on land, for a homestead exemption from forced sale for debt, and the purpose of this amendment is to require such exemption in order that the homes of the people may not be taken for debt and to preserve them to the people of the country instead of their going into the hands of this corporation.

I ask that the amendment may now be read.

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas will be stated.

The Secretary. On page 2, after line 16, it is proposed to insert the following paragraph:

Fifth. Said act of the Philippine government shall contain an express provision exempting from forced sale for debt, except the purchase price or any part thereof, at least 2 acres of land used as a homestear by the owner, and the houses occupied thereon as homes.

Mr. LODGE. Mr. President, this amendment was considered in the committee, and it appeared to the committee so plain that if a limitation of this character were put on, which exists only in certain States of the Union, in view of the very small holdings there, it would be practically impossible for the very people to borrow money who it is desired shall obtain it, and that to make such an exemption would probably make it impossible for the small farmers in the Philippines to get the money with which this bank is designed to furnish them. I shall not say more than that, Mr. President, because the fate of this bill depends at this late stage of the session upon our dealing with it without much debate—in fact, with very little debate—and it has been debated before, but I hope this amendment will not be adopted, for I think it would probably ruin the purposes of the bill

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. Culber-

The amendment was rejected.

Mr. CULBERSON. The last section, section 3 of the bill, provides-

That the bank shall not be permitted to hold real estate beyond that required for business premises: Provided, That the temporary acquisition of land as the result of foreclosure, or otherwise, on account of a debt, shall be permitted on condition that land so acquired shall be sold within a reasonable time from the date of acquisition.

It appears from this that there is no fixed time within which the land thus obtained by the corporation shall be alienated, nor, Mr. President, is there any penalty provided in the event the lands are not sold within the time supposed to be reasonable required by the act. I therefore move an amendment, which I send to the desk, which I shall myself take the liberty of reading. As I propose to amend section 3 it would read as

SEC. 3. That the bank shall not be permitted to hold real estate beyond that required for business premises: Provided, That the temporary acquisition of land as the result of foreclosure, or otherwise, on account of a debt, shall be permitted on condition that land so acquired shall be sold within ten years from the date of acquisition, and all said land not so allenated in good faith shall be forfeited to the Philippine government. government.

Mr. LODGE. I have no objection to that amendment. The VICE-PRESIDENT. The amendment proposed by the

Senator from Texas [Mr. Culberson] will be stated.

The Secretary. On page 4, section 3, line 12, after the word "within," in the committee amendment, it is proposed to strike out the words "a reasonable time" and to insert "ten years;" and in line 13, after the word "acquisition," it is proposed to insert "and all said land not so alienated in good faith shall be forfeited to the Philippine government;" so as to make the section read:

SEC. 3. That the bank shall not be permitted to hold real estate beyond that required for business premises: Provided, That the temporary acquisition of land as the result of foreclosure, or otherwise, on account of a debt, shall be permitted on condition that land so acquired shall be sold within ten years from the date of acquisition, and all said land not so alienated in good faith shall be foreited to the Philippine government.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Texas.

The amendment was agreed to.

Mr. CULBERSON. Mr. President, I offer an amendment to come in as a new section, upon which, I take it, no discussion will be necessary

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas will be stated.

The Secretary. It is proposed to add as a new section, to be known as "Section 4," the following:

Sec. 4. That nothing in this act shall be taken or construed to indicate any purpose on the part of the United States to exercise permanent sovereignty in the Philippine Islands. The United States hereby disclaim any disposition or intention to exercise permanent sovereignty, jurisdiction, or control over said islands, and assert their determination when a stable and independent government shall have been erected therein, entitled in the judgment of the Government of the United States to recognition as such, to transfer to said government, upon terms which shall be reasonable and just, all rights secured under the cession by Spain, and thereupon to leave the government and control of the islands to their people.

Mr. LODGE. Mr. President, as a mere discussion of that amendment would open up such a wide debate as to be absolutely fatal to the bill, I move to lay it on the table.

Mr. CULBERSON. On that motion I demand the yeas and

nays

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I transfer my pair with the junior Senator from Virginia [Mr. MARTIN] to the junior Senator from New Jersey [Mr. DRYDEN], and vote. I ven

Mr. HANSBROUGH (when his name was called). I again announce my pair with the senior Senator from Virginia [Mr. Daniel], and the same transfer as before, to the senior Senator from Rhode Island [Mr. Aldrich]. I vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I transfer that pair to the Senator from Maryland [Mr. RAYNER] and vote. I vote "nay."

Mr. SPOONER (when his name was called). I again announce my general pair with the Senator from Tennessee [Mr.

CARMACK], and its transfer to the Senator from New York [Mr. Platt], and will vote. I vote "yea."

Mr. TILLMAN (when his name was called). Under the arrangement made a little while ago with the Senator from South Dakota [Mr. Kittredge], who is paired with the junior Senator from Colorado [Mr. Patterson], by which the Senator from Vermont [Mr. Dillingham], with whom I am paired, will stand value of the Senator from Colorado I with the Senator from Colorado I will vote I water. paired with the Senator from Colorado, I will vote. I vote. "nay."

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. MONEY].

The roll call was concluded.

Mr. McCUMBER. Again transferring my pair to the junior Senator from Delaware [Mr. Du Pont], I vote "yea."

Mr. LONG (after having voted in the affirmative). I wish to inquire if the senior Senator from Idaho [Mr. Dubois] has voted?

The VICE-PRESIDENT. The Chair is informed that he has not voted.

Mr. LONG. I have a general pair with that Senator, which I transfer to the junior Senator from Indiana [Mr. Hemenway], and will permit my vote to stand.

Mr. KITTREDGE. Under the arrangement suggested by the Senator from South Carolina [Mr. TILLMAN] I will vote. I vote "yea.

Mr. MALLORY (after having voted in the negative). a general pair with the senior Senator from Vermont [Mr. Proctor]. I voted under the impression that he was present. I will withdraw that vote. If he were present, I should vote

YEAS-39.

nay." The result was announced—yeas 39, nays 18, as follows:

Alee Ankeny Burkett Burnham Burrows Carter Clark, Wyo. Crane Cullom Curtis	Depew Dick Elkins Flint Foraker Fulton Gallinger Gamble Hale Hansbrough	Heyburn Kean Kittredge Knox Lodge Long McCumber Millard Nelson Nixon	Penrose Perkins Piles Scott Smith Smoot Spooner Warner Wetmore
	N.	AYS-18.	
Bacon Berry Backburn Clay Culberson	Frazier La Follette Latimer McCreary McEnery	Newlands Overman Pettus Simmons Stone	Taliaferro Tillman Whyte
	NOT	VOTING-33.	
Aldrich Allison Bailey Beveridge Brandegee Bulkeley Carmack Clapp Clark, Mont.	Clarke, Ark. Daniel Dillingham Dolliver Dryden Dubois Du Pont Foster Frye	Hemenway Hopkins McLaurin Mallory Martin Money Morgan Mulkey Patterson	Platt Proctor Rayner Sutherland Teller Warren

So Mr. Culberson's amendment was laid on the table.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass? Mr. OVERMAN: On that I ask for the yeas and nays

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I transfer my pair with the junior Senator from Virginia [Mr. Martin] to the junior Senator from New Jersey [Mr. DRYDEN], and will vote. I vote "yea.

Mr. ELKINS (when his name was called). I am paired with the junior Senator from Texas [Mr. Balley]. If he were pres-

ent, I should vote "yea."

Mr. KITTREDGE (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. Par-TERSON]. With the consent of the senior Senator from South Carolina [Mr. TILLMAN], I will transfer that pair to the junior Senator from Vermont [Mr. Dillingham], which will permit us both to vote, I vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. Foster]. I will transfer that pair to the junior Senator from Delaware

[Mr. Du Pont], and vote. I vote "yea." Mr. MALLORY (when his name was called). eral pair with the senior Senator from Vermont [Mr. PROCTOR]. I will transfer that pair to the Senator from Mississippi [Mr. McLaurin], and vote. I vote "nay."

Mr. SPOONER (when his name was called). nouncing my general pair and the same transfer thereof as on the previous votes, I vote "yea."

Mr. TILLMAN (when his name was called). Under the arrangement already made with the Senator from South Dakota

[Mr. KITTREDGE] for a transfer of our pairs, I will vote "nay." Mr. WARREN (when his name was called). I am paired with the Senator from Mississippi [Mr. Money], and therefore withhold my vote.

The roll call was concluded.

Mr. ELKINS. I have announced my pair with the junior Senator from Texas [Mr. Bailey], but I will transfer that pair to the junior Senator from Iowa [Mr. Dolliver], and vote. I vote "yea."

The result was announced—yeas 43, nays 14, as follows:

	YI	EAS-43.	
Allee Ankeny Burkett Burnham Burrows Carter Clark, Wyo. Clay Crane Cullom Curtis	Depew Dick Elkins Flint Foraker Fulton Gallinger Gamble Hale Hansbrough Heyburn	Kean Kittredge Knox La Follette Lodge Long McCreary McCumber Millard Nelson Newlands	Nixon Penrose Perkins Piles Scott Smith Smoot Spooner Warner Wetmore
	N/	AYS-14.	
Bacon Berry Blackburn Culberson	Frazier Latimer McEnery Mallory	Overman Pettus Stone Taliaferro	Tillman Whyte
	NOT Y	OTING-33.	
Aldrich Allison Balley Beveridge Brandegee Bulkeley Carmack Clapp Clark, Mont.	Clarke, Ark. Daniel Dillingham Dolliver Dryden Dubois Du Pont Foster Frye	Hemenway Hopkins McLaurin Martin Money Morgan Mulkey Patterson Platt	Proctor Rayner Simmons Sutherland Teller Warren

So the bill was passed.

Mr. BACON subsequently said: As I did not have the opportunity before the last vote was taken, I desire to say that I voted in the negative because of the guarantee of dividends in the bill. Otherwise I should have voted for it.

#### UNION STATION.

Mr. HANSBROUGH. It has been my purpose to move the consideration of the bill (H. R. 9329) to amend an act approved February 28, 1903, entitled "An act to provide for a Union Station in the District of Columbia, and for other purposes," but the time is so short before the recess that I give notice that tomorrow morning, after the routine morning business, I will move the consideration of the bill.

Mr. KEAN. The Senator does not intend, of course, to inter-

fere with appropriation bills.

Mr. HANSBROUGH. In reply I will say to the Senator that it could not interfere with appropriation bills.

# PENSIONS OF ARMY NURSES.

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (S. 695) increasing the pensions of Army

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

Mr. SCOTT. I offer an amendment in the nature of a substitute.

The VICE-PRESIDENT. The Senator from West Virginia offers an amendment, which will be stated.

The Secretary. It is proposed to strike out all after the enacting clause and insert:

That all nurses now on the pension roll, or who may hereafter be placed on said roll under existing law, and who are now or may hereafter be unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may prescribe, be placed upon the pension roll and be entitled to receive pension as follows: In case such nurse has reached the age of 62 years, \$12 per month; at the age of 70 years, \$15 per month, and at the age of 75 years, \$20 per month: Provided, That nurses 62 years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any nurse entitled to a pension from prosecuting her claim and receiving a pension under any other general or special act: Provided further, That no nurse shall receive a pension under any other law at the same time or for the same period that she is receiving a pension under the provisions of this act: And provided further, That no nurse who is now receiving or shall hereafter receive a greater pension under any other general or special law than she would be entitled to receive under the provisions herein shall be pensionable under this act.

Sec. 2. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions or securing any pension under this act.

Sec. 3. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

The amendment was agreed to.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill increasing the pensions of nurses in certain cases,

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 25745) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, to report it with amendments, and I submit a report thereon. I wish to give notice that I shall try to get the bill up for consideration to-morrow morning

The VICE-PRESIDENT. The bill will be placed on the

#### Calendar.

### ISTHMIAN CANAL COMMISSION.

Mr. MILLARD. I ask unanimous consent for the present consideration of the bill (S. 8488) to amend an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 7 of the act referred to so as to read as follows

whole, proceeded to consider the bill. It proposes to amend section 7 of the act referred to so as to read as follows:

Sec. 7. That in order to facilitate the construction of the canal and works appurtenant thereto, as provided in this act, there is hereby created the Isthmian Canal Commission, to be composed of not more than seven members, in the discretion of the President, who shall be nominated and appointed by the President, by and with the advice and consent of the Senate, and whose tenure shall continue at the pleasure of the President. One of said Commissioners shall be designated as chairman of said Commission; and should the President deem it expedient and wise to appoint but one Commissioner under the terms of this act, he may do so; and in that event the said appointee shall be designated as Commissioner of the Isthmian Canal, who shall exercise all the powers by this act conferred upon the Isthmian Canal Commission, and who shall receive such compensation as the President may prescribe. The President may, through said office of Commission or Commissioner, employ in said service, at his discretion, engineers of the United States Army; and he may likewise employ engineers in civil life and other persons necessary for the proper and expeditious performance of said work, their compensation to be fixed by the President: Provided, That any army officer or other person receiving a given salary from the Government shall be required to relinquish such salary in lieu of compensation received for service under this act, but said Army officer or officers may retain their grade or grades in the Army. Said Commission or Commissioner shall in all matters be subject to the direction and control of the President, who shall require that regular and special reports be made to him and to Congress, and shall assign the necessary office rooms to said Commission or Commissioner and subordinate officers and provide them with all necessary equipment for the proper discharge of their duties.

Mr. TALIAFERRO. The bill which

Mr. TALIAFERRO. The bill which has just been read is an important one, and we are just on the eve of taking a recess when it is proposed to consider it. I should like to ask the Senator if he will not consent to its going over until to-morrow. or some later date?

The VICE-PRESIDENT. The hour of 6 o'clock having arrived, the Senate will take a recess until 8.15 o'clock this evening.

Thereupon the Senate took a recess until 8.15 o'clock p. m.

# EVENING SESSION.

At the expiration of the recess the Senate reassembled.

CONSIDERATION OF PENSION AND MILITARY RECORD BILLS.

Mr. McCUMBER. I ask the Senate to proceed to the consideration of unobjected pension bills on the Calendar and also unobjected bills to correct military records. I desire to state that we can get through with them in probably twenty minutes, and I had an understanding with the Senator who intended to move an executive session that I might go on with these bills.

Mr. CULLOM. I intended to move an executive session at this time, but I have no objection to twenty minutes being given to the Pension Calendar. I think the understanding was general that the session this evening was for executive business, to take up treaties.

Mr. McCUMBER. The Senator will note that very few are here at the present time, not even the Senator who moved that an evening session be held.

Mr. CULLOM. I will yield for pension bills, but for that purpose only.

The VICE-PRESIDENT. Without objection, the Secretary will announce the first pension bill on the Calendar.

Mr. WARREN. I had not consented to that arrangement, I was on the floor. I merely wish to say that I have been waiting

all day to get up a local bill, and I should be very glad to have it considered.

Mr. KEAN. Many of us have local bills.

Mr. LODGE. The notice was given for an executive session this evening.

Mr. CULLOM. That I have just stated.
Mr. LODGE. I told the Senator from North Dakota, who

desires naturally to clear the Calendar of unobjected pension bills, which will take about fifteen minutes, that I would withhold the motion for an executive session for that purpose. I can not yield for anything else after the notice has been given, because if I yielded for one, I must yield for everyone, and we all have bills we would like to get through.

The VICE-PRESIDENT. Is there objection to the request

of the Senator from North Dakota?

Mr. WARREN. Just a moment, please, on that matter. wish to call up a bill that will take only a minute. It is a measure entirely local and of benefit to the State I represent, and it is a Senate bill which must yet go to the House and be considered there. That is my only excuse for breaking in on this delightful symposium.

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Dakota?

Mr. CULLOM. I rose before the Senator from Massachusetts came in and stated that my understanding was that this session was to be held for executive business; but if there was no definite understanding on that score, as far as I was concerned, I would yield to the Senator from North Dakota for twenty minutes.

The VICE-PRESIDENT. Without objection, the Secretary will announce the first pension bill on the Calendar.

#### AARON DAVIS.

The bill (H. R. 19589) granting a pension to Aaron Davis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron Davis, late of Company M, Fourth Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per reports.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

# EMIL S. WEISSE.

The bill (H. R. 21910) granting a pension to Emil S. Weisse was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emil S. Weisse, late of Company G, Second Regiment Wisconsin Volunteer Infantry, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# WILLIAM P. ROBBE.

The bill (H. R. 24220) granting an increase of pension to William P. Robbe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robbe, late of Company E, Forty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# CHARLES H. SLOCUM.

The bill (H. R. 22763) granting an increase of pension to Charles H. Slocum was considered as in Committee of the It proposes to place on the pension roll the name of Charles H. Slocum, late of Company A, Thirty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

# MORTON A. PRATT.

The bill (H. R. 22785) granting an increase of pension to Morton A. Pratt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Morton A. Pratt, late second and first lieutenant Company A, Third Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ISAAC B. GILMORE.

The bill (H. R. 22788) granting an increase of pension to Isaac B. Gilmore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac B. Gilmore, late of Company E, Ninety-fourth Regiment Illinois

Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### GEORGE W. ROBINSON.

The bill (H. R. 22798) granting an increase of pension to George W. Robinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Robinson, late of Company E, First Regiment Michigan Volunteer Light Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### ROBERT M'MILLEN.

The bill (H. R. 22801) granting an increase of pension to Robert McMillen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert McMillen, late of Company E, Thirtieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN TIPTON

The bill (H. R. 22823) granting an increase of pension to John Tipton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Tipton, late of Company K, Thirteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# SAMUEL BOYD.

The bill (H. R. 22859) granting an increase of pension to Samuel Boyd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Boyd, late of Captain Barker's company, Georgia Volunteers, Florida Indian war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# OSCAR A. FULLER.

The bill (H. R. 22863) granting an increase of pension to Oscar A. Fuller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oscar A. Fuller, late of Company I, Eighty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# LOUISA BERRY.

The bill (H. R. 22894) granting an increase of pension to Louisa Berry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louisa Berry, widow of Charles W. Berry, late of Company K (Capt. B. T. White), Second Regiment Missouri Mounted Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# BENJAMIN F. SIBERT.

The bill (H. R. 22947) granting an increase of pension to Benjamin F. Sibert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Sibert, late of Company A, Ninety-third Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

# GEORGE W. WELLS.

The bill (H. R. 22949) granting an increase of pension to George W. Wells was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Wells, late of Company A, Fourth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# HEZEKIAH POFFENBERGER.

The bill (H. R. 22950) granting an increase of pension to Hezekiah Poffenberger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hezekiah Poffenberger, late of Company D, Sixty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or dered to a third reading, read the third time, and passed.

#### EUDOCIA ARNETT.

The bill (H. R. 22964) granting an increase of pension to Eudocia Arnett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eudocia Arnett, widow of William W. Arnett, late of Company D, Texas Mounted Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving. The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### GEORGE W. BEENY.

The bill (H. R. 22986) granting an increase of pension to George W. Beeny was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Beeny, late of Company E, Eighth Regiment New York State Militia Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN D. LANE.

The bill (H. R. 22987) granting an increase of pension to John D. Lane was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John D. Lane, late of Company D, First Regiment New Jersey State Militia Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### BENJAMIN F. HORTON.

The bill (H. R. 22988) granting an increase of pension to Benjamin F. Horton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Horton, late of Company E, Seventy-third Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOSEPH RIDDLE.

The bill (H. R. 23414) granting an increase of pension to Joseph Riddle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Riddle, late of Company C, Third Regiment United States Dragoons, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOHN S. BERGEN.

The bill (H. R. 23426) granting an increase of pension to John S. Bergen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John S. Bergen, late of Company A, Seventieth Regiment New York Volunteer Infantry, and Company K, Twenty-third Regiment New York National Guard Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

# CARRIE MAY ALLEN.

The bill (H. R. 23440) granting a pension to Carrie May Allen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Carrie May Allen, helpless and dependent daughter of James Allen, late unassigned, Twenty-first Regiment New York Volunteer Cavalry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# LOUISA R. MATTHEWS.

The bill (H. R. 23443) granting an increase of pension to Louisa R. Matthews was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louisa R. Matthews, widow of George A. Matthews, late second lieutenant Company K, One hundred and ninth Regiment New York Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MICHAEL FLANAGAN.

The bill (H. R. 23467) granting an increase of pension to Michael Flanagan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Flanagan, late fireman U. S. S. Mississippi, United States Navy, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment,

ordered to a third reading, read the third time, and passed.

### SAMUEL P. WALLIS.

The bill (H. R. 23609) granting an increase of pension to Samuel P. Wallis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sanuel P. Wallis, late of Company F, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# RICHARD C. TAYLOR.

The bill (H. R. 23626) granting an increase of pension to Richard C. Taylor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard C. Taylor, late of Companies E and C, Third Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# WILLIAM B. WALTON.

The bill (H. R. 23627) granting an increase of pension to William B. Walton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William B. Walton, late captain Company H, First Regiment Tennessee Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now re-

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

#### CLARA E. DANIELS.

The bill (H. R. 23628) granting an increase of pension to Clara E. Daniels was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clara E. Daniels, widow of David Daniels, late lieutenant, United States Navy, and to pay her a pension of \$35 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# HARRIET U. BURGESS.

The bill (H. R. 23660) granting an increase of pension to Harriet U. Burgess was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet U. Burgess, widow of William D. Burgess, late of Company I, One hundred and twentieth Regiment New York unteer Infantry, and to pay her a pension of \$12 per month in

lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# SAMUEL H. W. RITER.

The bill (H. R. 23150) granting an increase of pension to Samuel H. W. Riter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel H. W. Riter, late of Captain Smith's company, Utah Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

# JOHN T. GRAYSON.

The bill (H. R. 23673) granting an increase of pension to John T. Grayson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John T. Grayson, late of Company D, Seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# WATSON F. BISBEE.

The bill (H. R. 23675) granting an increase of pension to Watson F. Bisbee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Watson F. Bisbee, late of Company D, Tenth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JOHN D. DRYDEN.

The bill (H. R. 23677) granting an increase of pension to John D. Dryden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John D. Dryden, late of Company I, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOSEPH R. BARTLETT.

The bill (H. R. 23682) granting an increase of pension to Joseph R. Bartlett was considered as in Committee of the It proposes to place on the pension roll the name of Joseph R. Bartlett, late lieutenant-colonel Forty-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

# ROBERT BRAKE.

The bill (H. R. 23685) granting an increase of pension to Robert Brake was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Brake, late of Company C, Forty-eighth Regiment Missouri Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### WILLIAM H. WYMAN.

The bill (H. R. 23698) granting an increase of pension to William H. Wyman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Wyman, late of Company B, One hundred and fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JAMES M. DICK.

The bill (H. R. 23709) granting an increase of pension to James M. Dick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Dick, late of Company H, Second Regiment Iowa Volunteer Infantry, and captain Company A, Twenty-fifth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

# JOHN VANDEGRIFT.

The bill (H. R. 23729) granting an increase of pension to John Vandegrift was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Vandegrift, late of Company A, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ROSANNA KAOGAN.

The bill (H. R. 23732) granting an increase of pension to Rosanna Kaogan was considered as in Committee of the Whole, It proposes to place on the pension roll the name of Rosanna Kaogan, widow of Thomas Kaogan, late of the United States Marine Corps, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# GIFFORD M. BRIDGE.

The bill (H. R. 23733) granting an increase of pension to Gifford M. Bridge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gifford M. Bridge, late of Company G, Seventeenth Regiment Vermont Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

# JOHN O. CRAVENS.

The bill (H. R. 23744) granting an increase of pension to John O. Cravens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John O. Cravens, late second lieutenant and aid-de-camp, staff of Brig-

adier-General Milroy, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# EMILY J. VANBEBER.

The bill (H. R. 23748) granting an increase of pension to Emily J. Vanbeber was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emily J. Vanbeber, widow of William Vanbeber, late of Company B, Thirty-fourth Regiment Kentucky Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CHARLES D. MOODY.

The bill (H. R. 23751) granting an increase of pension to Charles D. Moody was considered as in Committee of the It proposes to place on the pension roll the name of Charles D. Moody, late of Third Battery, Iowa Volunteer Light Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### JAMES RILEY.

The bill (H. R. 23763) granting an increase of pension to James Riley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Riley, late of Company I, First Regiment Kentucky Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### CALVIN B. FOWLKES.

The bill (H. R. 23791) granting an increase of pension to Calvin B. Fowlkes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Calvin B. Fowlkes, late of Company D, First Regiment Virginia Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

# JAMES D. TOMSON.

The bill (H. R. 23797) granting an increase of pension to James D. Tomson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James D. Tomson, late of Company B, Forty-eighth Regiment Missouri Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# THOMAS J. BROWN.

The bill (H. R. 23802) granting an increase of pension to Thomas J. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Brown, late of Company I, Ninth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# WILLIAM F. BARKER.

The bill (H. R. 23806) granting an increase of pension to William F. Barker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Barker, late of Company B, First Regiment West Virginia Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

# SAMUEL LANGMAID.

The bill (H. R. 23834) granting an increase of pension to Samuel Langmaid was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Langmaid, late captain Company F, First Regiment Massachusetts Volunteer Heavy Artillery, and to pay him a pension of \$45 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# CHARLES A. MATHEWS.

The bill (H. R. 23849) granting an increase of pension to Charles A. Mathews was considered as in Committee of the

Whole. It proposes to place on the pension roll the name of Charles A. Mathews, late of Company D. One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JOHN H. TERRY.

The bill (H. R. 23031) granting an increase of pension to John H. Terry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Terry, late of Company M, Second Regiment New York Volunteer Cavalry, and Company B, Fourteenth United States Infantry, and Company D, Fourth United States Infantry, and to pay him a pension of \$30 per month in lieu of that he is now re-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### THOMAS A. SNODDY.

The bill (H. R. 23034) granting an increase of pension to Thomas A. Snoddy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas A. Snoddy, late of Company K, First Regiment Tennessee Mounted Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### ROBERT LIDDELL.

The bill (H. R. 23148) granting an increase of pension to Robert Liddell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Liddell, late of Company B, Eighth Regiment Connecticut Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

# HENRY A. FULLER.

The bill (H. R. 23175) granting an increase of pension to Henry A. Fuller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry A. Fuller, late of Company G, Thirteenth Regiment New York State Militia Infantry, and to pay him a pension of \$24 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# BARTHOLOMEW BURKE.

The bill (H. R. 23280) granting an increase of pension to Bartholomew Burke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bartholomew Burke, late of Company C, Fiftieth Regiment New York Volunteer Engineers, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

# JOHN W. TUMEY.

The bill (H. R. 23282) granting an increase of pension to John W. Tumey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Tumey, late of Companies F and K, Ninth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JEREMIAH BURKE.

The bill (H. R. 23311) granting an increase of pension to Jeremiah Burke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jeremiah Burké, late of U. S. S. Passaic, Nereus, and Constellation, United States Navy, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# WILLIAM LEWIS.

The bill (H. R. 23312) granting an increase of pension to William Lewis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Lewis, late of Company G, Forty-seventh Regiment New York State Militia Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed,

### BENJAMIN D. REED.

The bill (H. R. 23313) granting an increase of pension to Benjamin D. Reed was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin D. Reed, late of Thirtieth Unattached Company Massachusetts Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ROBERT FOOTE.

The bill (H. R. 23323) granting an increase of pension to Robert Foote was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Foote, late of Troop F, Second Regiment United States Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# URIAH BLAIR.

The bill (H. R. 23332) granting an increase of pension to Uriah Blair was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Uriah Blair, late of Company C, Powell's battalion Missouri Mounted Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

Mr. McCUMBER. I have information that the claimant in this case is dead, and therefore I move that the bill be indefi-

nitely postponed.

The motion was agreed to.

### ROBERT HASTIE.

The bill (H. R. 23360) granting an increase of pension to Robert Hastie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Hastie, late quartermaster-sergeant Eleventh Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# HURD L. MILLER.

The bill (H. R. 23407) granting an increase of pension to Hurd L. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hurd L. Miller, late of Company H, Eighth Regiment New York Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# GEORGE H. MARTIN.

The bill (H. R. 23411) granting an increase of pension to George H. Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Martin, late of Company D, One hundredth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# BENJAMIN JAMES.

The bill (H. R. 22170) granting an increase of pension to Benjamin James was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin James, late of Captain Angel's company, North Carolina Volunteers, Cherokee Indian disturbances, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# SUSAN BAKER.

The bill (H. R. 22328) granting an increase of pension to Susan Baker was considered as in Committee of the Whole. proposes to place on the pension roll the name of Susan Baker, widow of John Baker, late of Company I, Third Regiment United States Artillery, war with Mexico, and to pay her a pen-sion of \$12 per month in lieu of that she is now receiving. The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed,

# SIMON E. CHAMBERLIN.

The bill (H. R. 17814) granting an increase of pension to Simon E. Chamberlin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Simon E. Chamberlin, late first lieutenant Company A, One hundred and eighteenth Regiment New York Volunteer Infantry, captain Company K, Twenty-fifth Regiment New York Volunteer Cavalry, and first lieutenant, Eighth Regiment United States Cavalry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### CHARLES F. ELLINGWOOD.

The bill (H. R. 22696) granting a pension to Charles F. Ellingwood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles F Ellingwood, dependent father of Everett E. Ellingwood, late of U. S. S. Marblehead, United States Navy, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### MARGARET L. JAMES.

The bill (H. R. 22329) granting an increase of pension to Margaret L. James was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret L. James, widow of Augustus P. James, late of Company K, Third Regiment United States Artillery, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# MARY C. JONES.

The bill (H. R. 22330) granting an increase of pension to Mary C. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary C. Jones, widow of Robert B. Jones, late of Company F, First Regiment North Carolina Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

### EUGENE W. ROLFE.

The bill (H. R. 22392) granting an increase of pension to Eugene W. Rolfe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eugene W. Rolfe, late of Third Battery, Vermont Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# EDWARD MILLER.

The bill (H. R. 22395) granting a pension to Edward Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward Miller, late of Captain Shead's company, Second Washington Territory Volunteers, Oregon and Washington Indian wars, and to pay him a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# LOUISA E. ROBERTSON.

The bill (H. R. 22426) granting an increase of pension to Louisa E. Robertson was considered as in Committee of the It proposes to place on the pension roll the name of Louisa E. Robertson, widow of Thomas H. Robertson, alias Thomas Young, late of Company A, Sixty-eighth Regiment New York Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JACOB MOSE.

The bill (H. R. 22441) granting an increase of pension to Jacob Mose was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Mose, late of Company A, First Regiment Potomac Home Brigade Maryland Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# WILLIAM KELSO.

The bill (H. R. 22468) granting an increase of pension to William Kelso was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Kelso, late of Company D, First Regiment Maryland Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed,

### WILLIAM A. CLARKE.

The bill (H. R. 22503) granting an increase of pension to William A. Clarke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Clarke, late of Company C, First Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu

of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### WILLIAM TRUETT.

The bill (H. R. 22529) granting an increase of pension to William Truett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Truett, late of Company H, Fifth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed,

### RICHARD TURNBULL.

The bill (H. R. 22540) granting an increase of pension to Richard Turnbull was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard Turnbull, late of Company I, Fifth Regiment West Virginia Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOHN HICKCOX, JR.

The bill (H. R. 22547) granting an increase of pension to John Hickcox, jr., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Hickcox, jr., late of Company C, One hundred and eleventh Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# FRANKLIN H. DAVIS.

The bill (H. R. 22548) granting an increase of pension to Franklin H. Davis was considered as in Committee of the It proposes to place on the pension roll the name of Franklin H. Davis, late of Company E, Eleventh Regiment New York Volunteer Cavalry, and to pay him a pension of \$40 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# GEORGE J. ABBEY.

The bill (H. R. 22562) granting an increase of pension to George J. Abbey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George J. Abbey, late of Company C, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ANDREW J. FRAYER.

The bill (H. R. 22592) granting an increase of pension to Andrew J. Frayer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Frayer, late of Company H, Eighth Regiment, and Company I, Fourth Regiment, New York Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ISAAC G. M'KIBBAN.

The bill (H. R. 22613) granting an increase of pension to Isaac G. McKibban was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac G. McKibban, late of Company II, Sixteenth Regiment Kansas Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# MARGARET O'REILLY.

The bill (H. R. 22617) granting an increase of pension to Margaret O'Reilly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret O'Reilly, widow of Jefferson O'Reilly, late of Company D, Twelfth Regiment Rhode Island Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOSIAH N. PRATT.

The bill (H. R. 22629) granting an increase of pension to Josiah N. Pratt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josiah N. Pratt, late of U. S. S. Sabine, Ohio, and Trefoil, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

### GEORGE WILEY.

The bill (H. R. 22630) granting an increase of pension to George Wiley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Wiley, late of Company G, Eleventh Regiment Indiana Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### THOMAS T. BALDWIN.

The bill (H. R. 22650) granting an increase of pension to Thomas T. Baldwin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas T. Baldwin, late of Company E, Twenty-eighth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JAMES R. FAIRBROTHER.

The bill (H. R. 22701) granting an increase of pension to James R. Fairbrother was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James R. Fairbrother, late of Company A, Twenty-third Regiment Maine Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### BENĴAMIN F. RICHARDS.

The bill (H. R. 22703) granting an increase of pension to Benjamin F. Richards was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Richards, late of Compan. E, Twentieth Regiment, and Company C, One hundred and Twenty-eighth Regiment, Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# SEBASTIAN GERHARDT.

The bill (H. R. 22707) granting an increase of pension to Sebastian Gerhardt was considered as in Committee of the It proposes to place on the pension roll the name of Sebastian Gerhardt, late of Company K, Thirty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOHN MILLER.

The bill (H. R. 22727) granting an increase of pension to John Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Miller, late of Company I, Ninth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# SATINA A. WAYMER.

The bill (H. R. 21788) granting an increase of pension to Satina A. Waymer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Satina A. Waymer, widow of James P. Waymer, late of Company G, Fifth Regiment West Virginia Volunteer Infantry, and major, First Regiment West Virginia Veteran Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Hope Waymer, helpless and dependent child of said James P. Waymer, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death of Satina A. Waymer, the name of said Hope Waymer shall be placed on the pension roll at \$12 per month from and after the date of death of said Satina A. Waymer.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# WILLIAM HARDESTY.

The bill (H. R. 21818) granting an increase of pension to William Hardesty was considered as in Committee of the Whole. proposes to place on the pension roll the name of William Hardesty, late of Company F, United States Voltigeurs, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed,

# FRANCIS MURRAY.

The bill (H. R. 21827) granting an increase of pension to Francis Murray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis Murray, late of Company D, Forty-fifth Regiment Illinois Vol-unteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CATHARINE KOCH.

The bill (H. R. 21899) granting an increase of pension to Catharine Koch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catharine Koch, widow of John Koch, late of Company H, Twenty-first Regiment New York Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### GEORGE NEWTON.

The bill (H. R. 21911) granting an increase of pension to George Newton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Newton, late of Company G, First Regiment Wisconsin Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# FERDINAND PAHL.

The bill (H. R. 21914) granting an increase of pension to Ferdinand Pahl was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ferdinand Pahl, late of Fourth Independent Battery, Wisconsin Volunteer Light Artillery, and to pay him a pension of \$24 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed

# JOHN W. LOWELL.

The bill (H. R. 21974) granting an increase of pension to John W. Lowell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Lowell, late captain Company G, Second Regiment Illinois Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed,

# JAMES E. PUSEY.

The bill (H. R. 21983) granting an increase of pension to James E. Pusey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James E. Pusey, late of Company C. Ninth Regiment Delaware Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# SALOME JANE MARLAND.

The bill (H. R. 19239) granting a pension to Salome Jane Marland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Salome Jane Marland, widow of William Marland, late captain Second Battery Massachusetts Volunteer Light Artillery, and to pay her a pension of \$20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOHN P. WALKER.

The bill (H. R. 22041) granting a pension to John P. Walker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John P. Walker, late of Capt. Thomas Smith's company, Ninth Regiment Oregon Militia Volunteers, Oregon and Washington Territorial Indian wars, and to pay him a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MARIA LORCH.

The bill (H. R. 22055) granting an increase of pension to Maria Lorch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maria Lorch, widow of Henry Lorch, late of Company C, Fifty-second Regiment New York Volunteer Infantry, and Company A, Twenty-eighth Regiment New York National Guard Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### HORACE F. PACKARD.

The bill (H. R. 22063) granting an increase of pension to Horace F. Packard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Horace F. Packard, late of Company A, Third Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# AMELIA SCHMIDTKE.

The bill (H. R. 22086) granting a pension to Amelia Schmidtke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amelia Schmidtke, widow of Charles Schmidtke, late of Company C, Eighteenth Regiment New York Volunteer Cavalry, and to pay her a pension of \$8 per

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### LARS ISAACSON.

The bill (H. R. 22093) granting an increase of pension to Lars Isaacson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lars Isaacson, late of Company A. Second Battalion, Sixteenth Regiment United States Infantry, and Company K, Forty-fourth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOHN HAND.

The bill (H. R. 22165) granting an increase of pension to John Hand was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Hand, late of Company H, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and Company E, Third Regiment Pennsylvania Provisional Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# CHARLES PRENDEVILLE.

The bill (H. R. 22175) granting an increase of pension to Charles Prendeville was considered as in Committee of the It proposes to place on the pension roll the name of Charles Prendeville, late of Company D, Nineteenth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

# CYNTHIA M. BRYSON.

The bill (H. R. 22169) granting an increase of pension to Cynthia M. Bryson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cynthia M. Bryson, widow of William V. Bryson, late of Company L. Thir-teenth Regiment Tennessee Volunteer Cavalry, and to pay her a pension of \$16 per month in lieu of that she is now receiving

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# WILLIAM TEMPLIN.

The bill (H. R. 22199) granting an increase of pension to William Templin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Templin, late of Company F, Sixth Regiment Indiana Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# GRIFFIN A. COFFIN.

It proposes to place on the pension roll the name of Griffin A. Coffin, late first lieutenant and adjutant, Twenty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# SAMUEL MANLY.

The bill (H. R. 22251) granting an increase of pension to Samuel Manly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Manly, late of Company I, Fifteenth Regiment United States Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JAMES E. BISSELL.

The bill (H. R. 22260) granting an increase of pension to James E. Bissell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James E. Bissell, late of Company C, Sixth Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# PERRY LAMPHERE.

The bill (H. R. 22294) granting an increase of pension to Perry Lamphere was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Perry Lamphere, late of Company M, Sixteenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### BURRELL H. GILLAM.

The bill (H. R. 22302) granting an increase of pension to Burrell H. Gillam was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Burrell H. Gillam, late of Company I, Eighth Regiment Provisional En-rolled Missouri Militia, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

# MARY LEVINA WILLIAMS.

The bill (H. R. 22326) granting an increase of pension to Mary Levina Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Levina Williams, widow of Jacob Williams, late of Captain Surk's Company I, Third Regiment United States Artillery, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ISABEL MANNEY.

The bill (H. R. 22327) granting an increase of pension to Isabel Manney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isabel Manney, widow of Lawson Manney, late of Company I, Twelfth Regiment United States Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# LUCIE A. ALLYN.

The bill (H. R. 23198) granting an increase of pension to Lucie A. Allyn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucie A. Allyn, widow of Charles F. Allyn, late first lieutenant Company C, Seventh Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

Mr. McCUMBER. I ask the Senate to disagree to the committee amendment.

The amendment was rejected.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

# WILLIAM A. DECKER.

The bill (H. R. 25069) granting an increase of pension to The bill (H. R. 22216) granting an increase of pension to Griffin A. Coffin was considered as in Committee of the Whole. Whole. It proposes to place on the pension roll the name of William A. Decker, late of Company F, Eighth Regiment Vermont Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

# EDMUND P. WEATHERBY.

The bill (H. R. 25097) granting an increase of pension to Edmund P. Weatherby was considered as in Committee of the It proposes to place on the pension roll the name of Edmund P. Weatherby, late of Company C, Forty-fourth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### NANCY A. MEREDITH.

The bill (H. R. 25101) granting an increase of pension to Nancy A. Meredith was considered as in Committee of the It proposes to place on the pension roll the name of Nancy A. Meredith, widow of Frederick Meredith, late of Captain Hall's company, Third Regiment Illinois Mounted Volunteers, Black Hawk Indian war, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

#### FRANCIS A. RIFFAR.

The bill (H. R. 25106) granting an increase of pension to Francis A. Biffar was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis A. Biffar, late of Company F, One hundred and forty-third Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

### WILLIAM H. BROWN.

The bill (H. R. 25108) granting an increase of pension to William H. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Brown, late of Company A, Eleventh Regiment Ohio Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

# WILLIAM TURNER.

The bill (H. R. 25112) granting an increase of pension to William Turner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Turner, late of Company F, Second Regiment New Jersey Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOHN H. HAYES.

The bill (H. R. 25113) granting an increase of pension to John H. Hayes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Hayes, late first lieutenant Company B, Twenty-first Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# CHARLES B. SPRING.

The bill (H. R. 25120) granting an increase of pension to Charles B. Spring was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles B. Spring, late of Company D, One hundred and fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ELIZABETH WOLFE.

The bill (H. R. 25143) granting an increase of pension to Elizabeth Wolfe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Wolfe, widow of Joshua B. Wolfe, late of Company A. Battalion of Missouri Volunteer Light Artillery, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

# CHARLES HENRY WEATHERWAX.

The bill (H. R. 25145) granting an increase of pension to Charles Henry Weatherwax was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Henry Weatherwax, late of Company K, Second Regiment California Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOSHUA L. HAYES.

The bill (H. R. 25149) granting an increase of pension to Joshua L. Hayes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joshua L. Hayes, late captain Company A, Fourteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# BURGESS N. ISAACS.

The bill (H. R. 25172) granting an increase of pension to Burgess N. Isaacs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Burgess N. Isaacs, late of Company M, Eighth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of \$30 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### HENRY W. CASEY.

The bill (H. R. 25174) granting an increase of pension to Henry W. Casey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry W. Casey, late of Company F, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# GOTTFRIED HAFERSTEIN.

The bill (H. R. 25176) granting an increase of pension to Gottfried Haferstein was considered as in Committee of the It proposes to place on the pension roll the name of Gottfried Haferstein, late of Company B, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

# ALPHONSO BROWN.

The bill (H. R. 25211) granting an increase of pension to Alphonso Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alphonso Brown, late of Company B, Maine Coast Guards Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ROBERT H. DOUGLAS.

The bill (H. R. 25214) granting an increase of pension to Robert H. Douglas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert H. Douglas, late of Company A, Twenty-sixth Regiment Connecticut Volunter Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# DAVID C. SMITH.

The bill (H. R. 25224) granting an increase of pension to David C. Smith was considered as in Committee of the Whole, It proposes to place on the pension roll the name of David C. Smith, late of Company A, Thirty-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

# WARREN ONAN.

The bill (H. R. 25247) granting an increase of pension to Warren Onan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Warren Onan, late second lieutenant Company C, One hundred and Fifty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### KNUTE THOMPSON.

The bill (H. R. 25248) granting an increase of pension to Knute Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Knute Thompson, late of Company A, Eighth Regiment Missouri Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

### GEORGE W. WARFEL.

The bill (H. R. 25254) granting an increase of pension to George W. Warfel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Warfel, late of Company F, Twelfth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JAMES T. BLAIR.

The bill (H. R. 25229) granting an increase of pension to James T. Blair was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James T. Blair, late of Troop A, Third Regiment United States Dragoons, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### HENRY W. WILSON.

The bill (H. R. 24100) granting an increase of pension to Henry W. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry W. Wilson, late of Company D, One hundred and seventieth Regiment Ohio National Guard Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

# GEORGE W. ASHTON.

The bill (H. R. 24101) granting an increase of pension to George W. Ashton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Ashton, late of Company E, Fifteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# HUGH O'NEAL.

The bill (H. R. 24161) granting an increase of pension to Hugh O'Neal was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hugh O'Neal, late of Company E, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# FINUS M. WYATT.

The bill (H. R. 24171) granting an increase of pension to Finus M. Wyatt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Finus M. Wyatt, late of Company F, One hundred and first Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOSEPH B. JOYCE.

The bill (H. R. 24183) granting an increase of pension to Joseph B. Joyce was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph B. Joyce, late of Company E, Fifty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# FREDERICK HOFFNER.

The bill (H. R. 24189) granting an increase of pension to Frederick Hoffner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Hoffner, late of Company B, Fourth Regiment Cali-

fornia Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# MARY ANN FOARD.

The bill (H. R. 24197) granting an increase of pension to Mary Ann Foard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Ann Foard, widow of James A. Foard, late ensign, Captain McGee's company, Alabama Volunteers, Creek Indian war, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

### GEORGE H. MADDOX.

The bill (H. R. 24210) granting an increase of pension to George H. Maddox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Maddox, late of Company K, Eighty-fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### GEORGE HOELL.

The bill (H. R. 24215) granting an increase of pension to George Hoell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Hoell, late of Company A, Thirty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### WILLIAM IVANS.

The bill (H. R. 24225) granting an increase of pension to William Ivans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Ivans, late of Company F, Colonel Phelps's regiment, Missouri Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading road the third time and person.

dered to a third reading, read the third time, and passed.

# FRANCIS J. EACHUS.

The bill (H. R. 24226) granting an increase of pension to Francis J. Eachus was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis J. Eachus, late first lieutenant Company C, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or dered to a third reading, read the third time, and passed.

# WILLIAM L. STEWART.

The bill (H. R. 24269) granting an increase of pension to William L. Stewart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William L. Stewart, late of Company K, Eighth Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$24 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOHN GOODING.

The bill (H. R. 24288) granting an increase of pension to John Gooding was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Gooding, late of United States ships Ohio, Wabash, and New Ironsides, United States Navy, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# DANIEL R. LAMOREAU.

The bill (H. R. 24294) granting an increase of pension to Daniel R. Lamoreau was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel R. Lamoreau, late captain and commissary of subsistence, United States Volunteers, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

# WILLIAM B. DOYLE.

The bill (H. R. 24299) granting an increase of pension to William B. Doyle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William B.

Doyle, late first lieutenant Company D, One hundred and seventy-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### SADIE E. HAWTHORN.

The bill (H. R. 24300) granting a pension to Sadie E. Hawthorn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sadie E. Hawthorn, widow of Aldus F. Hawthorn, late captain Company D, One hundred and fifty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of \$20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LYMAN THOMPSON.

The bill (H. R. 24308) granting an increase of pension to Lyman Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lyman Thompson, late of Company G, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### EMMA CASE.

The bill (H. R. 24334) granting an increase of pension to Emma Case was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma Case, widow of Horace M. Case, late of Company E, One hundred and forty-sixth Regiment New York Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now re-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JAMES M. GARDNER.

The bill (H. R. 24338) granting an increase of pension to James M. Gardner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Gardner, late of Company E, Twenty-fourth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lien of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JAMES M. HANEY.

The bill (H. R. 24343) granting an increase of pension to James M. Haney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Haney, late of Company G, First Regiment Virginia Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

# JOHN H. JAMES.

The bill (H. R. 24344) granting an increase of pension to John H. James was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. James, late of Company C, Eleventh Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# MARY O. LEARNED.

The bill (H. R. 24355) granting a pension to Mary O. Learned was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary O. Learned, widow of Walter A. Learned, late of Company F, Nineteenth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# WILLIAM DAVIS.

The bill (H. R. 24194) granting an increase of pension to William Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Davis, late of Company K, Captain Chandler's First Regiment, Texas Mounted Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# THOMAS L. RICHARDSON.

The bill (H. R. 24599) granting an increase of pension to Thomas L. Richardson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas L. Richardson, late of Company D, Third Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24

per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ELIZABETH STUESSI.

The bill (H. R. 24635) granting a pension to Elizabeth Stuessi was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Stuessi, widow of Peter Stuessi, late of Companies K and G, Ninth Regiment Wisconsin Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### BERNARD SHALLOW.

The bill (H. R. 24638) granting an increase of pension to Bernard Shallow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bernard Shallow, late of Company I, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LEWIS M. JARVIS.

The bill (H. R. 24681) granting an increase of pension to Lewis M. Jarvis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis M. Jarvis, late captain Company E, Eighth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# EDWARD BURTCH.

The bill (H. R. 24691) granting an increase of pension to Edward Burtch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward Burtch, late of Company G, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# LYDIA HUNT.

The bill (H. R. 24698) granting an increase of pension to Lydia Hunt was considered as in Committee of the Whole. proposes to place on the pension roll the name of Lydia Hunt, widow of Gilbert Hunt, late of Hunt's company, Mormon Battalion, Iowa Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# PETER CAMPBELL.

The bill (H. R. 24707) granting an increase of pension to Peter Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Campbell, late of Company D, Tenth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# SELDON R. SANDERS.

The bill (H. R. 24726) granting an increase of pension to Seldon R. Sanders was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Seldon R. Sanders, late first lieutenant Company E, Eleventh Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOHN H. MORRISON.

The bill (H. R. 24733) granting an increase of pension to John H. Morrison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Morrison, late of Company B, Thirteenth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### WILLIAM E. CHASE.

The bill (H. R. 24740) granting an increase of pension to William E. Chase was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William E. Chase, late of Company C, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and Company I, Twenty-first Regiment Veteran Reserve Corps, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### DAVID T. TAYLOR.

The bill (H. R. 24776) granting an increase of pension to David T. Taylor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David T. Taylor, late of Company C, Eighth Regiment Indiana Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### WILLIAM H. PENFIELD.

The bill (H. R. 24792) granting an increase of pension to William H. Penfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Penfield, late of Company L, Second Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# GEORGE G. MARTIN.

The bill (H. R. 24801) granting an increase of pension to George G. Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George G. Martin, late lieutenant-colonel First Regiment United States Colored Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### HORACE E. HEATH.

The bill (H. R. 24807) granting an increase of pension to Horace E. Heath was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Horace E. Heath, late of Company H, One hundred and twenty-first Regiment New York Volunteer Infantry, and to pay him a pension of \$25 per month in lieu of that he is receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOHN R. ROBBINS.

The bill (H. R. 24829) granting an increase of pension to John R. Robbins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John R. Robbins, late of Company F, First Regiment Texas Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# HENRY H. A. WALKER.

The bill (H. R. 24838) granting an increase of pension to Henry H. A. Walker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry H. A. Walker, late of Company C, First Regiment West Virginia Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ANDREW J. PRICE.

The bill (H. R. 24845) granting an increase of pension to Andrew J. Price was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Price, late of Company H, Eighth Regiment Illinois Volunteer Infantry, and Company A, Fifth Regiment Veteran Reserve Corps, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ROBERT M. WOLF.

The bill (H. R. 24846) granting an increase of pension to Robert M. Wolf was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert M. Wolf, late of Company F, Second Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### OREN S. ROUSE.

The bill (H. R. 24851) granting an increase of pension to Oren S. Rouse was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oren S. Rouse, late of Company G, One hundred and sixteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### EMMA HEMPLER.

The bill (H. R. 25455) granting an increase of pension to Emma Hempler was considered as in Committee of the Whole, It proposes to place on the pension roll the name of Emma Hempler, widow of Henry H. Hempler, late of band, Twelfth Regiment New York State Militia Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JACOB RINER.

The bill (H. R. 24710) granting an increase of pension to Jacob Riner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Riner, late of Company H, First Regiment Virginia Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN GEORGE.

The bill (H. R. 24769) granting an increase of pension to John George was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John George, late of Company B, First Regiment United States Dragoons, with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### CORNELIUS O'CALLAGHAN.

The bill (H. R. 15027) to remove the charge of desertion against Cornelius O'Callaghan was considered as in Committee of the Whole. It directs the Secretary of the Navy to remove the charge of desertion against Cornelius O'Callaghan, late of the U. S. S. Minnesota, and to issue to him a discharge from the Navy of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# PETER O'NEIL.

The bill (H. R. 1561) authorizing the Secretary of the Navy to grant a discharge to Peter O'Neil was considered as in Committee of the Whole. It directs the Secretary of the Navy to grant a discharge to Peter O'Neil, late a member of United

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# CONRAD HEENE.

The bill (S. 6068) to correct the military record of Conrad Hyne was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 11, after the date "1865," to insert the following proviso:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

# So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Conrad Hyne, late of Companies C and H of the First Regiment of Maryland Cavalry Volunteers, and remove from the rolls and records in the office of the Adjutant-General of the United States Army any charge now standing on said records against Conrad Hyne, late of Companies C and H, First Regiment of Maryland Cavalry Volunteers, and grant him an honorable discharge from October 19, 1865: Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

Mr. PERKINS. In line 4 I move to strike out the name "Hyne" and insert "Heene;" and in line 9 to strike out the name "Hyne" and insert "Heene.'
The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

3909

The title of the bill was amended so as to read: "A bill to correct the military record of Conrad Heene."

#### EDWARD W. HOBAN.

The bill (H. R. 10574) granting a pension to Edward W. Hoban was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward W. Hoban, late of Company I, Second Regiment United States Cavalry, and pay him a pension at the rate of \$20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### CATHARINE LIPES.

The bill (H. R. 25440) granting an increase of pension to Catharine Lipes was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Artillery," to insert war with Mexico;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine Lipes, widow of John Lipes, late of Company F, Fourth Regiment United States Artillery, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

### JOHN R. KISSINGER.

The bill (H. R. 21721) granting a pension to John R. Kissinger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 10, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Kissinger, late of Company D, One hundred and fifty-seventh Regiment Indiana Volunteer Infantry, acting hospital steward, Hospital Corps, United States Army, war with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

# WILLIAM J. CRANE.

The bill (H. R. 9767) granting a pension to William J. Crane was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Crane, late of Troop K, First Regiment United States Cavalry, and Company K, Fourth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

# WILLIAM E. WEBSTER.

The bill (H. R. 25445) granting an increase of pension to William E. Webster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William E. Webster, late of First Independent Battery, New York Volunteer Light Artillery, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# WILLIAM H. MAXWELL.

The bill (H. R. 25451) granting an increase of pension to

Whole. It proposes to place on the pension roll the name of William H. Maxwell, late of U. S. S. Robb, United States Navy, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 25511) granting an increase of pension to Hiram Filkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram Filkins, late of Company K, Fourteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# MARTHA A. L. STEPHENS.

The bill (H. R. 24223) granting a pension to Martha A. L. Stephens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha A. L. Stephens, widow of Wilbur C. Stephens, late of Company C, Purnell Legion Maryland Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### GEORGE W. ROBINS.

The bill (H. R. 24855) granting a pension to George W. Robins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Robins, late scout and guide, United States Volunteers, and to pay him a pension of \$20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### MARGARET A. JORDAN.

The bill (H. R. 15779) granting a pension to Margaret A. Jordan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret A. Jordan, widow of Henry J. Jordan, late of Company C, Twenty-ninth Regiment Indiana Vounteer Infantry, and to pay her a pension of \$8 per month, such pension to cease upon proof that the soldier is still living.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JAMES M. WOOD.

The bill (H. R. 12021) granting a pension to James M. Wood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Wood, late of Capt. James Hankins's company, Alabama Scouts and Guides,

and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# STODDARD CASWELL.

The bill (H. R. 22283) granting an increase of pension to Stoddard Caswell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stoddard Caswell, late of Company C, One hundred and thirty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

# MARY S. PLATT.

The bill (H. R. 21413) granting an increase of pension to Mary S. Platt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary S. Platt, widow of Henry A. Platt, late first lieutenant and quartermaster First Territorial Regiment United States Volunteer Infanry, and to pay her a pension of \$25 per month in lieu of that she is now receiving, and \$2 per month for the minor child of the said officer until she shall attain the age of 16 years

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JAMES J. LAWLEY.

The bill (H. R. 23442) granting an increase of pension to James J. Lawley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James J. Lawley, late of Company E. One hundred and sixty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# SAMUEL LOY.

The bill (H. R. 25255) granting an increase of pension to William H. Maxwell was considered as in Committee of the | Samuel Loy was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of Samuel Loy, late of Company K, Third Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### CYRUS W. SCOTT.

The bill (H. R. 25256) granting an increase of pension to Cyrus W. Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cyrus W. Scott, late of Company K, Ninety-second Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JAMES H. PHILLIPS.

The bill (H. R. 25257) granting an increase of pension to James H. Phillips was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Phillips, late of Company A, Twelfth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### THOMAS J. RICHIE.

The bill (H. R. 25260) granting an increase of pension to Thomas J. Richie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Richie, late of Company C, Forty-fifth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### WILLIAM M. HELVY.

The bill (H. R. 25261) granting an increase of pension to William M. Helvy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William M. Helvy, late of Company C, Thirty-ninth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# THOMAS M'DERMOTT.

The bill (H. R. 25263) granting an increase of pension to Thomas McDermott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas McDermott, late of Company H, Eighty-third Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# MINNA Y. FIELD.

The bill (H. R. 25288) granting an increase of pension to Minna Y. Field was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Minna Y. Field, widow of Edward Field, late major Second Regiment United States Artillery, and to pay her a pension of \$35 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ADELINE BROWN.

The bill (H. R. 25303) granting an increase of pension to Adeline Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adeline Brown, widow of James M. Brown, late captain Company K, Seventh Regiment New Jersey Volunteer Infantry, and major, Fifteenth Regiment New Jersey Volunteer Infantry, and to pay her a pension of \$25 per month in lieu of that she is now receiv-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# EDGAR A. STEVENS.

The bill (H. R. 25305) granting an increase of pension to Edgar A. Stevens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edgar A. Stevens, late of Company F, Thirteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$30 per month

in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOSEPH CASAVAW.

The bill (H. R. 25309) granting an increase of pension to Joseph Casavaw was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Casavaw, late of Company H, Fifth Regiment Vermont Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### POLLY ANN BOWMAN.

The bill (H. R. 25325) granting an increase of pension to Polly Ann Bowman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Polly Ann Bowman, widow of John Bowman, late of Capt. H. Garmeny's company, First Regiment Georgia Mounted Volunteers, Creek Indian war, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### JAMES W. BARR.

The bill (H. R. 25328) granting an increase of pension to James W. Barr was considered as in Committee of the Whole, It proposes to place on the pension roll the name of James W. Barr, late of Company A, Twenty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ALICE HOUSE.

The bill (H. R. 25354) granting a pension to Alice House was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alice House, widow of William M. House, late of Company A, Fourth Regiment Missouri State Militia Volunteer Cavalry, and to pay her a pension of \$8 per

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### WILLIAM M'CRANEY.

The bill (H. R. 25355) granting a pension to William Mc-Craney was considered as in Committee of the Whole. It pro-poses to place on the pension roll the name of William Mc-Oraney, late of Captain Morgan's company, Iowa Mounted Vol-unteers, war with Mexico, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# RICHARD GOGIN.

The bill (H. R. 25391) granting an increase of pension to Richard Gogin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard Gogin, late of Company B, Sixteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JAMES C. STRONG.

The bill (H. R. 8894) granting an increase of pension to James C. Strong was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James C. Strong, late lieutenant-colonel Thirty-eighth Regiment New York Volunteer Infantry, and to pay him a pension of \$72 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOHN M. STEVENS.

The bill (H. R. 24868) granting an increase of pension to John M. Stevens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Stevens, late of Company C, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# MARY W. LUSK.

The bill (H. R. 24899) granting an increase of pension to Mary W. Lusk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary W. Lusk, widow of James L. Lusk, late lieutenant-colonel, Corps of Engineers, United States Army, and to pay her a pension of \$40 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN W. RAWLINGS.

The bill (H. R. 24902) granting an increase of pension to John W. Rawlings was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Rawlings, late of Company I, Tenth Regiment West Virginia Volunteer Infantry, and to pay him a pension of \$30

per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SUSAN E. DAVIS.

The bill (H. R. 24905) granting an increase of pension to Susan E. Davis was considered as in Committee of the Whole. Susan E. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan E. Davis, widow of William A. M. Davis, late first lieutenant Company B, One hundred and thirteenth Regiment Ohio Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

The bill (H. R. 24907) granting an increase of pension to Lloyd Roberts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lloyd Roberts, late of U. S. S. Sabine, Ohio, and New Hampshire, United States Navy, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### WILLIAM H. CHURCHILL.

The bill (H. R. 24910) granting an increase of pension to William H. Churchill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Churchill, late of Company E, Eighth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JAMES C. COSGRO.

The bill (H. R. 24911) granting an increase of pension to James C. Cosgro was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James C. Cosgro, late of Troop C, Second Regiment United States Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# PATRICK F. SHEVLIN, ALIAS PATRICK BURNS.

The bill (H. R. 24921) granting an increase of pension to Patrick F. Shevlin, alias Patrick Burns, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patrick F. Shevlin, alias Patrick Burns, late of Company C, First Regiment Maine Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# WILLIAM V. MONROE.

The bill (H. R. 24924) granting an increase of pension to William V. Monroe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William V. Monroe, late captain Company K, Eleventh Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# TIMOTHY H. GIBSON.

The bill (H. R. 24940) granting an increase of pension to Timothy H. Gibson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Timothy H. Gibson, late of Company G, Sixty-third Regiment Ohio Volunteer Infantry, and Company A, Ninth Regiment Ohio Volunteer Cavalry, and to pay him a pension of \$30 per month

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# PHEBE WRIGHT.

The bill (H. R. 24946) granting a pension to Phebe Wright was considered as in Committee of the Whole. It proposes to

place on the pension roll the name of Phebe Wright, dependent mother of R. W. Wright, late unassigned drafted man, Third Congressional district of New Hampshire, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# EDWARD MAILEY.

The bill (H. R. 24947) granting an increase of pension to Edward Mailey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward Mailey, late of Company H, First Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### FRANCIS H. FERRY.

The bill (H. R. 24957) granting an increase of pension to Francis H. Ferry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis H. Ferry, late of Company C, Seventeenth Regiment Connecticut Volunteer Infantry, and One hundred and fifty-ninth Company, Second Battalion Veteran Reserve Corps, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### HENRY KANLINE.

The bill (H. R. 24958) granting an increase of pension to Henry Kanline was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Kanline, late of Company A, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### AUGUSTUS H. HANSELL.

The bill (H. R. 24961) granting an increase of pension to Augustus H. Hansell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus H. Hansell, late of Captain Gaither's company, Georgia Volunteers, Florida Indian war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

Mr. McCUMBER. The beneficiary having died, I move that

the bill be indefinitely postponed.

The motion was agreed to.

# JACOB GILBRECH.

The bill (H. R. 24965) granting an increase of pension to Jacob Gilbrech was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Gibrech, late of Company I, First Regiment Indiana Volunteer Heavy Artillery, and to pay him a pension of \$30 per month

in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOHN BURKE.

The bill (H. R. 24968) granting an increase of pension to John Burke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Burke, late of Company E, Twenty-fifth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# CHARLES N. STAFFORD.

The bill (H. R. 24969) granting an increase of pension to Charles N. Stafford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles N. Stafford, late of Company D, Eighth Regiment Maine Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ELIJAH DEVORE.

The bill (H. R. 24971) granting an increase of pension to Elijah Devore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elijah Devore, late of Company A, Thirteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LAURANAH J. HEDGEPETH.

The bill (H. R. 24984) granting an increase of pension to Lauranah J. Hedgepeth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lauranah J. Hedgepeth, widow of Emanuel Hedgepeth, late of Company G, First Regiment Arkansas Volunteer Cavalry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# CINDERELLA B. M'CLURE.

The bill (H. R. 25020) granting an increase of pension to Cinderella B. McClure was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cinderella B. McClure, widow of Robert A. McClure, late of Company F, Sixteenth Regiment Indiana Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### VIRGINIA C. GALLOWAY.

The bill (H. R. 25023) granting an increase of pension to Virginia C. Galloway was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Virginia C. Galloway, widow of John Enos Galloway, late of Captain Fitzhugh's company, Texas Mounted Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JOHN HAM.

The bill (H. R. 25025) granting an increase of pension to John Ham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Ham, late of Company B, First Regiment Massachusetts Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# OTHO E. D. CULBERTSON.

The bill (H. R. 24861) granting an increase of pension to Otho E. D. Culbertson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Otho E. D. Culbertson, late of Company H, Fourth Regiment Illinois Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# EMELINE H. HARDIE.

The bill (H. R. 25005) granting an increase of pension to Emeline H. Hardie was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Volunteers," to insert "war with Mexico;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emeline H. Hardle, widow of Joseph Hardle, late of Company H, First Regiment North Carolina Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

# WILLIAM FREEMAN.

The bill (H. R. 23850) granting an increase of pension to William Freeman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Freeman, late of Company H, Second Regiment Pennsylvania Volunteer Infantry, war with Mexico, and Company A, Ninetyseventh Regiment Pennsylvania Volunteers, and to pay him a

pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment; ordered to a third reading, read the third time, and passed.

# JAMES G. CROZER.

The bill (H. R. 23852) granting an increase of pension to James G. Crozer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James G.

Crozer, late captain Company C, Twenty-sixth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### SARAH E. SELDERS.

The bill (H. R. 23855) granting a pension to Sarah E. Selders was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah E. Selders, widow, John Selders, late of Company B, Fifteenth Regiment Ohio Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ISAAC C. SMITH.

The bill (H. R. 23857) granting an increase of pension to Isaac C. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac C. Smith, late of Company B, Twenty-fourth Regiment Ohio Volunteer Infantry, and Company F, Eighteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JAMES A. MILLER.

The bill (H. R. 23864) granting an increase of pension to James A. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James A. Miller, late of Company A, Seventh Regiment West Virginia Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JACOB B. HASLAM.

The bill (H. R. 23890) granting an increase of pension to Jacob B. Haslam was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob B. Haslam, late of U. S. S. *Princeton* and *Huron*, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JAMES E. FITZGERALD.

The bill (H. R. 23912) granting an increase of pension to James E. Fitzgerald was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James E. Fitzgerald, late of Company E, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 23961) granting an increase of pension to Oscar N. Cowell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oscar N. Cowell, late of Company H, Twenty-sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month

in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# HUGH STEVENSON.

The bill (H. R. 23966) granting an increase of pension to Hugh Stevenson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hugh Stevenson, late first lieutenant Company C, Ninety-sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# HENRY HILL.

The bill (H. R. 23967) granting an increase of pension to Henry Hill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Hill, late of Company C, Fiftieth Regiment Pennsylvania Veteran Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, oz-

dered to a third reading, read the third time, and passed.

# ALEXANDER M'WHORTER.

The bill (H. R. 23968) granting an increase of pension to Alexander McWhorter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander McWhorter, late of Company I, One hundred and first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now re-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# MARY E. C. BUTLER.

The bill (H. R. 23971) granting an increase of pension to Mary E. C. Butler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. C. Butler, widow of James Butler, late of Company L, Seventh Regiment United States Cavalry, and to pay her a pension of \$18 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN P. BENNETT.

The bill (H. R. 23974) granting an increase of pension to John P. Bennett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John P. Bennett, late of Company B, Twentieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month

in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### THOMAS H. SEED.

The bill (H. R. 23982) granting an increase of pension to Thomas H. Seed was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas H. Seed, late of Company A. Sixty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### MICHAEL M. FIELD.

The bill (H. R. 23997) granting an increase of pension to Michael M. Field was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael M. Field, late of U. S. S. Wm. G. Anderson, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOHN F. GOUGH.

The bill (H. R. 23999) granting an increase of pension to John F. Gough was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John F. Gough, late of Company F, Forty-seventh Regiment, and Company D, Twenty-sixth Regiment, Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

# MARY HOLLE.

The bill (H. R. 24000) granting an increase of pension to Mary Holle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Holle, widow of William Holle, alias Peter Cherrol, late of Company B, Fortieth Regiment New Jersey Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# MICHAEL F. GILRAIN.

The bill (H. R. 24002) granting an increase of pension to Michael F. Gilrain was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael F. Gilrain, late of U. S. S. Vincennes, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# AARON C. SANFORD.

The bill (H. R. 24015) granting an increase of pension to Aaron C. Sanford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Aaron C. Sanford, late of Company E, Sixth Regiment Con-

necticut Volunteer Infantry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### GEORGE H. BONEY.

The bill (H. R. 24028) granting an increase of pension to George H. Boney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Boney, late of Company K, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ANDREW J. FOOR.

The bill (H. R. 24030) granting an increase of pension to Andrew J. Foor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Foor, late of Company E, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pen-

sion of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN DOWNEY.

The bill (H. R. 24031) granting an increase of pension to John Downey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Downey, late captain of Company A, One hundred and thirtythird Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MARY I. BANTA.

The bill (H. R. 24034) granting an increase of pension to Mary I. Banta was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary I. Banta, widow of Albert Banta, late of Company D, Ninth Regiment Indiana Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# THEODORE TEEPLE.

The bill (H. R. 24037) granting an increase of pension to Theodore Teeple was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theodore Teeple, late unassigned, Sixteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

# JOHN C. NELSON.

The bill (H. R. 24061) granting an increase of pension to John C. Nelson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Nelson, late second lieutenant Company B, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOHN MAGINNIS.

The bill (H. R. 24068) granting an increase of pension to John Maginnis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Maginnis, late of Company I, Sixty-second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# DAVID JONES.

The bill (H. R. 24079) granting an increase of pension to David Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Jones, late of Company C, One hundred and first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# DAVID PRUNKARD.

The bill (H. R. 24397) granting an increase of pension to David Prunkard was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of David Prunkard, late of Company K, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# LAURAETTE LA FLEUR.

The bill (H. R. 24404) granting a pension to Lauraette La Fleur was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lauraette La Fleur, widow of Asher La Fleur, late of Company H, Fourth Regiment Michigan Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### MARY H. BISHOP.

The bill (H. R. 24405) granting an increase of pension to Mary H. Bishop was considered as in Committee of the Whole. proposes to place on the pension roll the name of Mary H. Bishop, widow of Edwin Bishop, late captain Company H, Second Regiment New Jersey Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now re-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EDMUND JOHNSON.

The bill (H. R. 24406) granting an increase of pension to Edmund Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edmund Johnson, late captain Company G, Thirty-first Regiment New York Volunteer Infantry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# WILLIAM THOMAS.

The bill (H. R. 24413) granting an increase of pension to William Thomas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Thomas, late of U. S. S. Wabash, Perry, and Princeton, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# VAN C. WILSON.

The bill (H. R. 24414) granting a pension to Van C. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Van C. Wilson, late of Company B, Third Regiment Ohio Volunteer Infantry, war with Spain, and to pay him a pension of \$30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# BELLE M. OCKER.

The bill (H. R. 24419) granting a pension to Belle M. Ocker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Belle M. Ocker, widow of David Ocker, late unassigned, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

# CLARENCE W. THOMAS.

The bill (H. R. 24483) granting a pension to Clarence W. Thomas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clarence W. Thomas, late of Company H, Fourth Regiment Virginia Volunteer Infantry, war with Spain, and to pay him a pension of \$30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# THEODORIC GAGE.

The bill (H. R. 24493) granting an increase of pension to Theodoric Gage was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theodoric Gage, late of Company D, One hundred and eighth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# A. JUDSON CONANT.

The bill (H. R. 24502) granting an increase of pension to A. Judson Conant was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of A. Judson Conant, late of Company C, Fifty-third Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN H. LEITER.

The bill (H. R. 24504) granting an increase of pension to John H. Leiter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Leiter, late of Company I, Fifteenth Regiment Ohio Volunteer Infantry, and Company F, One hundred and sixty-third Regiment Ohio National Guard Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 24518) granting an increase of pension to Reuben Nye was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Reuben Nye, late of Company I, Tenth Regiment Minnesota Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

#### DAVID MILLER.

The bill (H. R. 24530) granting an increase of pension to David Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Miller, late of Company H, Ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# DAVID E. JEFFERSON.

The bill (H. R. 24531) granting an increase of pension to David E. Jefferson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David E. Jefferson, late of Company C, Fifty-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# SARAH J. REED.

The bill (H. R. 24553) granting an increase of pension to Sarah J. Reed was considered as in Committee of the Whole, It proposes to place on the pension roll the name of Sarah J. Reed, widow of William R. Reed, late of Company G, Thirty-eighth Regiment New Jersey Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# MARGARET LESLEY.

The bill (H. R. 24560) granting an increase of pension to Margaret Lesley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Lesley, widow of John Lesley, late of Company H, Thirty-first Regiment Illinois Volunteer Infantry, and to pay her a pen-sion of \$20 per month in lieu of that she is now receiving. The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

# JOHN L. FLANERY.

The bill (H. R. 24577) granting an increase of pension to John L. Flanery was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John L. Flanery, late of Company F, Thirty-ninth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

# JOTHAM A. VINCENT.

The bill (H. R. 24586) granting an increase of pension to Jotham A. Vincent was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joham A. Vincent, late of Company C, Twenty-second Regiment Michigan Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### JOSEPH BROOKS.

The bill (H. R. 24700) granting an increase of pension to Joseph Brooks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Brooks, late of Company C, Thirtieth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### FREDERICK G. ACKERMAN.

The bill (H. R. 25016) granting an increase of pension to Frederick G. Ackerman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick G. Ackerman, late of Company D, Forty-seventh Reg-lment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ABSALOM R. SHACKLETT.

The bill (H. R. 24532) granting an increase of pension to Absalom R. Shacklett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Absalom R. Shacklett, late of Company F, United States Voltigeurs, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### MARTHA E. MUHLENFELD.

The bill (H. R. 22709) granting a pension to Martha E. Muhlenfeld was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha E. Muhlenfeld, widow of Charles Muhlenfeld, late of Company F, Second Battalion United States Engineers, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### OSCAR O. BOWEN.

The bill (H. R. 11279) to remove the charge of absence without leave from the military record of Oscar O. Bowen. It directs the Secretary of War to remove the charge of absence without leave standing against Oscar O. Bowen, late captain Company C, Forty-seventh New York Infantry Volunteers, on the records of the War Department, and to issue to said Oscar O. Bowen a certificate of honorable discharge. But no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

# JOHN LAVINE.

The bill (H. R. 19932) for the relief of John Lavine was considered as in Committee of the Whole. It directs the Secretary of War to remove the charge of desertion from the military record of the said John Lavine, late private in Company A, Second Regiment Vermont Volunteer Infantry, and to issue to said John Lavine a certificate of honorable discharge bearing even date with the charge of desertion. But no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# BENJAMIN WARNER.

The bill (S. 3627) removing the charges of desertion and granting an honorable discharge to Benjamin Warner was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That Benjamin Warner hereafter shall be held and considered to have been honorably discharged as a private of Company B, Third New Jersey Cavairy Volunteers, on October 31, 1864, and that an honorable discharge be issued to him by the Secretary of War in accordance with this act: Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an honorable discharge to Benjamin Warner."

# ABBIE L. HANFORD.

The bill (H. R. 14322) granting a pension to Abbie L. Hanford was considered as in Committee of the Whole. It pro-

poses to place on the pension roll the name of Abbie L. Hanford, widow of Nathan C. Hanford, late of Company B, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. This completes the Calendar of pension and military record bills.

### EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours spent in executive session the doors were reopened.

### ORDER OF BUSINESS.

Mr. CLAPP. Mr. President, there are less than thirty unobjected bills on the Calendar. I move that the Senate proceed to the consideration of those unobjected bills. There will be plenty of time to-night to clear up all the bills represented by anyone in the Chamber at this time, instead of trying now and then to

get up one or two, and some Senators getting none considered.

Mr. BEVERIDGE. Will the Senator withhold his motion, that I may report a bill from the Committee on Territories to go to the Calendar?

Mr. CLAPP. Very well; I yield to the Senator for that purpose.

#### MINING CLAIMS IN ALASKA.

Mr. BEVERIDGE, from the Committee on Territories, to whom was referred the bill (H. R. 8984) to amend the laws governing labor or improvements upon mining claims in Alaska, reported it with amendments.

### CENTRAL COLORADO POWER COMPANY.

Mr. PATTERSON. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 24118) granting to the Central Colorado Power Company a right of way over certain public lands for irrigation and electric-power plants, in the State of Colorado, to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

The VICE-PRESIDENT. The bill will be read for the information of the Senate if there be no objection.

Mr. WHYTE. I object.

The VICE-PRESIDENT. Objection is made, and the bill will be placed on the Calendar.

# LANDS IN WYOMING.

Mr. WARREN. I ask leave to call up the bill (S. 8534) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof.

The VICE-PRESIDENT. The bill will be read for the information of the Senate if there be no objection.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that upon the delivery to the Secretary of the Interior by the State of Wyoming of its properly executed and duly recorded deed or deeds reconveying to the United States of America, in fee simple, certain lands heretofore selected by and certified to that State under the provisions of an act entitled "An act to provide for the admission of the State of Wyoming into the Union, and for other purposes," approved July 10, 1890, to wit, all those described in the bill, the State shall be authorized and permitted to select an equal number of acres from the unappropriated public lands of the United States in the State in the same manner, for the same purposes, and subject to the same conditions and limitations under which the lands so reconveyed were selected and held.

Section 2 provides that the lands so reconveyed shall be restored to and become a part of the public domain and be subject to disposal by the Government in the same manner in which

other public lands of a like character are disposed of.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CLAPP. I move that the Senate proceed to the consideration of unobjected bills on the Calendar.

Mr. KEAN. Pending that, I move that the Senate do now adjourn.

Mr. WARREN. If the Senator from New Jersey will withhold the motion for a few moments, I suggest that we ought to adopt this course in order to provide for the printing, so that we may not get in the knot we were in on the last day of the last session. We are asked to forward as many of these mat-

ters as we can early, and if we pass a few bills to-night it will help along the printing.

Mr. KEAN. Mr. President, I insist on my motion.

The VICE-PRESIDENT. The Senator from New Jersey moves that the Senate adjourn. [Putting the question.] By the sound the noes have it. The noes have it, and the Senate refuses to adjourn.

Mr. DANIEL. I ask for the yeas and nays.

Mr. KEAN. Of course if I wanted—

The VICE-PRESIDENT. The yeas and nays are demanded.

Mr. KEAN. I did not call for the yeas and nays.

The VICE-PRESIDENT. The yeas and nays are demanded by the Senator from Virginia.

Mr. McCREARY. Mr. President, I suggest that there is no quorum present.

Mr. WARREN. I hope the Senator will not do that. Mr. McCREARY. It is now nearly midnight.

The VICE-PRESIDENT. The Senator from Kentucky suggests the absence of a quorum. The Secretary will call the roll. Mr. KEAN. I move that the Senate do now adjourn,

The motion was agreed to; and (at 11 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 26, 1907, at 11 o'clock a. m.

# NOMINATIONS.

Executive nominations received by the Senate February 25, 1907.

#### ASSAYER.

Thomas B. Miller, of Montana, to be assayer in charge of the United States assay office at Helena, Mont., in place of Benjamin H. Tatem, resigned.

TO BE PLACED ON THE RETIRED LIST OF THE ARMY WITH THE RANK OF BRIGADIER-GENERAL.

Col. Alfred C. Markley, Thirteenth Infantry. Col. Frank H. Phipps, Ordnance Department,

Col. Amos Stickney, Corps of Engineers. Col. Henry B. Osgood, Assistant Commissary-General. Col. Garrett J. Lydecker, Corps of Engineers.

# COLLECTOR OF CUSTOMS.

Cornelius W. Pendleton, of California, to be collector of customs for the district of Los Angeles, in the State of California, in place of John C. Cline, whose term of office will expire by limitation on March 2, 1907.

# SURVEYOR OF CUSTOMS.

Jeremiah J. McCarthy, of Massachusetts, to be surveyor of customs in the district of Boston and Charlestown, in the State of Massachusetts. (Reappointment.)

# ASSISTANT TREASURER.

Charles A. Bosworth, of Ohio, to be assistant treasurer of the United States at Cincinnati, Ohio. (Reappointment.)

# PROMOTIONS IN THE NAVY.

Capt. Seth M. Ackley to be a rear-admiral in the Navy from the 24th day of February, 1907, vice Rear-Admiral Joseph E. Craig, retired.

Capt. Benjamin F. Tilley to be a rear-admiral in the Navy from the 24th day of February, 1907, with Capt. Seth M. Ackley, an additional number in grade.

Second Lieut. John H. White to be a first lieutenant in the Marine Corps from the 29th day of November, 1906, vice First

Lieut. John W. McClaskey, retired.

Boatswain John C. Thompson, United States Navy, retired, to be a chief boatswain, to rank with but after ensign, on the retired list of officers of the Navy, from the 29th day of June, 1906, in accordance with a provision contained in the naval appropriation act approved on that date.

# RECEIVER OF PUBLIC MONEYS.

William C. Deming, of Cheyenne, Wyo., to be receiver of public moneys at Cheyenne, Wyo., vice Edward A. Slack, term

# REGISTER OF LAND OFFICE.

William E. Chaplain, of Wyoming, to be register of the land office at Cheyenne, Wyo., his term having expired. (Reappointment.)

# POSTMASTERS.

# ILLINOIS.

Mark L. Kennedy to be postmaster at Mounds, in the county of Pulaski and State of Illinois. Office became Presidential October 1, 1906.

# INDIANA.

George E. Murray to be postmaster at Rensselaer, in the county of Jasper and State of Indiana, in place of Frank B. Meyer. Incumbent's commission expired February 11, 1907.

#### TOWA.

Joseph I. Myerly to be postmaster at Des Moines, in the county, of Polk and State of Iowa, in place of John McKay, sr. Incumbent's commission expired December 9, 1906.

#### KANSAS.

Newman Waring to be postmaster at Ottawa, in the county, of Franklin and State of Kansas, in place of John P. Harris. Incumbent's commission expires February 28, 1907.

#### MISSOURI.

Edward J. Schmidt to be postmaster at Centralia, in the county of Boone and State of Missouri, in place of Joseph M. Phelps. Incumbent's commission expired May 8, 1906.

#### NEW YORK.

Simon D. Replogle to be postmaster at Roslyn, in the county of Nassau and State of New York, in place of William Witte, jr., resigned.

#### NORTH DAKOTA.

Michael B. De la Bere to be postmaster at Sheldon, in the county of Ransom and State of North Dakota, in place of Michael B. De la Bere. Incumbent's commission expired February 12, 1907.

Elias R. Monfort to be postmaster at Cincinnati, in the county, of Hamilton and State of Ohio, in place of Elias R. Monfort. Incumbent's commission expired February 19, 1907.

Lee G. Pennock to be postmaster at Urbana, in the county of Champaign and State of Ohio, in place of Roger H. Murphey. Incumbent's commission expires March 13, 1907.

### OREGON.

James S. Van Winkle to be postmaster at Albany, in the county of Linn and State of Oregon, in place of Samuel S. Train. Incumbent's commission expires March 18, 1907.

# PENNSYLVANIA.

William R. Flad to be postmaster at Freeland, in the county of Luzerne and State of Pennsylvania, in place of Benjamin F. Davis. Incumbent's commission expired April 10, 1906.

Freeman J. Hoffman to be postmaster at Somerset, in the county of Somerset and State of Pennsylvania, in place of Catharine A. Endsley. Incumbent's commission expired June 30,

R. M. Tubbs to be postmaster at Shickshinny, in the county of Luzerne and State of Pennsylvania, in place of Tom C. Hill. Incumbent's commission expired April 10, 1906.

# SOUTH CAROLINA.

John W. Dunovant to be postmaster at Chester, in the county, of Chester and State of South Carolina, in place of John W. Dunovant. Incumbent's commission expired January 14, 1907.

Charles J. Shannon to be postmaster at Camden, in the county of Kershaw and State of South Carolina, in place of Charles J. Shannon. Incumbent's commission expired December 17, 1906.

# SOUTH DAKOTA.

Archibald Shaw to be postmaster at Deadwood, in the county of Lawrence and State of South Dakota, in place of Willis H. Bonham. Incumbent's commission expired December 20, 1906. WISCONSIN.

Arthur R. Boerner to be postmaster at Cedarburg, in the county of Ozaukee and State of Wisconsin, in place of Leopold E. Jochem. Incumbent's commission expired February 4, 1907. William Hausmann to be postmaster at West Bend, in the

county of Washington and State of Wisconsin, in place of Byron Fairbanks. Incumbent's commission expired February 4, 1907.

# WITHDRAWAL.

Executive nomination withdrawn from the Senate February 25, 1907.

Willis H. Bonham to be postmaster at Deadwood, in the State of South Dakota.

# CONFIRMATIONS.

Executive nominations confirmed by the Senate February 25, 1907.

# ASSISTANT TREASURER AT NEW YORK.

Hamilton Fish, of New York, to be Assistant Treasurer of the United States at New York, N. Y.

# REGISTERS OF THE LAND OFFICE.

Albert Kircher, of Miles City, Mont., to be register of the land

office at Miles City, Mont.
William E. Chaplin, of Wyoming, to be register of the land

office at Cheyenne, Wyo.

Ernest D. R. Thompson, of Utah, to be register of the land office at Salt Lake City, Utah.

#### RECEIVERS OF PUBLIC MONEYS.

M. M. Kaighn, of Salt Lake City, Utah, to be receiver of publie moneys at Salt Lake City.

William C. Deming, of Cheyenne, Wyo., to be receiver of public moneys at Cheyenne, Wyo.

### COLLECTORS OF CUSTOMS.

William H. Lucas, of Florida, to be collector of customs for the district of St. Johns, in the State of Florida. Cornelius W. Pendleton, of California, to be collector of cus-

toms for the district of Los Angeles, Cal.

#### SURVEYORS OF CUSTOMS.

Samuel L. Hain, of Texas, to be surveyor of customs for the port of Houston, in the State of Texas.

Sydney O. Weeks, of New York, to be surveyor of customs for the port of Patchogue, in the State of New York.

### ASSAYER.

Thomas B. Miller, of Montana, to be assayer in charge of the assay office at Helena, Mont.

# POSTMASTERS.

NEW YORK.

Harrold R. Every to be postmaster at Athens, in the county of Greene and State of New York.

### PENNSYLVANIA

Samuel F. Booher to be postmaster at Kittanning, in the county of Armstrong and State of Pennsylvania.

Augustus M. High to be postmaster at Reading, in the county of Berks and State of Pennsylvania.

Orrin Serfass to be postmaster at Easton, in the county of Northampton and State of Pennsylvania.

# TREATY WITH THE DOMINICAN REPUBLIC.

The injunction of secrecy was removed February 25, 1907, from the proceedings on the consideration and ratification of a convention (Ex. E, 59th Cong., 2d sess.) between the United States and the Dominican Republic providing for the assistance of the United States in the collection and application of the customs revenues of the Dominican Republic, signed at Santo Domingo City on the 8th day of February, 1907; and the vote on ratification was—yeas 43, nays 19, as follows:

	Y	EAS-43.	
Allee Ankeny Beveridge Burkett Burnham Burrows Carter Clapp Clark, Wyo. Clarke, Ark. Crane	Cullom Curtis Depew Dick Filnt Foraker Fulton Gallinger Gamble Hale Hemenway	Heyburn Kean Kittredge Knox Lodge Long McCumber Millard Mulkey Nixon Patterson	Penrose Perkins Piles Scott Smoot Spooner Sutherland Warner Warren Wetmore
	N	AYS-19.	
Bacon Berry Blackburn	Culberson Daniel Dubois	McCreary Mallory Newlands	Rayner Simmons Stone

Carmack Clay Whyte Latimer

The following pairs were announced:

Mr. Elkins and Mr. McEnery for, with Mr. Bailey against. Mr. Dryden and Mr. Du Pont for, with Mr. Foster against. Mr. Hopkins and Mr. Nelson for, with Mr. McLaurin against.

Mr. FRYE and Mr. Dolliver for, with Mr. Martin against.

Mr. Allison and Mr. Aldrich for, with Mr. Morgan against. Mr. LA FOLLETTE and Mr. BULKELEY for, with Mr. Money against.

Mr. Platt and Mr. Proctor for, with Mr. Taliaferro against. Mr. Smith and Mr. Hansbrough for, with Mr. Teller against.

Mr. DILLINGHAM and Mr. BRANDEGEE for, with Mr. TILLMAN against.

Not voting: Mr. CLARK of Montana.

# HOUSE OF REPRESENTATIVES.

Monday, February 25, 1907.

The House met at 10 o'clock a. m.

The Clerk read the following:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,

Washington, D. C., February 25, 1907.

I hereby designate Hon. WILLIAM A. Jones, of Virginia, as Speaker pro tempore during this day.

Mr. JONES of Virginia took the chair as Speaker pro tempore. The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who hast made us after Thine own image and filled our breasts with longings, hopes, and aspirations which are

ever leading us onward and upward to larger life. We thank Thee for the pure, the noble, the true, who in their conduct strive continually to measure up to the standard of perfected manhood in Jesus Christ. We thank Thee for the ties of love and affection which bind us together, so that when one rejoices all rejoice, when one suffers all suffer with him, and when one is taken from our midst in death the heart is bowed in sorrow and we cherish the words he uttered, the things he did, above all the service he freely gave to his fellow-men.

"Whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report; if there be any virtue, and if there be any praise, think on these

things."

Bless, we beseech Thee, the service of the hour and help us to cherish in our hearts the memory of him for whom it is set apart, that we copy his virtues and live the larger life of which he was a conspicuous example in his home, in his community, and on the floor of this House, where he rendered faithful and efficient service for his country. Comfort his family, his friends and colleagues, and all who mourn his loss with the blessed assurance that though he may not return to us we shall go to him and dwell with him forever; and glory and honor and praise be Thine, through Jesus Christ our Lord.

The Journal of the proceedings of Sunday, February 24, was read and approved.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. Mann] will please take the chair.
Mr. MANN took the chair as Speaker pro tempore.

EULOGIES ON THE LATE HON. JOHN F. RIXEY.

Mr. JONES of Virginia. Mr. Speaker, I offer the following resolutions.

The Clerk read as follows:

Resolved, That as a mark of respect to the Hon. John F. Rixer, late a Member of this House from the State of Virginia, and in pursuance of the order heretofore made, the business of the House be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

The resolutions were agreed to.

Mr. JONES of Virginia. Mr. Speaker, when, on Saturday, a fortnight ago, the announcement of the death of my late colleague, the Hon. John F. Rixey, was made in this House, it came with startling suddenness to most of us, for, although for many sad and dreary months he had been suffering from a deadly malady, few outside of his immediate family and closest friends realized that the grim destroyer had long since marked him for his own. There was little in his appearance and bearing, and far less in the lightsome and energetic manner in which he met and so faithfully discharged the manifold duties of his high position, betokening the dread disease which even then was steadily and surely doing its deadly work. With high courage, patriotic purpose, and a rare devotion to the interests of the constituency which had so long delighted to honor him, he positively refused to quit his post of duty upon this floor, although repeatedly and earnestly admonished by his physicians that to remain was to seriously endanger if not to sacrifice his life. Hence it was that many of his friends were shocked as well as grieved when it became known that almost immediately upon the adjournment of Congress he had gone away in quest of health; first, to the mountains of North Carolina; then, to Colorado, and, later still, to northern New York, in what proved a vain effort to stay the encroachments of a disease which has ever baffled the physicians' skill, and which no clime, warmed by the sun's bright circle, can surely and permanently eradicate. And so, despairing of recovery and resigned to a fate which he recognized to be inexorable, he quietly returned in the early winter season to the home in this city of his brother, Admiral Presley M. Rixey, the Surgeon-General of the Navy, there to await with submissive patience, sublime fortitude, and an inspiring Christian resignation the final summons to his eternal reward. It is not possible to recall without a feeling of sadness that since the beginning of the Fifty-ninth Congress "death's inexorable doom" has been pronounced against fifteen of our comrades, eleven of whom served in this House and four in the Senate Chamber; but never, I fain would believe, has the icy hand of the grim destroyer been laid upon a Member of this body who was more universally respected and esteemed and more generally beloved.

So to-day, amid the stern exactions of duty which invariably accompany and are inseparable from the closing hours of a session of Congress, we have suspended the work of legislation in order that opportunity may be given his colleagues to speak in words of praise and of eulogy of Mr. Rixey's accomplishments and character, and to extol those personal virtues which adorned his noble and gracious life.

JOHN FRANKLIN RIXEY was born at the "Retreat," the family homestead, in the county of Culpeper, near the town of Culpeper, on the 1st day of August, 1854. His father was Presley Rixey, a prominent farmer and extensive landowner. His mother's maiden name was Mary Francis Jones. Piedmont, Va., early became the storm center in the war between the States, and thus it was that the father, the better to provide for the protection and safety of his family, purchased a home in the town of Culpeper and removed them thither. It was there that most of the youth of JOHN F. RIXEY was passed, and there he received his early educational training in the famous Berkeley School. Afterwards he attended Bethel Academy, near Warrenton, Va., for several sessions, and in the summer of 1876 he was graduated from the law school of the University of Virginia with the degree of bachelor of laws. He at once began the practice of his profession at Culpeper, and two years thereafter was elected attorney for the Commonwealth for his county, a position the duties of which he continued to discharge with conspicuous fidelity for twelve consecutive years. In 1881 he married Ellen Barbour, the daughter of the late lieutenant-governor, James Barbour, and a niece of the late John S. Barbour, United States Senator from Virginia. Subsequently he went to reside at "Beauregard," near Brandy Station, the beautiful country seat which continued thereafter to be his permanent residence up to the time of his death. When, in 1896, after a spirited contest he received the Democratic nomination for Congress in the Eighth Congressional district, which was followed by a triumphant election, he had held no political office, and his personal acquaintance in some of the counties composing the district was quite limited. Subsequently each successive nomination came to him without opposition, and although away from the State during the whole of the campaign of last year, he was returned to the Sixtieth Congress with an overwhelming ma-Prior to his active entrance upon his Congressional duties in December, 1897, Mr. RIXEY assiduously practiced his profession in Culpeper and the adjacent counties of Fauquier, Rappahannock, Madison, Orange, and Louisa, and in the Federal courts and the supreme court of appeals of Virginia. Success seemed assured from the very beginning of his professional career. At first he practiced alone, but later became associated with his brother-in-law, the Hon. John S. Barbour, and it is believed that the firm of Rixey & Barbour enjoyed a practice among the most extensive and lucrative in the rural districts of

As a lawyer he was conspicuously successful, coming constantly in contact with many of the brightest luminaries in a judicial circuit widely famed for the ability and learning of its practitioners at the bar. Among the illustrious lawyers with whom he contested for primacy may be mentioned such eminent men as ex-Senator Eppa Hunton, Gen. William H. Payne, James V. Brooke, and John Murray Forbes, of Fauquier, Attorney-General James G. Field and Catlett Gibson, of Culpeper, and Governor James L. Kemper, of Madison, all of whom, save only the first, have now passed from the arena of life. That his forensic abilities and legal triumphs should have brought him into an enviable prominence amid such an imposing array of legal talent is the highest tribute which could be paid to his professional standing and reputation. He was a well-grounded, well-trained, and thoroughly equipped lawyer, and upon every proposition submitted to his judgment he brought to bear the well-disciplined force of a matured intelproposition submitted to his judgment His reasoning was forceful and logical, clear, strong, and convincing. As an advocate he achieved success through the compelling force of an inexorable logic rather than by the employment of the meretricious embellishments of speech and rhetorical display. He appealed to the reason rather than to the emotional sensibilities of judge and jury. That he was ever faithful to the noblest traditions of the profession which throughout his career he so conspicuously adorned, and the ethics of which he invariably observed, is the universal testimony of all those with whom he practiced.

But, descended as he was from a long line of practical planters, he inherited a passionate fondness for agriculture, which Washington, himself a practical agriculturist, declared to be the noblest calling of mankind. Living on a farm, to the direction of which he gave his close personal attention, he was what is known in Virginia as a country lawyer in contradistinction to the city attorney who has been aptly described as more technical and scientific though less philosophic, more astute, though less broad, than his country brother.

Mr. Rixey was in every high essential a typical farmer-

lawyer. Nothing gave him more genuine pleasure than to ride or drive over his broad and fertile fields. Well do I recall with what delight he was wont to watch his herds of sleek, fat cattle as they roamed over the grass-clad hills and through the rich river bottoms of his two magnificent Culpeper County farms.

The late John Randolph Tucker, profound constitutional lawyer, brilliant orator, and great statesman though he was, possessed an intimate acquaintance with that character of lawyer whose life was spent amid rustic scenes and who breathed the pure atmosphere of an inspiring and ennobling pastoral life. Standing in this Hall he pronounced upon one of my predecessors a strikingly beautiful eulogy, in the course of which he declared:

I do not doubt that John Marshall, the most illustrious of the Chief Justices of the United States, under the classical shades of his country seat at Oak Hall, framed the inexorable logic of his argument in the case of Jonathan Robbins, and constructed those canons of interpretation in that series of marvelous judgments which laid the foundation of his fame as the greatest expounder of our Federal Constitution.

JOHN F. RIXEY was a farmer and stock raiser, as well as a lawyer, and in both capacities he was preeminently successful. Of his career in this House I shall say little, for the character and the quality of his work done here is known to us all. At all times active and vigilant in the performance of his legislative duties, he was justly regarded as an ideal Representative. and I venture nothing in saying that the district which honored him with six consecutive elections; and which in turn was by him so signally honored, never had a more efficient, more patriotic, more devoted, and more intelligent Representative. He met every duty and faced every obstacle fearlessly, and ever followed where conscience and judgment led. He had few, if any, enemies, for his directness, frankness, and singleness of purpose so exalted his deeds and gave weight to his words as to compel admiration of the man as the exponent of high civic virtue. His judgment was sound and his view of a situation broad, while he possessed in high degree the comparatively rare power of grasping details. He loved his country with genuine patriotism and served it with unselfish devotion. No man whom I have known during a somewhat extended service in the House of Representatives was ever more assiduously attentive to the public needs of his district or more considerate

of the wishes and well-being of his constituents.

How natural, then, that he should have been by them so implicitly trusted, so highly esteemed, and so universally reloved! It was nothing less than his stern, inflexible, and unyielding sense of duty to country and obligation to constituents which held him to his post of duty in this Hall against the urgent solicitations of family and friends, and when every consideration of a purely personal character demanded he should lay down for the time being his public burdens and official cares. And now he has gone hence forevermore. To no mortal has it ever been given to solve the mysteries of life and death, and so to our blind vision and finite intelligences his untimely taking off may—nay, does—seem premature, but there is a solace in the thought that God knoweth when the appointed work is done; and so He giveth His beloved sleep.

off may—nay, does—seem premature, but there is a solace in the thought that God knoweth when the appointed work is done; and so He giveth His beloved sleep.

Surely he has not lived in vain whose life has furnished to the world such a splendid example of fidelity to conscience and devotion to duty. Reverencing always the things that are pure and noble and of good repute, ever exemplary in habit, conduct, and deportment, it was but natural that he should have publicly and openly professed his faith in Christ by connecting himself with one of His churches; and hence it was that some years prior to his death he became a member of the Presbyterian Church. His whole life was singularly beautiful and upright, his faith sublime, and his hope serene.

Of the mere personal attributes of his character and of my close personal and intimate relations to, and my warm and tender affection for, our dear friend I shall not trust myself further to speak, nor could I wish to intrude within the sacred precincts of his beautiful home life or lift the veil which hides the grief of the stricken wife and becayed children.

of the stricken wife and bereaved children.

But recently I stood beside his open grave and with sorrowful heart and tearful eyes beheld the performance of the last sad rites over his funeral bier in a beautiful cemetery overlooking the town where had been spent the days of his early youth and maturer manbood.

As we contemplate, even faintly and imperfectly as mortals may, the immensity of the universe, the limitless reach and force of Almighty power, and the fathomless depth and graciousness of Almighty love, we may take leave of our friend in the fond hope and soothing faith that somewhere, sometime, the frail and transitory ties of mortal affection broken now may be welded for eternity; that he has but gone before, while we linger here a little longer.

Mr. HAY. Mr. Speaker, I first knew John F. Rixey in 1879, when he was Commonwealth's attorney for his county, and thereafter until he and I came to this House was thrown with him frequently. As a lawyer Mr. Rixey ranked high at the Virginia bar, and for many years was one of the leading members of the bar in his and adjoining counties. He was especially strong as an advocate, besides being an adviser of sound judgment, possessing fully the confidence of his large clientage and his fellow-members of the bar. His relations with the bar were always pleasant, and while firm in advocating his own side of the case, he yet was ever ready to give to his adversary that courteous and considerate treatment which marks the able lawyer and gentleman.

His course in Congress has been a most successful one. He has represented his constituency with rare faithfulness and singleness of purpose. No man on this floor was ever more ready than he to respond to the many demands which are constantly made upon Members here. His public services, while not showy, were well recognized by his people and by those who served with him here. His death was most untimely. from a sphere of action in which his usefulness was conspicuous, cut off when his powers were ripest, those of us who survive him wonder at the inscrutable decrees of Providence.

Tho' much is taken, much abides.

While we deeply regret the loss of his presence, his usefulness in this place, his clear judgment, yet there remain to us the example of his clean life, his upright character, his forceful personality. He was indeed a modest gentleman, one of those spirits whose living made the world better, who in all of his life exemplified the true man, whose purposes were "to strive, to seek, to find, and not to yield" those great principles which elevate mankind and lead to a higher and better life.

Mr. WILLIAMS. Mr. Speaker, old Virginia, more frequently, perhaps, than any other part of the world, has produced a class of men who have displayed in private and in public life the best characteristics of the old English country gentleman com-bined with distinctive American traits—sturdiness, conservatism, common sense, and unobtrusive courage in conduct and opinion; acknowledging duty, as Washington and Lee did, to be not only "the noblest word in the English language," but the guiding star of their course in life; acknowledging consideration of the opinions and environment of others as the basis of all healthy and pleasant social relations; regarding the family as the keystone of the structure of human virtue, and looking upon the denial of law-conferred or law-permitted special privileges as the chief function of government, while leaving men otherwise free in their pursuits, industries, and development.

Such men are never sensationalists, though unwaveringly intolerant of private or public wrong. Such men attribute, as a habit of thought, honest motives to others; are in the habit of restraining and governing themselves, and believe therefore in the capacity and right of self-government as inherent in others; are sticklers for the limitation of the powers of political government so as to forestall and prevent the tyranny of ma-jorities and so as to secure the right of individual and local evolutionary progress in freedom, unrestrained except in so far as is necessary to prevent one man or one community or one nation from committing aggression on another. as in society, they are charitable in nonessentials, while inculcating essentials of character and outgrowing conduct more by example than by precept, leaving much to the child's enlightened sense of duty and individual development, not attempting to mold other human beings in their mold, believing that wife and child, like each of God's creatures, has a supreme right to live its own life in an atmosphere of guiding and guarding love.

Such men, being just and kind, firm of purpose and conduct

as well as tolerant and considerate, moderate in all things, not extreme, self-restrained, not self-assertive, deserve and are sure to have loving and faithful wives, trustful and confiding children, loyal friends, willing servants, few enemies, and the sincere respect of all men. People attach themselves to them without analyzing the motives of their attachment and with or without intimacy of association. Men trust them; children love them; employees serve them "for more than the mere wages' sake." The whole structure of society can rest upon their

strong shoulders as on a secure base.

Just such a man, to my personal knowledge, was John F. Rixey, if his character be limned by an analysist and not a eulogist, though in his case I am both. If all men were like him and his class, the dream of the theoretical anarchist might come true, because there would be little or no need of the physical force of political government. The individual life of each would, in combination, consummate the highest good of all. Justice, equality, and freedom—the sole objects of all right ing power and controlling force for good.

government-would prevail as a natural and unforced outgrowth of the unrestrained development of individuality.

Mr. Speaker, words are poor things; like ourselves, a breath, and with a breath are gone. They can not restore the dead friend to a useful, noble, and unselfish life. They can not comfort the wife, who justly idolized him.

I wish to God they could.

They can not console the children, who will miss his love, example, and guidance. They can serve only to convey to those who loved him my abiding personal knowledge and appreciation of the courtesy, kindness, intelligence, moral courage, honesty, and public usefulness of the Virginia gentleman who has gone before us and yet has not ceased to be with us.

Mr. FLOOD. Mr. Speaker, "the joys of conquest are the joys of man.'

There could be no truer interpretation of universal life and compound of universal history than this aphorism of the poet.

Man reads it one way during life's stress and strain; another way at life's close. There are two arenas of conquest-the one, objective; the other, subjective. The one has ambition for its inspiration and guide; the other, wisdom. The one is the conquest of the world and all it implies; the other, the conquest The one passeth away and is forgotten as a dream; the other is indestructible.

One conquest is of the head; the other of the heart. And almost the last lesson most of us learn is that the heart is higher and nobler than the head; that the heart alone can really interpret life; that it alone can cherish its own intima-tions and soar with them to the heaven of their fulfillment.

We do not erect monuments in our hearts to those who are "great like Cæsar, stained with blood, but to those who were

only great as they were good."

The world is expending treasure in disentombing the memorials of dead and buried empires and deciphering the hieroglyphics in which they are recorded, but the records of a good man's life are writ in letters so plain and imperishable that 'he who runs may read."

JOHN F. RIXEY was born in Culpeper County, Va., on August

 1, 1854, and reared in the country.
 The old Greeks, who seemed to know everything and to anticipate everything, called the earth our mother. Our brother, whose memory we are met to enshrine in our hearts, drank deep of the gentle and salutary monitions of nature. He loved to contemplate the symbolism of life in the shifting panaroma of the seasons, the unfolding of nascent manhood which had its type in the awakened vigor of spring, the stress of life as pictured by the heat and glare of the storms of summer, the fruits of a well-fought fight symbolized in the golden grain and fruitage of autumn, and the repose typified by the long nights and manteling snows of winter. As we read the short and simple annals of his life in the "Official Directory" we see how the love of country dominated him. He writes himself down as 'lawyer and farmer."

In due course he was sent to the common schools of his neighborhood, where he was subjected to their discipline and training, and then came the larger outlook and curriculum of Bethel Academy, and last, the strenuous and exigent labors of an academical and professional course at the University of

Thus equipped he entered the legal profession and began its practice in his native county. His industry, honesty, learning, and sound judgment soon brought him a lucrative practice, which he conducted actively until he was elected to Congress. During this period he was three times elected prosecuting attorney of Culpeper County, serving with distinguished ability in this responsible position for twelve years.

As a lawyer he ranked high among the people and bar of northern Virginia, a section which has ever been distinguished for its great lawyers. In 1896 he was elected to Congress, and such was the esteem entertained for him by the people of his district that he was reelected five times with practically no

opposition.

In his political ideas and methods he has sometimes been called a partisan. If by this was meant that he sincerely and honestly believed in the principles and purposes of his party and tried by all honorable means to promote the public good by placing its men and measures in control of the Government, the accusation was true, and the term was simply a just tribute to a true and honest man.

It has been the partisan who in all ages of the world and every field of human progress has led the way. Wherever conflicts of opinion have determined the thoughts and actions of mankind, there the well-equipped partisan has been the guid-

During the time he was a Member of the House of Representatives Mr. Rixey stamped his views and personality upon some of the most important legislation enacted by the American Congress. For nearly nine years he was a member of the Committee on Naval Affairs and aided in some of the most radical and useful reforms in the history of the country, and was no less useful in calling attention to and preventing some of the worst abuses that threatened the nation.

Such, in brief outline, are the unadorned facts of the career of John F. Rixey. They illustrate a character rounded, integral and complete, and such a character always enlists our

interests and challenges our analysis.

No man ever achieved what he achieved unless he had rich native endowments. You can not develop a negative nature. You can not train faculties which do not exist.

Shakespeare, in describing his hero Brutus, says:

His life was gentle; and the elements So mix'd in him, that Nature might stand up, And say to all the world, "This was a man!"

And we all know that the fiber of gentleness always enters into the texture of ideal manhood.

Mr. Rixey was a modest, companionable, ingenious, friendly man.

No man can pass half a century of life, whose maturity is tested by the keen scrutiny of legal and parliamentary environments, and sustain that scrutiny unrebuked and unchallenged, who does not have the roots of his nature struck deep into the granite subsoil of conviction. Just as no oak can fling its branches broadcast to wrestle with the storms whose nutriment is not drawn from the limestone and iron of the earth.

Mr. Rixey was trained in the austere and inflexible doctrines of the Presbyterian Church. He sat under the ministry of a church whose clergy are compelled to sustain the rigid and protracted tests of both academic and theological institutes; a church which has never shrunk from facing the conception of truth whether that truth were pleasant or unpalatable. But the fabric of his faith was gentleness and brotherly kindness

When a man has attained to the possession of these attributes he has, indeed, experienced the highest "joys of conquest."

I have often read with pleasure this passage from Lord Bacon .

The poet saith excellently well: "It is a pleasure to stand upon the shore and to see ships tossed upon the sea; a pleasure to stand in the window of a castle and to see a battle and the adventures thereof below; but no pleasure is comparable to the standing upon the vantage ground of truth, where the air is always clear and serene, and to see the errors and wanderings and mists and tempests in the vale below. Certainly it is heaven upon earth to have a man's mind move in charity, rest in Providence, and turn upon the poles of truth."

And so we see how the life of John F. Rixey, turning upon these poles, made him true in all the relations of life. And we can safely leave him there.

May it be said of all of us, as we can say it of him:

He wore the white flower of a blameless life.

Mr. WILLIAM W. KITCHIN. Mr. Speaker, I desire to add the simple tribute of a high regard and a warm personal friendship to the memory of the late Hon. John F. Rixey. If length of life under the guidance of Providence were always commensurate with one's virtues, he would have survived more than threescore years and ten. If life is to be measured by virtue, by the development of the lovable and noble qualities of heart and mind and by obedience to their suggestions, then his life was long and full, though his departure was in middle age, or manhood's prime, as we reckon our periods.

Entering Congress together ten years ago, for the last eight years serving together on the Committee on Naval Affairs of which he was a member before my assignment to it, sharing the same views upon nearly every question that has divided that committee, we became closely associated in our public service, more closely than I have been with any other Representative. Probably no Member had better opportunity of knowing his arduous work and patriotic zeal than myself. In my judgment, and I say it deliberately and after consideration, no man during my membership of this body has brought to the service of his country a more thorough patriotism, more unselfish loyalty to public interest, or a more incorruptible integrity, nor has anyone followed the path of duty as he saw it more unfalteringly and courageously than our deceased friend. He was a type of the splendid Representative; of strong heart, brave spirit, clear intellect; a man of conscience, courage, and ability; modest but alert, unassuming but energetic, tolerant but positive.

Ability is an essential of every great Representative, but integrity is the great essential of the best Representative. In this age of seductive allurements, under which men sometimes become negligent of public interests, and of strong temptations, under which they sometimes become unfaithful, a people should

be regarded as happily performing their duty to themselves and the Republic in sending to a legislative body a Representative of both the capacity and the character of Mr. RIXEY. many years he held the commission of a great, proud, and intelligent constituency residing within the shadow of this Capitol, and as that commission fell from his hands on the 9th of February it was as unstained as the spotless snow that then en-

veloped his district.

There has been no session of recent Congresses when divisions have not appeared on this floor upon matters coming from the Naval Affairs Committee. These divisions have not been upon propositions vital to the Navy. It is both Democratic and Re-publican to have a strong Navy of the best men and best material, sufficient for the needs of our great country. Men in both parties have differed and will probably continue to differ as to the requisite magnitude of the Navy from time to time, depending largely upon each one's estimate of the probabilities of war and his confidence in our position and resources, all recognizing the necessity for the public of a proper Navy and the injustice upon the public of an unnecessarily large one. The divisions have been upon subsidiary matters, such as the number and kinds of new ships, how to obtain them, at what price, and how to obtain armor and armament, the establishment and improvement of navy-yards and stations, methods of economy and development, and other matters of secondary importance to the primary proposition of the creation and maintenance of a suffi-Though these subsidiary matters have sometimes cient Navy. involved political principles and aroused partisan discussion, yet, as a rule, the divisions upon matters from the Naval Committee have not been partisan. They have, however, produced much controversy and frequent debates. In these Mr. RIXEY was often a leading participant, and always proved himself well-equipped, accurate, ready, forceful, and entirely conversant with the subject at issue. He was an active, vigilant, vigorous, and candid antagonist, who never avoided the real point at stake and never struck below the belt.

His personal life was clean and his language pure. heard a profane or vulgar expression from his lips and never knew him to do an act his pastor would not have approved. Immorality and vice received no encouragement from his speech or conduct. By precept and example he contributed to the virtue and morality of every circle he entered. I never knew him until the maturity of his powers and character, but a knowledge of him then necessarily involves much insight into his earlier years. When one beholds a great oak he knows the rich ingredients that made it, in what soil the roots were nourished in its youth, what storms it has resisted, and what winters of adversity it has endured. From our deceased friend's strong, fixed character of manhood one can easily conceive the healthy environment of his boyhood, the various temptations that had in vain beat about his pathway, the steady application of his mind and heart to the duties of life, and the firm, fundamental, moral character that had controlled him in his constant

progress in the esteem of his fellow-men.

I had the honor to be one of the committee of the House that attended the burial at Culpeper. In the funeral procession we observed that all of the business houses were closed out of respect for the occasion. A profound sorrow was over the little city. Notwithstanding the inclemency of the weather, the snow covering the earth, a large concourse of his constituents, friends, and neighbors gathered in the cemetery to pay a last sad tribute to his mortal remains. The great outpouring of the people from far and near, who knew him well, bespoke the high esteem in which all classes held him. Among them he had lived without reproach. Before them he had established a right to the high title of a Christian gentleman, and those who assembled at his grave in loving remembrance of his life and character honored themselves in the service they rendered to his memory. And they seemed to realize, as we do, that his death is a loss to his State and to our common country.

Mr. Speaker, the kind expressions which we utter to-day in

his memory are necessarily incomplete, for words are inadequate to express what the heart contains when we contemplate the death of such a man. In addition to the many pleasant recollections which I shall always cherish of him, I shall have the comforting thought that it is well with him. Knowing him as I did, I am glad to think that as the remorseless enemy approached he had no fear and his faith was strong, and when that enemy conquered his body and led his spirit to the dividing line, I doubt not that the "Friend that sticketh closer than a brother" was with him in the valley of the shadow and bestowed upon him the crown of immortality on the other side.

Mr. GLASS. Mr. Speaker, as a surviving colleague of the late JOHN F. RIXEY, I desire, in a word, to indicate how tenderly I regard his memory. In my humble estimation no Representative in Congress better deserved, when he died, the kindly tributes to his personal worth which we are accustomed to pay here than the deceased Member from the Eighth Virginia district. Mr. Rixey was a man of solid character and superior intelligence. He had good preparation for the active pursuit of public affairs, which so soon engaged his attention, and his exceptional talents made it certain that his aspirations must enjoy a large measure of fulfillment. His early obligations as a trusted official of the State were discharged with such efficiency and fidelity as to merit the higher distinction that was bestowed upon him by his community when he was sent to be a Member of this House; and I am sure we will all agree that his service here, extending over a period of ten years, was characterized by a devotion and an industry that entitled him to the confidence and esteem with which his people so richly and so repeatedly honored him. His particular usefulness to his own district and his cheerful readiness to serve his own constituents quickly expanded into an ideal representative relation to his State and country, so that all Virginia mourns his death as a distinct bereavement of the Commonwealth, and the nation has cause to lament the loss of a diligent and patriotic servant.

Sprung from a good ancestry and reared in an atmosphere of refinement, nobody better understood, and no life was more surely conformed to, that philosophy which teaches that the well-being of the soul depends only on what we are and that nobleness of character is nothing else but the love of good and scorn of evil. Familiar with the niceties of social intercourse, and not insensible to the value of real tact, nevertheless the personal and official transactions of Mr. Rixey were distinguished by a frankness that knew no concealment and a courage that calculated not consequences. Though singularly unobtrusive by nature, he never evaded a duty nor sought to shift a responsibility. Tolerant of opposing opinions, he was firm and forceful in the assertions of his own convictions, and yielded only when it seemed best for his country that he should. His fine qualities of unselfishness and his complete zeal for the public interest as he conceived it were remarkably exhibited in his long service on the Committee on Naval Affairs of this House.

My intimacy with Mr. RIXEY did not extend to his fireside. That was my misfortune and no fault of his hospitality; but there is no need to draw aside the curtain and peer into the sanctity of the saddened home to tell that he was a devoted son, a gentle husband, an affectionate father, a loyal brother. He must have been these to have been so modest a gentleman, so true a friend, so brave a man, so patriotic a representative of his people.

Mr. FOSS. Mr. Speaker, I desire to add my tribute to that of others on the life of our late colleague.

Singularly enough, while the naval appropriation bill was under consideration in the House, Mr. Rixey, who had always been a member of the committee during his Congressional service, died. He had always been one of the active members of the committee and had taken a great interest in naval affairs, both in the committee and in the debates on the floor of the House.

This is the first death that has occurred on the committee for some time, the last being that of the late Amos J. Cummings, five years ago. Mr. Rixey was a man who was intensely loyal to his constituents. He served them day and night, and the many large public improvements which he secured for his district are a testimonial of his indefatigable industry and loyalty to his constituents.

Mr. Rixey was a conservative man. He was not easily carried away by the whim or fancy of the hour. His whole nature was embedded in the solid rock of conservatism. He would oftentimes stand alone, unmoved by the persuasions of his colleagues and friends.

Above all, he was a man who had the courage of his convictions. If there is any one characteristic that has shone through his Congressional service here in this body it was that of his splendid courage. He not only dared to think for himself, but he dared to fight for what he believed to be right. Frequently upon this floor he led the charge against some provision in the naval bill which he did not feel that he could support, and whenever he led he led with all the splendid fire and determination of a general on the field of battle.

He was a man also of intense honesty of purpose and sincerity. He was one whom it took some time to thoroughly know. Though a man of pleasant demeanor and easy to approach, yet he was not a man who showed up his real worth on first acquaintance. He was frequently misunderstood, but upon intimate acquaintance he unfolded a wealth of sterling

virtues which commanded the respect and admiration of all within the circle.

His death has been a great loss to this House. His Congressional service has been an honor to the State and the nation, and his memory will be cherished through the coming years.

Mr. McCall. Mr. Speaker, I feel it my duty to add one word expressing, I fear very inadequately, the high opinion that I had of our late colleague John F. Rixey. I am led to do this from my personal regard for him and from the relations of the States of Massachusetts and Virginia, and also from my association with Virginia Representatives upon this floor. These two noble Commonwealths have been associated together since before the foundation of this Government, and, with the exception of an unfortunate period which was necessary fully to establish our Government, they have emulated each other in everything that has contributed to our national glory. And I trust and believe they will continue to engage in that noble rivalry.

Then, I have been very closely associated with the Representatives of Virginia upon this floor. During my first ferm of service it was my privilege to be upon the Committee on Elections, of which that astute and able lawyer, that kindly gentleman, and that fair-minded man, Governor O'Farrell, was the chairman. Afterwards for many years I was associated in service upon the Committee on Ways and Means with the distinguished gentleman who is now governor of the Commonwealth of Virginia. And I am proud to say that I number among my friends many who have been or now are members of the able delegation from Virginia.

And so I feel that I should say one word here concerning that faithful and sterling Representative in whose memory this service is held. It adds something to our regard for representative government that a man like John F. Rixey should be sent here—a kindly man, an able man, a man who combined the energy and force of an intellectual fighter with the urbanity of a gentleman. It would be creditable to any constituency in this country that it should send such a man here. And so, Mr. Speaker, I desire to say simply that I had a very high regard for him personally. I have watched him upon this floor, I have marked the force with which he spoke, and I have noticed his modesty and lack of all obtrusiveness. But modest though he may have been, we had no difficulty in detecting in him the essence of true manhood and that living spark of which Wadsworth speaks when he says:

If thou indeed derive thy light from heaven,
Then, to the measure of that heaven-born light,
Shine, Poet, in thy place, and be content.
The stars preeminent in magnitude.
And they that from the zenith dart their beams
(Visible though they be to half the earth,
Though half a sphere be conscious of their brightness),
Are yet of no diviner origin,
No purer essence, than the one that burns,
Like an untended watch fire, on the ridge
Of some dark mountain; or than those which seem
Humbly to hang, like twinkling winter lamps,
Among the branches of the leafless trees.

Mr. DE ARMOND. Mr. Speaker, when John Franklin Rixey died the Republic lost a faithful servant, Virginia lost one of her noblest citizens, all of us who were acquainted with him lost a true and reliable friend, and his family suffered a loss which words can not describe.

Since I have been a Member of this House death has been busy in the Virginia delegation. Out of it have died Barbour and Lee, Epes, Otey, Wise, and RIXEY—one from the Senate and five from the House:

Shortly after the termination of their membership in this body six others with whom I served passed over the Great Divide—Lawson, Edmonds, Meredith, Turner, Walker, and O'Ferrall. So in the period of a little less than eight Congresses twelve Members from Virginia have died, six of them out of active service in the Congress and six lately retired from it. I believe this mortality in the Congressional representation of the Old Dominion is perhaps unmatched in the history of the Government.

John F. Rixey was a man, as those of us who were acquainted with him well know, of the very highest type and of the noblest characteristics. He was modest, gentle, resolute, conscientious. He possessed the substantial abilities so necessary for a successful career here and elsewhere, and they were associated with a modesty truly charming and a courage entirely unobtrusive, but equal to the requirements of any occasion. He came of a fine line of ancestry, out of the citizenship

of a fine old Commonwealth, where character and manhood, and the sturdy as well as the gentle virtues that characterize both, are estimated and appraised quite as highly, certainly, as anywhere else in the Union or in the world.

It seems to us, measuring human life as it is ordinarily measured, that he died prematurely because in his prime; but who knows when the right time to die has arrived or when it will arrive? Who knows whether it is not really better to fall in the prime and meridian of life, when those who esteem us remember us as we are at our best, than to fade and finally sink to rest in its evening, when the shadows are long drawn and when almost everything that makes life attractive and marks for us its achievements has long since ended? Old age often is weakness without its winsomeness; it is childhood without the charm of childhood. The memory dwells upon those who have departed as we knew them just before the end, the time of their departure. Mr. Rixey will rest in our memories and the memories of others. the memories of others who knew him as a man fully equipped and strong and ready for the battle of life; a man full of achievements in the contest. Perhaps, after all, when the shock is over and when grief has adjusted itself to the blow, and when time has effaced or dimmed the traces of the great sorrow that death always must bring-perhaps, after all, it is better that he shall abide in his colleagues' memories and in the memories of his own dearly loved ones as a man in his prime and in his glory, rather than as the fading, vanishing remnant of a life past its usefulness and its power and lingering only, waiting only, for the inevitable summons that comes in weakness and closes in the night when the stars have burned out, when nothing remains to illumine the sky with a suggestion of the halted power of manhood. The bright star that is blotted suddenly from the sky leaves in the memory of him who gazed upon it in its splendor a picture of a magnificent light, but the star that pales and pales and pales and finally flickers out can leave no memory so well worth cherishing.

Representative Rixey was an excellent type of what has been known and described as the "country lawyer." The country lawyer still exists and will exist in our land for many days, and, let us hope, many ages, but not so numerously in the comparison as in the former time.

In the early days of the Republic all our lawyers, with but few exceptions, were country lawyers; bred in the country, living in the country, identified with the country, following the pursuits of the countryman. We have arrived now at the stage of progress or development, or at least of advancing population, when, in large measure, professional men are gathered together The professional man of the city is essentially different from the professional-man of the country. familiar with books, he is farther along in scientific pursuits and developments, but he also is farther from nature. In a broad sense he knows less of men and their wants and rights and feelings and aspirations. The country lawyer, if he be a man of ability and of character—and if he be not he can not succeed-comes to live in close touch and in full understanding with the people among whom he dwells. Their wants are his wants; their aspirations are his aspirations; their triumphs are his triumphs; their sorrows and their struggles are his sorrows and his struggles; their life is his life. He communes with nature more and with books less. He learns more of general principles and less of special cases and special instances. He devotes himself more to broad thought and broad reasoning and broad philosophic principles, and less to what this man or that man, in this position or that position, here or there, now or at some other time, said upon some question. He does not look particularly for some case that is in point, but he digs deep for fundamental principles; he goes far into the philosophy of things and thence deduces his conclusions; and upon this foundation, out of the materials thus gathered, he rears his superstructure strong and symmetrical and, above all things else, natural. This man of whom I now speak dwelt in the country, and was of the country. A member of the learned profession and learned in it, he was a practical farmer, interested in all that concerns the people engaged in the tillage of the soil and in the care of their flocks and herds. He was, therefore, by natural development, a broad man in thought, purpose, and deed; a charitable man; in action a plain, practical man. He looked at things about him with the clear eye of experience. He read the book of nature as it was spread out before him, and there learned lessons far more valuable than man has traced in any book man has written or will ever write.

It seems strange, in this day of progress and advancement in science and in discovery, that there are still some diseases so formidable, so deadly, so all-pervading, so unconquerable that the strongest go down before them as readily as the weakest.

One of the most formidable of all diseases is the "white death," the plague of consumption, to which our friend fell a victim. In all the charities of philanthropy, in all the schemes of benevolent purposes, he will be among the greatest of benefactors who shall discover the cause of and the sure cure for this deadly disease, which strikes down manhood in its prime, which spares neither age nor youth, which devastates the earth, and marches unconquered through the ages. Let us hope that human science, and perseverance, and research may bring us something that will stay the ravages of this fell destroyer.

Never upon one of these occasions, or upon any occasion where we face death, can we rid ourselves-nor would we if we could-of the dreadful charm, of the fateful mystery, that ever hangs around human life. We come into the world without our own volition; we go out when, how, where, none—no more the wisest than the most foolish—can tell. We are here for a little while or for a comparatively long period, and yet how short is even the longest life when contrasted with the cycles of time and with the endless ages of eternal being! Life is a great mystery, a mystery all through, a mystery in every part—in its inception, in its progress, in its ending.

As we gaze into the grave where loved ones are laid, mind, spirit, imagination, hope fly far beyond the tomb, into pictured realms we know not where, by means we know not what. So it was when we laid our friend away to rest. So it was when we stood around his open grave in the snow-covered ground of the beautiful cemetery where he now reposes. So it is now, so it will be when we in our turn are laid away to rest in mother earth, and so it will be most assuredly until the career of humanity is ended and man no longer is a pilgrim going up and down over the surface of this planet. People reason about it, consult others about it, indulge in predictions about it, search Holy Writ concerning it. Yet all of it is mystery. Only the eye of faith can pierce the distant future. Only upon the wings of hope can we traverse the space which intervenes between this life and the life beyond. Every man's hope, every man's aspiration, every pulsation of the human heart tends to nourish a conviction that there must be a life beyond this, that this can not be the end of everything, that there must be another sphere of existence, sublimated out of the human, in which our being shall be endless, unclouded, unmarked by sorrow or care, where the sun shall eternally shine, where life shall have no end. In this faith we live through this earth life; to this we cling in our moments of darkness and when despair would settle upon us like a pall. Upon this we rest when threatened with earthly extinction. It is our hope, the star whose beams pierce through the clouds and fog and darkness when our loved ones go hence. Even if it could be demonstrated that this hope is without basis, that our aspirations have nothing upon which to rest, it would be cruelty to know the truth and to reveal it. We rest upon the faith, we dwell in the promise, and when this life is over, be the ending soon or be it remote, be it glorious or be it the re-verse, we all go down in the hope that there shall be an awak-ening beyond the tomb, and that the spirit which dominates and animates us here, which triumphs over flesh and over distance and circumstance, which soars upon its wings of faith and builds with its power of genius beyond the clouds, shall survive when the earthly tabernacle lies low in the dust from which it was originally created.

Mr. LAMB. Mr. Speaker, for the fourth time in twice as many years the Virginia delegation in this House are called on to pay tribute to a departed colleague. Truly in the midst of life we are confronted by death. Death loves a shining mark, and in the demise of JOHN F. RIXEY it found one. An able and conscientious Representative, a loyal citizen of the Commonwealth of Virginia, a devoted husband, father, and brother has passed from earth to the spirit land.

It is no exaggeration to say that few Members of this House during the past decade commanded more respect and admiration than did our colleague, for he possessed qualities of head and heart that endeared him to all who were thrown with him

in the committee rooms and on the floor.

Had this blow fallen to one of the older Members of our delegation we would have said: "This is but nature's law; the machinery that sustains the mystery we call life has failed to perform its appointed task and the no less mystery of death is the natural consequence."

According to man's allotted time, years of great influence were before him; years in which to lay up knowledge and render service to those who loved, honored, and trusted him; years in which to study the science of government and apply its principles; years in which to study human nature and work out plans for the betterment of his fellows; yea, more, for him personally years in which to rear and direct the young and tender plants that gathered around his hearthstone; years of love and care for the one who brought life to his life and peace

Without the showy qualities of the orator, he possessed what we all know is more valuable in a Representative-sound judgment and patient attention to the details of the work. Through this he reached results here that fully met the demands of his constituents and would have insured him continued service as long as he desired to be a Representative in Congress.

The Commonwealth of Virginia can ill afford to lose, in the prime of life, such a man as was our deceased comrade. people outside of the Eighth district knew and appreciated him. In the city of Richmond several years ago he addressed a very cultivated audience, and as I passed through the crowd I heard men say: "That speech was worth listening to. Some day that man will be governor of the State."

I had a better opportunity, possibly, than any other of our delegation of judging as, to the estimate put upon him by the people of the Eighth district, for I canvassed several of his counties in 1898, and since that time have spoken frequently in various places in the district. I did not meet a man who spoke of him in any but the highest terms, and all seemed perfectly satisfied with the valuable service he gave them. If he had enemies-and who has served ten years in Congress without making some—I never met one. The opinion held of him in every county, so far as I have been able to learn, was strongly voiced in the Alexandria Sunday Times of yesterday a week After summing up the work done for that city, the writer said:

What he has done for this city and county he has done for every other county in his district, and has never failed to aid anything that tended to advance the interest of his mother State. Words are inadequate to do justice to this genial, high-toned, honorable Virginia gentleman, now laid beneath the soil of old Virginia, whom he loved so well and served so faithfully.

This would be a fitting epitaph on his tomb, where he sleeps beneath the sod of old Culpeper County, where his boyhood days were spent as he watched the surging tide of battle roll over the red hills and lovely plains of his native county. He was a lad of nine summers when as a man of 22 years of age I led a squadron of troop in a deadly fray through the streets of Culpeper. He grew to manhood amidst the struggles and trials of a people who lost all save their unquenchable spirit No wonder that he possessed his full and unstained honor. share of both and that they fed his young heart with noble resolves and fired his soul with a determination to fight life's battles as bravely as he had seen men face the mortal perils of the battlefield.

Our colleague and friend accomplished more in two decades than most men of equal, if not better opportunities, have done in twice that time. Witness an honorable and efficient service as Commonwealth's attorney of his county for twelve years. See and enjoy, as I have, the culture and refinement and comfort of one of the best-ordered and most-hospitable homes in all Virginia. Turn the pages of the Congressional Record and see his spirit, character, and manhood imprinted wherever duty impelled, or an entirely fitting and never a made opportunity presented itself.

If in a little over two decades he had accomplished this much, what might he not have achieved had robust health and long life been given unto him? We need not speculate. The end The shock was severe to most of us.

Of his faith I need not speak. I have reason to know that it was strong and abiding. It served him well when trials came. It accounts in part for his popularity in this House and else-It served him well when trials came. where. It had been growing with his years. The spirit speaks when the lips are closed. We can not conceal our inner life from others, try all we may. The laws of the spirit are as fixed as those of gravitation.

My personal relations with and my attachment for John F. RIXEY might be best told-if these need be told at all in this presence—by reference to my correspondence. Letters from my close friends and relatives, and even comparative strangers, were filled with words of condolence for me personally, and expressions of regret and sympathy at the loss I had sustained in the death of one of whom they had heard me speak so often and so highly.

I am comforted by the thought that these words of praise I here express, in one form or another I uttered of him while he lived. I shall love to recall his form and features, and during the active years that are left me I shall now and then visit the

spot where we laid him to rest.

Peace to his memory. May a kind Providence guard and protect those who directly bind his memory to earth.

Mr. Speaker, I move that as a further mark of respect to the memory of the deceased the House take a recess until 12 o'clock

The motion was agreed to.

Accordingly (at 11 o'clock and 30 minutes a. m.) the House was declared in recess.

The recess having expired, at 12 o'clock noon the House was called to order by the Speaker.

### MARCUS WOOD.

Mr. SMITH of Michigan. Mr. Speaker, I wish to offer the resolution which I send to the Clerk's desk

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill (H. R. 21121) entitled "An act granting an increase of pension to Marcus Wood."

The SPEAKER. The question is on agreeing to the resolu-

The question was taken; and the resolution was agreed to.

# CHANGES OF STREET RAILWAY TRACKS.

Mr. BABCOCK. Mr. Speaker, I move to suspend the rules and pass the bill (S. 6147) entitled "An act authorizing changes in certain street-railway tracks within the District of Columbia,

and for other purposes."

The SPEAKER. The Chair notices the Senate provision after the enacting clause is stricken out and that there is a complete

House substitute.

Then the motion of the gentleman, the Chair takes it, is to suspend the rules, agree to the House amendment, and pass the Senate bill?

Mr. BABCOCK. Yes, sir.

The SPEAKER. And to dispense with the reading of the Senate bill and ask for a conference and agree to the appointment of conferees without intervening motion?

Mr. BABCOCK. Yes, sir. Mr. UNDERWOOD. Mr. Speaker, before raising a point of order I desire to make a parliamentary inquiry. I desire to know whether to-day, under the rules of the House, is suspension day, or whether the Chair recognizes this motion counting this day as one of the last six days of the session?

The SPEAKER. One of the last six days of the session.
Mr. UNDERWOOD. Then, Mr. Speaker, I make this point, that the last day of the session is Monday next, that the Constitution of the United States does not recognize Sunday as a nonday to work in this House, that it is one of the six days that should be counted, and that, if you count Sunday, a motion to

suspend the rules is not in order to-day.

The SPEAKER. The Chair is prepared to rule on the point of order. Sunday is not taken into account in an adjournment for more than and less than three legislative days. There are many precedents of this kind. Sunday has always been recognized, in the absence of specific action by the House, as a dies

Mr. UNDERWOOD. Mr. Speaker, if the Chair will pardon me a moment, I desire to call the attention of the Chair to the fact that the rule contemplates six actual days, and if I can

have the attention of the Chair—
The SPEAKER. While the Chair is prepared to rule, and has ruled, out of courtesy to the gentleman the Chair will hear him very briefly.

Mr. UNDERWOOD. I only ask for two minutes. I wish to call the Speaker's attention to the fact that according to the order of this House next Sunday is recognized as a working day, because we have provided for the transaction of business on next Sunday, and that being the case, then it is necessary to count it.

The SPEAKER. What has the House provided for that day? Mr. UNDERWOOD. I understand that next Sunday is set apart for eulogies.

The SPEAKER.

The SPEAKER. No; the gentleman is under a mistake. Mr. UNDERWOOD. That was my impression. But I call the Speaker's attention to the fact that on every Sunday prior to the adjournment of Congress the House has been in session, and that next Sunday will be a working day along with the balance of the session.

The SPEAKER. And yet the Chair calls the attention of the gentleman to the fact that a Sunday's session is never held except by special order of the House. Adjournment on Saturday always carries until Monday; and when we adjourn three days at a time, under the constitutional provision, as we may, Sunday is never counted as one of the three days. The line of precedents is substantially practically unbroken that Sunday is considered as a dies non. The Chair has no hesitancy, under the rule and the practice of the House, in overruling the point of order.

The gentleman from Wisconsin moves to suspend the rules. agree to the amendment recommended by the Committee on the District of Columbia, and pass the Senate bill, ask a conference, and direct the immediate appointment of the conferees. The Clerk will first report the substitute.

The Clerk proceeded to read the substitute.

Mr. JAMES. Mr. Speaker-

The SPEAKER. For what purpose does the gentleman rise? Mr. JAMES. I call for order.

The SPEAKER. The House will be in order. Mr. JAMES. I want to demand a second.

The SPEAKER. The bill will first be read, and then the question will be taken on ordering a second.

Mr. HEPBURN. A parliamentary inquiry. I desire to know

what is the motion now before the House.

The SPEAKER. The Chair will again state the pending motion. It is a motion to suspend the rules, agree to the House amendment by way of substitute for the Senate bill, reading the substitute alone, then agree to the substitute amendment, and pass the Senate bill, ask a conference, and the appointment of the conferees at once without intervening motion.

Mr. HEPBURN. Mr. Speaker, will the gentleman yield to me for one or two minutes? I want to ask him a few questions.

The SPEAKER. Without unanimous consent, the motion is not debatable.

Mr. HEPBURN. Will the gentleman yield to me five min-I want to make some inquiries of the gentleman utes of time? from Wisconsin.

Mr. PAYNE. I hope the gentleman will not insist upon

that request.

Mr. HEPBURN. I want to insist upon it for this reason: We have understood the gentleman from Wisconsin to say that there would be a bill presented to the House concerning these railways, in which there would be opportunity given for such amendments as would cure the bill somewhat—

The SPEAKER. Does the gentleman from New York object?

Does the Chair understand the gentleman to object?

Mr. PAYNE. I do, Mr. Speaker.

The SPEAKER. The Chair was not clear.

Mr. PAYNE. I do at this time of the session. The SPEAKER. Is a second demanded?

Mr. JAMES. I demanded a second.

Mr. HEPBURN. I demand a second.
The SPEAKER. The substitute will first be read.

The substitute was read, as follows:

The SPEAKER. The substitute will first be read.

The substitute was read, as follows:

A bill (8. 6147) authorizing changes in certain street railway tracks within the District of Columbia, and for other purposes.

Be it enacted, etc., That the City and Suburban Railway of Washington be, and it hereby is, authorized and required to construct a double-track extension of its lines from New Jersey avenue and G street NW. eastwardly to and along Massachusetts avenue with such northerly deviation as may be necessry to bring the tracks immediately in front of and adjacent to the main entrance to the Union Station to junctions with the existing tracks at Third and D streets NE. and at the northwest corner of Stanton square; also to extend its double tracks on North Capitol street southwardly from the intersection of G street to Massachusetts avenue to connect with the tracks of the City and Suburban Railway of Washington, hereinbefore authorized.

Sec. 2. That the Washington Railway and Electric Company be, and it hereby is, authorized and required to construct a double-track extension of its line from Delaware avenue and C street NE. northeastwardly along Delaware avenue to Massachusetts avenue, there to connect with the tracks of the City and Suburban Railway of Washington, hereinbefore authorized; also a double-track loop on the Union Station plaza connecting with the four tracks provided for in section 6: Procided, That existing transfer arrangements between the Washington Railway and Electric Company and the Metropolitan Coach Company, a corporation of the District of Columbia, shall not be terminated except by authority of Congress; and, unless said Metropolitan Coach Company shall within one year after the passage of this act substitute motor vehicles to be approved by the Commissioners of the District of Columbia for the herdics now used by it, its right to operate its line shall cease and determine: Provided jurther, That all transfers issued companies are to time limit, and that unless said transfers are so

trict of Columbia regarding the removal of abandoned tracks, and said Commissioners are authorized to remove said tracks and to repave the space occupied by same and charge the cost thereof to such rallway company, and the same shall be collected as provided in section 5 of the act providing a permanent form of government for the District of Columbia approved June 11, 1878.

Sec. 3. That the Capital Traction Company of the District of Columbia be, and it hereby is, anthorized and required to construct a double-track extension of its lines from C street and Delaware avenue NE. northeastwardly along Delaware avenue to the plaza in front of the proposed Union Station, together with a double-track loop passing in front of the station on said plaza, connecting with the four tracks provided for in section 6, and northwestwardly along Massachusetts avenue to Fourth street NW., there to connect with the existing tracks of the Washington Railway and Electric Company and thence over those tracks (under intercompany agreement) to Seventh and K streets NW., there to connect with the existing Seventh street tracks of said Capital Traction Company; also a double-track extension of its lines beginning at Florida avenue to its intersection with Eighth street east, thence along Eighth street to its intersection with said company's tracks at Pennsylvania avenue SE; also a double-track extension beginning at the intersection of Eighth- and F streets NE., westwardly on said F street to Second street east, thence to connect by such route as may be approved by the Commissioners of the District of Columbia.

Sec. 4. That the companies hereinbefore named be, and they hereby are, permitted to lay duct lines on such streets as may be necessary for the proper operation of their lines, the location of such duct lines of such commencement or completion within the time in this section specified, all rights, franchises, and privileges granted by this act shall immediately cease and determine.

Sec. 6. That where the route or routes provided

inx the terms of the joint trackage: Provided, That there shall be at least two sets of double tracks immediately in front of the main entrarnee to the Union Station facing Massachusetts avenue, the most mortherly rail being not more than 50 feet south of the said main entrarned to the Union Station facing Massachusetts avenue, the most over and respecting the routes herein provided for the same rights, powers, and privileges as they respectively have or hereafter may have over and respecting the routes herein provided for the same rights, powers, and privileges as they respectively have or hereafter may have by law over and respecting their other routes and shall be subject in respect thereto to all the other provisions of their charters and of law. Szc. 8. That authority is hereby given the Commissioners of the District of Columbia to use such portions of reservation 77 as may in their judgment be necessary for sidewalks and roadways and for street purposes so much of square 626, lying north of the north building line of square 567 excluded, as they may deem necessary, and y and Suburban Railway of Washington: Provided, That where a portion of any lot is authorized to be acquired as above the said Commissioners may, in their discretion, acquire the entire lot; the portion thereof, when so acquired, lying south of the north building line of square 567 extended to become the property of the said City and Suburban Railway of Washington so soon as the entire costs of acquisition as above specified shall be paid by it.

Szc. 9. That whenever, in the construction of the new tracks herein authorized, the Commissioners of the District of Columbia deem it will be roadway of any street or streets in which such track of the roadway of any street or streets, to which such track of changing and widening the said street or streets, the work to be done by said Commissioners; and whenever, at any future time, the said Commissioners deem it necessary to which the roadway of any street or streets, to be collected in the same m

and held guilty of creating a public nuisance and violating the provi-

and held guilty of creating a public nuisance and violating the provisions of said act.

SEC. 13. That from and after the 1st day of January, 1908, every wagon or other vehicle of whatsoever kind or description weighing, when loaded, more than 2 tons exclusive of the weight of the vehicle, fused, operated, or propelled on, over, or across any of the streets, avenues, alleys, bridges, or roadways of the District of Columbia, shall have wheel thres not less than 4 inches broad. Any owner or driver or other person in control of such wagon or other vehicle so using, operating, or propelling the same who shall violate the provisions of this section, shall, on conviction thereof in the police court of the District of Columbia, be punished by a fine not exceeding \$25, or by imprisonment for not more than sixty days, or both.

SEC. 14. That all acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 15. That Congress reserves the right to alter, amend, or repeal this act.

The SPEAKER. Is a second demanded? Mr. JAMES. I demand a second. Mr. SIMS. I demand a second.

The SPEAKER. The gentleman from Tennessee, a member of the committee, will be recognized as demanding a second.

Mr. JAMES. A parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. JAMES. I would like to know if the gentleman is to be recognized on his side in favor of the bill?

The SPEAKER. Somebody will be recognized who is opposed to the bill. Is the gentleman from Tennessee opposed to the

Mr. SIMS. I would like to make the bill better, but as we

can not do so I will take it as it is.

The SPEAKER. The Chair will recognize the gentleman from Kentucky as demanding a second. Is the gentleman from

Kentucky opposed to the bill?

Mr. JAMES. I am opposed to the bill.

The SPEAKER. The gentleman from Kentucky is opposed to the House amendment?

Mr. JAMES. I am.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that

Mr. DABCOCK. Mr. Speaker, I ask manimous consent that a second may be considered as ordered.

Mr. JAMES. Before that is done, I ask—
The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Wisconsin is recognized for twenty minutes and the gentleman from Kentucky is

recognized for twenty minutes.

Mr. BABCOCK. Mr. Speaker, I will endeavor in as few words as possible to explain the provisions of this bill and what words as possible to explain the provisions of this bill and what it is. In the first place, on this map is shown the Union Station, and the dotted lines show the new construction that is necessary to bring all lines to that station. The yellow lines that are crossed here with a pen are to be taken out and abandoned. All of this loop here is on D street and puts this track in here [indicating], and puts the tracks in there in much better shape for the accommodation of the people than they are now. This is the most practical way to get to the station. It is the least construction that can be possibly figured out. Now, this bill also carries a piece of construction that can be possibly figured out. Now, this bill also carries a piece of construction that is demanded by the citizens, and has been urged for years in northeast Washington. It connects them with the Capital Traction system and brings them to the Union Station. This line of road commences here on Florida avenue, runs down Florida avenue to Eighth street east, and at Eighth and F streets makes direct connection with the depot.

This new construction runs by what is called Kendall Green, and is a very desirable piece of construction for that part of the city, furnishing, as it will, much needed additional facilities.

The committee has also added another provision to the bill, reenacting the smoke bill applying to locomotive engines that the House passed in the early part of this session; also a sec-tion reenacting what was known as the "wide-tire" provision, with a modification that does away with a large part of the opposition to it. The committee reported a bill to this House making the load that a wagon should carry with a tire less than 4 inches 5,000 pounds, including the wagon. That was amended in the House and made 4,000 pounds, including the wagon—too light a load, as in some cases these wagons weigh half, or perhaps more than half, of the 4,000 pounds. Now, the committee has taken this position, that it would make the load 2 tons, exclusive of the wagon, whether the wagon weighed 3,000 pounds or 2,000 pounds, and that would permit 2 tons of coal or any other material being delivered. In other words, this provision will not affect a wagon carrying 2 tons of coal. The object of the committee in trying to secure this legislation is to prevent these extremely heavy loads that cut up and destroy the streets, and especially the suburban macadam roads, which do not stand it nearly so well as the asphalt. The argument was made before the committee that there was no such provision in Chicago or St. Louis or Detroit; but I want to call the attention of the House to the fact that on practically all the House

asphalt streets in those three cities there is no heavy hauling. These heavy loads are not permitted on the boulevards or that class of streets, but the Belgian-block pavement is used where the heavy hauling is done. This, I think, practically covers the bill—the entrance to the Union Station, the new construction in northeast Washington, the reenactment of the smoke law, and the wide-tire bill.

Mr. JONES of Virginia. May I ask the gentleman a ques-

tion?

Mr. BABCOCK. Yes.
Mr. JONES of Virginia. What, if any, public demand is there for this wide-tire provision which the committee has placed upon this bill—a provision entirely wanting in germaneness so far as the bill itself is concerned?

Mr. BABCOCK. In answer to that I will say that in the first place it is in the interest of economy in caring for the

streets of the District of Columbia.

Mr. JONES of Virginia. My question is whether there is

any public demand for it.

Mr. BABCOCK. The gentleman is familiar with this subject and knows what the conditions are. We have just passed a bill for the resurfacing of Pennsylvania avenue over a very large portion of it. In answer to the question as to the public demand, I will say that representatives of citizens' associations, leading citizens, and practically everybody in the city of Washington is urging the passage of this proposition.

Mr. JONES of Virginia. I understand that all the business

interests of this city are united in opposition to it.
Mr. BABCOCK. Oh, no.

Mr. MANN. Mr. Speaker, is it not rather unusual to bring into the House a number of very important measures of this sort in one bill and seek to pass them under suspension of the rules?

Mr. BABCOCK. The House has acted on the antismoke and on the wide-tire provision at this session of Congress, and those

propositions are not new.

Mr. MANN. Are these two propositions in identically the

same form as in the bills which passed the House?

Mr. BABCOCK. The wide-tire bill permits a heavier load. This bill in its present form permits a load of 2 tons excluding the wagon, while the other bill was 4,000 pounds including the wagon.

Mr. MANN. So that the gentleman has not followed the ac-

tion of the House in that respect?

Mr. BABCOCK. Practically; yes.

This is more liberal. Mr. BEDE.

Mr. BABCOCK. Mr. Speaker, I reserve my time.

Mr. MANN. The bills are similar, with variations.

Mr. JAMES. Mr. Speaker, a parliamentary inquiry. Is an amendment in order to this bill?

The SPEAKER. It is not. No amendment is in order where

motion has been made to suspend the rules.

Mr. JAMES. Two weeks ago, when the District Committee had up before the House a bill relative to the chartering of street railway lines, an amendment was offered providing for street railway fares of 3 cents. The chairman of the committee, the gentleman from Wisconsin [Mr. Babcock], stated to the House that when this bill came up giving these street railway lines the right to go into the Union Station that amendment would be germane, and that we would then have an opportunity to give to the people of this city that which they ought to have—a 3-cent street railway fare.

But we find that instead of that being the case that he comes in now and moves to suspend the rules, and no amendment of any character is in order. I want to appeal to this House to vote down this motion to suspend the rules and by this defeat this bill, and then make him bring it up in such a parliamentary situation as will make him keep faith with the House when he said an amendment would be in order. [Applause.] When the question was propounded to him, the gentleman from Wisconsin [Mr. Babcock] stated on last Dis-

trict day to the House as follows:

The gentleman is a member of the District Committee and is aware that what is known as the terminal bill is before that committee—

That is, the bill now under considerationwhich bill will be reported to this House and an amendment of this

That is, for the reduction in street railway car fare, making it 3 cents-

will be germane to the bill.

Mr. BABCOCK. Will the gentleman permit? Mr. JAMES. Certainly. Mr. BABCOCK. I want to say to the gentleman and to the

Mr. JAMES. I do not want the gentleman to make a speech; I yielded for a question.

Mr. BABCOCK. Oh, the gentleman will be fair. The statement of the gentleman from Kentucky is absolutely true. I did say that there would be a bill reported where amendments would be germane, and I made that statement in good faith; but when the time comes the gentleman must understand that the question of consuming so much time at this late hour of the session comes in.

Mr. JAMES. As a test of the gentleman's good faith, will he make a point of order against an amendment which I will offer for a 3-cent railroad fare?

Mr. BABCOCK. I will not.

Mr. JAMES. Will the gentleman see that no objection of that sort is offered?

Mr. BABCOCK. Of course I could not guarantee that. Mr. JAMES. Then, Mr. Speaker, I offer the following Mr. JAMES. amendment-I ask unanimous consent for its considerationproviding for a 3-cent railway street car fare in the District of Columbia, and I send the amendment to the desk.

The SPEAKER. What is the request of the gentleman?

Mr. JAMES. I ask unanimous consent to offer the amend-

ment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the motion to suspend the rules and pass the bill shall cover the following amendment, which the Clerk will read. Is that the gentleman's request?
Mr. JAMES. That is the request.

The SPEAKER. This will proceed in the gentleman's time.

The Clerk read as follows:

That from and after the passage of this act the rate of fare that may be charged for the transportation of passengers over any and all street railway lines in the District of Columbia shall not exceed 3 cents, good for transportation for one passenger over the whole or any part of the line of such street railway company over which tickets are sold.

Mr. MANN. I object.
Mr. JAMES. Mr. Speaker, we can get at this by defeating this bill. I had hoped that the gentleman from Illinois would not object, nor any other Member of the House, to an amendment of this sort. When we see a street-car company of this District, whose road did not cost exceeding \$30,000 or \$40,000 a mile, that is now declaring dividends at 6 per cent upon the capitalization of \$600,000 a mile, I had hoped that no man representing the people would make an objection or a point of order.

Mr. MANN. Will the gentleman permit me?
Mr. JAMES. Certainly.
Mr. MANN. Whatever may be my views upon that question,
I am opposed to considering the matter in this way, and I shall vote against the bill.

Mr. JAMES. I am glad to hear that the gentleman from Illi-

nois is going to vote against the bill.

Mr. MADDEN. Will the gentleman from Kentucky yield? I want to ask unanimous consent to include in the motion to suspend the rules and pass the bill the following amendment, which send to the desk.

The Clerk read as follows:

Provided, That the railway companies named herein shall grant free transfers at all points where the tracks of either company cross the tracks of the other; and each of said companies shall be required to accept such transfers.

Is there objection? The SPEAKER.

Mr. MANN. I object.
Mr. SULZER. Mr. Speaker, I ask unanimous consent to offer the following amendment, which I send to the Clerk's desk and ask to have read.

The SPEAKER. Does the gentleman from Kentucky yield to the gentleman from New York?

Mr. JAMES. I will yield to the gentleman from New York.

The Clerk read as follows:

Amend as follows, on page 7, after line 3:
"Provided, That said railway and all other surface railways in the District of Columbia shall sell two tickets for 5 cents, and said tickets shall be good on all of said lines of surface railways in said District of Columbia."

Mr. SULZER. Now, just a word. In my judgment these railways can well afford to sell two tickets for 5 cents, and they should be compelled to do so by law. Nine-tenths of the passengers do not ride a distance, on an average, of more than one-half mile, and the great railway companies of the country-the steam railroads-carry passengers for less than 3 cents a mile. If the water were taken out of the stock of these surface railways in the District of Columbia, they could carry passengers for 2 cents a ride and make a handsome profit and pay dividends on the actual value of the properties. I trust there will be no objection to my amendment and that it will be adopted.

The SPEAKER. Is there objection?

Mr. MANN. I object. Mr. JAMES. Mr. Speaker, I yield five minutes to the gentle-

man from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, some days since the Committee on the District of Columbia brought in a bill requiring 4inch tires in the District. That bill passed the House, did not meet with favor in the Senate, and the District Committee now has appended that bill as a provision upon the bill now before the House. What has taken place just a moment ago shows that we can not hope, by unanimous consent or otherwise, to amend this bill at all. Those of us, therefore, who are opposed to the broad-tire requirement will be forced to vote against the motion to suspend the rules and pass this bill. When the broad-When the broad-tire bill was before the House, I asked the gentleman from Wisconsin [Mr. Barcock], the chairman of the Committee on the District of Columbia, if it were not an admitted fact that the business interests of the farmers in Washington and the neighborhood were opposed to that bill. I understood him to

reply that he had heard no protest.

I shall print as a part of my remarks, Mr. Speaker, a protest written to me in behalf of many of the business interests of the city, signed by Mr. H. J. Mooney. I shall also call the attention of the House to an article in the Evening Star giving the hearing before the Commissioners, prefacing it now by saying hearing before the Commissioners, prefacing it now by saying that that hearing is still going on, and that the District of Columbia Committee was not willing to wait until the Commissioners of the District of Columbia could report. At that hearing, Mr. Speaker, more than 100 men, representing the Carriage and Wagon Builders' Association, protested against the passage of the bill. The chief of the fire department of the city of Washington protested against it on behalf of his department, saying that it would cost the department some \$35,781. and that the installation of the suggested broad tires would be an impediment rather than an aid to the department. William S. Knox, one of the expressmen of the city, said that he operates 150 wagons for his express business, and that more than 100 of them would have to be changed if the law was passed. Then he said that borrowing wagons from other cities would be prevented. Sometimes that company borrows wagons from Baltimore when there is a press of business here, and Baltimore borrows from Washington when conditions are re-That would be put an end to. Commissioner Biddle asked how it would do to make the limit 6,000 pounds, and Mr. Knox replied that it would not help a bit; that a set of 4-inch wheels for his wagons and to make all the necessary changes would cost him more than \$10,000. Mr. Knox then submitted to the Commissioners a letter from the dealers in agricultural implements in the city of Washington in opposition to the proposed legislation. Then Mr. Conrad Syme, of counsel for the Business Men's Association of the city of Washington, protested against the passage of the bill. Mr. Syme concluded by reading letters from the Brennan Construction Company, and I call especial attention to this; and the Cranford Paving Company, which companies, it is said, do practically all the street paving for the District, in which they stated that the installation of broad tires would not tend to preserve the asphalt, and that they were opposed to the bill. The next speaker was Mr. Newbold, of the Merchants' Transfer Company, who protested. Then there came a protest from Robert Miller, of Spencerville, Md., speaking for the farmers of Montgomery County, who had held meetings and passed resolutions. Then Captain Oyster, of the Business Men's Association, protested in his own behalf and in that of the Business Men's Association. Then Mr. Bell, of the Jobbers and Shippers' Association, protested. Mr. D. S. Grove stated that he represented a firm which operates more than 300 wagons in the District, and he protested. Then Alexandria County, Va., speaking through Mr. Boteler, protested against it. Mr. W. A. Smoot and Mr. A. D. Brocket, of the against it. Mr. W. A. Smoot and Mr. A. D. Brocket, of the Chamber of Commerce of the city of Alexandria, protested against it. Then Mr. J. T. Preston, of Alexandria City, protested, and said that one of these heavy broad-tired wagons could not get through the Virginia mud to the city of Washington at all if this bill was passed.

So much now in support of the assertion that I made the other day that every business interest of the city of Washington was opposed to the passage of that bill, which has now been grafted upon this bill in a most unusual and unprecedented way as one of its provisions. I desire to call special attention to the fact, Mr. Speaker, that the men who have the contracts for laying this asphalt pavement say that the 4-inch-tire bill will do no good in preserving the asphalt, and it should be kept in mind that these men are under a contract, out of their own pockets and at their own expense, to keep the pavements of the city of Washington in repair for five years, so that they have every

interest to see that the pavements are not injured. The following are, in full, the letter and the newspaper article to which I have called attention:

ing are, in full, the letter and the newspaper article to which I have called attention:

WASHINGTON, D. C., February 20, 1907.

Hon. John Sharp Williams,

House of Representatives, Washington, D. C.

Dear Sin: Pursuant to your request of last evening, I am giving you, briefly, the sallent features of our opposition to the "rider" on the street railway bill known as the "Brond-tire bill," which requires that all woons in the District of Columbia weighing over 4,000 pounds when all woons in the District of Columbia weighing over 4,000 pounds when all woons in the District Commissioners, and without a respectful hearing before the House District Committee, although men interested in the same appeared before said committee, but were not allowed to state their case as fully as they desired. The bill has been misrepresented on the foor of the House by reason of the fact that the statement has been made that there was practically no opposition to the bill on the part of the business interests of the District, when the fact of the matter is that at the hearing before the Commissioners not one representative business man appeared in favor of the same. At that hearing all the business interests of the city were represented, and they were unanimous in their disapproval of the same. The Jobbers and Shippers' Association, board of trade, Business Men's Association, and, in fact, all business interests of the District spoke against said bill.

Chief Belt, of the Washington fire department, stated that it would cost \$35,500 to make the changes in his department to conform to the law and that the danger of "skidding" or "sliding" would be increased to an alarming degree, which would mean, in his opinion, the overturning of the engines in going to fires, which he said was extremely dangerous to the men and horses, not to mention the damage to the trucks. The number of teams affected by this bill will eapproximately 5,000 and the estimated cost \$1,000,000. This estimate does not take into consideration the loss to those affecte

OPPOSITION TO BROAD-TIRE BILL —HEARING TO-DAY BEFORE DISTRICT COM-MISSIONERS—NONE PRESENT FAVORED IT—BUSINESS MEN GIVE VIGOR-OUS EXPRESSION OF VIEWS—PROBABLE COST OF INNOVATION—MORE THAN FIVE THOUSAND VEHICLES WOULD BE AFFECTED, INCLUDING FIRE DEPARTMENT APPARATUS.

OUS EXPRESSION OF VIEWS—PROBABLE COST OF INNOVATION—MORE THAN FIVE THOUSAND VEHICLES WOULD BE AFFECTED, INCLUDING FIRE DEPARTMENT APPARATUS.

The "broad-tire" bill, which proposes to require every vehicle in the District weighing, with its load, 4,000 pounds or more, to have wheel three at least 4 inches in width, and which has been referred to the Commissioners by the District Committee of the Senard of Commissioners at the District building to-day. More than 100 men, representing the Carriage and Wagon Builders' Association, wagon owners, and other business and citizens' associations, were represented and offered objections to the proposed measure in most vigorous manner. That the requirements would inflict an undue hardship upon the merchants and business men of the District was the chief contention.

It was pointed out by several of those who addressed the Board that more than 5,000 vehicles would be affected and to change the tires would necessitate the placing of new axles at a large outlay of money. Chief Belt stated that practically every vehicle employed by the fire department would be affected by the proposed law. He stated that with few exceptions all of the fire vehicles weighed more than 4,000 pounds and that their tires are less than 4 inches in width. The new law would mean not only the extra expense of altering the tires and axles, but it would tend to make the vehicle heavier and retard its speed.

APPARATUS OF FIRE DEPARTMENT.

The chief stated that there are 62 pieces of apparatus in the fire department that would be affected and each is so constructed that none will sustain a 4-inch tire.

"As each piece," he explained, "carries 1 extra front wheel and 1 extra rear wheel, it will be seen that it will be necessary to purchase 6 wheels for each piece, making a total of 372 new wheels.

In answer to a question by Commissioner Macfarland, who presided at the hearing, Chief Belt said that the changes necessary should the bill be enacted would cost approximately \$35,781.

"I think, gentlemen," Chi

1437 Pennsylvania avenue NW. He said that the bill was an unnecessary and unjust one, and that he hoped the Commissioners would report adversely upon it. Mr. Knox added that he operates 150 wagons for his express business and that more than 100 of them would be affected by the proposed law. He said the wagons generally weigh without a load from 3,000 to 3,500 pounds, and that the tires seldem ever measure more than 2½ or 3 inches. The law, it was pointed out, would prohibit the interchange of wagons between cities.

"Sometimes when we are rushed here we borrow wagons from Baltimore, and when the merchants of that city are busy they borrow from us," the speaker said. "This law would do away with this convenience."

NUMBER OF WAGONS AFFECTED.

Mr. Knox was unable to give the Commissioners an accurate idea of the number of wagons in the District that would be affected by the law, but said he imagined the total would be about 5,000. He then read prices showing what the changes would cost.

"How would it suit to make the limit 6,000 pounds?" Commissioner Biddle asked.

"It wouldn't help a bit, Mr. Knox answered. "The weight of the wagon due to the broadening of the tire and installation of heavier spokes and axles would necessitate us putting on four horses on all of our wagons affected. A set of 4-inch wheels for my wagons would cost \$150, and to make all the necessary changes would cost me more than \$10,000."

Mr. Kaox concluded his remarks by submitting to the Commissioners a letter from the dealers of agricultural implements of Washington in opposition to the proposed legislation.

"This bill, if enacted, will take from the pockets of the business men of Washington more than \$2,000,000." Conrad Syme of counsel for the Business Men's Association declared. "Gentlemen, we want you to save us from this vicious legislation. It is just legislation like this gentlemen, that is driving our young business men out of the city. It is impossible to get a dollar invested in business interests in this city because of the extreme powers of Congress. The legislation is unwise, uncalled for, and unjust."

In answer to a question by Colonel Biddle, Mr. Syme said it would be useless to attempt to modify or amend the bill.

"The only thing we want," he added, "is that the bill be killed outright."

Mr. Syme concluded by reading letters from the Brennan Construc-

Mr. Syme concluded by reading letters from the Brennan Construction Company and the Cranford Paving Company, who, it is said, do practically all the street paving for the District, in which they stated that the installation of broad tires would not tend to preserve the asphalt, and that they opposed the bill.

OBJECTIONS OF MR. NEWBOLD.

objections of Mr. Newbold.

The next speaker was Mr. John L. Newbold, of the Merchants' Transfer Company. He was vigorous in his objections, and went into details in explaining to the Commissioners why the bill should be disapproved.

"The bill, if enacted, would put a number of business men out of business," Mr. Newbold declared. More than 5,000 wagons would be affected, and to make the necessary changes and alterations would cost the local wagon owners more than \$1,000,000. There is no other city in the United States with such a regulation as this proposed one. It was proposed in Denver, but never became operative. "All laws in England regulating width of tires have been repealed, as have such laws of other European countries."

In answer to questions by Commissioner Macfarland, Mr. Newbold said comparatively light-framed wagons would be compelled to put on broad tires, because they often carry more than 4,000 pounds.

"How much would it cost to change each wagon, on an average," Commissioner Macfarland wanted to know.

"I will say about \$400 or \$500," Mr. Newbold answered.

At this point Chr. Heurich, of the brewing company of that name, said the requirements of the law would cost him more than \$30,000. Mr. Macfarland announced that the Commissioners must have more definite figures and statistics on the question in order to properly report to Congress upon the bill.

"I would say offhand," Mr. Heurich remarked, "that it would cost me \$300 a wagon to make the necessary changes because of this law, and I think that would be the average throughout the city."

SALES HAVE FALLEN OFF.

"Since this agitation over the broad tires was first brought up my sales have fallen off 50 per cent," said C. M. Wolf, a wagon dealer at 200 M street. "I represent a big wagon company, and I can safely say that very few 4-inch tires are being made, which shows that 4-inch tires are practically useless except in cases where extraordinary loads are to be carried."

In speaking for the farmers of Montgomery County, Robert Miller, of Spencerville, Md., said the farmers had adopted resolutions at their last meeting disapproving the bill. He remarked that his wagons, unloaded, weigh from 1,500 to 3,000 pounds.

Chairman Macfarland announced that the Commissioners were fortunate in having present the presidents of the three representative business and trade organizations of the District, and as they would voice the sentiments of hundreds of men who would be affected by the legislation anything which they might offer in the way of suggestions would be appreciated.

Gen. John M. Wilson, president of the board of trade, said his organization had taken no action in the matter, and as he simply attended the hearing as a citizen and a listener he had nothing to offer.

HARDSHIP UPON OWNERS.

Capt. James F. Oyster, president of the Business Men's Association, said he opposed the measure and that his association had passed resolutions opposing it also. He stated that there is no doubt that the requirements of the bill, if enacted, would inflict a hardship upon wagon owners in the District.

"I would approve the bill." Mr. Charles J. Bell, president of the Jobbers and Shippers' Association, said, "if the section relating to the wagons and tires was eliminated and a section inserted which would provide for the appropriating of a sufficient sum of money to extend the street paying of the city. There should be no legislation which would have a tendency to hurt the merchants and business men, and I trust you gentlemen will report adversely upon it."

Mr. Bell's remarks seemed to appeal to the sentiments of those present and called forth considerable applause.

D. S. Grove, the next speaker, stated that he represented a firm which operates more than 300 wagons in the District for hauling purposes and that every one of them would be affected by the "broad-tire" bill, and to make the necessary changes because of the provisions of the bill would cost nearly \$10,000.

#### ALEXANDRIA COUNTY OPPOSED.

G. G. Boteler, of Alexandria County, was the next speaker. He said that for twenty-five years he had sold farm wagons in Virginia, and in that period he has not sold as many as five 4-inch-tire wagons and does not believe that in Alexandria and Fairfax counties there are ten 4-inch tires. The 4-inch tire is a theory, he asserted, and an impracticable proposition on ordinary roads. If the truckers and farmers of the section mentioned put on such tires, the speaker declared, they could not get to Washington with their produce, because of the extra weight.

could not get to wasnington with their produce, because of the extra weight.

W. A. Smoot and A. D. Brocket, of the Chamber of Commerce of Alexandria, Va., said that their organization is unanimously opposed to the bill for the reason that it would keep all heavy hauling teams from Alexandria out of the District and that such legislation would practically construct a Chinese wall around this city, to the exclusion of the traffic that comes from the adjacent counties in the form of truckage and country produce sold in the Washington markets.

#### ON VIRGINIA MUD ROADS.

J. T. Preston, of Alexandria, said that it had been demonstrated beyond any doubt that an ordinary country farm wagon with a 4-inch tire loaded to its capacity coming to Washington would never be able to make 1 mile's distance over a Virginia mud road in twenty-four hours with all the horses that could be hitched to it.

Others who addressed the Commissioners in opposition to the bill were W. S. Hoag, F. W. Bolgiano, E. P. Marsden, Charles Heitmuller, S. M. Frazier, E. P. Thomas, Warner Stutler, and T. L. Jackson.

Mr. JAMES. Mr. Speaker, I yield four minutes to the gen-

tleman from Iowa [Mr. Hepburn]. Mr. HEPBURN. Mr. Speaker,

Mr. HEPBURN. Mr. Speaker, I hope that the House will not agree to the motion made by the gentleman from Wisconsin. Let me remind the House what the situation is that is now before the House. This is District day. This bill which the gentleman now moves to pass under suspension of the rules it is competent for him to bring to the attention of the House by virtue of the fact that this is District day. There must be some reason for this peculiar motion to suspend the rules and pass the bill. I think there is, and that is to cut off amendment, and the cutting off of amendment to this bill, I say, is not in the best of faith to this House. [Applause.] I know that time and again during this session gentlemen have wanted to add to certain bills reported from the Committee on the District various amendments, involving the subject of fares, involving the subject of transfers, the overloading of cars and insufficient facilities, the utter want of reports, intelligent, that can be understood, which should be made by these companies from time to time through the Congress. The gentleman has assured us on many occasions, Mr. Speaker, publicly and privately, that there would be a full opportunity in the House to offer and discuss these various questions, and-

Mr. BABCOCK. I will say I will not object to any amendment the gentleman wants to offer, and I do not think any

member of the committee will.

Mr. HEPBURN. Then why is it that this bill, the only one that is brought in where these questions could be legitimately considered, the gentleman tries to crowd through under the pressure of a motion like this, this being the day that belongs exclusively to his committee, when he can have all the time that he wants?

Mr. BABCOCK. My answer to the gentleman's question is that it is on account of the short time of the session. I am willing to use the whole day if the organization will permit it.

Mr. HEPBURN. Mr. Speaker, this day belongs to the District of Columbia; it is their day, and there is no power that

can take away their day

Mr. Speaker, I hope this motion will be voted down. new privileges to these street railway companies. There are some important streets in this city which it proposes to turn over to them. Mr. Speaker, there is one matter I want to call attention to. The companies say that they can not reduce their fares—that the roads are not now remunerative. It was developed the other day in the committee that one of these corporations was capitalized to the amount of \$229,000 for each mile of single-track road. No wonder that they can not be made remunerative on such a fictitious and unwarrantable capitalization. Let me remind you, Mr. Speaker, that these men have bought those roads in many instances after comple-tion and operation. They were authorized under a separate charter. One corporation has gathered up thirteen, I think it is, of those roads. They may not be remunerative now, but they are holding them because of their speculative value and because of the certainty that in a short time they will be amply remunerative; and under the pretense of not being remunerative now they demand permission to continue their exactions and delinquencies. Look at the want of facilities the people suffer from and the manner in which some of the companies rob the people of this District of every vestige of comfort in the use of the roads. [Applause.]

[Here the hammer fell.]
Mr. JAMES. I would like to ask the gentleman from Wisconsin to consume some of his time.

Mr. BABCOCK. Mr. Speaker, I want to repeat what I said in reference to the reason why this bill was called up under suspension of the rules. It was simply a question of time. did state on this floor last District day that this bill would be called up to-day, and that all amendments would be germane. I made that statement in good faith; but here we are confronted with the condition that this body has only six days left before adjournment, with important legislation pending, and upon consultation with the Speaker and Committee on Rules, the suggestion was made if I called up the bill it would militate against every other bill on the Calendar of the District of Columbia, because the whole day would doubtless be consumed in discussing it. I do not want to rest under the charge of being unfair and of attempting to mislead anyone—

Mr. JAMES. Will the gentleman yield?
Mr. BABCOCK. Certainly.
Mr. JAMES. How did you vote in the committee when an amendment was offered for the 3-cent fare?

The SPEAKER. Matters that took place in committee are not proper subject for debate.

Mr. JAMES. I thought perhaps the gentleman would let this House and country know-

Mr. BABCOCK. I would be very glad, Mr. Speaker, to

answer the question.

The SPEAKER. Well, the rule is that what takes place in a committee of the House is not a proper subject for debate.

Mr. JAMES. I thought that point of order might perhaps be waived by the gentleman.

Mr. SLAYDEN. Will the gentleman from Wisconsin permit me simply a question?

Mr. BABCOCK. Certainly.
Mr. SLAYDEN. Mr. Speaker, I would like to ask the gentleman, simply for information, what is that being given to the street railways by section 8 of this bill in the donation of so much of reservation 57 as the Commissioners of the District of Columbia may, in their judgment, think necessary for sidewalks and roadways and for street railway use?

Mr. BABCOCK. It is a little piece taken off down here in this section [indicating on the map]-that little dotted line.

It is paid for by the railway company.

The SPEAKER. Does the gentleman from Wisconsin [Mr. BABCOCK] desire to reserve the remainder of his time?

Mr. BABCOCK. Mr. Speaker, I reserve the remainder of my time.

Mr. JAMES. Mr. Speaker, I yield two minutes to the gentle-

man from Missouri [Mr. SHACKLEFORD].

Mr. SHACKLEFORD. Mr. Speaker, I desire to say I am in favor of one of the provisions of this bill against which some argument has been made-that for providing for wide tires and I desire to read from the good-roads bulletin, issued by the Department of Agriculture, on that subject, as follows:

Department of Agriculture, on that subject, as follows:

Doubtless the best way to keep an earth road, or any road, for that matter, in repair is by the use of wide tires on all wagons carrying heavy burdens. Water and narrow tires aid each other in destroying streets, macadam, gravel, and earth roads. Narrow tires are also among the most destructive agents to the fields, pastures, and meadows of farms, while, on the other hand, wide tires are road makers; they roll and harden the surface, and every loaded wagon becomes in effect a road roller. Nothing so much tends to the improving of a road as the continued rolling of its surface.

Tests recently made at the experiment stations in Utah and Missouri show that wide tires not only improve the surface of roads, but that under ordinary circumstances less power is required to pull a wagon on which wide tires are used.

Mr. Speaker, while I favor that proposition, and while I favor

Mr. Speaker, while I favor that proposition, and while I favor some of the other propositions contained in this bill, I am opposed to its passage under the suspension of the rules; and I want to ask this House now if it does not make a mistake in upbraiding the gentleman from Wisconsin [Mr. Babcock], the chairman of this committee, for refusing a vote. Mr. Speaker, every thoughtful man knows that the gentleman from Wisconsin is not responsible for it. The organization of this House is of that character that free discussion and free action in this body is not tolerated. If the gentleman from Wisconsin were dead and in heaven the organization of this House would still see to it that we could not have free action, free debate, and free consideration of questions.

Mr. JAMES. Mr. Speaker, I yield two minutes to the gen-

tleman from Alabama [Mr. Underwood].

Mr. Underwood].

Mr. Underwood in the state of the general state of the gene House for years to come that is as important to the people of the District of Columbia as the bill we are now considering. This bill provides for the street cars connecting with the Union Depot. You never can get a bill through the two Houses of Congress to regulate these street-car systems unless you find the time when they will come here and ask Congress to do something. So if we ever expect to regulate these roads, prescribe a reasonable fare, and the other regulations that are necessary for the comfort of the people of this District, it is

necessary to do so on this bill.

This bill also provides that there shall be no smoke in the District of Columbia, so far as the railroads coming into this District are concerned. It is an important question. I am informed that it will cost \$5,000,000 to electrify these roads coming into the District. The railroads will not pay for it. They issue the bonds and the people who ride on the railroads and by additional freight rates will have to pay for the privilege of keeping things straight in order that the uptown dudes may walk around without smut on their collars. That is the main object in this question of the railroads not smoking. And yet these gentlemen bring this bill in here and propose to put that tax upon the people of the District, that much on the body politic here forever, without consideration and without opportunity to amend it.

The SPEAKER. The time of the gentleman has expired.

Mr. JAMES. Mr. Speaker, how much time have I remaining?

The SPEAKER. One minute.

Mr. JAMES. Mr. Speaker, I want to say to the Members of this House that under the provisions of this bill they give the street-car companies one year and a half in which to construct these lines into this depot. Therefore there is no necessity for this bill to pass now. You can defeat this bill and you will force them to bring in a bill here that will give us the right to offer amendments that will give to the people of this District a 3-cent fare and will give to them a universal-transfer system, and that will give to the people of this District a chance to get out of the hands of these men that are robbing them daily, of a small amount, it is true, but the robbery mounts up into the millions when you put it altogether. [Applause.] They want under this bill to make the farmer have a broad tire, but not to make any less the street-car fare, and they want to make the engines quit smoking, but they are willing for the people to continue to smoke and be burned up by the extra charges of these street-car companies. [Loud applause.]

Mr. BABCOCK. Mr. Speaker, I yield the balance of my time to the gentleman from Tennessee [Mr. Sims].

The SPEAKER. The gentleman from Tennessee is recog-

nized for eleven minutes.

Mr. SIMS. Mr. Speaker, I hope to have the attention of the House and of every Member in it to what I expect to say now. I want first to address myself to the criticism made of the motion to pass this bill under suspension of the rules. There is not a Member of this House who wants to amend this bill more than I do in some respects. I have tried here, in season and out, before the committee and in hearings, to have a universal free-transfer proposition put in, but I have failed. The 3-cent fare proposition has been tried in the committee, and it has failed. Now, there is a measure in this bill which causes me to submit to this method. Why? Under compul-

sion, under restraint, because there is no other way to do it.

Congress in 1899, I believe it was, passed a smoke law that
applies to every man, woman, and child and corporation in the District of Columbia, but specifically excepted the greatest smoke-making machine, the greatest smoke-nuisance producer known to man, and that was the railway engine.

Mr. SULLIVAN. Will the gentleman allow me to ask him a question?

Mr. SIMS. Yes; but my time is short.
Mr. SULLIVAN. Does the gentleman think the legislation
is so important as to justify the committee in breaking faith with the House?

Mr. SIMS. Just wait until I get through, and then you can

tell what I think about the matter.

Congress passed that bill, and the citizens of this District have had that law enforced against them. Thousands of dollars have been collected out of them by fines, while the great railways, sending 200 smoking engines through this District every day, have absolute immunity. I introduced a bill to simply apply the laws as they exist to these great smoke makers. It would have been reported, but for a certain occurrence I propose to mention. There was a bill to permit the terminal companies to acquire additional lands under condem terminal companies to acquire additional lands under condemnation proceedings, in order to make their terminals more I offered my bill in the committee as an amendment to that bill, and it was reported unanimously. While that bill was pending before the committee, as it was for a number of weeks, the railroads were heard to their satisfaction. They came before us from day to day and presented their arguments. I did not think they were good, and I do not now. I did not think they were good, and I do not now. That bill came into this House and passed without a single opposing vote. My friend who sees \$5,000,000 cost to the railroad companies now, did not see it then. It went from the House by

unanimous vote, in the sense that nobody opposed it or voted It went to the other body.

Mr. JAMES. Will the gentleman yield to a question?

Mr. SIMS. Yes, sir. Mr. JAMES. Do you think the smoke ordinance is of more benefit to the public than a measure to reduce the street-car fare to 3 cents?

I will cover the whole thing. Mr. SIMS.

Mr. JAMES. All right.

Mr. SIMS. In the other body it was reported unanimously. It was voted for in the Senate and passed, I might say, unanimously; but two hours afterwards a Senator asked that it be reconsidered, and it was. It went to the Calendar, and there it

We are now dealing with a bill in reference to the Union Station, to permit the street railways to construct their tracks and connect with it. This is germane to that subject, and we

propose to apply the smoke law.

But I must not forget what I started to say about that other bill. The railroad companies ceased to press their proposition in the bill for condemnation and preferred to let it die rather than have the smoke law put upon them. Now that bill is practically dead. The measure went to the Calendar, and I predict it will die there.

Why should any man in this House, any Member in this House, be willing to apply a criminal law to the citizens of this District and then vote against applying the same criminal law to those who are more guilty than any other agency in the

District?

Mr. SULLIVAN. Why should this not go to the Committee of the Whole? I would be very glad that the gentleman should have an opportunity to offer an amendment to this bill providing for universal transfers and am very anxious for my friend to offer his amendment and have a vote on it.

I never believed it was germane to the bill, nor is the 3-cent fare; and when we have every reason to believe beforehand that every one of these amendments will go out on a point of order, what good does it do to go into Committee of the Whole, simply when we know that every amendment offered

must be defeated without a vote?

Mr. SULLIVAN. Will the gentleman yield?

Mr. SIMS. I have only a little time remaining. The SPEAKER. The gentleman declines to yield.

The SPEAKER.
Mr. SULLIVAN. A single question.
Mr. SIMS. I will yield for a single question.
Mr. SIMS. I will yield for a single question.
Mr. SULLIVAN. Would it not be better for the committee to sit nights rather than persist in its course of breaking faith with the House?

Mr. SIMS. I will talk to you about that. That is what I am trying to arrive at.

Mr. SULLIVAN. I should like to hear you talk about it. Mr. SIMS. I have made no promise and I have broken no faith.

Mr. SULLIVAN. But the gentleman in charge of the bill has

confessed that he did.

Mr. SIMS. He did give his opinion as to whether that amendment would be germane or not. The gentleman to-day says he will make no point of order, but when the gentleman from Alabama gets up and says, "I want to make a point of order to one provision of this bill," does not that put us on notice that the point of order is going to be made? Do I not know and does not the gentleman know that the point of order will be made?

Mr. SULLIVAN. I know it is better for this House to sit evenings and consider this bill properly, and I know they could do it if the committee would make an effort to do so.

Mr. SIMS. We do not pass a bill by going into Committee of the Whole and having it emasculated by points of order, even if we sit all night.

The House, in Committee of the Whole two or Mr. JAMES.

three weeks ago, voted for a 3-cent rate.

Mr. SIMS. Since it begins to look as though we were in earnest and not joking about this smoke proposition the railroads have become busy. They have been pouring their literature, their written arguments, into this House, and gentlemen are now interested who never showed any interest before. I have run up against these things before and got run over and know. what they mean. The corporations take no chances. give no privileges, but look at the privileges which they have received and the immunities which they have enjoyed. did Congress do? It paid these people, the railroads, by direct appropriation of money and land, about \$5,000,000 to aid the Union Station project. What else? Congress relieved them of the perpetual maintenance of the highway bridge across the Potomac. What else? The Pennsylvania Railroad Company

and those preceding it have been using public property of the United States on the Mall with a station that they have used now for more than thirty years and never have paid a cent for the privilege and never have paid even taxes. They have demonstrated their ability to control this House, and I fear they may do so again, and I want to see at least one restraint placed upon this corporate power. For my part, I was willing to forego the opportunity to offer an amendment. I was anxious to offer one, but I was willing to give up that opportunity in order to have this proposition placed in such a position here in the House that they can not defeat it on a point of order and without going on record.

You may call that bad faith if you want to. That is why I did it; that is why I agreed to it. I can not beat all the railroads, street and steam, and all the combined friends of the corporations when they are interested in one bill, but I did hope that we would be able to make them in this beautiful capital comply with this one regulation after all the privileges they have received here in occupying public property without ex-pense, a privilege worth millions to them, after they have received a direct appropriation of money and property, when the same company are building terminal facilities and tunnels in the city of New York and paying the city of New York for the privilege of doing so. I call on the gentleman from New York [Mr. Parsons] to bear me out. It cost them in the neighborhood of \$100,000,000 to construct their improvements in and around the city of New York and pay for the use of its streets for a period-I do not know how long. They do not own Tammany Hall, they do not own the city government of New York. They walk up and pay the people there for these valuable fran-Chises; but they come here and snap their whip in the face of Congress, and gentlemen quake and shiver like a feather in a storm. Now, when I know that my friend from Kentucky [Mr. James] will not secure the adoption of his amendment, when I know I can not get the adoption of mine, why should I stand here and deprive myself and you of the chance of getting the only thing possible on this bill that there is any chance of getting passed?

[Here the hammer fell.]

The SPEAKER. The question is on suspending the rules and agreeing to the amendment, passing the bill, asking a conference, and directing the immediate appointment of the con-

The question being taken, the Speaker announced that he was in doubt.

Mr. BABCOCK. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 86, nays 160, answered "present" 8, not voting 123, as follows:

# YEAS-86.

Allen, Me. Babcock Bannon Bartholdt Bates Bede Beidler Bennet, N. Y. Birdsall Brooks, Colo. Browns and Brown Brownlow Burleigh Butler, Pa. Campbell, Kans. Capron	Dawes Deemer Dwight Englebright Fassett Fitzgerald Gardner, Mich. Gardner, N. J. Goebel Goulden Graham Greene Grosvenor Haskins Hayes Hedge	Kahn Keifer Kennedy, Ohio Kline Knowland Littauer Lovering McCreary, Pa. McKinley, Ill. Mahon Meyer Miller Minor Morrell Needham Olcott Overstreet, Ind.	Scott Scroggy Sherman Sibley Sims Smith, Cal. Smith, Mich. Smyser Steenerson Stevens, Minn Taylor, Ohio Thomas, Ohio Tirrell Vreeland Wadsworth Washburn Watkins
Capron	Henry, Conn.	Parker	Watkins
Chaney	Hill, Conn.	Payne	Weems
Coudrey Cromer	Holliday Howell, N. J.	Pou Robertson, La.	Wiley, N. J.
Thelmell	T.F., 11	Duca	

Dalzell	Hull	Ryan	
	NA.	YS-160.	
Adamson Bartlett Beall, Tex. Bell, Ga. Bennett, Ky. Bowers Brick Broocks, Tex. Brundidge Burgess Burleson Burleson Burnett Burton, Del. Butler, Tenn. Byrd Burble, Ohlo Burbler, Fla. Blark, Fla. Blark, Mo.	Clayton Cocks Conner Cooper, Pa. Crumpacker Currier Cushman Dale Darragh Davey, La. Davis, Minn. Davis, W. Va. Dawson De Armond Dickson, Ill. Dixon, Ind. Draper Driscoll Edwards Ellierbe Ellis Esch	Field Finley Fletcher Flood Foster, Vt. French Garber Garner Garner Garrett Gilhams Gillespie Glass Goldfogle Granger Gregg Gronna Gudger Hale Hardwick Haugen Hay Heflin	Hepburn Higgins Hill, Miss. Hinshaw Houston Howard Huff Hughes Humphrey, Wash Hunt James Jones, Wash Jones, Wash Keliher Kitchin, Claude Kitchin, Wm. W. Knapp Knopf Lacey Lamar Lamab Landis, Chas. B.

	Lawrence Lee	Moore, Pa.		
			Richardson, Ala.	Stanley
		Mouser	Rives	Sullivan
	Legare	Murdock	Robinson, Ark.	Sulzer
1	Lever	Murphy	Rucker	Talbott-
и	Lewis	Nelson	Russell	Taylor, Ala.
	Littlefield	Olmsted	Samuel	Thomas, N. C.
п	Lloyd	Overstreet, Ga.	Shackleford	Towne
н	McCall	Padgett	Shartel	Townsend
и	McGavin	Page	Sheppard	Trimble .
и	McKinney	Parsons	Sheppard Sherley	Underwood
и	McNary	Patterson, N. C.	Slayden	Volstead
и	Macon	Patterson, S. C.	Smith, Ky.	Wallace
н	Madden	Perkins	Smith, Md.	Wanger
d	Mann	Prince	Smith, Pa.	Webb
Œ	Marshall	Randell, Tex.	Smith, Tex.	Williama
u	Martin	Ransdell, La.	Southall	Williams Wilson
я			TO CONTRACTOR	17.440044
H	Maynard	Reid	Southard	Zenor
d	Pontall .		"PRESENT"—8.	Deserve
Ы	Boutell	Gaines, Tenn.	Humphreys, Miss.	Pearre
	Cousins	Hamilton	Jenkins	Small
	TO AND THE PERSON OF	NOT VO	TING-123	AND THE PARTY OF T
и	Acheson	Fordney	Lorimer	Rodenberg
9	Aiken	Foss	Loud	Ruppert
н	Alexander	Foster, Ind.	Loudenslager	Saunders
u	Allen, N. J.	Fowler	Lowden	Schneebell .
и	Ames	Fulkerson	McCarthy	Slemp
и	Andrus	Fuller	McCleary, Minn.	Smith, Ill.
Н	Bankhead	Gaines, W. Va.	McDermott	Smith, Iowa
1	Barchfeld	Gilbert	McKinlay, Cal.	Snapp
а	Bingham	Gill	McLachlan	Southwick
П	Bishop	Gillett	McLain	Southwick
Н			MCLAIN	Sparkman
3	Blackburn	Graff	McMorran	Sperry
я	Bonynge	Griggs	Michalek	Spight
	Bowersock	Hearst	Mondell	Stephens, Tex.
п	Bowle	Henry, Tex.	Moon, Pa.	Sterling
	Bradley	Hermann	Moore, Tex.	Sulloway
	Brantley	Hogg	Mudd	Tawney
0	Buckman	Hopkins	Nevin	Tyndall
а	Burke, Pa.	Howell, Utah	Norris	Van Duzer
	Burton, Ohio	Hubbard	Otjen	Van Winkle
	Calder	Johnson	Palmer	Wachter
	Calderhead	Kennedy, Nebr.	Pollard	Waldo
	Cockran	Kinkaid	Powers	Watson
	Cole	Klepper	Pujo .	Webber
Н	Cooper, Wis.	Lafean	Rainey	Weisse
9	Davidson	Law	Reeder	Welborn
1	Denby	Le Fevre	Reyburn	Wharton
	Dixon, Mont.	Lilley, Conn.	Rhinock	Wiley, Ala.
		Tillov Pa		Wood Wood
ı	Dovener	Lilley, Pa.	Rhodes	Woodward
	Dresser	Lindsay	Richardson, Ky.	Woodyard
3	Dunwell	Livingston	Riordan	Young
8	Floyd	Longworth	Roberts	

Longworth So, two-thirds not having voted in favor thereof, the motion was rejected.

The Clerk announced the following pairs:

For the session:

Mr. VAN WINKLE with Mr. McDermott.

Until further notice:

Mr. Powers with Mr. Gaines of Tennessee.

Mr. Bingham with Mr. Cockran. Mr. Lobimer with Mr. Humphreys of Mississippi. Mr. Fuller with Mr. Hopkins.

For this day

Mr. Cooper of Wisconsin with Mr. LINDSAY.

Mr. JENKINS with Mr. FLOYD.

Mr. Lilley of Pennsylvania with Mr. Gilbert.

Mr. Wachter with Mr. Small. Mr. Southwick with Mr. Ruppert. Mr. Andrus with Mr. Weisse.

Mr. SMITH of Iowa with Mr. STEPHENS of Texas.

Mr. LONGWORTH with Mr. HEARST. Mr. TAWNEY with Mr. BANKHEAD.

Mr. DAVIDSON with Mr. AIKEN.

Mr. Burton of Ohio with Mr. Sparkman.

Mr. Denby with Mr. Bowie. Mr. LILLEY of Connecticut with Mr. VAN DUZER.

Mr. Lowden with Mr. Henry of Texas. Mr. Mudd with Mr. Saunders.

Mr. PEARRE with Mr. SPIGHT.

Mr. Roberts with Mr. Richardson of Kentucky.

Mr. Acheson with Mr. Livingston.

On this vote:

Mr. Foss with Mr. RIORDAN.

Mr. Bradley with Mr. Brantley.
Mr. Alexander with Mr. McLain.
Mr. Hamilton with Mr. Moore of Texas.
Mr. Cousins with Mr. Wiley of Alabama.

Mr. GILLETT with Mr. GILL. Mr. BOUTELL with Mr. GRIGGS.

Mr. BARCHFELD with Mr. RHINOCK.

Mr. Watson with Mr. RAINEY.

Until Saturday and Monday:
Mr. Kennedy of Nebraska with Mr. Johnson.
Mr. GAINES of Tennessee. Mr. Speaker, I voted in the negative, and I find that I am paired with the gentleman from Maine, Mr. Powers. I would like to be recorded as present.

The SPEAKER. Call the gentleman's name.

The Clerk called the name of Mr. Gaines of Tennessee, and he answered "present."

The result of the vote was announced as above recorded.

### INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I call up the conference report on the Indian appropriation bill, and I ask unanimous consent that the reading of the report be dispensed with and that the statement be read in lieu thereof.

The SPEAKER. Is there objection to the reading of the statement in lieu of the report?

Mr. WILLIAMS. Mr. Speaker, I shall have to object to that. The SPEAKER. The Clerk will read the report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 12, 15, 17, 39, 47, 54, 55, 62, 63, 87, 88, 112, 113, 114, 115, 116, 124, 125, 126, 127, 171.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 16, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 38, 16, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 43, 46, 48, 56, 57, 58, 59, 60, 61, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 90, 91, 93, 94, 95, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 117, 118, 119, 120, 121, 122, 123, 128, 129, 130, 131, 133, 134, 135, 136, 137, 138, 140, 141, 142, 143, 144, 145, 146, 148, 149, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 172, 173, 174, 175, 176, 177, 179, 180, 181, 182, 183, 184, 185, 186, and agree to the

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert the following: ": Provided, That while thus absent from Washington under such detail they shall receive a per diem of three dollars to cover all expenses exclusive of transportation and sleeping-car fares;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 2, after the word "authorized," strike out the words "to proceed and continue;" and the Sen-

ate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In line 2, after the word "thousand," strike out "seven" and insert "five;" in line 2, after the word 'hundred," strike out "and fifty;" and the Senate agree to the same

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In line 2, after the word "thousand," strike out "two" and insert "five;" in line 2, after the word "hundred," strike out "and fifty;" and the Senate agree to the

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 18, after the word "at," strike out the words "not exceeding;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Line 4, after the word "a," strike out the word "sufficient;" and the Senate agree to the same.

That the House recede from its disagreement to the amend-

ment of the Senate numbered 42, and agree to the same with an amendment as follows: In line 3, after the word "children," strike out the words "at the Whittaker Home, Pryor Creek," and insert "in the;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Transpose the same, inserting on page 26, after line 2; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In line 8 strike out the word "five" and insert "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In line 5, after the word "six," strike out the words "hundred and three" and insert "thousand nine hundred and thirty-four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Strike out all of said amendment and

insert:

That William Brown and Levi B. Gritts, on their own behalf and on behalf of all other Cherokee citizens, having like interests in the property allotted under the act of July 1, 1902, entitled "An act to provide for the allotment of lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes," and David Muskrat and J. Henry Dick, on their behalf and on behalf of all Cherokee citizens enrolled as such for allotment as of September 1, 1902, be, and they are hereby, authorized and empowered to institute their suits in the Court of Claims to determine the validity of any acts of Congress passed since the said act of July 1, 1902, in so far as said acts, or any of them, attempt to increase or extend the restrictions upon alienation, incumbrance, or the right to lease the allotments of lands of Cherokee citizens, or to increase the number of persons entitled to share in the final distribution of lands and funds of the Cherokees beyond those enrolled for allotment as of September 1, 1902, and provided for in the said act of July 1, 1902.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: Strike out all of said amendment and insert: "And jurisdiction is hereby conferred upon the Court of Claims, with the right of appeal by either party to the Supreme Court of the United States, to hear, determine, and adjudicate each of said suits;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: Strike out all of said amendment and

"The suits brought hereunder shall be brought on or before September 1, 1907, against the United States as a party defendant, and for the speedy disposition of the questions involved preference shall be given to the same by said courts and by the Attorney-General, who is hereby charged with the defense of said suits."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: Strike out all of said amendment and

"Upon the rendition of final judgment by the Court of Claims or the Supreme Court of the United States, denying the validity of any portion of the said acts, authorized to be brought into question, in either or both of said cases, the Court of Claims shall determine the amount to be paid the attorneys employed by the above-named parties in the prosecution thereof for services and expenses, and shall render judgment therefor, which shall be paid out of the funds in the United States Treasury belonging to the beneficiaries under the said act of July 1, 1902."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: Strike out all of lines 8 and 9 and insert: "in addition to the fees and charges now authorized by law, to pay a pro rata charge for the examination and investigation of the swampy and overflowed character of the land, and for the drainage and reclamation thereof;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In line 2 strike out the word "advance" and insert the word "pay;" and the Senate agree to the same.

That the House recede from its disagreement to the amend-

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In line 60, after the word "granted," strike out "two" and insert "three;" in line 60, after the word "and," strike out "eighty" and insert "twenty;" in line 60, after the word "each," strike out "to" and insert "for;" in line 61, after the word "Creek," insert "to the Bureau of Catholic Indian Missions;" in line 61, after the word "and," insert "also to;" and the Senate agree to the same.

That the House recede from its disagreement to the amendance.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In line 2, after the word "author-ized" strike out ", with the consent of the Indians to be obtained in such manner as he may deem best;" and the Senate

That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In line 5, strike out the word "of" and insert "to;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: Strike out of said amendment the first five words thereof, "including Alaskan natives and Esquiand the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: Strike out all of said amendment and

"For buildings and repairs of buildings at agencies and for water supply at agencies, \$10,000.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In line 2, after the word "authorized," strike out ", with the consent of the Indians of the respective reservations, to be obtained in such manner as he may deem best;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an

amendment as follows:

In line 1, after the word "In," insert "part."
In line 1, after the word "payment," strike out "of" and insert "to."

In line 7, after the word "being," insert "a part of."
In line 12, after the word "ninety-one," strike out "one million five" and insert "three."

In line 13, after the word "dollars," insert "Said sum of three hundred thousand dollars to be paid to or expended for the benefit of said Indians under the direction of the Secretary of the Interior."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: In line 2, after the word "authorized," strike out "with the consent of the Indians of the Shoshone Reservation, Wyoming, to be obtained in such manner as he may deem best;" and the Senate agree to the same.

MOSES E. CLAPP, P. J. McCumber, Fred T. Dubois, Managers on the part of the Senate. J. S. SHERMAN, JOHN F. LACEY, JOHN H. STEPHENS, Managers on the part of the House.

The statement is as follows:

# STATEMENT.

The Senate receded from amendments Nos. 2, 12, 15, 17, 39, 47, 54, 55, 62, 63, 87, 88, 92, 112, 113, 114, 115, 116, 124, 125, 126, 127, and 171, leaving the bill in respect to these various matters in precisely the condition it was when it left the House.

The House receded with amendments from amendments Nos. 10, 12, 28, 37, 40, 42, 44, 45, 49, 50, 51, 52, 53, 89, 96, 132, 139, 147, 150, 170, 178, and 187, and to all other amendments the

House receded.

Amendment No. 1 makes it possible for the Department in conducting irrigation work to employ Indians and Indian teams without the formality of the contract which is made with white citizens. It is not easy for Indians to understand the terms of a written contract and the furnishing of a bond, etc. The Indian labor is not considered as in competition with the white, but their employment is used as in part a means of supporting them and bettering their condition, and this amend-

ment makes it possible so to do.

Amendment No. 3 provides that the Commissioner of Indian Affairs may use Indian funds in the Treasury (so-called "trust funds") for the payment of taxes upon the property of Indians where the taxes have not been paid by the Indians themselves.

Amendment No. 4 increases from \$25,000 to \$40,000 the fund appropriated for the survey and subdivision of Indian reservations, and amendment No. 5 makes immediately available \$15,000 out of this \$40,000 for use during the present fiscal year.

Amendment No. 6 extends to special agents of the Indian Bureau the statutory rights conferred upon Indian agents and other officers for the suppression of the liquor traffic.

Amendment No. 7 strikes from the bill the provision inserted by the House that Indian pupils might be farmed out to whites "under arrangements in which their proper care, support, and education shall be in exchange for labor," making it possible to hereafter arrange for their farming out for some compensation other than their temporary support.

Amendment No. 8 increases from \$70,000 to \$75,000 the amount appropriated for the collection and transportation of

pupils, etc.

Amendment No. 9 provides that white children may hereafter be received in Indian schools upon payment of the tuition therefor, the tuition fees thus received to be turned over to the Treasury to reimburse the fund for the support of schools.

By amendment No. 10 the Senate strikes from the bill the provision that clerks in the office of the Commissioner of Indian Affairs, detailed for special duty in the field, might receive an extra compensation not exceeding \$3 per day, and inserted in lieu thereof a provision that such clerks while performing such duty shall receive \$3 per day for subsistence other than trans-

portation and sleeping-car fare.

Amendment No. 11, which has been stricken from the bill, was a provision which classified the specially appropriated-for schools into five classes and provided that the salaries of the superintendents thereof should be fixed by the Commissioner of Indian Affairs, not to exceed a maximum named therein for each of the classes. This provision the Senate struck from the bill, returning to the old plan of fixing the salary of the superintendent in each individual case, and the striking from the bill of this provision made it necessary for the House to recede upon the amendments hereinafter named, all of which, save one, fixes the salary of the superintendents of the various specially appropriated-for schools at the amount heretofore appropriated appropriated for schools at the amount heretofore appropriated therefor. The amendments thus affected are: Nos. 19, 20, 21, 22, 24, 25, 27, 28, 31, 32, 33, 34, 58, 59, 60, 61, 64, 65, 78, 79, 83, 84, 85, 86, 110, 111, 117, 118, 119, 120, 121, 122, 123, 128, 129, 133, 134, 135, 136, 140, 141, 142, 147, 148, 151, 152, 153, 154, 159, 160, 163, 164, 172 173, 181, 182, 183, 184.

Amendments Nos. 13 and 14 are simply a transposition of

Amendment No. 16 provides that where the duties of an agency have been devolved by order of the Commissioner upon any superintendent of schools the Commissioner may increase the compensation of such superintendent not exceeding \$300 a

Amendment No. 18 provides for the further allotments to the Indians of the Moqui Reservation in Arizona under the provisions of the act of 1887.

Amendment No. 23 provides for the issuance by the Secretary of War of 60 Springfield cadet rifles for the use of the students

at the Phoenix, Ariz., school.

Amendment No. 26 provides that the Secretary of the Interior may use a portion of the \$300,000 heretofore appropriated for the creation of an irrigation system for the Pima Indians in the payment of the Pima Indians' proportionate share of the construction of the Salt River irrigation project.

Amendment No. 29 provides for the payment of \$503.50 to the Round Valley Indians of California for 402 acres of land on their reservation, erroneously entered by homesteaders.

Amendment No. 30 amends the act of 1891 with reference to

the Mission Indians of California so as to authorize the Secretary to patent to the Mission Indians such portions of the public lands in California as have been in the possession of the bands or villages of the Mission Indians, and which are not required for their use, and appraise the value of the improvements belonging to any persons who have a valid right in these lands and pay such persons therefor out of the money heretofore appropriated.

Amendments Nos. 35 and 36 together are simply a transposi-

tion of an item from one place in the bill to another.

Amendment No. 37 authorizes the Secretary of the Interior to acquire title to certain lands in Idaho which he may deem necessary in the construction of a reservoir for the storage of irrigation water for Fort Hall Indians, and further provides that the Secretary may arrange to irrigate the land of white people from the said reservoir at \$6 per acre. The amendment further provides how the said sums shall be paid by the said white people.

Amendment No. 38 appropriates \$10,000 to pay for the indebtedness incurred in the suppression of smallpox during the

fiscal year 1901.

Amendment No. 40 permits the clerks of United States courts in Indian Territory to retain certain fees which they now re-ceive for filing and recording, in addition to those already re-ceived, to enable them to complete their records. Amendment No. 41 makes the filing of a lease in the office of the Indian agent, Union Agency, Ind. T., notice of the ex-

istence of such a lease.

Amendment No. 42 appropriates \$10,000 and authorizes the Secretary to make contract for the support of orphan Indian children in the Indian Territory. The Senate amendment provided that this contract should be made with a particular orphan home, and the amendment as agreed to strikes the name of this said school from the amendment.

Amendment No. 43 provides that the Secretary of the Interior, or his representative, shall at all times have access to the books and records of the Five Civilized Tribes.

Amendment No. 44 abolishes all tribal courts of the Choctaw

and Chickasaw nations.

Amendment No. 45 makes an appropriation of \$390,257.92, which is placed upon the books of the Treasury to the credit of the Choctaw tribe, that appropriation being made to cancel the obligation of the United States to the Indians under the treaty of 1855.

Amendment No. 46 is a change in the total, made necessary by amendment No. 45.

Amendment No. 48 authorizes the city of McAlester to issue bonds in excess of the present legal maximum for the purchase of sites and the erection of schoolhouses thereon.

Amendment No. 49 removes restrictions on the sale and encumbrance of a certain quarter section of land in Indian Territory. This amendment really simply corrects the name of the present owner carried in the last appropriation bill and the number of such person's allotment, both erroneously stated therein.

Amendments Nos. 50, 51, 52, and 53 as passed by the Senate are all supplanted by substitute amendments, which it is believed covers that part of the provision attempted to be covered by the four amendments above named. The effect of the amendment adopted is to permit a test case to be brought to determine the constitutionality of the act adding to the rolls of the Cherokee Nation children born since the act of 1902 and of the act extending from five to twenty-five years the period of nonalienation of land allotted to Cherokee citizens.

Amendment No. 56 is a correction of an inadvertent omission of a word.

Amendment No. 57 permits the Seneca Indian allottee to confor church and burial purposes 3 acres of land heretofore allotted to him.

Amendment No. 66 strikes from the bill the proposition that the fund to fund the obligation of the Iowa Indians shall draw interest at 5 per cent.

Amendment No. 67 is purely a phraseological one.

Amendment No. 69 funds the treaty obligation of the Kicka-poo Indians in Kansas, and appropriates \$64,865.28 for that

Amendment No. 71 makes a like provision for the Pottawatomie Indians in Kansas, and appropriates the sum of \$230,064.20 for the purpose.

Amendment No. 72 is a change of total made necessary by amendment No. 71.

Amendment No. 73 strikes from the bill the provision that the amount appropriated to fund the Sac and Fox Indians of Mis-

souri shall draw interest at 5 per cent.

Amendment No. 74 adds to the authorization of the Secretary of the Interior in reference to said fund a direction.

Amendments Nos. 75 and 76 are simply phraseological. Amendment No. 77 authorizes an Indian allottee to sell a part of her allotment for cemetery purposes subject to the approval of the Secretary of the Interior.

Amendment No. 80 makes appropriation for the pay of an

Indian agent at White Earth Agency.

Amendment No. 81 is a change of total made necessary by amendment No. 80.

Amendment No. 82 authorizes the Secretary of the Interior, with the consent of the White Earth Indians, to set aside certain of their lands for town-site purposes and to arrange for the suitable surveying and platting thereof. The amendment makes provision for the appointment of a board to appraise the lands, the improvements thereon, etc., and for the disposal of said lands and the disposition of the proceeds arising from such

Amendment No. 89 provides that the lands withdrawn from entry under the provisions of chapter 3504, first session Fiftyninth Congress, shall be subject to entry in the same manner as other lands ceded in like manner.

Amendment No. 90 appropriates \$10,000 for the purpose of completing the survey of certain lands of the Chippewa Indians

in Minnesota, and for the reimbursement of said \$10,000 to the United States when such lands are disposed of.

Amendment No. 91 is simply to make plainer the intention of Congress in an item passed in the last Indian appropriation bill.

Amendment No. 92 is simply an authorization to the Secretary of the Interior to pay to the White Earth Indians \$1,000 of their fund in the Treasury to permit them to spend it for an annual celebration they are accustomed to hold.

Amendment No. 93 makes an appropriation of \$30,000 to continue the work of surveying, allotting, and classifying the lands of the Flathead Indians in Montana, and provides that said sum shall be reimbursed to the United States from the sale of surplus lands of said reservation.

Amendment No. 94 authorizes the Indians of the Fort Belknap Reservation to lease not exceeding 20,000 acres of their lands

for the cultivation of beet sugar.

Amendments Nos. 95 to 109, both inclusive, provide for the opening of the Blackfeet Indian Reservation in the State of Montana. A bill providing for the opening of this reservation was passed in the first session of the present Congress, but failed to receive the approval of the President. The provisions covered by the several amendments above enumerated open up the same reservation, but upon terms which meet the unqualified approval of the Indian Bureau.

Amendment No. 130 authorizes a slight additional allotment for the Indians of the Standing Rock Reservation, so as to pro-

vide them with wood for ordinary domestic purposes.

Amendment No. 131 simply authorizes the Department to permit of the payment provided for in a former statute to be made on April 1 of each year instead of June 1.

Amendment No. 132 provides for the evening up of the allotments of the Indians on the Fort Berthold Reservation.

Amendment No. 137 appropriates \$15,000 for sinking an artesian well to provide water for the Wahpeton school, South Dakota.

Amendment No. 139 provides for the allotment to not exceeding twenty-five Indians on the Kiowa, Comanche, and Apache Reservation. This amendment is intended to cover the allotment to a few Indians who are known as "Mexican captives" of said tribes.

Amendment No. 143 provides for the distribution of a fund of \$69,120 which the House provision capitalized for the Osage

Indians in Oklahoma

Amendment No. 145 grants to the town of Pawnee, Okla., for park and educational purposes certain land in said amendment described, and makes provision for its use for the purpose desired.

Amendment No. 149 makes a small appropriation for righting a wrong that would be done either to certain Indians or to white

settlers by reason of an erroneous entry of land.

Amendment No. 155 makes more specific the object of an appropriation of \$5,000, and amendment No. 156 increases the appropriation by \$3,000, and amendment No. 157 makes that \$3,000 immediately available.

Amendment No. 161 makes an appropriation of \$4,000 for rebuilding and repairing a boiler house at the Pierre School, South

Amendment No. 165 makes an appropriation of \$3,000 available for the erection of employees' quarters instead of for an office building at Rapid City School.

Amendment No. 166 authorizes certain Indian allottees on the Standing Rock Agency to dispose of a certain portion of their allotments for a right of way for a railroad extension. All proceedings are subject to the supervision of the Secretary of the Interior.

Amendment No. 167 authorizes a payment to a person who brought a case in court to test the right of certain allottees on the Sioux Reservation. The disposition of said case was of benefit not alone to the person bringing the suit, but to many others similarly situated.

Amendment No. 168 is a typographical correction.

Amendment No. 169 is an appropriation of \$6,000 for the erection of a laundry at the Indian insane asylum.

Amendment No. 170 authorizes the allotment from the surplus lands on the Pine Ridge and Cheyenne River reservations to persons of said tribes who, under the terms of the laws heretofore passed, were not entitled to allotments.

Amendment No. 174 makes an appropriation of \$5,000 applicable for the support of Piute Indians who are in northern Arizona as well as in southern Utah.

Amendment No. 175 appropriates \$2,000 for the rebuilding of

a sawmill on the Tulalip Reservation.

Amendment No. 176 appropriates \$4,000 for the construction of a telephone line on the Yakima Reservation.

Amendment No. 177 authorizes the Secretary of the Interior to sell such lands of the Indians heretofore set apart for church and cemetery purposes within the city of Tacoma, Wash., as are not now needed for that purpose.

Amendment No. 178 provided for the distribution of \$1,500,000 set apart by the last appropriation act for the Colville Indians set apart by the last appropriation act for the Colville Indians in Washington. As amended by the conferees, the amendment provides that \$300,000 only of the \$1,500,000 in the Treasury belonging to these Indians shall be expended for their benefit, and in such manner as the Secretary of the Interior deems wise.

Amendment No. 185 makes \$25,000 of the \$100 00 appropriated for irrigation on the Wind River Reservation immediately

available.

Amendment No. 186 appropriates \$1,400 for restoring the Pope

Agie River to its original course.

Amendment No. 187 authorizes the leasing of a medicinal spring, with the land about it, upon the Wind River Reservation, in Wyoming, for the purpose of erection and maintenance thereon of a sanatorium, said lease to be made under the direction of the Secretary of the Interior.

> J. S. SHERMAN, JOHN F. LACEY, JNO. H. STEPHENS, Managers on the part of the House.

Mr. SHERMAN. Mr. Speaker, the conference report having been read in full, I ask unanimous consent to dispense with the reading of the statement.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the conference report was agreed to.

On motion of Mr. Sherman, a motion to reconsider the last vote was laid on the table.

ALLOTMENT AND DISTRIBUTION OF INDIAN TRIBAL FUNDS.

Mr. LACEY. Mr. Speaker, I call up the conference report on the bill (S. 5290) providing for the allotment and distribution of Indian tribal funds, and ask for the reading of the

The SPEAKER. The gentleman calls up the conference report. The Clerk will read the report.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5290) providing for the allotment and distribution of Indian tribal funds, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2. That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, and 8, and agree

sion among its members, under such rules, regulations, and conditions as he may prescribe.

And the Senate agree to the same.

JOHN F. LACEY, CHAS. H. BURKE, WM. T. ZENOR, Managers on the part of the House. MOSES E. CLAPP, GEO. SUTHERLAND. W. J. STONE,
Managers on the part of the Senate.

Mr. LACEY. Mr. Speaker, this is a full agreement, and I move to agree to the conference report.

Mr. FITZGERALD. Mr. Speaker, I wish the gentleman would state just the condition the bill is in now.

Mr. LACEY. Mr. Speaker, I will ask, then, that the statement be read, as that will answer the gentleman's question much more fully than I can.

The SPEAKER. The Clerk will read the statement. The Clerk read the statement of the conferees, as follows:

#### STATEMENT.

The effect of the amendment is as follows: The allotments are to be made by the Secretary of the Interior and not under the direction of the President.

Some of the other amendments are merely verbal, not chang-

ing the effect of the bill.

The bill as it passed the House required that the allottee should release all further interest in the tribal or trust funds upon drawing his allotted share. As amended by the Senate, and agreed to by the conferees, the allottee would still retain his right to any subsequent additions that might be made to the trust funds after the allotment. He would only release his proportion at the date of such release. There are some tribes that have funds coming from the sale of timber, their permanent annuities and like sources, which would continue to inure to the benefit of the allottee under the bill as reported by the conferees, after the payment of the share originally allotted.

JOHN F. LACEY, CHAS. H. BURKE, WM. T. ZENOR, Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the conference report was agreed to.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

BETTER REGISTRATION OF BIRTHS IN THE DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill (S. 4506) to provide for the better registration of births in the District of Columbia, and for other purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

ments of the Senate numbered 1, 3, 4, 5, 6, 7, and 8, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be stricken out insert the following:

Provided further, That the Secretaries of the Interior and of the Treasury are hereby directed to withhold from such apportionment and allotment a sufficient sum of the said Indian funds as may be necessary or required to pay any existing claims against said Indians that may be pending for settlement by judicial determination in the Court of Claims or in the Executive Departments of the Government, at time of such apportionment and allotment.

And the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following:

SEC, 2. That the Secretary of the Interior is hereby authorized to pay any Indian who is bilind, crippled, decrepit, or helpless from old age, disease, or accident, his or her share, or any portion thereof, of the tribal trust funds in the United States Treasury belonging to the tribe of which such Indian is a member, and of any other money which may hereafter be placed in the Treasury for the credit of such tribe and susceptible of divisions and the proposed by such and susceptible of divisions of the other money which may hereafter be placed in the Treasury for the credit of such tribe and susceptible of divisions of the credit of such tribe and susceptible of divisions of the person shall, in the District of Columbia, and any person in indicate on any report and such other data, it was a such other field when the absence of a physician or midwife, performs any of the field such as a sufficient sum of the child show in the date of use of said District deem of the Census of the Department of Comme

by amendments written independently of the body of the report and properly dated, signed, and witnessed. No person shall in said District make any false or fictitious report of a birth or any false or fictitious transcript of any record of a birth or of a marriage.

SEC. 3. That the reports required by this act shall, when duly filed with the health officer of the District of Columbia, be a part of the public records of said District, and any person having an interest in any particular matter contained or reasonably believed to be contained therein, shall be permitted to inspect such certificates and reports, during all reasonable hours, without charge, so far as can be done without interfering with the official use of such certificates by employees of the health department. The health officer aforesaid shall be the custodian of all reports filed under the provisions of this act, and annually, and at such other times as the Commissioners of said District may direct, shall make and publish abstracts and analyses of the data therein contained.

SEC. 4. That any person violating any of the provisions of this act or adding or abetting in any violation thereof shall be punished by a fine not exceeding \$200 or by imprisonment for a period not exceeding \$90 days, or by both such fine and imprisonment, in the discretion of the court. And if any report required by this act to be made within a specified time be not made within the time so specified each week or part of a week thereafter during which such report has not been made shall constitute a separate and distinct offense: Provided, however, That no report aforesaid nor any information which has been obtained by the prosecuting officer on the basis of such report shall be receivable in evidence against the person filing the same in any prosecution of such person for failure to file such report shall be receivable in evidence against the person filing the same in any prosecution of such person for failure to file such report within the time allowed by law. Prosecutio

The SPEAKER. The question is on the third reading of the Senate bill.

The question was taken; and the bill was ordered to be read a third time, read the third time, and passed.

### EXTENSION OF PARK PLACE NW.

Mr. BABCOCK. Mr. Speaker, I call up the bill (S. 8208) authorizing the extension of Park place NW., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within ninety days after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Park place along the west line of the Soldiers' Home lands, with a width of 40 feet.

Sec. 2. That assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the code hereinbefore referred to: Provided, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

Sec. 3. That the sum of \$300, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the cost and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

The SPEAKER. The question is on the third reading of the

The SPEAKER. The question is on the third reading of the

Senate bill.

The question was taken; and the bill was ordered to be read a third time, read the third time, and passed.

# MAKING BARNABY ROAD A PUBLIC HIGHWAY.

Mr. BABCOCK. Mr. Speaker, I call up the bill (S. 6993) to create the Barnaby road, from its intersection with the Living-ston road to the District line, a public highway in the District of Columbia, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Barnaby road, from its intersection with the Livingston road to the District line, shall be regarded and treated by the Commissioners of the District of Columbia as a public highway of the said District, and if dedication of any part of this road may be considered necessary the Commissioners are hereby authorized and directed to accept such dedication, free of cost to the District of Columbia

The SPEAKER. The question is on the third reading of the Senate bill.

The question was taken; and the bill was ordered to be read a third time, read the third time, and passed.

# BALTIMORE AND WASHINGTON TRANSIT COMPANY.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 22123) to amend "An act to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia," approved June 8, 1896, as unfinished business. There is a Senate bill on the table covering the same subject, Mr. Speaker, and I ask unanimous consent that the Senate bill may be considered in lieu of the House bill and the House bill laid on the table.

Mr. UNDERWOOD. Mr. Speaker, I ask that the bill be reported, so that the House may know what it is considering.

The SPEAKER. Without objection, the Senate bill will be reported. The gentleman from Wisconsin can withdraw the House bill if he sees proper, and call up the Senate bill.

Mr. BABCOCK. I withdraw the House bill then.

Mr. JAMES. Is unanimous consent necessary in order to

withdraw that House bill?

The SPEAKER. No; the Chair thinks not.

Mr. JAMES. The House bill, if I remember it, was amended in the Committee of the Whole, and a vote was pending on the amendment in the House when the point of no quorum was raised.

Mr. MANN. Will not the bill have to be read?

The SPEAKER. The Chair finds unanimous consent is required to call up the Senate bill.

Mr. JAMES. Then I object.

Mr. JAMES.

The SPEAKER. Without objection, the Clerk will read. The Chair will say this comes as unfinished business, as the Chair understands.

Mr. BABCOCK. The point of no quorum was made to this bill, after being reported from the Committee of the Whole to the House.

Mr. JAMES. If the gentleman will withdraw his objection to

this amendment, I have no objection to passing the bill with the amendment which the Committee of the Whole adopted.

Mr. UNDERWOOD. Mr. Speaker, I ask that the bill be reported to the House. It was in the House several days ago, and we can not recall the terms of the bill.

Was the House dividing upon the bill? The SPEAKER.

Mr. BABCOCK. It was.

The SPEAKER. And the point of no quorum was made when the House was dividing upon the question. The question now is upon the first amendment reported from the Committee of the Whole House to the House and whether the House will agree to the amendment.

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. Is it proper to make a motion of that kind and simply ask for a vote on an amendment without the House being informed by the reading of the bill as to the character of the bill?

The SPEAKER. Oh, without objection the amendment can be read, but it comes as unfinished business. The House was dividing, the question was upon agreeing to the amendment, and the point of no quorum was made. Now, without objection, the amendment can be reported.

Mr. SHERLEY. But can the House intelligently now pass upon the matter without knowing to what the amendment applies? Ought we not to have the bill read?

The SPEAKER. Well, the Chair could not say how much—
Mr. SHERLEY. Is it in the province—
The SPEAKER. Without objection, the amendment will be

reported.

The Clerk read as follows:

The Clerk read as follows:

On page 2, line 6, after the word "Northwest," strike out the words:

"That the said company is further empowered to extend its line, under the provisions of this act, from its line on Aspen street through Willow street whenever the requirements of its patrons and the operation of the road may require: \*Provided\*, That said company shall acquire thereby no right to extend its said railway over, along, or upon any portion of the aforementioned route which is not now a dedicated street of the said District of Columbia until it shall have obtained the written consent of the owner or owners of the real property covered thereby or acquired said right of way by condemnation."

And insert the following:

"Provided\*, That said company shall not construct its said railway over, along, or upon any portion of the aforementioned route which is not now a public highway of the District of Columbia until it shall have obtained, by dedication or condemnation, title to a right of way not less than 30 feet in width along such portion of said route as is not now a public highway; and before it shall have authority to lay tracks in said right of way it shall dedicate the same to the District of Columbia as a public highway."

Mr. BABCOCK. There is no objection to that amendment.

Mr. BABCOCK. There is no objection to that amendment. Mr. JAMES. I have no objection to that amendment. The amendment I had reference to was in regard to a reduction of street-car fares.

The question was taken; and the amendment was agreed to. The SPEAKER. The Clerk will read the next amendment. Which amendment does the gentleman from Kentucky desire a separate vote upon?

Mr. JAMES. In the Committee of the Whole the section relating to 5-cent fares was stricken out and 4 cents was supplied in its place—or rather the word "six" was stricken out, and the word "eight" was supplied; so as to make it "eight tickets for a quarter.

Was that amendment agreed to in the Com-The SPEAKER.

mittee of the Whole?

Mr. JAMES. Yes, sir; and I ask a separate vote upon that

The SPEAKER. Then the other amendments will be considered as agreed to.

There was no objection.

Mr. SHACKLEFORD. May I make a statement, Mr. Speaker?

The SPEAKER. Applying to this amendment? There are other amendments that the Chair is trying to get rid of, as is usually the practice, a separate vote having been demanded upon If there is no further separate vote demanded, the Chair

will put the question on the other amendment.

Mr. SHACKLEFORD. Mr. Speaker, I want to know if I understand it properly. My understanding is that when the bill was put back in the House the Speaker asked if there was a separate vote demanded on any amendment. The gentleman from Wisconsin [Mr. BABCOCK], as I remember it, said that he wanted a separate vote on the amendment making a 4-cent fare and eight tickets for a quarter, and the vote was taken and demonstrated that there was no quorum present. The question of no quorum was raised, and pending that an adjournment was taken.

The SPEAKER. Were the other amendments agreed to.

Mr. SHACKLEFORD. It was on the separate vote.
Mr. JAMES. These other amendments had all been agreed

to, and the only question before the House-

The SPEAKER. The Journal, the Chair is informed, does not show that. Without objection, the amendments other than the one referred to, as indicated by the gentleman from Kentucky [Mr. James], will be considered as agreed to. The Clerk will now report the amendment upon which the separate vote was demanded.

The Clerk read as follows:

On page 5, line 5, strike out "five" and insert "four;" line 8, strike out "six" and insert "eight;" so as to read:

"That the said company, in conjunction with the Capital Traction Company, may receive a rate of fare not exceeding 4 cents for each passenger for one continuous ride over the route aforesaid and the route of the said Capital Traction Company within the District of Columbia or any part thereof, and shall sell tickets at the rate of eight for 25 cents."

Mr. BABCOCK. Mr. Speaker, I want to say a word on this amendment, so that the House will understand it.

Mr. SHERLEY. Mr. Speaker, 1 call for the regular order.

The SPEAKER. This is the regular order.

Is it in order to debate an amendment that Mr. SHERLEY.

is about to be put to the House?
The SPEAKER. The Chair is informed that the Journal does not show that the previous question was ordered.

Mr. SHACKLEFORD. But the vote had been taken.

The SPEAKER. The gentleman from Wisconsin [Mr. Bab-

COCK] is entitled to recognition.

Mr. BABCOCK. Mr. Speaker, I simply want to make a statement so that the House will understand clearly what they are This amendment was adopted in the Committee of voting on. the Whole on the bill permitting this suburban road coming in through Maryland as applying to the District of Columbia, namely, a single fare of 4 cents and eight tickets sold for 25 I want to say, Mr. Speaker, that this would be a burden on that road that they could not carry, and, in my opinion, if adopted would prevent the construction of the road.

The SPEAKER. Does the gentleman from Wisconsin [Mr. Barcock] yield the floor, reserve his time, or does he yield?

Mr. BABCOCK. I move the previous question on this amendment.

Mr. JAMES. I hope this will not prevail. The gentleman made an argument and then moves the previous question.

Mr. BABCOCK. I do not want to cut anybody off.

no argument except a statement of facts.

The SPEAKER. Does the gentleman from Wisconsin [Mr. Babcock] yield to the gentleman from Kentucky [Mr. James]; and if so, how much time?

Mr. JAMES. I will not take very long. Mr. BABCOCK. Five minutes.

Mr. JAMES. Mr. Speaker, originally this amendment which provided for eight tickets for 25 cents on this line was adopted in the Committee of the Whole by a vote of forty majority. Then it went into the House to be acted upon. By a vote of perhaps six majority they reversed the action of the Committee of the Whole and voted to strike out the amendment. Now, this amendment provides that eight tickets shall be sold for 25 cents and 4 cents charged for one single fare. As we have seen this morning, whenever you get an opportunity to make all of these street-car lines come in under a 3-cent fare, the parliamentary status is such that it is always ruled out of order. T took that position in the Committee of the Whole the other day, as I have stated, and I said then that the only way to do this thing was to provide for eight tickets for a quarter under these franchises that were being given them, and that it would bring about such competition in this District you could have a 3-cent rate, because if we could not get legislation here that would force it, competition would do so, and in that way we could obtain it.

We see that the railroad companies in Iowa, the railroad companies in Pennsylvania, the railroad companies in Ohio, in Indiana, and in Nebraska are being forced by their respective legislatures to carry passengers for 2 cents a mile. It costs ten times as much to operate those railroads as it does a street car line, and it costs a great deal more to construct them. Yet this Congress will be giving out valuable franchises here to street car companies that would be permitted to charge 5 cents for a mile, or a quarter of a mile, or 5 cents for three-quarters of a We sit here and give out these franchises without a dollar and throw upon the people the burden of paying this extraordinary fare.

I call upon Congress to keep step with the drum beat of reform, as sounded by the legislatures of this country, and strike a blow right here at organized greed and stop giving these franchises out without you limit the rapacity of these com-panies, because when you do not the parliamentary situation will never allow you to so amend the bill that it will give relief to the people, as was shown here this morning. [Applause.]

The question was taken; and the Speaker announced that the

noes appeared to have it.

Mr. JAMES. Division, Mr. Speaker. The committee divided; and there were—ayes 69, noes 43.

So the amendment was agreed to. [Applause.]

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the vote by

which the bill was passed was laid on the table.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty, stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5290) providing for the allotment and distribu-

tion of Indian tribal funds.

The message also announced that the Senate had passed

without amendment bills of the following titles

H. R. 23391. An act to change the time of holding the United States district and circuit courts in the eastern district of North Carolina, and to provide for the appointment of a clerk of the court at Washington, N. C.;

H. R. 24134. An act providing for the granting and patenting to the State of Colorado desert lands formerly in the Southern

Ute Indian Reservation in Colorado; and

H. R. 22599. An act to grant certain lands to the city of Boulder, Colo.

The message also announced that the Senate had passed the following resolutions:

Resolved, That as a further mark of respect to the memory of Mr. Alger, Mr. Hitt, Mr. Hoar, and Mr. Lester the Senate do now adjourn.

Also:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. Rufus E. Lester, late a Member of the House of Representatives from the State of Georgia.

Resolved, That the business of the Senate be now suspended in order that a fitting tribute may be paid to his memory.

Resolved, That the Senate has heard with profound sorrow of the death of Hon. Rockwood Hoar, late a Member of the House of Representatives from the State of Massachusetts.

Resolved, That the business of the Senate be now suspended in order that a fitting tribute may be paid to his memory.

Also:

Resolved, That the Senate expresses its profound sorrow on account of the death of Hon. Robert R. Hitt, late a Member of the House of Representatives from the State of Illinois.

Resolved, That the business of the Senate be suspended in order that fitting tributes be paid to his memory.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the widow and family of the decreased.

Also:

Resolved, That the Senate has heard with profound sorrow of the eath of Hon. RUSSELL A. ALGER, late a Senator from the State of

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved. That the Secretary communicate these resolutions to the House of Representatives.

# ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 21574. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes,

# SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below

S. 8486. An act to amend an act to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia, approved June 8, 1896—to the Committee on the District of Columbia.

### FIRE ESCAPES ON CERTAIN BUILDINGS.

Mr. BABCOCK. Mr. Speaker, I ask for consideration of the bill H. R. 19524.

The bill was read, as follows:

Mr. BABCOCK. Mr. Speaker, I ask for consideration of the bill H. R. 19524.

The bill was read, as follows:

A bill (H. R. 19524) to amend an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906.

Be it enacted, etc., That sections 1, 2, 3, 5, 11, and 13 of an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906, are hereby amended as follows:

Amend section 1 so as to read:

"Sec. 1. That it shall be the duty of the owner, entitled to the beneficial use, rental, or control of any building three or more stories in height, or over 30 feet in height, constructed or used or intended to be used as a tenement house, apartment house, flat, hotel, hospital, seminary, academy, school, college, institute, dormitory, asylum, sanitarium, hall, or place of amusement, including office building or store not exempted as in this act hereinafter provided, to provide and cause to be erected and fixed to every such building, connecting with each observed and fixed to every such building, connecting with each of above the first floor of every such building, connecting with each of above the first floor of every such building, connecting with each of a such material, type, and construction as the Commissioners of the District of Columbia may determine."

Amend section 2 so as to read:

"Sec. 2. That it shall be the duty of the owner entitled to the beneficial use, rental, or control of any building already erected, or which may hereafter be erected, in which ten or more persons are employed at the same time in any of the stories above the second story, except buildings used wholly as stores or for office purposes, and having at least two stairways each 3 or more feet wide and separated from each other by a distance of at least 30 feet, from one of which stairways is shall be easy access to the roof, to provide and cause to

The amendments recommended by the committee were read, as follows:

Page 2, line 3, strike out the word "including" and insert the word

Page 2, line 16, insert before the word "buildings" the words "three story;" also strike out the word "wholly" and insert the word "exclusively."

Page 2, line 18, insert before the word "each" where it appears the first time in said line the words "from the ground floor."

Page 3, line 15, insert after the word "are" the words "used solely for office buildings above the second floor and."

Mr. BABCOCK. Mr. Speaker, I yield my time to the gentleman from Kansas, who reported the bill.

Mr. SIMS. I want to have five minutes in opposition to the

Mr. CAMPBELL of Kansas. Mr. Speaker, this bill is in the nature of an amendment to the fire-escape law passed by Con-

Mr. SULZER. Let me ask the gentleman what is the object

of the amendment?

Mr. CAMPBELL of Kansas. The object of the amendment is to make certain modifications of the law.

Mr. SULZER. Was not the law passed last year a most commendable law?

Mr. CAMPBELL of Kansas. Yes; and in some respects regarded by the committee, on full consideration, to be probably little too rigid.

Mr. SULZER. I would like to ask what buildings in the Dis-

trict of Columbia this amendment, if adopted, will exempt?

Mr. CAMPBELL of Kansas. It will exempt buildings that are considered to be fireproof that are used wholly for office purposes above the second story.

Mr. SULZER. Is here any building in Washingon that is

fireproof?

Mr. CAMPBELL of Kansas. I doubt it. The building itself may be. Many buildings that are built of fireproof materials are, when occupied, filled with combustible articles

Mr. TOWNE. The old Patent Office was supposed to be fireproof.

Mr. CAMPBELL of Kansas. Many of the buildings are built

Mr. CAMPBELL of Kansas. Many of the buildings are built to be fireproof, but the contents are combustible.

Mr. SULZER. If it is the opinion of the gentleman from Kansas that there are no fireproof buildings in the District, why should we pass this bill amending the law excepting certain buildings in the city, the owners of which want to avoid putting up fire escapes that would save life in case of fire? Mr. CAMPBELL of Kansas. We are exempting buildings

that are used solely for office purposes, that contain little or no combustible material. They are not occupied as sleeping rooms; they do not contain curtains and such other combustible materials as are used in sleeping apartments, apartment houses, hotels, seminaries, or buildings of that character.

Mr. SULZER. Is it not a fact, also, that if this bill should

become law it would exempt certain residences in the District

of Columbia?

Mr. CAMPBELL of Kansas. Well, if there were more than 10 people in the building it would not except a residence if was more than three stories high. The committee has given a great deal of consideration to this bill, and I will say to the gentleman from New York that I have taken the posi-tion that he takes, so far as buildings occupied at night by any considerable number of people are concerned, so far as a buildconsiderable number of people are concerned, so far as a build-ing is concerned in which people in large numbers sleep, or buildings occupied as apartment houses or hotels. They ought not to be considered as fireproof, exempting them from the re-quirement to have fire escapes. When dealing with buildings that are used for offices a different question arises.

Mr. SULZER. Mr. Speaker, this is a very peculiar bill. I am sorry the gentleman has changed his views on this question. The bill is fundamentally bad, and it should be beaten. I am

opposed to amending the present fire-escape law. The present law is all right and should be enforced.

Mr. CAMPBELL of Kansas. The gentleman from New York is so often wrong that it is not surprising to find him wrong as to the provisions of this bill. We thought that it was not necessary to require that fire escapes be placed on buildings used wholly for office buildings, where there were stairways and elevators, where the material of which the building is constructed is in every respect fireproof, and there being little or no combustible material in the building.

What is the limitation as to the altitude,

Mr. McCLEARY. What or height, of the building?

or height, of the building:

Mr. CAMPBELL of Kansas. We bring all buildings above three stories that are occupied as hotels, apartment houses, seminaries, theaters, and all buildings of that character within the scope of the law requiring fire escapes.

Mr. SULZER. Let me now ask the gentleman from Kansas if this bill was unanimously reported from the committee?

Mr. CAMPBELL of Kansas. I shall yield five minutes to the gentleman from Tennessee [Mr. Sims], a member of the committee, who is, I believe, opposed to the bill.

Mr. SULZER. I believe he is opposed to this bill. Let me ask the gentleman another question. Have the District Commissioners recommended the change or repeal of the existing law?

Mr. CAMPBELL of Kansas. They have, urgently. The fire

chief has recommended it, the business men's association in the city have recommended it and urged its passage.

Mr. CLARK of Missouri. Do you suppose there ever was a worse fire trap built in modern times than this police court building down here?

Mr. CAMPBELL of Kansas. I am not acquainted with either the construction or the material in that building.

Mr. CLARK of Missouri. The papers say that they built a great building down there, where there will be as many as five hundred or a thousand people sometimes in the building, and built one 4-foot stairway to the upper story, and then such a racket was raised about that that they undertook to put in some more stairways and built them out of pine.

Mr. CAMPBELL of Kansas. How high is that building? Mr. CLARK of Missouri. I don't know. It has an upstairs to it. I suppose it is three stories high.

Mr. CAMPBELL of Kansas. Then it may come within the scope of this law.

Mr. CLARK of Missouri. What is the reason somebody did not get hold of those fellows when they were putting up that building in that way?

Mr. CAMPBELL of Kansas. They must put fire escapes on that building if it comes within the scope of the law that was enacted last year, as amended by this bill.

Mr. TOWNE. Do I understand the committee are moved to

make these amendments on the theory that the requirement of fire escapes is a hardship to the owners of property?

Mr. CAMPBELL of Kansas. I have some buildings in mind here that are wholly used for office buildings, that were constructed before the enactment of the old law, to which it would be impracticable to attach fire escapes.

Mr. TOWNE. As I understand it, the law requires no specific form of fire escape, does it?

Mr. CAMPBELL of Kansas. No; only such fire escapes as may be designated by the Commissioners of the District of

Satisfactory to the Commissioners? Mr. TOWNE.

Mr. CAMPBELL of Kansas. Yes.

Mr. TOWNE. Does not the committee know that it is quite practicable to equip any form of business or residential structure with a quite efficient fire escape at a very moderate cost?

Mr. CAMPBELL of Kansas. I have in mind a building here that has no hallways leading to a window or a door in the outside wall of the building. Every room must be provided with a fire escape to equip the building under the law as it now

Mr. TOWNE. But the people are in the offices and would

have to escape from them.

Mr. CAMPBELL of Kansas. A fire escape would be required at every office window in such a building, which would be impracticable.

Mr. TOWNE. Does the gentleman think that these structures

can be made too safe?

Mr. CAMPBELL of Kansas. Not at all; but here are buildings that are used wholly for office purposes, that are occupied

Mr. SULZER. Most of these large office buildings in this city

are also occupied at night.

Mr. CAMPBELL of Kansas. The testimony before the committee was that these buildings were not occupied at night ex-

cept by the watchmen.

Mr. SULZER. That is not quite true. Most of the large office buildings in the District of Columbia, to my personal knowledge, are occupied at night—that is, up to 10 or 11 or 12 o'clock.

Mr. CAMPBELL of Kansas. Our hearings brought out the fact that the buildings were occupied in the daytime, and were occupied at night by the watchmen. The gentleman from New York may have information not available to the committee.

Mr. SULZER. Now, just a minute to say I just want to make this comment regarding this bill amending the law which we this comment regarding this bill amending the law which we passed last year after deliberation and much discussion, which, in my opinion, was a very good law. If these amendments are adopted, they will so mutilate that law that the people who own these buildings in the District of Columbia will practically escape any liability for evading putting up proper fire escapes that will to some extent protect and safeguard life. I think this is a very bad bill and ought not to pass. I shall vote against it, and, I repeat, I indulge the hope that it will be I shall vote defeated. And now, if the gentleman from Kansas can give us a good reason why the law ought to be amended to exempt the special interests and a few people, I would like to hear the reasons.

Mr. CAMPBELL of Kansas. Oh, the bill does not propose to protect special interests; it is proposed to modify the law in a

sane way, to exempt buildings that are practically fireproof in themselves, and do not contain combustible material, and are not occupied in the nighttime, and that are not occupied as living rooms or hotels.

Mr. GOLDFOGLE. Does not that rest in the discretion of the Commissioners now to exempt such buildings in such cases?

Mr. CAMPBELL of Kansas. Not at all. We have required in that law passed last year that all buildings over three stories high shall be provided with fire escapes.

Mr. GOLDFOGLE. When was the act passed?

Mr. CAMPBELL of Kansas. A year ago.

Why have not the Commissioners car-Mr. GOLDFOGLE. ried out the law?

Mr. CAMPBELL of Kansas. Because many people in the District have hoped that Congress would pass the law that we are

trying to pass to-day

Mr. SULZER. The proposition, then, is that they would rather not pay out a few dollars to put up proper fire escapes and take chances of destruction of life by fire? It is a queer proposition.

Mr. TOWNE. May I ask the gentleman a question for in-

formation?

Mr. CAMPBELL of Kansas. Certainly.

Mr. TOWNE. This law was passed a year ago? Mr. CAMPBELL of Kansas. Yes.

Mr. TOWNE. Does the gentleman recall within what time these fire escapes were to be put on the buildings in the District? Mr. CAMPBELL of Kansas. My recollection is ninety days

after the law was passed. I may not be correct as to that.

Mr. TOWNE. And no attempt having been made to carry out the law, you now propose to exempt them by amending the original law?

Mr. CAMPBELL of Kansas. In some instances the provisions of the law have not been enforced by the Commissioners.

Mr. TOWNE. Is that the reason why the committee proposes to relieve the delinquents?

Mr. CAMPBELL of Kansas. No; we are not relieving them from the provisions of the law. We are offering to modify the

law. Mr. TOWNE. The delinquents appeared before the committee and asked to be excused from compliance with the law and requested the committee to amend the law so that their delinquencies should not be forbidden by the law. Is that the proposition?

Mr. CAMPBELL of Kansas. Not at all, not at all.

Mr. TOWNE. Did they make any excuse of not being able to comply with the law or merely that it was impracticable?

Mr. CAMPBELL of Kansas. In one case it was said that it was impracticable; that it would require a fire escape from every room in the building.

Mr. TOWNE. Did anybody suggest that that was not the fault of anybody except the fault of the construction of the building which it was the purpose of the law to correct and make safe?

Mr. CAMPBELL of Kansas. The building was constructed prior to the enactment of the law and is wholly occupied by

offices above the first floor.

Mr. GOLDFOGLE. The law having been passed requiring the Commissioners to have the fire escapes erected, and the Commissioners having failed to carry out the law, does not the gentleman think they should carry out the law or else get out and resign their office.

Mr. CAMPBELL of Kansas. I may be pardoned if I leave that with the gentleman from New York and the Commissioners.

Mr. GOLDFOGLE. I don't want it left with me, but I want to know whether the gentleman doesn't think that when Congress passes a law requiring the Commissioners to do certain things they ought to carry it out-the law?

Mr. CAMPBELL of Kansas. I agree with the gentleman from New York that the laws of Congress should be enforced.

Mr. GOLDFOGLE. That being so, why should we proceed to pass a law which in effect will excuse the delinquents of the District or District authorities?

Mr. CAMPBELL of Kansas. The law which we enacted a year ago was to cover theaters, hotels, apartment houses, and buildings used by manufacturers above the third story where a large number of people were employed. We did not have in mind, or at least I did not have in mind buildings that were occupied solely for office purposes in the daytime and containing

cupied solely for omce purposes in the daytime and containing little or no combustible material.

Mr. GOLDFOGLE. Did the Commissioners require fire escapes to be put up on such buildings as the gentleman from Kansas had in mind at the time of the passage of the law?

Mr. CAMPBELL of Kansas. No; they have not.

Mr. BURLESON. Why not?

Mr. CAMPBELL of Kansas. I have made that inquiry of the gentleman in charge before the hearings, and understand that since then there has been some activity in ordering on fire escapes to apartment houses. It was the contention of many people owning apartment houses here that an apartment house that was built wholly of steel and cement was fireproof. It was the contention of the committee and of Congress a year ago that such a building would not be exempted from the provisions of the law requiring fire escapes, even though they were constructed wholly of these noncombustible materials.

Mr. GOLDFOGLE. The bill was passed for the purpose of safeguarding life and limb. Can the gentleman from Kansas

give us any good reason—

Mr. CAMPBELL of Kansas. Oh, I am not seeking to exempt any building in which there is any measure of danger to

the loss of life and limb and would not. Mr. GOLDFOGLE. Why not let this matter pass over until

such time as the Commissioners will carry out the purpose and spirit of the law as the gentleman from Kansas [Mr. Camp-Mr. CAMPBELL of Kansas. Because there are buildings to which it is practically impossible to attach fire escapes under

the provisions of the law as it now stands.

Mr. GOLDFOGLE. But to such buildings to which the gen-

tleman thinks they ought to be attached.

Mr. CAMPBELL of Kansas. They are not exempted from the provisions of the law in any sense whatever.

Mr. GOLDFOGLE. What I want to know is whether the gentleman does not think it is better to let this matter rest until such time as the Commissioners will require fire escapes to be put on buildings where it is necessary to safeguard life and

Mr. CAMPBELL of Kansas. I would rather have this law passed making exemptions I have suggested, still leaving security to the public, and have the provisions of the law stand and enforced that are necessary for the protection of life and limb.

Mr. GOLDFOGLE. What better guaranty have we in that

case that the law will be carried out?

Mr. CAMPBELL of Kansas. If we make this amendment, there will be no hope then that the law will be modified further. There is not any alternative now, is

Mr. GOLDFOGLE.

there, in the law?

Mr. CAMPBELL of Kansas. Except that the owners of many of these buildings had hoped that there would be a modification of this law that would relieve them. I would say that when the bill was introduced here to amend the law, it contemplated exempting all fireproof buildings, however occupied.

Mr. SULZER. But the trouble with the gentleman's contention is that there are no fireproof buildings in the District

of Columbia.

Mr. CAMPBELL of Kansas. Oh, as a general proposition I concede the correctness of the statement of the gentleman from

New York.
Mr. HINSHAW. Does this exempt apartment houses from the fire-escape law?

Mr. CAMPBELL of Kansas. It does not.

None whatever? Mr. HINSHAW.

Mr. CAMPBELL of Kansas. None whatever, if they are over

three stories high.

Mr. TOWNE. As I understood the gentleman a moment ago, there is no requirement in that law for any specific form of construction of the fire escape. Mr. CAMPBELL of Kansas. Except that they shall be of

suitable material. I have not in mind now the specifications.

Mr. SULZER. That is left to the discretion of the Commis-I have not in mind now the specifications

sioners

Mr. CAMPBELL of Kansas. Yes.
Mr. TOWNE. Very well. I have heard it intimated that
there are certain buildings in the District to which it is impracticable to attach any form of fire escape, but it seems to
me, if the gentleman will permit me to make the observation, that that operates upon the theory either that it is in itself impracticable to make any kind of a fire escape other than some extraneous or permanent attachment to a building, or that the law requires some such attachment to the building. My recollection is that the law does not require any structure of a permanent nature all the way up and down a building, for example, but that there shall be a fire escape provided, subject to the inspection and approval of the Commissioners of the District, suitable to the ordinary purposes of fire escapes.

Now, the gentleman very well knows that a comparatively

slight attachment at windows, whence escape, of course, must ordinarily be made, is enough to permit the occupants to lower themselves to the ground with the apparatus provided inside of the room. I have seen, and no doubt the gentleman has,

many forms of fire escapes that are not permanently attached like stairways or spiral descents to the ground, but are availed of by attaching some sort of mechanical implement provided in the room to a permanent strong structure near or adjoining the window, from whence descent may be made safely to the Now, I do not think, if that kind of fire escape is permissible under the law, that there is either any impracticability or hardship in the requirement.

Mr. CAMPBELL of Kansas. What would the gentleman from New York do with a building that had no hallways extending to the outer wall of the building? It would be required in a case of that kind that there should be a fire escape

from every office in the building.

Mr. TOWNE. Absolutely; and I think there ought to be.

Mr. CAMPBELL of Kansas. Separate and distinct.

Mr. TOWNE. I think there ought to be.

Mr. CAMPBELL of Kansas. Let us get down to the issue that is raised in this bill. Does the gentleman from New York now hold that there is a very great necessity for a fire escape from a building that is erected of noncombustible material, in which there is little or no combustible furniture, occupied almost wholly by office people in the daytime? Understand, there should be fire escapes from theaters, and seminaries, and apart-

ment houses, and hotels, and store buildings, and factories.

Mr. TOWNE. I will answer the gentleman this way: It must be said that some sort of structures, by reason of the uses to which they are devoted, ought to be furnished with fire escapes to a greater degree of efficiency, that there is more reason for giving them this sort of equipment than other forms of structure; but I say this to the gentleman, I do not think there is any good reason why a single structure to be inhabited at any time by human beings for any purpose in the District of Columbia ought not to be required to furnish means of escape from fire, and that the furnishing of the fire escape is part of the regular business of the owner of the building. think that there are many structures that ought to be without a fire escape, and I think recent happenings in various parts of the country emphasize the importance, especially when it can be done at a very reasonable figure. It is not a hardship. No-body ought to be allowed to build a building in these days without providing escape in case of fire from every place that is being used in that building.

Mr. CAMPBELL of Kansas. The proposed amendment makes change in existing law by exempting the owners of buildings that are occupied as office buildings and in the daytime, and I see no reason why the recommendations of the Commissioners and of the business men who have insisted upon its passage

should not be heeded by this House.

Mr. McNARY, Mr. Speaker— The SPEAKER. Does the gentleman yield?

Mr. CAMPBELL of Kansas. I yield for a question. Mr. McNARY. I would like to have the gentleman turn his attention to page 4, section 13; and will the gentleman kindly tell me what is the reason for the inclusion of these words, "but only so far as the same are inconsistent?" What is the purpose? Is there some new rule of construction, some decision on that point? Why is it not sufficient to have it read as it has always read in my knowledge of legislation, "that all acts and parts of acts inconsistent herewith be, and the same are, hereby repealed?'

Mr. CAMPBELL of Kansas. I will consent to that amendment.

Mr. McNARY. Can we get that amendment in now?

Mr. CAMPBELL of Kansas. I will consent that the gentleman from Massachusetts shall offer that amendment now.

Well, I now ask unanimous consent to offer the amendment to strike out, on page 4, in line 12, after the word "herewith," the words "but only so far as the same are inconsistent.

The SPEAKER. The Clerk with report the amendment.

The Clerk read as follows:

Page 4, line 12, strike out the words "but only so far as the same are inconsistent."

The question was taken; and the amendment was agreed to. Mr. McNARY. Now a further question.

Mr. CAMPBELL of Kansas. I want to yield some time to the gentleman from Tennessee [Mr. Sims], but I will answer the gentleman's question.

Mr. McNARY. In reference to page 3, I should like to ask the gentleman from Kansas to tell this House whether or not he believes that the regulations of the District of Columbia are sufficiently strong to make the office buildings described therein fireproof. It says, in line 18, page 3:

That such buildings that are used solely for office buildings above the second floor, and defined under the buildings regulations of the

District of Columbia to be fireproof, are exempted under this act as to fire escapes.

And farther on it provides that the same buildings shall have automatic iron shutters or wire glass in fireproof sash and frames when they are close to a building that is not regarded as fireproof under the District building regulations. I would like him to tell the House, if he has knowledge, as to what are the building regulations of the District of Columbia as regards fireproof buildings. Are they strict or are they weak; do they really provide for fireproof buildings or do they only use the term in the ordinary sense, meaning a building put up with some approach to fireproof material, but which is not really fireproof?

Mr. CAMPBELL of Kansas. I have only such information as has been given to the committee by the officer in charge for the District Commissioners. He informed the subcommittee in charge of this bill that the regulations for the construction of fireproof buildings were as stringent here as elsewhere in the country. They use steel and cement, and such noncombustible materials as that in the construction of fireproof buildings.

Mr. McNARY. Mr. Speaker, I want only to say to the gentleman that I never yet have seen any of the so-called "fire-proof buildings" prove to be fireproof under test of fire, and for my part I do not believe that the regulations in this District are sufficiently strong to insure that the buildings are fire-proof. It seems to me that we are here exempting a class of buildings of which we have not accurate knowledge as to whether they are really fireproof, and that we ought not to do it.

Mr. CAMPBELL of Kansas. The gentleman will probably be able to answer this: Is it now required in any considerable number of the cities of the country that there shall be fire escapes upon office buildings?

Mr. McNARY. I think it is, Mr. Speaker.

Mr. CAMPBELL of Kansas. Does the gentleman now recall that there are fire escapes upon office buildings in any city that he can now recall?

Mr. McNARY. Yes. There are fire escapes, to my personal knowledge, on many of the buildings in the city of Boston, required by law upon buildings erected under modern conditions, as regards strength of material and fireproof qualities. My friends here [Messrs. Sulzer and Goldfolle] say it is so in New York. I know that the requirements and building regulations in Boston make that the case.

Mr. CAMPBELL of Kansas. I would like to know whether or not there are fire escapes to the Flatiron Building in New York?

Mr. McNARY. That I can not answer.

Mr. CAMPBELL of Kansas. The gentleman from New York

[Mr. Towne] may be able to answer that question.

Mn. TOWNE. I will say to the gentleman that there ought to be. That is what we are talking about here—what the law cucht to be.

Mr. CAMPBELL of Kansas. I am now asking legislation that represents the sentiment of the people of the District of Columbia. I assume that the Flatiron Building in New York would be provided with fire escapes, it being an office building, if the sentiment of the people of New York required fire escapes to office buildings.

Mr. McNARY. Will the gentleman allow me to say, in view of that answer to the question, that I have not any doubt but that what he states is the sentiment of the people whose names he has given on the floor is correct. I have not any question that a large number of business men have expressed the opinion that these exemptions ought to be made. I have never yet known in any city where business people or builders were consulted but that they demanded and said that many fire regulations and fire-escape regulations should be disregarded. As a matter of fact, we meet that every time building laws are discussed. It is only when we get a body of men entirely independent of these builders and business men that we get strict regulations. I have had the honor of serving on legislative committees that had to do with the regulations in the city of Boston in the past, and we almost invariably found business men, owning and occupying buildings, and any number of builders, too, who declared these regulations ought not to be made so strict. But when we organized a commission to revise the building regulations and to bring the laws into proper shape, we invariably found that such a commission, studying the question independently and having no ownership or financial interest in the buildings, always favored having the laws made strict as regards fireproofing construction and proper fire escapes. And for that reason I do not believe that the sentiment of the business people whose names he has given

ought to govern us in this matter; and I move you, sir, to strike

Mr. CAMPBELL of Kansas. I did not yield to the gentleman for that purpose.

Mr. McNARY. I will ask it later, at the proper time, if the gentleman declines to yield.

Mr. CAMPBELL of Kansas. I yield to the gentleman from Tennessee ten minutes, or such time as he desires.

Mr. SIMS. Mr. Speaker, I oppose this bill, and I wish to state in a few words why. In the first place, the fire-escape law now is a general law. If we commence to make exceptions, we do not know where it will end. To put in the hands of the Commissioners to say what buildings shall and what shall not have fire escapes will put a matter of worry in their hands and a matter of pressure on them that would be almost beyond human endurance to stand. We know if the fire-escape law is not amended that it will prove a very great hardship on certain gentlemen who own certain buildings in the city of Washington that were constructed before we had this law, such as the Star Building, the Munsey Building, and others. I personally vis-ited the Munsey Building, and in order to comply with that law it will cause the owner or owners of that building to sustain a very great financial loss. There is no doubt about it. Although it is a very great hardship to be compelled to do this on what they built for and intended to be a fireproof building, I am like the gentleman from New York, and do not believe, in the sense in which we use that term in a practical way, that there are any fireproof buildings. There may be walls and partitions and stairways that will not burn out, but there is always sufficient combustible materials in a building to start a fire, and that starts a panic, and the panic results often in the death of many people where there was no contact with fire at all. The greater confidence that the inhabitants of these buildings can have that in case of fire they can escape, the less liable they are to become panicky and jump out of the windows or run over each other and be killed. These particular buildings will be occupied by hundreds of people in the day. It may be impossible to burn that building, in fact; but if a fire started in the combustible material, there is more danger of having all the horrors of a panic brought about where there are no fire escapes to the building than where there are. But if you give more and greater opportunities to escape, there is less liability that the people occupying the building will become panicky and lose their lives

Mr. McNARY. I desire to ask the gentleman from Tennessee if it is true that the italicized words in line 18 on page 3, which I quote, as follows: "Used only for office building above the second floor," are not contained in the present bill, and if the buildings are not now required to have fire escapes, and whether the purpose of the bill is not to exempt those particular buildings?

Mr. SIMS. The gentleman is correct, and that is the purpose of it.

Mr. McNARY. What is the reason for exempting them?
Mr. SIMS. To me there is no reason. The gentlemen who support the bill offer as a reason that the building being fire proof it is not necessary; but I think it is necessary.

Mr. SULLIVAN. Do you think there are any fireproof build-

Mr. SIMS. I do not think there is any such thing as a fireproof building in the sense of not being dangerous to human life occupying those buildings if a fire takes place within it. I sympathize with many of these people in the loss they will have to sustain. It is a question between dollars and the possible loss of human life, and who would be willing to weigh these in that scale? There is not a man in this House who would vote to save this Capitol from fire if to do so would call for the sacrifice of one human life, however humble the person might be.

Mr. McNARY. Does not the gentleman understand that in a majority of instances what are known as "office buildings" in every large city in the country are used night as well as day, and that men work there until 11 and 12 o'clock at night, and sometimes all night; and yet the main argument made in favor of this bill is that these buildings are used exclusively in the daytime?

Mr. SIMS. If they were used exclusively in the daytime, I would still be opposed to the bill. As I have tried to show to the House, I want to have as much confidence as possible afforded to the occupants of these buildings that they will be able to save themselves and to have the greatest number of instrumentalities by which they may save themselves, because that confidence prevents panic, which often results in death when the building is not destroyed by fire. [Applause.]

I read of a case in a church in Birmingham, Ala., where a large congregation was assembled in the summer time, when there was not a spark of fire in the building; but for some reason somebody cried "Fire!" The congregation became stampeded, and in attempting to get out of the building, the audience being in the second story, more than fifty people were killed. Fire escapes are put on buildings for the purpose of giving people confidence in their safety. Very few buildings, compared with the whole number, that have fire escapes on them ever burn; so, in fact, the number of fire escapes called into actual use is very small. Why should we exempt certain buildings? The zone of exempted buildings will continually extend. The pressure upon the Commisioners will be more than they can stand. Rather than see this law modified or repealed, I would vote out of the Treasury of the United States an indemnity for the loss to these individuals, if they sustain any, rather than take the chance of destroying one human life, however humble, whether old or young. There never will be a building erected that is entirely safe from fire or from the result of the fear of fire, and these, in gross, are the reasons, rather crudely given, why I think we had better let the law stand as it is. I do not wish to take up the time of the House

Mr. CAMPBELL of Kansas. Mr. Speaker, I allow no Member of this House to occupy a position of guarding life or limb any more carefully than I would; but in advocating the passage of this bill making amendments to the present law providing for fire escapes, I do not believe that we are endangering in the least degree the life or limb of any person in the District of Columbia. The bill, prepared by the District Commissioners and urged by them for passage, stated that such buildings as are defined under the building regulations in the District of Columbia to be fireproof shall be exempt. The committee Columbia to be fireproof shall be exempt. The committee amended the bill so as to provide that such buildings as are used solely for office buildings above the second floor shall be exempt.

Now, Mr. Speaker, I have advocated the passage of this bill not because I want to relieve anybody from doing anything that will increase safety to human life, but in the hope that in making the modifications of the law that we passed last year we will be able to secure the enforcement of the law that remains

after the passage of this act. I therefore ask for a vote.

Mr. BURTON of Delaware. Mr. Speaker, I desire to offer an

amendment

The SPEAKER. Does the gentleman from Kansas move the previous question?

Mr. CAMPBELL of Kansas. I move the previous question. BURTON of Delaware. Then the gentleman will not yield for an amendment?

Mr. McNARY. I hope the gentleman will permit me to offer

an amendment

The SPEAKER. Does the gentleman yield for the reading of the amendment?

Mr. CAMPBELL of Kansas. Oh, yes; I yield.
Mr. McNARY. Mr. Speaker, I ask unanimous consent to
make a statement in regard to this amendment of mine.

Mr. CAMPBELL of Kansas. I yield one minute. Mr. McNARY. Mr. Speaker, I offer this amendment because I believe the present law ought not to be changed in that re-The law is good as it stands, and for that reason I do not believe the building regulations

Mr. CAMPBELL of Kansas. What is the amendment that

the gentleman offers?

Mr. McNARY. The one I previously suggested, to strike out, on page 3, beginning at line 18, down to line 6, on page 4 in other words, the provision which exempts the so-called "fireproof" office buildings in the District of Columbia. I do not believe they are fireproof; and I believe the Government could better afford, as suggested by the gentleman from Tennessee [Mr. Sims], a member of the committee, to indemnify these people for the expense of putting on the escapes than to incur the danger of losing human life in this District. I now offer my amendment.

Mr. CAMPBELL of Kansas. Mr. Speaker, the amendment that the gentleman from Massachusetts would offer takes the life out of the bill—

The SPEAKER. Does the gentleman refuse to yield for that

Mr. CAMPBELL of Kansas. I refuse to yield.

The SPEAKER. The gentleman from Kansas demands the previous question.

Mr. BURTON of Delaware. I offer the amendment which I send to the Clerk's desk.

The SPEAKER. Does the gentleman yield to the gentleman B

from Delaware to offer the amendment or to have it read for information?

Mr. CAMPBELL of Kansas. I yield time to offer the amendment for information.

The Clerk read as follows:

Amend by inserting the following as a new section: "Sec. —. The provisions of this act shall become operative on and after December 1, 1907."

Mr. BURTON of Delaware. Mr. Speaker The SPEAKER. Does the gentleman yield? Mr. CAMPBELL of Kansas. For one minute.

Mr. BURTON of Delaware. If this law is put into force, it will entail an enormous expense on some of the hotels and other buildings in this city, and I offer that amendment in order that the people may have the time between now and the convening of the next Congress in order to carry out the provisions of the law. That is all I have to say.

The SPEAKER. Does the gentleman yield for the amend-

ment?

Mr. CAMPBELL of Kansas. I do not.

The SPEAKER. The question is on ordering the previous question.

The question being taken, Mr. McNary demanded a division. The committee divided; and there wereaves 103, noes 35. So the previous question was ordered.

The SPEAKER. The question now is on agreeing to the ommittee amendment.

The question was taken; and the committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. McNARY. Now, Mr. Speaker, I move to recommit the bill with instructions to strike out, on pages 3 and 4, that part of section 3 from line 18 to and including line 5.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out of the bill line 18, on page 3, down to and including line

The SPEAKER. The Clerk, for the information of the committee, will read that portion which the amendment seeks to strike out.

The Clerk read as follows:

That such buildings as are used solely for office buildings above the second floor and defined under the building regulations of the District of Columbia to be fireproof are exempted from the requirements of this act as to fire escapes, guide signs, and alarm gongs; but when the face of a wall of any such fireproof building is within 30 feet of a combustible building or structure, or when the side or sides, front or rear of such building or structure faces within 30 feet of a combustible building, or contains a light or air shaft or similar recess within 30 feet of a combustible building, then each and every window or opening in said wall or walls shall be protected from fire by automatic iron shutters or wire glass in fireproof sash and frames.

The SPEAKER. The motion is to recommit the bill with instructions to the committee to report it back with the section

structions to the committee to report it back with the section

just read stricken out.

The question was taken; and on a division (demanded by Mr. McNary and Mr. Sulzer) there were—ayes 56, noes 81.

Mr. McNARY. Mr. Speaker, I call for the yeas and nays.

Mr. SULZER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SULZER. I would like to ask if this bill has been en-

The SPEAKER. It doesn't make any difference whether it has or not; it has been read. The House ordered the engrossed bill to be read, and it was read.

Mr. SULZER. Was it the engrossed bill that was read? The SPEAKER. It is like locking the door after the horse as been stolen. [Laughter.] It is totally immaterial whether

has been stolen. the engrossed bill has been read or not, because the House has ordered the third reading of the engrossed bill, and it has been read, and it is impossible to do away with that fact.

Mr. McNARY. Mr. Speaker, I renew my call for the yeas

The yeas and nays were ordered.

The question was taken; and there were—yeas 95, nays 146, answered "present" 4, not voting 132.

	YE	AS-95.	
damson liken Bartlett Beall, Tex. Bell, Ga. Sowers Frantley Broocks, Tex. Frumm Burgess Burgess Burgess	Burnett Burton, Del. Byrd Candler Clark, Fla. Clark, Mo. Clayton Davis, W. Va. Dixon, Ind. Ellerbe Fassett	Finley Fitzgerald French Garber Garner Garrett Gillesple Goldfogle Granger Gregg Gudger	Hay Heflin Houston Howard James Kellher Kitchin, Claude Kitchin, Wm. W. Lawrence Lee Legare

Pou Rainey Randell, Tex. Ransdell, La. Rhinock Richardson, Ala. Robertson, La. Robinson, Ark. Rucker Russell Ryan Lewis Lloyd McCall McNary Macon Moon, Tenn. Overstreet, Ga. Padgett Parsons Ryan Saunders Patterson, N. C. Patterson, S. C. Shackleford

Sheppard Sherley Sims Slayden Small Smith, Md. Smith, Tex. Southall Sparkman Stanley Stephens, Tex. Sullivan Sulzer

Talbott Taylor, Ala. Thomas, N. C. Towne Trimble Underwood Wallace Watkins Webb Wiley, Ala. Williams

NAYS-146.

Acheson Alexander Andrus Babcock Bannon Bartholdt Bede Beidler Bennet, N. Y. Bennet, N. Y. Bonynge Brick Brooks, Colo. Brown Brownlow Browniow Burke, Pa. Burke, S. Dak. Burleigh Butler, Pa. Campbell, Kans, Campbell, Ohio Capron Chaney Chapman Cocks Cole Conner Cooper, Pa. Coudrey Cromer Crumpacker Conner Currier Cushman Dale Dalzell Darragh Davis, Minn.

Dawes

Boutell

Hughes Hull Hull Reeder
Humphrey, Wash. Reynolds
Kahn Rives
Keifer
Kennedy, Ohio
Klepper
Kline Sherman
Kline Sherman
Sibley Deemer Draper Driscoll Dwight Edwards Ellis Englebright Klepper
Kline
Kline
Knapp
Knowland
Lacey
Landis, Chas. B,
Landis, Frederick
Littlefield
Loudenslager
Lovering
McCreary, Pa.
McKinlay, Cal.
McKinley, Ill.
McKinney
Madden
Mahon
Marshall
Minor
Moon. Pa.
Mouser
Murphy
Needham
Nelson
Norris
Olcott
Olmsted
Otjen
Payne
Perkins
PRESENT "—4. Fletcher Fletcher Foss Foster, Ind. Fulkerson Gaines, W. Va. Gardner, Mich. Gilhams Goebel Graff Graham Greene Grosvenor Grosvenor Hale Hamilton Haskins Haugen Hayes Hedge Henry, Conn. Hepburn Higgins Hill, Conn. Hinshaw Hinshaw Holliday Howell, N. J. Howell, Utah Hubbard Huff

Pollard Scott Sherman Sibley Smith, Cal. Smith, Iowa Smith, Mich. Smyser Smyser Sperry Stafford Steenerson Sterling Taylor, Ohio Thomas, Ohio Tirrell Townsend Volstead Vreeland Wachter Wadsworth Waldo Wanger Waldo Wanger Washburn Watson Weeks Weems Wiley, N. J. Wilson Wood Wood Woodyard

PRESENT "-4. ANSWERED Humphreys, Miss. Jenkins Goulden

NOT VOTING-132.

Allen, Me. Allen, N. J. Ames Bankhead Barchfeld Bates Bennett, Ky. Bingham Birdsall Bishop Blackburn Bowersock Bowle Bradley Broussard Brundidge Buckman Burton, Ohio Butler, Tenn. Calder Calderhead Cassel Cockran Cooper, Wis. Consins Dayey, La. Dayidson

Law Le Fevre Lilley, Conn. Lilley, Pa. Lindsay Littauer Dunwell Dunwell
Field
Flood
Floyd
Fordney
Foster, Vt.
Fowler
Fuller
Gaines, Tenn.
Gardner, Mass.
Gardner, N. J.
Gilbert
Gill Livingston Longworth Lorimer Loud Lorimer
Loud
Lowden
McCarthy
McCleary, Minn.
McDermott
McGavin
McLachlan
McLachlan
McLachlan
MeMorran
Maynard
Meyer
Michalek
Miller
Mondell
Moore, Pa.
Moore, Tex.
Morreil
Mudd
Murdock
Nevin
Overstreet, Ind.
Palmer
Parker Gillett Glass Griggs Gronna Hardwick Hardwick
Hearst
Henry, Tex.
Hermann
Hill, Miss.
Hogg
Hopkins
Honson
Jones, Va.
Kennedy, Nebr,
Kinkaid
Knopf
Lafean
Lamar
Lamb

Pearre Pearre
Powers
Prince
Puje
Reid
Rhodes
Richardson, Ky.
Riordan
Roberts
Rodenberg
Ruppert Rodenberg
Ruppert
Schneebeli
Scroggy
Shartel
Slemp
Smith, Ill.
Smith, Ky.
Smith, Pa.
Snapp
Southard
Southwick
Spight
Stevens, Minn.
Sulloway
Tawney
Tyndall
Van Duzer
Van Winkle
Webber Webber Weisse Welborn

So the motion was rejected.

The Clerk announced the following additional pairs:

For the session:

Davidson
De Armond
Denby
Dickson, Ill.
Dixon, Mont,
Dovener
Dresser

Mr. BRADLEY with Mr. GOULDEN.

Mr. Foss with Mr. MEYER.

Until further notice

Mr. Cousins with Mr. Weisse.

For the balance of the day:

Mr. BOUTELL with Mr. GRIGGS. Mr. BOWERSOCK with Mr. RIORDAN. Mr. MUDD with Mr. McLain.

For the vote:

Mr. Barchfeld with Mr. Broussard. Mr. Bates with Mr. Field.

Mr. Birdsall with Mr. Brundidge.

Mr. Bishop with Mr. Davey of Louisiana, Mr. Calderhead with Mr. Flood.

Mr. LITTAUER with Mr. LIVINGSTON.

Mr. Sulloway with Mr. Butler of Tennessee.

Mr. GILLETT with Mr. GILL.

Mr. Cassel with Mr. DE Armond.

Mr. Lafean with Mr. Glass.

Mr. MILLER with Mr. HARDWICK.

Mr. Mondell with Mr. Jones of Virginia. Mr. Morrell with Mr. Hill of Mississippi.

Mr. MURDOCK with Mr. LAMAR. Mr. PRINCE with Mr. LAMB. Mr. RODENBERG with Mr. HUNT. Mr. SNAPP with Mr. MAYNARD.

Mr. Stevens of Minnesota with Mr. Reid.
Mr. Allen of Maine with Mr. Smith of Kentucky.
The SPEAKER. The question is on the passage of the bill. The question was taken; and the bill was passed.

On motion of Mr. SMITH of Michigan, a motion to reconsider the last vote was laid on the table.

METROPOLITAN POLICE OF THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 25630) to amend an act entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolian police of the District of Columbia,' approved February 28, 1901," approved June 8, 1906, which I send to the desk and ask to have read.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That paragraph 2 of the act entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," approved June 8, 1906, is hereby amended by adding thereto the following:

"Should the number of privates of class 2 or class 3 be reduced at any time by reason of riot, fire, flood, pestilence, or other similar catastrophe, any vacancy thus created in class 3 shall be filled by the promotion of privates from class 2 who in the order of their length of service in the force have nearest attained the five years' term of service required by act of Congress approved June 8, 1906, provided their conduct and intelligent attention to duty shall justify such promotion: Provided, That any vacancy thus created in class 2 shall be filled by the promotion of privates from class 1 who in the order of their length of service in the force shall have nearest attained the three years' term of service required by said act of June 8, 1906, provided their conduct and intelligent attention to duty shall justify such promotion.

vided their conduct and intelligent attention to duty shall justify such promotion.

"Should a vacancy occur at any time in the grade of private of class 2 or class 3 by reason of death, removal, or resignation of any private in class 2 or class 3, and should there be no private of class 1 or class 2, as the case may be, eligible for promotion by length of service as required by the act of Congress approved June 8, 1906, to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' then, and in that case, the Commissioners of the District of Columbia are authorized to appoint to class 1 such number of privates, not to exceed ten, as may be necessary to maintain the full complement of the force as allowed by the law making appropriations for the support of the Metropolitan police department of the District of Columbia."

Mr. FITZGERALD. Mr. Speaker, I rise to make a point of order against that bill. This bill should be on the Union Calendar.

Mr. BABCOCK. Mr. Speaker, this does not appropriate any money or create any new office.

Mr. FITZGERALD. No; but it provides for charges upon the Treasury

The SPEAKER. The Chair, after looking at the bill, fails to find anything on its face that makes a charge upon the Treasury

Mr. FITZGERALD. Mr. Speaker, it authorizes promotions not authorized by law from one class to another, and a promotion to the other class means the payment of additional compensation.

The SPEAKER. That is argumentative, purely. It does not upon its face, so far as the Chair can ascertain, make a charge upon the Treasury.

Mr. FITZGERALD. It provides for the appointment of addi-

tional police.

Mr. TAYLOR of Ohio. Only when vacancies occur.

The SPEAKER. Only when vacancies occur. The Chair will overrule the point of order.

Mr. BABCOCK. Mr. Speaker, I move the previous question on the bill to its final passage.

The SPEAKER. The question is on ordering the previous

The question was taken; and on a division there wereayes 119, noes 60.

So the previous question was ordered.

The SPEAKER. The question is now on the engrossment and third reading of the bill.

The question was taken; and the bill was ordered to be engrossed and read a third third.

Mr. FITZGERALD. Mr. Speaker, I demand the reading of

The SPEAKER. The bill will be laid aside until it is engrossed.

### ANTITIPPING BILL.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 25232) to promote the comfort of patrons of hotels, restaurants, cafés, and eating houses in the District of Columbia, which I send to the desk and ask to have read. I do this because I have had many requests from different Members that the bill be called up.

The Clerk read as follows:

Be it enacted, etc., That it shall be unlawful for any guest or patron at any hotel, restaurant, café, or eating house in the District of Columbia to give, or offer to give, to any steward, waiter, porter, or other employee or for any such steward, waiter, porter, or other employee to solicit or receive, or for any proprietor or manager of any such hotel, restaurant, café, or eating house to knowingly permit any such steward, waiter, porter, or other employee to receive from any such guest or patron any gift, compensation, or honorarium other than the regular charges established for such hotel, restaurant, café, or eating house

or eating house.

SEC. 2. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined in a sum of not less than five nor more than five hundred dollars.

Mr. SULLIVAN. Mr. Speaker, I wish to inquire of the gentleman in charge of the bill if this is the bill which will make me a criminal if I give 25 cents to my waiter?

Mr. BABCOCK. I am suspicious that that is the bill. Mr. Speaker, I move the previous question on the bill to its final

The previous question was ordered.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The question was taken; and the engrossment of the bill for a third reading was refused.

On motion of Mr. FITZGERALD, a motion to reconsider the last vote was laid on the table.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed the following reso-

Resolved. That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 24134) providing for the granting and patenting to the State of Colorado desert lands formerly in the Southern Ute Indian Reservation in Colorado.

The message also announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 24640. An act making appropriations for the payment of invalid and other pensions of the fiscal year ending June 30, 1908, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House

of Representatives was requested: S. 8426. An act authorizing the Court of Claims to hear and adjudicate the claims of Samuel Garland, deceased, against the

Choctaw Nation; S. 7759. An act to provide for the appointment of an additional district judge in and for the northern judicial district of the State of California; and

S. 8510. An act to amend an act providing for the public printing and binding and the distribution of public documents.

RETIREMENT OF NONCOMMISSIONED OFFICERS, PETTY OFFICERS, AND ENLISTED MEN OF THE ARMY, NAVY, AND MARINE CORPS OF THE UNITED STATES.

Mr. HULL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3638) providing for the retirement of noncommissioned officers, petty officers, and enlisted

men of the Army, Navy, and Marine Corps of the United States.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That when an enlisted man shall have served thirty years either in the Army, Navy, or Marine Corps, or in all, he shall, upon making application to the President, be placed upon the retired list, with 75 per cent of the pay and allowances he may then be in receipt of, and that said allowances shall be as follows: Nine dollars and fifty cents per month in lieu of rations and clothing and \$6.25 per month in lieu of quarrers, fuel, and light: Provided, That in computing the necessary thirty years' time all service in the Army, Navy, and Marine Corps shall be credited.

Sec. 2. That all acts and parts of acts, so far as they conflict with the provisions of this act, are hereby repealed.

The SPEAKER. Is there objection?
Mr. MANN. Mr. Speaker, reserving the right to object—
Mr. WILLIAMS. Mr. Speaker, I would like to ask the gentleman in charge of the bill to whom the bill applies—to what rank?

Mr. HULL. It applies to none above the rank of enlisted men of the Army, Navy, and Marine Corps. It changes the law by allowing those who have served thirty years in the Army, Navy, or Marine Corps and who are on the retired list \$6.25 a month additional pay. That is all there is in the bill. That is the only change?

Mr. MANN. Mr. HULL. There is no other change in the law. It simply gives the man who serves his country thirty years in the enlisted forces of the Army, Navy, or Marine Corps \$6.25 a month.

Mr. MANN. Is the allowance more to a noncommissioned officer than to an enlisted man?

Mr. HULL. No; the allowance to a noncommissioned officer is not more than to an enlisted man for commutation of quarters. If an enlisted man is on the active list—

Mr. MANN. I mean in this bill. Does it vary according to whether a man is simply an enlisted man or noncommissioned

officer?

Mr. HULL. The noncommissioned officers and enlisted men get exactly the same commutation of quarters. There is no difference between the man who is a private and the man who is a sergeant in commutation of quarters, and the possible amount carried by the bill, if it shall pass, on the retired force as it stands to-day as estimated by the War Department, is \$170,000 a year.

Mr. WILLIAMS. This bill included enlisted men?

Mr. HULL. That is all it deals with. That is the only force it deals with.

Mr. WILLIAMS. It says enlisted men and noncommissioned officers

Mr. HULL. The noncommissioned officer is an enlisted man. That is all.

Mr. Speaker, I may say this bill will help re-Mr. HAY. cruiting, and it is a bill which is unanimously reported.

The SPEAKER. The Chairs hears no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. Hull, the motion to reconsider the last vote was laid on the table.

#### CLAIMS OF SAC AND FOX INDIANS.

Mr. LACEY. Mr. Speaker, I ask unanimous consent to take the bill (S. 8533) to authorize the Court of Claims to hear, determine, and adjudicate the claims of the Sac and Fox Indians of Mississippi in Iowa, against the Sac and Fox Indians of Mississippi in Oklahoma, and the United States, and for other purposes, from the Speaker's table and consider the same at this time.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That full legal and equitable jurisdiction, without regard to lapse of time, is hereby conferred upon the Court of Claims to hear, determine, and adjudicate, as justice and equity shall require, with right of appeal to the Supreme Court of the United States by any party in interest, all claims of the Sac and Fox Indians of the Mississippi in lowa, against the Sac and Fox Indians of the Mississippi in Oklahoma, and the United States for money claimed to be due to them as their proportionate shares, according to their numbers, and not heretofore paid to or expended for them, of the appropriations made by Congress for fulfilling treaty stipulations with the confederated tribes of the Sac and Fox Indians of the Mississippi, or arising from the disposal or sale of lands of said confederated tribes, or otherwise, including the claims set out in the Senate Document No. 64, Fifty-seventh Congress, first session, for which sult may be instituted in the Court of Claims within ninety days after the passage of this act by petition signed by the principal chief of said Sac and Fox Indians in Iowa, or by the attorney employed by the proper authorities of said Indians; the compensation to be paid to their said attorney by the Sac and Fox Indians of the Mississippi in Iowa, for his services and expenses rendered and to be rendered in the prosecution of said suit. The Attorney-General shall appear and defend in said suit, so far as the United States may be concerned. The Sac and Fox Indians in Oklahoma may appear, by counsel employed by their proper authorities, to defend on their behalf. Said suit, on motion of either of the parties thereto, shall be advanced on the dockets of either of the parties thereto, shall be advanced on the dockets of either of the covernment and printed as Congressional documents shall be received as evidence in said suit, so far as the facts therein may be concerned, and shall be given such weight as the court may determine for them.

The SPEAKER. Is t

The SPEAKER. Is there objection? Mr. SULZER. Mr. Speaker, reserving the right to object, I would like the gentleman from Iowa to give some explanation in regard to this bill.

Mr. LACEY. Mr. Speaker, at the first session of this Congress a bill was passed adjudicating and adjusting the claims between these two branches of the Sac and Fox tribe, one branch being in Iowa and the other in Oklahoma and Kansas. The President vetoed that bill. The bill was referred then to the Committee on Indian Affairs. The President promised to have the matter thoroughly investigated during the recess since the last session of this House and promised to report upon it to the House. This has been done.

His opinion and that of the Department was that this matter ought to go to the Court of Claims instead of Congress adjudicating it, and therefore a Senate bill has been passed simply referring the whole controversy between these two sections of the tribe, or bands of the tribe, to the Court of Claims, in ac-

Wachter

cordance with the views of the Department of the Interior, the Commissioner of Indian Affairs, and the President. So far as the committee was concerned, they thought they had ample evidence upon which to finally dispose of the matter in the Congress; but they have yielded, however, to the suggestion of the Department, and they present the bill in this form.

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote

was laid on the table. Mr. SULZER. Mr. Speaker, after the lucid explanation of

the gentleman from Iowa I withdraw my objection. [Laughter.] CONSIDERATION OF THE SHIP-SUBSIDY BILL.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania submits the following privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

The Clerk read as follows:

The Committee on Rules, to which was referred the resolution of the House No. 877, have had the same under consideration and herewith report the following in lieu thereof:

"Resolved, That immediately upon the adoption of this order and on each day hereafter until and including Friday of this week, at such time as the House shall not be considering general appropriation bills, conference reports, or motions to suspend the rules, the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 529) to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, and to promote commerce; and after five hours of general debate, which shall be confined to the bill, the substitute amendment reported by the Committee on Merchant Marine and Fisheries shall be read for amendment under the five-minute rule; and on Friday, March 1, at 3 o'clock, unless consideration shall have been sooner concluded, the Committee of the Whole shall rise and report the bill, whereupon the previous question shall be considered as ordered on the amendment in the nature of a substitute and on any pending amendment thereto and on the bill to a final passage: Provided, That at any time, by direction of the Chairman of the Committee of the Whole, the committee shall rise to consider in the House general appropriation bills, conference reports, and motions to suspend the rules: And provided further, That at the conclusion of the consideration of the aforesaid matters the Committee of the Whole shall resume its sitting on direction of the Speaker.

"General leave to print shall be granted for ten days on the bill, said ten days to run from the adoption of this order."

Mr. DALZELL. On that, Mr. Speaker, I ask for the previous

Mr. DALZELL. On that, Mr. Speaker, I ask for the previous

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker!

The House divided; and there were—ayes 129, noes 83.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 161, nays 109, answered "present" 6, not voting 101, as follows:

	YEAS	-161.	
Acheson Alexander Ames Bannon Barchfeld Bartholdt Bates Bede Bedder Bennet, N. Y.	Davis, Minn.	Kahn Kelfer Kennedy, Ohio Kinkaid Klepper Knapp Knopf Knowland Lacey	Parker Parsons Payne Perkins Pollard Reeder Reyburn Reynolds Rives Samuel
Bennett, Ky. Bishop Bonynge Brick Brooks, Colo. Brown Brownlow	Englebright Esch Fassett Fletcher Foster, Vt. Fulkerson Gaines, W. Va.	Landis, Chas. B. Landis, Frederick Lawrence Littauer Littlefield Longworth Loudenslager	Scott Sherman Sibley Slemp Smith, Cal. Smith, Iowa. Smith, Mich.
Brumm Burke, Pa. Burke, S. Dak. Burleigh Butler, Pa. Calderhead Campbell, Kans. Campbell, Ohio Capron	Gardner, Mich. Gardner, N. J. Gilhams Goebel Graff Graham Greene Grosvenor Hamilton	Lovering McCall McCarthy McCleary, Minn. McCreary, Pa. McGavin McKinlay, Cal. McKinley, Ill. McKinney	Smith, Pa. Smyser Southard Sperry Sterling Sulloway Tawney Taylor, Ohio Thomas, Ohio
Cassel Chaney Cocks Cole Conner Cooper, Pa.	Haskins Hayes Henry, Conn. Hepburn Higgins Hill, Conn. Holliday	McMorran Mahon Mann Martin Miller Minor Mondell	Tirrell Townsend Vreeland Waldo Wanger Washburn Watson
Cousins Cromer Crumpacker Currier Cushman Dale Dalzell Darragh	Howell, N. J. Howell, Utah Hubbard Huff Hughes Hull Humphrey, Wash. Jones, Wash.	Moon, Pa. Moore, Pa. Needham Norris Olcott Olmsted Otjen Overstreet, Ind.	Wharton Wiley, N. J. Wood Woodyard Young

# NAYS-109.

damson liken artlett eall, Tex. ell, Ga. owers rantley roocks, Tex. roussard rundidge urnett yrd andler hapman lark, Fla. lark, Mo. layton avis, W. Va. ixon, Ind. lilerbe leld imley itzgerald ordney rench	Garrett Gillespie Goulden Granger Gregg Gudger Hardwick Hay Hedge Hefiln Hill, Miss. Hinshaw Houston Howard Hunt James Jones, Va. Keilher Kitchin, Claude Kitchin, Wm. W. Kline Lamar Lee Legare Lever Lewis	McLain McNary Macon Madden Marshall Moon, Tenn. Murdock Nelson Overstreet, Ga. Padgett Page Patterson, N. C. Patterson, S. C. Pou Prince Rainey Randell, Tex. Ransdell, La. Rhinock Richardson, Ala. Robertson, La. Robertson, La. Robinson, Ark. Rucker Russell Ryan Shackleford	Sims Slayden Small Smith, Ky. Smith, Md. Smith, Tex. Sparkman Stafford Stanley Steenerson Stephens, Tex. Sullivan Sulzer Taylor, Ala. Thomas, N. C. Towne Trimble Underwood Wallace Watkins Webb Weems Wiley, Ala. Williams Zenor
rench arber	Lewis Livingston		Zenor

ANSWERED "PRESENT"-6.

Allen, Me. Boutell Humphreys, Miss. Meyer Maynard

### NOT VOTING-101.

Allen, N. J. Andrus Bankhead Bankhead Bankhead Bingham Birdsall Blackburn Bowersock Bowle Bradley Buckman Burleson Burton, Oel, Burton, Oel, Burton, Ohio Batler, Tenn. Calder Cockran Cooper, Wis. Davidson De Armond Dickson, Ill, Dixon, Mont.	Flood Floyd Floyd Foss Foster, Ind. Fowler Gaines, Tenn. Gardner, Mass. Gilbert Gillett Glass Goldfogle Griggs Gronna Hale Haugen Hearst Henry, Tex. Hermann Hogg Hopkins Jenkins Johnson	Law Le Fevre Lilley, Conn. Lilley, Pa. Lindsay Lorimer Loud Lowden McDermott McLachlan Michalek Moore, Tex. Morrell Mouser Mudd Murphy Nevin Palmer Pearre Powers Pujo Reid Rhodes Richardson, Ky.	Rodenberg Ruppert Saunders Schneebeli Scroggy Shartel Smith, III. Snapp Southall Southwick Spight Stevens, Minn Talbott Tyndall Van Duzer Van Winkle Volstead Wadsworth Webber Weeks Weisse Weiborn Wilson
			Wilson

So the previous question was ordered ..

The following additional pairs were announced.

For the balance of the day:

Mr. Loud with Mr. Goldfogle. Mr. Birdsall with Mr. Bankhead.

Mr. GILLETT with Mr. GILL.

Mr. Davidson with Mr. Butler of Tennessee.

Mr. Burton of Delaware with Mr. Southall.

Mr. Burton of Ohio with Mr. LINDSAY.

Mr. LAW with Mr. REID.

Mr. Mudd with Mr. Saunders.

Mr. Rhodes with Mr. Pujo.

Mr. Mouser with Mr. Moore of Texas. Mr. Bowersock with Mr. Glass.

Mr. Wiley of New Jersey with Mr. Wetsse.

On this vote (on ship subsidy)

Mr. Morrell (in favor of) with Mr. Riordan (against). Mr. Smith of Illinois (in favor of) with Mr. Cooper of Wisconsin (against).

Mr. ALLEN of Maine (in favor of) with Mr. Johnson

(against).

Mr. Wachter (in favor of) with Mr. Talbott (against)

Mr. WADSWORTH (in favor of) with Mr. MAYNARD (against). Mr. Andrus (in favor of) with Mr. Volstead (against).
Mr. Babcock (in favor of) with Mr. De Armond (against).
Mr. Pearre (in favor of) with Mr. Flood (against).
Mr. Stevens of Minnesota with Mr. Burleson.

Mr. Dovener with Mr. Lamb.

Mr. Bradley with Mr. Davey of Louisiana.

Mr. ALLEN of Maine. Mr. Speaker, I voted "aye." I wish to withdraw my vote, as I was paired, and vote "present."

The name of Mr. Allen of Maine was called, and he answered "present."

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I would like to inquire if the gentleman from Illinois [Mr. Lorimer] voted?

The SPEAKER. He did not.

Mr. HUMPHREYS of Mississippi. I voted "no." I am

paired with the gentleman from Illinois and withdraw my vote, and would like to answer "present."

The name of Mr. Humphreys of Mississippi was called, and he voted "present."

The result of the vote was then announced as above recorded. The SPEAKER. The gentleman from Pennsylvania is entitled to twenty minutes, and the gentleman from Mississippi is entitled to twenty minutes.

Mr. DALZELL. Mr. Speaker, the purpose of this resolution is to provide for the consideration of what is popularly known as the "ship-subsidy bill." During the last session of Congress the Senate passed an act "to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, and to promote commerce."

Without stopping to undertake in detail to describe that act. it is sufficient to say that it provided for a naval reserve; it provided for ship subsidies for American steam vessels and subsidies for American sailing vessels, to be measured by the amount of their cargo, and also for the carriage of the mails. This bill in the House was referred to the Committee on Merchant Marine and Fisheries, and that committee reported a sub-It struck out all after the enacting clause of the Senate bill and in lieu thereof substituted an amendment to an act passed March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce." This act is very short, very simple, and very easily understood. It provides that the Postmaster-General shall be authorized and directed to enter into contracts for a term of ten years with citizens of the United States for the carrying of mails on steamships hereafter built in the United States and registered in the United States, or now duly registered by a citizen or citizens of the United States, and provides the amount to be paid for the carriage of mails under these contracts to be entered into by the Postmaster-General between certain ports. First, from a port on the Atlantic coast to South America in steamships capable of going at a certain rate of speed, and their compensation to be measured by the number of their trips; second, from ports of the Gulf to the Isthmus of Panama; third, from ports on the Pacific coast to Panama and South American ports; fourth, from ports on the Pacific coast also by way of Hawaii to China and Japan, and from ports on the Pacific coast also to the Orient and Australasia.

A provision for a naval reserve in a modified form is also included in the House substitute.

The proposition pending is that upon its adoption the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of the House substitute. Five hours are provided for general debate. Upon the conclusion of the general debate the House substitute is to be read for amendment under the five-minute rule, and at 3 o'clock on Friday next the Committee of the Whole House on the state of the Union is to rise and report the bill as amended with any pending amendment. The previous question is then to be considered as ordered on the bill and amendment to final passage. Leave is granted for ten days to print on the bill, the ten days to commence from the adoption of this resolution.

The House will observe that the proposition is simply to give an opportunity to consider this measure, open to amendment, to fix the time of general debate, and fix the time for a vote.

I reserve the balance of my time. Mr. WILLIAMS. Mr. Speaker, there was a time when you yourself waxed eloquent and earnest in opposition to legislation like this. You were in those days "a Samson in conflict and a Solomon in counsel." To-day Samson is shorn of his locks and Solomon hath grown fond. [Applause on the Democratic Mr. Speaker, the whole essence of Democracy is in opposition to this bill and to this class of legislation. It is needless for the gentleman from Pennsylvania to tell us how far short in iniquity this substitute is of the Senate bill. We all know that this substitute is but the vehicle upon which the subject-matter shall be carried to conference, so that out of conference there shall come the bill which is desired by the special interests back of the agitation for a bill. The whole essence of Democracy is in opposition to this bill, because all the law and all the gospel of American Democracy is in Thomas Jefferson's first inaugural address, and that boiled down in one sentence, giving the true definition of all Democracy, is this "Equal governmental opportunities and equal governmental burdens for all, special privileges and special rebates for none." [Applause on the Democratic side.]

Why, this is worse than the tariff itself, because this is class legislation, stark mad and naked. It is said that hypocrisy is the reverence which vice pays to virtue. The tariff pays a reverence to revenue needs upon its face, at any rate, and

though it goes into the business of hothousing one man or one industry at the expense of others, it at least professes a different end. This bill professes nothing but the naked class purpose which lies in it, to hothouse the shipowning and the ship-building industry of this country at the expense of the balance of its citizenship. There is no pretense that it has a revenue purpose, no pretense that it has any right purpose, but it is bare, naked, unveiled, and unblushing class legislation. [Applause on Democratic side.] When you ask its advocates why it should be, they tell us that shipbuilding is a great American industry; that there is something sacred and patriotic about an American merchant marine. My friends, if there be, then let them go about getting an American merchant marine right now, not by special class legislation, but by giving equal opportunity to American citizens with all the balance of the world to buy ships and ship material in the cheapest market. You can build up an American merchant marine in twelve months if you will do it by repealing the class legislation which you already have, rather than by enacting still more class legisla-Admittedly, but for your prohibitive laws America would have ships for ocean carrying trade.

My friends, this is bare, naked, unveiled, without pretense, simply the taking by government that ought equally to guard all out of one pocket to put into the pocket of another. A great American industry! Why is it any more respectable or any more American than cotton raising or wheat raising or potato growing? What reason is there under the sun why the American citizen should be taxed in order that a shipowner may make more profit or a shipbuilder may make more profit more than there is why he should be taxed in order that a cotton planter may have money to put into his pocket as a largess directly out of the Treasury to make his industry more profitable? What is, after all, the greatest American industry, Mr. Speaker? It is labor. One hundred thousand times rather would I vote for a bill to tax every American citizen in order to give a better wage to the woman in the sweat shop in New York, Philadelphia, or Boston than to vote for this. [Applause on the Democratic side.] In that event it would be taking from the rich in order to give to the poor. It would still be robbery and un-American. In this case it is not only robbery, but cruelty, because it takes from the poor in order to give to the already rich. [Applause on the Democratic side.]

Need protection! There are few more prosperous industries to-day than shipbuilding. Need protection! Already the most entirely protected industry in America, it is the only industry that is by law given an absolute monopoly to a large extent. give it an absolute monopoly of all the shipbuilders and carrying business upon the lakes, the rivers, and the seacoasts. It is the same old story of greasing the fat goose. The whole world seems to be bent upon greasing the fat goose, never the lean goose, because it is the fat goose that has the influence. It is the fat goose that can contribute to campaign funds. It is the already rich, the already strong, the already influential that can knock at governmental doors and obtain further advantage. The only difference in God's world between this and voting money directly out of the Treasury for the poor woman in a sweat shop is that while in the sight of God and man both are taking without consent from one for another and un-American, the latter to a certain extent is charity, at any rate. This is not even charity, because the recipient of it does not bear himself like a beggar. He bears himself like a master-like one who demands things and is in the habit of getting them, and who holds above Representatives in certain parts of this country a sword threatening to cut their political throats unless they pass class legislation for his enrichment. [Applause on the Democratic side.]

The robbery goes on from whom to whom? From all to Harriman, with one line of steamships upon the Pacific coast—a good Republican, I believe—and Hill with another line upon the Pacific coast—a good Democrat, I believe—so that in saying this I am at least nonpartisan. They differ in politics, but they agree in millionairedom. [Applause on the Democratic side.]

Mr. Speaker, how much time have I remaining? I have promised to yield some time.

The SPEAKER. The gentleman has used nine minutes.

Mr. WILLIAMS. I will consume the other minute, Mr. Speaker, in saying that I was so unfortunate as to miss your attention at the beginning, and I wish to repeat that earlier you were in opposition to this sort of legislation. I wish with all my soul that you were the same Samson in fight and the same Solomon in counsel that you were when you made that magnificent speech in opposition to ship subsidy which I would have read instead of my own remarks this evening if I could have laid my hands upon it. [Applause on the Democratic side.]

Mr. Speaker, I will ask gentlemen on the other side to use some of their time.

Mr. DALZELL. I yield five minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, I am in favor of the adoption of this rule and I am in favor of the passage of this bill. In 1891 we passed through the House of Representatives, and it became a law, a bill providing for the carrying of mails in American bottoms. We had from the other side of the Chamber the same howl about subsidy, the same howl about robbery, that we hear to-day, and yet we put that act upon the statute book, and as a result of it when we had the Spanish-American there were put at the service of the Government four splendid fast ships that were greatly needed, and every true American citizen regretted that we did not have twenty of them. And from the time that bill went into operation and our interests felt the effect of it in the transportation of goods and of passengers between this country and Europe, there has not been a word of criticism from any part of the United States.

Now we are extending that; we are looking toward the South American trade; we are looking toward the trade of the Orient; we want fast American ships flying the American flag and carrying the mail regularly between the ports of the United States

South America and the ports of the Orient.

We have a bill here that carries something over \$3,000,000 a year. Why, we are making \$3,000,000 a year from the postage paid on the mail carried in the present line of American ships, and no cry of robbery will frighten the representatives of the American people.

Mr. GROSVENOR. We are making clear nearly a million

and a half dollars per annum.

Mr. PAYNE. The gentleman from Ohio has the figures, but The cry of the gentleman from will not go into the details. Mississippi [Mr. Williams] about robbery is not unfamiliar to this House. Time and again he has denounced our present tariff as an act of robbery upon the American people, and still the American people under it have marched right on to the most magnificent prosperity that the country ever dreamed of. [Applause on the Republican side.] His cry of robbery and his cry of subsidy will not frighten us. Have we not seen that side of the House walk right up and vote year after year for a subsidy pure and simple for carrying the mails through the Southern States? [Applause on the Republican side.] Oh, it is subsidy when it benefits the whole country, but it isn't subsidy when it benefits our section! [Laughter and applause on the Re-

Mr. WILLIAMS. Will the gentleman yield for a question?

Mr. PAYNE. I have only five minutes.

Mr. WILLIAMS. All right.

Mr. PAYNE. Mr. Speaker, notwithstanding this cry, notwithstanding the epithets that they try to put into the place of argument, I trust that we will pass this bill, and that the same magnificent results may flow out of it that have flowed out of a similar bill on a smaller scale on one American line between this country and Europe. [Applause on the Republican side.]
Mr. DALZELL. Mr. Speaker, how much time have I re-

The SPEAKER. The gentleman has eleven minutes remain-

Mr. DALZELL. I reserve the balance of my time.

Mr. WILLIAMS. Is the gentleman going to conclude in one speech?

Mr. DALZELL. Yes. Mr. WILLIAMS. Mr. Speaker, before I yield I want to say that my withers are unwrung so far as the criticisms by the gentleman from New York. Never at any time in my political existence did I vote for the Southern Railway mail subsidy, nor have I ever voted for any species of special privilege or class legislation. I now yield five minutes to the gentleman from

Kentucky [Mr. Sherley].

Mr. SHERLEY. Mr. Speaker, there are two ways of helping to promote an industry. One is to make the conditions under which it must exist helpful to it, and the other is to pay its The Republican party proposes to help the merchant marine not by making conditions better for it, not by creating conditions under which American enterprise, free and intelligent, can of its own initiative succeed as against the rest of the world, but it proposes to pauperize a certain portion of it by making it the beneficiary of a direct contribution from the Public Treasury. [Applause on the Democratic side.] It is an absolute deception to talk of this bill as being a bill for the purpose of creating better mail facilities. It may be that that farce will last in the Committee of the Whole for some time, but it did not last among the students of the bill in the committee having it in charge.

There we recognized and knew that the purpose was not simply to provide better mail facilities, but to grant subsidies to particular lines of steamships. Gentlemen, the real question of how to create an American merchant marine is one of the most difficult and far-reaching questions that can engage any man's mind. It ramifies into many fields and is as broad in its scope as the tariff or any other great problem. Yet this House is to be called upon to act upon this far-reaching matter in these closing days of the session. If any Democrat were to suggest that the Committee on Rules should bring in a rule permitting debate for five hours upon tariff legislation and then upon a certain date to put it to a vote, we would be told that it was absurd to undertake a great question of that kind in that way

Massachusetts is to-day being told that it is absurd to consider the question of tariff now when there is no opportunity to give it proper study. Yet the Republican Members of this House ask of us that we shall consider this equally great question in five hours, and if we have five hours of general debate in the House, it will be at least four hours more than the bill has ever had heretofore. It seems very curious that it is necessary for quick and sudden moves by the advocates of ship subsidy in order for them to make headway. The committee had the Senate bill under consideration for many weeks, all through the long session and most of the short session. All of a sudden, in the twinkling of the eye, there comes a conversion, more sudden than ever happened to Saul on the road to Damascus, a conversion of the powers that be, and equally quick there comes a change in the personnel of the committee. Then all honor is given to the new member of the committee. He brings forward already prepared this bill, and the committee immediately, without further consideration, present it to the House. Days go by, weeks go by, no rule comes in, and now at the eleventh hour we are asked to consider, without any proper deliberation, this measure and to pass it. If we could look into the hearts and consciences of men who vote for this rule, it would be found that not anything like a majority of the other side favor the rule or favor this bill, but they are being forced into acquiescence. being forced to yield; they are being told, the men who may not favor it, who vote for the rule, that the bill will not become a law, that the Senate will not pass it. And then the men who do favor subsidy, but who do not think the bill gives enough of it, are told, "Oh, well, leave that to conference." So the leaders play both ends against the middle in this eleventh hour to pass through this vicious rule. [Applause.]
Mr. WILLIAMS. Mr. Speaker, I now yield two minutes to
the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Speaker, I am in favor of ship subsidy and have been even since I have been a Member of this House, but I am opposed to this measure. I voted for it in the committee, because my vote was the deciding vote. A negative vote would have killed the bill in the committee. I voted to report the bill, with the understanding that when it got into the House it should receive a full and fair discussion; but two hours and a half on each side is not sufficient time to discuss the merits of this measure.

I am opposed to this measure for one reason particularly, and that is this: It is a mail subsidy providing a subsidy for ships of 16 knots speed or greater. It proposes to give \$200,000 to the Oceanic Steamship Company, now under contract with this Government, carrying mail from San Francisco to Australia, which line received last year two hundred and ninety-odd thousand dollars subsidy, or \$57,000 more than paid the entire cost of all the labor on all of their ships on that line. [Applause.] Mr. Speaker, this bill, if it becomes a law, provides a subsidy, as I have said, for ships of 16 knots speed or greater, to the absolute exclusion of all other ships sailing the American flag on salt water, and there are over 500 of such ships to-day ready to take advantage of some equitable measure of this kind. Therefore, Mr. Speaker, I again want to say that I would be in favor of subsidizing even mail lines under some reasonable plan to South America, but not to the Orient, where there were 170 shipments of mail last year.

[Here the hammer fell.]

Mr. WILLIAMS. Mr. Speaker, I now yield three minutes to

the gentleman from Nebraska [Mr. Hinshaw].

Mr. HINSHAW. Mr. Speaker, I did not ask for any time to discuss this question, but since time has been yielded to me, I would say that I am opposed to this rule. I am opposed to bringing in here at this time in this session a bill of this importance, which in its present form has never properly been considered in any committee of this House. As has been said, I wish to repeat that the Committee on the Merchant Marine and Fisheries had under consideration for about a year and a half a cargo ship subsidy bill which came from the Senate of

the United States. That bill differed radically from this bill, in my judgment. That bill would have tended in some measure

to increase the merchant marine of this country.

This, in my judgment, will not do anything of the kind at all. If anything it will tend to decrease the shipping facilities that this country now possesses. Tell me what good it will do to the other vessels which this country seeks to run between this and other countries to have a few ships receive a large subsidy from this Government? Tell me what is the result of the subsidy, complimented by the gentleman from New York [Mr. PAYNE] between this country and Europe. How much did it increase our merchant marine between this and other countries? Tell me what merchant vessels now ply between our ports and foreign ports in consequence of the subsidy of this line between here and Liverpool. Not a single vessel has been given to our merchant marine by that subsidy. The vessels that get a bonus from this country themselves carry merchandise to no great extent, and, as the distinguished gentleman now in my eye [Mr. LITTAUER] said to me, the payment of that subsidy to those vessels is purely a bonus, purely a gift, and has not resulted in the increase of our commerce in the last fifteen years one single particle. And this bill, in my judgment, will not be of any material advantage to American commerce. There are a thousand reasons, it seems to me, why this is not an adequate proposition. If I had my way, and I do not expect to get it, I would say that the old system of discriminating tonnage dues worked admirably in days gone by and will probably do more for the merchant marine than any other measure that could be proposed. Talk about this being a Republican measure! It is not distinctively a Republican measure any more than a measure for discriminating tonnage taxes would be. Our platform, I will call your attention to the fact, has declared in favor of no specific kind of ship subsidy, but only that the merchant marine should be rehabilitated by means of some adequate measure, and this, in my judgment, is not such a measure. [Applause.]

Mr. WILLIAMS. Mr. Speaker, how much more time have

we on this side?

The SPEAKER. The gentleman's time is exhausted.
Mr. WILLIAMS. Mr. Speaker, I want to throw myself on
the mercy of the House for a moment. In the confusion I made a miscalculation of the time yielded by me, and I would like to ask unanimous consent that each side may have five minutes longer so I may yield five minutes which I ought to yield and expected to yield.

The SPEAKER. The gentleman from Mississippi asks unanimous consent for an extension of time for five minutes on each side. Is there objection? [After a pause.] The Chair hears

Mr. WILLIAMS. Now, Mr. Speaker, I yield the balance of my time to the gentleman from Missouri [Mr. DE Armond].

[Applause.]

ARMOND. Mr. Speaker, a legislative outrage Mr. DE which is now about to be perpetrated upon the House and the country has been hatching for years. The culmination now reached is the product of years and years of scheming, planning, and lobbying. A few minutes is entirely insufficient time in which to denounce it.

The lesson which this outrage teaches is one we are taught at a high price, but if we learn the lesson well perhaps it may be worth all that it costs. The lesson is that here the millionaire can have his way, and here the poor do not have a chance. [Applause on the Democratic side.] A labor bill was reported and is left to die upon the Calendar, because only plain men from the ranks of plain American citizenship, in the interest of fair play, demanded its passage, while as to this measure millions are behind it; millionaires pushing it, and convenient and conciliatory statesmen after long pretending to stand against it yield, and now it comes.

Subsidy! "Popularly called a 'subsidy measure,'" says the gentleman from Pennsylvania; unpopularly called a "subsidy measure." [Applause on the Democratic side.] The name is one that ought to stick in the American throat! The odor of it ought to be a stench in American nostrils! Subsidy for the powerful, who need it not, at the expense of the poor and weak, who can not afford to contribute the subsidy! Subsidy out of the toil and earnings and savings, out of the sweat and

sacrifice of the humble-for the mighty!

We need an American merchant marine, do we? Yet we do not have the opportunity to buy it or to buy any of it. We need American ships to carry our flag to the distant parts of the earth, but every American citizen is denied the opportunity to buy a single ship and fly over it his country's flag. Why? They say we can not buy them and man them and run them. If that be true, why not forestall and foreclose the argument by giving opportunity to buy them? It is not true, and it is known not to be true, and that is the reason the op-

portunity is not given.

Now, here, with business pressing, with important measures to die upon the Calendar, with the masses of the American people throttled and without opportunity even to express their opinion through their representatives, all the spare time of the closing days of this session is to be given to this infamy. You have been dragooned into the doing of what for a time you resisted. You have surrendered what you pretend to believe in. You have turned against what you professed and advocated; and why have you done it, and what is to come from it? You have surrendered to a class. You have fallen at the feet of the powerful. You have sacrificed the weak, and you are about to do what out of your own mouths you have long condemned. You are about to do that which, according to your own philosophy, time and time again proclaimed in this him who is now the Speaker and by others, is going to perpetrate upon the American people, upon the poor and the helpless, in the interest of the rich and the strong, an infamy, as you yourselves denounced it, as you yourselves characterized it. [Applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio [Mr. Grosvenor]. [Applause.]

Mr. GROSVENOR. Mr. Speaker, whenever the gentleman

from Missouri [Mr. DE ARMOND] loses his temper and begins to talk about the crushing out of the poor, I always know that he is treading on thin ice in his own estimation. The gentleman from Nebraska

Mr. DE ARMOND. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman from Ohio yield to the

gentleman from Missouri [Mr. De Armond]?
Mr. GROSVENOR. I will be delighted.
Mr. DE ARMOND. Does the gentleman mean to understand that he who dares raise his voice here for the poor is on thin ice in this House?

Mr. GROSVENOR. I began life a poorer man than the gentleman from Missouri [Mr. De Armond], and I am a poorer man to-day than he is, and I have never failed to vote upon every question that has arisen for the benefit of the poor of my country. I challenge investigation.

Mr. DE ARMOND. Will the gentleman permit me ask him

another question?

Mr. GROSVENOR. I do not think the gentleman ought to take my time.

Mr. DE ARMOND. I want to ask the gentleman whether he would consent to an amendment to this rule permitting the consideration of a labor bill also? [Applause on the Democratic side.]

Mr. GROSVENOR. The gentleman from Nebraska [Mr. Hin-SHAW] proposes as a remedy that we enter upon a system of discriminating duties. The first step would be to abrogate about forty-seven commercial treaties under which the most magnificent foreign commerce this country ever saw is being carried on and turn this country over to the chances of making forty-seven new commercial treaties under the condition of things in this country. We should invite chaos and business

Mr. HINSHAW. Is it not a fact that in the Senate bill

originally introduced by Senator Gallinger the principle of discriminating tonnage duties was not included?

Mr. GROSVENOR. It may have been suggested many years Mr. GROSVENOR. It may have been suggested many years ago. And the greatest lawyer upon the topic in the United States wrote an opinion, which I have in my desk, saying that it was unconstitutional in the first place, and, in the second place, would destroy our foreign commerce in this indirect way.

Mr. HINSHAW. Mr. Speaker—

Mr. GROSVENOR. I will not yield my speech to the gen-

Mr. HINSHAW. I just wanted to ask him if it was not true

if Senator Gallinger before our committee

Mr. GROSVENOR. I care not for what Senator Gallinger may have said. He is not a lawyer. But I do know he does not favor such a scheme. Everybody in this country who can read and write, and represent something besides cornfields, knows our foreign trade hangs to-day upon the perfection of our systems of commercial treaties with foreign countries. Mr. JAMES. The men who labor in the cornfields have to

help pay this subsidy.

Mr. GROSVENOR. Not a cent. The SPEAKER. The gentleman from Kentucky [Mr. James] must address the Speaker, if he desires to interrupt the gentle-

man from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. The gentleman from Mississippi [Mr. WILLIAMS], the leader of the minority of the House, has raised

the cry of partisanship, and says that it is an anti-Democratic measure and a broad Republican measure, because it is a measure in favor, as we say, of building up the merchant marine, and indirectly and directly building up our foreign commerce.

Well, Mr. Speaker, if it is a Republican measure, it is a measure recommended to Congress many years ago by President Tyler. It is in almost the identical language of the recommendation of President Polk, who, I think, was a pretty good Democrat in his day.\* It is in the language of the leading statesmen of the South whose names I have before me, extracts from whose speeches I will read when the time comes. It was a Democratic measure from the foundation of the system down until the adoption of the law of 1891, and every Democratic President of the United States who has ever spoken upon the subject has advocated this measure, and their recommendation is carried in this bill.

So when you come to talk about the Democratic position, you are in the same trouble that you are in all the time—trying to be Democrats and belonging to the Democratic party at the [Laughter and applause on the Republican side.

Now, Mr. Speaker, the gentleman from Mississippi says that the bill, if it should pass the House, will go to the Senate and be loaded with a cargo or subsidy bill and come back and be agreed to in this House. Now, I do not want to say that the gentleman has contracted doubts of the integrity of everybody else by any course of life of his own; and yet it is always, I believe, suggestive when a man stands up and impugns the integrity of anybody else who happens to be on the opposite

side.

If this House appoints a committee of conference—and I want every man within the sound of my voice to hear what I say—doubtless I will be one of the members, and my friend from Wisconsin [Mr. Minor] here will doubtless be another. for myself, and if I am not properly representing him, let him say so now. No bill that materially changes this bill either in the principle of the application of remedy or in any material increase in amount of compensation for the extension of these lines will be ever agreed to by a committee of conference of which I am a member; and I believe that my record will justify the House of Representatives in taking my word for that. [Loud applause on the Republican side.]. So much for that, Mr. Speaker.

Mr. SULZER. Will the gentleman permit a question?

Mr. GROSVENOR. Yes, sir.

Mr. SULZER. If that bill should become law, how much will it take out of the Treasury of the United States every year?

Mr. GROSVENOR, Not a single dollar. [Applause on the

Republican side.]

Therefore I am glad to have that truth brought out. shown—and the figures will be presented here—that already we are receiving back again for foreign-mail pay to-day more money, by a large sum, as the gentleman from New York stated, than we are paying out, and this proposition would only add to the profits of the Government in that direction. We are getting all the money now we are paying out, and we will certainly get a great deal more if we do a great deal more foreign-This whole cry of taking money from the poor and giving it to the rich is just so much nonsense, and every intelligent man knows it that has looked into the subject.

Now, what is this? It is not a subsidy in any sense of the word. Let us see what we have been doing here. Let me look across the Hall at the Democratic Members, for whom I have the highest respect. They have voted for fifteen years, always practically unanimously, to give a great line of railroad a subsidy, sometimes of over \$200,000 a year and at other times \$140,000 and \$180,000 a year. For what? Not for going into any new territory, not for going anywhere, except to agree to run their trains a little faster. Now, what is there in this bill? You must not only run your ship up to 16 knots an hour, but you must have a time for starting; you must have a time for getting there, and you must run regularly into the countries that the contracts call for. Why, it is a mere amendment of the bill which I believe practically the whole Democratic party in this House voted for, the act of March, 1891. At all events, the act of 1891 was passed, and went upon the statute books, and has worked well ever since, and no Democrat ever yet introduced a bill to repeal it. It was in operation during the Democratic Administration from 1892 to 1896, and it was executed by Postmaster-Generals with the highest success to the country, and no effort was made for its repeal.

Now, Mr. Speaker, I do not like to call this a Republican measure, although it is true that the three last Republican Presidents of the United States have advocated this measure; first, Harrison in three different messages; second, McKinley in three messages and in his last speech on earth. Then comes

the present Administration, and not only does he recommend aid to the merchant marine, but he singles out this particular bill and asks the Republicans, in vindication of Republican platforms, to vote for this bill. I know it is fashionable sometimes to go on the country stump and elect somebody to Congress because he is going to "stand by Roosevelt." I think we will I think we will cause he is going to "stand by Rooseveit." I think we will have an opportunity to go into some districts and point out something upon that topic some of these times. We will ascertain who it is that fights all the bills the President asks us to

So now it is said by the gentleman from Kentucky Sherley] that we have not time to consider this bill. measure gives five hours of general debate, and it gives until next Friday at 3 o'clock in the afternoon for debate under the five-minute rule, with liberal privilege of printing, which may be begun to-morrow morning, if the Members desire to have it. Mr. Speaker, the Republican party owes it to the country that this measure of limited cooperation shall be enacted. I wish to stop right here and say that the charge that this bill is to give contracts or subsidies to anybody is an idle slander. a slander so cruel, so outrageous, that every honest American who understands it will resent it. There is not one ship on the Pacific coast, except those belonging to the Pacific Mail Steamship Company, that can now carry this contract. Not only have I the fullest sympathy with the 16 knots an hour proposition; but it is proposed by the gentleman from Iowa to so amend the bill that the man who will bid for the highest speed shall have the contract. There is not a single ship upon the Pacific Ocean except those I have named that can carry these contracts.

Some man has been going about the Houses of Congress here telling people that this bill will not produce the building of a single ship. Let me tell you that these contracts can not be carried until there is proof that there are at least twenty-seven new ships, built absolutely new from the ground up and approved by the Navy Department, capable of traveling 16 knots per hour in continuous service, ships built in American yards and manned by American sailors; which absolutely drives out every ship except a few of the Harriman line. There is not one ship of the Hill line that can carry this contract. There is not a ship of that line that can go 16 knots an hour consecutively under any pressure that can be brought to bear upon it. So what do we propose? We propose simply to extend our mail service down into the South American traffic and over into the oriental traffic. This is not based upon a tonnage subsidy, but based upon the principle of sending commercial lines where they do not now go. The gentleman from Nebraska [Mr. HIN-SHAW] says that those ships that we are subsidizing, carrying the mail from Atlantic ports to Europe, do not carry any freight.

That is what I understood the gentleman to say.

Mr. HINSHAW. I said this did not increase their freight.

Mr. GROSVENOR. I will show you that they have increased tenfold the exportation of American goods in American bot-

Mr. BARTHOLDT. Will the gentleman permit a question?

Mr. SHERLEY. Mr. Speaker— Mr. GROSVENOR. Now, another thing-The SPEAKER. Does the gentleman yield?

Mr. GROSVENOR. I must answer another proposition first, and then I will yield. The gentleman from Mississippi said we could build ships in this country as cheaply as anywhere else if we would take off the tariff from the materials entering into the construction of them. Does not the gentleman know that for many years, and especially under the Dingley Act, every item of material that enters into the building of a ship comes into this country free of duty?

Mr. WILLIAMS. That is not what the gentleman from Mis-

sissippi said.

Mr. SHERLEY. Mr. Speaker—
The SPEAKER. To which gentleman does the gentleman from Ohio vield?

Mr. GROSVENOR. I was told that was the statement made by the gentleman. At all events it is the statement—
Mr. WILLIAMS. No; what the gentleman from Mississippi

said was that if you would take down the bars and remove special privileges by letting people buy their ships and ship materials wherever they could buy them cheapest, that you would have an American merchant marine in twelve months.

Mr. GROSVENOR. That is the same thing, and the gentle-man is trying to get out of it through a very small crevice. I want to state distinctly, before I recognize the gentleman from Missouri [Mr. Bartholdt], that every dollar's worth, every pound, every foot of material that goes into a ship in an American shipyard for the foreign trade comes into this country free

of duty.

The SPEAKER. The time of the gentleman has expired.

All the time has expired. The question is on agreeing to the

The question being taken, Mr. Warson demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 159, nays 122, answered "present" 6, not voting 90, as follows:

#### YEAS-159.

Acheson Alexander Allen, N. J. Jenkins Jones, Wash. Overstreet, Ind. Parker Parsons Payne Perkins Pollard Reader Dawes Dawson Kahn Keifer Kennedy, Ohio Klepper Dawson Deemer Denby Dovener Draper Driscoll Dwight Edwards Ellis Ames Bannon Barchfeld Bartholdt Bates Knapp Knopf Knowland Reeder Bates
Bede
Beidler
Bennett, N. Y.
Bennett, Ky.
Bishop
Bonynge
Bradley
Brick
Brown
Brownlow
Brumm
Burke, Pa.
Burke, S. Dak.
Burleigh
Burten, Pa.
Calder
Calderhead
Campbell, Ohio
Cassel
Chaney
Cocks
Cole
Conner Revburn Reynolds Rives Samuel Scott Sherman Sibley Lacey Lafean Landis, Chas. B. Landis, Frederick Ellis Englebright Esch Fassett Lawrence Littauer Fassett Foster, Ind. Foster, Vt. Fulkerson Gaines, W. Va. Gardner, Mich. Gardner, N. J. Gilhams Slemp Smith, Cal. Smith, Iowa Smith, Mich. Smith, Pa. Littlefield Longworth Loudenslager Lovering Lovering
McClary, Minn.
McCreary, Pa.
McKinlay, Cal.
McKinley, Ill.
McKinney, Ill.
McKinney
McMorran
Mahon
Mann
Martin
Miller
Minor
Mondell
Moon, Pa.
Moore, Pa.
Mouser
Murphy
Needham
Norris
Olcott
Olmsted Smyser Southard Gillett Goebel Graham Greene Southard Sperry Sterling Sulloway Tawney Taylor, Ohio Tirrell Vreeland Waldo Wanger Washburn Watson Grosvenor
Hale
Hamilton
Haskins
Hayes
Henry, Conn. Hepburn Higgins
Hill, Conn.
Howell, N. J.
Howell, Utah
Huff
Hughes Washburn Watson Weeks Wharton Wiley, N. J. Wood Conner Conner Cooper, Pa. Coudrey Cromer Crumpacker Currier Woodvard Cushman Young Dale Humphrey, Wash. Olmsted

# NAYS-122.

French Garber Garner Lamar Lee Legare Adamson Ryan Shackleford Aiken Bankhead Legare
Lever
Lewis
Livingston
Lloyd
McCarthy
McLain
McNary
Macon
Madden
Marshall
Moon, Tenn,
Murdock
Nelson Sheppard Sherley Garrett Bartlett Sherley
Slayden
Small
Smith, Ky.
Smith, Md.
Smith, Tex.
Sparkman
Stafford
Stanley
Steenerson
Stephens, Tex.
Sullivan
Sulzer
Taylor, Ala. Beall, Tex. Bell, Ga. Gillespie Bowers Brantley Broocks, Tex. Glass Goldfogle Goulden Goulden Graff Granger Gregg Gudger Hardwick Broussard Brundidge Burgess Burleson Burnett Burton, Ohio Butler, Tenn. Hay Hedge Hedge
Hedin
Hill, Miss.
Hinshaw
Holliday
Houston
Howard
Hubbard
Hunt
James
Jones, Va.
Keliher
Kinkald
Kitchin, Claude
Kitchin, Wm. W.
Kline

ANSWERED " Nelson Overstreet, Ga. Padgett Sulzer Taylor, Ala. Thomas, N. C. Towne Townsend Trimble Wallace Byrd Campbell, Kans. Candler Chapman Clark, Mo. Page Patterson, N. C. Patterson, S. C. Clayton Wallace Watkins Webb Weems Wiley, Ala. Darragh Davis, Minn. De Armond Dixon, Ind. Prince Rainey Randell, Tex. Ransdell, La. Ellerbe Field Rhinock Richardson, Ala. Robinson, Ark. Rucker Russell Wilson Zenor Finley Fitzgerald Fordney

ANSWERED "PRESENT "-6. Allen, Me. Boutell Humphreys, Miss. Maynard McGavin

# NOT VOTING-90.

Sims

Andrus Babcock Bingham Birdsall Blackburn Loud Lowden McDermott McLachlan Foss
Fowler
Fuller
Gaines, Tenn.
Gardner, Mass.
Gilbert
Griggs
Gronna
Haugen
Hearst
Henry, Tex.
Hermann Foss Schneebell Scroggy Shartel Smith, Ill. Smith, III.
Snapp
Southall
Southwick
Spight
Stevens, Minn.
Talbott
Thomas, Ohio
Tyndall Meyer Michalek Bowersock Bowersock Bowie Brooks, Colo. Buckman Clark, Fla. Morrell Modd Nevin Palmer Tex. Clark, Fla.
Cockran
Cooper, Wis.
Cousins
Davey, La.
Davidson
Davids, W. Va.
Dickson, Ill.
Dixon, Mont. Pearre Hermani Hogg Hopkins Johnson Underwood Van Duzer Van Winkle Powers Pujo Reid Kennedy, Nebr. Rhodes Richardson, Ky. Volstead Lamb Law Le Fevre Wachter Wadsworth Webber Richardson, K. Riordan Roberts Robertson, La. Rodenberg Ruppert Saunders Lilley, Conn. Lilley, Pa. Lindsay Lorimer Welborn

So the resolution was agreed to.

Flood Floyd

The Clerk announced the following pairs:

On this vote:

Mr. Gardner of Massachusetts with Mr. Robertson of Loui-

Mr. Dresser with Mr. Hearst.

Mr. Davidson with Mr. Lamb. Mr. Morrell with Mr. Riordan; Mr. Morrell in favor, Mr. RIORDAN against.

Mr. SMITH of Illinois with Mr. Cooper of Wisconsin; Mr. SMITH in favor, Mr. Cooper against.

Mr. Allen of Maine with Mr. Johnson; Mr. Allen in favor, Mr. Johnson against.

Mr. WACHTER with Mr. TALBOTT; Mr. WACHTER in favor, Mr. TALBOTT against.

Mr. Wadsworth with Mr. Maynard; Mr. Wadsworth in favor, Mr. Maynard against.
Mr. Babcock with Mr. Sims; Mr. Babcock in favor, Mr.

SIMS against.

Mr. Brooks of Colorado with Mr. Davey of Louisiana.

Mr. Andrus with Mr. Volstead; Mr. Andrus in favor, Mr. Volstead against.

Mr. Pearre with Mr. Flood; Mr. Pearre in favor, Mr. Flood against.

Mr. DUNWELL with Mr. UNDERWOOD.

Mr. Buckman with Mr. Clark of Florida, Mr. McLachlan with Mr. Davis of West Virginia.

REPRINT OF REPORTS ON SHIP-SUBSIDY BILL.

Mr. Sherley, by unanimous consent, was granted leave for a reprint of the views of the minority of the Committee on Merchant Marine and Fisheries on the bill S. 529 (the shipsubsidy bill).

Mr. Grosvenor, by unanimous consent, was granted leave for a reprint of the report of the majority on the bill S. 529 (the ship-subsidy bill).

### METROPOLITAN POLICE OF THE DISTRICT OF COLUMBIA.

The SPEAKER. The Chair takes from the Speaker's table the bill (H. R. 25630) to amend an act entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," approved June 8, 1906, the reading of the engrossed copy of which was demanded. This is the engrossed bill. The Clerk will read the bill.

The Clerk read the bill.

The SPEAKER. The question now is on the passage of the bill.

The question was taken; and the bill was passed. On motion of Mr. Campbell of Kansas, a motion to reconsider the last vote was laid on the table.

# SALMON HATCHERIES IN ALASKA.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24755) to encourage private salmon hatcheries in Alaska, which send to the desk and ask to have read. .

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That salmon hatcheries are permitted to be constructed, owned, maintained, and operated on private premises, or on any of the unappropriated public lands and waters of Alaska, by citizens of the United States and corporations organized under any act of Congress or under the laws of any State or Territory of the United States, subject to the following restrictions and conditions: No salmon hatchery shall be located by public authority or by any private interest on any stream or its tributary or headwater lake, either of which has previously been occupied in good faith by any other person, firm, or corporation with a salmon hatchery that annually produces 10,000,000 or more Red (and or) King salmon fry, and no private hatchery shall hereafter be located on any unoccupied stream, its tributary, or headwater lake without the permission of the Secretary of Commerce and Labor.

SEC. 2. That there shall be granted from the public domain to eyery owner of a private salmon hatchery with an annual capacity of 10,000,000 or more Red (and or) King salmon fry an appropriate hatchery site not exceeding 40 acres of nonmineral land, together with the use of the adjacent tide lands and appurtenances, and all necessary fresh and salt waters, casements for roads and ways of ingress and egress, pipe lines, flumes, and conduits for conducting water, and the right to take and use any timber, stones, or other material from any public lands for the construction, use, and maintenance of said hatchery.

SEC. 3. That destruction of a hatchery by the elements or inevitable accident shall not deprive the owner of the exclusive right to the hatchery premises and appurtenances, provided such hatchery is substantially rebuilt on the same stream, its tributary or lake, within two years from the time of its destruction.

SEC. 4. That this act shall take effect and be in force from and after its passage.

With the following amendments:

With the following amendments:

Line 8, page 1, after "United States," strike out the remainder of the line and all of lines 9, 10, 11, and 12, on page 1, and lines 1, 2, 3, 4, and 5, on page 2.

Line 15, page 2, after "lands," insert "necessary."

Strike out all of section 4.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TAWNEY. Mr. Speaker, reserving the right to object, I would like to have the gentleman explain this bill.

Mr. HUMPHREY of Washington. Mr. Speaker, the purpose of this bill is to grant fish hatcheries 40 acres of public land in Alaska for the purpose of fish hatcheries where they comply with certain requirements—that is, where they release 10,000,000 or more fry each year. It gives them no right of fishing. It does not give them any of the tide land. It simply gives them the fresh-water rights and easements and roads

over the ground so as to operate.

Mr. TAWNEY. What part of Alaska is this in?

Mr. HUMPHREY of Washington. Any part of it. It is general law

Mr. TAWNEY.

Mr. TAWNEY. Is this for a new hatchery? Mr. HUMPHREY of Washington. For any hatchery. a general law providing that any company that will establish a hatchery which will turn out 10,000,000 or more red or king salmon each year may have a free site of 40 acres.

Mr. GILLETT. This is for private hatcheries.

Mr. HUMPHREY of Washington. Yes; for the benefit of private hatcheries.

Mr. TAWNEY. The only thing involved is the giving of the 40 acres of land?

Mr. HUMPHREY of Washington. Yes.

Mr. WILLIAMS. Upon condition that these fish are turned

Mr. HUMPHREY of Washington. Yes; and there is the condition that if they are not turned out the land shall revert to the Government.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken; and the amendments were agreed to. Mr. HUMPHREY of Washington. Mr. Speaker, I offer some amendments, in accordance with the suggestions of the Fish Commissioner, which further limits the grant.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

In line 10 strike out the words "the adjacent tide." In line 11 strike out the words "lands and appurtenances and" and

and salt."

In line 12 change the word "waters" to "water."
In line 20, after the word "rebuilt." add "and operated."
After the word "rebuilt." add "and operated."
After the word "destruction," in line 22, add:
"Sec. 4. That whenever a hatchery site ceases to be used for the specific purpose herein provided for, or whenever the hatchery situated thereon shall fail to liberate upon an average for any period of four years 10,000,000 or more red and (or) king salmon fry per year, it shall, upon the recommendation of the Secretary of Commerce and Labor, revert to the public domain.

"Sec. 5. That nothing in this act shall be construed to grant fishing privileges in the waters contiguous to or within the hatchery sites; and all fish-cultural operations conducted under this act shall be in conformity with the provisions of the act approved June 26, 1906. entitled 'An act for the protection and regulation of the fisheries of Alaska.'

Alaska."
"Sec. 6. Congress expressly reserves the right to alter, amend, or repeal this act without the payment of any damages for any injury to any rights that may be acquired by virtue of this act."

The question was taken; and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. Humphrey of Washington, the motion to reconsider the last vote was laid on the table.

# SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below

8, 8510. An act to amend an act providing for the public printing and binding and the distribution of public documents to the Committee on Printing.

S. 8426. An act authorizing the Court of Claims to hear and adjudicate the claims of Samuel Garland, deceased, against the Choctaw Nation—to the Committee on Indian Affairs.

8.7759. An act to provide for the appointment of an additional district judge in and for the northern judicial district of the State of California—to the Committee on the Judiciary.

# ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 3498. An act for the relief of Stephen M. Honeycutt;

H. R. 5290. An act providing for the allotment and distribution of Indian tribal funds.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 7. An act granting an increase of pension to Edwin B. Lufkin:

S. 177. An act granting an increase of pension to Alvah D. Wilson;

S. 435. An act granting an increase of pension to Luther H.

Canfield; S. 463. An act granting an increase of pension to Justin C. Kennedy ;

S. 496. An act granting an increase of pension to Lewis

S. 570. An act granting an increase of pension to John W.

S. 588. An act granting an increase of pension to Priscilla L.

Hamill; 8, 883. An act granting an increase of pension to Thomas A.

S. 913. An act granting an increase of pension to Charles E. Foster:

S. 990. An act granting an increase of pension to Relf Bled-

S. 1136. An act granting an increase of pension to Warren W. Whipple;

S. 1261. An act granting an increase of pension to Edwin P. Richardson

S. 1299. An act granting an increase of pension to Ludwig Schultz:

S. 1350. An act granting an increase of pension to Michael Cullen:

S. 1515. An act granting an increase of pension to Elizabeth Strong:

S. 1520. An act granting an increase of pension to Laura M. Freeman:

S. 1526. An act granting an increase of pension to Theodore W. Gates:

S. 1622. An act granting a pension to Jane Agnew;

S. 1896. An act granting a pension to Smith Bledsoe;

S. 1935. An act granting an increase of pension to Charles Church;

S. 1980. An act granting an increase of pension to Mary O. Foster:

S. 2083. An act granting an increase of pension to Asa K.

S. 2109. An act granting an increase of pension to Elisha T. Arnold :

S. 2181. An act granting an increase of pension to Mary G. S. 2285. An act granting an increase of pension to William

W. Herrick: S. 2315. An act granting an increase of pension to William

T. Graffan, alias William Rivers S. 2336. An act granting an increase of pension to Annie E.

Smith: S. 2387. An act granting an increase of pension to Harvey

8. 2394. An act granting an increase of pension to John A. J.

Taylor; S. 2502. An act granting an increase of pension to Stephen

M. Fitzwater; S. 2729. An act granting an increase of pension to Robert J.

Henry; 8, 2743. An act granting an increase of pension to Daniel B. Morehead:

S. 2748. An act granting an increase of pension to Jcel R. Smith:

S. 2792. An act granting an increase of pension to John W. Ogan:

S. 2954. An act granting an increase of pension to Hannah

S. 2971. An act granting an increase of pension to Henry O. Bennum:

S. 3197. An act granting an increase of pension to Hiram Focht:

S. 3266. An act granting an increase of pension to William P. McKeever

S. 3267. An act granting an increase of pension to George C.

S. 3268. An act granting an increase of pension to Jacob A. Ward;

S. 3275. An act granting an increase of pension to Thomas J. Harrison:

S. 3432. An act granting an increase of pension to Samuel Ellis: S. 3434. An act granting an increase of pension to Charles M.

S. 3435. An act granting an increase of pension to Rowland Saunders;

S. 3446. An act granting an increase of pension to Anna M. Woodbury

S. 3495. An act granting a pension to Joseph H. Boucher: S. 3527. An act granting an increase of pension to Samuel S.

Watson

S. 3552. An act granting an increase of pension to Joseph P. S. 3563. An act granting an increase of pension to Orin D.

Sisco; S, 3652. An act granting an increase of pension to Sallie

S. 3672. An act granting an increase of pension to Daniel R. Emery

S. 3852. An act granting an increase of pension to Levi W. Curtis:

S. 3929. An act granting an increase of pension to Ellen L. Stoughton:

S. 3997. An act granting an increase of pension to Jacob

S. 3998. An act granting an increase of pension to Thomas

S. 4008. An act granting an increase of pension to Charles B. Saunders

S. 4028. An act granting an increase of pension to Ann H. Barnes

S. 4208. An act granting an increase of pension to Charles V. Nash:

S. 4461. An act granting an increase of pension to Thomas S. Elsberry

S. 4501. An act granting an increase of pension to Horatio S. Brewer:

S. 4531. An act granting an increase of pension to Levi M. Stephenson:

S. 4559. An act granting an increase of pension to John A.

S. 4562. An act granting an increase of pension to Henry

S. 4580. An act granting an increase of pension to William Hale:

S. 4629. An act granting an increase of pension to Mary Jane Miller

S. 4693. An act granting an increase of pension to Irvin M. Hill:

S. 4762. An act granting a pension to Mary A. Brady;

S. 4865. An act granting an increase of pension to James W.

S. 4873. An act granting an increase of pension to D. Laning S. 4875. An act granting an increase of pension to Nathan S.

Wood: S. 4890. An act granting an increase of pension to Lorin N.

Hawkins S. 4936. An act granting an increase of pension to Jacob

Grell; An act granting an increase of pension to William S. 4958. W. Duffield:

S. 5119. An act authorizing the extension of W and Adams

streets NW.; S. 6912. An act granting an increase of pension to James G.

S. 6913. An act granting an increase of pension to Samuel C.

Murdough: S. 6952. An act granting an increase of pension to Martin A.

Rubert: S. 6954. An act granting an increase of pension to Henry

S. 6955. An act granting an increase of pension to Abram W.

Vandel: S. 6956. An act granting an increase of pension to Eli Ford, alias Jacob Butler;

S. 6962. An act granting an increase of pension to Franklin Rust;

S. 6970. An act granting an increase of pension to Alonzo W.

S. 6996. An act granting an increase of pension to John Snyder

S. 7004. An act granting an increase of pension to Edward G. Burnet:

S. 7021. An act granting an increase of pension to Hugh K. McJunkin:

S. 7038. An act granting an increase of pension to William Curran:

S. 7039. An act granting an increase of pension to Robert Hamilton:

S. 7044. An act granting an increase of pension to Sylvester O. Pevear

S. 7054. An act granting an increase of pension to Charles H. Clapp

S. 7058. An act granting an increase of pension to Gilbert Bailie:

S. 7061. An act granting an increase of pension to Hugh McNaughton;

S. 7063. An act granting an increase of pension to William T. Hastings

S. 7064. An act granting a pension to Edward T. Blodgett: S. 7068. An act granting an increase of pension to Richard B. Hall:

S. 7078. An act granting a pension to Daniel Schaffner;

S. 7098. An act granting an increase of pension to Henrietta Teague

S. 7129. An act granting a pension to Susan J. Chandler;

S. 7136. An act granting an increase of pension to Cornelia W. Clay

S. 7138. An act granting an increase of pension to George H. Allen:

S. 7150. An act granting an increase of pension to John Bell; S. 7154. An act granting an increase of pension to Samuel A. Miller;

S. 7168. An act granting an increase of pension to Edward B. Shepherd;

7171. An act granting an increase of pension to Margaret Holden

S. 7194. An act granting an increase of pension to Lawrence

Over: S. 7196. An act granting an increase of pension to William H. Hubbard:

S. 7218. An act granting an increase of pension to Samuel D. Thompson:

S. 7222. An act granting an increase of pension to Sylvester Byrne;

S. 7223. An act granting an increase of pension to Joseph W. Little;

S. 7231. An act granting an increase of pension to Oscar F. Richards;

S. 7237. An act granting an increase of pension to Daniel Mc-Connell:

S. 7244. An act granting an increase of pension to Bessie Sharp Pettit; and

S. 7268. An act granting an increase of pension to Dewayne W. Suydam.

# PUBLIC BUILDINGS.

Mr. BARTHOLDT. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 25758) 'amending an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," and for other purposes

The SPEAKER. The gentleman from Missouri moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That it shall be the duty of the Secretary of the Treasury, and he is hereby directed, in constructing the public buildings authorized under the provisions of the act approved June 30, 1906, entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," to provide quarters, so far as may be practicable, for all the branches of the Government service in the town or city where such building or buildings are to be erected: Provided, That any and all changes or alterations made under the foregoing authority shall be made within the limit of cost heretofore fixed by law for the construction of such buildings.

ations made that the first and second provisos of section 1 of the arc of the appropriation.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to expend from the appropriation heretofore made for the United States post-office building at Clarinda, Iowa, not to exceed the sum of \$5,000 for the purpose of securing a suitable site for said building.

SEC. 3. That the authorization of \$75,000 made for the erection of a United States post-office building at Lancaster, Ohio, is hereby transferred from section 7 to section 8 of the act approved June 30, 1906.

SEC. 4. That the Secretary of the Treasury be, and he is hereby, authorized and directed to expend from the appropriation heretofore made for the purpose of erecting a United States post-office and courthouse building at Ocala, Fla., not to exceed the sum of \$5,000 for the enlargement of the site of said building.

SEC. 5. That the Secretary of the Treasury be, and he is hereby, authorized and directed to expend from the appropriation heretofore made for the United States post-office building at Owosso, Mich., not to exceed the sum of \$1,500 for the purpose of enlarging the site of said building.

That the first and second provisos of section 1 of the act of

exceed the sum of \$1,000 for the purpose of chiarging the site of said building.

SEC. 6. That the first and second provisos of section 1 of the act of Congress approved May 18, 1858, entitled "An act to authorize the vestry of Washington parish to take and inclose certain parts of streets in the city of Washington for the purpose of extending the Washington Cemetery, and for other purposes," be, and the same are hereby, repealed

SEC. 7. That the Secretary of the Treasury be, and he is hereby, authorized and directed to accept a building which is now used and occupied for post-office purposes in the city of Perry, Okla.; and the said building and ground upon which said building is erected are hereby declared to be under the exclusive jurisdiction and in the custody and control of the Secretary of the Treasury, to be used and occupied for a post-office in said city.

SEC. 8. That the Commission to investigate the postal situation in New York, N. Y., created under the provisions of section 17 of the act approved June 30, 1906, consisting of the Postmaster-General, the present chairman of the Committee on Public Buildings and Grounds of the United States House of Representatives, be, and the same is hereby, authorized and directed to report the result of such investigation to be made, together with suitable recommendations, to the first session of the Sixtieth Congress. And for the expense of said Commission the amount herefore appropriated shall be available, to be expended on vouchers approved by the chairman of said commission.

SEC. 9. That the Secretary of the Treasury be, and he is hereby, authorized and directed to accept from the park commissioners of the city of Des Moines, Iowa, as a donation, a strip of ground lying between the Des Moines River and the site purchased by the Government for the United States post-office building, said piece of ground being bounded on the west by First street, on the north by Walnut street, on the south by Court avenue, and on the east by the Des Moines River.

SEC. 10. That the Secretary of the Treasury be, and he is hereby, authorized and empowered, in his discretion, to acquire by gift or donation such additional land as he may deem necessary for the enlargement of the Federal building site heretofore acquired at Mason City, Iowa.

SEC. 11. That the Secretary of the Treasury be, and he is hereby, authorized to grant, relinquish, and convey by quitclaim deed to the city of Reno, Nev., a strip of

of Reno, Nev., a strip of land 20 feet in width out the north side of the site for the post-office building to be erected in said city of Reno, said site extending along East Front street or First street a distance of 160 feet, more or less, the said strip of land to be used for street purposes only.

Sec. 12. That the Secretary of the Treasury be, and he is hereby, authorized and empowered, in his discretion, to sell at public or private sale, for cash, and for not less than \$15,000, the building or buildings on the easterly 20 feet of lot 2 and the westerly 22 feet of lot 3, in block 25, of the city of Cedar Rapids, Iowa, being the 42 feet next adjacent to the present site of the post-office and court-house building on Second avenue, in said city, together with the easterly 12 feet of said 42 feet, and to give to the purchaser or purchasers of said land a quit-claim deed thereto: Provided, That the net proceeds of such sale shall be credited to the appropriation made by act of Congress approved June 30, 1906, for the acquisition of additional land and the extension of said building.

Sec. 13. That the Secretary of War be, and he is hereby, authorized and directed to convey to the purchaser from the United States of square 1131, and the south part of square 1117, and the squares south of squares 1123, 1148, and 1149, in the city of Washington, all the interest of the United States in the land lying south of the squares so purchased and between them and the channel of the Anacostia River, upon the payment by such purchaser into the Treasury of the United States of such sum of money as the said Secretary of War, upon consideration of all the circumstances, shall determine proper to be paid for the said land; and the surveyor of the District of Columbia is hereby authorized and directed to mark out such land and determine the acres and to record a plat thereof.

Sec. 14. That so much of section 3 of the act of Congress approved June 30, 1906, as authorized the Secretary of the Treasury, within the total limit of

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. Mr. Speaker, I demand a second—— Mr. PAYNE. Mr. Speaker, I demand a second and ask that a second be considered as ordered.

Mr. WILLIAMS. I would like to have an explanation of this bill.

The SPEAKER. The gentleman from New York demands a second and asks unanimous consent that the second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Missouri is entitled to twenty minutes and the gentleman from New York to twenty minutes.

Mr. Speaker, this bill merely corrects a Mr. BARTHOLDT. number of errors which occurred in the legislation had at the last session. It makes no appropriation, and all the changes provided for in this bill are to be made within the limits of cost heretofore fixed.

Mr. TAWNEY. Will the gentleman permit me?
Mr. WILLIAMS. What is the object of the bill?
Mr. BARTHOLDT. I will explain it to the gentleman.

Mr. TAWNEY. I want to ask the gentleman if there are any new constructions authorized in this bill?

Mr. BARTHOLDT. There is not one dollar's worth of new construction, nor is there a foot of ground authorized, but in some cases it was necessary to transfer from the appropriation made for the building to the appropriation made for the site because an additional small amount was necessary to procure the site which the people wanted.

Mr. MANN. Is the total cost of building and site in any case

increased?

Mr. BARTHOLDT. Not in one single instance.
Mr. TAWNEY. I want to ask the gentleman another ques-The first section of the bill is entirely new legislation. Now, do you apply it-I did not catch it as it was read-to the act passed June 20, 1906? It does not extend the authority of the Secretary over buildings hereafter to be constructed?

Mr. BARTHOLDT. No, sir; it applies merely to the legisla-

tion of last session.

Mr. TAWNEY. What changes this bill would authorize the Secretary of the Treasury to make in buildings now authorized must be made within the limits of cost fixed by the act of June 30, 1906.

Mr. BARTHOLDT. Exactly: the gentleman states it correctly.

Mr. CANDLER. Will the gentleman specifically mention the buildings which this affects?

Mr. BARTHOLDT. It will take about twenty minutes to

read all the changes.

Mr. CANDLER. I think it is necessary.

Mr. BARTHOLDT. In further explanation, I want to say that the Attorney-General has recently rendered an opinion that where the Congress has appropriated for a specific building and it should become necessary to locate in that building a room, for instance, for the customs service or internal-revenue service or Weather Bureau, or whatever the service may be, such a change can not be made unless we pass this legislation.

Mr. WILLIAMS. Now, if the gentleman from Missouri will pardon me, I understand that as the law now is, if a certain amount of money is appropriated for a site, and a certain amount for building, and the site can be gotten cheaper or the site will cost more, thereby necessitating a difference in the proportion of the expenditure for the two things, that difference can not be met, and this bill will enable it to be met?

Mr. BARTHOLDT. That is it; exactly.
Mr. WILLIAMS. I understand, furthermore, if the building is for a post-office, for example, and it is desired to hold court in the building, without some such legislation as this that could not be done?

Mr. BARTHOLDT. It does not apply to courts. If Congress should authorize the holding of a court in a certain place where it had not been heretofore authorized, the amount heretofore fixed would not be sufficient to enable the Treasury Department to make a court-house out of it. So it does not apply to those

Mr. CANDLER. Does it apply to the general appropriations for the post-office buildings throughout the country?

Mr. TAWNEY. Only those authorized by the act of June 30,

1906

Mr. CANDLER. Is there anything in it with reference to Columbus, Miss.?

Mr. BARTHOLDT. No, sir. I ask for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

The question was taken; and in the opinion of the Chair, twothirds having voted in favor thereof, the rules were suspended and the bill was passed:

# DESERT LANDS IN COLORADO.

The SPEAKER laid before the House a resolution from the Senate of the United States; which was read, as follows:

IN THE SENATE OF THE UNITED STATES,

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 24134) providing for the granting and patenting to the State of Colorado desert lands formerly in the Southern Ute Indian Reservation, in Colorado.

The SPEAKER. The question is on agreeing to the resolu-

The question was taken; and the resolution was agreed to. OFFENSES COMMITTED IN HOT SPRINGS MOUNTAIN RESERVATION, ARK.

Mr. ROBINSON of Arkansas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 6498.

The SPEAKER. The gentleman from Arkansas [Mr. Ros-INSON] asks unanimous consent for the present consideration of the bill, of which the Clerk will read the title.

passed.

The Clerk read as follows:

An act (S. 6498) to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Ark.," approved April 20, 1904.

The SPEAKER. Without objection, the substitute will be read in lieu of the bill.

The Clerk read as follows:

Be it enacted, etc., That public act No. 124, an act conferring jurisdiction upon the United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Ark., be amended as follows:

amended as follows:
That section 6 be amended by prefixing the following:
"That any United States commissioner, duly appointed by the United States circuit court for the eastern district of Arkansas, and residing in said district, shall have power and jurisdiction to hear and act upon all complaints made of any and all violations of this act."
Sec. 2. That the words "commissioner," "such commissioner," "said commissioner," or "the commissioner," "whenever they occur in said act be stricken out and the words "either of said commissioners" be inserted in lieu thereof.

Mr. RORINSON of Arkansas, Mr. Scales, the state of the second state of t

Mr. ROBINSON of Arkansas. Mr. Speaker, there is a misprint in the bill. The word "either," in line 15, should be any," as shown by the report.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 15 strike out "either" and insert "any;" so as to read "any of said commissioners."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken: and the amendment was agreed to. The SPEAKER. The question is on the passage of the bill.

Mr. WALDO. Mr. Speaker, I would like to have an explana-

tion of what the bill is for.

Mr. ROBINSON of Arkansas. Mr. Speaker, I will say, in answer to the gentleman's inquiry, that in 1904 this body of Congress passed an act accepting jurisdiction of the reservations there, and provided, among other things, for the punishment of offenses committed on that reservation. On appeal of the cases to the United States circuit court of appeals, that court held that the act was indefinite in that it did not specify what commissioners should have jurisdiction of offenses, and the purpose of this legislation is to define the jurisdiction of any commissioner in that district court residing in the district.

Mr. TAWNEY. Is the bill favorably reported by the Judici-

ary Committee?

Mr. ROBINSON of Arkansas. Yes, sir; and is unanimously approved—that is, the object of it—by both the Department of Justice and the Department of the Interior.

The SPEAKER. The question is on agreeing to the bill as

amended.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. Robinson of Arkansas, a motion to recon-

sider the vote by which the bill was passed was laid on the table.

# WITHDRAWAL OF PAPERS.

Mr. Bannon, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 12105, for the relief of Thomas Ross, Fifty-ninth Congress, no adverse report having been made thereon.

# LEAVE OF ABSENCE.

Mr. Rodenberg, by unanimous consent, was granted leave of absence for two days, on account of illness.

BRIDGE ACROSS GRAND CALUMET RIVER, ILLINOIS.

Mr. MANN. Mr. Speaker, I ask unanimous consent for present consideration of the bill (H. R. 25671) to authorize the construction of a bridge across the Grand Calumet River, State of Illinois, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois [Mr. Mann] asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the Chicago Terminal Transfer Railroad Company, a corporation organized under the laws of the State of Illinois, its successors and assigns, be, and they are hereby, authorized to construct a railroad bridge and approaches thereto across the Grand Calumet River at a point in the south half of the southwest quarter of fractional section 5, township 36 north, range 15 east of the third principal meridian, about one half mile west of the boundary line between the States of Indiana and Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair bears none

Chair hears none. The bill was ordered to be engrossed for a third reading; and Mr. WILLIAMS. A parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. WILLIAMS. Can anything else be done to that bill ex-

On motion of Mr. MANN, a motion to reconsider the vote by

being engrossed, it was accordingly read the third time, and

which the bill was passed was laid on the table.

cept that? The SPEAKER. The Chair thinks that it is thoroughly per-

fected, fully vitalized, and ready to be sent on its way rejoicing. [Laughter.]

APPRAISER OF MERCHANDISE FOR CUSTOMS DISTRICT OF PUGET SOUND.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to consider the bill S. 7502.

The bill was read, as follows:

An act (S. 7502) providing for the appointment of an appraiser of mer-chandise for the customs collection district of Puget Sound, State of Washington.

Be it enacted, etc.. That there shall be in the customs collection district of Puget Sound, State of Washington, an appraiser of merchandise, whose principal office shall be located at Seattle, to be appointed by the President, and by and with the consent of the Senate, and with compensation at the rate of \$3,000 per annum.

Mr. PAYNE. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House.

The SPEAKER. Is there objection? [After a pause.] Chair hears none.

Mr. HILL of Connecticut. Mr. Speaker, I first offer an amendment.

Mr. PAYNE. I yield to the gentleman.

The Clerk read as follows:

After "per annum," in line 8, add the following:

"SEC. 2. That Seattle is hereby designated the port of entry for the customs collection district of Puget Sound, at which place the collector shall reside, and Port Townsend is constituted a subport of said district."

Mr. HILL of Connecticut. Mr. Speaker, this is simply the proposition that three years ago the Committee on Ways and Means recommended.

Mr. CUSHMAN. Mr. Speaker, I raise a point of order against the amendment.

The SPEAKER. The gentleman will state the point of order. Mr. CUSHMAN. I think the amendment, if adopted, would equire an expenditure of money not authorized by law. Let me require an expenditure of money not authorized by law. Let me see the amendment, please—I only heard it indistinctly. [Amendment handed to Mr. Cushman.] Mr. Speaker, I do not insist on the point of order, but I do wish to be heard in opposition to the proposed amendment.

The SPEAKER. Without objection, the amendment will be

considered as agreed to.

Mr. CUSHMAN. No; not by any means, Mr. Speaker. Mr. HILL of Connecticut. Three years ago the Committee on Ways and Means, by a unanimous vote, recommended this action. The port of entry for Puget Sound district is now at Port Townsend. The business of the district is at Seattle and The committee deemed it wise that the custom-house Tacoma. and port of entry should be where the business was, rather than to compel the business to hunt for the port of entry. and Tacoma are two magnificent cities on the great Puget Sound. Port Townsend has 3,000 population, while Seattle has a population of nearly 200,000. Ninety-seven per cent of the business of the Sound is done outside of Port Townsend. It is a travesty on good business methods to have Port Townsend continued as a port for that great body of water. It takes nearly two days more to secure communication with Washington to and from Port Townsend than to and from either Seattle or Tacoma, and 55 per cent of all the vessels on the Sound are owned in the magnificent city of Seattle.

Gentlemen, it is simply against common sense for these people to come in and ask for this additional annual expenditure of \$3,000 for an appraiser's salary, when almost the entire work to be performed will be at Seattle. This officer will be needed there, and I favor the authorization coupled with the change of location. That is all there is of it. The two things should go together or the bill should be killed. This change was passed three years ago unanimously through the Ways and Means Committee, passed by the House of Representatives, sent over to the Senate, and held up. That is just the amendment I am offering

again now.

Mr. PAYNE. I yield five minutes to the gentleman from

Washington [Mr. Cushman].
Mr. Cushman. Mr. Speaker, this subject, raised by this proposed amendment, has been a bone of contention in the State of Washington for a good many years. But recently, through the efforts of all the members of the Washington State delega-tion in Congress, the old row has quieted down, and all the people of the State of Washington are content that the chief port of entry shall remain at Port Townsend, where it was located some twenty years ago. It is impossible for me in the few min-

Mr. HILL of Connecticut. Will the gentleman allow me to ask him one question?

k him one question:
Mr. CUSHMAN. Certainly.
Mr. CUSHMAN. Certainly.
Would it not personally and politically relieve you, and would not the whole State be relieved,

by having this action taken without your knowing it?
Mr. CUSHMAN. No, sir; it would not. On the contrary, in addition to the other aggravating features of the matter, I would be openly charged with bad faith and political dishonesty in having permitted-for the responsibility would be placed on me this change to be made which the people of our State do not want. Years ago there was a political row on in the State of Washington. Indeed, many of the political rows we have had in my State revolved round the location of this chief port of entry, which for years has been located at the little city of Port Townsend. Every fellow who aspired to the United States Senate and didn't have brains enough to win in a straight fight would try to buy a few votes in the State legislature by promising some community that if elected by the votes of that community, he would tear the custom-house up by the roots and move it down to some new town, and thereby pay his political debts. This situation created all kinds of a row. First, it created a row with the good people of Port Townsend, who naturally objected to having their welfare and material interests tied to the tail of somebody's political kite. Then, it raised a row over the rest of the State, because the residents of every other seacoast city in our State said that if the custom-

house was to be moved at all, it ought to be moved to their

particular town. When the present delegation was elected to

that we were not going to swap and trade around the custom-

house for any purpose; that where it had been for twenty years,

there it should stay. This course on our part met with the universal approval of all the people of that State of all sec-

-both in the House and the Senate-we all declared

tions and all parties. I want to make it plain here that the people of the State of Washington-who are the people to be affected by this proposed amendment—are not asking for this proposed change. people of the State of Washington don't want it. The city of Seattle isn't asking for it. The city of Tacoma is not deof Seattle isn't asking for it. The city of Tacoma is not demanding it. The people of Port Townsend are protesting against this proposed change; but by the gratuitous efforts of the members of the Ways and Means Committee [laughter] we are about to have injected into us over our protest an element of discord, the echoes of which will be heard in that State for twenty years.

While I do not seek to argue this matter on political grounds, the truth about it is that the majority members on the Ways and Means Committee ought to hold up our hands in this matter in our effort to administer the affairs of that region without everlasting row and confusion.

In the year of 1889 the Territory of Washington was admitted as a State into the Union. At that time, by agreement and understanding among all our people, the various Federal and State officers were located at different points in the State. State capitol was located at one town and the State penitentiary at another and the normal schools at still other places. And this arrangement recognized the various Federal offices as belonging to the various communities where they had been located. As a part of this arrangement the city of Port Townsend became the chief port of entry of the Puget Sound collection district, which embraces the entire State of Washington. Now, it is true that Port Townsend, where the custom-house is now located, is not the largest city in that State. But it does not require population for a customs port. During the last twenty years that Port Townsend has been the chief port of entry in that district we have had twenty-five or more different towns in the State that were larger by far than Port Townsend. If population were the only requisite for Federal offices, the city of New York would have the headquarters of every office in this Republic. But why is Port Townsend a proper place for the chief port of entry of this customs district? I'll tell you why. Because it is located geographically at the opening of Puget Sound. It is the only city in the entire State of Washington past which every ship goes which either enters or leaves Puget Sound. It is the first port of importance that the vessels reach that come into Puget Sound, and it is the last port that they pass as they go out of Puget Sound. It is a natural port of entry. It is the port that

has existed ever since our State came into the Union. The people of our State are not clamoring for this change, but if any change is to be made in this matter there is immediately a row raised as to what city the chief port should be moved to, if it is moved at all. For heaven's sake, can't you let us rest in peace!

By the amendment which he has offered the gentleman from Connecticut [Mr. Hill] proposes to take the headquarters of this customs district to Seattle. He does not say whether or not there is any other city in that State that might possibly be a good place to move it to. Please remember that I am not asking to have this port of entry moved from Port Townsend, the town where it now is, to the city of Tacoma, where I live. It might be a good thing for my town. But I don't propose to be a political cannibal and live off my neighbors. I protest at this late hour, and with but few Members here, against this effort to change the chief port of entry in my State. Neither one of our Senators—perhaps I ought not to speak of the body at the other end of the Capitol, but no public man from the State of Washington is asking that this change here proposed shall be made. I object to this purely gratuitous effort, coming from the gentlemen on the Ways and Means Committee, when nobody in our State wants it.

Mr. HILL of Connecticut. Will the gentleman pardon a ques-

tion? He does not object at this hour to having this bill passed

which appoints an appraiser at \$3,000 a year?

Mr. CUSHMAN. I am not particular about that. We need it, and we would like to have it. But if we can't get here what we need without having tied to it what we are utterly opposed to, I for one am willing to take nothing. I object to having the gentleman from Connecticut [Mr. Hill] "hand me a lemon" at the same time that he claims to be doing me a favor. strenuously and seriously object to having tied onto this bill a provision which will raise a row in my State that I am anxious to avoid, and which you gentlemen—the leaders of our party ought to be just as anxious to avoid as I am. It is very late, and I will not talk longer on this subject, although there is much more that might be said. I might say, in closing, however, that the effort to tie this obnoxious amendment onto a meritorious bill as a method of procedure is becoming somewhat familiar to me. Every time we try to secure the passage of any bill in this House that relates remotely to customs matters in our State some ambitious gentleman on the Ways and Means Committee tries to tie this skeleton to the tail of it. Two years ago we wanted to have certain subports in our State granted the privileges of immediate transportation, etc. body doubted or denied that we needed the legislation that we asked for, but over our protest this custom-house skeleton was tied to the tail of that bill, like it is now sought to be tied to the skirts of this. I protest not only against the passage of this proposed amendment, but I protest against such a method of procedure.

Mr. PAYNE. I yield three minutes to the gentleman from

Washington [Mr. HUMPHREY].
Mr. HUMPHREY of Washington. Mr. Speaker, the truth about it is that Port Townsend has been kept the port of entry for the last seven or eight years, and this Government has been paying about \$50,000 a year during that time, it seems to me, without sufficient justification. Last year there was about \$1,200,000 duty collected in the Puget Sound district, and of that sum over \$600,000 was collected at Seattle and over \$300,000 at Tacoma and only about 10 per cent of the amount at Port Townsend.

On the \$900,000 collected at Seattle and Tacoma this Government has to pay \$3 a thousand in order to go through the form of sending it down to Port Townsend and back again to get it started to San Francisco. Why should the Government be put to that expense? The gentleman from Washington [Mr. Why should the Government Cushman], my colleague, has said that Port Townsend is the first port you enter coming from the ocean. That is true; but only a small percentage of the boats desire to stop there. The most a small percentage of the boats desire to stop there. of them wish to go directly to Seattle and Tacoma. So far as the city of Seattle is concerned, this removal will not materially benefit it. I do not care, so far as Seattle is concerned, whether the customs-house is moved there or not, but I do believe that the time has come when the interest of the Government demands that this change be made.

Mr. Speaker, I demand the previous question Mr. PAYNE. on the bill and amendments to the passage.

The question being taken on ordering the previous ques-

Mr. CUSHMAN. I raise the point of no quorum.
The SPEAKER. There is evidently not a quorum present.
Mr. PAYNE. I move that the House do now adjourn.

Mr. SHERLEY. Mr. Speaker-

The SPEAKER. Does the gentleman withhold the motion for a moment?

Mr. SHERLEY. I desire to make a parliamentary inquiry in regard to the motion made by the gentleman from New York. Under the rule adopted by the House, is it not re-quired that the House resolve itself into the Committee of the Whole to consider Senate bill 529?

The SPEAKER. Not without a quorum first; second, the House can adjourn at any time that it sees fit to do so.

Mr. SHERLEY. Then the word "immediately" in the rule

is not binding upon the House?

The SPEAKER. Third, if the gentleman will address himself to the rule closely, he will find that this does not interfere with conference reports, motions to suspend the rules, or appropriation bills. The Chair may go further and say that while it may not be expressly stated in the rule, it does not interfere with requests for unanimous consent, it being always in the power of any Member of the House, by calling for the regular order, to go to the regular order.

Mr. SHERLEY. I simply desired to know whether the word

"immediately" in the rule meant what is said or not.

The SPEAKER. It means exactly what it says, if the gentleman will read the whole rule.

Mr. SHERLEY. I do not understand that there was any

motion relative to anything excepted by the rule.

The SPEAKER. Were it not for the motion to adjourn, and there were no recognition to move to suspend the rules, and there were no appropriation bill and no conference report to be considered, then automatically the Speaker would summon the Chairman to take the chair, and the House would go into Committee of the Whole House on the state of the Union.

The motion of Mr. PAYNE was then agreed to.

Accordingly (at 6 o'clock and 24 minutes p. m.) the House adjourned until to-morrow at 11 o'clock a. m.

# EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred

letter from the Acting Secretary of the Treasury, transmitting a statement of documents received and distributed during the calendar year 1906—to the Committee on Printing, and

ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Civil Service Commission submitting an estimate of appropriation for traveling expenses of the Commission—to the Committee on Appropriations, and ordered to be printed.

### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. TOWNSEND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10840) to provide for the investigation of controversies affecting interstate commerce, and for other purposes, reported the same with amendments, accompanied by a report (No. 8077) which said bill and report were referred to the Committee of

the Whole House on the state of the Union.

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 19751) to authorize the Natchez Electric Street Railway and Power Company to construct and operate an electric railway along the national cemetery road at Natchez, Miss., reported the same with amendment, accompanied by a report (No. 8079); which said bill and report were referred to the Committee of the Whole House on

the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 25768) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof, reported the same without amendment, accompanied by a report (No. 8081); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 25737) for the relief of certain white persons who intermarried with Cherokee citizens, reported the same with amendments, accompanied by a

report (No. 8088); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCLEARY of Minnesota, from the Committee on the Library, to which was referred the joint resolution of the Senate (S. R. 29) authorizing the selection of a site and the erection of a pedestal for the Stephenson Grand Army memorial in Washington, D. C., reported the same with an amendment, accompanied by a report (No. 8090); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the

Whole House, as follows:

Mr. ROBINSON of Arkansas, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 5437) for the relief of the heirs of Myra Clark Gaines, deceased, reported the same without amendment, accompanied by a report (No. 8078); which said bill and report were referred to the Private Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R. 92) to authorize the Secretary of War to permit José March Duplat to receive instruction at the Military Academy at West Point, reported the same without amendment, accompanied by a report (No. 8082); which said joint resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5888) authorizing the President to appoint James Carroll a surgeon, with the rank of major, in the United States Army, reported the same without amendment, accompanied by a report (No. 8083); which said bill and report were referred to the Private Calendar.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 25801) granting an honorable discharge to Seth Davis, reported the same without amendment, accompanied by a report (No. 8087); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the Senate (S. 2708) for the relief of B. Jackman, reported the same without amendment, accompanied by a report (No. 8089); which said bill and report were referred to the Private Calendar.

# ADVERSE REPORT.

Under clause 2 of Rule XIII, adverse report was delivered to the Clerk, and laid on the table, as follows

Mr. SMYSER, from the Committee on Private Land Claims, to which was referred the bill of the House (H. R. 23588) conferring jurisdiction upon the Court of Claims to hear, try, and determine the land claims of the heirs of Jacques Clamorgan, deceased, reported the same adversely, accompanied by a report (No. 8080); which said bill and report were laid on the table.

# PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows

By Mr. RANSDELL of Louisiana: A bill (H. R. 25811) to authorize the Monroe, Farmerville and Northwestern Railway Company to construct a bridge on the Ouachita River and one over the D'Arbonne River, in Louisiana-to the Committee on Interstate and Foreign Commerce.

By Mr. WANGER: A bill (H. R. 25812) to authorize the Secretary of War to deliver certain brass field pieces, with their carriages and equipments, to the Valley Forge Park Commission—to the Committee on Military Affairs.

By Mr. WILEY of Alabama: A bill (H. R. 25813) to aid in

the establishment and temporary support of common schoolsto the Committee on Education.

By Mr. ACHESON: A bill (H. R. 25814) to increase the rate of pension of certain widows under the act of June 27, 1890, and its amendments—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 25815) to amend section 3 of an act entitled "An act to amend and further extend the benefits of the act approved February 8, 1887, entitled 'An act to provide for the allotment of land in severalty to Indians on

the various reservations," etc., approved February 28, 1891—to the Committee on Indian Affairs.

By Mr. BABCOCK: A resolution (H. Res. 885) providing for the consideration of Senate bill 6147—to the Committee on

By Mr. CLARK of Florida: A resolution (H. Res. 886) asking information from the Attorney-General as to alleged peonage cases in the State of Florida—to the Committee on the Judiciary.

By Mr. SMITH of Michigan: A resolution (H. Res. 889) to increase the salary of W. C. Jones, tally clerk of the House of Representatives—to the Committee on Accounts.

By Mr. MARTIN: Memorial from the legislature of South

Dakota, asking Congress to open Tripp County, S. Dak., to homestead settlement—to the Committee on Indian Affairs.

Also, memorial from the legislature of South Dakota, asking Congress to pass a law enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. BONYNGE: Memorial of the legislature of Colorado, concerning the desert lands in Colorado-to the Committee on the Public Lands

Also, memorial of the legislature of Colorado, asking Congress to prevent a reduction in the appropriation for carrying the United States mails-to the Committee on the Post-Office and Post-Roads

By Mr. HOGG: Memorial of the legislature of Colorado, asking Congress to prevent a reduction in the appropriation for carrying the United States mails-to the Committee on the Post-Office and Post-Roads.

Also, memorial of the legislature of Colorado, concerning the desert lands in Colorado-to the Committee on the Public

By Mr. OVERSTREET of Indiana: Memorial of the legislature of Indiana, favoring the passage of Senate bill 5133-to the Committee on Interstate and Foreign Commerce.

Also, memorial of the legislature of Indiana, asking for an appropriation to improve the Ohio River-to the Committee on Rivers and Harbors

By Mr. MARSHALL: Memorial of the legislature of North Dakota, indorsing a certain bill pending before Congress forbidding the Internal Revenue Department to issue liquor licenses in States where prohibition laws prevail to anyone without proof that the applicant has complied with the laws of the State wherein the applicant resides-to the Committee on Ways and

By Mr. FOSTER of Indiana: Memorial of the general assembly of Indiana, urging the improvement of the Ohio River-to the Committee on Rivers and Harbors.

Also, a memorial of the general assembly of Indiana, favor-Ing the passage of a bill now pending before Congress to set apart certain portions of ground over which the battle of Stone River was fought as a national park-to the Committee on Military Affairs.

Also, a memorial of the general assembly of Indiana, favoring the passage of an act "to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon"—to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: Memorial of the legislature of Wyo-ming, opposing a reduction of existing tariff schedules with the Philippine Islands—to the Committee on Ways and Means.

By Mr. DIXON of Indiana: Memorial of the legislature of Indiana, relative to the passage by Congress of Senate bill 5133to the Committee on Interstate and Foreign Commerce.

Also, memorial of the legislature of Indiana, recommending an appropriation for the improvement of the Ohio River-to the Committee on Rivers and Harbors,

# PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. CLAYTON: A bill (H. R. 25816) for the relief of I. D. Houser—to the Committee on Claims.

By Mr. LEWIS (by request): A bill (H. R. 25817) for the relief of the heirs of C. M. Lucas, sr., deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 25818) for the relief of the heirs of Lewis F. Hicks, deceased-to the Committee on War

By Mr. LITTLEFIELD: A bill (H. R. 25819) granting an increase of pension to John W. Shuman-to the Committee on Invalid Pensions.

# PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Sebastian Gopp and Leopold Eifler, of Greater New York, against interference in affairs of the Kongo Free State-to the Committee on Foreign Affairs.

Also, petition of the legislature of Indiana, for enactment of legislation to regulate hours of labor of employees on railways (S. 5133)--to the Committee on Interstate and Foreign Com-

Also, petition of various organizations in the States and the District of Columbia, against the Littlefield bill (H. R. 13655) relative to conflict of laws governing interstate traffic with prohibition States-to the Committee on the Judiciary.

By Mr. ACHESON: Petition of Edward Callaghan, of Belle Vernon, Pa., for permission to appoint a commission to frame an effective national law governing intemperance in the use of intoxicating liquors—to the Committee on Alcoholic Liquor Traffic.

By Mr. ALEXANDER: Petition of the Discussion Club of Buffalo, N. Y., for a national forest reserve in the Appalachian and White mountains—to the Committee on Agriculture.

By Mr. BARTLETT: Petition of Bullard Brothers, the Shady Dale Trading Company, and citizens of Georgia, for reciprocal demurrage-to the Committee on Interstate and Foreign Commerce.

By Mr. CAPRON: Petition of the Wool Sorters' Union of Providence, R. I., and vicinity, for a protective duty on skirted and sorted wools-to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union, for the Littlefield bill (H. R. 13655)—to the Committee on the Judiciary.

By Mr. CLARK of Florida: Paper to accompany bill for relief of Jerrie N. Jones-to the Committee on Pensions.

Also, petition of St. John's Legion, No. 116, Order of the National Protective Legion, against legislation to codify and amend the classification of second-class mail matter (House Doc. No. 608)-to the Committee on the Post-Office and Post-Roads.

By Mr. DAWES: Petition of soldiers of the civil war of Richmond, Ind., for bill H. R. 24544, to place on the retired list commissioned officers of the civil war-to the Committee on Military Affairs.

By Mr. DUNWELL: Petition of the Citizens' Association of Washington, D. C., for an amendment to bill S. 6147, reported by the House District Committee, for a certain extension of the Capital Traction Railway Company in the District of Columbia-to the Committee on the District of Columbia.

Also, petition of the Washington Stock Exchange, for bill S. 6906, for incorporation of banks in the District of Colum-

bia—to the Committee on the District of Columbia.

By Mr. ESCH: Petition of the Chamber of Commerce of Milwaukee, Wis., for legislation to establish such bills of lading as shall protect banks in granting credit on same—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Indiana: Petition of Stewartsville Court, No. 287, Tribe of Ben Hur, against the passage of any legislation amending the classification of second-class mail matter and the rate thereon—to the Committee on the Post-

Office and Post-Roads.

By Mr. FRENCH: Petition of citizens of Idaho, for amendment of the free-alcohol law-to the Committee on Ways and Means.

, By Mr. GRAHAM: Petition of James R. Bairstow, of Warren, Pa., against the clause in copyright bill tending to lower American photography—to the Committee on Patents.

Also, petition of the Real Money League of Shawnee County, against any legislation that shall contract the cur-

rency—to the Committee on Banking and Currency.

Also, petition of the Temperance Society of the Methodist Episcopal Church, for the Bowersock amendment to the sundry civil bill prohibiting liquor selling in the National Soldiers'

Homes-to the Committee on Military Affairs. Also, petition of Daniel Gallagher, against the House com-

mittee substitute for the La Follette sixteen-hour bill-to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Grand Electoral Superintendand Lodge, Independent Order of Good Templars of the United States, for the Bowersock amendment to the sundry civil bill relative to the canteen in National Soldiers' Homes—to the Committee on Military Affairs.

Also, petition of the Washington Citizens' Association, for the Machine of the Committee of Military Affairs.

House amendment to bill S. 6147 (extension of the Capital Traction Company's lines from Eighth street and Pennsylvania

avenue SE. northerly along Eighth street, etc.)-to the Com-

mittee on the District of Columbia.

Also, petition of the Antisaloon League of America, for the Bowersock amendment to the sundry civil bill prohibiting liquor selling in National Soldiers' Homes-to the Committee on Military Affairs.

Also, petition of the permanent committee on temperance of the General Synod of the Evangelical Lutheran Church of the United States, against liquor selling in all Government buildings, especially in National Soldiers' Homes (the Bowerman amendment to the sundry civil bill)—to the Committee on Military Affairs.

Also, petition of the Parker Boiler Company, for an appropriation for fuel investigation and tests-to the Committee on

Appropriations.

Also, petition of T. S. Trumbull, R. D. No. 2, Allegheny, Pa., for increase of salaries of postal clerks and letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of James Carroll-to

the Committee on Military Affairs.

By Mr. HALE: Paper to accompany bill for relief of W. C. Hazen, surviving partner of G. M. Hazen & Son-to the Committee on War Claims.

Mr. HARDWICK: Petition of T. B. Preskett, Keith's Sons, Rhodes Brothers, and other citizens of Georgia, for reciprocal demurrage—to the Committee on Interstate and Foreign Commerce.

By Mr. HOUSTON: Paper to accompany bill for relief of A. G. Duncan (previously referred to the Committee on Invalid Pensions)—to the Committee on War Claims.

By Mr. HUNT: Petition of the St. Louis Manufacturers' Association, against reduction of compensation to railways for carrying the mails-to the Committee on the Post-Office and Post-

Also, petition of the Tribe of Ben Hur, against the bill relating to classification of second-class mail matter, designated as House Document No. 68-to the Committee on the Post-Office and Post-Roads.

Also, petition of the Manufacturers and Merchants' Association, against reduced rates of compensation for carrying the mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Order of United Commercial Travelers of America, for the Sherman mileage-rate bill-to the Commit-

tee on Interstate and Foreign Commerce.

Also, petition of the California State Federation of Labor, for bill H. R. 9754, for increase of salaries of first and second class post-office clerks and for an eight-hour day-to the Committee on the Post-Office and Post-Roads.

Also, petition of the California State Federation of Labor, against the position of the President relative to the Japanese in San Francisco—to the Committee on Foreign Affairs.

Also, petition of the Southwestern Lumbermen's Association, for granting power to the Interstate Commerce Commission relative to adequate facilities for handling the carrying business of the country-to the Committee on Interstate and Foreign

By Mr. WILLIAM W. KITCHIN: Petition of the Engineering Society of the Carolinas, for the Appalachian and White Mountain reservation bill-to the Committee on Agriculture.

Also, petition of J. W. Fry and 51 others, for passage of the naval personnel bill-to the Committee on Naval Affairs.

By Mr. NORRIS: Petition of citizens of Nebraska, for some kind of a lease law that will enable stockmen to use the range country under regulations that shall keep out fires, prevent over-stocking, etc.—to the Committee on the Public Lands.

By Mr. OLCOTT: Petition of the Washington Stock Exchange, against bill S. 6906, for incorporation of banks in the District of Columbia-to the Committee on the District of

Columbia.

Also, paper to accompany bill for relief of Temple H. Orvens-

to the Committee on War Claims.

Mr. RANSDELL of Louisiana: Petition of citizens of Louisiana, for the Heflin antibucket-shop bill-to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Petition of Mohawk Legion, No. 1111, against the bill to codify the law with respect to second-class mail matter, designated as House Document No. 608—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of the Bickford & Hoffman Company, of Macedon, N. Y., against bill H. R. 22038, granting extension of certain letters patent to Will F. Hoyt, of Dowagiac, Mich.—to the Committee on Patents.

Also, paper to accompany bill for relief of Dr. James Carrollto the Committee on Military Affairs.

# SENATE.

Tuesday, February 26, 1907.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

On request of Mr. HALE, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with, and it was approved.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24925) making appropriations for the naval service for the fiscal year ending June 30, 1908, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendment numbered 27.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, and 48, and agree to the

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: On page 10 of the bill, in lines 20 and 21, change the subtotal so as to read: "fourteen thousand six hundred and fifty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amend-

ment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert four million one hundred and fifty thousand dollars;" the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "wall," insert "on Government property;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lines 4 and 5 of said amendment strike out the words "from its present location to the hill in the rear of building numbered sixty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In line 6 of said amendment strike out the word "one" and insert in lieu thereof the word "two;

and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "equal," insert "in the judgment of the Secretary of the and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of said amendment insert the word "ten: and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of said amendment insert the word "twenty-three;" and the Senate agree to the same.

On amendment numbered 1 the committee of conference have been unable to agree.

EUGENE HALE, GEO. C. PERKINS, B. R. TILLMAN, Managers on the part of the Senate. GEORGE EDMUND Foss, H. C. LOUDENSLAGER, ADOLPH MEYER, Managers on the part of the House.

The report was agreed to.

FORTIFICATIONS APPROPRIATION BILL. Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23821) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes,

having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as fol-

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 8, 9, 10, 11, and 12, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nine hundred thousand dollars;" and the Senate agree to the

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum last named in said amendment insert "one hundred thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum last named in said amendment insert "four hundred thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum last named in said amendment insert "fifty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum last named in said amendment insert "five hundred thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum last named in said amendment insert "one hundred thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the words "at Manila;" and the Senate agree to the same.

GEO. C. PERKINS, F. E. WARREN, JNO. W. DANIEL, Managers on the part of the Senate. WALTER I. SMITH, J. WARREN KEIFER, JOHN J. FITZGERALD, Managers on the part of the House.

The report was agreed to.

ARMY GENERAL HOSPITAL IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of appropriation for the purchase of 18½ acres of land adjoining the site of the army general hospital in the District of Columbia, \$46,250; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

## FOREST RESERVATION LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, correcting an error in the report submitted by him on the 20th instant, containing five names of persons who conveyed or relinquished to the United States lands within the forest reserves prior to the act of March 3, 1903; which was referred to the Committee on Public Lands, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office submitting the further name of a person who conveyed or relinquished to the United States lands within the forest reserves prior to the act of March 3, 1905; which was referred to the Committee on Public Lands, and ordered to be printed.

# REPORT OF BUREAU OF EDUCATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Education submitting the manuscript of the report of the Bureau of Education for the fiscal year ended June 30, 1906; which, with the accompanying papers, was referred to the Committee on Education and Labor.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 3638. An act providing for the retirement of noncommissioned officers, petty officers, and enlisted men of the Army, Navy, and Marine Corps of the United States;

S. 8451. An act ratifying and confirming chapter 58 of the twenty-third legislative assembly of the Territory of Arizona, providing for repair of the Territorial bridge at Florence, Pinal

County, Ariz.; and S. 8533. An act to authorize the Court of Claims to hear, determine, and adjudicate the claims of the Sac and Fox Indians of the Mississippi in Iowa, against the Sac and Fox Indians of the Mississippi in Oklahoma, and the United States, and for other purposes.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the

H. R. 19524. An act to amend an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906:

H. R. 22123. An act to amend "An act to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia," approved June 8, 1896;

H. R. 24755. An act to encourage private salmon hatcheries in

Alaska

H. R. 25630. An act to amend an act entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," approved June 8, 1906;

H. R. 25671. An act to authorize the construction of a bridge across the Grand Calumet River, State of Illinois; and

H. R. 25758. An act amending an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other

purposes," and for other purposes.

The message further returned to the Senate, in compliance with its request, the bill (H. R. 24134) providing for the granting and patenting to the State of Colorado, desert lands formerly in the Southern Ute Indian Reservation in Colorado.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 7. An act granting an increase of pension to Edwin B. Lufkin;

S. 177. An act granting an increase of pension to Alvah D. Wilson:

S. 435. An act granting an increase of pension to Luther H.

Canfield; S. 463. An act granting an increase of pension to Justin C. Kennedy:

S. 496. An act granting an increase of pension to Lewis

Young; 8:570. An act granting an increase of pension to John W.

Crane; S. 588. An act granting an increase of pension to Priscilla L.

S. 883. An act granting an increase of pension to Thomas A. Willson;

S. 913. An act granting an increase of pension to Charles E.

S. 990. An act granting an increase of pension to Relf Bled-

S. 1136. An act granting an increase of pension to Warren W. Whipple;

S. 1261. An act granting an increase of pension to Edwin P. Richardson : S. 1299. An act granting an increase of pension to Ludwig

Schultz;

S. 1350. An act granting an increase of pension to Michael Cullen;

S. 1515. An act granting an increase of pension to Elizabeth

Strong; 8, 1520. An act granting an increase of pension to Laura M.

S. 1526. An act granting an increase of pension to Theodore W. Gates;

S. 1622. An act granting a pension to Jane Agnew; S. 1896. An act granting a pension to Smith Bledsoe;

S. 1935. An act granting an increase of pension to Charles Church:

S. 1980. An act granting an increase of pension to Mary O.

S. 2083. An act granting an increase of pension to Asa K. Har-

S. 2109. An act granting an increase of pension to Elisha T. Arnold ;

S. 2181. An act granting an increase of pension to Mary G.

Potter; S. 2285. An act granting an increase of pension to William W. Herrick:

S. 2315. An act granting an increase of pension to William T. Graffan, alias William Rivers;

S. 2336. An act granting an increase of pension to Annie E.

S. 2387. An act granting an increase of pension to Harvey

S. 2394. An act granting an increase of pension to John A. J. Taylor; S. 2502. An act granting an increase of pension to Stephen M.

Fitzwater

S. 2729. An act granting an increase of pension to Robert J. Henry; S. 2743. An act granting an increase of pension to Daniel B.

Morehead;

S. 2748. An act granting an increase of pension to Joel R.

S. 2792. An act granting an increase of pension to John W.

S. 2954. An act granting an increase of pension to Hannah Welch:

S. 2971. An act granting an increase of pension to Henry O. Bennum:

S. 3197. An act granting an increase of pension to Hiram Focht:

S. 3266. An act granting an increase of pension to William P.

S. 3267. An act granting an increase of pension to George C. Veile; S. 3268. An act granting an increase of pension to Jacob A.

Ward:

S. 3275. An act granting an increase of pension to Thomas J. Harrison:

S. 3432. An act granting an increase of pension to Samuel Ellis;

S. 3434. An act granting an increase of pension to Charles M.

S. 3435. An act granting an increase of pension to Rowland Saunders ;

S. 3446. An act granting an increase of pension to Anna M. Woodbury

S. 3495. An act granting a pension to Joseph H. Boucher; S. 3527. An act granting an increase of pension to Samuel S.

Watson: S. 3552. An act granting an increase of pension to Joseph P.

S. 3563. An act granting an increase of pension to Orin D.

S. 3652. An act granting an increase of pension to Sallie Noble:

S. 3672. An act granting an increase of pension to Daniel R. Emery

S. 3852. An act granting an increase of pension to Levi W. Curtis:

S. 3929. An act granting an increase of pension to Ellen L.

S. 3997. An act granting an increase of pension to Jacob S. 3998. An act granting an increase of pension to Thomas

Warner

S. 4008. An act granting an increase of pension to Charles B. Saunders:

S. 4028. An act granting an increase of pension to Ann H.

S. 4208. An act granting an increase of pension to Charles V. Nash:

S. 4461. An act granting an increase of pension to Thomas S.

Elsberry S. 4501. An act granting an increase of pension to Horatio S.

Brewer: S. 4559. An act granting an increase of pension to John A. Wagner

S. 4531. An act granting an increase of pension to Levi M. Stephenson;

S. 4562. An act granting an increase of pension to Henry Stegman:

S. 4580. An act granting an increase of pension to William

S. 4629. An act granting an increase of pension to Mary Jane Miller

S. 4693. An act granting an increase of pension to Irvin M.

Hill; S. 4762. An act granting a pension to Mary A. Brady; S. 4865. An act granting an increase of pension to James W. Muney

S. 4873. An act granting an increase of pension to D. Laning

Ross S. 4875. An act granting an increase of pension to Nathan S.

S. 4890. An act granting an increase of pension to Lorin N. Hawkins:

S. 4936. An act granting an increase of pension to Jacob Grell:

S. 4958. An act granting an increase of pension to William W. Duffield:

S. 5119. An act authorizing the extension of W and Adams streets NW.

S. 6912. An act granting an increase of pension to James G.

S. 6913. An act granting an increase of pension to Samuel C. Murdough

S. 6952. An act granting an increase of pension to Martin A. Rubert

S. 6954. An act granting an increase of pension to Henry, Matter:

S. 6955. An act granting an increase of pension to Abram W. Vandel: S. 6956. An act granting an increase of pension to Eli Ford,

alias Jacob Butler; S. 6962. An act granting an increase of pension to Franklin

S. 6970. An act granting an increase of pension to Alonzo W.

Fuller S. 6996. An act granting an increase of pension to John Snyder:

S. 7004. An act granting an increase of pension to Edward G. Burnet:

S. 7021. An act granting an increase of pension to Hugh K.

McJunkin: S. 7038. An act granting an increase of pension to William

S. 7039. An act granting an increase of pension to Robert Hamilton

S. 7044. An act granting an increase of pension to Sylvester O. Pevear;

S. 7054. An act granting an increase of pension to Charles H. Clapp :

S. 7058. An act granting an increase of pension to Gilbert Bailie:

S. 7061. An act granting an increase of pension to Hugh McNaughton;

S. 7063. An act granting an increase of pension to William Hastings;

S. 7064. An act granting a pension to Edward T. Blodgett; S. 7068. An act granting an increase of pension to Richard B. Hall:

S. 7078. An act granting a pension to Daniel Schaffner; S. 7098. An act granting an increase of pension to Henrietta

Teague: S. 7129. An act granting a pension to Susan J. Chandler:

S. 7136. An act granting an increase of pension to Cornelia W. Clay;

S. 7138. An act granting an increase of pension to George H. Allen;

S. 7150. An act granting an increase of pension to John Bell; S. 7154. An act granting an increase of pension to Samuel Miller;

S. 7168. An act granting an increase of pension to Edward B. Shepherd;

7171. An act granting an increase of pension to Margaret

S. 7194. An act granting an increase of pension to Lawrence Over; S. 7196. An act granting an increase of pension to William H.

Hubbard; S. 7218. An act granting an increase of pension to Samuel D.

Thompson; S. 7222. An act granting an increase of pension to Sylvester Byrne;

S. 7223. An act granting an increase of pension to Joseph W. Little;

S. 7231. An act granting an increase of pension to Oscar F. Richards:

S. 7237. An act granting an increase of pension to Daniel McConnell:

S. 7244. An act granting an increase of pension to Bessie Sharp Pettit;

S. 7268. An act granting an increase of pension to Dewayne W. Suydam;

H. R. 3498. An act for the relief of Stephen M. Honeycutt;

H. R. 5290. An act providing for the allotment and distribution of Indian tribal funds.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of sundry citizens of Kokomo, Ind., and a memorial of Local Union No. 453, United Teamsters' Union of New York City, N. Y., remonstrating against the manner in which Charles Moyer, William Heywood, and George Pettibone, of the Western Federation of Miners, were brought under the jurisdiction of the courts of Idaho, and praying that these men be granted a fair and impartial trial by jury; which was referred to the Committee on the Judiciary.

He also presented a memorial of Odon Court, No. 147, of Indiana, and a memorial of Waveland Court, No. 80, of Indiana, remonstrating against the enactment of legislation to amend the statutes relating to the classification of second-class mail matter and the rates of postage thereon; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Trades League of Philadelphia, Pa., praying for the enactment of legislation providing for a charge of 1 cent per cunce on first-class mail matter weighing more than 1 ounce, with a minimum charge of 2 cents for the first ounce; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of New York City, N. Y., praying for the passing of the so-called "Kittredge copyright bill;" which were ordered to lie on the table.

He also presented sundry petitions of citizens of Philadelphia, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Indiana,

He also presented memorials of sundry citizens of Indiana, Massachusetts, Ohio, Pennsylvania, Minnesota, New York, Connecticut, New Jersey, Wisconsin, Texas, Washington, Oklahoma Territory, California, Nebraska, Illinois, Rhode Island, Oregon, Iowa, and Missouri, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. CULLOM presented petitions of sundry labor organizations in the State of Illinois, praying for the enactment of legislation for the protection of labor and industries from convict labor and competition; which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Waltonville and Hoopeston, in the State of Illinois, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the East Washington Citizens' Association of the District of Columbia, praying for the enactment of legislation providing for the elimination of grade crossings in the southeastern part of the District; which was referred to the Committee on the District of Columbia

He also presented the petition of William A. Donch, of Washington, D. C., praying for the enactment of legislation providing for the abolishment of the smoke nuisance in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Trades League of Philadelphia, Pa., praying for the enactment of legislation providing a charge of 1 cent per ounce on all first-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DEPEW presented petitions of sundry citizens of Elba, Rochester, Mayfield, Pleasantville Station, Annsville, Urbana, and Point Richmond, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Binghamton, Brooklyn, Mechanicsville, Laurel, and New York, all in the State of New York, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Adams Center, and Gouverneur, in the State of New York, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented memorials of William M. Collins Post, No. 587, Department of New York, Grand Army of the Republic, of Sandy Hill, N. Y., and of the executive committee of the Grand Army of the Republic of Rochester, N. Y., remonstrating against the enactment of legislation abolishing the pension agencies throughout the country; which were ordered to lie on the table.

He also presented a petition of the National Board of Trade, praying for the adoption of certain amendments to the present bankruptcy law; which was referred to the Committee on the Judiciary.

Mr. BURROWS presented petitions of sundry citizens of Raisin, Adrian, Butler, Kingston, Birmingham, Crystal Valley, Troy, Three Oaks, Royal Oak, Almont, Ann Arbor, Detroit, Lennon, Spring Lake, Grand Ledge, Chief Lake, Oceana Center, Sturgis, Kalamazoo, Tecumseh, Grand Rapids, and Bay City, all in the State of Michigan, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry business firms of Bay City, Grand Rapids, Detroit, Battle Creek, Rodney, Flint, Grand Haven, Ludington, Kalamazoo, South Haven, Jackson, Lansing, and Eastern Rapids, all in the State of Michigan, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented a petition of Kalamazoo Lodge, No. 52, American Federation of Labor, of Kalamazoo, Mich., praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the table.

He also presented a memorial of the Hanselman Candy Company, of Kalamazoo, Mich., remonstrating against the enactment of legislation giving the Secretary of Agriculture the right to fix the standards of food; which was ordered to lie on the table.

He also presented a memorial of General W. T. Sherman Post, No. 410, Department of Michigan, Grand Army of the Republic, of Vassar, Mich., and a memorial of Earl Halbert Post, No. 108, Department of Michigan, Grand Army of the Republic, of Grand Ledge, Mich., remonstrating against any reduction in the number of pension agencies throughout the country; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Drummond Island, Mich., and a memorial of sundry citizens of Kalamazoo, Mich., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a memorial of the Michigan Electric Association, of Port Huron, Mich., remonstrating against any reduction being made in the appropriation for the Geological Survey in gauging the flow and compiling the data on the rivers of that State; which was referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of Detroit, Mich., praying for the enactment of legislation providing for the creation of a volunteer retired list for soldiers of the civil war; which was referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 217, United Garment Workers of America, of Kalamazoo, Mich., praying for the enactment of legislation providing for the protection of labor and industries from the competition of convict labor and prisonmade goods; which was referred to the Committee on Education and Labor.

Mr. BRANDEGEE presented a petition of the New Milford Hat Company, of New Milford, Conn., praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

He also presented a petition of the Robert N. Bassett Company, of Sheldon and Derby, Conn., praying for the adoption of certain amendments to the present denatured alcohol law; which was referred to the Committee on Finance.

He also presented a petition of Germania Lodge, Sons of Hermann, of Taftville, Conn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. DU PONT presented petitions of sundry citizens of Wilmington, Milton, and Houston, all in the State of Delaware, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiclary.

Mr. LODGE presented the petition of the James H. Prince Paint Company, of Boston, Mass., praying for the adoption of

certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Hyde Park, Malden, and Leominster, all in the State of Massachusetts, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were re-

ferred to the Committee on the Judiciary.

Mr. KNOX presented petitions of Electric City Lodge, No. 24. Amalgamated Association of Iron, Steel, and Tin Workers of the United States, of Scranton; Amalgamated Association of Iron, Steel, and Tin Workers of the United States of Danville; F. C. Rupp, of Philadelphia, all in the State of Pennsylvania, and of the Watch Case Engravers' International Association of America of Canton, Ohio, praying for the enactment of legislation of the Case Case of Canton, Ohio, praying for the enactment of legislation of the Case of Canton, Ohio, praying for the enactment of legislation of the Case of Canton, Ohio, praying for the enactment of legislation of the Case of Canton, Ohio, praying for the enactment of legislation of the Case of Canton, Ohio, praying for the enactment of legislation of the Case of Canton, Ohio, praying for the enactment of legislation of the Case of Canton, Ohio, praying for the enactment of legislation of the Case of Canton, Ohio, praying for the enactment of legislation of the Case of Canton, Ohio, praying for the enactment of legislation of the Case of Canton, Ohio, praying for the enactment of legislation of the Case of Canton, Ohio, praying for the enactment of legislation of the Case of Canton, Ohio, praying for the enactment of legislation of the Case of Canton, Ohio, praying for the enactment of legislation of the Case of Canton, Ohio, praying for the enactment of legislation of the Case of Canton, Ohio, praying for the enactment of legislation of the Case of Canton, Ohio, praying for the enactment of legislation of the Case of Canton, Ohio, praying for the enactment of legislation of the Case of Canton, Ohio, praying for the enactment of the Case of Canton, Ohio, praying for the enactment of legislation of the Case of Canton, Ohio, praying for the enactment of the Case of Canton, Ohio, of Can tion providing for the protection of labor and industries from convict labor and manufactures; which were referred to the Committee on Education and Labor.

Mr. FLINT presented a memorial of the Woman's Missionary Society of the Pasadena district of the Methodist Episcopal Church of California, remonstrating against the treatment of the Japanese in that State; which was referred to the Commit-

tee on Foreign Relations.

He also presented petitions of sundry citizens of Los Angeles Corona, Riverside, Compton, and San Diego, all in the State of California, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. CURTIS. I present a concurrent resolution of the legislature of the State of Kansas, which I ask may be printed in the Record, and referred to the Committee on the Judiciary.

The concurrent resolution was referred to the Committee on the Judiciary, and ordered to be printed in the Record, as fol-

Senate concurrent resolution No. 15.

Senate concurrent resolution No. 15.

Whereas the Judiciary Committee of the House of Representatives of the United States has by a decisive vote recommended the passage of a bill introduced by the Hon. CHARLES E. LITTLEFIELD, of Maine, which provides, in substance, that the interstate-commerce character of all shipments of intoxicating liquors shall terminate immediately upon their arrival within the State or Territory in which the place of destination is situated; and

Whereas Kansas has carried on the struggle to enforce her laws in the interest of temperance and sobriety for more than a quarter of a century against the combined influence and efforts of the liquor interests of the States situated on her borders and has received no assistance or encouragement from the Federal Government; and

Whereas the passage of said law would be of the greatest assistance to the State of Kansas, and all other States which have laws prohibiting the sale of intoxicating liquors, or strictly regulating the sale thereof, in enforcing the same: Now, therefore, be it

Resolved by the senate of the State of Kansas (the house of representatives concurring therein). That inasmuch as the State of Kansas will be greatly benefited by the passage of said law, we request our Senators in the Senate of the United States and our Members of Congress to work and vote for said act and to use all means which vigilance, energy, and honor may dictate to secure its passage.

I hereby certify that the above concurrent resolution originated in the senate, and passed that body February 5, 1907.

W. J. FITZGERALD, President of the Senate.

W. E. PITTS.

Assistant Secretary of the Senate.

Passed the house February 6, 1907.

J. S. SIMMONS,

Passed the house February 6, 1907.

J. S. SIMMONS, Speaker of the House. D. Y. WILSON, Chief Clerk of the House.

STATE OF KANSAS. OFFICE OF THE SECRETARY OF STATE.

OFFICE OF THE SECRETARY OF STATE.

I, C. E. Denton, secretary of state of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal this 14th day of February, 1907.

C. E. DENTON,

Secretary of State.

Secretary of State.
By J. T. BOTKIN,
Assistant Secretary of State.

Mr. CURTIS. I presented a concurrent resolution of the legislature of the State of Kansas, which I ask may lie on the table and be printed in the RECORD.

The concurrent resolution was ordered to lie on the table and be printed in the RECORD, as follows:

House concurrent resolution No. 13.

Whereas there was reported in the House of Representatives of the United States (S. 5133), upon January 11, 1907, an act passed by the Senate of the United States entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon;" and Whereas the interests of travelers upon railroads of the United States and of the employees thereon demand the speedy enactment into law of this measure; Therefore, be it

\*Resolved by the house of representatives and senate of the State of Kansas, That the Representatives in Congress from the State of Kansas be requested to use their votes and influence to secure an immediate

favorable report upon and the passage of said act (S. 5133) entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon;" Be it Further resolved, That one copy of this resolution be sent to the Speaker of the House of Representatives of the United States, one copy to the chairman of the Committee on Interstate and Foreign (Commerce of said House, and to each Member of Congress from the State of Kansas.

I hereby certify that the above concurrent resolution originated in the house, and passed that body February 11, 1907.

J. S. SIMMON, Speaker of the House, D. Y. WILSON, Chief Clerk of the House.

Passed the senate February 12, 1907.

Passed the senate February 12, 1907.

President of the Senate. W. S. Welsinger. Secretary of the Senate.

Approved February 14, 1907.

E. W. HOCH, Governor,

STATE OF KANSAS, OFFICE OF THE SECRETARY OF STATE.

I, C. E. Denton, secretary of state of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal this 14th day of February, 1907.

C. E. Denton, Secretary of State, By J. T. Botkin, Assistant Secretary of State.

Mr. CURTIS presented petitions of sundry citizens of Clay Center, Waverly, Fact, Blue Rapids, Stafford, Concordia, Holton, and Salina, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. PENROSE presented petitions of sundry officers of the United States Volunteers praying for the enactment of legislation to compensate them for travel pay for war service in the Philippines at the rate allowed by law at the time of their entry into the military service; which were referred to the Committee

on Claims.

He also presented petitions of sundry citizens of Brookville, West Washington, Lancaster, Darby, and Colwyn, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry business firms of Philadelphia, Reading, North Girard, and Allentown, all in the State of Pennsylvania, praying for the adoption of certain amendments to the present denatured alcohol law; which were referred to the Committee on Finance.

Mr. BURKETT presented petitions of sundry citizens of Adams and Fairbury, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented sundry memorials of citizens of Madison, Nebr., remonstrating against any reduction being made in the pay to railways for carrying the mail until the railroads have been given an opportunity to present their side of the case; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of J. V. Osburgh, of Stockham, Nebr., praying for the adoption of a certain amendment to the present service-pension law relative to attorneys' fees in pension claims; which was referred to the Committee on Pensions

He also presented a memorial of Ames Court, No. 82, Tribe of Ben Hur, of the State of Nebraska, remonstrating against the enactment of legislation providing for a classification of second-class mail matter and the postage rates thereon; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Ministers' Association of Lincoln, Nebr., praying for the passage of the so-called "Lodge resolution" relative to the existing conditions in the Kongo Free State; which was ordered to lie on the table.

## WILLIAM H. GOWDY.

Mr. SMOOT. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 4629) for the relief of William H. Gowdy, to report it favorably without amendment, and

I ask for its immediate consideration.

Mr. HALE. I think I must object, for this reason: What I desire is to get up the sundry civil appropriation bill at once. If that can be done, I will say to Senators that I think we can complete it this afternoon and not be obliged to have another wearisome night session, but if the time is taken up by other bills we will have to run over into the night. Therefore I appeal to Senators to let the appropriation bill come up, and I must object to the consideration of any bill.

The VICE-PRESIDENT. The bill reported by the Senator

from Utah will be placed on the Calendar.

Mr. HANSBROUGH. I desire to suggest to the Senator from Maine that there are other bills which have come from the House which are of great importance and which will perhaps be thrown into conference. If we can have a little here before the Senator gets up the sundry civil appropriation bill for consideration, we might get some of those bills out of the way without unnecessarily interfering with the Senator.

Of course the Senator knows that we want him to get his

appropriation bill through as rapidly as possible, but I submit to the Senator that we are not so very far behind at this time. There remain, I believe, only two appropriation bills to be considered by the Senate, and we have four or five days yet in

which to do it.

Mr. HALE. There will be ample time for those measures when this great bill has passed the Senate and gets into conference. But I think it is important (and I think Senators will see that what I am seeking to accomplish is for the best interests of the Senate) that we take up this bill at once and complete it to-day, so that there will be no need of a night ses-After that these other bills will then come in, because there will be no other appropriation bill for several days, and we shall be in conference on this bill. So I must insist, under the circumstances, that we shall go on with the appropriation bill as soon as the routine business has been concluded.

Mr. HANSBROUGH. If the Senator insists, of course, un-

der the rule, we have no remedy.

#### REPORTS OF COMMITTEES.

Mr. ALLEE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 9326) for the opening of Mills avenue NE. from Rhode Island avenue to Twentyfourth street, reported it without amendment, and submitted a

He also, from the same committee, to whom was referred the bill (S. 2242) for the widening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street, submitted an adverse report thereon, which was agreed to; and the bill was post-

poned indefinitely.

Mr. BURROWS, from the Committee on Naval Affairs, to whom was referred the bill (S. 3425) for the relief of Capt. George Van Orden, United States Marine Corps, reported it with an amendment, and submitted a report thereon.

Mr. FRAZIER, from the Committee on Claims, to whom was referred the bill (H. R. 12188) for the relief of George T. Larkin, reported it without amendment, and submitted a report thereon.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (H. R. 3462) for the relief of Franklin Patterson, reported it without amendment, and submitted a report thereon.

Mr. WHYTE, from the Committee on the District of Columbia, to whom was referred the bill (S. 8411) making personal taxes in arrears a personal claim against the person owing such tax to the District of Columbia, submitted an adverse report thereon, which was agreed to; and the bill was postponed in-

Mr. OVERMAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 13122) to correct the military record of John Allen, reported it without amendment, and sub-

mitted a report thereon.

## BILLS INTRODUCED.

Mr. TALIAFERRO introduced a bill (S. 8579) for the relief of C. B. McClenny; which was read twice by its title, and referred to the Committee on Public Health and National Quarantine.

Mr. HANSBROUGH introduced a bill (S. 8580) granting land to Anna Johnson; which was read twice by its title, and re-

ferred to the Committee on Public Lands.

Mr. LATIMER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (3, 8581) permitting the building of a dam across the

Savannah River at Calhoun Falls; and

A bill (S. 8582) permitting the building of a dam across the Savannah River at Cherokee Shoals;

A bill (S. 8583) permitting the building of a dam across the Savannah River at Calhoun Falls; and
A bill (S. 8584) permitting the building of a dam across the Savannah River at Hattons Ford.

Mr. WARREN introduced a bill (S. 8585) for the relief of Charles W. Spalding; which was read twice by its title, and re-

ferred to the Committee on Military Affairs.

Mr. DUBOIS introduced a bill (S. 8586) for the relief of the

heirs of J. W. Forrest, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. WETMORE introduced a bill (S. 8587) crease of pension to Adelia A. Gardner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 8588) for the relief of Henry S. Hannis & Co. and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. WARNER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims

A bill (S. 8589) for the relief of the county of Laclede, State

of Missouri:

A bill (S. 8590) for the relief of the county of Greene, State of Missouri:

A bill (S. 8591) for the relief of the Methodist Episcopal Church South, of Mexico, Mo. ;

A bill (S. 8592) for the relief of the First Christian Church of Mexico, Mo., a corporation; and

A bill (S. 8593) for the relief of the First Christian Church

of Springfield, Mo. Mr. ELKINS introduced a bill (S. 8594) for the relief of the heirs at law of Harmon Snyder; which was read twice by its

title, and referred to the Committee on Claims. Mr. PETTUS (for Mr. Morgan) introduced a bill (S. 8595) for the relief of the commissioners' court of the county of Lime-

stone, State of Alabama; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURKETT introduced a bill (S. 8596) granting an increase of pension to James Thompson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENROSE introduced a joint resolution (S. R. 97) creating a commission to investigate conditions in Alaska; which was read twice by its title, and referred to the Committee on Territories.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. PLATT submitted an amendment providing that hereafter the salary of the appraiser at the port of New York shall be \$8,000 per annum and that of each of the assistant appraisers at the port of New York shall be \$4,000 per annum, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$150,000 for the installation of a pneumatic-tube system between the appraiser's warehouse and the new custom-house in the city of New York, N. Y., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. OVERMAN submitted an amendment continuing in effect the general appropriation provided for in the act approved . July 8, 1898, to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise, organize, supply, and equip the Volunteer Army of the United States in the existing war with Spain, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CLARK of Wyoming submitted an amendment proposing to appropriate \$5,000 to pay the persons who prepared the four volumes of the Consolidated Index to the United States Statutes at Large, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DICK submitted an amendment proposing to appropriate \$7,200 to pay Henry W. Elliott for preparing a series of expert papers descriptive of the past condition of the fur-seal herd of Alaska, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate \$750 to pay Ormsby McHarg for indexing and extra services as clerk to the Committee on Pensions, and \$750 to pay Dennis M. Kerr for services as assistant clerk by detail to the Committee on Pensions, intended to be proposed by him to the general deficiency bill; which was referred to the Committee on Appropriations, and ordered to be printed.

## OMNIBUS CLAIMS BILL.

Mr. PENROSE submitted an amendment intended to be proposed by him to the omnibus claims bill; which was referred to the Committee on Claims, and ordered to be printed.

#### WITHDRAWAL OF PAPERS-JOSEPH FREEMAN.

On motion of Mr. Burrows, it was

Ordered, That the papers accompanying Senate bill 6844 of this session of Congress, granting a pension to Joseph Freeman, be withdrawn from the files of the Senate, there having been no adverse report thereon.

#### WITHDRAWAL OF PAPERS-PAUL J. CHRISTIAN.

On the motion of Mr. Culberson, it was

Ordered, That the papers in the case of the bill S. 7724, second session Fifty-ninth Congress, granting an increase of pension to Paul J. Christian, be withdrawn from the files of the Senate, there being no adverse report thereon.

WITHDRAWAL OF PAPERS-MRS. SARAH E. LUNGREN.

On motion of Mr. Du Pont, it was

Ordered, That Mrs. Sarah E. Lungren be allowed to withdraw from the files of the Senate her original certificate of marriage and the cer-tificate of death and burial permit for Norris L. Lungren, filed by her as evidence in connection with the bill granting her a pension as the widow of said Norris L. Lungren.

#### WITHDRAWAL OF PAPERS-RANDOLPH HAYMAN.

On motion of Mr. Penrose, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of Randolph Hayman, accompanying Senate bill 5519, Fifty-seventh Congress, first session, subject to the provisions of clause 2 of Rule 30.

WITHDRAWAL OF PAPERS-JOHN ROOP.

On motion of Mr. Penrose, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of John Roop, accompanying Senate bill 501, Fifty-ninth Congress, first session, subject to the provisions of clause 2 of Rule 30.

THE HARVESTER TRUST.

On motion of Mr. HANSBROUGH, it was

Ordered, That 500 additional copies of Senate Document No. 336, Fifty-ninth Congress, second session, be printed for the use of the

RULES AND REGULATIONS OF EXECUTIVE DEPARTMENTS.

Mr. HEYBURN. Under this order I presume it is proper to call up the resolutions which I introduced yesterday and which

went over. They are properly morning business, I believe.
The VICE-PRESIDENT. If there are no further concurrent or other resolutions, the Chair lays before the Senate a resolution coming over from yesterday, which will be read.
The Secretary read the resolution submitted yesterday by Mr.

HEYRURN, as follows:

Resolved, That the Secretary of the Treasury be directed to furnish to the Senate, for its information, a copy of all rules and regulations governing the Department in its various branches, pursuant to Senate resolution No. 239.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

The VICE-PRESIDENT. The Chair lays before the Senate a further resolution, coming over from yesterday, which will be

The Secretary read the resolution submitted yesterday by Mr. HEYBURN, as follows:

Resolved, That the Secretary of the Interior be directed to furnish to the Senate, for its information, a copy of all rules and regulations governing the Department in its various branches, pursuant to Senate resolution No. 240.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. HEYBURN subsequently said: I move that the vote by which Senate resolution No. 283 was adopted this morning be reconsidered.

The motion was agreed to.

Mr. HEYBURN. I move that the resolution be indefinitely postponed.

The motion was agreed to.

Mr. HEYBURN. I ask, in connection with it, that the reports in response to the several resolutions calling for the rules and regulations in each case be printed as a Senate document. make that motion.

The motion was agreed to.
The VICE-PRESIDENT. The Chair lays before the Senate a third resolution, coming over from yesterday, which will be

The Secretary read the resolution submitted yesterday by Mr. Heyburn, as follows:

Resolved, That the Secretary of State be directed to furnish to the Senate, for its information, a copy of all rules and regulations governing the Department in its various branches, pursuant to Senate resolution No. 241.

The VICE-PRESIDENT. The question is on agreeing to the

Mr. SPOONER. The State Department is on a little different

basis, as the Senator remembers, from all the other Departments. If the resolution means general instructions there may be some regulations for diplomatic officials which it would not be either necessary or wise to give to the public.

Mr. HEYBURN. I realize the importance of the Senator's suggestion, and I will state that the suggestion came to me when the resolution first went in. The Departments understand that the resolution does not call for anything that might come within the scope of diplomatic or confidential business. So I think they understand it.

The resolution was agreed to.

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia: H. R. 19524. An act to amend an act entitled "An act to re-

quire the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906;

H. R. 22123. An act to amend "An act to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia," approved June 8, 1896; and H. R. 25630. An act to amend an act entitled "An act to amend section 1 of an act entitled 'An act relating to the Metro-

politan police of the District of Columbia,' approved February ' approved June 8, 1906.

H. R. 24755. An act to encourage private salmon hatcheries in Alaska was read twice by its title, and referred to the Com-

mittee on Territories.

H. R. 25671. An act to authorize the construction of a bridge across the Grand Calumet River, State of Illinois, was read twice by its title, and referred to the Committee on Commerce.

H. R. 25758. An act amending an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," and for other purposes, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

## PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On February 25:

S. 6691. An act granting to the Columbia Valley Railroad Company a right of way through Fort Columbia Military Reservation, at Scarborough Head, in the State of Washington, and through the United States quarantine station in section 17, township 9 north, range 9 west, of Willamette meridian, in said State of Washington, and for other purposes

S. 8274. An act to amend an act to authorize the construction of two bridges across the Cumberland River at or near Nash-

ville, Tenn.; and

S. 8362. An act to authorize the city council of Salt Lake City, Utah, to construct and maintain a boulevard through the military reservation of Fort Douglas, Utah.

## SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the sundry civil appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 25745) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the

amendments of the committee be first considered.

The VICE-PRESIDENT. Without objection, it is so ordered.

The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was,

under the subhead "Under the Treasury Department," on page 2, line 17, after the word "limit," to insert "and to provide additional accommodations for the United States courts in said building;" and in line 19, before the word "thousand," to strike out "thirty" and insert "forty-five;" so as to make the clause

Asheville, N. C., post-office and court-house: For completion of the enlargement, extension, remodeling, or improvement of building under present limit, and to provide additional accommodations for the United States courts in said building, \$45,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 23, to insert:

Denver, Colo.: The Secretary of the Treasury be, and he is hereby, authorized and directed to have plans and specifications prepared for a new building for the general purposes of the United States Government,

at Denver, Colo., and to report to Congress at its next session an estimate of the cost of said building. He is also authorized and directed to use such part of the force of the office of the Supervising Architect as may be necessary for this purpose.

The amendment was agreed to.

The next amendment was, on page 25, line 16, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of the Treasury is hereby authorized, in his discretion, to expend the entire sum of \$375,000, authorized by act of June 30, 1906, or so much thereof as may be necessary, for the purchase of a suitable site for said United States subtreasury.

So as to make the paragraph read:

San Francisco, Cal., subtreasury: For completion of building under present limit, \$175,000: Provided, That the Secretary of the Treasury is hereby authorized, etc.

The amendment was agreed to.

The next amendment was, on page 32, after line 17, to strike out:

To enable the Secretary of the Treasury to acquire, by condemnation or otherwise, additional land adjoining the present site occupied by the Bureau of Engraving and Printing and for the erection, completion, including heating and ventilating, of an addition to or extension of the buildings of the Bureau of Engraving and Printing which shall conform architecturally and in character and quality of the material used to the existing buildings of said Bureau, \$150,000.

The amendment agreed to.

The next amendment was, at the top of page 33, to insert:

The next amendment was, at the top of page 33, to insert:

Buildings for the Departments of State, Justice, and Commerce and Labor: To enable the Secretary of the Treasury, in his discretion, to acquire, by purchase, condemnation, or otherwise, the whole of squares Nos. 226, 227, 228, 229, and 230, in the city of Washington, and toward the erection of one or two buildings thereon, \$3,000,000. That part of C street, Ohio avenue, D street, and E street lying between the squares named herein is hereby made a part of the site authorized by this act. That should the Secretary of the Treasury decide to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, such proceedings shall be in accordance with the provisions of the act of Congress approved August 30, 1890, providing a site for the enlargement of the Government Printing Office (U. S. Stat. L., vol. 26, chap. \$37). That a commission, to be composed of the Secretary of State, the Secretary of the Treasury, the Attorney-General, the Secretary of Commerce and Labor, and the Superintendent of the Capitol Building and Grounds, which is hereby created, shall report to Congress preliminary plans and an estimate of cost for one or two buildings to be erected on said site, for the use of the Departments of State, Justice, and Commerce and Labor, and for other governmental purposes, said preliminary plans and estimate of cost to be paid for out of the appropriation herein made.

Mr. HANSBROUGH. I desire to ask the Senator from

Mr. HANSBROUGH. I desire to ask the Senator from Maine if this amendment is not in the nature of general legislation, and if it has any right to a place on an appropriation bill?

Mr. HALE. We have always put on appropriation bills measures for the purchase of property here in the District of Columbia, and there never has been any point raised on them.

Mr. HANSBROUGH. The Senator does not quite answer my

question. I asked the Senafor if he did not himself consider it

to be general legislation.

Mr. HALE. I do not consider it to be general legislation in the running of the Government to provide for public buildings here in Washington. I do not consider that that is outside of the province of the Committee on Appropriations. It was on

that ground that the amendment was inserted.

Mr. HANSBROUGH. Of course, if we have fallen into the practice of doing things of this kind and it has become the custom of Congress to acquiesce in it, I do not know that I care to make any objection or raise a question upon it.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, under the subhead "Life-Saving Service," on page 40, after line 18, to insert:

For establishing a telephone line from the Umpqua River life-saving station, Oregon, to a point at the mouth of the Siuslaw River, \$5,000.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was under the subhead "Interstate Commerce Commission," on page 49, line 13, after the word "thereon," to insert "to said Commission;" in the same line, before the word "which," to strike out "a copy of;" in line 14, after the word "transmitted," to insert "by said Commission;" and in the same line, after the word "Postmaster-General," to insert "for his action thereon;" so as to make the clause read:

To enable the Interstate Commerce Commission to keep informed regarding compliance with the "act to promote the safety of employees and travelers upon railroads," approved March 2, 1893, including the employment of inspectors to execute and enforce the requirements of the said act, \$100,000; said inspectors shall also be required to make examination of the construction, adaptability, design, and condition of all mail cars used on any railroad in the United States and make report thereon to said Commission, which report shall be transmitted by said Commission to the Postmaster-General for his action thereon.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous

objects, Treasury Department," on page 51, after line 3, to strike out:

Transportation of fractional silver coin: For transportation of fractional silver coin, by registered mail or otherwise, \$50,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, fractional silver coin when requested to do so: Provided, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

And to insert in lieu thereof the following:

Transportation of silver coin: For transportation of silver coin, including fractional silver coin by registered mail or otherwise, \$125,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so: Provided, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

The amendment was agreed to.

The reading was continued to line 15 on page 53.

Mr. ALLISON. On page 53, line 13, by direction of the committee, I move to strike out "five," before "hundred," and insert "six;" and after the word "dollars" to strike out the words "and two at \$1,350 each" and insert:

One at \$1,400 and one at \$1,200.

So as to make the paragraph read:

Custody of dies, rolls, and plates: For pay of custodian of dies, rolls, and plates used at the Bureau of Engraving and Printing for the printing of Government securities, namely: One custodian, \$3,000; two subcustodians, one at \$2,000 and one at \$1,800; three distributors of stock, one at \$1,600, one at \$1,400, and one at \$1,200; in all, \$11,000.

This is a recommendation of the Secretary of the Treasury sent to the chairman this morning, and it does not change the

The amendment was agreed to.

Mr. ALLISON. I move that the letter of the Secretary of the Treasury be printed as a document.

The motion was agreed to.

The reading was resumed. The next amendment was, at the top of page 54, to insert:

General inspector of supplies for public buildings: For one general inspector, under the direction of the Secretary of the Treasury, to be appointed by the President, by and with the advice and consent of the Senate, who may be required to inspect public buildings under the control of the Treasury Department, and report on the efficiency of the custodians' forces, and the use of fuel, lights, water, miscellaneous supplies, and so forth, \$3,000: and for actual necessary traveling expenses, not exceeding \$2,000: in all, \$5,000.

The amendment was agreed to.

The next amendment was, on page 54, after line 10, to insert:

Inspector of furniture and other furnishings for public buildings: To enable the Secretary of the Treasury to employ a suitable person to inspect all public buildings and examine into their requirements for furniture and other furnishings, including fuel, lights, personal services, and other current expenses, \$2,500; and for actual necessary traveling expenses, including actual traveling expenses of assistant, not exceeding \$3,000; in all, \$5,500.

The amendment was agreed to.

The next amendment was, on page 54, after line 19, to insert: For assistant inspector of furniture and other furnishings for public buildings, \$1,600.

The amendment was agreed to.

The next amendment was, on page 57, line 16, before the word "hundred," to strike out "eight" and insert "seven;" so as to

Customs service: To defray the expenses of collecting the revenue from customs, \$3,700,000, being additional to the permanent appropriation for this purpose for the fiscal year ending June 30, 1908.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the customs service, on page 58, line 9, before the word "all," to strike out "seven" and insert "eight;" so as to read:

And from and after the close of the fiscal year 1908 all sums received from fines, penalties, and forfeitures, connected with the customs, and from fees paid into the Treasury by customs officers, and from storage, cartage, drayage, labor, and services, shall be covered into the Treasury as are other miscellaneous receipts.

The amendment was agreed to.

The next amendment was, on page 59, line 8, to increase the appropriation for expenses of local appraisers' meetings from \$1,200 to \$1,500.

The amendment was agreed to.

The next amendment was, under the subhead "Light-houses, beacons, and fog signals," on page 63, after line 14, to insert:

For the purchase of land as an addition to the Prudence Island light station, Rhode Island, \$540.

The amendment was agreed to.

The reading was continued to line 6, on page 65.

Mr. FRYE. I am kept absent from the Senate on a confer-

ence committee, and I have two or three important amendments that I desire to offer to the bill. I should like the Senator from Maine to consent that I shall present them now.

Mr. HALE. The Senator is so busy on the river and harbor

bill that I yield to him for that purpose.

The VICE-PRESIDENT. The Senator from Maine proposes amendments, which will be stated. At what point in the bill does the Senator from Maine desire to have the amendments in-

Mr. FRYE. They may as well come in on page 42, before the words "Engraving and Printing," at the bottom of the

The Secretary. On page 42, after line 21, it is proposed to insert:

Toward the construction of one steam revenue cutter of the first class for duty in Puget Sound and adjacent waters, as authorized by the provisions of Senate bill No. 925, and passed by both branches of Congress, \$125,000, to be immediately available; and the Secretary of the Treasury is hereby authorized to enter into a contract or contracts for such construction, at a cost not to exceed \$225,000, the limit fixed in the bill referred to.

The amendment was agreed to.

The Secretary. It is proposed to insert after the preceding amendment:

Toward the construction of one steam revenue cutter of the first class for duty at Savannah, Ga., and adjacent waters on the Atlantic coast, as authorized by the provisions of Senate bill No. 925 and passed both branches of Congress, \$100,000, to be immediately available; and the Secretary of the Treasury is hereby authorized to enter into a contract or contracts for such construction at a cost not to exceed \$200,000, the limit fixed by said bill.

The amendment was agreed to.

The Secretary. It is proposed to insert after the preceding amendment:

For the construction of an able, sea-going tug for the United States Revenue-Cutter Service, for duty at New Bedford, Mass., and adjacent waters on the Atlantic coast, as authorized by the provisions of Senate bill No. 925 and passed by both branches of Congress, \$175,000, to be immediately available; and the Secretary of the Treasury is hereby authorized to enter into a contract or contracts for such construction, at a cost not to exceed the sum named.

The amendment was agreed to.

The Secretary. It is proposed to insert after the preceding amendment:

For the construction of one boarding vessel for the United States Revenue-Cutter Service, for duty at New Orleans, La., and adjacent waters, as authorized by the provisions of Senate bill No. 925 and passed by both branches of Congress, \$50,000, to be immediately available; and the Secretary of the Treasury is hereby authorized to enter into a contract or contracts for such construction, at a cost not to exceed the sum named.

The amendment was agreed to.

Mr. ALLISON. I suggest to the Senator from Maine that he strike out the words "and passed by both branches of Congress" in each of the items.

Mr. FRYE. Those words may just as well be stricken out, and also the words "as authorized by Senate bill," etc.

The VICE-PRESIDENT. Without objection, that change will be made in the amendments just agreed to.

Mr. FRYE. I ask that the letter of the Secretary of the Treasury may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> TREASURY DEPARTMENT Office of the Secretary, Washington, February 26, 1907.

Hon. WILLIAM P. FRYE, United States Senate.

United States Senate.

Sir: I have to transmit herewith amendments to the bill making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, now pending in the Senate, for the construction of four new vessels for the United States Revenue-Cutter Service, and to state that the provisions of Senate bill 925, authorizing the construction of said vessels, has passed both branches of Congress.

The full sum authorized for the seagoing tug for New Bedford, Mass. (\$175,000), and that authorized for the boarding boat for New Orleans, La. (\$50,000), should be appropriated at this session.

Of the amount of \$225,000 authorized for the revenue cutter for duty on Puget Sound, the sum of \$125,000 should be appropriated at this session, and of the \$200,000 for the construction of the steam cutter at Savannah, Ga., \$100,000 should be appropriated at this time to enable the Department to enter upon the work of their construction.

I have respectfully to request that you cause these amendments to be added to the sundry civil bill now pending in the Senate to cover these cases.

Respectfully,

L. M. Shaw, Secretary.

Mr. FRYE. I am obliged to the Senator from Maine.

Mr. CULBERSON. Are individual amendments in order

The VICE-PRESIDENT. They are not yet in order. The Secretary will continue the reading of the bill.

The Secretary resumed the reading of the bill at page 65,

line 7. The next amendment was, on page 66, after line 23, to insert:

Point Cabrillo light and fog-signal station, California: For establishing a light and fog-signal station at Point Cabrillo, about 4 miles north of Mendocino city, Pacific Ocean, California, \$25,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 67, after line 6, to insert:

For the following additional aids to navigation authorized by the act approved February —, 1907, namely:
For tender for use in the third light-house district, \$25,000.
For tender for use in Porto Rican waters, and elsewhere as may be directed, \$200,000.
For relief light-vessel for the fourth light-house district, \$115,000.
For beacon lights at La Trappe River, Maryland, \$10,000.
For wharf for buoys and other light-house material at O and Water streets in the city of Washington, D. C., in place of the old wharf, \$30,000. \$30,000

streets in the city of Washington, D. C., in place of the old wharf, \$30,000.

For tender for use in the seventh light-house district, \$200,000.

For tender for use in the eighth light-house district, \$60,000.

For tender for use in the eighth light-house district, \$60,000.

For light station to take the place of the Horn Island light destroyed by storm, \$10,000.

For light and fog-signal station at White Shoal, north end of Lake Michigan, to take the place of the light-vessel now maintained there, \$250,000.

Post lights on Fox River, Lake Winnebago and connecting lakes and channels, \$500.

For light and fog-signal station at or near Split Rock, near Beaver Bay, Lake Superior, \$75,000.

For range lights at Grand Island Harbor, Munising, Lake Superior, Michigan, \$15,000.

For relief light-vessel for use on the Pacific coast, \$130,000.

For light and fog-signal station at Carquinez Strait, between San Pablo Bay and Suisun Bay, California, \$50,000.

For light and fog-signal station on the north shore of Molokai Island, Hawaii, \$60,000.

For steam tender for the Light-House Service in Hawaiian and Pacific islands waters, \$215,000.

For rebuilding and equipment of a light-house and fog signal at Cape Arago, Oregon, \$20,000.

For rebuilding and equipment of a light-house district, \$60,000.

For new tender for use in the fifteenth light-house district, \$60,000.

For ten light keepers' dwellings and appurtenant structures, including sites therefor, at a cost not to exceed \$7,500 at any one station, \$75,000.

The amendment was agreed to.

The next amendment was, under the subhead "Light-House Establishment," on page 70, line 16, to increase the appropriation for repairs of light-houses from \$800,000 to \$825,000.

The amendment was agreed to.

The next amendment was, on page 70, line 22, to increase the appropriation for salaries of keepers of light-houses from \$950,000 to \$1,000,000.

The amendment was agreed to.

The next amendment was, on page 71, line 11, to increase the appropriation for expenses of buoyage from \$650,000 to \$700,000.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in the item of appropriation for lighting of rivers, on page 72, line 15, after the words "Lake Superior," to insert "Lake of the Woods, including Rainy River;" and in line 21, before the word "thousand," strike out "fifty" and insert "seventy-five;" so as to read:

On Puget Sound, Washington Sound, and adjacent waters, Washington; and the channels in St. Louis and Superior bays, at the head of Lake Superior; Lake of the Woods, including Rainy River; in Alaskan waters and Hawaiian waters; the Light-House Board being hereby authorized to lease the necessary ground for all such lights and beacons as are for temporary use or are used to point out changeable channels, and which in consequence can not be made permanent, \$375,000.

The amendment was agreed to.

The next amendment was, on page 73, line 2, to increase the appropriation for oil houses for light stations from \$15,000 to \$25,000.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Department of Commerce and Labor," on page 96, line 16, to increase the appropriation for the salary of the chief of division of naturalization in the Bureau of Immigration and Naturalization from \$3,500 to \$4,000.

The amendment was agreed to.

The next amendment was, on page 96, line 23, to increase the total appropriation for the Bureau of Immigration and Naturalization from \$36,460 to \$36,960.

The amendment was agreed to.

The next amendment was, on page 96, after line 23, to insert:

For compensation and per diem in lieu of subsistence, to be fixed by the Secretary of Commerce and Labor, of special agents for the purpose of carrying on the work of the division of naturalization, as provided by the act approved June 29, 1906 (34 Stat. L., p. 596), subject to such rules and regulations as the Secretary of Commerce and Labor may prescribe, at a rate not to exceed \$4 per day in lieu of subsistence to each of said special agents, and also other officers and employees of the division of naturalization, for service in the United States, while absent from their official stations, which stations shall be stated in

each appointment of each of said agents, and for the actual necessary traveling expenses, including necessary Pullman-car service, \$50,000: Provided, That detailed estimates shall be submitted in the manner required by law for appropriations required to meet this object during the fiscal year 1909 and thereafter.

The amendment was agreed to.

The next amendment was, on page 97, after line 16, to insert:

For additional assistants, clerical and otherwise, necessary to establish and maintain a division of information in the Burean of Immigration and Naturalization, Department of Commerce and Labor, until June 30, 1908, \$50,000, which shall be paid from the permanent appropriation for expenses of regulating immigration: Provided, That detailed estimates shall be submitted in the manner required by law for appropriations required to meet this object during the fiscal year 1909 and thereafter.

The amendment was agreed to.

The next amendment was, on page 98, after line 2, to insert:

To enable the President to ascertain when the conditions exist under which, by the last proviso of the section of the act "to regulate the immigration of aliens into the United States," approved February 20, 1907, it is made his duty to refuse to permit the aliens therein described to enter the continental territory of the United States, \$5,000, to be paid from the permanent appropriation for expenses of regulating immigration. immigration.

The amendment was agreed to.

The next amendment was, on page 98, line 18, before the word "to," to strike out "Census Office;" and in the same line, after the word "out," to strike out "under the Census Office;" so as to make the clause read:

To carry out the provisions of the act to authorize the Secretary of Commerce and Labor to investigate and report upon the industrial, social, moral, educational, and physical condition of woman and child workers in the United States, approved January 29, 1907, \$150,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Under the Department of the Interior," on page 99, after line 19, to insert:

Toward the construction of the fireproof building for committee rooms and offices for the United States Senate provided for in the sundry civil act approved April 28, 1904, including not exceeding \$50 for the purchase of necessary technical books, \$720,000.

The amendment was agreed to.

The next amendment was, on page 101, after line 6, to insert: For fireproof metal cases for the office of the clerk of the Supreme Court of the United States, \$7,500.

The amendment was agreed to.

The next amendment was, on page 101, after line 9, to insert:

For installation of additional ventilating fan and motor in attic of enate Chamber, construction of housing, labor, material, and all necesary expenses in connection therewith, \$3,000.

The amendment was agreed to.

The next amendment was, on page 102, in line 9, after the side heading "New Freedmen's Hospital building," to insert:

For completion of building in everything necessary for occupation, \$114,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Surveying the public lands," on page 110, line 9, after the word "necessary," "to be immediately available;" so as to make the to insert clause read:

To provide for the resurvey and marking with permanent monuments of the eastern boundary line of Wyoming from the southeast corner of said State to the intersection of said boundary with the boundary line between the States of South Dakota and Nebraska, \$15,000, or so much thereof as may be necessary, to be immediately available.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the subhead "United States Geological Survey," on page 112, line 5, after the word "United States," to insert "gauging streams and determining the water supply;" so as to read:

Supply; So as to read:

For general expenses of the Geological Survey: For the Geological Survey and the classification of the public lands and examination of the geological structure, mineral resources, and the products of the national domain, to continue the preparation of a geological map of the United States, gauging streams and determining the water supply, and for surveying forest reserves, including the pay of necessary elerical and scientific force and other employees in the field and in the office at Washington, D. C., and all other absolutely necessary expenses, including telegrams, furniture, stationery, telephones, and all other necessary articles required in the field to be expended under the direction of the Secretary of the Interior.

The amountment was agreed to

The amendment was agreed to.

The next amendment was, on page 112, line 17, after the word "to," to insert "and for the use of;" so as to make the clause

For the continuation of the investigation of structural materials belonging to and for the use of the United States, such as stone, clays, cement, and so forth, under the supervision of the Director of the United States Geological Survey, to be immediately available, \$100,000.

The amendment was agreed to.

The next amendment was, on page 113, line 1, after the words "two hundred," to insert "and fifty;" so as to make the clause

For the continuation of the analyzing and testing of the coals, lig-nites, and other mineral fuel substances belonging to the United States,

in order to determine their fuel value, and so forth, under the supervision of the Director of the United States Geological Survey, \$250,000.

The amendment was agreed to.

Mr. HALE. I offer the amendment which I send to the desk, to come in at the end of the clause just acted upon.

The VICE-PRESIDENT. The amendment proposed by the Senator from Maine will be stated.

The Secretary. On page 113, at the end of line 2, after the word "dollars," it is proposed to insert:

word "dollars," it is proposed to insert:

Provided, That in examinations hereby authorized of fuel materials for the use of the Government of the United States or for the purpose of increasing the general efficiency or available supply of the fuel resources in the United States the Director of the Geological Survey may have the necessary materials collected from any part of the United States where they represent extensive deposits; and it shall be the duty of the Director of the Geological Survey to have examined, without charge, the fuels required for use by the Government of the United States and to give these examinations preference over other work:

Provided further, That in publishing the results of these investigations the materials examined shall not be credited to any private party or corporation, but shall be collected and described as representing such extensive deposits.

The amendment was agreed to.

The next amendment was, on page 113, after line 2, to insert:

For the continuation of the investigation of the black sands of the United States, and especially processes for the electric smelting of iron ores, to be immediately available, \$25,000.

The amendment was agreed to.

The next amendment was, on page 113, after line 6, to insert:

For gauging the streams and determining the water supply of the United States and for the investigation of underground currents and artesian wells and the preparation of reports upon the best methods of utilizing the water resources, \$150,000.

The amendment was agreed to.

The next amendment was, on page 115, line 2, to increase the total appropriation for the United States Geological Survey from \$1,295,020 to \$1,520,020.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Department of the Interior," on page 115, after line 14, to insert:

General Land Office: For continuation to December 31, 1907, of the work of reproducing the official records of the offices of the surveyor-general and register and receiver at San Francisco, Cal., which were destroyed by earthquake and fire on the 18th day of April, 1906, \$25,200

The amendment was agreed to.

The next amendment was, on page 115, after line 21, to insert:

For the continuation of the rent from July 1, 1907, to December 31, 1907, for temporary offices for the General Land Office and for the purchase of typewriters, furniture, stationery, and other drafting supplies, and for the binding of plats and field notes, constituting the reproduced records of the office of the surveyor-general of California, authorized by the act of June 22, 1906, \$2,000.

The amendment was agreed to.

The reading was continued to the end of the clause, from line 9 to line 12, on page 117, making an appropriation of \$7,500 for the Mesa Verde National Park, Colorado.

Mr. ALLISON. In that clause, on page 117, line 12, after the word "dollars," I move to insert "to be immediately avail-

The amendment was agreed to.

The next amendment was, on page 119, line 14, after the word "purposes," to insert "and reindeer;" so as to make the clause

That all expenditure of money appropriated herein for school purposes and reindeer in Alaska shall be under the supervision and direction of the Commissioner of Education and in conformity with such conditions, rules, and regulations as to conduct and methods of instruction and expenditure of money as may from time to time be recommended by him and approved by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 133, line 8, before the word "dollars," to strike out "eighty" and insert "eighty-five;" and in line 11, before the word "dollars," to strike out "four hundred and eighty" and insert "five hundred and ten;" so as to make the clause read:

For lighting six are electric lights in Executive Mansion grounds within the iron fence, at not exceeding \$85 per light per annum, which shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in said grounds, \$510.

The amendment was agreed to.

The next amendment was on page 133, line 13, before the word "dollars," to strike out "eighty" and insert "eighty-five;" and in line 16, before the word "dollars," to strike out "four hundred and eighty" and insert "five hundred and ten;" so as to make the clause read:

For lighting six arc electric lights at the propagating gardens, at not exceeding \$85 per light per annum, which sum shall cover the entire cost of lighting and maintaining in good order each of said arc electric lights, \$510.

The amendment was agreed to.

The next amendment was, on page 133, line 22, before the word "dollars," to strike out "eighty" and insert "eighty-five;" and on page 134, line 1, before the word "hundred," to strike out "four" and insert "eight;" so as to make the clause read:

For lighting arc electric lights in public grounds as follows: For seven in grounds south of the Executive Mansion, thirty-two in Lafayette, Franklin, Judiciary, and Lincoln parks, fourteen in grounds south of Executive Mansion and in Monument Park, and twenty-seven in Potomac Park driveway, at not exceeding \$85 per light per annum, which sum shall cover the entire cost of lighting and maintaining in good order each of said arc electric lights; in all, \$6,800, one half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

The amendment was agreed to.

The next amendment was, under the subhead "National cemeteries," on page 144, after line 22, to insert:

Road to national cemetery, Keokuk, Iowa: For repairs to the approach roadway to the Keokuk, Iowa. National Cemetery, \$1.500: Provided, That the city of Keokuk deeds to the United States, free of charge, the land over which the road extends: And provided further, That the city of Keokuk improve and agree to maintain in proper repair the road leading south from the main driveway of the city cemetery to the point where the Government road begins, \$1,500.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 146, line 21, after the word "enlargement," to insert "of buildings;" in line 22, before the word "military," to insert "such;" in the same line, after the word "posts," to strike out "of such buildings;" and in line 25, before the word "dollars," to strike out "five hundred and forty-one thousand eight hundred and seventy-five" one million;" so as to make the clause read:

Military posts: For the construction and enlargement of buildings at such military posts as, in the judgment of the Secretary of War, may be necessary, \$1,000,000; but no part of the money appropriated for military posts shall be used for the purchase of any land, nor for the establishment of any military prison.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 150, line 17, before the word "thousand," to strike out "ten" and insert "twenty;" and in line 20, before the word "thousand," to strike out "forty" and insert "fifty;" so as to make the clause read:

Chickamauga and Chattanooga National Park: For continuing the establishment of the Chickamauga and Chattanooga National Park, the purchase of small tracts of lands hertofore authorized by law, including \$20,000 for improving the road owned by the Government from Stevens Gap by way of Davis's Cross Roads to Crawfish Springs in the park; in all, \$50,000.

The amendment was agreed to.

The next amendment was, on page 153, after line 10, to

To reimburse Providence Hospital, in the District of Columbia, for expenses incurred in the reconstruction of the Providence Hospital buildings, in square No. 764, in the District of Columbia; \$130.629.67, one half to be paid by the United States and the other half out of the revenues of the District of Columbia; Provided, That if the said property be sold or diverted from use expressed in the act of Congress entitled "An act to incorporate Providence Hospital, of the city of Washington, D. C.," approved April 18, 1864, all money advanced by the United States and the District of Columbia on account of the reconstruction of any of the buildings on said square shall be first paid out of the proceeds thereof into the United States Treasury to reimburse the sums heretofore appropriated and hereby appropriated.

The amendment was agreed to

The amendment was agreed to.

The next amendment was, on page 155, after line 5, to insert:

Jamestown Exposition: The sum of \$15.000 appropriated by the act of March 3, 1905, making appropriations for sundry civil expenses of the Government, for permanent moorings for the use of vessels participating in the international naval, marine, and military celebration, subject to the approval of the Secretary of the Navy, or so much of said sum as may be necessary, may be expended to provide, place, and maintain in Hampton Roads and adjacent waters additional and temporary beacons and buoys to mark the anchorages and channels and for other purposes connected with the use of the anchorage grounds and channels during the Jamestown Exposition.

The amendment was agreed to.

The next amendment was, under the subhead "National Home for Disabled Volunteer Soldiers, Pacific Branch," on page 164, after line 11, to insert:

For additional pipe line to water system, \$6,500; For iron fence, \$8,325.

The amendment was agreed to.

The next amendment was, on page 164, line 18, to increase the total appropriation for the maintenance of the National Home for Disabled Volunteer Soldiers, Pacific Branch, at Santa Monica, Cal., from \$395,200 to \$410,025.

The amendment was agreed to.

The next amendment was, on page 169, line 9, to increase the total appropriation for the maintenance of the National Homes for Disabled Volunteer Soldiers from \$4,476,544 to \$4,491,369.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the head of "Department of State," on page 171, line 18, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

American National Red Cross Society: To enable the American National Red Cross to be represented at the forthcoming conference of Red

Cross societies at London during the week beginning Monday, June 10, 1907, \$3,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 173, line 18, to increase the appropriation for the erection of a court-house and jail at Nome, Alaska, from \$20,000 to \$30,000.

The amendment was agreed to.

The next amendment was, on page 177, line 23, after the word "dollars," to strike out:

"dollars," to strike out:

Provided, That no part of this appropriation shall be available unless the said Spanish Treaty Claims Commission shall, within sixty days from the passage of this act, ascertain the average cost of taking the claimant's evidence, including cross-examination of claimant's witnesses, in all cases heretofore tried, which average shall be computed by first ascertaining the average cost of taking evidence, per page, by dividing the whole sum expended from appropriations under this head by the total number of pages of evidence taken in all cases and multiplying this cost per page by the number of pages of claimant's evidence taken in cases heretofore tried and dividing this by the number of cases so tried, and having so ascertained the average cost of taking claimant's evidence, shall, by rule, require every claimant to pay, in the first instance, the costs of taking his evidence at such average price per page, and to deposit with the clerk of the Commission within thirty days, for the purpose of paying such costs, the amounts so found to be the average cost of taking claimant's evidence, and that upon failure of any claimant to make such a deposit within the time so limited, his claim shall be dismissed with prejudice.

And insert:

And insert:

Provided, That no part of this appropriation shall be available unless the Spanish Treaty Claims Commission shall fix a price per page for depositions taken in Cuba such as would be fair and reasonable under ordinary conditions, and require the cost of any deposition taken in behalf of a claimant to be paid before such deposition is delivered to bim

So as to make the clause read:

Spanish Treaty Claims Commission: For expenses of taking testimony abroad, \$25,000: Provided, That no part of this appropriation,

The amendment was agreed to.

The next amendment was, on page 192, line 3, after the word dollars," to insert "to be immediately available;" so as to " dollars," make the clause read:

For appliances necessary to the increase in industries, including making of brick and blacksmithing, \$8,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 192, line 9, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For extraordinary repairs to buildings and to steam heating plant, and for approaches to new buildings, \$4,000, to be immediately avail-

The amendment was agreed to.

The next amendment was, under the head of "Under legislative," on page 193, line 13, before the word "Precedents," to strike out "Hind's" and insert "Hinds';" so as to read:

Parliamentary precedents: That there be printed and bound 2,500 ppies of Hinds' Precedents of the House of Representatives of the copies of Hir United States

The amendment was agreed to.

The next amendment was, under the head of "Public printing and binding," on page 198, line 16, after the word "dollars," to insert the following proviso:

Provided, That nothing in section 2 of the sundry civil appropriation act for the fiscal year ending June 30, 1907, shall hereafter be held to apply to so much of the printing and binding as is necessary to expedite the work of that branch of The Military Secretary's Office that was formerly known as the Record and Pension Office of the War Department.

The amendment was agreed to.

The next amendment was, under the head of "The isthmian canal," on page 205, after line 11, to insert:

To pay the outstanding 4½ per cent first-mortgage bonds of the Panama Italiway Company October 1, 1907, \$2,298,367.50, to be reimbursed to the Treasury of the United States, as provided for appropriations herein made for the isthmian canal.

The amendment was agreed to.

The next amendment was, on page 206, line 17, to increase the total appropriation for the construction of the isthmian

canal from \$24.863,000 to \$27,161,367.50.

Mr. CULBERSON. Mr. President, the amendment proposes an increase of something like \$3,000,000, and yet there is no pre-ceding amendment under the head of "Isthmian canal" except that on page 205, providing for the payment of the outstanding 41 per cent first-mortgage bonds of the Panama Railway Company. So I ask the Senator in charge of the bill where this aggregate increase of something over \$3,000,000 comes from?

Mr. HALE. It is \$2,200,000, and is accounted for by the

amendment on page 205.

Mr. CULBERSON. The amendment to which I have just

referred?

Mr. HALE.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in section 4, on page 208, line 19, after the word "act,"

And that any unexpended balance of the appropriation in the said bill "To continue the reequipment of the Panama Railroad" may be paid to the Panama Railroad Company to reimburse that company for direct expenditures for equipment and construction: Provided, That all expenses so reimbursed shall first be audited in all respects as if disbursed directly under the Commission.

So as to make the section read:

Sec. 4. That \$100,000 of the said appropriation for the fiscal year 1907, "For skilled and unskilled labor on the Isthmus for the departments of construction and engineering and administration," shall be transferred to the appropriation "For skilled and unskilled labor engaged in the health and sanitation department on the Isthmus of Panama" of the same act; that \$300,000 of the said appropriation "For skilled and unskilled labor on the Isthmus for the departments of construction and engineering and administration," shall be transferred to the appropriation "For miscellaneous expenditures" for the same departments, of the same act: that \$50,000 of the appropriation "For pay of officers and employees other than skilled and unskilled labor on the Isthmus, for the construction and engineering and administration departments," shall be transferred to the appropriation "For pay of officers and employees other than skilled and unskilled labor engaged in the health and sanitation department on the Isthmus," of the same act.

Mr. CULBERSON. I will ask the Senator from Maine if the

Mr. CULBERSON. I will ask the Senator from Maine if the amendment is the one to which attention has been invited by the Senator from Alabama [Mr. Morgan] in a communication to the Committee on Appropriations?

Mr. HALE. It was struck out to meet that suggestion, and will be considered fully in conference. That is the reason for

its being struck out.

Mr. CULBERSON. I ask leave, then, at this point to insert in the Record a copy of the letter of the Senator from Alabama to the committee on this question.

I am very glad the Senator has done that. Yes. The VICE-PRESIDENT. Without objection, the letter will be inserted in the RECORD without being read.

The letter referred to is as follows:

UNITED STATES SENATE, COMMITTEE ON PUBLIC HEALTH AND NATIONAL QUARANTINE, Washington, D. C., February 25, 1907.

To the Chairman and Members of the Senate Committee on Appropriations.

GENTLEMEN: In the sundry civil bill, as passed by the House, is the following provision, inserted as an amendment:

GENTLEMEN: In the sundry civil bill, as passed by the House, is the following provision, inserted as an amendment:

The Clerk read as follows:

"Spc. 4. That \$100,000 of the said appropriation for the departments of construction and engineering and administration,' shall be transferred to the appropriation 'For skilled and unskilled labor engaged in the health and sanitation department on the Isthmus of Panama' of the same act; that \$300,000 of the said appropriation 'For skilled and unskilled labor on the Isthmus for the departments of construction and engineering and administration,' shall be transferred to the appropriation 'For miscellaneous expenditures' for the same departments, of the same act; that \$50,000 of the appropriation 'For pay of officers and employees other than skilled and unskilled labor on the Isthmus, for the construction and engineering and administration departments,' shall be transferred to the appropriation 'For pay of officers and employees other than skilled and unskilled labor on the Isthmus, for the construction and engineering and administration departments,' shall be transferred to the appropriation 'For pay of officers and employees other than skilled and unskilled labor engaged in the health and sanitation department on the Isthmus,' of the same act; and that any unexpended balance of the appropriation in the said bill 'To continue the reequipment of the Panama Railroad' may be paid to the Panama Railroad Company to reimbuse that company for direct expenditures for equipment and construction: Provided, That all expenses so reimbursed shall first be audited in all respects as if disbursed directly under the Commission."

Mr. Tawney. Mr. Chairman, on line 13, page 194, I move to strike out the word "eight" and insert the word "eyen."

The Chairman. The Clerk will report the amendment.

The Clerk read as follows:

"On line 13, page 194, strike out the word 'eight' and insert the word 'eyeven."

The amendment was agreed to.

I wish to suggest objections to the clause in that amendm

I wish to suggest objections to the clause in that amendment

which reads as follows

"And the unexpended balance of the appropriation in said bill 'To continue the reequipment of the Panama Railroad' may be paid to the Panama Railroad Company to reimburse that company for direct expenditures for equipment and construction: Provided, That all expenses so reimbursed shall first be audited in all respects as if disbursed directly under the Commission."

A point of order, as well as a point of fact, as to this provision is, that there is not in existence any such legal corporation, company, or entity as the Panama Railroad Company, with power to exercise any of its charter functions; and the Senate has so voted and declared in the passage, by its unanimous vote in the present session, in Senate bill No. 6539, of which a copy is herewith submitted.

This bill is based upon Senate Report No. 5179, also herewith

submitted, which declares that the Panama Railroad Company, a New York corporation, chartered in 1849, has no longer a legal existence with any powers for conducting the business for which it was chartered. It can not, as a corporation, give a valid receipt to any officer of the United States for the money appropriated in the House amendment to the sundry civil bill above It can not enter into a legal audit with the Isthmian Canal Commission of any direct or other expenditures it has made for equipment or construction of the Panama Railroad or for their reimbursement.

The facts and the law which have caused this disability on the part of the Panama Railroad Company are clearly stated in the report of the Committee on Interoceanic Canals, herewith submitted, and need not be restated by the undersigned.

The honorable Secretary of War, in a written statement made before that committee, after presenting every argument that ingenuity could suggest to establish an existing legal vitality for the Panama Railroad Company, was compelled to characterize it as "an artificial entity." He had already established in that statement that he was the artificer of that legal myth, and he invented a new phase-" an artificial entity "-to give it even the form of actual existence. In doing this he did not fail to prove that it is not a legal entity.

The United States purchased and paid for every share of stock of the Panama Railroad Company and all of its property of every kind in America, and it was delivered with the treaty consent of the Government of Panama on the 9th day of May, 1904. The stock was deposited with the Secretary of War who, in order to create an "artificial entity" to exercise the powers that had belonged to the New York corporation, sold without any legal authority thirteen shares of \$100 each to as many men to qualify them for election by him as directors of the Panama Railroad Company. In order to have the board of directors under the control of the Isthmian Canal Commission, he thus attempted to qualify and elected each of the seven Commissioners as a member of the board of directors. In the same manner he qualified and elected six other persons as members of said board who were not commissioners

The sale of those shares of stock was only pro forma, and was revocable on the demand of the Secretary of War.

was not an actual or bona fide sale of stock in the railroad.

This "artificial entity" then proceeded as an independent corporation to assert ownership and control over all the property that had been owned, or that could be owned, or bought by the so-called "Panama Railroad Company." Its receipts and disbursements were near \$6,000,000 annually. All of these sums belonged to the United States, but no account of these was kept on the books of the Treasury of the United States, as is shown officially by statements of the Secretary of the Treasury which have been laid before the Senate and printed as public documents.

Several very important contracts have been made between the Canal Commission and this "artificial entity," including the charter parties of ships, the lending and borrowing of large sums of money, the purchase of coal for the canal at a profit, the issue and sale of bonds by the Panama Railroad Company, the purchase of commissary supplies for the canal employees, the Markel Hotel contract, and many other transactions and agreements that could only be made by competent parties, each deal-

ing with its own property, independently of the others.

The income of the railroad property, which must have netted as much as 6 per cent per annum on the money paid for it by the United States, has been thus added to the annual expenditures of the Commission for canal construction without appropriation by Congress, and without accounting for the same with the Treasury of the United States.

In these transactions the president of the Canal Commission has dealt with himself as the president of the Panama Railroad Company, while the Secretary of War has directed him in all things, both in his dealings with the "artificial entity" of the Panama Railroad Company and with the Isthmian Canal Commission.

Not only does the point of order above stated hold good against the House amendment above quoted, but it is new legislation, and is manifestly intended to exempt the Canal Commission and the so-called "Panama Railroad Company" from accounting with the Treasury Department for the money appropriated by said amendment.

But there is a question of proper government and of public policy and of proper accountability of public officers involved in

this legislation that rises far above any question of order.
When President Shonts, of the Canal Commission, has made his settlement of the "direct expenditures for the equipment and construction" with President Shonts of the "artificial entity," called the "Panama Railroad Company," these expenditures will be "audited in all respects as if disbursed by the Commission," and the railroad company will give the receipt of its president, Mr. Shonts, to Mr. Shonts, president of the Isthmian Canal Commission, and this expenditure will float off into the general accounts of the Canal Commission which the Treasury of the United States will never audit.

This appropriation is, evidently, a healing act to cure the irregularities of the vast dealings of the Panama Railroad Company with the Canal Commission, and to legalize the "artificial entity" which the Senate has voted to abolish.

I therefore respectfully urge that the Senate Committee on Appropriations will strike that part of the House amendment

that I have pointed out, from the bill.

I further suggest that the bill herewith submitted, No. 6539, should be placed as a Senate amendment on the sundry civil bill.

With great respect,

JNO. T. MORGAN.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 210, after line 18, to strike out section 11, as follows:

was, on page 210, after line 18, to strike out section 11, as follows:

Sec. 11. Hereafter all supplies of fuel, ice, stationery, and other miscellaneous supplies for the Executive Departments and other Government establishments in Washington, when the public exigencies do not require the immediate delivery of the article, shall be advertised and contracted for by the Secretary of Commerce and Labor, instead of by the several Departments and establishments, upon such days as he may designate. There shall be a general supply committee, composed of officers, one from each such Department and Independent establishment in Washington, designated by the head thereof, the duties of which committee shall be to make, under the direction of the said Secretary, an annual schedule of required miscellaneous supplies, to standardize such supplies, eliminating all unnecessary grades and varieties, and to aid said Secretary in soliciting bids based upon formulas and specifications drawn up by such experts in the service of the Government as the committee may see fit to call upon, who shall render whatever assistance they may require. The committee shall also aid said Secretary in securing the proper fulfillment of the contracts for such supplies, for which purpose the said Secretary shall prescribe, and all Departments comply with, rules for examining and testing the articles received; in making additions to the said schedule, in opening and considering the bids, and shall perform such other similar duties as he may assign to them: Provided, That the articles intended to be purchased in this manner are those in common use by or suitable to the ordinary needs of two or more such Departments or establishments; but the said Secretary shall have discretion to add to the annual common supply schedule from time to time any articles that, in his judgment, can as well be thus purchased: And provided further, That telephone service and electric light and power service shall be so obtained by him. Every purchase or drawing of such suppl

And to insert in lieu thereof the following:

SEC. 11. For acquiring pieces or parcels of land for parks in the District of Columbia, as follows:

For those pieces and parcels of land lying east of Massachusetts avenue extended, north of Rock Creek and west of Woodley Park, containing 99 acres, more or less, \$375,000.

For the several parcels of ground included between Euclid street, Columbia avenue or Fifteenth street, W street or Florida avenue, and Sixteenth street extended, containing 437,000 square feet, more or less, \$475,000.

For the several parcels of ground lying near the intersection of Branch avenue and Pennsylvania avenue southeast, known as the Carpenter tract and the Pennsylvania Avenue Heights tract, containing 122 acres, more or less, \$150,000.

For the tract of land known as Montrose, lying immediately north of road of U street and east of Lovers Lane on Georgetown Heights, containing 16 acres, more or less, \$140,000: Provided, That one-half of the above-named sums, or so much thereof as may be expended, shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia in four equal annual installments with interest at the rate of 3 per cent per annum upon the deferred payments. And the Commissioners of the District of Columbia are hereby authorized and directed to acquire said park or parks by purchase at such sum or sums as they deem reasonable, not to exceed in any case the respective sums above provided for each park.

The amendment was agreed to.
The reading of the bill was concluded.

Mr. HALE obtained the floor. Mr. CLAY. Mr. President-

Mr. HALE. I have some committee amendments to offer.

Mr. CLAY. Has the last amendment been agreed to?

The VICE-PRESIDENT. The committee amendments have been agreed to.

Mr. CLAY. I desire the amend be considered open for a moment. I desire the amendment on pages 212 and 213 to

Mr. HALE. I have certain committee amendments to propose.

The VICE-PRESIDENT. The Senator from Maine proposes an amendment, which will be stated.

The Secretary. On page 160, after line 25, insert:

For improvement of sewerage and drainage system, \$45,000.

The amendment was agreed to.

Mr. HALE. On page 67, after line 9, I move to insert:

Second light-house district: For a light vessel for use near the eastern end of Hedge Fence Shoal, entrance to Vineyard Sound, Massachusetts, at a cost not to exceed \$115,000.

The amendment was agreed to.
Mr. HALE. On the same page, after line 11, I move to insert:

A light and fog-signal station at or near the west end of the draw in the Lehigh Valley Railroad bridge at Passaic, N. J., at a cost not to exceed \$15,000.

The amendment was agreed to.

Mr. HALE. On page 9, after line 14, I move to insert:

Erie, Pa., post-office: For additional land, \$5,000.

The amendment was agreed to.

Mr. HALE. On page 154, after line 10, I move to insert:

For renewal of plumbing, \$6,500.

The amendment was agreed to.

Mr. HALE. On page 172, after line 13, I move to insert:

Rent of buildings, Department of Justice: For the rent of buildings and parts of buildings in the District of Columbia, used by the Department of Justice, \$1,800.

The amendment was agreed to.

Mr. HALE. I move to insert, after the preceding amend-

Contingent expenses, Department of Justice, furniture and repairs: For furniture and repairs, additional, \$1,000.

The amendment was agreed to.

Mr. HALE. I move to insert, after the preceding item:

Contingent expenses, Department of Justice, miscellaneous items: For miscellaneous expenditures, including telegraphing, fuel, lights, foreign postage, labor, repairs of buildings, care of grounds, books of reference, periodicals, typewriters, exchange of same, and other necessaries directly ordered by the Attorney-General, additional, \$3,000.

The amendment was agreed to.

Mr. HALE. On page 9, after line 22, I move to strike out all of the paragraph with reference to the Fairmont, W. Va., postoffice and to insert:

That the Secretary of the Treasury is hereby authorized to expend not to exceed the sum of \$25,000 from the sum already authorized for the limit of the cost of the public building at Fairmont, W. Va., for the purchase of a site.

The amendment was agreed to.

Mr. HALE. The Senator from Iowa has an amendment to

Mr. ALLISON. On page 147, after line 19, on behalf of the committee, I propose the following amendment:

Fort Sheridan: That the act making appropriations for sundry civil expenses of the Government, approved April 28, 1904, be so amended as to make the funds appropriated for the enlargement of the reservation for Fort Sheridan available, with the approval of the Secretary of War, for the purchase of a tract of land containing approximately 11a acres on the northeast corner of the reservation in addition to that for the purchase of which provision is made in said act.

The amendment was agreed to.

Mr. ALLISON. On page 23, line 14, after the word "dollars,"
I move to strike out the word "including" and to insert "exclusive of;" and in line 15 to strike out "but inclusive" and insert the word "and;" so as to read:

Richmond, Va., post-office, court-house, and custom-house: For continuation of reconstruction and enlargement of building under present limit, \$260,000, and the Secretary of the Treasury is hereby authorized to enter into contracts for reconstructing and enlarging the building at a total cost not to exceed \$500,000, exclusive of the sums herein and heretofore appropriated and of the cost of site.

The amendment was agreed to.

Mr. HALE. On page 67, after line 2, I move to insert:

For the construction of a light-house and fog-signal station of the second order, together with a keeper's house and all necessary equipment, under plans prepared by the Light-House Board, to be located at the easterly end of Gull Island, Apostle Group, westerly end of Lake Superior, Wisconsin, to be expended under the direction of the Secretary of Commerce and Labor, \$100,000, or so much thereof as may be neces-

The amendment was agreed to.

Mr. SPOONER. On page 104, line 10, I move to strike out
"two hundred and fifty" and insert "five hundred;" so as to
read: "and indemnity for swamp lands, \$500,000."

The VICE-PRESIDENT. Without objection, the amendment

will be agreed to.

Mr. TELLER. Mr. President, I object, and I desire to be heard on the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. TELLER. If it is persisted in, of course there will be

a long debate. We have had that question up and we have discussed it before.

Mr. HALE. The amendment will cause very wide debate, and I hope the Senator from Wisconsin will not press it.

Mr. CULBERSON. Let the amendment be read.

The Secretary. On page 104, under the heading "Depredations on public timber, protecting public lands, and settlement of claims for swamp land and swamp-land indemnity," line 10, before the word "thousand," it is proposed to strike out "two hundred and fifty" and insert "five hundred;" so as to read

five hundred thousand dollars."

Mr. SPOONER. Let the Secretary read what precedes it. The Secretary. As proposed to be amended the clause would read as follows:

To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, \$500,000.

Let us have a vote, Mr. President. Mr. HALE.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. SPOONER. I think the amendment ought to be adopted. I understand from the Senator from Maine, who has the bill in charge, that it will lead to very elaborate debate, and he is of the opinion that it will possibly endanger the bill.

Mr. HALE. Yes.
Mr. SPOONER. Of course, under the circumstances, I do not feel like pressing the amendment. I withdraw it.
The VICE-PRESIDENT. The Senator from Wisconsin with-

draws the amendment.

Mr. HANSBROUGH. I direct the attention of the Senator from Maine in charge of the bill to page 113, line 13—the provision relative to topographical surveys. For several years past it has been customary to appropriate \$350,000 for these surveys. The House, inadvertently, as I understand it, cut down the appropriation for topographical surveys to \$300,000 this year. The committee has evidently overlooked the matter or failed to increase it to the usual sum. In line 13, on page 113, after the word "hundred," I move to insert the words "and fifty;" so as to bring the sum for topographical surveys up to the

amount that has been appropriated from year to year.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. In line 13, page 113, after the word "hun-

dred," insert "and fifty;" so as to read:

For topographical surveys in various portions of the United States, \$350,000, to be immediately available.

The amendment was agreed to.

Mr. BURKETT. On page 147, after line 14, I move to insert:

For the acquisition, by purchase or condemnation, of about 16,000 acres of land lying between and adjacent to the military reservation and the wood and timber reservation of Fort Robinson, Nebr., \$140,000, or so much thereof as the Secretary of War may deem necessary, said sum to be immediately available.

Mr. HALE. I do not find that this has been estimated for,

and therefore it is subject to a point of order.

Mr. BURKETT. I do not know whether a point of order would lie under the circumstances. The bill was introduced and referred to the committee and favorably reported by the committee. I will ask the Senator to let the amendment go on the bill, and by the time it goes into conference he can see about it.

Mr. HALE. I can not agree to that. It has not been esti-

mated for.

The VICE-PRESIDENT. Does the Senator from Maine in-

sist on his point of order?

Mr. HALE. I am obliged to do so.

The VICE-PRESIDENT. The Chair is of opinion that the point of order is well taken. The Chair sustains the point of

Mr. SCOTT. On page 16, after line 19, I move to insert:

Mr. SCOTT. On page 10, after line 13, 1 move to insert.

Lynchburg, Va.: For the extension and enlargement of the United States building which contains the United States court rooms, clerk's office, and post-office, \$70,000, in addition to the sum of \$80,000 appropriated in extension of the limit of cost by act of Congress approved June 30, 1906, entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the previded, That so much of the act of Congress approved June 10, 1882, entitled "An act for the erection of a public building at Lynchburg, Va.." as requires that the building be protected by a fire limit of at least 40 feet, be, and the same is hereby, repealed.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from West Virginia.

The amendment was agreed to.

Mr. CARTER. On page 147, after line 2, I move to insert:

Provided, however, That \$50,000 of said sum, or so much thereof as may be necessary, shall, in the discretion of the Secretary of War, be available to purchase a permanent water supply, with land therewith

connected, and to purchase material and construct a water plant for Fort William Henry Harrison, Mont.

Mr. HALE. I can not agree to that amendment for one. The committee has appropriated very largely for these subjects and has left the discretion with the Secretary of War. If we begin to declare that certain parts shall go in certain directions; there are a dozen Senators who have the same object in view. Mr. CARTER. I submit to the Senator that the amendment

does leave it entirely discretionary with the Secretary of War. The provision, it will be perceived, places a restriction upon the As to an expenditure for this purpose the matter expenditure.

is made entirely discretionary with the Secretary of War.

Mr. HALE. I think the Senator had better fight it out with

Mr. HALE. I think the Senator had better light it out with the Secretary of War, as all other Senators do. Mr. CARTER. The difficulty is that the phraseology of the bill leaves to the Secretary of War no discretion. The amend-ment simply vests the discretion in the Secretary of War should he desire to allow this particular improvement to be made. One year ago we appropriated a sum of money for the purpose of making a survey to determine the extent of the water supply and its availability. This permits the Secretary of War to proceed if, in his discretion, it seems advisable so to do.

Mr. HALE. I do not think I ought to accept the amendment. I will take the sense of the Senate on it.

Mr. CARTER. I hope the Senator will accept it.
Mr. HALE. Let the question be put.
The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana.

The amendment was rejected.

Mr. CLAY. Mr. President, in justice to myself I wish to say a word in regard to the amendment on pages 212 and 213. On February 25, 1907, I introduced an amendment to the sundry civil bill, for the purpose of buying certain lands for parks. I did it by request, stating at the time that I would investigate the matter carefully, and if I reached the conclusion that the lands were needed for parks, I would support it.

I find that the bill on pages 212 and 213 provides for the purchase of the necessary lands for four parks and carries an appropriation of \$1,140,000. I believe there ought to be a park established in Georgetown. I am not prepared to say, however, that at this time we ought to purchase all of these lands, paying

therefor \$1,140,000.

Mr. President, I have carefully investigated the matter and I am satisfied that the amendment I introduced ought not to pass. It has not been inserted in this bill; it is still pending before the Committee on Appropriations; and I ask unanimous consent to withdraw that amendment.

The VICE-PRESIDENT. Without objection, permission is

granted.

Mr. CLAY. Now, I simply desire to be recorded as voting against the proposition to purchase all of these parks at one time. I believe that if we are going to improve the city and make further improvements in regard to parks we ought to buy one tract at one session of Congress and another at another session of Congress, but to buying four at a time, appropriating \$1,140,000 when this bill carries \$114,000,000, I can not give my approval.

Mr. SCOTT. Will the Senator allow me to ask him a ques-

tion?

Mr. CLAY. Certainly. Mr. SCOTT. Did not the Senator at the first session of the Fifty-ninth Congress vote for the appropriation of the money necessary to buy all these parks?

Mr. CLAY. I did not.

Mr. SCOTT. It passed the Senate without any objection.

Mr. CLAY. A good many measures have passed the Senate that I have not voted for. I want to say to the Senate, I regret to say it, in most instances, I have been reported as voting "no," for I belong to the minority.

Mr. SPOONER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. CLAY. I yield to the Senator with pleasure. Mr. SPOONER. If Congress should not acquire the lands for these parks now, and if it should be done in installments, the Government in the end would have to pay more and more,

Mr. CLAY. I have never been convinced that we need four more parks at this time, or that we will need them in the very near future.

I say to the Senator this one item carries nearly half a million dollars, and I understand that we are to pay that amount of money for 5 or 6 acres of land. It is valuable land it is true, but I have never reached a conclusion that the Government of the United States ought to pay any such price for that piece of property.

Mr. GALLINGER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. CLAY. Certainly.

Mr. GALLINGER. I suggest to the Senator, because I know he always wants to be accurate, that my information is that there are 10 acres in that tract, the so-called "Meridian Hill

Mr. CLAY. I have understood that there are 6 or 7 acres I have generally found the Senator from New Hampshire accurate and correct in regard to District matters; but I will say I had no idea we would attempt to buy all these parks at one time.

Mr. President, I told the Senator in charge of the bill that I simply desired to be recorded as having voted against these four propositions. I will not make the point of order against the amendment of the committee. It is a matter for the Senate to pass upon, but I am unwilling to be recorded as voting in favor of the four propositions.

I should not have made this statement had it not been for the fact that I introduced an amendment to purchase certain lands with a distinct understanding that I was to investigate the matter thoroughly, and then if I approved it I would support it. But such investigation has led me to believe that I ought not to support this amendment.

Mr. HALE. Mr. President, I appreciate the force of what the Senator from Georgia says. The committee has put on the whole proposition covering the four parks. It is in accordance with what the committee believes is the general sentiment of the people of Washington and of Congress that from time to time we should purchase some additional parks.

I may say that I do not expect as a result of the amendment, if it passes, that we shall get this year all of the parks. shall not get, I believe, more than one or two of these pieces, and another year we will try it with perhaps an addition. I think the committee is reasonable about it, and I hope the conference committee will be reasonable about it, and that we shall from time to time improve the city for those who come after us by extending the park facilities so that Washington will be what it ought to be and is to be, the finest winter city in the world.

There is no appropriation of money that is more fitting and proper than from time to time to increase the park facilities. It is what not only beautifies the city, but makes it more healthful. This appropriation is not for any select class, but it is for the millions, if there are ever millions here. Out of this, if the amendment is allowed to remain in the bill, I think we will get something as a beginning this year.

Mr. CLAY. Then I understand the Senator simply agrees practically with what I said.
Mr. HALE. I see the force of what the Senator says.
Mr. CLAY. The Senator thinks we ought to buy one this year and another at another time, and gradually improve the city, and not buy them all at one time.

Mr. HALE. That is all I expect.
Mr. GALLINGER. It is proper, Mr. President, I should say, in reference to this matter, that bills have been offered in the Senate and referred to the Committee on the District of Columbia, of which committee I chance to be chairman, and that committee has been without dissent in favor of all these park

In addition to that, a joint select committee was appointed on the 15th day of January, 1907, and that joint select committee, after very careful consideration and personal inspection of these proposed park areas, reported unanimously in favor of their purchase. That report is signed by the senior Senator from West Virginia [Mr. Scort], the Senator from New Hampshire [Mr. Gallinger], the Senator from Kentucky [Mr. Blackburn]; Richard Bartholdt, of Missouri; E. C. Burleigh, of Maine, and J. H. BANKHEAD, of Alabama.

So this is not a haphazard matter. It has received the most careful and patient consideration, and the Senate certainly has placed itself on record, as has this joint select committee, in

favor of the purchase of all these sites.

Mr. President, I feel regret that the Senator from Maine has suggested that when this matter gets into conference undoubtedly it will be emasculated. I hope it will not be. I am very familiar with what is going on in reference to the matter outside, and I trust that, so far as the Senate conferees are concerned, if it goes into the bill, they will stand earnestly in favor of these four prepositions. of these four propositions.
The VICE-PRESIDENT.

The Chair lays before the Senate

the unfinished business, which will be stated.

The Secretary. A bill (H. R. 13566) to amend sections 6

and 12 of the currency act, approved March 14, 1900.

Mr. ALDRICH. I ask that the unfinished business may be laid aside until the consideration of the pending bill is con-

The VICE-PRESIDENT. The Senator from Rhode Island asks unanimous consent that the unfinished business be laid aside until the sundry civil appropriation bill is disposed of. Without objection, it is so ordered. The Senator from New Hampshire will proceed.

Mr. GALLINGER. Mr. President, I have said all I care to y. This matter, as I suggested, has received very patient and careful consideration, and it is the judgment of those of us who have investigated it that we can well afford, considering the development of this capital city at the present time, to make an investment of \$1,000,000 for additional parks.

Mr. MALLORY. Will the Senator permit me to ask him a

question?

Mr. GALLINGER. Certainly.
Mr. MALLORY. Did the joint commission to which he refers take into consideration the present price of the property as compared with what will probably be the price in a few years?
Mr. GALLINGER. If I understood the question propounded

by the Senator from Florida, I will say that that commission as well as the Committee on the District of Columbia are fully cognizant of the fact that prices in this District are very rapidly advancing year by year, and the committee and the commission are fully persuaded that unless the purchase is made now of these different sites, if we are ever to acquire them in the future, we will have to pay a great deal more for them than

at the present time.

Mr. MALLORY. In other words, if it is desirable to have them, it is better to have them now than to postpone the pur-

chase for some years?

Mr. GALLINGER. That was the conclusion reached by the committee and the commission.

Now, I have said all I care to say, because I want the bill to pass as speedily as possible. I desire to put in the RECORD at this point a brief report made by the joint select committee.

The VICE-PRESIDENT. Without objection, permission is

granted.

The report referred to is as follows:

To the Congress:

The report referred to is as follows:

To the Congress:

The joint committee authorized by section 25 of "An act to increase the limit of cost of certain public buildings," etc., to take into consideration the advisability of purchasing a proposed addition to Rock Creek Park, the so-called "Merdian Hill site," the so-called "Carpenter and Pennsylvania Avenue Heights, for park purposes, beg leave to report as follows:

Your committee has given much attention to the hearings held at various times before the District Committees of both Houses, and after thoroughly examining the testimony presented made a careful personal inspection of each of the proposed sites.

It found, in reference to the proposition for the purchase of the so-called "Carpenter tract," that beyond the Eastern Branch of the Anacostia River there is no large public park, and that there is a popular demand and necessity for such a reservation. This tract is beautifully located, covered with timber, and affords a magnificent view of the city. It contains about 140 acres, and can be purchased at a much lower price now than in the future.

The committee found that that section of the city formerly known as "Georgetown" is entirely lacking in parks, and are of the opinion that the Montrose tract on Georgetown Heights is the most desirable and reasonable in that locality.

The proposed addition to Rock Creek Park runs along the western boundary of Rock Creek and extends up the valley of a small branch running approximately parallel to Massachusetts avenue. The valley of this branch is very deep, and the land abutting the creek is covered with a growth of large and beautiful trees. This land has been owned by two or three different estates, and up to the present time the property remains undeveloped. It comprises about S8 acres, and its addition to Rock Creek Park would be of great benefit not only to that section of the city, but to the beautification of the park itself. It iseasy of access and within a few years will undoubtedly be surrounded by quit

procurement of these tracts, and it is hoped that the House will take similar action.

N. B. SCOTT.
J. H. GALLINGER.
J. C. S. BLACKBURN.
RICHARD BARTHOLDT.
E. C. BURLEIGH. J. H. BANKHEAD.

Mr. SCOTT. Mr. President, the residents of "Georgetown," so called, a part of Washington, have no park at all. acres we selected for a park are historical as well as being well adapted for a small park. There are beautiful trees in the tract. In a few years, possibly by next year, it would be impossible to

acquire that property.

We all know that the French embassy is going to build out Sixteenth street on the hill; and the first thing you know the ground for the park there will be taken away from us and we would have to pay possibly in five years from now ten times what we would pay for it to-day.

In regard to the extension of Rock Creek Park-that beautiful park-the ground that we propose to buy there brings it out flush with one of the main avenues of the city. If the proposi-tion for these four parks could go through as a whole it would connect Rock Creek Park with the contemplated park in Georgetown and make it almost one continuous park. I understand the option on the ground in the Rock Creek extension will expire in a few days, and possibly we never could get for the same price or the same inducement that we can get to-day the eastern park on the other side of Rock Creek. It is a beautiful site, and certainly no Senator on this floor can object to the price that parcel of land is offered to the Government for. If you visit the hilltop site, at the head of Sixteenth street, you will see one of the most beautiful sights about Washington; you can view the entire city from that hill.

I do hope it will be the pleasure of the conferees on the bill to keep all four of these parks in the bill, because it is a case of economy. We a very short time. We would have to pay much more for the land in

Mr. HALE. I should like to get them all. We will get all we can. The Senator need have no fear about that. We have to deal with another branch of the Government, but the conferees, I have no doubt, will get everything that is possible on the amendment.

Mr. ALLISON. On page 5, line 4, after the word "dollars,"

I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The Secretary. On page 5, line 4, after the word "dollars," it is proposed to insert:

And the provision of the act approved June 30, 1906, making appropriations for sundry civil expenses of the Government, which provides that all expense incident to the occupancy of the building in question shall be paid from the sum of \$10,000 then appropriated for rent of temporary quarters at Cedar Rapids, Iowa, is hereby repealed.

The amendment was agreed to.

Mr. HEYBURN. I offer an amendment to come in on page 117, after line 22

The VICE-PRESIDENT. The amendment proposed by the

Senator from Idaho will be stated.

Mr. HEYBURN. Mr. President, that amendment constitutes a page or so, and before it is read from the desk, I desire to say to the Senator in charge of the bill that it embraces a matter which has been passed by the Senate, favorably reported by the Department, carries no appropriation, and is a provision for the creation of a park around a lake which is being taken possession of for private purposes and spoiled.

Mr. SPOONER. Where is the lake located?

Mr. HEYBURN. It is a lake in Idaho, and the land sur-

rounding it should be preserved as a public park. The Depart-

ment agrees to it.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Maine?

Mr. HEYBURN. Certainly.

Has this been estimated for by the Department? Mr. HALE.

Mr. HEYBURN. It carries no appropriation.

But has the Department recommended it?

Mr. HEYBURN. The Department has recommended it, and the Senate has passed it, and, as I have said, it requires no appropriation. Mr. SPOONER. But it is an appropriation of land.

Mr. HALE. I was going to ask the Senator from Idaho has it passed the Senate?

Mr. HEYBURN. It has passed the Senate.
Mr. HALE. At this session?
Mr. HEYBURN. At this session. As I have said, it is to prevent the spoiling of a piece of land.

The VICE-PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The Secretary. On page 117, after line 22, it is proposed to insert:

That the following subdivisions now embraced in the Coeur d'Alene Indian Reservation, in Idaho, to wit: Sections 1, 2, and 12, township 46 north, range 4 west, Boise meridian; sections 35 and 36, township 47 north, range 4 west, Boise meridian; all of those portions of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, township 46 north, range 3 west, Boise meridian, lying south and west of the St. Joe River in said township; all of those portions of sections 31 and 32, township 47 north, range 3 west, Boise meridian, lying south and west of St. Joe River in said township, is reserved and withdrawn from allotment and settlement and dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people: Provided, That the Coeur d'Alene tribe of Indians shall be paid the appraised value of said lands, and all persons who locate or settle upon or occupy any part of the land thus set apart as a public park, except as provided in the following section, shall be considered trespassers and removed therefrom.

the land thus set apart as a puone park, except as provided in the following section, shall be considered trespassers and removed therefrom.

Sec. 2. That such public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within the park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes for terms not exceeding ten years, of small parcels of ground at such places in the park as may require the erection of buildings for the accommodation of visitors, all of the proceeds of such leases and all other revenues that may be derived from any source connected with the park to be expended, under his direction, in the management of the same and the construction of roads and bridle paths therein. He shall provide against the wanton destruction of the fish and game found within the park and against their capture and destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same to be removed therefrom, and, generally, is authorized to take all such measures as may be necessary or proper to fully carry out the objects and purposes of this section.

The VICE-PRESIDENT. The question is on agreeing to the

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Idaho.

The amendment was agreed to.

Mr. SCOTT. I offer the amendment which I send to the desk,

to come in on page 11, after line 6.

The VICE-PRESIDENT. The amendment proposed by the Senator from West Virginia will be stated.

The Secretary. On page 11, after line 6, it is proposed to in-

For the purchase of a site for a public building at Grafton, W. Va., \$15,000 in addition to the amount heretofore appropriated.

Mr. HALE. Has that provision been passed upon by the Senate at this session?

Mr. SCOTT. I will say that the House, in the first session of this Congress, appropriated \$10,000 for this purpose, but the Treasury Department informed me that they could not buy a suitable site for that amount, and recommended that I offer an amendment to the sundry civil appropriation bill asking for this additional appropriation.

Mr. HALE. The matter not having been passed upon by the Senate, I think the point of order will lie against it.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. HEYBURN. I now offer an amendment, on page 107, line 14, to insert after the word "lines" what I send to the

The VICE-PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The Secretary. On page 107, line 14, after the word "lines," it is proposed to insert:

For the completion of the survey of the public lands within the State of Idaho, reserved and unreserved, \$200,000, said surveys to be completed according to the rectangular system of public-land surveys without waiting for a demand or request for surveys on the part of settlers.

Mr. HALE. I feel compelled to make the point of order on that amendment.

Mr. HEYBURN. I should like to say a word upon it before the Senator insists on his point of order.

Mr. HALE. Very well; I will hear the Senator.

Mr. HEYBURN. Mr. President, in discussing this question

the other day I gave notice that I would offer this amendment. I then stated that Idaho had been badly treated in this regard. Only 42 per cent of her lands have been surveyed, while Colorado has been surveyed up to 95 per cent and Wyoming up to 91 per cent. Of course, until lands are surveyed no title can be acquired thereto. It seems to me that we in Idaho have been very badly neglected or used in the past. I should like to have seen this additional appropriation made. I know it is subject to a point of order, but I had hoped that such a point would not be urged against it.

Mr. HALE. I hope we may be able to take care of this matter at the next session; but the amendment is clearly subject to the point of order, and I feel compelled to make the point.

The VICE-PRESIDENT. The amendment is subject to the point of order, and the Chair sustains the point of order.

Mr. LA FOLLETTE. Mr. President, on page 104 of the bill there is a provision with respect to depredations on public timber and the protection of public lands. It makes an appropriation of \$250,000 as a fund to meet the expenses of investigation and the prevention of fraud. A further proviso has been inserted, which I think is new and very important legislation. The proviso to which I refer begins at line 11, and is as follows:

Provided, That no part of this appropriation shall be available for the examination of the lands embraced in any entry upon, which final proof has been made, unless the Department has information furnish-ing good grounds to suspect fraud or noncompliance with law as to that specific entry.

It seems to me, Mr. President, that the effect of the lines read will be practically to nullify the order which the President has made, through his Secretary of the Interior, for the suspension of patents on public lands, not only homestead lands, but coal and timber lands as well. It may be that there is a perfectly good explanation for this provision; but it does seem to me that so important a piece of legislation ought to have some explanation.

Mr. President-Mr. WARREN.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Wyoming?

Mr. LA FOLLETTE. I do. Mr. WARREN. Mr. President, I understand that that proviso was put in with the intention of relieving a situation which I hardly think was considered when the Executive order was made; that is to say, as to the large number of land proofs which had passed to the last stage, except the actual writing of the patents; but the General Land Office has construed the order to hold back those as well as all the others. There are many thousands of such homesteads and other claims, and the actual settlers are suffering for their patents, so as to be able to raise money on them for further improvements. It seems to me that if the Senator will look again at the provision he will find that it is properly guarded, because it permits the Department to stop any of them if fraud is suspected. I think the provision is well guarded as it stands.

Mr. LA FOLLETTE. No; hardly that, I will say to the Senator; they must have good grounds for suspecting fraud in each specific case before they can stop it.

Mr. WARREN. Would the Senator want them to suspend

without having good grounds?

Mr. LA FOLLETTE. I am just saying that the Senator did not accurately state the effect of the provision.

Mr. WARREN. I will read it, and perhaps that will be more accurate. It reads as follows:

Unless the Department has information furnishing good grounds to suspect fraud or noncompliance with law as to that specific entry.

Mr. LA FOLLETTE. I will say with reference to that, Mr. President, that there is a class of cases where the presumption of fraud ought to obtain.

May I ask the Senator a question? Mr. FULTON.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oregon?

Mr. LA FOLLETTE. A little later.

Mr. FULTON. I simply want to ask the Senator if in that kind of a case there would not be good grounds to suspect fraud?

Mr. LA FOLLETTE. Hardly, when the provision requires good grounds for suspecting fraud with respect to the specific You may have a wide territory where you know that fraudulent entries have been made generally, and where the presumption should be that all of the entries there are fraudulent, and that patents should be suspended for the time being, and still not have such information as to warrant suspension of patents in many specific cases of entries actually fraudulent. This is the situation exactly in the case of the coal lands of some Western States. I have examined briefly and hurriedly some of the testimony taken by the Interstate Commerce Commission with reference to coal lands that have been appropriated by the railroad companies in some of these States, where it is shown that officials of the railroad companies, holding official positions in the coal companies organized within the railroad company, have employed men to make scores and scores of entries, paying them a few dollars apiece for their rights. This testimony shows that along the lines of leading western railroads the practice of procuring Government coal lands by means of fraudulent entries is regularly and systematically pursued. The whole system connected with the making of these coal-land entries is permeated with fraud and perjury. One of the leading coal companies maintains a corps of prospectors in the field constantly looking up and locating the most valuable coal lands with a view to making entry thereon by means of "dummy entrymen." When such a state of facts as this is known to exist,

it is clearly competent for the Government to withhold patents on all such lands until it shall have been shown by actual investigation that the requirements of the law have been complied with in good faith.

I suggest to the committee and to the Senate that, if this provision is to remain in the bill, and if there is with respect to settlers and homesteaders some grounds for extending to them some relief, the provision ought to be amended in line 13, and I offer an amendment, Mr. President, to insert, on page 104, line 13, after the word "any," the word "homestead;" so that the clause will read as follows:

Provided, That no part of this appropriation shall be available for the examination of the lands embraced in any homestead entry upon which final proof has been made, unless the Department has information furnishing good grounds to suspect fraud or noncompliance with law as to that specific entry.

The effect of this amendment would be to make this appropriation available for the investigation of all coal land and other entries, excepting homestead entries on which final proof has been made. It would practically require the issuance of patents on all such homestead entries, except in specific cases in which the Government has information affording good grounds for suspecting fraud.

The VICE-PRESIDENT. The amendment proposed by the Senator from Wisconsin [Mr. La Follette] will be stated.

Mr. HALE. I have no objection to the amendment.

Mr. CARTER. Mr. President, there is very serious objection to that amendment.

The Secretary. On page 104, line 13, before the word "en-y," it is proposed to insert the word "homestead."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. CARTER. Mr. President, this proviso, the Senate will observe, relates wholly and solely to cases where final proof has been made. In the case of a mineral entry, for instance, after final proof has been made, no adverse claim having been filed and the party being entitled to a patent, it seems to me the very height of folly for Congress to appropriate money to send special agents to examine mineral claims concerning which the special agents will, in the main, have no knowledge at all.

The mineral-land laws do not contemplate an obligation upon the part of the locater of a mining claim to ever apply for a patent. Any person, a citizen of the United States, or a person who has declared his intention to become such, may, upon making a discovery contemplated by the law on the public domain of a mineral claim, locate the same 1,500 feet in length by 600 feet in width, and upon that location being made under and in conformity with local laws, rules, or regulations, the party making the location may hold it for a thousand years without ever making final proof or applying for a patent. The courts have held-and, I think, correctly-that the locater's right to that ground embraced within the mineral claim is such an estate as even the Government itself can not divest the locater of

without due process of law.

After the final proof has been made in a mineral case, where the party applies for a patent, an agent of the Government of the United States, it will be found in the record, has certified to the discovery, has certified to the improvements and the character of the improvements, and that agent, having been upon the ground and having thus certified, I now inquire why the Government of the United States should appropriate money to send another agent there to make an additional inquiry?

It has been repeatedly and truthfully said that the best mines of which we now have knowledge, some of the best-paying properties on this continent, have been repeatedly condemned in the early stages of their development by great experts sent to examine them. I undertook to cite here the other day the case of the United Verde mines in the Territory of Arizona, owned principally by my colleague [Mr. Clark of Montana], which had been on three separate occasions condemned by high-priced experts as not worthy of the cost of further development, and yet it is known that that is to-day one of the great producing properties of the continent. Where the mighty volume of copper is now coming out by the tens of thousands of tons each day from the butte hills, mining experts in the early days pronounced the ore so low of grade and refractory in character as to be unworthy of attention in a mining way.

Now, the Senator from Wisconsin [Mr. La Follette] thinks, in the presence of conditions like these, requiring for the elucidation of certain facts the investment of a vast amount of money and of labor, requiring great skill and scientific knowledge, that the Government should refuse to give any title at all until some \$125 per month agent goes out and ascertains whether the property is of such value as to warrant the Government in parting with title to it at the rate of \$5 per acre. This amendment would lead, however, to that very ridiculous result.

Under the circumstances, realizing, I take it, that the Senator from Wisconsin has given little attention to this matter and does not wish to provoke a discussion here which could only show the value of the proviso and the lack of merit in the amendment, I move to lay his proposed amendment on the table.

Mr. NEWLANDS. Mr. President

The VICE-PRESIDENT. The question is on the motion of the Senator from Montana to lay the amendment of the Senator from Wisconsin on the table, and that motion is not debatable.

Mr. NEWLANDS. Will the Senator withhold his motion for

a moment?

Mr. CARTER. I should like to have the sense of the Senate on the matter. I presume the Senator in charge of the bill is desirous of getting through with it.

The VICE-PRESIDENT. The question is on the motion of

the Senator from Montana.

Mr. LA FOLLETTE. On that I ask for the yeas and nays. The yeas and nays were not ordered.

Mr. LA FOLLETTE. I suggest the absence of a quorum.
The VICE-PRESIDENT. The Senator from Wisconsin suggests the absence of a quorum. The Secretary will call the roll.
The Secretary called the roll, and the following Senators an-

swered to their names:

Aldrich	Crane	Heyburn	Overman
Allee	Culberson	Kean	Perkins
Ankeny	Cullom	Kittredge	Piles
Bacon	Curtis	La Follette	Platt
Berry	Daniel	Lodge	Proctor
Blackburn	Depew	Long	Rayner
Brandegee	Dick	McCreary	Scott
Bulkeley	Dubois .	McEnery	Smoot
Burnham	Elkins	McLaurin .	Spooner
Burrows	Flint	Mallory	Sutherland
Carter	Frazier	Money	Teller
Clark, Mont.	Fulton	Mulkey	Warner
Clark, Wyo.	Gallinger	Nelson	Warren
Clarke, Ark.	Gamble	Newlands	Wetmore
Clay	Hale	Nixon	Whyte

The VICE-PRESIDENT. Sixty Senators have responded to their names. A quorum is present. The question is on the motion of the Senator from Montana [Mr. Carter] to lay the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE] on the table.

Mr. LA FOLLETTE. Upon that I ask for the year and nays.

The yeas and nays were ordered.

Mr. BERRY. I should like to have the amendment stated. I was not in the room when it was read.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The Secretary. On page 104, line 13, before the word "entry," it is proposed to insert the word "homestead;" so that the proviso will read:

Provided, That no part of this appropriation shall be available for the examination of the lands embraced in any homestead entry upon which final proof has been made, unless the Department has informa-tion furnishing good grounds to suspect fraud or noncompliance with law as to that specific entry.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Montana [Mr. Carter] to lay on the table the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE], on which the yeas and nays are de-

The yeas and nays were ordered; and the Secretary proceeded

to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE]. In his absence, I withhold my vote. If he were present, I should vote "yea."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I do not know how he would vote; so I withhold my vote.

Mr. FLINT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. Culberson]. If he were present, I should vote "yea."

Mr. SCOTT (when his name was called). I have a general pair with the junior Senator from Florida [Mr. Taltaferro], and therefore withhold my vote.

The roll call was concluded.

Mr. CLARK of Wyoming. I have a general pair with the Senator from Missouri [Mr. Stone]. I transfer the pair to the junior Senator from Iowa [Mr. Dolliver], and will vote.

Mr. KITTREDGE. I have a general pair with the junior Senator from Colorado [Mr. PATTERSON], who is absent.

therefore withhold my vote.

Mr. LODGE (after having voted in the affirmative). I have a general pair with the Senator from Georgia [Mr. CLAY]. do not believe he has voted; so I withdraw my vote.

Mr. GAMBLE (after having voted in the affirmative). I will ask whether the senior Senator from Nevada [Mr. Newlands] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. GAMBLE. I withdraw my vote.

The result was announced—yeas 38, nays 13, as follows:

	YE	AS-38.	
Aldrich Allee Ankeny Blackburn Brandegee Bulkeley Burkett Burnham Burrows Carter	Clark, Mont. Clark, Wyo. Crane Curtis Depew Dick Dryden Fulton Gallinger Hale	Hansbrough Hemenway Heyburn Kean Long Millard Mulkey Nixon Perkins Piles	Platt Proctor Smoot Sutherland Teller Warren Wetmore Whyte
	NA.	YS-13.	
Clarke, Ark. Daniel Dubois La Follette	McEnery McLaurin Mallory Money	Nelson Overman Pettus Rayner	Warner

	NOT	VOTING-39	
Allison Bacon Bailey Berry Beveridge Carmack Clapp Clay Culberson Cullom	Dillingham Dolliver Du Pont Elkins Filnt Foraker Foster Frazier Frye Gamble	Hopkins Kittredge Knox Latimer Lodge McCreary McCumber Martin Morgan Newlands	Patterson Penrose Scott Simmons Smith Spooner Stone Taliaferro Tillman

So Mr. LA FOLLETTE's amendment was laid on the table.

Mr. HALE. I move to amend, on line 2, page 115, by changing the total footing of the appropriation for the United States Geological Survey to \$1,570,020.

The amendment was agreed to.

Mr. HALE. On page 161, line 3, I move to change the footing to \$419,200.

The amendment was agreed to.

Mr. HALE. On page 169, line 9, I move to change the total so as to read "\$4,536,369."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

RULES AND REGULATIONS OF INTERIOR DEPARTMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 1st instant, copies of all rules and regulations governing the administration of affairs in the Department of the Interior generally and institutions thereunder; which, with the accompanying papers, was ordered to lie on the table.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 6498) to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Ark," approved April 20, 1904, with an amendment; in which it requested the concurrence of the

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the amendment of the House to the bill (S. 925) authorizing the construction of a steam vessel for the Revenue-Cutter Service of the United States.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23821) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the House had disagreed to the message also amounted that the House had disagreed to the amendments of the Senate to the bill (H. R. 24640) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Gardner of Michigan, Mr. Brownlow, and Mr. Sullivan managers at the conference on the part of the House. managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Wadsworth, Mr. Scott, and Mr. Lamb managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 8510) to amend an act providing for the public printing and binding and the distribution of public documents with amendments, in which it requested the concurrence of the

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 25483) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Overstreet of Indiana, Mr. Gardner of New Jersey, and Mr. Moon of Tennessee managers at the conference on the part of the House.

#### SOUTHERN UTE INDIAN RESERVATION LANDS.

Mr. PATTERSON. Yesterday I entered a motion to reconsider the vote by which the Senate passed the bill (H. R. 24134) providing for the granting and patenting to the State of Colorado desert lands formerly in the Southern Ute Indian Reserration in Colorado. I desire to withdraw the motion, so that the bill may go to the House.

The VICE-PRESIDENT. The motion is withdrawn, and the

bill stands passed.

## PENSION APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24640) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

McCUMBER. I move that the Senate insist upon its amendments, agree to the conference asked for by the House of Representatives, and that the conferees on the part of the Sen-

ate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. McCum-BER, Mr. SCOTT, and Mr. TALIAFERRO.

## HOURS OF LABOR OF RAILROAD EMPLOYEES.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. PENROSE. I move that the Senate disagree to the amendments of the House of Representatives, and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Vice-President be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. Penrose, Mr.

FLINT, and Mr. DANIEL.

## PUBLIC PRINTING AND BINDING.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 8510) to amend an act providing for the public printing and binding and the distribution of public documents, which were, on page 2, line 10, to strike out "two hundred" and insert "one thousand;" on page 2, line 11, after "document," to insert "which shall be germane thereto;" on page 2, line 11, to strike out all after "except" down to and including "copies," line 14, and insert "by simple, concurrent, or joint resolution, as hereinafter prorided;" to strike out all of paragraph 4; on page 4, line 4, after "paragraph," to insert "relating to estimates;" on page 4, line 15, to strike out "and blank books required for the" and insert "blank books, tables, forms, and other necessary papers preparatory to Congressional legislation, required for official use of the;" on page 4, line 23, after "Houses," insert "as now provided by law;" and on page 6, line 10, after "reports," to insert "and departmental publications furnished for distribution to State and Territorial libraries entitled by law to receive them.'

Mr. WHYTE. I am instructed by the Committee on Printing to move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

## AGRICULTURAL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments

of the Senate to the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PROCTOR. I move that the Senate insist on its amendments and agree to the conference asked for by the House of Representatives, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. Proctor, Mr.

HANSBROUGH, and Mr. SIMMONS.

#### POST-OFFICE APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 25483) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon

Mr. PENROSE. I move that the Senate insist upon its amendments and agree to the conference asked for by the House of Representatives, the conferees on the part of the Senate to be

appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. Penrose, Mr. Proctor, and Mr. Clay as the conferees on the part of the Senate.

#### ELASTICITY IN THE CURRENCY.

Mr. DEPEW. I move that Senate resolution No. 273, submitted by me on the 21st instant, be referred to the Committee on Finance.

The motion was agreed to.

#### PROPOSED CURRENCY LEGISLATION.

Mr. ALDRICH. I ask that the unfinished business be laid

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13566) to amend sections 6 and 12

of the currency act, approved March 14, 1900.

Mr. NELSON. Mr. President, I desire to modify the amendment which I offered the other day, so that it will read in part as follows:

The Secretary of the Treasury shall require such designated association, before depositing any public money with it, to furnish and give reasonable and ample security for such money by the deposit in the Treasury of the United States of United States bonds, or, in the discretion of the Secretary, the bonds of any State or the bonds and stocks in which the savings banks of the States of Massachusetts and New York are authorized under the laws of these States to invest their funds, for the safe-keeping and prompt payment of the public money deposited with it and for the faithful performance of its duty as financial agent of the Government.

Livill sould up the amendment to the amendment and will

I will send up the amendment to the amendment and will

offer it in this form.

That part of the amendment which I have just read simply legalizes what the Secretary of the Treasury has been doing for the last two or three years. My understanding is that for the first time a Secretary of the Treasury has gone outside of the law and taken other securities than United States bonds, and that the securities he has taken have been of the class referred to-State bonds and stocks and bonds such as the savings banks of Massachusetts and New York are permitted to invest their funds in.

The other day the Senator from Rhode Island [Mr. Aldrich] called attention to the fact that a bank which was obliged to invest in 2 per cent United States bonds and put them up as security would not have sufficient income to derive any profit, but on the contrary would incur loss from putting up such bonds and getting Government deposits. But while that may be true as to the 2 per cent bonds, where you open the doors legally and the Secretary of the Treasury has done it, as a matter of fact, without law-and allow banks to deposit these other classes of securities, that argument does not apply, for the reason that a large number of banks throughout the country keep a fair proportion of their assets invested in securities of this kind. They keep them as a permanent investment. Most of them draw about 3 per cent interest, and they are kept in the vaults of the banks.

If the banks can utilize those bonds by putting them up as security with the Treasurer of the United States, and receive Government deposits upon those bonds and loan out the money, of course they derive a great profit. There is no reason under the sun why when national banks have such bonds and derive a great profit from the transaction a part of that profit should not inure to the Government of the United States.

In the various States of the Northwest-I do not know how many States, but I am familiar with some-they have a system by which the State funds are deposited in the banks of the State and the State receives a reasonable amount of interest, generally now, I think, about 2 per cent. A few years ago it was about 3 per cent. Now, what has proved to be good experience in the States, what has proved to be wise policy, ought to be adopted by the Federal Government. To be sure a distinction is made that the Government requires bonds to be deposited.

Mr. DEPEW. Mr. President— Mr. NELSON. I will listen to the Senator from New York.

Mr. DEPEW. I simply wanted to make the inquiry whether in the case of State deposits bonds or other securities are re-I simply wanted to make the inquiry whether quired; whether those deposits are not made the same as individual deposits?

Mr. NELSON. Oh, no; the banks are required to give se-

Mr. DEPEW. But not bonds.

Mr. NELSON. In some cases bonds and in some cases, in the cases I am familiar with, they are required to give personal bonds with security. The deposits are not based upon the general assets of the bank, nor are they in the condition of ordinary

deposits, and they can be drawn upon at any time.

But, Mr. President, I regret that owing to a bad cold from which I am suffering I am unable to discuss this matter as I should like to do to-day; and in view of that fact I ask to have read an article from the New York Journal of Commerce bearing upon this bill of the Finance Committee. Before having it read I wish to say that the men of the Northwest feel that we have been laboring under great disabilities and have not had fair recognition from the Committee on Finance of the United States Senate. For years bills have been pending before that committee to authorize small national banks throughout the country to loan a portion of their assets, a limited amount, upon real estate security, not upon real estate security in general, but upon improved, occupied farm property, at not to exceed one-third of the actual value of the property.

Throughout the Northwest-I am not familiar with the situation in the East-they regard that as the very best class of security which can be offered. I remember very well in 1893 and 1894, when we were in the midst of the panic, when a great many banks were in distress and quite a number of them suspended, that when a run was made on one of those country banks, the depositors being in a state of panic, the cashier in some instances would step forward and say, "My good friends, the money that you have deposited here we have loaned out. We could not afford to pay you 3 and 4 per cent interest unless we could loan our money out. We have loaned it out on first-class securities. We can not immediately respond to your certificates of deposit with cash, but here are first-class mortgages upon improved farms, farms of your neighbors, farms in your neighborhood." In all those instances the depositors would In all those instances the depositors would take those mortgages quicker than they would the cash.

I remember that some of the leading banks in St. Paul, banks which under ordinary conditions had an ample amount of money to loan, in those days had no money, and most of the money they had loaned out on what they called "personal security;" they could not collect it.

In the East you have a great many loans made on stock collateral, but out in the West, in the small country banks in the interior, nearly all personal loans are made by what they call "signers." A man goes to the bank to secure a loan. The "signers." A man goes to the bank to secure a loan. The banker says: "You must give me security. I can not take real estate." "Very well; I will get signers." He gets one or two of his neighbors to sign, and that is the security he offers. bank can not loan on real estate. But when a panic comes, when hard times come, all the bank has is that personal note; and if the maker of the note, be he one or many, can not respond, all the bank can do is to sue and put the note in judgment and, if those men have money, collect the money by execution in the ordinary way. If the bank has to collect it by realestate execution, there is a year of redemption in most of the Western States, and the result is that the bank gets no money when it most needs. That kind of security is not so good as real estate mortgage security. When you have real estate mortgage security you not only have the personal security of the signer, the maker of the note, but in addition you have a pledge of his farm.

I call attention to it in connection with this bill to show that the Committee on Finance is swift to grant certain relief to the moneyed interests here in the East, but when it comes to the matter of giving us throughout the West legislation in this matter I regret to say-and I say it in the utmost Christian spirit—we do not find the same responsive sympathy.

It is a very curious thing. In each instance these bills authorizing loans on real estate—and they have been Senate and House bills—have been referred to the present Secretary of the

Treasury, who was once, I believe, a country banker. In his report upon the last bill, the House bill that came over, he made the statement that there are three classes of banking business. One is done by the commercial banks, the other by the savings banks, and the third by the loan and trust companies, and each of them has its particular functions. Because of that fact he is opposed to any law authorizing the national banks

under any circumstances to loan on real estate.

The Secretary of the Treasury ought to know that in these small towns in the interior the banking business is not classified and divided in the manner he indicates. A town may have one or two or three banks. The banks have to do a general business. They not only have to do what is purely commercial business, such as the big banks in the large cities do, but they have to do what is known as savings-bank business-that is, take deposits from people and pay them a small rate of interest-and in addition to that they have to perform the function loan and trust companies. In other words, the three classes of business which in the large cities are classified and divided among different groups of institutions and banks in the smaller towns of the interior are all done by one bank.

So it is idle for the Secretary to say that this is the kind of business which ought to be given to a savings bank or to a loan and trust company and not to a national bank. What good does that do in the smaller towns where they have no savings banks and where they have no loan and trust companies and where they only have one kind of bank? I have been greatly surprised at the hostility which has been manifested against this kind of legislation. I refer to it for the purpose of comparing it with the eagerness and the energy and the swiftness with which the Senator from Rhode Island [Mr. Aldrich] and those who agree with him aim to secure this legislation.

Now, here is an article from a New York newspaper giving a pretty fair diagnosis of this bill, which I ask that the Secretary

of the Senate may be permitted to read.

The PRESIDING OFFICER (Mr. Burrows in the chair). Without objection, the Secretary will read as requested.

The Secretary read as follows:

THE ALDRICH CURRENCY BILL.

The Secretary read as follows:

There is a disposition to attach more significance to the "currency" bill which Senator Aldrich is willing to vouchsafe before the session closes than really belongs to it. There is enough good in it to make its passage worth while, though it is pretty nearly offset by one positively bad provision. Its really useful feature is that which authorizes issuing gold certificates down to \$10, though it might better have been \$5, and allows the dividing up of silver certificates more completely into the small denominations; but this is accompanied by a provision for restoring one, two, and five-dollar Government notes, which is wholly findesirable as well as unnecessary. It is in the interest of perpetuating these mongrel credit notes, which ought to be kept in the higher denominations and gradually replaced with gold certificates. The "greenback" is no longer either necessary or excusable, and should "go" with the Sherman silver Treasury notes.

Permitting all Government receipts to be deposited in banks without distinction between customs and internal revenue does away with a long-standing absurdity, but it will have no practical effect. The internal-revenue receipts on the whole run rather above than below the customs receipts and furnish half the revenue of the Treasury. They afford many times the volume of funds in the course of the year that are deposited in banks, and under Secretary Shaw it has been the practice to turn all alike into the Treasury and to make no distinction in depositing in banks between the sources of the receipts. It is well to get rid of the distinction in law which no longer exists in practice, but it will not affect the volume of deposits.

There is a really useful provision in the amendment offered by Senator Nelsox, but Senator Aldrich would have nothing of that, apparently because it would be of some use. This, in two separate clauses of the amendment, provides that the public money deposited in the banks "shall at all times be subject to the draft and w

Mr. NELSON subsequently said: Mr. President, in connection with the remarks which I have heretofore made, I desire to have the letter which I hold in my hand read and incorporated therein. I am aware that upon this question I am not an expert; that I am only a plain farmer and a country lawyer; but I find that my views on this subject have been indorsed by a first-class banker, a banker with whom I think the Senator from Wisconsin [Mr. Spooner] is acquainted. I ask to have this let-ter read, as it relates to both propositions, the one as to the matter of loans on real estate and the other as to the matter of in-

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

Mr. NELSON. And I ask that the letter may be incorporated with my remarks made in the outset.

VICE-PRESIDENT. Without objection, permission to have the letter inserted, as requested by the Senator from Minnesota, is granted.

The Secretary read as follows:

THE NATIONAL GERMAN-AMERICAN BANK, St. Paul, Minn., February 11, 1907.

Hon. Knute Nelson, United States Senate, Washington, D. C.

MY DEAR SENATOR: I promised to write you in regard to two bills you introduced relative to allowing national banks in small towns to take first improved farm mortgages and in regard to Government de-

posits.

After twenty-eight years' experience in banking, I am satisfied that both those bills have a great deal of merit. I had a bank in Wisconsin, a town of 3,000, fifteen years, and I kept at least 50 per cent of my deposits in improved first-class farm mortgages. It was a great convenience to the farmers, whom I allowed to pay always when they had good crops whether the note was due or not, and used to allow them, in case of sale, to take up their mortgages without regard as to whether they were due or not.

Commercial paper that is perfectly sound and good under all circumstances is not easily obtained in small towns like that, while improved farm mortgages are, as a general thing, always good. I never lost a dollar on one of my farm-mortgage loans.

I know from practical experience that that amendment of the national banking law, as to banks the size you speak of, should be granted, and it would be very beneficial to the farmers and very safe for the bank.

granteu, and it would be very beneficial to the farmers and very safe for the bank.

In regard to Government deposits, that is a very meritorious bill, and will do away with the complaint that is found of the Government gathering in so much money and having it idle. It also gives the United States Treasurer the privilege, when money is plenty, to call it in, as it is always subject to check, and there is no reason why the Government should not deposit such money in good, carefully managed banks and get 2 per cent, same as they do for State and county funds.

When it comes to the different bills that are being agitated for increase in the currency, I have very serious doubt. We have already about \$34 per head—a very large per capita compared with other nations—and an increase would only exaggerate the present conditions of speculations, promotions, and extravagance; besides it is liable to impair the value of the 2 per cent Government bonds, which should be carefully guarded. I think if anyone wants to take out any more currency it should be done on 2 per cent Government bonds not to exceed a par value.

I should think a good while, if I were a Senator, before I would.

currency it should be done on 2 per cent dovernment exceed a par value.

I should think a good while, if I were a Senator, before I would favor any loose-jointed increase in the currency. I think the country can be relieved under your bill, allowing the United States Treasurer to make deposits in banks where the money is needed, then withdraw it when it is not needed; and our per capita is large enought—that would be my judgment.

I promised that I would write you a letter, and I had forgotten it for some time; just happened to think of it this morning.

Respectfully, yours,

J. W. LUSK, President.

Mr. ALDRICH. Mr. President, perhaps I ought to say a word in answer to the suggestion of the Senator from Minnesota, that the Committee on Finance have not treated the Northwest fairly in their consideration of currency bills. What I understand to be the Northwest is very ably represented on that committee by its senior member, the Senator from Iowa [Mr. Allison]; the Senator from Michigan [Mr. Burrows], who is now occupying the chair; the Senator from Wisconsin on my left [Mr. Spooner], and the Senator from North Dakota [Mr. Hansbrough], who is now absent from the Chamber.

We have had a number of discussions—I might say a great number of discussions-in that committee over the bill to which the Senator from Minnesota has alluded—that is, a proposition that the national banks should be permitted to loan on farm mortgages; and I will say that only one or perhaps two members of the committee agree with the Senator from Minnesota as to the desirability of that legislation. This is probably their misfortune, but certainly it is not because the Northwest is not represented on the committee or that there is any reason to suppose that the Northwest is particularly interested, as a

section of the country, in the proposition.

The Committee on Finance considers all the questions that are referred to it by whatever Senator they may be offered in this body, as they believe, fairly and properly. They can not this body, as they believe, fairly and properly. would be an impossible condition that they should agree—with every Senator's views upon the currency question and questions relating to that subject. They do the best they can with those questions, and if they fail to respond to the views of other Senators it is not because those views do not receive consideration at the hands of the committee. Mr. CULBERSON. Mr. President, it might be that sepa-

rated I would favor some of the provisions of the pending bill, but I am opposed to it in its entirety if so considered by the Senate. In the few moments, however, in which I shall submit some observations to the Senate I desire to address myself more particularly to that provision of the bill which changes the present law and authorizes the deposit of the customs receipts in the national banks of the country.

The Secretary of the Treasury, in his statement of January 29, 1907, shows that there was in the national-bank depositories money belonging to the United States on that day to the amount of \$161,061,798.25. Mr. President, this large amount of money belonging to the people of the United States is placed in the national banks, and they loan it out in the course of their business to the people at such rates of interest as they are able to secure. The money of the people is therefore loaned to the people at a rate of interest, a thing in itself, in my judgment, unjustifiable and indefensible.

The proposition in the section to which I have invited attention is to go beyond this and to adopt a different rule from that which has heretofore existed, and to place an additional amount of money belonging to the people of the United States in the banks to be used for banking purposes, to wit, the customs receipts of the United States.

I am not advised particularly how much this will amount to, but I have been informed that it will reach the enormous sum of \$300,000,000, which added to that which is there already will aggregate over \$400,000,000 of public moneys to be used in the national banks.

The distinguished Senator from Rhode Island [Mr. Aldrich], the chairman of the Finance Committee, presented, the other day, a statement showing that there will be a loss to the banks if they pay interest on these deposits. I shall not stop to argue that point, because if that be true, when all things are considered, the banks would not be anxious for the passage of the bill, as they appear to be now. The one fact stands out prominently that all the national banks of the country, as perhaps every Senator here knows, are anxious to be designated as Government depositories, not only to increase their prestige in the various communities in which they are established, but that they may reap a reward by loaning this money which already belongs to the people at such a rate of interest as may be exacted.

It is very well known, too, and there is nothing sectional in what I say, that the great bulk of this money belonging to the people now in the banks is in those banks at the monetary centers of the country, and it goes without saying that if the customs receipts are added, a still larger proportion will go into those particular banks.

I am in favor, particularly, of that amendment of the Senator from Minnesota which will require the national banks having this money on deposit to pay at least 2 per cent interest for it on average daily cash balances

There is one other thing, Mr. President, that I desire to say, and that is to emphasize the statement made the other day by the Senator from Arkansas [Mr. Berry], that we ought not to overlook the fact that the real cause of all this trouble, this congestion of money in the Treasury, is high taxes and extravagance on the part of the Government of the United States. know that we are a young people, a growing people, and an expanding people, and that necessarily our expenses will increase year by year; but there are items of increase in our expenditures each year which ought not to be there; and that, Mr. President, is the root of much of the evil in the conditions which exist to-day.

There is the colonial system, extravagant, expensive, profligate, which we have established, and which strikes at the very root and foundation of the Government which our fathers erected more than a hundred years ago. There is the increase in the expenses of the Navy and the Army on account of the war spirit which to a degree pervades the land. At this session alone we increased the expenditures of the Army more than \$6,000,000 annually in the artillery arm of the service, and brigadier-generals on the retired list, for the purpose of increasing their pay, are almost as-

Thick as autumnal leaves that strow the brooks In Vallombrosa.

The same is substantially true of the retired list of the Navy of the United States, padded out of proportion to merit, and intended chiefly to increase compensation by indirection.

Another cause of the unnecessary increase of our expenditures is that year by year, and especially under this Administration, we are reaching out in matters belonging to the States, seizing upon them as subject to Federal authority, and encroaching upon the rights of the States and the people, and thereby increasing to a great extent the expenses of the Federal Govern-

Another item of expense is the inexcusable multiplication of offices. There has not been, in the brief period in which I have served in this distinguished body, a single session of the Congress, I believe, but what wholly unnecessary offices have been created. They have been multiplied without excuse, without

defense, and without justification. Not only that, Mr. President, but at every session of Congress, year by year, demands importunate and almost resistless have been made and acceded to to increase the salaries of the officials already in office.

So, I say, summing up the whole matter, in spite of the fact

that our expenses will necessarily and naturally increase year by year, this expense, for the reasons I have enumerated, is increased out of proportion to the growth and needs of the coun-

try, and there ought to be a cessation of it.

noticed the statement in a newspaper the other day (how true it may be I am not at this moment advised) that in the past ten years the expenses of the Government have doubled. As I said, I do not know whether this is true or how far it may be from the real situation, but I want to put in the Record the increase of the expenses from 1903 to 1907, inclusive. At the expense of being somewhat tedious, I will read it, and yet it These totals are taken from the annual reports of is not long. the Secretary of the Treasury and embrace the total receipts and total expenses of the Government each year. I wish to call attention to the gradual increase and to the fact that within this period our expenses have increased more than \$115,000,000. That is not all. The estimate of \$818,690,643.68 for expenditures for 1908 is far short of the reality, for the chairman of a leading committee in another body advises us from his place and through the public prints that our expenditures that year will be a billion dollars rather than the sum estimated.

Now, what are these exact figures of which I have spoken? The revenues for 1903 were \$694,621,117.64, and the expenditures were \$640,323,450.28, showing a surplus, or an excess of taxation, of \$54,297,667.36.

In 1904 the revenues were \$684,214,373.74 and the expenditures that year were \$725,984,945.65, leaving a deficit of \$41,-

In 1905 the revenues were \$697,101,269.95, larger than in previous years of this table. In the statement from which I am reading the expenditures for 1905 were \$720,105,498.55, the deficit being \$23,004,228.60.
In 1906 the revenues were \$762,386,904.62—still increasing—

and the expenditures were \$736,717,582.01, leaving a surplus of

In 1907 the estimated revenues were \$813,573,264-still increasing-while the expenditures were \$755,573,264, leaving a

surplus of \$58,000,000.

The estimated revenues for 1908 are not given—at least none are accessible to me now-but the estimated appropriations for that year were \$818,690,643.68; and yet we are told, as I said a moment ago, by a distinguished Member of another body, thoroughly conversant with the subject, that our expenditures, instead of being \$818,000,000, will reach a billion dollars.

Mr. ALDRICH. Mr. President—
The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Rhode Island? Mr. CULBERSON. Certainly.

Mr. ALDRICH. I desire to call the attention of the Senator from Texas to the fact that while the expenditures of the Government have increased within the period he has named \$115,-000,000, our revenue has increased \$119,000,000. It is not a

very bad condition, as a business proposition.

Mr. CULBERSON. I understand that, Mr. President, but I am trying to impress upon the Senate the fact that by reason of high taxes, and extravagance upon the part of the Government as well, not only is this large amount of money being accumulated in the banks to be loaned out at interest by the national banks, but that the people are being, to a degree, oppressed even in these times of prosperity by an excessive collection of revenue from them, and I did not want the opportunity to pass without doing what I could in these brief remarks to the Senate to emphasize what was said a few days ago by the Senator from Arkansas [Mr. Berry], that the root of this evil is high taxes and extravagance, and that we ought to go to the bottom of it if we can.

Mr. ALDRICH. Mr. President—

VICE-PRESIDENT. Does the Senator from Texas yield further to the Senator from Rhode Island?

Mr. CULBERSON. Certainly.

Mr. ALDRICH. What remedy does the Senator from Texas

Mr. CULBERSON. Among other things, Mr. President, we can reduce the tariff, a proposition to which I suppose the Senator will not accede.

Mr. ALDRICH. By reducing the tariff I suppose the Senator means reducing customs duties?

Mr. CULBERSON. Certainly.
Mr. ALDRICH. Which, if it would increase importations,
would necessarily increase the revenue from customs?

Mr. CULBERSON. Not necessarily. It might have that effect.

Mr. ALDRICH. It would certainly, if it increased the im-

portations

Mr. CULBERSON. It might have that effect, Mr. President, and the rate of taxation be lowered, but the Senator ought to have taken my entire statement that we ought to go further than that and reduce our expenditures, cut off our colonial expenses, cut down the expenditures of the Army and Navy, keep the Government of the United States within the bounds of the Constitution, not encroach upon the powers and the rights of the people and the States, and cease multiplying offices and increasing salaries.
Mr. ALDRICH.

Mr. President-

The VICE-PRESIDENT. Does the Senator from Texas yield further to the Senator from Rhode Island?

Mr. CULBERSON. Yes. Mr. ALDRICH. I have great sympathy with the Senator from Texas in some portion of his last remark, but I have not noticed that the Senator from Texas has used his eloquence for the last four or five days in trying to secure lower appropria-

Mr. CULBERSON. Mr. President, the Senator from Rhode Island will search my short record here in vain to find a single proposition which I have advocated or which I have introduced increasing the expenditures of the Government in the particulars to which I have just referred. One of the charges I make against the Republican party and the present Administration is that they have levied high taxes upon the people and squandered the money on so-called "colonial" possessions, on the Army and Navy, and have not expended it in domestic rather than foreign policies.

I suppose, Mr. President, the Senator has reference to some amendments which I have proposed to the river and harbor bill. I am in favor of that domestic policy. It is a policy which the Democratic party favors, and it would be far better if the Re-It is a policy which the publican party would cease spending the public money in the directions to which I have invited attention, would seek to build up the United States, to improve the harbors and rivers of the United States, and add to our domestic interests, and not endeavor with a "big stick" to intimidate and browbeat the nations of the earth and raise our reputation as a nation of power and of grandeur rather than a nation of peaceful and Christian methods.

Mr. President, that is all I intended to say, wishing simply to express my disapproval of this bill and to add what I might to the suggestion of the Senator from Arkansas [Mr. Berry] the

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota [Mr.

Mr. SPOONER. Mr. President, I am obliged to leave the Chamber to keep an engagement elsewhere, but as a member of the Committee on Finance, which very carefully considered this bill, although I am not an expert on the subject of finance, I wish to address the Senate very briefly as to the character of the bill and the reasons why, as one member of the committee, I gave it my approval.

I want to say to the Senator from Minnesota [Mr. Nelson] that I thought there was merit in the proposition which he submitted to the Senate and had referred to the Committee on Finance, and I was quite willing, for one, to vote in favor of it, with an amendment which, I think, would have been acceptable to him. But there was great difference of opinion in re-

gard to it.

I do not look upon this bill, Mr. President, as in any proper sense a currency bill. It proposes no reorganization of the currency of the United States and no increase of the currency, except in one aspect of it, and no change in its basis whatever. business of the country has expanded almost ceivably within the last few years, and unless the blight of terror comes upon the financial interests of the country and upon the manufacturing interests of the country there is every reason to suppose that it will continue to expand. To me it is a perfectly plain proposition that sooner or later-and I think it perhaps must be sooner than later—the business interests of this country and the welfare of every class of our people will require a very thorough reorganization of the currency system. Experts differ as to what that should be. I have no definite plan as to it myself, but I am absolutely persuaded of its

prospective necessity.

This bill provides for meeting a want, the existence of which no man can dispute, of a better supply of small notes in the country. That demand comes from all parts of the country, country. That demand comes from all parts of the country, and it is absolutely essential in some way, without chang-

ing the system, that the demand shall be met. This bill in a very simple way-and I want to observe that the committee worked under the necessity, perfectly apparent, of omitting from the measure all seriously controvertible propositions, and it was the purpose of the committee to make the bill and the propositions which it contained as simple as possible—the bill attempts to meet that want by authorizing the issue of-

United States notes of the denominations of \$1, \$2, and \$5, and upon the issue of United States notes of such denominations an equal amount of United States notes of higher denominations shall be retired and

The limit now is \$10. The law carefully provides in its operation-

That the aggregate amount of United States notes at any time outstanding shall remain as at present fixed by law.

No one, I think, can successfully impeach the wisdom of that

The next proposition contained in the bill, and one which has been somewhat controverted and also complicated by the amendment offered by my friend from Minnesota [Mr. Nelson], is in the new reading of section 5153 of the Revised Statutes. Under the law as it exists to-day, and as it has existed for a great many years—since 1864, I think—the Secretary of the Treasury has been empowered to deposit in such national banks as he designates as national depositories all moneys derived from the proceeds of sales of public property, as I recollect it, also that derived from internal-revenue taxes and from any source except customs.

The only change made in the law as it stands, and as has been explained, is to strike out the words "except customs." Now, Mr. President, that exception for a good many years has had no business in the law; it is an anachronism. It was inserted in the law in the beginning wisely. Then it was a necessity, because the customs dues were made payable in gold, and the main source of the gold supply of the Government was from customs receipts and was required to be disbursed in the payment of the interest on Government obligations at a time when they were issued mainly to aid in the preservation of the existence of the Government itself.

Mr. President, the country is now on the gold standard, and there is no more reason why the moneys derived from customs receipts should be excluded from this power given by law to the Secretary of the Treasury to deposit public money in public de-positories than there is for excluding internal-revenue money collected and other public moneys of the United States from being so deposited.

In the expansion of business it is almost a wicked thing to keep locked up in the Treasury, beyond the needs of the Gov-ernment, vast sums of money withdrawn from the channels of trade and commerce when every interest in the United States would be conserved by having it in circulation in one way and another, rather than under lock and key

Mr. President, in the deposit of the public moneys it is a mistake to suppose that the Secretary of the Treasury, acting under the present law, has deposited these moneys only in the banks of the great cities. I have in my hand here a report, from which, if Senators will look upon it, on page 99, and the succeeding pages, it will be found that there is not a State or a Territory in the Union in which there are not deposited considerable sums of money which is the money of the Government, although deposited in a Government depository

Mr. NELSON. Mr. President, will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. SPOONER. I have only a few moments, and then I must leave; but I will yield to the Senator.

Mr. NELSON. I dislike to interrupt the Senator, but has it occurred to the Senator that the great bulk-I do not know exactly the proportion, but the great bulk-of our customs receipts are paid at the port of New York? Under the pending bill all those customs receipts would go directly into the national banks and very little of it would go into the interior banks, because customs receipts are not obtained at interior So that, instead of having that money distributed as it is now and scattered over the country, the result would be, under the operations of the bill, that it would pile up in the first instance in the big city banks.

Mr. SPOONER. Customs receipts, as I understand, Mr. President, go into the subtreasury at New York; they go into the subtreasury at Chicago; they go into other subtreasuries; and they are drawn upon by the Secretary of the Treasury and distributed by him throughout the United States. It does not

Mr. NELSON. If the Senator will allow me, at present the internal-revenue collectors can deposit the moneys they collect from day to day in national depositories, in national banks.

Mr. SPOONER. Certainly.
Mr. NELSON. The same thing will occur if you amend the existing law as you propose in reference to customs. lector of customs at the port of New York, instead of depositing the money in the subtreasury, will then deposit it in the national banks that are national depositories.

Mr. SPOONER Not at all Mr. President as August 1

Mr. SPOONER. Not at all. Mr. President, as I understand, the system in respect to that is not proposed to be changed, and the customs receipts will go into the subtreasuries

Mr. NELSON. Oh, no. Mr. SPOONER. At Boston, at New York, at Chicago, and at other places in the country. The collectors of customs will have no right to deposit these moneys in national banks which are That power is given to the Secretary of the public depositories. Treasury, and the money is deposited by the Secretary of the where he sees fit to send it and upon such arrange-Treasury ments made with the banks as to security as he may prescribe. That does not rest in the power of collectors of customs any more than it does in the power of collectors of internal revenue without change in the law not now proposed, as I understand it.

Mr. NEWLANDS. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wisconsin ield to the Senator from Nevada?

Mr. SPOONER. I have only a moment-

Mr. NEWLANDS. I only wish to ask a question. Mr. SPOONER. Very well. Mr. NEWLANDS. Mr. President, I wish to ask the Senator question as to whether or not the method of doing business under the proposed law with reference to customs receipts would not be the same as now prevails regarding internal-revenue receipts? I do not understand that internal-revenue receipts are paid into the subtreasury at all. They are paid by the collectors of internal revenue into the banks that are designated as public depositories, and I imagine that the same method would be pursued in regard to customs receipts.

Mr. SPOONER. That depends altogether, Mr. President, upon the order of the Secretary of the Treasury; not upon the col-There is no option whatever in the collectors of customs or the collectors of internal revenue. In other words, these are public moneys. They are public moneys, Mr. President, in the subtreasuries and in the Treasury here; they are public moneys in every national depository, and they are as completely subject to the order of the Secretary of the Treasury when in such depositories as they are here in the Treasury

or in any of the subtreasuries.

The relation of the Government to its moneys is not changed at all by their deposit in public depositories. The relation of debtor and creditor, which arises from a general deposit in a bank by an individual, does not arise ever under the present system between the Government of the United States and a national depository. The courts have held that moneys deposited by the Secretary of the Treasury in a national depository are in contemplation of law still in the Treasury of the United States. It is a national depository, and the money is placed with a fiscal agent of the Government, bound under the law as one of the conditions of deposit that it shall perform, at the instance of the Secretary of the Treasury, such duties as a fiscal agent as he may prescribe. Therefore it works and has worked, so far as that is concerned, just as if these moneys deposited in the depositories were in the Treas--the principal Treasury or the subtreasuries.

Mr. TALIAFERRO. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Florida?

Mr. SPOONER. If the Senator will pardon me, I have but a few moments.

Mr. TALIAFERRO. I merely want to call the Senator's attention to the fact that, in addition to what he says, the banks are required to transmit money from the point of receipt to the subtreasury, wherever it may be located.

Mr. SPOONER. I thank the Senator. That is so, too. If Senators will look over this report as to the distribution of public money throughout the States and Territories of the United States, I think they will be satisfied that in this distri-bution there has been, all things considered, the utmost of impartiality. Not long ago when the interest rates, brought about in one way and another, were very high in the city of New York, and there seemed almost danger of a panic and necessity for loosening somewhat the flow of money by taking some from the Treasury and distributing it throughout the country, the Secre-tary made an order that the banks in the West, in which he largely deposited this money, should not send it to New York to be loaned at those high rates of interest or used for speculative

Why should the money be kept in the Treasury? Twice a year the great volume of the customs receipts come in—in the spring and in the fall-and those are the periods of the year when in the North and the South and the East and the West there is occasion for more money among cattle growers, cotton growers, and farmers than at any other two periods of the year. I have never been able to see, Mr. President, any reason why with our expanding business moneys which would serve the whole people being in the currents of trade and which may safely, with reference to the interests of the Government, be allowed to circulate through the channels of trade and commerce, should be locked up in the Treasury or the subtreasury of the United States. The time when that was important has gone by.

Mr. President, as to the amendment of the Senator from Minnesota—and I have known him longer than I have known any other man, perhaps, in the Senate, and I know his sincerity, and I have the profoundest respect for his judgment—I can not see that it would be wise, for two or three reasons, to adopt the amendment which he proposes. The Senator from Minnesota thinks that this money should be deposited in the banks at interest, and it is said that the Government moneys deposited in banks, moneys belonging to the people, is used and loaned at interest to the people by the banks. If it were not deposited in the banks, if it were kept in the Treasury, it would produce no interest for the people; and my view as to the importance of depositing the moneys on call, so far as the Secretary of the Treasury thinks it wise, in banks, is not for the interest at all of the banks, but for the interest of the business of the United States and every department of the business of

Mr. President, I have not been able to see that the relation which a State sustains to the banks to which it loans its money is precisely or much like the relation which the Government sustains to Government depositories. The banks in which the moneys of the State are deposited are not the fiscal agents of The object of the State is to loan its money to the the State. banks and derive some income from its money for the people; but it creates the relation of debtor and creditor. It is a call loan, or the money may be loaned for a specific time, and, as a rule, as I remember, it is very often without security. It is loaned upon personal bonds, which, however good they may be at other times, are not good in a time of panic. Suit may be brought upon them and recovery had, but, although the obligor of the bond may be perfectly good, it takes time to collect it.

I would be sorry, as I am now advised-I might on a fuller discussion feel differently about it-to have the Government of the United States change its relations to its money. To-day the money deposited in these banks is still the money of the

Government-

the United States.

Mr. NELSON. But, Mr. President—— Mr. SPOONER. But if interest is charged upon it, it is not. The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. SPOONER. Yes.

Whose money is it after the bank has had it Mr. NELSON. and loaned it out to the stockjobbers? Is it still the money of

Mr. SPOONER. The Senator talks about stockjobbers. I suppose there will always be some stockjobbers. I do not suppose, Mr. President, so long as the world lasts, that the element of gambling and speculation, which is not confined to the cities, but is everywhere and is implanted more or less in mankind, will probably ever be much curtailed. But this money is scattered all over the United States.

Mr. NELSON. But, Mr. President, waiving the question about the stock gamblers, whose money is it after the banks have

loaned it out?

Mr. SPOONER. It is the money of the United States if they loan it out.

Mr. NELSON. If they loan it out to the public at large, do

you get back that same money?

Mr. SPOONER. Mr. President, I am not here to say that the banks may loan it out. It may, being on deposit there, loosen money, which they would not wish to loan but for the Government deposits of Government money. But the notion of charging a fiscal agent of the Government of the United States interest on the Government's own money in his custody, liable to be drawn upon at any minute, seems to me an odd one.

Mr. President, I think Senators, if they propose to change the system and put the Government in the attitude occupied by some of the States of loaning its money and making the bank

its creditor instead of its agent, had better take more time for the consideration of it than is afforded by the discussion upon this measure at this stage of the session. One thing seems to me clear enough, and that is that this exception should be stricken out of the law.

Mr. President, a word more about this phase of it. The amendment of my friend from Minnesota contains a provision which would be a wise one if the policy of the Government is to be, so far as the disposition of the public moneys is concerned, what the policy of the State is in loaning its money or depositing it in banks at interest, purely to secure interest. That I am opposed to. I do not like the idea of the Government loaning its money. I do not like the principle of it. will come a demand after a while, if that be done, that the loans shall not be confined to national banks.

Mr. NELSON. Will the Senator

Mr. SPOONER. The Senator will pardon me. I must keep

an appointment. I have only four or five minutes.

Mr. NELSON. I merely wish to ask a question. What law is there—can the Senator refer to any law—which authorizes the national banks to loan out at interest the Government money on deposit with them?

Mr. SPOONER. I can not. Mr. NELSON. If that is the Government's money which they loan out and from which they derive a profit, does not the profit belong to the United States? It is Government money.

Mr. SPOONER. That is another proposition. If the Senator will read the case of United States v. Hartwell, I think perhaps

he will find an answer to his question.

But the Senator's amendment is well drawn upon the theory on which it is based. It is so drawn as to secure the largest amount of interest-I do not mean per cent, but in the aggregate—that is possible. Therefore the Senator from Minnesota wisely, if he is right, inserts in his amendment a provision which I should very much dislike to see placed in any enactment by Congress governing the disposition of Government funds, and that is this:

The Secretary of the Treasury shall not allow the public money in the Treasury permanently to accumulate over and above a safe and reasonable working balance required for the current demands upon the Government; and any surplus over and above such working balance shall, from time to time, when practicable, be deposited by the Secretary of the Treasury in the national banking associations designated and qualified as receivers and depositories of public money as aforesaid.

Mr. President, the banks of the United States-the national banks, and I might almost, if not quite, say the State banks-are like ninepins. When panic comes and one falls, the others begin one after the other to totter. There is not a bank of any consequence in the United States, State or national, which does not keep in the great money centers a balance to its credit. The financial situation is one that is ever changing, and the factors which lead to change in it are often not factors arising in this country or subject at all to our control. Sometimes when we think everything is moving along smoothly, something happens abroad to frighten capital. It has happened within a year. It is liable to happen again, and whether it is the result of gambling, whether it is the result of the demand of the manufacturers whose business is expanding, whether it comes from the demands of the railroad companies, which are obliged to borrow vast sums in order to meet and discharge their duties to the public, there come times, and they come perhaps too often, when if it were not in the power of the Secretary of the Treasury to afford some relief here or there, where the situation is acute and where it is greatly and immediately needed, there would be panie in the country; not panie simply affecting New York, not panic simply affecting speculators, but panic affecting the manufacturing interests of the country, the cattle interests of the country, the cotton interests of the country, the agricultural interests of the country, all the business interests of the country, labor included.

Those times will come again, and I should feel it was placing the financial situation in a condition of danger to deprive the Secretary of the Treasury of all elasticity in the management of Government deposits. If you require him to keep on deposit all at once-on call, of course, as it would be-all the public money except the working balance required for daily, for weekly, or for monthly use, his resources are gone; and if for some reason-and there may be many-there comes a time when relief from the Treasury, which is partly financial and partly moral, is greatly needed, he can not afford it, for all the money will have, in obedience to the command of Congress, been taken from the Treasury and deposited in the banks at interest.

I am told at the Comptroller's office—and I can not take the time to elaborate it, but I believe it to be true-that if the Congress should adopt this provision creating new depositories and depositing the moneys at interest, the practical operation of it would be that the banks in the interior-I mean the smaller banks, not the great banks, but the average of the banks of the country, except the new banks which want the decoration "Gov-ernment depository" for prestige and credit, banks just starting out-would not take any of this money, and it would go to the great money centers where the interest rate is for the time being very high. I do not believe, although I can not take the time to go through it, that it is a wise scheme of legislation, and I should dislike to see it adopted.

Mr. President, there is only one other thing in this bill, and that is the provision which authorizes the retirement of \$9,000,000 a month of national-bank notes instead of the present limitation of \$3,000,000 a month. That is necessary in the public interest. There are times in the year-twice, in the spring and in the fall-when the banks can make money on the circulation. The balance of the year as a rule they can not, and the time during which they can make money is so short compared with the time during which they can not make money that they will not take out circulation at all, because under the

existing law they can not retire it.

As the Senator from Rhode Island stated to the Senate the other day, the \$3,000,000 a month limitation in its relation to the aggregate circulation, excluding gold bullion and gold coin, when it was enacted into the statute, is a little bit less in percentage than the \$9,000,000 a month will be applied to the outstanding circulation, excluding gold bullion and gold coin.

Mr. President, it has seemed to me—and I am obliged to leave—that the bill is a simple one; that it is a needed bill. There is nothing of innovation in it. It does not change the relation of silver to our currency. It does not enlarge the use of United States notes, and we supposed that it would be practically unopposed because plain, simple, and needed.

The amendment of the Senator from Minnesota also provides for a different class of securities which the Secretary of the Treasury is authorized to accept. Some of the securities re-Treasury is authorized to accept. ceived by savings banks would not be very good securities to be held by the Government. I do not mean by that that they would not be intrinsically valuable and adequate security.

Most of the savings banks reserve the right to require ninety days' notice. But the value of a security to a bank does not consist simply of the value of the property upon which it is based, but it consists also of the ability to market it quickly.

You may take a million dollars' worth of municipal bonds. I do not care how good they are. They may be as good as any security on earth. Yet in amount they are so small that there is no market for them. You can not put them on the market and order them sold without a loss. You have to hunt a purchaser for them, and in that respect they are very different-I am speaking of the power to market them and sell them quickly without loss—from a large issue of securities which come to be well known, which are bought and sold every day. The Secretary of the Treasury could not very well hold real estate mortgages, although based upon lands of a thousand times the value, because they are not salable as bonds are

Mr. NELSON. Will the Senator from Wisconsin allow me a question?

Mr. SPOONER. Certainly.
Mr. NELSON. Does not the Senator think it would be wiser for us to prescribe by legislation what kind of securities shall be taken, instead of leaving it to the conscience and notion of the Secretary

Mr. SPOONER. I hardly think so.
Mr. NELSON. Do you think the present plan of the Secretary doing it without any law is better?

Mr. SPOONER. Every time that question comes to the Senate there will be amendments and debate, as there were before, which killed the bill, as to this class of securities and that class of securities. The law as it is written upon the statute book is the law which has been in force, inapt as it may be, since this system was adopted. No money has ever been lost through the acceptance by any Secretary of the Treasury of inadequate security, and for myself I would rather leave it—I think the statute does leave it—to the discretion of the Secretary of the Treasury.

I think words "and otherwise" mean something. the Secretary of the Treasury is entirely within the law in what he has done. But I would rather leave it to a Secretary of the Treasury, one of the most important officers in any Administration, who is constantly informed as to the value of this security and that-I do not mean its inherent value alone, but its prompt salability—to take the security which he deems to be best than to attempt to tie him down by some bill of particulars as to the securities enacted in a statute. That is my own judgment about it.

Mr. President, I have imperfectly presented this matter, but

must leave the Chamber.

Mr. NEWLANDS. Mr. President, if I understand the purpose of this bill, it is to increase the amount of money in circulation and to increase the elasticity of that circulation. Am I right in that, I will ask the Senator from Rhode Island?

Mr. ALDRICH. It is not to increase the amount of money, but to give it greater flexibility.

Mr. NEWLANDS. The Senator will observe that I did not state that the purpose of the bill was to increase the amount of money, but to increase the amount of money in circulation. Is that one of the main purposes of the bill?

Mr. ALDRICH. I assume that the effect of an additional issue of ones, twos, and fives, and reducing the minimum denomination of gold certificates from twenty to ten dollars will be to give more fluidity and possibly greater circulation to the money already in existence.

Mr. NEWLANDS. I understand, therefore, that the Senator

from Rhode Island regards it as a desirable thing to increase the

circulation of money

Mr. CULBERSON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Texas?

Mr. NEWLANDS. Certainly. Mr. CULBERSON. Doubtless the Senator's attention has already been called to it, but still I remind him that by section 4 of the bill the amount of money can be reduced further than heretofore, the limit now being \$3,000,000 a month, and it is proposed to increase this limit to \$9,000,000 a month under the fourth section of the bill.

Mr. NEWLANDS. I will say, in answer to the statement of the Senator from Texas, whilst it is true that this bill provides that national-bank circulation can be diminished at the rate of \$9,000,000 a month, whereas under existing law it can be diminished at the rate of only \$3,000,000 a month, yet I understand the purpose of the Senator from Rhode Island in urging this change is to promote an increase in bank currency by doing away with the present rigid system which compels a bank, when its circulation is once issued, to keep it out even though that circulation be unprofitable. So I think I am correct in saying that the main purpose of the bill is to increase the money in circulation, and that the Committee on Finance of the Senate deems that a desirable end.

## SMALLER DENOMINATIONS.

The first two sections of the bill relate simply, I believe, to the denominations of gold certificates and of greenbacks. Under the law as it now stands no gold certificate under \$20 can be issued. It is proposed to make the minimum \$10, and it is expected that this will increase, as the Senator from Rhode Island says, the fluidity of the money and in that way promote its circulation. So also with reference to the greenbacks; it is provided in section 2 that when the Secretary of the Treasury deems that the smaller denominations of United States silver certificates are not sufficient to meet the requirements of business he is permitted to issue greenbacks in denominations less than \$5, and it is expected that that will have a similar effect.

Under the law as it now stands the purpose was to confine all the smaller denominations of money to silver certificates. Under the law as proposed the smaller denominations can be increased by dividing up the greenbacks, and the gold certificates can be diminished from \$20 to \$10. I see nothing objectionable in these features, for I have no doubt that business conditions demand more of the smaller denominations than are

now in issue.

## ENLARGED USE OF SILVER.

I also believe that at this very time there is such a demand for smaller denominations that some wise provision should be made for the gradual increase of the silver in our currency; and I will ask the Senator from Rhode Island whether he does not think that some use of silver can be made without endangering the gold standard and simply with a view to meeting the demand of the country for more of the smaller denominations of money?

Mr. ALDRICH. Of course the question of the Senator from Nevada opens a very wide field. I will say that there has been a large and, I think, an increasing demand for silver half dollars, and I believe the Mint is now coining a large amount of these coins and the Secretary is buying silver for that purpose. I think this policy meets with general approval, because anything which adds to the convenience of the business public or the public generally in the way of small notes or silver coinage meets with public approbation.

But if the Senator from Nevada means whether we should resume the purchase of silver bullion for the purpose of coining it into standard silver dollars, I should have to reply to him

that I do not think it is expedient to reenter upon that policy. I think if we should undertake to complicate this bill by a reopening of the silver question in all its parts, we certainly would not be able to secure any legislation at this and possibly not at the next session.

Mr. NEWLANDS. I have not now in view such an issue. I simply wished to get the opinion of the Senator from Rhode Island as to whether we could not moderately increase the use of silver in this country, and thus bring about a gradual approximation to the old parity between silver and gold without endangering the gold standard, to which the Senator from Rhode Island is devoted.

Mr. ALDRICH. I think we can largely increase the use of silver in half dollars and in quarters, and my own personal belief is that the Treasury Department has delayed too long in furnishing to the public the amount of subsidiary silver coin-

age which the country demands.

Mr. NEWLANDS. I understand that the Secretary of the Treasury has announced that he would have to coin at least \$5,000,000 a year for five years in silver.

Mr. TELLER. Five million dollars? Mr. NEWLANDS. Five million dollars. Mr. TELLER. What denominations? Mr. NEWLANDS. Subsidiary coins.

I will ask the Senator from Rhode Island whether in his judgment a larger amount of silver can not be coined and whether it would not simply meet the existing requirements of the country?

Mr. ALDRICH. That is a very difficult question for me to answer. I will say there has been a demand for half dollars, which has not been met. Just how large that demand has been and just what additional quantity would be required I am not myself in a position to state. I think that whatever the country demands it should have, and I think the Treasury Department should purchase the silver bullion and coin it into half dollars and silver quarters to the extent which the public demand requires

Mr. NEWLANDS. I am sorry that in view of this some provision has not been made in the pending bill-

Mr. ALDRICH. It is not necessary.
Mr. NEWLANDS. The Senator says it is not necessary. It is now purely in the discretion of the Secretary of the Treasury, but I think the discretion of the Secretary of the Treasury ought to be instructed upon this subject by Congress. now gradually approaching the old parity. Silver has risen from about 50 cents to over 70 cents an ounce, I believe 75 cents an ounce. All this increase has taken place while certain silver-standard nations have been going to the gold standard. I imagine that this country takes the view that it is desirable that the old parity should be restored.

## INTERNATIONAL BIMETALISM.

In 1900 when Congress passed the bill providing for the gold standard, in the last section, section 14, it was provided:

SEC. 14. That the provisions of this act are not intended to preclude the accomplishment of international bimetallism whenever conditions shall make it expedient and practicable to secure the same by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold

That was in the year 1900, long after we passed through the crucial campaign of 1896, and the Congress of the United States deemed the matter of international bimetallism, the restoration of parity between silver and gold, of sufficient importance to put in the act this section, announcing the ultimate purpose of the United States, with the concurrence of other nations, to restore international bimetallism,

Mr. President, there can be no better way of accomplishing international bimetallism than to gradually raise the value of silver in the markets of the world and bring it approximately to its old value of \$1.29 an ounce. Unaided silver has already advanced in a few years nearly 50 per cent in value. The world has not had enough money; the United States has not enough money, notwithstanding the fact that within ten years we have increased our metal stock in this country 100 per cent. Our total stock of gold and silver in 1896 was \$1,000,000,000. now over \$2,000,000,000, the increase coming almost entirely Yet to-day New York is suffering for want of money. from gold. The hunger for money has drifted from the West, where it existed ten years ago, to the great financial centers of the East. The Senator from Rhode Island only a few years ago introduced a bill in this body intended to give financial relief, intended to increase the amount of money in circulation, and the very reason of his urgency was a threatened panic, which he predicted and which subsequently occurred in New York City; a panic among the rich, it is true, a panic caused by the flotation of large quantities of securities which the existing volume of

money was not able to sustain. So the Senator from Rhode Island, who was entirely deaf to the opinion of the West ten years ago, responded to the cry of New York and was the most prominent advocate upon the floor of this body for an increase in the volume of money.

THE QUANTITATIVE THEORY.

We were told in 1896 that quantity was not an element to be considered in the money question; that all we should have regard for was quality, for if our dollars were only of good quality, regardless of their number, confidence and credit would do the rest and our money system would be perfect. Now, although we have added to the five or six hundred million dollars of gold which we had ten years ago \$1,000,000,000, though the metal in stock has in ten years increased from \$1,000,000,000 to \$2,000,000,000, we are told by that Senator who insisted in 1896 that quality was the only essential that quantity is the essential thing now and that there is not a sufficient quantity.

Mr. President, I am glad to hear the Senator from Rhode Island make the statement that more silver can be used and that more silver ought to be used and that the Treasury partment is to be censured for not using more under the discretion given to it by the law, for I shall hope for results. shall hope that the subsidiary coinage of this country, instead of being increased at the rate of \$5,000,000 a year, will be increased at the rate of \$10,000,000 a year, and that this country, the greatest producer of silver in the world, will be doing something for the first time in ten years to give stability of value to a money metal whose value was mainly lessened by the action of the country most interested in its production, and that country is the United States, the greatest producer of silver in the world.

NATIONAL DEPOSITORIES.

But, Mr. President, the important provisions of the bill now under consideration are sections 3 and 4. The main purpose of section 3 is to make designated national banks the depositories not only of money received from internal revenue, as at present, but of money received from customs. The money received from internal revenue amounts to about \$300,000,000 a year, and the money received from customs amounts to the same. The money received from internal revenue does not go, I understand, into the subtreasury, though the Senator from Wisconsin insisted that it did.

Mr. ALDRICH. Mr. President-The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Rhode Island?

Mr. NEWLANDS. Certainly.

Mr. ALDRICH. The money collected from internal revenue may be paid into national depositories, but these banks must remit to some subtreasury. All the Government receipts in effect go into the Treasury. Then the Secretary of the Treasury disposes of them according to law, but with discretion as to what leaves the shell select for density other than customs redepositories he shall select for deposits other than customs receipts and to what amount.

Mr. NEWLANDS. Do I understand that at present the course is that internal-revenue receipts collected are deposited in the first place with the national banks designated as depositories and then the money is immediately transmitted to the subtreasury?

Mr. ALDRICH. That is right.

Mr. NEWLANDS. Can not that money be kept by the bank?

Mr. ALDRICH. No. Mr. NEWLANDS. Then I was mistaken. I had supposed that these moneys were deposited in national banks as depositories and were subject there to the check of the National Government.

Mr. President, I entirely approve of any system which will prevent the contraction of the money of the country by locking it up. When we lock \$150,000,000 in the United States Treasury, we practically destroy its efficiency as money. Money is useful in exchange or as reserves in banks, and money locked up in the Treasury can not be so used; it is so much dead I therefore favor a system which keeps this money out among the people, a system which never withdraws it from the people. We all know that the best way of keeping it among the people is to keep it in the banks, just as all business men do, and it is the wise thing for the Government to engage in the system of depositing these moneys in the banks and of checking them out in the ordinary course of business, just as any business man would do.

SECURITY FOR NATIONAL DEPOSITS.

The question, however, remains as to security for the money. That has been provided for by the existing act, I believe, regarding United States depositories. It is met by the existing act by the "deposit of United States bonds and otherwise," and the term "otherwise" has been recently interpreted to mean

that the Secretary of the Treasury has unlimited discretion as to the security which he can accept. The committee, therefore, leave those words as they stand and the Senator from Minnesota insists upon it that the securities should be specified.

Mr. President, I think that is subject to the objection made

Mr. President, I think that is subject to the objection made by the Senator from Wisconsin, that if we start in the work of designating these various securities we are likely to get into considerable confusion, and that for that reason it is better to leave it to the discretion of the Secretary of the Treasury. But it does seem to me that there ought to be some provision in the law compelling the Secretary of the Treasury upon the 1st of January in each year, by public notice, to state what bonds and securities will be accepted for these deposits.

Ist of January in each year, by public notice, to state what bonds and securities will be accepted for these deposits.

I would not subject the Secretary of the Treasury to the temptation of an individual transaction which may test his integrity. I would have him act under some general rule, published to the entire world, subject to the scrutiny of the entire financial world. If that is done, I believe that he will place in his list only such securities as are absolutely good, and if we compel him by law to make such a statement on the 1st of January of each year it necessarily means a constant revision of the list, the weeding out of poor securities and the substitution of good.

Now, Mr. President, the next question is as to where these public moneys shall be deposited. Is the Secretary of the Treasury to be given unlimited discretion as to these deposits? That is an enormous power, a power which might be used to his personal advantage, a power which might be used to the advantage of particular banks or particular communities or particular sections. It is true that when moneys are paid into the Government at New York for customs the money is paid out probably from some existing bank, and it would only seem fair, perhaps, that the moneys which are received from the community of New York should be deposited in some bank there, and that the moneys which are received in the community at San Francisco should be deposited in some bank there. But it must be recollected that the customs receipts, while paid out of the banks in the great ports of entry, come from the entire country, and the man who has a shipment of goods made to him in Chicago has to provide the funds there from which to pay the entry duty at New York, and he has to arrange his credits accordingly.

WITHDRAWAL OF NOTE CIRCULATION.

Mr. President, as to the last section, which authorizes the withdrawal of national-bank circulation in an amount not exceeding \$9,000,000 a month, I have to say there is great force in the contention that these bank notes are required for emergencies. They are required to move the crops. They are useful, perhaps, for three, six, or nine months in the year, and then perhaps useless.

The reason why Congress put in the limitation in withdrawal of \$3,000,000 was that it did not wish to give the banks the power to quickly contract the currency. We had an illustration of this power in 1893, when, under the direction of Mr. Cleveland, an object lesson was given to the western people, then urging the free coinage of silver as a means of increasing the money volume, by the eastern banks, which withdrew their credits simply with a view to bringing about such conditions as would force what they regarded as needed legislation. We do not therefore wish to give such power to the banks, but it does seem to me that there ought to be some proportion between the amount of withdrawal and the amount in circulation. If we have \$300,000,000 in bank notes in circulation and we permit the banks to withdraw only at the rate of \$3,000,000 a month, when we have \$600,000,000 of notes in circulation it is hardly fair to hold them down to \$3,000,000 a month. Three million dollars is 1 per cent of \$300,000,000. One per cent of \$600,000,000 is \$6,000,000 a month.

It seems to me, therefore, that a better rule to establish would be not to provide a fixed amount that can be retired every month, but to give the banks the power simply to retire to the extent of 1 per cent of the aggregate of their circulation, whatever it may be. The aggregate circulation of the country to-day in bank notes is about \$600,000,000. Five or six years ago it was only about \$300,000,000. One per cent of \$600,000,000 would be \$6,000,000. It seem to me that this would be a much fairer rule. If, then, the bank-note circulation of the country should diminish to \$300,000,000, we should permit them to retire only at the rate of 1 per cent, or \$3,000,000, per month. If it should rise to \$1,000,000,000, as it may, we should then allow them to retire the same percentage, or \$10,000,000,000, per month. It appears to me to be entirely illogical to put in a fixed amount that can be withdrawn every month and entirely logical to provide that the amount of withdrawal shall bear a certain proportion to the aggregate in circulation.

BANK RESERVES.

Now, Mr. President, I wish to say one word regarding the reserves of these banks. We have a system which crowds all the reserves of all the national banks of the country in New York City. That seems to me to be a vicious system, because it collects from every part of the country moneys to be used simply in speculation. When the moneys are needed in the West and in the South a contraction of the volume of money is caused in New York, and we have the stock panics which may at any time be so large in their proportion as to involve bank panics in New York and resulting bank panics throughout the United States.

Now, let us see how much of these reserves can be placed in New York. There are sixteen reserve cities provided for by the national banking act. National banks in these cities are required to keep 25 per cent of their deposits in cash, but they are allowed to deposit one-half of such cash in banks in New York City and no other city. New York is the central reserve city in the United States. The result is that all of these national banks in the sixteen reserve cities may really have only cash reserves of 12½ per cent, provided they deposit the remaining 12½ per cent in the national banks of New York City.

Then, how is it with the other cities that are not reserve cities, the country banks, the banks of the smaller cities? They are compelled by law to keep a reserve of 15 per cent. They must have reserves equal to 15 per cent of their deposits. But they are permitted to deposit three-fifths of their supposed cash reserve in the reserve cities. The result is that under the law the national banks of the smaller cities are compelled to keep on hand only 6 per cent of their deposits, and the remaining three-fifths of the 15 per cent may be deposited in the reserve cities, and then the national banks in the reserve cities can deposit one-half of these moneys in the New York City banks under the system to which I have referred.

#### DRIFT OF RESERVES TO NEW YORK.

So the tendency is to deposit in New York one-half of all the reserves of all the national banks of the United States. It seems to me that is an unfair advantage to give to New York. It has the effect of building up New York at the expense of her great commercial rivals. It is not fair to Boston; it is not fair to Philadelphia; it is not fair to Baltimore, or to Richmond, or to Atlanta, or to New Orleans, or to San Francisco.

When you add to these enormous reserves deposited in the New York banks the command of the life-insurance moneys of the country, you can see how the entire financial system of the country is made to play into the hands of New York and to promote this speculation, which has been breeding panics year after year.

It is this system of crowding the cash reserves of the national banks of the entire country into New York that has led to this overcapitalization of railroad securities, of trust securities, of watered stocks and bonds, that have been placed upon the entire public, and upon which the public are compelled to pay interest and dividends.

But, in addition to this, the system withdraws from every section of the country money that is actually needed there for safety. What system of banking is that which will permit the banks of the smaller cities to move along on a cash reserve of only 6 per cent of their deposits? Safe banking throughout the country requires from 20 to 25 per cent. We insist that the national banks of New York City should have at least 25 per cent of their deposits in cash reserves; we insist upon the banks in reserve cities having at least 12½ per cent, while we permit these smaller banks to have only 6 per cent to meet the demands of their depositors in times of stress. Then when the time of stress comes and they apply to the banks in the great reserve cities and these banks apply to the banks in the central reserve city of New York for money actually deposited there, they are met with the answer that cash can not be forthcoming; that stock panics will ensue, and resort is then made to clearing-house certificates to discharge the obligations of these great central banks.

## INCREASE OF RESERVES IN COUNTRY BANKS.

Mr. President, it would, of course, revolutionize the banking system of the country if we should attempt to make too radical a change at once in this particular, but I think it is only reasonable to provide in this very bill that hereafter the actual cash to be maintained by these country banks and by these reserve city banks, outside of the central city of New York, shall be increased at the rate of 1 per cent per annum until we shall have finally a system that will compel the country banks to hold four-fifths of their required reserve of 15 per cent in actual cash in their vaults to meet the demands of their depositors; and that will

compel the reserve city banks to keep 25 per cent of actual cash in their vaults to meet the demands of their depositors. If we do this we shall have a safe and sound banking system, and not a banking system that simply aids the promotion of speculation in the country, with its accompanying stock and bank panics.

Mr. President, I do not know that I shall have the time or the

skill in the time to be given to this debate to prepare the amendments which I have outlined. I think that whilst we are considering the bill we ought to perfect it; that we ought to perfect our national banking system, and not only provide that the money now constituting the money volume of the country shall be more fluid, but that we shall also provide more security for the depositors, and thus add to the stability of enterprise and of prices throughout the entire country.

## DEMOCRATIC CONTENTIONS OF 1896.

But I can not close without pointing out the fact that this very bill, and the argument on which it is based, simply confirms the Democratic contention of 1896 as to the quantitive theory We insisted then that with the increase of population and business more money was required to make the exchanges just as more freight cars were required to transport the products exchanged. The demand was met in an unexpected way by the increased production of gold. Yet now, though our per capita circulation has increased from \$22 to \$32. we find that the increase of business and production has created a demand for more money, which even the vastly increased production of gold can not meet. Thus time is vindicating all the demands for reform legislation and all the economic contentions which we made in 1896.

Mr. McCUMBER. Mr. President, I will not take three min-utes in what I shall say on this bill to-day, for I gave an expression of my opinion about it the other day

There are two important changes in this bill, and only two. The first change, Mr. President, as I understand, is simply a matter of a change in the denominations. So far, therefore, as it affects that portion of the present law whereby the gold certificates are to be changed, each twenty to two tens, we do not affect the volume of the currency in the slightest degree; we do not expand the currency or contract it by this method.

The next section is not one, Mr. President, intended to expand

the currency in any way. It is simply to relieve certain banks or certain sections of the country by providing that a sum of from about \$300,000,000 to \$400,000,000 that otherwise would be paid first to the Treasury and by it often paid back to those banks shall reach the same banks in a little different method and a more direct way.

Mr. President, we all agree upon one proposition, that no more money should be retained in the Government vaults than is absolutely necessary to safely conduct the business of the Government. I believe that every Senator will be in accord on that proposition.

It is said, Mr. President, that this measure is for the relief of trade; that it is not for the relief of a particular bank. I want to see if it is really for the relief of trade, and if so, for what kind of trade; whether it is for the relief of particular banksthose of New York or Boston and other seaports. The amount of money that is to be required in any section of the country will always be determined beforehand by a certain and positive index; and whenever we desire to know whether there is a stringency in the money market in any particular part of the Union, we ascertain that by the index of the rate of interest. The index of the rate of interest in New York is fluctuating. As a rule; year in and year out the rate is probably as low there as it is in any other section of the United States. It is only at special periods that it rises enormously to meet demands

for speculation that is rife at all times in that city.
So we can not blind our eyes, Mr. President, to the fact that heretofore, again and again, about once or twice a year the Treasury Department goes to the relief not of the West, not of the section of country out in the agricultural portions, but always to that section of the country which is sustained by the gambling in stocks and securities in the great cities of the United States. Ever so often we are compelled to supply millions upon millions of money to prevent a panic in a certain section of the country. Now, the people of the country have got tired of the nation coming to the relief and the upholding ever so often of stock speculation. Then comes the demand for an expansive or an elastic currency.

Mr. BACON. Mr. President—
The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. I do.

Mr. BACON. I want to call the attention of the Senator to what I supposed was a lapsus lingua on his part. The Senator

certainly does not mean to say that boards of trade in the various cities are gambling institutions.

Mr. McCUMBER. I refer to certain dealings upon stock

Mr. BACON. The Senator means stock boards, does he not? Boards of trade are very different things from stock boards.

Mr. McCUMBER. The Senator is correct. Mr. BACON. I thought I would give the Senator an oppor-

tunity to correct his mistake in that regard.

Mr. McCUMBER. Gambling in stocks creates this excessive demand for currency. It is necessary to have that currency for the purpose of upholding these stocks until they can be again loaded onto the public. That is the history of the demand that has been made upon the Treasury for loans for the last six or eight years.

Now we find a more simple and a more easy method, and that is, Mr. President, that this \$400,000,000 that heretofore went directly to the Treasury goes to those banks of deposit and swells their deposits to the extent of \$400,000,000 a year. Then the Secretary of the Treasury may call for those amounts as he may demand. In no instance will he use a greater amount than is necessary to conduct the business of the country, and only those banks in those sections of the country will receive the benefit of this deposit.

But they say it is necessary for the moving of our crops. it is necessary for the moving of the crops during the fall of the year in the agricultural sections of the country, why is it, then, that we will not have the deposits nearest to where those crops are marketed? How is it going to help us particularly in the removal of the crops that the deposits are made in the spring of the year, when the gambling sentiment is certainly at its height, to help out these eastern banks? The amount of money to remove the crops is necessary only in the fall of the year, and, Mr. President, there is enough money in the West to remove those crops. The banks handle the crops. They have no difficulty whatever in doing so. So that we get right back to the same proposition, that we are to help out a number of these eastern banks at the expense of the interior.

Do any of the interior banks get the customs receipts? Certainly not. They do not come into those banks at all. They simply fill the coffers of the banks at the ports of entry.

Mr. President, the Senator from Nevada [Mr. Newlands] seems to think that the remedy will be by increasing the bulk of the circulating medium. I would like to ask the Senator if he for one moment believes that if we should double the amount of the currency in the United States within the next six months in one year thereafter there would not be the same hunger for money to uphold the stocks of the city of New York? The same conditions would follow. The cheaper the money, the greater the speculation; and the greater the speculation, the greater the demand for an excessive amount of money to uphold the enormous speculations.

I think the remedy is fairly and honestly given by the Senator from Minnesota [Mr. Nelson]. Let the money go where the demand is greatest. The demand is always the greater where interest is higher, and in those sections of the country where the banks are able and willing to pay the 2 per cent referred to in the pending amendment, they will receive the money in preference to those who do not need it badly enough,

at least to pay this interest.

I ask the Senator why should the banks have the benefit of this great amount that would be collected from the customs—about \$400,000,000 per year, less the amount, of course, that will be drawn out by the Secretary of the Treasury? Why should they have it without any remuneration whatever? They certainly will receive benefit from its use. I know the Senator from Wisconsin [Mr. Spooner] indicated, in answer to a question from the Senator from Minnesota [Mr. Nelson], that these funds would remain in the banks. He says, of course, the banks would feel like loaning more if they had more in the banks on which to make loans; but, Mr. President, they certainly would not feel like extending a loan one cent beyond the limit unless they knew they had a reserve to meet the demands and to answer to checks. I think no one will deny that all these Government depositories receive this money exactly the same as they receive any other deposits, and it adds so much to their assets in times of stress, whenever there is a demand upon them.

Mr. President, I agreed with the Senator from Rhode Island [Mr. Aldrich] that I would not take more than five minutes upon this subject. I have taken four and a half, and I am going to yield the floor, with the hope, however, that the amendment of the Senator from Minnesota will be adopted.

Mr. BACON. Mr. President, with his permission, I desire

to ask the Senator from Rhode Island a question or two about some of the provisions of this bill. I recollect some years ago-I thought it was in the last Congress, but I am informed that it was in the Congress prior to that-there was a similar bill introduced by the Senator from Rhode Island, and that there was a provision in it relative to the deposit of money in banks which prescribed that there should be a certain distribution of Government deposits in different sections of the Now, I find that this bill, drawn on the same lines with the previous bill and relating to the same subject, does not contain any such provision, and I should like to know from the Senator from Rhode Island why that omission is made in

Mr. ALDRICH. Mr. President, the committee tried, as I have explained several times, to keep every possible contested question out of this bill; to confine our suggestions of change in existing law in this section to leaving out the words "except customs receipts." It has been the purpose of the Secretary of the Treasury-and it will always be the purpose of every Secretary of the Treasury—to distribute these funds equitably throughout the country. The Senator from Wisconsin [Mr. Spooner] has called attention to the published list of the national depositories, with the amount deposited in each. When the report was made there were 997 different depositories located in every State and Territory in the United States. I have no doubt whatever that any Secretary of the Treasury, having in view the public interests and having in view the demands of the various sections, would do exactly what the present Secretary has done. We did not put such a provision in this bill because, in the first place, we did not think it was necessary, and if we should go into the question of adding to the present law all amendments that may be suggested, we never would reach a conclusion.

Mr. BACON. Now, Mr. President, if the Senator will permit me, I desire to make this further inquiry of him. Under the present law the receipts from customs duties are not deposited in banks. That is one class of receipts which are received by the Government largely in one locality. The revenues of the Government which are now deposited in banks are revenues which to a much greater extent are received throughout the country—receipts from internal revenue, receipts from postoffices, and so forth and so on. For that reason it is probably, under the present law, more convenient for the Secretary of the to distribute his deposits throughout the country, whereas, if the addition is made, as we propose in this bill, of the receipts from customs as a fund which shall also be depositable, if I may use such a word, in the various banks of the country, the fact that almost all of those receipts are collected in New York, comparatively speaking, it seems to me would render it less probable that there would be that equal distribution throughout the country that now obtains on the deposit of funds received from other sources.

Mr. ALDRICH. The Senator from Georgia was not listening. I imagine, to the statement made by me in answer to the suggestions made by the Senator from Nevada [Mr. NEWLANDS] as

Mr. BACON. I was called out of the Chamber, as we all frequently are, and I did not hear it.

Mr. ALDRICH. At the present time all the revenues except customs may be deposited in the Government depositories by collectors of internal revenue or deputy collectors of internal revenue or by other officers who are charged with the duty under the law of collecting the revenue—

Mr. BACON. That is the statute. Mr. ALDRICH. In national depositories or in subtreasuries, dependent upon the convenience of the people who make the collections. If deposited in a depository, they are as soon as possible sent to the nearest subtreasury. The only difference between customs and other receipts is that the customs receipts, under the law as it now stands, go immediately into a subtreasury. All the customs receipts and internal-revenue receipts—in fact, all receipts of the Government—go into the Treasury of the United States, and are by the Secretary of the Treasury distributed. It makes no difference whether they are received in San Francisco or in New Orleans or in Louisville, they are distributed by the Secretary. In case money is to be deposited in national depositories at his will, it makes not the slightest difference whether the amount in the Treasury was collected in Atlanta or in New Orleans or in San Francisco. If he finds that he has a surplus to-day of \$150,000,000 above what he thinks is necessary in the Treasury of the United States—it may be in the subtreasury in New Orleans; it may be in the subtreasury in San Francisco nominally, or it may be in the subtreasury in New York—he deposits that money as from the Treasury of the United States.

Mr. BACON. Of course.

Mr. ALDRICH. And it makes not the slightest difference where it was collected.

Mr. BACON. But the thought that was in my mind-and I may be in error about it—is that while, of course, nominally it goes into the Treasury, if the money is collected, for instance, in Atlanta, it is not absolutely necessary before it shall go into a national bank in Atlanta that it shall go to the subtreasury and be shipped back to Atlanta.

Mr. ALDRICH. There is no shipment about it. It is a

system of accounting.

Mr. BACON. I understand that. Mr. ALDRICH. It is a system of checks. There is no actual shipment once in a thousand times. Whenever the money is deposited the actual cash is not deposited, the deposit is made by a treasury draft, or in some other form of an order.

Mr. BACON. As a general rule, I presume that is true as to

all matters of exchange largely.

Mr. ALDRICH. So that in the matter of accounting there is no trouble whatever of the nature suggested by the Senator from Georgia as to these collections.

Mr. BACON. Waiving that part of it, I want to ask the Senator what he understands to be the rule by which the Secretary of the Treasury is governed in making these distributions as to the proportions to different sections?

Mr. ALDRICH. As I understand, it is the intention of the Secretary—he has said so to me verbally and his report shows that it is so-to distribute this money equitably as between the different States and sections throughout the United States.

Mr. BACON. But it is a matter entirely within the control

of the Secretary

Mr. ALDRICH. It is a matter entirely within the control of the Secretary, and I hardly see how we could adopt any hardand-fast rule which might not under certain circumstances be very prejudicial to the Treasury itself. I do not believe that we can adopt a rigid rule that, for instance, a certain proportion of the public money should necessarily be deposited in a certain locality, because there might be some public reason or some public interest requiring the deposit of a larger or a smaller sum. For example, there might be reasons for an exceptional deposit in the city of Atlanta or, as has happened recently, in the city of San Francisco, or in some other section of the country where some emergency requires that an exception should be made. The Secretary, for instance, deposited large sums in San Francisco for the benefit of the people of that stricken city, and I imagine there is not a man in either House of Congress who would say that this was not a proper exercise of discretionary power on the part of the Secretary of the

Mr. BACON. I can not understand then why, if in the former bill, in the Fifty-seventh Congress, it was important to make some general provision of this kind, it should be omitted from this bill. I recognize the fact of course that it can not be said that a tenth shall be deposited here and a fourth there, but there can be a general direction. I have sent for the bill for the purpose of getting-

Mr. ALDRICH. I have no objection whatever, if the Senator desires it, to the insertion of a provision that these funds shall be distributed equitably, as far as practicable, among the different sections.

Something of that kind, I think, should be Mr. BACON. placed in the bill.

Mr. ALDRICH. We did not put it in because we wanted, I repeat, to keep out of this bill all controverted questions, to make it as simple as possible in order that we might awaken as little discussion as possible.

Mr. BACON. I think the fact that it is out is more apt to

raise controversy than if it was in.

Mr. ALDRICH. If the Senator will prepare such an amendment I will accept it for the committee

Mr. BACON. I have sent for the bill. There is another question, which is a very much more serious one to me, about which I desire to ask the Senator from Rhode Island. There are some features of this bill of which I am very much in favor. There are others which to my present apprehension are very objectionable, and I wish to call the attention of the Senator to one which to me seems to be very objection-The Senator may be able to remove the objectionable complexion of it. I refer to the provision in the bill which enlarges the opportunity of the national banks to reduce the circulation. By the present law the national banks are limited to \$3,000,000 a month as to the extent to which they can reduce the circulation.

This bill proposes that they be permitted to withdraw \$9,000,000 a month. Under the provisions of this bill, if it

should become a law, it is perfectly competent for the national banks to reduce the circulation in the course of one year \$108,000,000, as suggested to me by the Senator from Colorado [Mr. Patterson], plus the amount of money which they are compelled to have in the banks to keep as reserve, besides other moneys that they would have. It is withdrawn. They are obliged to have a certain amount of money on hand.

That does not affect this question at all. Mr. ALDRICH. The amount of possible withdrawal is not affected by the ques-

Mr. BACON. I will leave that out and limit it to the other, though it occurs to me that that is a material consideration. But passing that by, the Senator from North Dakota, I think it spoke of this as a bill intended to enlarge or make more elastic the currency, to give the opportunity for larger circulation to meet the demands of constantly increasing business. think the Senator from Rhode Island also has alluded to it in the same way. But this seems to me to be a provision which looks directly in the opposite direction, and with the large con-centration of power in the hands of the larger banks in the large money centers it seems to me to be a dangerous power.

There was certainly good reason why the limitation was put upon the national banks that they should not retire currency to a greater extent than \$3,000,000 a month. If with the smaller business that limitation was deemed important, it seems to me that as the business of the country increases, as activities are greater, demands for money more urgent, it is of still greater importance that the amount of money which can be within a limited, comparatively short, period withdrawn from circulation should not be enlarged. I should like to hear why the Senator from Rhode Island thinks that it is to the interest of the country, or even how it may be safe for the country, whereas heretofore it has been considered that \$36,000,-000 was the utmost which could be safely withdrawn in one year, that now \$108,000,000 a year may be withdrawn from circulation.

Mr. ALDRICH. The Senator from Georgia, who is very constant in his attendance on the sessions of the Senate and examines public questions with as much enterprise and intelligence as any man here, was not present, I think, when I made the explanation.

Mr. BACON We are on conference committees, and are called out of the Chamber every once in a while, and I did not

hear the Senator.

Mr. ALDRICH. I understand that. I went over the ground. and I think very fully, as to the reasons which led the committee to make this recommendation.

Mr. BACON. If the Senator has stated it and it is in the RECORD, I will not ask him to restate it.

Mr. ALDRICH, It is in the RECORD.

Mr. BACON. I will ask some one to tell me privately.

Mr. ALDRICH. I have stated the reasons. I suggest to the Senator that I will, on behalf of the committee, move this amend-

Provided, That the Secretary of the Treasury shall distribute the deposits herein provided for, as far as practicable, equitably between the different States and sections.

Mr. BACON. I think that is proper.

Mr. ALDRICH, When the amendment of the Senator from Minnesota shall have been disposed of, I will offer this amend-

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota [Mr.

NELSON

Mr. CULBERSON. The amendment proposed by the Senator from Minnesota is a long one, and substantially contains three propositions. One is to permit the customs receipts to be deposited in banks contrary to the present law; second, to enlarge the securities upon which the Treasury may make deposits; and third, to provide for interest upon the deposits. will ask the Senator if it is not practicable for him to separate those propositions, so that we may be allowed to vote upon them separately?

Mr. ALDRICH. I hope the Senator will permit the Senate to have a test upon the general proposition. Of course, if the amendment is voted down, I assume that will be the end of it,

and then we can

Mr. CULBERSON. Some of us probably would favor some features of the amendment, but would not care to vote for the entire amendment. If the Senator from Minnesota does not see proper to separate these three propositions, I move to amend the amendment by adding after the word "money," in line 3, page 1, the words "except receipts from customs."

The VICE-PRESIDENT. The Senator from Texas proposes

an amendment to the amendment of the Senator from Minnesota, which will be stated.

The Secretary. After the word "money," in line 3, page 1, insert "except receipts from customs.

The amendment to the amendment was rejected.

Mr. CULBERSON. I offer an amendment to the amendment. On page 2, in line 6, I move to strike out:

Or municipality of the Union, or such bonds as are accepted by the vings banks of the States of Massachusetts or New York, commer-

Mr. NELSON. The amendment is not exactly in that form ow. I suggest that the amendment as modified in that particular be read.

The VICE-PRESIDENT. The Secretary will read as requested by the Senator from Minnesota.

The SECRETARY. The amendment was modified by striking out lines 5, 6, 7, and down to and including the word "par," in line 8, on page 2, and inserting:

Of the bonds and stocks in which the savings banks of the States of Massachusetts and New York are authorized under the laws of these States to invest their funds.

Mr. CULBERSON. The words "municipality of the Union,"

etc., have been stricken out.

Mr. NELSON. They have been stricken out. It is limited to State bonds and to stocks and the bonds mentioned.

Mr. CULBERSON. I move to strike out the words just read by the Secretary. In other words, speaking for myself person-

ally and only for myself, I am not clear that we ought to enlarge the type of securities upon which deposits can be made. The VICE-PRESIDENT. The Senator from Texas proposes

to amend the amendment of the Senator from Minnesota, as will be indicated by the Secretary.

The Secretary. It is proposed to amend the amendment by

striking out, at the end of line 5, the following:

Or the bonds and stocks in which the savings banks of the States of Massachusetts and New York are authorized under the laws of these States to invest their funds.

The amendment to the amendment was rejected.

Mr. BACON. I dislike to allude again to the matter, but in conversing with several Senators around I find that I am not the only one who does not know the ground upon which it is claimed that it is desirable and safe to enlarge the amount of money which can be retired from \$3,000,000 to \$9,000,000 month. As we will have to vote on the question, I hope the Senator from Rhode Island will give us the explanation.

Mr. ALDRICH. I suggest that before the vote is taken upon that section, it not now being under consideration, I will again make the explanation which I made in the Senate the other

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota [Mr. NELSON

Mr. ALDRICH. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when Mr. Allison's name was called). senior Senator from Iowa [Mr. Allison] has just gone home on account of indisposition. He stands paired with the senior Senator from Alabama [Mr. Morgan].

Mr. ALDRICH. The senior Senator from Iows, if present,

would vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I transfer the pair to the senior Senator from Delaware [Mr. ALLEE], and will vote. I vote "nay."

Mr. McENERY (when his name was called). I am paired with the junior Senator from New York [Mr. Depew]. As he

is not present, I withhold my vote.

Mr. MALLORY (when his name was called).

Mr. MALLORY (when his name was called). I announce rootor, I f he were present, I should vote "yea."

Mr. OVERMAN (when his name was called). I wish to answere a grapulation with the PROCTOR 1. nounce a general pair with the senior Senator from California [Mr. Perkins]. As he is not in his seat, I withhold my vote.

Mr. SIMMONS (when his name was called). I have a general pair with the Senator from Minnesota [Mr. CLAPP]. he were present, I should vote "yea."

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. Carmack]. As he is not present, I transfer the pair to the Senator from Iowa [Mr. Dolliver] and will vote. I vote "nay."

Mr. WARREN (when his name was called). I have a geral pair with the Senator from Mississippi [Mr. Money]. I have a genunderstand he would vote on the same side of the question on which I shall vote. I vote "nay."

The roll call having been concluded, the result was announced-yeas 17, nays 43, as follows:

	Y	EAS-17.	
Bacon Berry Blackburn Clarke, Ark. Clay	Culberson Dubois Frazier Kittredge La Follette	McCumber McLaurin Nelson Newlands Patterson	Pettus Stone
	N	AYS-43.	
Aldrich Ankeny Brandegee Bulkeley Burkett Burnham Burrows Carter Clark, Mont. Clark, Wyo. Crane	Cullom Curtis Dick Du Pont Flint Foraker Frye Fulton Gallinger Gamble Hale	Hansbrough Heyburn Hopkins Kean Knox Lodge Long Millard Mulkey Nixon Penrose	Piles Rayner Scott Smith Spooner Sutherland Warner Warren Wetmore Whyte
	NOT	VOTING-30.	
Allison Bailey Beveridge Carmack Clapp Daniel Depew	Dillingham Dolliver Dryden Elkins Foster Hemenway Latimer McCreary	McEnery Mallory Martin Money Morgan Overman Perkins Platt	Proctor Simmons Smoot Taliaferro Teller Tillman

So Mr. Nelson's amendment to the amendment was rejected. Mr. ALDRICH. In compliance with the suggestion which I made when I was on the floor before, I move to amend the section by adding at the end thereof what I send to the desk:

The VICE-PRESIDENT. The Senator from Rhode Island proposes an amendment to the amendment, which will be stated. The Secretary. It is proposed to add at the end of section 3, line 20, page 6, the following:

Provided, That the Secretary of the Treasury shall distribute the deposits herein provided for as far as practicable equitably among the different States and sections.

The amendment to the amendment was agreed to.

Mr. NEWLANDS. I offer an amendment to the amendment. The VICE-PRESIDENT. The Senator from Nevada offers an amendment, which will be stated.

The Secretary. On page 6, line 16, after the word "Government," it is proposed to insert:

Provided, That the Secretary shall, on or before the 1st of January of each year, make a public statement of the securities required during the year for such deposits.

Mr. ALDRICH. I think there is no objection to the amend-

The amendment to the amendment was agreed to.

Mr. NELSON. I offer an amendment to come in at the end of the amendment offered by the Senator from Rhode Island [Mr. ALDRICH] and adopted.

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment to the amendment, which will be stated.

The Secretary. After the amendment already adopted at

the end of section 3 it is proposed to insert:

All national banking associations, designated as depositories of public money as aforesaid and receiving such money on deposit, shall pay to the Government of the United States such interest upon the deposit as the Secretary of the Treasury may prescribe, not less, however, in any case than at the rate of 2 per cent per annum upon the average daily balance of such deposit.

Mr. ALDRICH. I suggest that that amendment has already been acted upon.

Mr. NELSON. No; it was a part of another amendment. This is a separate proposition. I ask for the year and nays.

Mr. ALDRICH. I suggest that the amendment is not in order at this stage. It would be in order, of course, in the Senate, but it is a part of an amendment which has already been voted

Mr. NELSON. It is a separate proposition. It was a part of another proposition, and only a small part of it. This is an independent proposition entirely, and it is in order.

Mr. BERRY. I suggest to the Senator from Rhode Island—
Mr. ALDRICH. I withdraw my objection. Let the vote be

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota to the amendment of the committee.

Mr. NELSON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CLARK of Wyoming. I ask that the amendment may be again stated.

The VICE-PRESIDENT. The Secretary will again state the

amendment.

The Secretary again read the amendment.

Mr. ALDRICH. The amendment clearly makes the transaction a loan to the banks.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. MALLORY (when his name was called). I again announce my general pair with the Senator from Vermont [Mr. Proctors]. If he were present, I should vote "yea."

Mr. OVERMAN (when his name was called). I again announce a general pair with the senior Senator from California [Mr. Perkins]. If he were present, I should vote "yea."

Mr. SIMMONS (when his named was called). I again an-

nounce my pair with the junior Senator from Minnesota [Mr. CLAPP]. If he were present, I should vote "yea."

Mr. SPOONER (when his name was called). I again announce my pair with the Senator from Tennessee [Mr. Carmack] and the transfer of that pair to the Senator from Iowa [Mr. Dolliver], and I will vote. I vote "nay."

The roll call was concluded.

Mr. CULLOM. I have a general pair with the junior Senator from Virginia [Mr. Martin]. I transfer that pair to the senior Senator from Delaware [Mr. Allee], and vote "nay."

The result was announced—yeas 21, nays 41, as follows:

YEAS-21.

Bacon Berry Blackburn Burkett Clarke, Ark. Clay	Culberson Dubois Frazier Kittredge La Follette McCreary	McCumber McLaurin Nelson Newlands Patterson Pettus	Taliaferro Warner
	N.	AYS-41.	
Aldrich Ankeny Brandegee Bulkeley Burnham Burrows Carter Clark, Mont. Clark, Wyo. Crane Cullom	Daniel Dick Du Pont Flint Foraker Frye Fulton Gallinger Gamble Hale Hansbrough	Heyburn Hopkins Kean Knox Lodge Long Millard Mulkey Nixon Penrose Piles	Rayner Scott Smith Spooner Sutherland Warren Wetmore Whyte
	NOT 1	OTING-28.	
Allee Allison Bailey Beveridge Carmack Clapp Curtis	Depew Dillingham Dolliver Dryden Elkins Foster Hemenway	Latimer McEnery Mallory Martin Money Morgan Overman	Perkins Platt Prector Simmons Smoot Teller Tillman

So Mr. Nelson's amendment to the amendment was rejected. Mr. STONE. It may be that the majority voting against the

amendment objected to the amount of interest. I propose to offer the same amendment with a lower rate of interest. The VICE-PRESIDENT. The amendment will be read. The Secretary. At the end of the amendment proposed to be inserted as section 3, and after the amendment already agreed to at that place, insert:

All national banking associations, designated as depositories of public money, as aforesaid, and receiving such money on deposit, shall pay to the Government of the United States such interest upon the deposit as the Secretary of the Treasury may prescribe, not less, however, in any case than at the rate of 1½ per cent per annum upon the average daily balance of such deposit.

# RIVER AND HARBOR BILL.

Mr. FRYE. I submit the conference report on the river and harbor bill.

The VICE-PRESIDENT. The report will be read.

The Secretary proceeded to read the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 24991) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. FRYE. There is no matter about reading the report now. Mr. CULLOM. I rose to inquire if the Senator expects im-

mediate action upon the report.

Mr. FRYE. I see that for to-morrow morning notices have been given by the Senator from North Dakota [Mr. Hans-BROUGH] of a bill, but it is not to interfere with appropriation bills, and I see that the Senator from Colorado [Mr. PATTERson] has given notice that he desires at that time to address the Senate. In the interest of the public business, I think I shall be obliged to insist that the conference report shall receive consideration immediately after the routine morning business to-

Mr. PATTERSON. I should like very much to dispose of the matter I have in hand. I expect to occupy but an hour.

Mr. GALLINGER. If the Senator will permit me, I desire to give notice at this time that the conference report on the District of Columbia appropriation bill is ready, and I shall want to have it considered at as early an hour to-morrow as is possible, if I do not get an opportunity this afternoon.

Mr. WARREN. I have in my hand the conference report on

the Army appropriation bill, which it is very necessary to have considered to-night. I have held it hoping that there might be

a vote on the pending financial measure.

Mr. FRYE. I do not like to be discourteous toward the Senator, but it seems to me that at this late hour in the session these conference reports must be considered. The river and harbor report is a very important one, and it is very im-portant that it shall receive consideration to-morrow morning.

Mr. PATTERSON. I have no doubt about that, and if there was any danger of occupying more than an hour I would not

ask to interfere. I shall not occupy over that time.

Mr. FRYE. If the Senator will confine himself to an hour. That is what I will aim to do, I will say Mr. PATTERSON. to the Senator from Maine, and I will come so near to it that the Senator from Maine will not object.

The VICE-PRESIDENT. The conference report on the river and harbor bill will be printed in the RECORD and also printed

as a document.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24991) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 9, 13, 14, 15, 16, 17, 18, 27, 30, 33, 37, 38, 40, 41, 43, 47, 50, 59, 71, 72, 73, 74, 87, 89, 90, 93, 94, 98, 99, 100, 104, 108, 111, 113, 114,

115, 116, 119,

That the House recede from its disagreement to the amendments of the Senate numbered 5, 7, 8, 10, 19, 20, 21, 22, 26, 28, 29, 35, 36, 42, 45, 51, 57, 60, 63, 64, 65, 66, 67, 68, 75, 76, 77, 78, 79, 80, 81, 82, 84, 86, 88, 92, 95, 96, 97, 101, 102, 105, 106, 107, 112, 117, 118, 120, 121, 123, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of

the language proposed insert the following:

"Improving Sasanoa River, Maine: Completing improvement in accordance with the report of the Board of Engineers, dated February seventh, nineteen hundred and seven, forty-four thousand dollars.

And the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In the language proposed, in lieu of the word "Constructing" insert the word "Improving;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In the language proposed strike out the words "surveys, preparation of plans, and preliminary work in connection with securing easements and releases" and insert in lieu thereof the following: "investigation and further examination;" and the Senate agree to the same.

Amendment numbered 11: That the House recede from its

disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the

language proposed insert the following

"Improving Providence River and Harbor, Rhode Island, by dredging to a depth of twenty-five feet for a uniform width easterly from the main ship channel between Long Bed and Kettle Point, in accordance with the plan submitted in House Document Numbered One hundred and eight, Fifty-sixth Congress, first session, ninety thousand seven hundred and fifty dollars."

And the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out the language as proposed and in lieu thereof insert the following:

"Improving Bay Ridge and Red Hook channels, New York: The Secretary of War may prosecute the improvement in said channels with a view to obtaining a depth of thirty-five feet and subsequently increasing said depth to the full forty feet with a width of twelve hundred feet in accordance with the project adopted in the river and harbor act of eighteen hundred and ninety-nine.

And the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

Improving and constructing inland waterway from Pamlico

Sound to Beaufort Inlet, North Carolina, ten feet in depth, in accordance with the report submitted in House Document Numbered Eighty-four, Fifty-ninth Congress, second session, two hundred thousand dollars: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary for the completion of said project not exceeding in the aggregate three hundred and fifty thousand dollars, exclusive of the amounts herein and heretofore appropriated.

And the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the

language proposed insert the following:

"The Secretary of War may cause a reexamination to be made of the Cape Fear River above Wilmington, North Carolina, with a view to reporting what modifications, if any, should be made in the existing project, the expense of which shall be paid from the amount appropriated in section two."

And the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the word "shall" insert the word "may;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the words "ninety thousand," as proposed, insert "seventy-five thousand; " and the Senate agree to the same.

Amendment numbered 32: That the House recede from its dis-

agreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the

language proposed insert the following:

Improving Club and Plantation creeks canal, Georgia, in accordance with House Document Numbered One hundred and fifty-nine, Fifty-eighth Congress, second session, twenty thousand dollars.

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In the language proposed to be inserted, strike out the words "by obtaining a depth of twenty-four feet of water at mean low tide between the channel as it now is and the pierhead lines as established by the Government in front of said city and extending from the Florida East Coast Railway bridge to Hogans Creek;" and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of

the language proposed insert the following:
"Improving harbors on the coast of Mississippi: The Secretary of War may, in his discretion, construct a dredge for use in said harbors and the channels adjacent thereto, at a cost not exceeding two hundred thousand dollars, of which amount, in case said dredge is constructed, twenty-five thousand dollars shall be taken from the appropriation herein for Gulfport Harbor and fifty thousand dollars from the appropriation for Pasca-

And the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "including the extension of channel to Fifty-sixth street;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu

of the language proposed insert the following:
"Improving channel to Port Bolivar, Texas, by obtaining a channel one hundred and fifty feet wide and twenty-five feet deep, with an increased width in front of the wharf, as set out in House Document Numbered Seven hundred and nineteen, Fiftyninth Congress, first session, fifty thousand dollars.

And the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "of which amount seven thousand five hundred dollars, or so much thereof as may be necessary, may, if directly and necessarily required in the interest of navigation, be used to prevent a cut-off in said river between Choctaw Railway bridge and the town of Devall Bluff, Arkansas;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following at the end of the preceding paragraph and not as a separate paragraph: "And the Secretary of War may appoint a Board of Engineers, whose duty it shall be to examine the present condition of the United States canal and the Tennessee River from the head of Elk River Shoals to the Florence Railway bridge, in the State of Alabama, with a view to permitting the improvement of the above-described stretch of said river by private or corporate agency in conjunction with the development of water power by means of not more than three locks and dams; and the said Board may examine any plans presented by such agency and shall report whether the same, if constructed, can, without injury to navigation, or with advantage thereto, be used to develop water power, and what portion, if any, of the expense of the work should be borne by the United States; and such Board shall report its findings not later than the first Monday in December, nineteen hundred and seven, and until such Board shall make its report and action shall be taken thereon by Congress no permits shall be issued under the provisions of the act approved March sixth, nineteen hundred and six, entitled 'An act to authorize the construction of dams and power stations on the Tennessee River, at Muscle Shoals, Alabama;'" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: Restore the language proposed to be stricken out, and in lieu of the language proposed to be inserted insert the following:

Improving Lock and Dam Numbered Nineteen in the Ohio River, in the States of Ohio and West Virginia, two hundred thousand dollars."

And the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Improving the great Miami embankment of Ohio River east of Lawrenceburg, Indiana; repairing damage caused by the recent flood of the Ohio River and tributaries, twenty thousand dollars, if such repair shall be directly and necessarily required in the interest of navi-

gation;" and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the

language proposed to be inserted, insert the following:

"And it is further provided, That the work of improvement shall proceed without delay by reason of conflicting or other claims of title or interests and without prejudice to any pending

litigation in reference thereto.

"And all lands and waters north of the present St. Marys Falls ship canal throughout its length, and lying between said ship canal and the international boundary line, needed in connection with the execution of this project, or any project hereto-fore adopted by Congress, for improving St. Marys River at the falls, aside from any lands owned by the United States, all of which are hereby made available for said project, shall be ac-quired in the following manner and under the following condi-

"The Secretary of War may, in his discretion, enter into nego tiations with any persons or corporations claiming title to any portion of the land or waters required for the construction of the said canal, and may acquire title to such portions of such river or lands as may be required for its construction and operation, but any agreement made by him shall be without prejudice to any claim of title by the United States and without the grant of any rights or privileges in said river or lands therein which shall create a right to compensation in case any further portion of said river or said lands therein between the canal herein provided for and the international boundary line shall be hereafter required for purposes of navigation.

If such lands and waters can not be obtained in the manner and under the conditions above set forth the same shall be ac-

quired as follows:

"The Secretary of War may cause proceedings in condemnation to be prosecuted under existing law, or a copy of the said plan numbered 3 on a large scale shall be prepared and exhibited in the office of the United States engineer at Sault Ste. Marie, and the Attorney-General shall proceed to ascertain the owners or claimants of the premises embraced therein, and shall cause to be published for the space of thirty days in one or more daily newspapers in the city of Sault Ste. Marie that the same has been taken for the uses mentioned in this act,

and notifying all claimants to any portion of said premises to file, within its period of publication, in the Department of Justice a description of the tract or parcel claimed and a statement of its value as estimated by the claimant. On application of the Attorney-General the presiding judge of the circuit court of appeals of the United States for the sixth circuit shall appoint three persons not in the employ of the Government or related to or in any manner connected with the claimants to act as appraisers, whose duty it shall be, upon receiving from the Attorney-General a description of any tract or parcel, the ownership of which is claimed separately, to fairly and justly value the same and report such valuation to the Attorney-General, who thereupon shall, upon being satisfied as to the title of the same, cause to be offered to the owner or owners the amount fixed by the appraisers as the value thereof; and if the offer be accepted, then, upon the execution of a deed to the United States in form satisfactory to the Attorney-General, the Secretary of War shall pay the amount to such owner or owners from the appropriation made therefor in

this act.
"In making the valuation the appraisers shall only consider the present value of the land or property acquired, without reference to its value for the uses for which it is taken under

the provisions of this act.

"The appraisers shall each receive for their services five dollars for each day's actual service in making the said appraisements.

"Any person or corporation having any estate or interest in the premises who shall for any reason not have been tendered payment therefor as above provided, or who shall decline to accept the amount tendered therefor, may, at any time within one year from the publication of notice by the Attorney-General as above provided, file a petition in the Court of Claims of the United States setting forth his right or title and the amount claimed by him as damages for the property taken, and the court shall hear and adjudicate such claims in the same manner as other claims against the United States are now by law directed to be heard and adjudicated therein: Provided, That the court shall make such special rules in respect to such cases as shall secure their hearing and adjudication with the least possible delay.

"Judgments in favor of such claimants shall be paid as other judgments of said court are now directed to be paid; and any claimant to whom a tender shall have been made, as hereinbefore authorized, and who shall decline to accept the same, shall, unless he recover an amount greater than so tendered, be taxed with the entire cost of the proceeding. All claims on account of ownership of any interest in said premises shall, unless petition for the recovery thereof be filed within one year from the date of the first publication of notice by the Attorney-General as above directed, be forever barred: *Provided*, That owners or claimants laboring under any of the disabilities defined in the statute of limitation of the State of Michigan may file a petition at any time within one year from the removal of the disability. Upon the publication of the notice, as above directed, the Secretary of War may take possession of the premises embraced in said plan numbered 3, and proceed with the construction herein authorized; and upon payment being made therefor, or without payment, upon the expiration of the time as above limited, without filing the petition, absolute title to the premises shall vest in the United States, and no permits shall be granted by the Secretary of War or other official of the United States granting the right to occupy any portion of the land or waters of St. Marys River in the locality for said ship canal herein provided for, or between the same and the international boundary line except upon the express condition, accepted by the grantee therein, to the effect that the erection of structures or the utilization of water power shall create no rights against the United States in case the whole or any part of the said river or the lands therein is required for the purposes of navigation, and further, that such structures or rights so granted shall be surrendered to the United States without cost when so required for purposes of navigation aforesaid, and any and all rights under any permits or licenses heretofore granted shall be deemed to be revoked unless such permits or licenses are reissued upon the terms that further improvements and expenditures shall entitle the licensee to no greater consid-eration than such licenses are now entitled to, if any; but nothing herein contained shall be held to imply that any right now exists to compensation on account of expenditures made or al-"The Secretary of War may acquire lands for the location of

remedial or compensating works to the extent required to enable the Michigan-Lake Superior Power Company to comply with the provisions of the river and harbor act of 1902, but such

lands, if so acquired, shall be obtained without expense to the United States.

And the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Omit the language proposed to be inserted and restore the language proposed to be stricken out with an amendment as follows: After the word "bridge" strike out the word "five" and insert the word "seven;" and the Senate agree to the same. Amendment numbered 56: That the House recede from its

disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the word "four" insert the word "three;" and the Senate agree to

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: After the words "Fox River, Illinois," following said amendment, insert a colon instead of a period and insert these words as the beginning of the following paragraph instead of as a heading; and

the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: At the end of the language proposed insert the following paragraph:
"Sixth. And the said Board shall also report upon any water

power which may be created in the portion herein directed to be surveyed, as well as in the proposed waterway from Saint Louis to Chicago heretofore surveyed, and the value thereof, and what means should be taken in order that the Government of the United States may conserve the same or receive adequate com-pensation therefor, and upon lands which may be drained by the construction of either of said proposed waterways, and shall also report what steps, if any, shall be taken to cause the cost of the improvement to be defrayed, in whole or part, by means of such water power or lands."

And the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted insert the following: "and the Secretary of War may prosecute this work in accordance with the report submitted in House Document Numbered Three hundred and forty-one, Fifty-ninth Congress, second session, for the purpose of ultimately securing and maintaining a depth of channel of six feet;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its

disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Insert the language as proposed, and after the word "navigation" the language as proposed, and after the word mangation where it occurs for the second time after this amendment, and before the words "Provided further," insert the following: "Provided further, That so much of the amount as is to be expended north of the forty-sixth parallel may be applied for improving the harbor at Bismarck, North Dakota, on the east side of the river below the Northern Pacific Railroad bridge:" side of the river below the Northern Pacific Railroad bridge;

and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: After the words "Provided further" insert the word "also," and at the end of the language proposed strike out the period and insert a comma and the words "and shall also report whether the same is directly and necessarily required in the interest of navigation;" and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "and the entrance

thereto;" and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the word "and" insert the word "also;" and the Senate agree to the same.

Amendement numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: At the end of the language proposed strike out the period and insert a comma and the following words: "and Saint Marks River;" comma and the following words: and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and

agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

Boise de Sioux River, Lake Traverse, and Big Stone Lake, and the portages between the said lakes and said river, with a view to diverting the flood waters of the Red River of the North into the Minnesota River."

And the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In the language proposed to be inserted strike out the word "thirty" and insert in lieu thereof "twenty-five;" and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In the language proposed to be inserted strike out the words "and overcoming the effect of sliding or encroaching shores;" and

the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu

of the language proposed insert the following:
"Sec. 6. That the Secretary of War may approve a change of plans or of location of any bridge over the North or Hudson River at New York City which has heretofore been approved by the Secretary of War under any act of Congress, upon applica-tion to him by the parties authorized to erect such structure, their successors or assigns, provided that such changed location shall not be over any anchorage ground and shall be within the original authorization for such structure, and shall not be deemed by the Secretary of War to be detrimental to navigation or to the public interest after public hearings held thereon, and the structure whose changed plans or location is so approved shall be a lawful structure."

And the Senate agree to the same.

WM. P. FRYE, S. B. ELKINS, JAMES H. BERRY, Managers on the part of the Senate. THEODORE E. BURTON, B. B. DOVENER, J. H. BANKHEAD, Managers on the part of the House.

## PROPOSED CURRENCY LEGISLATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18566) to amend sections 6 and 12 of the currency act approved March 14, 1900.

Mr. ALDRICH. I hope a vote will be taken on the pending

amendment

Mr. STONE. Mr. President, I desire to modify the amendment proposed, making it 1 per cent instead of 1½ per cent, and where it reads "average daily balance" making it read "average weekly balance.'

The VICE-PRESIDENT. The amendment proposed by the Senator from Missouri to the amendment will be read as modi-

The Secretary. It is proposed to insert at the end of section 3, immediately after the amendment already agreed to:

All national banking associations designated as depositories of public money, as aforesaid, and receiving such money on deposit, shall pay to the Government of the United States such interest upon the deposits as the Secretary of the Treasury may prescribe, not less, however, in any case than at the rate of 1 per cent per annum upon the average weekly balance of such deposit.

The VICE-PRESIDENT. The question is on agreeing to the

amendment proposed by the Senator from Missouri to the

amendment as amended.

The amendment to the amendment was rejected.

Mr. NEWLANDS. I propose an amendment which I ask to have read.

The VICE-PRESIDENT. The amendment will be read.

The Secretary. At the end of section 3 and after the amendment already agreed to at that place insert the following pro-

Provided also, That the amount of reserves permitted to be deposited by each association in reserve city banks or central reserve city banks shall be diminished each year by 10 per cent thereof until each association shall have in actual cash in its vaults at least four-fifths of the reserves required by law.

The VICE-PRESIDENT. The question is on agreeing to the

amendment proposed by the Senator from Nevada to the amendment as amended.

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question is on agreeing to the third section as amended.

The amendment as amended was agreed to.

Mr. ALDRICH. The fourth section has not yet been acted

The VICE-PRESIDENT. The amendment of the committee proposing to insert an additional section will be read.

The Secretary. The Committee on Finance report to insert

as an additional section the following:

SEC. 4. That section 9 of the act of July 12, 1882, as amended by the act of March 14, 1900, be further amended to read as follows:

"SEC. 9. That any national banking association now organized, or hereafter organized, desiring to withdraw its circulating notes, upon a deposit of lawful money with the Treasurer of the United States, as provided in section 4 of the act of June 20, 1874, or as provided in this act, is authorized to deposit lawful money and, with the consent of the Comptroller of the Currency and the approval of the Secretary of the Treasury, withdraw a proportionate amount of the bonds held as security for its circulating notes in the order of such deposits: Provided, That not more than \$9,000.000 of lawful money shall be deposited during any calendar month for this purpose: And provided further, That the provisions of this section shall not apply to bonds called for redemption by the Secretary of the Treasury, nor to withdrawal of circulating notes in consequence thereof."

Mr. BACON. Before we vote on the amendment I desire the Senator from Rhode Island to give the information as to the increase from \$3,000,000 to \$9,000,000 of the amount which can be monthly retired in the circulation of national banks.

Mr. ALDRICH. The banks oftentimes will not take out currency when there is really a need for it and when it would be reasonably profitable because they can not retire it to any considerable extent when it ceases to be profitable. The result has been that there has not been a normal increase in the amount of the circulating notes of national banks on account of

this defect in the law.

Besides that, there is a Jarge and very strenuous demand throughout the country for what is called elasticity in the volume of our currency. The only elasticity by retirement that is now permitted is \$3,000,000 a month in a total of \$3,000,000,000 of money outstanding in the United States at the present time.

At the time this limit was fixed, in 1882, the total amount of paper money outstanding was \$700,000,000; it is now \$2,100,000,000, and there is practically the same proportion of possible contraction now as then. There were conditions in 1882 when this limit was fixed which do not exist now.

For all these reasons and others which I would be very glad to go into at much greater length, and which I did go into at greater length when the matter was before the Senate for consideration a few days ago, as the Senator from Georgia will find by an examination of the RECORD, the committee strongly of the opinion that this provision ought to stand as

Mr. BACON. Mr. President, I repeat that there are some provisions of the bill that I am very much in favor of, and I think there are provisions in the bill which meet a great public The provisions to which I especially allude are those in the first part of the bill with reference to the denominations of money which shall be furnished to the country. doubtedly a very great need for that change in the law.

I am very anxious to vote for so much of the bill as makes provision for that purpose, but it does strike me that this is a most serious provision which authorizes the retirement of \$9,000,000 per month. The Senator says that it is a small proportion to the entire amount of money in circulation, some \$3,000,000,000, but it is quite a large proportion of the amount of national-bank bills that will be in circulation.

The reason given by the Senator that it would be necessary for the banks to have the opportunity to retire circulation in order that they may feel safe to increase the circulation would be a very good reason if this retirement were limited to the excess of such issue. If the provisions of the bill were such that it would limit the amount of this extraordinary retirement to occasions where they had issued an excess of money to meet some particular emergency, it would be possibly in-nocuous; there would be no danger in it; but it is not limited to that, and at a time of the greatest stringency and when they have not issued any excess of money, and at a time when there may be the greatest need that there should be an expansion of money rather than a contraction of it, it will be within the power of the banks under the provisions of the bill to retire this large amount of money.

Mr. SPOONER. Mr. President, will the Senator allow me to ask him a question?

Mr. BACON. I will; but I am not certain that I can answer

it. I do not claim to be a financial expert.

Mr. SPOONER. Nor do I; but the Senator's observations seem to imply that he is under the impression that this is left entirely to the will of the banks.

Mr. BACON. No; I recollect the language of the law. It is in the discretion of the Secretary of the Treasury.

Mr. SPOONER. It can only be done with the approval of the Secretary of the Treasury.

Mr. BACON. That is true, and that is a safeguard to a certain extent, I will grant you; but the same safeguard was upon it when the amount was limited to \$3,000,000.

Mr. ALDRICH. The Senator from Georgia, I know, does not

want to make a statement that is not accurate.

Mr. BACON. Certainly not.

Mr. ALDRICH. That provision is not in the present law. It is new in this bill.

As to supervision?

Mr. ALDRICH. As to the approval of the Secretary of the Treasury and the consent of the Comptroller of the Currency

Mr. BACON. I have not the law before me. I was under the impression it was there. Of course I will submit to that as a correction. I certainly do not wish to make any misrepresentation. I was going entirely by memory. In fact I had tried to find the provision of law as it now stands and I had the book before me, but had failed to find it in the act of March 14, 1899. I think that is the amendment to the act of 1882. But I had not found it and I did not have the language before me. I was led into the error simply as a matter of memory.

But, leaving that aside, I do not think that that is a sufficient safeguard. I do not think it ought to be in the power of the moneyed institutions of the country to contract money to that extent, unless the Senator can frame this provision in such a manner as will limit the withdrawal of this extraordinary amount of money to cases where there has been an extraordinary issue.

The Senator speaks of it as being a very small proportion of the total amount of currency, \$3,000,000,000, and yet, Mr. President, I see in the papers that there is a great stringency of money and a great depreciation in the stocks to-day because of the unusual demand upon the money market caused by two or three railroad companies, which in the aggregate, I think, are about to call for something like \$100,000,000. That is an evidence, to my mind, that the subtraction of \$100,000,000 from the currency of the country causes stringency and creates difficulty in all branches of trade and commerce.

I would be very glad to see that provision changed. I do not consider it safe to the business of the country. It never has been regarded as safe heretofore that more than \$3,000,000 should be allowed to be withdrawn from the currency in any one month. I do not understand why there are any such changed conditions as will make it safe now to withdraw \$9,000,000 a month. It seems to me that when the business enlarges, when there is a greater demand for money, the greater will be the danger when we put it in the power of any of these aggregated banks to contract the currency at such times, I might say, of emergency, certainly of demand for all the money which can be controlled.

Therefore, Mr. President, I will be very glad if the Senator would agree to medify the amount and put it back to the original. I very much prefer that he would modify it. If it would accomplish something, I might offer an amendment, but it pos-

accomplish something, I might offer an amendment, but it possibly might be defeated, and in that way accomplish nothing.

Mr. NEWLANDS. Mr. President, following out the line of discussion opened by the Senator from Georgia, I suggest that instead of fixing an arbitrary sum of \$9,000,000 per month, which can be retired under this act, we fix a certain percentage of the aggregate circulation. The aggregate circulation of the banks is now \$600,000,000. I would suggest that the banks be permitted to retire 1 per cent per month, which would make \$6,000,000. If the banks increase their circulation to \$1,000,000,000 later on, then under the amendment that I propose they will be entitled to withdraw from circulation \$10,000,000 per month. If, on the other hand, the circulation should diminish to the old circulation of \$300,000,000, then the amount withdrawn would correspond with the amount now permitted by law, namely, 1 per cent of \$300,000,000, or \$3,000,000 per month.

The amendment which I offer is in line 10, page 7, to strike out the words "nine millions of dollars of lawful money and insert "1 per cent of the aggregate circulation of such national banking associations."

As I have stated, if the circulation is \$300,000,000 it would mean the withdrawal of \$3,000,000 per month; if the circulation is \$600,000,000, it permits the withdrawal of \$6,000,000 per month, or \$72,000,000 per year. It seems to me that there ought to be some proportion between the withdrawal and the aggregate amount of circulation.

I offer the amendment.

The VICE-PRESIDENT. The Senator from Nevada offers an amendment, which will be read.

The Secretary. Line 10, page 7, section 4 of the amendment of the committee, strike out the words "nine millions of dollars of lawful money" and insert "1 per cent of the aggregate circulation of such national banking associations."

The VICE-PRESIDENT. The question is on agreeing to the

amendment to the amendment.

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question is on agreeing to the

amendment of the committee.

Mr. BACON. Mr. President, I have not yet been able to complete the amendment which I was endeavoring to draft. I will state the substance of it and endeavor, if I have time, to formulate it. I suggest that there should be an amendment at least to the effect that not more than \$3,000,000 shall be withdrawn in any calendar month, unless there has been an increase in the circulating notes of national banks within the preceding six months which shall be at least equal to the excess of \$3,000,000; in other words, that they shall not, except where there has been an increase, have an opportunity for a withdrawal of exceeding \$3,000,000. The sole purpose, as stated by the Senator from Rhode Island, is to encourage banks to issue additional notes, having, as they would have under this provision of the bill, the assurance that when the emergency in response to which they issued the notes was passed they could withdraw it. All I want is that they shall have the liberty thus to withdraw exceeding \$3,000,000 only when they have within six months previous to that time increased the circulation.

Mr. ALDRICH. I suggest to the Senator from Georgia that he will accomplish his purpose by voting against the adoption of this section.

Mr. BACON. No; I will not. Mr. ALDRICH. Well—

Mr. BACON. The Senator misjudges me altogether when he says that. The Senator misjudges me when he says I will accomplish my purpose by voting against it; and I am a little surprised at the Senator that he should even make any suggestion to that effect.

Mr. ALDRICH. I withdraw the suggestion.

Mr. BACON. I am not taking any offense at it, but I am astonished that the Senator should say such a thing. Mr. President, it does me or any other Senator here a very great injustice to make any suggestion of that kind, and I hope that the service I have had in the Senate has not induced anybody to believe that I would make any suggestion of this kind simply for the purpose of having an opportunity of voting to make a

Mr. ALDRICH rose.

Mr. BACON. The Senator, Mr. President, if he will excuse me a moment, is engaged in the advocacy of a bill which is to affect every interest in this country, and I am in the utmost good faith trying to protect the country against the evil which he says he is endeavoring to correct, and that is the scarcity of money. That is what I am trying to do, and the Senator from Rhode Island, having control of the bill and having, as we know, the absolute power to defeat any amendment which may be offered, I am appealing to him personally that he will relieve the bill of one feature which I think is an exceedingly objectionable one, and I am endeavoring to relieve it, Mr. President, not by any effort to defeat what the Senator says is his object, but by endeavoring so to frame this proposed law that the object the Senator has may be accomplished, and at the same time the evil which I anticipate may not be put before us in case we are to pass this bill.

I repeat what I was about to say to see whether or not the suggestion of the Senator can possibly find any correct founda-The Senator says his object in advocating here the privilege to the banks to withdraw \$9,000,000 per month, whereas the law now limits them to \$3,000,000 per month, is to encourage the banks to increase their circulation when there is a demand for the increase of circulation upon the ground that with such opportunity to withdraw when the demand has passed they will be free to make the increase without the apprehension that they will have the money on hand when there will be no demand for it. I think I am correct in stating the

position to the Senator.

Now, recognizing that, my proposition is simply this: That the banks shall have that right whenever they have met the increase, whenever, in case of emergency, they have within six calendar months prior to that time increased the total circulation of the national banks to an amount exceeding the \$3,000,000, that they may withdraw an amount exceeding \$3,000,000—of course if they have increased it at all it will be very much exceeding that—and the only effect of it will be to prohibit national banking act, and for other purposes.

their withdrawal where they had made theretofore no increase in the amount of circulating notes.

Mr. President, I shall offer my proposition as an amendment. If the Senator does not accept it, I can not help it, but I wish to assure him—and I do not know that it is necessary to assure him—that it is a fact that I am offering it in good faith and not for the purpose of making a record. I move to insert in line 12, section 4, page 7, after the word "purpose," these words:

And provided further, That not more than \$3,000,000 of lawful money shall be deposited during any calendar month for this purpose unless within the six months next preceding said month there shall have been an increase in said circulating notes in an amount equal to said excess.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Georgia [Mr. Bacon] to the amendment.

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question now is on agreeing to the amendment reported by the Committee on Finance as section 4.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass? Mr. MALLORY. I ask for the yeas and nays upon the passage of the bill, Mr. President.

The yeas and nays were ordered; and the Secretary proceeded

to call the roll.

Mr. CULLOM (when his name was called). I am paired with the Senator from Virginia [Mr. MARTIN], but I transfer that pair to the senior Senator from Delaware [Mr. ALLEE] and vote. I vote "yea."

Mr. MALLORY (when his name was called). I again an-

nounce my pair with the Senator from Vermont [Mr. PROCTOR].

If he were present, I would vote "nay."
Mr. OVERMAN (when his name was called). nounce that I have a general pair with the Senator from California [Mr. Perkins]. As the Senator from California is not present, I withhold my vote.

Mr. SIMMONS (when his name was called). I have a general pair with the Senator from Minnesota [Mr. CLAPP]. He is not in the Chamber, and I therefore withhold my vote.

Mr. SPOONER (when his name was called). I am again obliged to inform the Senate that I have a general pair with the Senator from Tennessee [Mr. CARMACK]. I have transferred that pair to the Senator from Iowa [Mr. Dolliver], and am therefore at liberty to vote. I vote "yea."

Mr. TALIAFERRO (when his name was called). I have a general pair with the Senator from West Virginia [Mr. Scort].

As he is not present, I withhold my vote.

The roll call was concluded. Mr. CLARKE of Arkansas.

I have a general pair with the junior Senator from Oregon [Mr. Mulkey]. If he were present, I should vote "nay."

The result was announced—yeas 43, nays 14, as follows:

#### YEAS-43. Hemenway Heyburn Hopkins Kean Kittredge Aldrich Ankeny Brandegee Bulkeley Penrose Piles Rayner Smith Cullom. Daniel Dick Du Pont Flint Foraker Fulton Burkett Spooner Spooner Sutherland Warner Warren Wetmore Whyte Burnham Knox Lodge Burnham Burrows Carter Clark, Mont. Clark, Wyo. Crane Gallinger Gamble Hale Hansbrough Millard Nelson Nixon NAYS-14. Culberson Dubois Frazier La Follette McCreary McLaurin Newlands Patterson Pettus Bacon Berry Blackburn Clay NOT VOTING-33. Mallory Martin Money Morgan Mulkey Dillingham Scott Allee Allison Dolliver Dryden Elkins Simmons Smoot Taliaferro Bailey Beveridge Carmack Foster Clapp Clarke, Ark. Curtis Depew Frye Latimer McCumber McEnery Overman Perkins Platt Tillman

The title was amended so as to read "An act to amend the

Proctor

.00

#### ARMY APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23551) making appropriations for the support of the Army for the fiscal year ending June 30, 1908, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 10,

40, 41, 44, 57, 61, 62, 63, 67, 68, 69, 70, and 71.

40, 41, 44, 57, 61, 62, 63, 67, 68, 69, 70, and 71.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 42, 43, 45, 48, 49, 50, 52, 53, 55, 56, 58, 59, 60, 65, and 66, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate recede from its disagreement to the amendment of the Senate recede from its disagreement.

ment of the Senate numbered 6, and agree to the same with an amendment as follows: In the last line of said amendment, after the word "regulations," insert the words "and restric-

tions;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert "Provided, That hereafter the number of dental surgeons authorized by law shall be thirty-one, of which number one shall be detailed to the United States Military Academy;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "\$6,500,000;" and the Senate agree to

the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "\$3,750,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the words "not exceeding fifty acres of;" and in line 3 of said amendment strike out the words "and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "\$14,500,000;" and the Senate agree to

the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In line 7 of said amendment strike out the semicolon and what follows; and strike out lines 8, 9, and to the period in line 10; the part of said amendment so stricken out being as follows: "and while traveling between their stations and Manila to take advantage of, or returning from, such leaves of absence, officers shall, unless with their commands, be deemed on detached service;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In line 10 of said amendment, after the word "therefor," strike out the comma and what follows; and strike out line 11, and the word "militia" in line 12, the part of said amendment so stricken out being as follows: "at the rate of twenty rounds of ball cartridges for each small arm so issued to the militia;" and the Senate agree to the same.

On amendments numbered 20 and 25 the committee of con-

ference has been unable to agree.

F. E. WARREN, J. B. FORAKER, JOE S. BLACKBURN, Managers on the part of the Senate. J. A. T. HULL, RICHARD WAYNE PARKER, JAMES HAY, Managers on the part of the House.

Mr. HALE. Mr. President

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Maine?

Mr. WARREN. I was simply going to ask, before yielding, that the statement accompanying the report may be printed in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered. The statement referred to is as follows:

STATEMENT OF THE MANAGERS ON THE PART OF THE SENATE.

The managers on the part of the Senate, at the conference on the disagreeing votes of the two Houses on the bill (H. R. 23551) making appropriations for the support of the Army for the fiscal year ending June 30, 1908, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate, namely:

\$81, 698, 610. 54 Amount of bill as reported to Senate-

During consideration of bill by Senate the following amounts were added:

Marking temporary graves of soldiers buried in Cuba and China	\$4,000.00	
Statue of Gen. Nathanael	41,000.00	
Greene	15, 000. 00	
Statue of Gen. John Stark Statue of Gen. James Scre-	40, 000. 00	
ven Monument to soldiers who	5, 000. 00	
fell in battle of New Or-	25, 000, 00	
leans	25, 000. 00	89, 000.
		81, 787, 610.
ounts dropped in conference:		
Expenses of Signal Service in	50 000 00	

		81, 787, 610. 54
Amounts dropped in conference:		
Expenses of Signal Service in		
Cuban pacification	50, 000. 00	
Regular supplies	275, 511. 07	
Barracks and quarters	2, 117, 724.00	
Land near Fort Taylor, Fla	50, 000, 00	
Transportation of the Army		
and its supplies	663, 792, 72	
Repair of Fort Matanzas,		
Fla	300.00	
Engineer equipment of troops_	10, 000. 00	
Statue of Gen. Nathanael		
Greene	15, 000. 00	
Statue of Gen. John Stark	40, 000. 00	
Statue of Gen. James Scre-		
ven	5, 000. 00	
Monument to soldiers who		
fell in battle of New Or-		
leans	25, 000. 00	
	_	3, 252, 327. 79

Amount of bill as reported by conferees\_ 78, 535, 282. 75 Mr. WARREN. I now yield to the Senator from Maine.

Mr. HALE. Mr. President, this bill involves very large amounts I should like to have the assurance of the Senator in charge of it that the conference committee has not reported in any case inserting new matter in the bill.

Mr. WARREN. I can give the Senator that assurance and accompany it with the statement as regards figures—and he alludes to it as a large appropriation bill-that it carries about three and a quarter million dollars less in the conference report than when it passed the Senate.

Mr. HALE. That is a very good feature of the report. Is the Senator entirely certain that no new matter has been in-

jected into this report?

Mr. WARREN. In conference?

Mr. HALE. In the conference report.
Mr. WARREN. I take great pleasure in assuring the Senator that even he will not find any fault with a single item in the bill as to any new matter that has been injected in the conference.

Mr. HALE. I am very well content with that.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. WARREN. Now, Mr. President, I move that the Senate further insist upon its amendments disagreed to by the House of Representatives and ask for a further conference with the House thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. WARREN, Mr. FORAKER, and Mr. BLACKBURN as the con-

ferees on the part of the Senate.

DEPOSIT OF LAND-OFFICE MONEYS. Mr. HANSBROUGH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11040) to authorize the receivers of public moneys for land districts to deposit with the Treasurer of the United States cer-

tain sums embraced in their accounts of unearned fees and unofficial moneys, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments with an amend-ment as follows: Strike out the whole of the Senate amendment and as a substitute therefor add at the end of section 4 of the bill the following: "Provided, That no homestead entryman shall be required to make payment of the purchase money on any application to make a cash entry until the same shall have been approved by the register and receiver, but such payment shall be made within ten days after notice of such approval;" and the House agree to the same.

H. C. HANSBROUGH, KNUTE NELSON, A. J. McLaurin, Managers on the part of the Senate. JOHN F. LACEY, A. J. GRONNA, JOHN L. BURNETT, Managers on the part of the House.

The report was agreed to.

APPEALS IN CRIMINAL PROSECUTIONS.

Mr. NELSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 15434) to regulate appeals in criminal prosecutions, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered —, and agree to the same with the following amendment: In lieu of the said amendment insert

the following

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a writ of error may be taken by and on behalf of the United States from the district or circuit courts direct to the Supreme Court of the United States in all criminal cases, in the following instances, to wit:

"From a decision or judgment quashing, setting aside, or sustaining a demurrer to any indictment, or any count thereof, where such decision or judgment is based upon the invalidity or construction of the statute upon which the indictment is founded.

"From a decision arresting a judgment of conviction for insufficiency of the indictment, where such decision is based upon the invalidity or construction of the statute upon which the indictment is founded.

From the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy.

"The writ of error in all such cases shall be taken within

thirty days after the decision or judgment has been rendered and shall be diligently prosecuted and shall have precedence

over all other cases.
"Pending the prosecution and determination of the writ of error in the foregoing instances, the defendant shall be admitted to bail on his own recognizance: Provided, That no writ of error shall be taken by or allowed the United States in any case where there has been a verdict in favor of the defendant."

Amend the title so as to read: "An act providing for writs

of error in certain instances in criminal cases.'

And the Senate agree to the same.

KNUTE NELSON, P. C. KNOX, A. O. BACON, Managers on the part of the Senate. JOHN J. JENKINS. B. P. BIRDSALL, D. A. DE ARMOND, Managers on the part of the House.

The report was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL. Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24103) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1908, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

2, 7, 14, 15, 17, 18, 20, 21, 22, 29, 31, 37, 40, 44, 46, 47, 52, 53, 54, 55, 56, 58, 59, 66, 68, 70, 71, 72, 73, 75, 79, 80, 90, 91, 92, 95, 96, 97, 99, 105, 106, 109, 110, 111, 112, 113, 114, 115, 116, 121, 138, 143, 145, 146, 147, 155, 163, 173, 174, 175, 181, 182, 183, 185, 186, 188, 194, 195, 201, 202, 203, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 223, 231, 234, 236, and 237.

216, 217, 218, 219, 220, 221, 223, 231, 234, 236, and 237.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 8, 9, 11, 12, 13, 23, 25, 27, 30, 32, 33, 38, 39, 41, 42, 43, 45, 48, 49, 50, 51, 57, 62, 64, 65, 69, 74, 78, 81, 82, 83, 85, 87, 88, 100, 101, 102, 103, 104, 107, 108, 117, 118, 119, 120, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 137, 139, 141, 142, 148, 150, 151, 152, 153, 154, 156, 158, 159, 160, 161, 162, 164, 165, 169, 170, 171, 172, 176, 178, 179, 180, 187, 189, 192, 197, 199, 200, 206, 222, 224, 226, 228, 229, 230, 232, 233, 235, 238, 240, and 241; and agree to the same 235, 238, 240, and 241; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$104,519;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert \$21,300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert '\$1,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert \$182,882;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert \$9,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$900;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$34,940;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert '\$66,950;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That hereafter no street or avenue in the District of Columbia shall be paved less in width than the width now provided by law except by express authority of Congress upon estimates to be submitted to Congress by the Commissioners of the District of Columbia;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$147,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: Strike out all after the word "advisable," in line 5 of said amendment, and insert in lieu of the matter so stricken out the following: "Provided, That all appropriations under this paragraph shall be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$110,000;" and the Senate agree to the same.

"\$110,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert \$7,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amend-

That the Senate recede from its amendments numbered 1, ment of the Senate numbered 77, and agree to the same with

an amendment as follows: In lieu of the sum proposed insert "\$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$21,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That any association or corporation engaged in the manufacture and sale of gas for illuminating and fuel purposes in the District of Columbia, through its president or other duly authorized officer, shall make a sworn statement to Congress annually on or before the first day of February in each year. Said report shall contain a detailed statement of the condition of the business of said association or corporation for the year ending December thirty-first next preceding, and such statement shall set forth the actual cost and also present value of the property of such association or corporation used in the conduct of its business, the amount of paid-up capital stock, the amount and character of the indebtedness of such association or corporation, the amount and cost of materials used in making gas, the amount of gas manufactured, the amount of gas sold, the average price per thousand cubic feet received for gas sold, the revenue from the sale of all by-products, the revenues from all other sources, the extensions and improvements made in the plant and works, the actual cost of the same, the amount expended for labor, the amount set aside for depreciation, the amount set apart insurance and renewals, the amount paid out of earnings for betterments, the amount paid for betterments from other sources, the amount set aside and paid in interest and dividends, the surplus after paying the operating expenses and fixed charges, the statement of the operating expenses to be itemized and classified as is done by other public utility corporations in the District of Columbia, the names of the stockholders and the amount of stock held in such association or corporation by each of them on December thirty-first next preceding the date of such report.

"Any such association or corporation, not later than the fourth day of December in the year nineteen hundred and seven, shall make to Congress a sworn report in accordance with the requirements of this provision and showing the condition of its business as near as its present method of bookkeeping will permit, for the year ending December thirty-first, nineteen hundred and six."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with amendments as follows: After the word "balances," in line 2 of said amendment, insert the following: "not to exceed in all, ten thousand dollars;" and at the end of said amendment insert the following: "Provided, That any company, association, or corporation engaged in the manufacture and sale of electricity for illuminating or heating or power purposes, or either, in the District of Columbia, through its president or other duly authorized officer, shall make a sworn statement to Congress annually on or before the first day of February in each year. Said report shall contain a detailed statement of the condition of the business of said company, association, or corporation for the year ending December thirty-first next preceding, and such statement shall set forth the actual cost and also present value of the property of such company, association, or corporation used in the conduct of its business; the amount of paid-up capital stock; the amount and character of the indebtedness of such company, association, or corporation; the amount and cost of materials used in making electricity; the quantity of electricity manufactured; the quantity of electricity sold; the amount re-ceived per annum for each public arc light; the amount received per kilowatt for each public incandescent light; the average price received per annum for each arc light furnished to others than the public; the varying discounts allowed to consumers using arc lights during a part of or the entire night; the average price charged per kilowatt for incandescent lights furnished to others than the public, with the varying discounts; and the price charged per kilowatt hour for power or heat furnished; and the gross revenues from each source; the revenues from all other sources; the extensions and improvements made in the plant and works; the actual cost of the same; the amount expended for labor; the amount set aside for depreciation; the amount set aside for insurance and renewals; the amount paid out of earnings for betterments; the amount paid for betterments from other sources; the amount set aside and paid in interest and dividends; the surplus after paying the operating expenses and fixed charges; the statement of the operating ex-

penses to be itemized and classified as is done by other public utility corporations in the District of Columbia; the names of the stockholders, and the amount of stock held in such company, association, or corporation by each of them on December thirty-first next preceding the date of such report. Any such company, association, or corporation, not later than the fourth day of December in the year nineteen hundred and seven, shall make to Congress a sworn report in accordance with the requirements of this provision, and showing the condition of its business as near as its present method of bookkeeping will permit for the year ending December thirty-first, nineteen hundred and six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "eight hundred and forty dollars;" and the Senate

agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fifty-three thousand seven hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment, and in line 21 on page 47 of the bill strike out the word "four" and insert in lieu thereof the word "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert "one hundred and ten;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the number proposed insert "one hundred and twenty-seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nine hundred and twelve thousand five hundred and forty-five dollars and sixty-three cents:" and the Senate agree to the same.

hundred and twelve thousand five hundred and forty-five dollars and sixty-three cents;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-seven thousand seven hundred and fifty-five dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and five thousand three hundred and sixty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fifty-one thousand nine hundred and forty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-five thousand eight hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one thousand seven hundred and fifty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fourteen thousand three hundred and fifty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fourteen thousand six hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-seven thousand two hundred and fifty-one dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "one servant, one hundred and forty-four dollars;" and the Senate agree to the

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ten thousand nine hundred and forty-four dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum proposed insert one thousand seven hundred and fifty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-nine thousand four hundred and seventy-four dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For repairs and equipment, Central Dispensary and Emergency Hospital, four thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred and eighty dollars;" and the Senate agree to

That the House recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with an amendment as follows: In lieu of the sum proposed insert 'eleven thousand six hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seven thousand five hundred dollars;" and the Senate agree to

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-four thousand one hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "six thousand one hundred and twenty dollars;" and the Senate hundred and twenty dollars; ate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 227, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixteen thousand six hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 239, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three thousand dollars;" and on page 90, in line 1 of the bill, before the word "installing," insert the word "purchasing;" and the Senate agree to the same.

J. H. GALLINGER. F. E. WARREN, Managers on the part of the Senate. J. H. GILLETT, WASHINGTON GARDNER, A. S. Burleson. Managers on the part of the House.

The report was agreed to.

ROSEBUD (SOUTH DAKOTA) INDIAN RESERVATION.

Mr. GAMBLE submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24987) to authorize the sale and disposition of a portion of the surplus or unallotted lands in the Rosebud Indian Reservation. in the State of South Dakota, and making appropriation and provision to carry the same into effect, having met in full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendment No. 1.

That the House recede from its disagreement to the amend-

ment of the Senate No. 2 and agree to the same with an amendment, adding the following proviso: "Provided, That the same shall be reimbursed to the United States from the proceeds received from the sale of lands described herein or from any money in the Treasury belonging to said Rosebud Indians;" and the Senate agree to the same.

ROBERT J. GAMBLE, FRANK B. BRANDEGEE, FRED. T. DUBOIS,

Managers on the part of the Senate. J. S. SHERMAN, CHAS. H. BURKE, JOHN H. STEPHENS, Managers on the part of the House.

The report was agreed to.

HOURS OF EMPLOYMENT OF RAILROAD EMPLOYEES.

Mr. LA FOLLETTE. I ask unanimous consent for a reprint of the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon, and that the Senate bill and the House amendment be printed in different type.

The VICE-PRESIDENT. Without objection, it is so ordered.

ALASKA-YUKON-PACIFIC EXPOSITION.

Mr. PILES. I move that the Senate proceed to the consideration of the bill (S. 7382) to encourage the holding of an Alaska-Yukon-Pacific Exposition at the city of Seattle, State of Washington, in the year 1909.

Mr. HALE. Pending that, I move that the Senate adjourn.

Mr. PILES. I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 27, 1907, at 11 o'clock a. m.

# HOUSE OF REPRESENTATIVES.

Tuesday, February 26, 1907.

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the following order.

The Clerk read as follows:

Ordered, That hereafter during this session a motion to consider in the House, as in Committee of the Whole House, bills on the Private Calendar of the classes hereinafter described shall have the same privilege as is given by the rules on Fridays to motions to go into Committee of the Whole House to consider bills on the Private Calendar:

All bills not objected to after five minutes' explanation thereof reported from committees other than the Committee on Pensions, Invalid Pensions, Claims, and War Claims, excepting bills proposing to confer jurisdiction on the Court of Claims.

The SPEAKER Is there objection?

The SPEAKER. Is there objection?
Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I would like to see a copy of the order. I will object until I can inform myself about it.

Mr. CLARK of Missouri. While the gentleman is examining the order, I should like to ask the gentleman from Pennsylvania a question on my own hook. Does this rule shut out all bills from the Committee on Claims and the Committee on War

Mr. DALZELL. It only provides for bills on the Private Calendar that come from the Committee on Military Affairs, the Committee on Naval Affairs, the Committee on Public Lands, and all committees except War Claims, Claims, the two pension committees, and bills that propose to confer jurisdiction on the Court of Claims.

Missouri. Why should not a man who has a bill reported from one of these committees—a valid bill, reported by the Committee on War Claims, for instance—have as much right to call that up as a man who has one of these other bills that is made in order?

Mr. DALZELL. Because this is Tuesday and we shall adjourn next Monday, and from now until the 4th of July would not dispose of bills on the Private Calendar if you included those that came from the Committee on War Claims and the Committee on Claims. Besides, the Committee on War Claims and the Committee on Claims have each had their day under

Mr. WILLIAMS. The Committee on War Claims has had no day except theoretically.

Mr. DALZELL. Theoretically it has. I have no interest in this, and I do not care whether the House adopts it or not.

Mr. CLARK of Missouri. The gentleman says that the Committee on War Claims has had its day. I will tell you how it had its day. The gentleman from Illinois [Mr. Mann], aided and abetted by the gentleman from New York [Mr. PAYNE], wasted that entire day, so that we never got to our claims. That is the plain, honest truth about the whole business, and I am sick and tired of it.

Mr. PAYNE. I want to say to the gentleman from Missouri that the time was well spent in defeating claims that never ought to pass.

Mr. CLARK of Missouri. That is because the gentleman has

no war claims coming from his State.

If the gentleman from Missouri occupies the time half as well as the gentleman from New York and the gentleman from Illinois-

The SPEAKER. Is there objection? Mr. CLARK of Missouri. I object.

Mr. WILLIAMS. I object.
The SPEAKER. Objection is heard from two gentlemen.
Mr. WILLIAMS. I would not object if this was put in

proper shape.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 24815—the agricultural appropriation bill—disagree to the Senate amend-

ments, and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the agricultural appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. Wadsworth, Mr. Scott, and Mr. Lamb.

### PUBLIC PRINTING AND BINDING.

Mr. CHARLES B. LANDIS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 8510) to amend an act providing for the public printing and binding and the distribution of public documents, with amendments, which I send to the Clerk's desk. The Clerk read as follows:

Be it enacted, etc.. That section 2 of the act approved January 12, 1895, providing for the public printing and binding and the distribution of public documents, be amended to read as follows:

"Sec. 2. Paragraph 1. That the Joint Committee on Printing shall have power to adopt such measures as may be deemed necessary to remedy any neglect or delay in the execution of the public printing and binding.

"Par. 2. The Secretary of the Senate and the Clerk of the House of Representatives pray order the reprinting in a number not avoid the representatives.

binding.

"PAR. 2. The Secretary of the Senate and the Clerk of the House of Representatives may order the reprinting in a number not exceeding 1,000 copies of any pending bill or resolution, or any public law not exceeding 50 pages, or any report from any committee or Congressional commission on pending legislation not accompanied by testimony or exhibits or other appendices and not exceeding 50 pages, when the supply shall have been exhausted. The Public Printer shall require each requisition for reprinting to cite the specific authority of law for its execution.

"PAR. 3. No committee of Congress shall be empowed.

ply shall have been exhausted. The Public Printer shall require each requisition for reprinting to cite the specific authority of law for its execution.

"PAR. 3. No committee of Congress shall be empowered to procure the printing of more than 200 copies of any hearing or other document for its use except upon the approval of the Committee on Printing of either House of Congress, and then in a number not exceeding 500 copies.

"PAR. 4. All committee hearings or hearings of Congressional commissions, not accompanying reports, shall be printed as numbered documents, except when held in confidence by order of the committee or commission, in which case it shall be the duty of the chairman thereof to notify the Public Printer, in writing, of such action when the order to print is given.

"PAR. 5. Orders for printing extra copies, otherwise than herein provided for, shall be by simple, concurrent, or joint resolution. Either House may print extra copies to the amount of \$500 by simple resolution; if the cost exceeds that sum, the printing shall be ordered by concurrent resolution, except when the resolution is self-appropriating, when it shall be by joint resolution. Such resolutions, when presented to either House, shall be referred immediately to the Committee on Printing, who, in making their report, shall give the probable cost of the proposed printing upon the estimate of the Public Printer; and no extra copies shall be printed before such committee has reported: Provided, That the printing of additional copies may be performed upon orders of the Joint Committee on Printing within a limit of \$200 in cost in any one instance: And provided further, That nothing in this paragraph shall be held to contravene the provisions of public resolution No. 11, approved March 28, 1904.

"PAR. 6. The term 'extra copies' as used herein shall be construed to mean copies in addition to the usual number as defined in the act providing for the public printing and binding and the distribution of public documents, approved January 12

printed by order of Congress which can not under the provisions of public resolution No. 13. Fifty-ninth Congress, first session, approved March 30, 1906, be properly charged to any other appropriation or allotment of appropriation already made, it shall, upon order of the Joint Committee on Frinting, be charged she allotment of appropriation. The property of the Senate and the House of Representatives, or the committees and officers thereof, shall be furnished by the Public Printer upon requisition of the Senate and the House of Representatives or the committees and officers thereof, shall be furnished by the Public Printer upon requisition of the Secretary of the Senate and the Clerk of the House of Representatives, respectively. This shall not operate to prevent the purchase by the officers of the Senate and House of Representatives of such stationery and blank books as may be necessary for sale to Senators and Members in the stationery rooms of the two Houses.

"Par. 10. Each Senator and Representative shall be entitled to the binding in half moreco, or material not more expensive, of but one copy of each public document to which he may be entitled, an account of which, with each Senator and Representative, shall be kept by the Secretary of the Senate and Clerk of the House, respectively."

SEC. 2. That section 81 of the act approved January 12, 1895, providing for the public printing and binding and the distribution of public printing for the public printing and binding and the distribution of public shall be publications or dered printer by Congress, or either House thereof, shall be in four series, namely: One series of reports made by the committees of the House of Representatives, to be known as Senate Documents, and one series of documents other than reports of committees, the orders for printing which originate in the Senate, to be known as Senate Documents, and one series of documents other than committee reports, the orders for printing which originate in the House of Representatives, to be known a

documents shall be under the direction of the Public Printer, as heretofore.

SEC. 4. That upon request of the superintendent of documents the
Public Printer is hereby authorized and directed to either increase or
diminish the number of copies of publications furnshed for distribution to designated depositories or State and Territorial libraries, so
that the number of copies delivered shall be equal to the number of
libraries on the list: Provided, That the number thus delivered shall
at no time exceed the number authorized under existing statute: And
provided further, That the allotment of 501 copies furnished for distribution to libraries be increased or reduced, from time to time, as the
redistricting of States or the rearrangement of depository lists under
provisions of law shall demand, to such numbers as may be necessary
to comply with the law: And provided further, That all land-grant
colleges shall be constituted as depositories for public documents, subject to the provisions and limitations of the depository laws.

SEC. 5. That in the printing of any document or report, or any publication authorized by law to be printed, or hereafter authorized to be
printed, for distribution by Congress, the whole number of copies of
which shall not have been ordered within two years from the date of
the original order, the authority to print shall lapse, except as orders
for subsequent editions may be approved by the Joint Committee on
Printing, and then in no instance shall the whole number exceed the
number originally authorized by law.

SEC. 6. That section 59 of the act approved January 12, 1895, providing for the public printing and binding and the distribution of
public documents, and sections 81 and 99 of said act, and the amendment thereto in the act approved March 2, 1895, Statues at Large,
volume 28, page 961, chapter 189, and all other laws or parts of laws
in conflict with the provisions of this act are hereby repealed.

The Clerk read the amendments recommended by the committee, as follows:

On page 2, in line 10, strike out the words "two hundred" and insert in lieu thereof the words "one thousand."

In the same paragraph, in line 11, after the word "document." insert a comma and the words "which shall be germane thereto" and

sert a comma and the words "which shall be germane thereto" and a comma.

In the same paragraph strike out all after the word "except," in line 11, and insert in lieu thereof the words "by simple, concurrent, or joint resolution, as hereinafter provided."

On the same page strike out all of paragraph 4.

On page 4, in 'line 4, after the word "paragraph," insert the words "relating to estimates."

On page 4, in line 15, strike out all after the word "stationery" and insert in lieu thereof a comma and the words "blank books, tables, forms, and other necessary papers preparatory to Congressional legislation, required for the official use of the."

In the same paragraph, in line 23, after the word "Houses," insert the words "as now provided by law."

On page 6, in line 10, after the word "reports," insert the following: "and departmental publications furnished for distribution to State and Territorial libraries entitled by law to receive them."

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. Mr. Speaker, I demand a second.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Indiana is entitled to twenty minutes and the gentleman from Mississippi is entitled

to twenty minutes.

Mr. CHARLES B. LANDIS. Mr. Speaker, the bill and amendments as submitted and read speak for themselves. If they do not speak for themselves they are easily explained, and I would say to the Members of the House at the outset, not intending to consume much time in explaining this bill, that it carries no provisions whatever that takes from a single Member or Senator any right or privilege that he now enjoys. It simply disposes of certain inconsistencies in the law as it now exists, clears up some incongruities, and confers authority for neces sary printing, which is now done without regard to law.

will say that the legislation carried in this bill is the result of the work of the Printing Investigation Commission, which was authorized two years ago-a Commission which came into existence by reason of a general demand on the part of the Departments of the Government, the Congress, and the country generally for reform in public printing, it being universally recognized that many things were printed for which there was no demand, and that more copies of things for which there was a demand were printed than it was necessary to print, resulting in a wastefulness and extravagance and improvidence recognized not only by the Departments and the Members of the House and Senate, but by the country at large. The basement of the Capitol became congested, the Departments filled, warehouses packed, until we found ourselves facing an accumulation the distribution of which is now one of the problems that confronts the Joint Committee on Printing. The result of the work of the Commission as organized two years ago was the passage of two joint resolutions known as "public resolutions 13 and 14." By the first resolution we placed the responsibility for the origin of copy with the various Departments, as separate from the Congress, giving them their allotment and giving Congress its allotment, holding the Departments and independent offices and bureaus of the Government responsible for what they originate and Congress responsible for what it originates. The public resolution No. 14 provided for the printing of whatever was ordered at the discretion of the Joint Committee on Printing, after conference with the officers of the House and Senate, in two or more editions. These two resolutions worked admirably from the start, and have resulted in the predicted For instance, during the last year there have been economy. printed for Congressional distribution alone 1,000,000 volumes less than were printed the year before, and in all a net saving of more than \$1,000,000.

To such an ideal degree has public resolution No. 14 worked that it has stopped the accumulation of surplus publications, and the Members of this House find themselves no longer pursued by documents which they do not desire. The accumulation has stopped. That which has already accumulated, however, remains, and its distribution is one of the problems that the committee will hereafter solve. During the work of the Commission, as it was originally authorized, we were embarrassed with the incongruities and complexities and the woeful weakness of the printing law. That law was passed in 1895. that time more than 200 amendments have been added to the These amendments have originated almost without exception in the various committees of this House other than the Committee on Printing, and the result, as I have stated, has been incongruity and inconsistency and complexity, which have tried the patience of the Committee on Printing and the Public Printer, and which has resulted in the officers of Congress and the Departments ordering printing to an extravagant extent at times, to a necessary extent at other times, in utter and absolute violation of the law. We have taken up that proposition in the bill that has been presented. In so far as we could do it at this time we have corrected these irregularities. We have straightened out these inconsistencies; we have conferred authority where we believe it should be placed within justifiable limits, and have to a certain degree brought order out of chaos, and I believe that if this bill with amendments is passed it will follow the two public resolutions passed a year ago and perform the same work that they perform along the line of desired administration, as well as along the line of economy. I believe that the enactment of this bill with its amendments will result in a further saving in the neighborhood of a quarter of a million

The Commission in its work has had the cooperation, almost

without exception, of the officers charged with the preparation and distribution of public documents and reports. It has had the most cordial support of the Public Printer, who is giving to the Government Printing Office what is probably the most effi-cient administration it has ever had. Order is being evolved out of chaos not only in a reorganization of the printing laws, but in the administration of this great Government establishment.

Mr. WILLIAMS. May I interrupt the gentleman a moment? Mr. CHARLES B. LANDIS. Certainly. Mr. WILLIAMS. I am given to understand that this resolution provides that in some cases the number of copies of hearings before committees shall be so limited that there will not be even so much as one copy for each Member of the House.

Mr. CHARLES B. LANDIS. I will say to the gentleman that that is an error. The law at the present time limits the cost of hearings that can be printed to \$500, with no limitation The committee has taken off the limit as to cost as to number. and fixed a limit as to number.

Mr. WILLIAMS. What is the number now?

Mr. CHARLES B. LANDIS. A thousand, by this amendment. Mr. WILLIAMS. One further question I would like to ask the gentleman. This is, I understand, a unanimous report of the joint committee?

Mr. CHARLES B. LANDIS. This is a unanimous report from the Committee on Printing of the House. I will say that there is not a step of this reform that has been taken that has not been taken in conference practically with every officer of this House who has anything to do with the ordering of printing or the distribution of documents.

Mr. PAYNE. May I ask the gentleman—I notice in limiting the number of hearings to be printed to 1,000 it adds "for its use except by simple, concurrent, or joint resolution, hereinafter provided "—what is the meaning of the word "simple?"

Mr. CHARLES B. LANDIS. It is simply a House resolution.

Mr. PAYNE. A resolution of one legislative branch.
Mr. CHARLES B. LANDIS. This is existing law, I would say
to the gentleman from New York, and I would say this, further, to the gentleman from New York, that this law is absolutely essential to the printing-

Mr. PAYNE. I am entirely in accord with it. I only wanted to know in regard to the words "simple resolution." I understand that the House could order extra copies if it desired to do

Mr. CHARLES B. LANDIS. The House can now order extra copies up to the limit of \$500.

Mr. PAYNE. I notice page 4, paragraph 10, very properly limits the amount of binding that can be ordered by each Representative or Member of Congress. Now, I have understood there is a custom which has grown up in the Departments of binding in very expensive form, sometimes for distribution, copies of the reports and other documents. Has the gentleman in his bill anything regulating that, or is there anything in the law as it now exists to regulate that?

Mr. CHARLES B. LANDIS. I will say in reply to the in-quiry of the gentleman from New York that in the enactment of this paragraph we have simply reenacted the existing law, and in answer to the inquiry in regard to the authority of the various Departments to bind in expensive material, that is a matter that the committee finds, upon investigation, that this printing in extravagant bindings is a matter that can be controlled by the Joint Committee on Printing. It is now done by these Departments and independent offices and bureaus without authority of law, at least it is within the control of the Joint Committee on Printing, with the exception of that which is done for the libraries of the Departments and by the Librarian of Congress for their official use. But in so far as this extravagant-printing abuse goes, I will say to the gentleman from New York that the Committee on Printing has almost the trial control that will convert that a bases. ready issued an order that will correct that abuse.

Mr. PAYNE. I want to say to the gentleman I am entirely satisfied to leave it to the distinguished gentleman's committee as now organized, and I do not know, I would not say as it shall be in the future organized; but I was anxious to know whether some discretion of that kind was in the committee and any step had been taken to prevent this abuse, and I want to say that so far as the bill is concerned I am heartily in accord with the bill itself and the general idea of the bill, and I want to congratulate the gentleman's committee on their successful efforts in offering this bill to the House.

Mr. CHARLES B. LANDIS. I want to thank the gentleman from New York for the compliment which he has made the committee, and I now reserve the balance of my time.

Mr. GARRETT. I would like to ask the gentleman from

Indiana whether there is any prospect of reprint of the book known as "Diseases of the Horse."

Mr. CHARLES B. LANDIS. Mr. Speaker, the Committee of the Whole has already prepared a favorable report authorizing the printing of 250,000 copies of the horse book and will pre-Mr. WILLIAMS. Mr. Speaker, I yield such time as he may desire to the gentleman from Missouri [Mr. Clark].

Mr. CLARK of Missouri. I would like to have the attention

of the gentleman from Pennsylvania [Mr. Dalzell]. I do not want to talk about this matter, but I want to talk for a minute or two about the other matter for which unanimous consent was asked. If anybody has any objection let them offer it now. The situation about the claims business is exceedingly aggravated-

Mr. DALZELL. Mr. Speaker, I withdraw my request now for the passage of the resolution.

Mr. CLARK of Missouri. Well, I am going to withdraw my

objection to it.

Mr. DALZELL. Well, I withdraw my request. Mr. CLARK of Missouri. I want to make an explanation of

The situation about claims

The SPEAKER. One moment, please. If the gentleman will withdraw his objection, if the Chair may be permitted to say so, as this other matter is before the House, a little talk between the gentlemen will cause them to come to an agreement. The gentleman from Pennsylvania [Mr. Dalzell] says that he withdraws his request.

Mr. CLARK of Missouri. I will not withdraw my objection

unless I may have a chance to say what I want to say.

Mr. DALZELL. I will withdraw my request whether the gentleman withdraws his objection or not.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent for five minutes. Now, if anybody wants to object—

The SPEAKER. Does not the gentleman think, as this is a motion to suspend the rules—

Mr. PAYNE. Mr. Speaker, I do not like to object, but I think I will have to.

Mr. CLARK of Missouri. I will get the five minutes before I

get through here. Mr. CHARLES B. LANDIS. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on suspending the rules and

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The SPEAKER. Without objection, the bill H. R. 25736 will be laid on the table.

There was no objection.

Mr. Speaker-

Mr. WILLIAMS. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman rise?
Mr. WILLIAMS. I rise for the purpose of renewing the request made by the gentleman from Pennsylvania [Mr. DALZELL] and subsequently withdrawn by him.

The SPEAKER. If the Chair may be permitted to suggest to the gentleman, an opportunity will be given a little later on. The Chair is of the opinion that in the dispatch of business at this time the Chair had better not recognize the gentleman

from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, of course I know my parliamentary right under the circumstances.

The SPEAKER. The parliamentary right is, first, recogni-

Mr. WILLIAMS. The Chair has recognized me; but I also recognize the justice of the reasoning of the Speaker, and I shall not press the request this moment.

# FORTIFICATIONS BILL.

Mr. SMITH of Iowa. Mr. Speaker, I desire to call up conference report on the bill H. R. 23821—the fortifications bill and ask consent to read the statement in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23821) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as fol-

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 8, 9, 10, 11, and 12, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nine hundred thousand dollars;" and

the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum last named in said amendment insert "one hundred thou-

sand dollars;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum last named in said amendment insert "four hundred thou-

sand dollars;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of

agree to the same with an amendment as follows: In hed of the sum last named in said amendment insert "fifty thousand dollars;" and the Senate agree to the same. Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum last named in said amendment insert "five hundred thou-sand dollars;" and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum last named in said amendment insert "one hundred thou-

sand dollars:" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the words "at Manila;" and the Senate agree to the same.

> WALTER I. SMITH, J. WARREN KEIFER, JOHN J. FITZGERALD. Managers on the part of the House. GEO. C. PERKINS, F. E. WARREN, JNO. W. DANIEL Managers on the part of the Senate.

The statement was read as follows:

## STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23821) making appropriations for fortifications and other works of defense submit the following written statement explaining the effect of the action agreed upon and recommended in the accompanying conference report on each of said amendments:

On amendment numbered 1: Appropriates \$900,000, instead of \$700,000, as proposed by the House, and \$1,200,000, as proposed by the Senate, for construction of fire-control stations and ac-

cessories.

On amendment numbered 2: Appropriates \$200,000, as proposed by the House, instead of \$300,000, as proposed by the Senate, for protection, preservation, and repair of fortifications.

On amendment numbered 3: Appropriates \$100,000, instead of \$112,800, as proposed by the Senate, for wall for the protection of Fort Moultrie, S. C., and limits the total cost of said wall to not exceeding \$225,600.

On amendment numbered 4: Appropriates \$400,000, instead of \$453,550, for sea walls for the protection of fortifications at Forts Pickens and McRee, Pensacola Harbor, Florida, and limits the total cost of said walls to not exceeding \$907,100.

On amendment numbered 5: Appropriates \$50,000, instead of \$54,678, for repairing and restoring batteries at Pensacola and for retaining walls to protect the same, and limits the total cost

of said work to not exceeding \$109,355.
On amendment numbered 6: Appropriates \$500,000, instead of \$544,750, as proposed by the Senate, for the repair and preservation of batteries at Mobile and for rebuilding sea walls and groins for the protection of the sites of the fortifications and garrison posts, and limits the total cost of said work to \$1,089,500.

On amendment numbered 7: Appropriates \$100,000, instead of \$139,800, as proposed by the Senate, for rebuilding and strengthening the levees for protection at Fort St. Philip, La.
On amendment numbered 8: Appropriates \$30,878, as pro-

posed by the Senate, for replacing and overhauling ammunition, instruments, and other articles destroyed or damaged by storm

at Forts Pickens and McRee, Fla.; Morgan and Gaines, Ala., and St. Philip, La.

On amendment numbered 9: Appropriates \$5,250, as proposed by the Senate, for converting muzzle-loading field guns to breechloading guns for saluting purposes and for mounts for the same.

On amendment numbered 10: Inserts the provision proposed by the Senate, repealing section 2 of the act approved May 19, 1882, relative to the issue of heavy guns and mortars to States bordering on the sea or Gulf coast.

On amendment numbered 11: Strikes out the appropriation of \$600,000, proposed by the House, for construction of seacoast

batteries in the Hawaiian and Philippine Islands.

On amendments numbered 12 and 13: Appropriates, respectively, for construction of seacoast batteries for Hawaiian Islands \$200,000, and for construction of seacoast batteries in the Philippine Islands \$500,000.

WALTER I. SMITH, J. WARREN KEIFER, JOHN J. FITZGERALD, Managers on the part of the House.

Mr. SMITH of Iowa. Mr. Speaker, I move the adoption of the conference report.

The question was taken; and the conference report was agreed to.

On motion of Mr. SMITH of Iowa, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

STEAM VESSEL FOR REVENUE-CUTTER SERVICE.

Mr. CUSHMAN. Mr. Speaker, I desire to call up conference report on the bill (S. 925) authorizing the construction of a steam vessel for the Revenue-Cutter Service of the United States, and ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Washington [Mr. Cushman] calls up a conference report and asks that the statement may be read in lieu of the report. Is there objection?

The conference report and statement are as follows:

The committee of conference of the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the bill S. 925, "An act authorizing the construction of a steam vessel for the Revenue-Cutter Service of the United States," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to the amend-

ment of the House.

JAMES R. MANN, FRANCIS W. CUSHMAN, W. H. RYAN, Managers on the part of the House. S. B. ELKINS,

GEO. C. PERKINS, S. R. MALLORY, Managers on the part of the Senate.

The statement was read as follows:

STATEMENT.

The original bill as it passed the Senate authorized the construction of one revenue cutter for use in the Puget Sound

This bill was amended in the House by striking out all of said bill after the enacting clause and inserting provisions authorizing the construction of four (4) vessels for the Revenue-Cutter Service at a total cost not to exceed \$650,000, and amending the title of said bill to conform with said amendment.

The Senate agreed to the amendment of the House with an amendment which in substance authorized the construction of one additional boat, to wit: One motor boarding boat for the

port of Galveston, Tex.

The Senate now recedes from this Senate amendment. The effect of this is to eliminate from the bill the provision for the one motor boarding boat for the port of Galveston, Tex., and leaves the bill providing for the four revenue-cutter vessels. This leaves the bill in exactly the same form as it passed the House.

JAMES R. MANN, FRANCIS W. CUSHMAN, W. H. RYAN Managers on the part of the House.

Mr. CUSHMAN. Mr. Speaker, I ask that the conference report be agreed to.

The question was taken; and the conference report was agreed to.

On motion of Mr. Cushman, a motion to reconsider the vote by which the conference report was agreed to was laid on the

#### PENSION APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I ask unanimous consent that the bill (H. R. 24640) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, with Senate amendments, be taken from the Speaker's table.

The SPEAKER. Is there objection?

Mr. GARDNER of Michigan. And I ask for a conference. The SPEAKER. The gentleman from Michigan [Mr. GARD-NER] asks unanimous consent to take from the Speaker's table the pension appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER announced the following conferees: Mr. GARDNER of Michigan, Mr. Brownlow, and Mr. Sullivan.

#### SUBSIDY BILL.

The SPEAKER. Under the order of the House is in the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 529) to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, and to promote commerce.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent that the five hours allotted may be equally divided between the friends and opponents of the measure, and that two hours and a half be controlled by myself and two hours and a half by,

the gentleman from New York [Mr. GOULDEN].
Mr. WILLIAMS. Mr. Speaker, there was so much confusion

I did not hear.

The SPEAKER. The gentleman from Ohio [Mr. Grosvenor] asks unanimous consent that the five hours for general debate may be equally divided, and that one-half of it may be controlled by himself and one-half by the gentleman from New. York [Mr. GOULDEN].

Mr. WILLIAMS. The gentleman from Mississippi Spight] is the senior member of the committee. I wis request to be modified in this way: One half to be controlled by the gentleman from Ohio [Mr. Grosvenor] and the other half by the gentleman from Mississippi [Mr. Spight], and, in his absence, by the gentleman from New York [Mr. GOULDEN].

Mr. GROSVENOR. Mr. Speaker, I have no objection to that, The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the gentleman from New Hampshire

[Mr. Currier] will take the chair.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CURRIER in the

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 529, the merchant-marine bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (8, 529) to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, and to promote commerce.

Mr. GROSVENOR. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears

Mr. GROSVENOR. Mr. Chairman, the discussion of the bill under consideration will doubtless lead to a most interesting discussion of some of the great questions of the day as connected with our foreign trade and questions of the development of it in the future.

I propose to occupy five minutes, or thereabouts, of time in answering one or two propositions that have been made in regard to this general subject, and I do it for the purpose solely of getting before the country and the committee the real facts involved in this question.

On yesterday my distinguished colleague from Nebraska [Mr. HINSHAW] used the following language:

This, in my judgment, will not do anything of the kind at all. If anything it will tend to decrease the shipping facilities that this country now possesses. Tell me what good it will do to the other vessels which this country seeks to run between this and other countries to have a few ships receive a large subsidy from this Government. Tell me what is the result of the subsidy, complimented by the gentleman from New York [Mr. PAYNE], between this country and Europe. How much did it increase our merchant marine between this and other countries? Tell me what merchant vessels now ply between our ports and foreign ports in consequence of the subsidy of this line between here and Liverpool.

And then he answers the question by saying:

Not a single vessel has been given to our merchant marine by that subsidy. The vessels that get a bonus from this country themselves carry merchandise to no great extent, and, as the distinguished gentleman now in my eye [Mr. LITTAUER] said to me, etc.

Mr. Chairman, adjournment over night gave me an opportunity to be ready to answer the gentleman's questions in a little different form from his own answers, and I have put it in writing, so that I may be accurate and in detail. In the first place, this mail subvention made it possible to operate under the American flag the two former Inman liners, the City of New York and the City of Paris, now the New York and Philadelphia, which were denied mail subsidies by the British Government on the ground of their American ownership, and were admitted to American registry by a special act of Congress. the same time the company owning these steamers contracted to build in the United States two even larger and swifter steam-ships, the St. Paul and St. Louis. These four steamers have given the United States for several years the only regular weekly 20-knot mail service throughout the year across the North Atlantic.

These ships are owned by the International Mercantile Marine Company. This company has also built and now owns two other still larger American steamers, the Finland and Kroonland, launched at Philadelphia in 1902, and the Maine, Missouri, Massachusetts, and Samland, since completed; a total of ten American steamers added to our registry by one company since the enactment of the ocean mail law of 1891. questionably one factor in inducing the company to build these other ships was the anticipated passage of the Frye shipping

These ten American ships are as follows:

	When built.	Tons.	Speed in knots.
St. Louis St. Paul New York Philadelphia Finland Kroonland Maine Missouri	1895 1895 1888 1889 1902 1903 1903	11, 629 11, 629 10, 798 10, 786 12, 760 12, 760 7, 904 7, 914	20 20 20 20 16 16 12 12
Massachusetts	1902 1903	7,913 7,913	12

The four 20-knot steamers, like other fast mail ships on the North Atlantic routes, have relatively small cargo capacity, but do export large values not only of manufactured goods, but of agricultural products, like butter, cheese, meats, and provisions. And in support of this I ask gentlemen who wish to controvert this to apply for the manifests of the outgoing ships which I have named.

The Kroonland and Finland are immense carriers of grain and other agricultural products to the continent of Europe, and so are the other four steamers in this list, three of which are cattle and cargo vessels pure and simple, with no accommodations for passengers.

So much for that statement. Mr. SHERLEY. Mr. Chairman-

Mr. GROSVENOR. I can not yield to the gentleman at this time. Similar statements have gone all through the country, and in my mail during the last twenty days more than 100 newspaper clippings have been sent to me withdrawing their statements of these facts and going upon the other side of the Now, one more proposition, gentlemen. In the State of Massachusetts there is an old time-honored newspaper advocating free trade. It is called the Springfield Republican. It is honored at least in its length of days and in the ability with which it has always advocated every interest of foreign countries against our country. In a recent publication that paper stated that we had by our tariff laws, following the idea of the gentleman from Mississippi [Mr. Williams] on yesterday, driven our import trade from South America; and now, having driven it away by our tax upon it, that we were seeking to climb over the tariff wall by ship subsidy, at the facts of that case, and here they are I proceeded to get

Four of the ocean mail lines proposed in the shipping bill favorably reported by the House Committee on Merchant Marine and Fisheries run to South America, two to Japan, China, and the Philippines, and one to Australasia.

It is objected by foes of the proposed legislation that the "Chinese-wall tariff" makes such steamship lines impracticable, because they can get no return cargo as of imported merchandise. Now, I give you the figures of the fiscal year ending June 30, 1905, of our total imports from South America. They are from

Brazil, Argentina, Colombia, Peru, and Chile; and, furthermore, from Japan, China, the Philippine Islands, and Australasia. Free imports from all the South American countries that I have named were \$127,788,000, while \$23,006,000 were dutiable. In other words, 84.74 per cent, or, in round numbers, say, 85 per cent, of all the imports coming from all South American countries came in free of duty under the free list of the Dingley law.

Here are the figures for the fiscal year ending June 30, 1905, of our total imports from South America:

	Per cent free.	Free.	Dutiable.
	81.74	\$127, 788, 000	\$23,006,000
Imports from Brazil Imports from Argentina Imports from Colombia Imports from Peru Imports from Peru Imports from Chile	98, 12 21, 77 85, 30 54, 22 96, 61	97, 966, 000 3, 342, 000 5, 469, 000 1, 709, 000 10, 695, 000	1,876,000 a 12,012,000 942,000 1,443,000 376,000

a Chiefly hides and wool.

Here are the figures of our imports from Japan, China, the Philippines, and Australasia:

	Per cent free.	Free.	Dutiable.
Imports from Japan Imports from China Imports from Philippines Imports from Australasia	72. 40	\$37, 512, 000	\$14, 308, 000
	66	18, 403, 000	9, 480, 000
	87. 67	11, 096, 000	1, 561, 000
	39. 28	7, 221, 000	a 11, 892, 000

a Largely wool.

(From Bureau of Statistics Report on Foreign Commerce and Navigation, 1905.)

And yet a great newspaper, hammering away in the interest of free trade, assailing Republican protection in almost every diurnal issue, falls into the blunder of saying that we have driven away South American trade by the tariff, when 85 per

cent of it comes in absolutely free of duty.

Mr. SULLIVAN. If the tariff duty on articles coming from South America had been higher than that, I assume that 100 per cent of the imports would come in free of duty. words, that nothing would come in except those things that were on the free list.

Mr. GROSVENOR. The gentleman from Massachusetts is exceedingly acute this morning. I am not arguing that there would not be more trade from South America, of a certain kind, if there was no duty on it. As soon as you refer to any duty on a South American product a Massachusetts man always

squirms about the duty on hides.

Mr. SULLIVAN. Certainly.

Mr. GROSVENOR. Practically the whole, or more than half of this \$23,000,000, was hides and wool. The western farmer is eulogized in this place occasionally, but the paper from which I am quoting never speaks of anything that does not immediately and directly benefit some special phase of the magnificent productions of Massachusetts.

Permit me to state in brief what this bill aims and proposes

This bill proposes an expenditure of public money for public purposes. Its justification is found in seven such purposes, any one of which would warrant the expenditure proposed or any other expenditure adequate to produce the results desired; an appropriation inadequate to produce results would be waste paper.

These purposes are: First. The establishment of a superior ocean mail service to those parts of the world where it is conceded that our present service is inferior both as to speed and regularity, and where political and commercial considerations suggest that it should be the best

Second. The maintenance of shipyards with skilled workmen able to build war vessels-as much a necessary part of the national defense as the Navy itself.

Third. The establishment of a fleet of fast steel merchant steamers suitable for auxiliary purposes in war, precisely similar to such fleets aided in precisely the same manner by the Governments of England, France, Germany, Russia, Italy, Spain, Austria-Hungary, and Japan.

Fourth. The establishment of a naval reserve force similar in its relations to the Navy to the National Guard of the States in its relations to the Army. There can not, of course, be such

a body of men without ships on which they may become sailors, and there can not be ships unless we have the shipyards, for it is the policy of the great maritime powers of Europe to build their war vessels and their auxiliary fleets at home.

Fifth. We have inherited and shall never abandon the Monroe doctrine. That doctrine binds us not only to prevent the establishment of any European power upon the American continents, except in so far as they are already established, but also it impels us in the furtherance of its purposes to cultivate particular relations of political and commercial intimacy with the Republics of Central and South America.

Sixth. Within a very few years we have acquired in the Pacific Ocean the Hawaiian Archipelago, the Philippine Archipelago, a portion of the Samoan group, and the island of Guam, which impose upon us new and unavoidable duties to be met in part by increase of our power on the sea, naval and commercial. We have also undertaken to construct at heavy cost the Panama Canal, and for that purpose have assumed control over a narrow strip of land from the Atlantic to the Pacific; a control which carries with it obligations in some respects similar to those following our expansion in the Pacific.

Finally. The growth of our industries, which is beginning to outstrip the home market, imposes upon us commercial duties besides the deepening of our harbors and the lighting of our coasts. If we wish new foreign markets we must enable their buyers and sellers to come conveniently, regularly, and expedi-

tiously to us and ours to go to them.

The fulfillment of any one of these purposes would doubtless be a sufficient justification for the measure. The seven collectively furnish unanswerable reasons in its support, especially in view of the fact that the propositions of the bill are not untried or unsuccessful experiments in our own history or in the history and present methods of the great maritime powers with which we are worthy to be classed. For establishing the national ocean mail service proposed we now have reasons similar in most respects to those which have led England to grant liberal ocean mail contracts almost from the beginning of commercial steam navigation up to to-day, and we have, as stated, special reasons of our own besides. We may apply to our present situation the conclusions of one of the most careful students of economics, President Arthur T. Hadley, of Yale College:

Of England's mail-contract system it may be fairly said: (1) That its aims are political and not commercial. It is a necessity for England to have constant communication with her colonies, and she has spent large sums for this object. It is almost equally important for her to have an efficient naval reserve and transport service, and she has made her mail contracts one among several means toward this end. (2) That the incidental commercial advantage to the subsidized companies has not been generally great except at a very early period of the system. This is evinced by the fact that rival unsubsidized lines have been equally successful, and that the largest contracts have been on terms which made them a matter of indifference to the party receiving them.

The incidental commercial benefits to steamship companies which may be organized under this bill will not be great. The sums provided are believed to be adequate to accomplish the purposes proposed, but they do not offer more than sufficient pay for public results attained.

## ILLUSTRATIVE FACTS.

The volume of the ocean mails of the United States and the United Kingdom are about the same. (England's mails for the rest of Europe go by Channel ferries and thence by rail, and are not ocean mails.) Last year the United States sent over the ocean 1,800,000 pounds of letters, the United Kingdom 1,700,000 pounds; the United States 12,000,000 pounds of periodicals, books, etc., the United Kingdom 16,700,000 pounds. The United States paid \$2,965,000 for its inferior service and showed a profit of \$3,000,000; the United Kingdom paid \$3,250,000, to which the Cape Colony and Canada alone added about \$1,000,000, and her superior service was not even self-supporting.

Our ocean mail contracts under the act of 1891 are not sources of big profits to steamship companies, e. g., (a) American Line to Southampton under contract last year was paid \$762,638. On the weight of the mails carried at our statutory rates per pound it would have been entitled to \$010,542, so the Government saved nearly \$150,000. (Report Superintendent Foreign Mails, p. 22.) These steamers, Harvard, Yale, etc., were needed in the Spanish war. (b) The New York and Cuba Mail has received \$3,000,000 in ten years under its total contracts, and spent \$9,000,000 in building steamships in the United States.

Atlantic-Brazil Atlantic-Argentina	\$600, 000 800, 000
Gulf-Isthmus	150,000

Total Atlantic 1,550,000

Pacific-Chile	\$603, 000 700, 000 700, 000 200, 000
Total Pacific	2, 200, 000
Grand total	3, 750, 000
Total South America Total Hawaii, Manila, Asia, Austrafia	2, 150, 000 1, 600, 000
Grand total	3 750 000

I now proceed to an analysis of the minority report of the House Committee on Merchant Marine and Fisheries.

The report submitted by the minority of the Committee on Merchant Marine and Fisheries attacks in both principle and detail the proposed bill for ocean mail lines and for American shipping. This report declares, for instance:

While professing to provide better mail facilities, and relying on that for its justification, the bill will actually accomplish no such result so far as oriental service is concerned, unless the Post-Office Department continues to pay for mail service on other routes than the subsidized ones.

It is not to be supposed, of course, that the new service will supersede all others, but it is true that this bill will do exactly what it professes, and "provide better mail facilities." The Boston Steamship Company, from Puget Sound, is the only commercial line now running regularly on every voyage to the Philippines. It has a contract for carrying War Department supplies to our military stations, but three of the ships operated by this company are about to be withdrawn, and each of its two large 14-knot steamers makes a round voyage in about three months to the Philippines. The Pacific Mail Company, running regularly to Yokohama and Hongkong, send ships only infrequently to Manila, and about once in twenty days the old, slow, foreign-built Government transports, capable of about 10 knots, sail from San Francisco for the Philippines.

This bill would require a weekly mail service between Manila and the United States by 16-knot steamers. At least thirteen of these high-class ships would be required instead of the half a dozen now running on the San Francisco and Puget Sound lines. The doubling of the American mail fleet on the Pacific and the increase in the frequency of its sailings not only to China and Japan, but clear through to Manila would inevitably "provide better mail facilities" to the Orient.

## THE EARLY MAIL SUBVENTIONS.

Going back into history, this report of the minority takes up the early mail subsidies to the Collins and other American steamship lines, and quotes President Pierce as declaring that this policy was a failure. Mr. Pierce accepted the extreme view held by a section of his party that these mail subventions, paid chiefly to steamers running out of northern ports and owned by northern people, benefited only northern industry. This ocean mail policy was involved in the unfortunate slavery quarrel between the North and the South, and Mr. Pierce, though a New Englander, took the view which, in that deplorable controversy, caused him to be called "a northern man with southern principles." But President Pierce, in his opinion of this ocean-mail policy, did not agree with other Democratic leaders like Chairman Thomas Butler King, of Georgia, of the Committee on Naval Affairs, or Senator Thomas J. Rusk, of Texas, or Senator James A. Bayard, of Delaware, who declared:

I am willing to trust American skill and industry in competition with any people on the globe when they stand nation to nation without government interference. But if the treasury of a foreign nation is poured into the lap of individuals for the purpose of destroying the interests of my country or for building up a commercial marine at the expense of the commerce and prosperity of the United States, I for one will count no cost in counteracting such government action on the part of Great Britain or any foreign power.

A few years earlier another great Democrat, President Polk, had said:

The enlightened policy by which a rapid communication with the various distant parts of the world is established by means of Americanbuilt steamers would find an ample reward in the increase of our commerce and in making our country and its resources more favorably known abroad. But the national advantage is still greater; having our naval officers made familiar with steam navigation and of having the privilege of taking the ships already equipped for immediate service at a moment's notice, and will be cheaply purchased by the compensation to be paid for the transportation of the mail over and above the postage received. A just national pride no less than our commercial interests would seem to favor the policy of augmenting the number of this description of vessels.

Whether President Polic or President Plane was right in

Whether President Polk or President Pierce was right in estimating the value of this policy can be ascertained from the fact, that under the impulse of the ocean-mail subventions American steamships registered for foreign commerce increased from 5,631 tons in 1847 to 115,045 in 1855. President Pierce is quoted as proof that this policy was a "failure." But

another famous Democrat and great economic authority, Dr. David A. Wells, declared:

During the single year 1849-50 we increased our ocean steam tonnage 113 per cent and the seagoing qualities and performances of our vessels were so admirable that the Cunard Company, which had then been in operation ten years, was obliged to bring out new ships to compete with them. The prospect, therefore, at one time was that the United States, although late in the start in this new department of foreign shipping, would soon equal, if not overtake, their great commercial competitor.

These new American steamships built under the mail subventions reduced the trans-Atlantic freight rate of the Cunard steamers from £7 10s. to £4 a ton. And Captain McKennon, of the British navy, who made voyages of observation for his Government to inspect the new American and the Cunard ships, declared that "there are no ocean steamers in England comparable to the *Baltic*." Both the best American and the best British authorities, therefore, refute President Pierce and sustain the statement expressed in the majority report of this committee that in the ocean-mail subventions of the years before the war the United States received "an abundant reward in increased maritime strength and increased commerce."

#### THE COLLINS SHIPS

The minority report declares—and the minority report seems to be very unfortunate in its specific statements:

In 1847 Collins and his associates agreed to carry the mails between New York and Liverpool twice a month during eight months of the year and once a month during four months for \$385,000 per annum. He also agreed to build five ships of not less than 2,000 tons measurement and 1,000 horsepower. The company never performed its contract as to the new ships. It built four new ships, one of which was destroyed, and then proposed to build another in its stead, which would be the fifth new ship. In 1852 the contractors asked for an increase of pay from \$385,000 per annum to \$858,000 per annum, giving six additional trips to the twenty already provided for.

This assortion of the minority report that the Collins Com-

This assertion of the minority report that the Collins Company "never performed its contract as to the new ships" is not true. Mr. Collins agreed in his contract to build steamers of at least 2,000 tons-the average size of the competing British Cunard ships was then only 1,500 tons. But Mr. Collins actually built two steamers of 2,700 tons and two steamers of 2,800 tons, by far the largest, most costly, and most powerful vessels in the world. The ship mentioned in the minority report as "destroyed" was lost by shipwreck after running several years, and the Collins company was then building a fifth steamer, the Adriatic, of 4,100 tons, or twice as large as the original contract had required. It is a suggestive fact that the Adriatic was sold to a British subsidized company when the ultra-Southern influences in Congress broke down our ocean mail legislation. The Adriatic was the largest and best steamship under the British flag, and long held the Atlantic record in this British subsidized service

It is true that the Collins company asked for and received an increased subvention of \$858,000 in 1852. But this was granted by Congress in part for the express reason that the Collins company had far exceeded its contract requirements, that it had built larger and faster ships than the Government had asked for, that these ships had won the mastery of the North Atlantic for America, that they had cut the freight rates on our exports in half, and that all this advantage gained to the American people and their Government deserved fair compensation, for it was stated and proved by detailed figures that to effect a saving of a day and a half in the run between New York and Liverpool costs the company nearly a million dollars annually." At this time the British Government paid the Cu-At this time the British Government paid the Cunard Company for ships smaller, slower, and inferior in every way to the Collins steamers a mail subvention of about \$900,000 year, or \$5.75 for every ton of Cunard shipping that crossed the ocean, while the Collins subvention was \$4.82 a ton. It seemed to the American people and to Congress at that time that a superior service in American ships was worth at least as much to the people of the United States as a poorer service was to Great Britain. It would be very difficult for the minority of the committee to disprove this.

These mail subventions to American steamship lines need not have been "perpetual," as the minority report asserts, but they ought not to have been withdrawn, and would not have been withdrawn but for the bitter sectional strife in Congress at the very crisis of our fierce struggle with the British Government. A few years after the subventions were canceled and the American lines abandoned the New York Herald, then, as now, a Democratic newspaper, said:

And this recalls to mind the shameful fact that with the exception of two steamships, the Fulton and Arago, every steamship plying between this country and Europe belongs to foreign companies, and American citizens are compelled to sail under the flag of France or of England or the Hanse towns. This is the fault of Congress, which will not vote a dollar for an honorable enterprise like an American steamship line. or of England of the Hallse town.

which will not vote a dollar for an honorable enterprise like an American steamship line.

A subsidy of \$500,000 a year sufficed to maintain the Collins line,

which a narrow-minded Congress withdrew, and the last American flag at the masthead of an American steamship vanished from the Atlantic. The governments of England and France, and even the little Govern-ment of Italy, grant handsome subsidies to their mail steamship lines. Why not our Government do the same?

UNDER THE LAW OF 1891.

The minority report quotes Mr. John Wanamaker, when Postmaster-General in 1891, as saying that the early mail steamship subventions were terminated too soon "to demonstrate the gen-That is true. The first legislation eral effect of the system." was broken down finally by the sectional quarrel in Congress which preceded the civil war and which led also to the crippling of the Navy. This is not a fact which can be recalled with pride by any patriotic American, nor can the scandal which one time overwhelmed the Pacific line of steamers. But the ocean mail subvention policy was reestablished in 1891. The minority report quotes Postmaster-General Wanamaker as stating, in 1892, "the new ocean mail service, therefore, applies to eleven lines, comprising, when completed, forty-two ships, of 165,802 tonnage, and the contractors will be required to spend fourteen millions to provide ships necessary to make the service contracted for frequent enough and quick enough to comply with the terms agreed upon." The minority report goes on to say that "this was a very rosy view of the situation," and that "new ships are easily built on paper." This minority report further quotes Postmaster-General Bissell as saying, in his report for 1893, that:

I am unable to ascertain that any positive advantages have accrued from either a mail or a commercial point of view by reason of the contracts thus far placed in operation by the act of March 3, 1891.

Some of these contracts at that time had been only a few months in operation, and none more than a year or so in operation. The ocean mail law had been cut down one-third in its compensation, and thus seriously crippled, before being passed by the House of Representatives. Some of the new routes were immediately abandoned, as it was expected they would be, because the reduced compensation was manifestly inadequate. But the best test of the ocean mail law of 1891 is that it stood unchanged and unchallenged throughout Mr. Cleveland's Administration, when the McKinley tariff was overthrown, and that for sixteen years it has worked to the satisfaction of the Government.

The minority report states that Mr. Wanamaker was taking "a very rosy view of the situation" when he declared, in 1892, that the new ocean mail service would require forty-two ships of 165,802 tonnage, costing \$14,000,000. "New ships are easily built on paper" jeers the minority report. Now, what are the facts? The Merchant Marine Commission, in memoranda presented a year ago, showed that the steamship companies operating this ocean mail service under the law of 1891 actually owned thirty-six steamships of a total tonnage of 164,923. Four of these steamships cost more than \$2,000,000 each, or upward of \$8,000,000 in all, while eight others cost about a million dollars each. So the only real fault to be found with Postmaster-General Wanamaker's statement was that it was an underestimate. In 1892 the United States had 228,000 tons of steamships registered for foreign trade. In 1905 it had 601,000 tons, and nearly all of this increase was due directly or indirectly to the ocean mail law of 1891 or to the anticipation of the passage of the Frye shipping bill of 1900.

### THE AMERICAN LINE TO EUROPE.

In an attack upon the one American line to Europe the minority report declares that the subvention to this line for twelve years has been "a pure gratuity," because "no new ships have been built nor can the line which carries the contract compete in average rapidity of sailing with other ships which would carry the mail consigned to this subsidized company at a much lower rate.

Instead of "no new ships" four ships, and very large and fast ones, have been added to the American flag expressly for The New York and Philadelphia, of 10,700 tons, were transferred to American registry in 1895 by special act of Congress, because, being owned by Americans, they were refused all share in mail subsidies by the British Government. The St. Louis and St. Paul, of 11,600 tons, were constructed in the United States especially for this American trans-Atlantic service. Moreover, in anticipation of the passage of the Frye bill the International Mercantile Marine Company, owning these steamers, has since built also six large trans-Atlantic steamships, the Finland and Kroonland, of 12,700 tons, and the Maine, Missouri, Massachusetts, and Mississippi, of 7,900 tons. The statement that no new ships had been built under this mail subvention on the North Atlantic is an amazing error, for which it is difficult to find excuse.

So, too, with the statement in the minority report that this 20-knot American line provides a slow and inferior service.

There are a few individual steamers on the north Atlantic which are faster than any ships of the American fleet, but, as the Merchant Marine Commission said in its memoranda, in the Fifty-ninth Congress, first session (Senate Document No. 141)

It is a significant fact that now, after ten years, the American Line is still performing the only 20-knot weekly mail service between the United States and Europe.

The Commission added:

The Commission added:

Occasional faster passages are made by individual ships of foreign lines, but in the important charcteristic of regularity, swiftness, and reliability of service the American line still stands preeminent. It is the only line whose ships steadily deliver across the Atlantic mails that started one week before. According to the report of the superintendent of foreign mails, the three fast steamers of the North German Lloyd made thirty passages in the fiscal year ending June 30, 1905; the one fast steamer of the Hamburg-American, eight passages; the two fast steamers of the Cunard, twenty-five passages; the two fast steamers of the American Line, forty-five passages; the four fast steamers of the American Line, forty-five passages. This report of the superintendent of foreign mails shows further that the two British companies presented for the mails last year on twenty-four passages ships of 16 or 17 knots, which would reach the other side two or three days behind the American liners. The German service is often performed, especially in the stormy winter months, by steamers even slower.

Therefore the minority report is very unjust to the American Line of steamships in asserting that it can not "compete in average rapidity of sailing with other ships which would carry the mails consigned to this subsidized company at a much lower These "other ships," of course, are foreign ships, and it would have been more frank and creditable to the authors of the minority report if they had openly stated, instead of concealing the fact, that these "other ships" were of European nationality. That these foreign steamers, fast or slow, could afford to carry the United States mails "at a much lower rate than American steamers" will readily be admitted when these circumstances, set forth by the Merchant Marine Commission, are understood:

There is another fact brought up in this report which is well worth considering. It is that while the United States paid in the last fiscal year \$662,000 to the American line for carrying our trans-Atlantic malls, it paid nearly as much, or \$617,000, to the British, French, and German lines, thus to that extent assisting foreign governments to maintain just the class of scouts which Admiral Dewey and the general board so emphatically declare will be indispensable to the efficiency of our squadrons in time of war. In other words, we are deliberately adding foreign governments to maintain an auxiliary naval fleet, which, in case of a conflict, could be used with terrible force against us, and steamers which are direct competitors with American industry. These foreign governments on their side recognize the truth of this by refusing to contribute to the maintenance of American steamers, and by denying the malls and the mail compensation to our vessels, even when they are faster than their own. \* \*

Under this policy—so much more liberal than that of the British and other foreign governments—the United States last year gave in mail pay \$212,000 to the White Star (British) Line, \$168,000 to the North German Lloyd Line, \$101,000 to the Cumard (British) Line, \$64,000 to the Hamburg-American (German) Line, and \$60,000 to the Compagnic Générale Transatlantique.

The American line in return received \$10,511 from the British and nothing from the French Government, only \$1,614 being received for the mails originating in interior Europe and delivered to the American ships at Cherbourg.

Clearly this is not reciprocity, and in deciding what is adequate mail pay for the American line it must be remembered that these American ships are systematically boycotted by foreign governments, while the United States pay upward of \$600,000 a year to their British, German, and French competitors.

Most of these facts and figures were easily ascertainable from the report of the superintendent of foreign mails, from which the minority report has quoted, and it is all the more deplorable, therefore, that the minority has allowed itself to make this attack upon the one American line to Europe, and, in effect, to demand that its mail subvention should be withdrawn and the line destroyed by its European competitors, which, besides their own state aid, receive liberal mail pay from our Government. Not since the earlier American trans-Atlantic steamship lines were broken down in the heat of the sectional controversy in Congress before the civil war has a Congressional report contained such a severe blow at American shipping interests. is based manifestly upon a misapprehension of the facts. minority has apparently been deceived by influences not friendly to the American merchant marine.

### LATIN-AMERICAN TRADE.

On the question of commerce the minority report asserts:

On the question of commerce the minority report asserts:

Notwithstanding the fact that for many years we have had subsidized mail lines running to Mexico, the West Indies, and Central and South America, the balance of trade with these countries has been all the time largely against us. This is true individually and in the aggregate, in spite of the fact that our relations have become more intimate with Mexico on account of greatly improved railway connections, and that as a result of our treaty with Cuba we have special trade advantages with that part of the West Indies.

This assertion ignores the very great increase in our exports to the Latin-American countries to which lines of American mail steamers are running. Take Cuba, for instance. Our exports to that island increased from \$12,000,000 in 1891 to

ports to that island increased from \$12,000,000 in 1891 to

\$24,000,000 in 1893 under the impulse of improved steamship communication plus the reciprocity treaty which the Cleveland Administration abolished in 1894. Our exports to Cuba in 1905 were \$38,000,000, and to the transportation of these articles the Ward Line of American mail steamers was the largest single contributor. More than half of our exports to Cuba are carried in American vessels. There is an American mail line also to Mexico, to which country our exports, largely carried, of course, by railroads, though great quantities go by sea, have increased from \$15,000,000 in 1891 to \$45,000,000 in 1905. The balance of trade with most of these Latin-American countries is against us, naturally enough, because they are relatively poor countries and not great purchasers of foreign products, but it is significant that wherever there is an American ocean mail line we lead European countries in their markets, and that wherever we have no American line European countries lead us. One needs but to compare our share of the import trade of Colombia and Venezuela on the one hand and of Brazil and Argentina on the other. To deny that steamship lines promote trade is equivalent to denying that transportation promotes trade, and except for the spirit of controversy not one member of the minority would dream of subscribing to such a proposition.

MORE ERRORS OF THE MINORITY.

In an effort to explain why no more American ships are built the minority report suggests that one reason is that "American capital finds more profitable employment on shore than in maritime pursuits." This is an explanation always eagerly suggested by the active agents here of foreign subsidized steamship companies, but it is demolished by the fact, perfectly well known and indeed mentioned in the minority report, that "millions of dollars" of American money is invested in foreign ocean shipping. Another explanation is outlined thus in the minority report:

The other answer is that by virtue of the unjust protection given to the producers of materials which enter into the building of ships the trusts and combines are enabled to sell and do sell their products in foreign lands at prices below those charged to domestic purchasers. That this is true has been long and well established.

Such an assertion as this, that the materials of shipbuilding for foreign trade are dutiable, is amazing, for the signers of this minority report sat day by day with other members of the Committee on Merchant Marine and Fisheries last April and heard the chief shipbuilders of the country state that all materials of any kind required for the construction, equipment, or repair of vessels for the foreign trade could be admitted free under sections 12 and 13 of the free list of the Dingley tariff, and that this provision was so liberally interpreted that it included not only timber and steel, but such elaborate articles as compasses for ships' use. Moreover, these shipbuilders testified that they were getting their steel laid down in their yards by American makers not only for foreign-going, but for domestic ships, at the same prices for which similar materials could be laid down duty free from Europe. Finally Judge Gary, of the United States Steel Corporation, appeared before the committee and stated that his great company was not selling American ship steel abroad at a lower price than at home, as had been charged; that in fact his company had sold only a small quantity of such steel abroad at any price in recent years. That in the face of testimony like this the minority report should declare that the tariff robs the shipbuilders in its burdens on their materials is something which it is difficult to reconcile with the unquestioned sincerity of purpose of the individual members of the minority. These and other errors in specific statements in which the minority report abounds can be explained only on the theory that the report was hastily compiled and that some of the information came from influences that were so eager to strike a blow at the American merchant marine that they forgot that their excessive zeal might prove embarrassing to the gentlemen who signed the report when its text came up for examination in the House of Representatives

The whole report is an extreme argument against, not particular schedules nor particular tariffs, but the principle of protection and in favor of free trade.

Let the tariff bars be put down, so that commerce is no longer shackled, and American ships can have an incoming as well as an outgoing cargo.

This is the assertion on one page, and on two pages before the report declares of Mexico, the West Indies, and Central and South America that-

The balance of trade with these countries has been all the time largely against us.

It is fair to assume that a different brain framed and a different hand penned these two assertions, for they collide completely and destroy each other with neatness and dispatch; that the tariff shackles commerce and prevents American ships from securing incoming cargoes, and that the balance of trade with Latin-America is heavily against us can not both be true at the same time. What is true, as the official statistics disclose, is that 84 per cent of our entire imports from South America are free of duty, 72 per cent of our imports from Japan, and 66 per cent of our imports from China. Thirty-nine per cent of our imports from Australasia are free of duty, and 87 per cent from the Philippines. There is not very much shackling of commerce in these official records of our trade with the countries to which the proposed American mail services are to be established.

One further point, to show how much more zeal than discretion has gone to the compilation of this minority report, is this quotation from Daniel Webster in 1816, as follows:

How, sir, do shipowners and navigators accomplish this? How is it that they are able to meet and in some measure to overcome universal competition. Not, sir, by protection and bounties, but by unwaried exertion, by extreme economy, by unshaken perseverance, by that manly and resolute spirit which relies on itself to protect itself.

At the time when these eloquent words were spoken the discriminating-duty system, for which mail subventions or subsidies are the modern world-wide substitute, was in the full vigor of enforcement for the upbuilding of the merchant shipping of America. Under that system a foreign vessel arriving at an American port paid 10 per cent above the regular rate of customs duties on its cargo, and in addition a foreign vessel paid a tonnage tax of 50 cents a ton, while an American vessel paid only 6 cents. Nor was this all. In the great East India trade there were especial discriminating duties on tea, then the chief article of import merchandise, so that an American vessel homeward bound from China or India would pay on arrival \$10,980 at the custom-house, while a foreign vessel with the same cargo of tea would pay \$27,800, or, in other words, the American ship had the advantage of what was equivalent to a subsidy of about \$17,000 for a single voyage. This was not merely protection, it was absolute prohibition of foreign ship-This was not ping in the ocean trade of the United States, and it was this which built up the mighty American fleet in whose prowess Daniel Webster exulted. If there ever was a protected industry-jealously, lavishly protected-it was the American merchant marine in the years when our flag flew on all the seas of the world. There is something deliciously humorous in winding up with Webster's eulogy of such shipping an earnest disquisition on the beauties of free trade.

THE "FREE-SHIP" RECOMMENDATION.

The minority report is notable as the first declaration to which Democrats have subscribed their names in Congress for a long time in favor of the most extreme form of a free-ship policy, or absolute free trade in shipping. The minority mempolicy, or absolute free trade in shipping. The minority members of the Merchant Marine Commission did not advocate this and presumably did not favor it. But the minority report of the Committee on Merchant Marine and Fisheries declares:

If we can pay ocean freight and sell steam engines, steel bridges, sewing machines, and many other articles to foreign purchasers, why can not we build ships? If we can not, then there never was a better time than now to return to the free-ship policy, under which every other nation with a merchant marine has built it up.

Now, let us examine this paragraph in detail. In the first place, the manifest reason why we can sell steam engines, steel bridges, sewing machines, etc., abroad in competition with for-eigners is that for many years the manufacture of these things has been a vigorously protected industry and that the immense volume of American production of these things and the intense competition of home makers of them have brought the prices down, just as protectionists predicted.

But the shipping trade, so far as over-sea commerce is concerned, has not been protected, and therefore we have built few ships, and because we have built few ships these American vessels cost more than foreign vessels. Therefore the minority report urges Congress "to return to the free-ship policy." Apparently the gentlemen who drew this report believe that we had free ships in the days of Democratic ascendency before the civil war. They were never more mistaken in their lives. The present navigation laws which they denounce were framed not under Lincoln and Chase and Seward in 1861, but under Washington and Jefferson and Madison in 1789 and 1790. The law which restricts American registry to American-built vessels has been the unbroken policy of the American Government for more than a hundred years. This reference to a "return" to the than a hundred years. This reference to a "return" to the "free-ship policy" is another token that the minority report was hastily prepared or that the gentlemen responsible for it

were grievously misled by informants to whom they had trusted.

There is still further proof of this in the assertion that
"every other nation with a merchant marine has built it up"
under a free-ship policy. This again is wide from the facts.

wooden sail vessels, built to great advantage in the United States, did the world's carrying. She did not actually open her registry to foreign-built vessels until 1854, when she felt safe, because she clearly saw that the advantage had shifted to steamships and iron-ship yards developed by lavish British mail subventions. British merchants have never been large purchasers of foreign vessels, except when Anglo-Confederate cruisers drove American clippers from the seas in 1862-1865.

France tried free ships, with the result that she had a smaller shipping in 1881 (914,000 tons) than she had in 1870 (1,072,000 Then she turned to subsidies, with the result that her

shipping has now increased to 1,760,000 tons.

Germany tried free ships, with the result that her tonnage increased only from 1,098,000 in 1873 to 1,243,000 in 1881. Then Bismarck urged subsidies and secured them, and also other aids to the merchant marine, so that German tonnage has now grown to 3,400,000 tons.

Italy saw her tonnage dwindle under free ships and turned to subsidies because free ships had failed. She had 860,000 tons of shipping in 1894 and 1,259,000 tons in 1904.

Norway, long pointed to as a brilliant free-ship example, because her tonnage grew from 1,022,000 in 1870 to 1,650,000 in 1880 through the purchase of sail ships discarded by America and England, saw her fleet increase scarcely at all under free ships from 1,650,000 in 1890 to 1,779,000 in 1904. Now, Norway also, though she can ill afford it, grants mail subventions; and Sweden lends money from the public treasury to create new lines of steamers.

Japan under free ships had only 200,000 tons of shipping, mostly coastwise, in 1894. In 1896, taught by the Chinese war, Japan adopted the most comprehensive subsidy system in the world, with the result that her merchant fleet has grown more rapidly than any other in the world, or from 200,000 tons to more than 1,000,000 tons.

In the face of these facts and figures it is mirth provoking to read that foreign governments have "built up" their merchant

tonnage under free ships.

The minority report denounces the "restrictive policy" of denying American citizens who own foreign ships the right to sail their vessels under the American flag. "It is estimated," sail their vessels under the American flag. "It is estimated," says the report, "that there are not less than 200,000 tons engaged in foreign commerce under foreign flags owned in this country and expatriated by these repressive laws." If these vessels are "expatriated," it is because their owners deliberately choose this, for ever one of them declared only two years ago, in reply to specific questions from the Merchant Marine Commission, that they would not transfer their foreign-built vessels to the American flag under a free-ship law. They could not give up their advantage of foreign cheap wages or subsidies without Ameri-

Here is a statement of value coming from a great Democrat: SECRETARY HERBERT ON THE COST OF SHIPS.

The minority report of the Committee on Merchant Marine and Fisheries assalls this bill for requiring that the mail ships built as auxiliary cruisers or for other war purposes on plans and specifications approved by the Navy Department must be built in the United States. The minority regards this as fostering monopoly—American monopoly—in shipbuilding.

On August 3, 1886, Congress enacted a law requiring that our steel cruisers and battle ships, with their engines, guns, and armor, should hereafter be of exclusively American material. Hon. Hilary A. Herbert, of Alabama, long chairman of the Committee on Naval Affairs and subsequently Secretary of the Navy in President Cleveland's Cabinet, said of the result of this law in a report of February 13, 1893:

The requirement was severe, but time has proven it to have been wise. Every vessel put afloat under the law of August 3, 1886, and subsequent acts, has been homemade throughout, and there is not one of them that will not compare favorably with the best vessels of like type manufactured in other countries during the same time.

Colonel Herbert added on the question of the cost of ships and

Another result still more gratifying and highly encouraging to those who believe with your committee in a still further increase of the Navy is that, since Secretary Whitney began his system of contracting for vessels in 1886, the price of the materials entering into the composition of a modern ship has been reduced fully one-half, and the price of a completed ship, excluding armor, has gone down 33 per cent.

FREE TRADE GONE MAD.

It is worthy of remark that in advocating an extreme freeship policy for the proposed ocean mail lines, and also in demanding that the present mail subvention to the one American line to Europe be withdrawn and all our United States mails turned over to foreign ships, most of them slower, if they can be carried more cheaply, the minority report goes to the very limit der a free-ship policy. This again is wide from the facts.

Great Britain forbade free ships throughout the years when by any other people or practiced by any other government.

In the first place, even those foreign governments which pursue a general free-ship policy make an exception of their national mail lines subsidized from the public treasury, and require that their ships shall be home built—if indeed they have any shipyards capable of constructing them. Thus Great Britain, in the contract with the Cunard Line, requires that these liners shall be "built in the United Kingdom." And Germany, which pays \$1,350,000 to the North German Lloyd for a service in 15-knot steamers to Australia and the Orient, requires in section 13 of the contract that "the new steamers to be established in the lines must be built in German shipyards and as far as possible by the employment of German materials." The minority report, therefore, would have the United States go not as far as Great Britain and Germany go in the matter of free ships, but a great deal further, to the complete abandonment of American shipyards and the absolute destruction of this great and essential industry.

This present bill, like our existing ocean mail law, requires that the ships built to perform our mail service shall be built on

designs and specifications approved by the Navy Department with reference to the use of these ships in time of war. It would be a delightful thing to see the plans and specifications of an auxiliary cruiser or fast transport or ammunition ship of the United States turned over to British or German or Japanese shipbuilders to execute, while our own yards were closed up and thousands of skilled American mechanics were thrown out upon the street. Yet that is the policy which the minority report of this committee deliberately advocates in the face of the repudiation of such free-ship madness by every government which has shipyards of its own.

The extreme and extraordinary character of this report is further illustrated in the argument referred to elsewhere, that if European steamships heavily subsidized can, because of the subsidies and their low wages, carry the United States mails more cheaply than American vessels, they ought to be allowed to do so, our lines abandoned, our flag withdrawn from the sea, and the officers and men of our Naval Reserve deprived of their rightful employment.

Now the American people, or the very great majority of them, believe in the general policy of protecting American industries. We are a protectionist nation—the greatest, most thoroughgoing protectionist nation in the world. Great Britain, on the other hand, is a free-trade nation—the only free-trade nation in Yet when some years ago subsidized French steamers and German steamers offered to carry the British mails for a smaller price than that which British steamers were receiving, the proposition was spurned by the British people and literally hooted out of Parliament

As one wrathful British statesman put it (Mr. Crawford in the House of Commons):

Now, what I desire to do on this occasion is to protest in the name of what I consider to be the interests of the country and the interest of commerce, and in justice to our own companies, against the ships of the Messageries Imperiales, or of any foreign company, being employed in the conveyance of our eastern mails. [Loud cheers from all parts of the house.] You may carry the principle of economy too far. [Hear! Hear!] Such a course of proceedings would be free trade gone mad. [Renewed cheers.]

Now, what the minority of this committee deliberately propose to the Government of the United States is that we, that this Congress, that this House, shall adopt a policy of "free trade gone mad," repudiated by the British Government and rejected as suicidal by every other strong nation beneath the sun.

Let us see what Germany has done.

# GERMAN SHIP PROTECTION.

Kuhlow's German Trade Review, speaking of the subsidized German mail lines to the East Indies, says:

German mail lines to the East Indies, says:

Of particular importance in the development of German trade with China is the position occupied by German steamers and coasters. The number, and particularly the carrying capacity, of the German steamers which afford communication between Germany and China, or which transport foreign goods to the latter country, is very largely increasing. The success attained by the subsidized steamers of the North German Lloyd Company deserves to be specially referred to, for over a year the four-weekly service has appeared to be insufficient. The quantity of cargo offered from Bremerhaven direct to Hongkong and Shanghai, and vice versa, is so great that the intermediate ports can only be relatively little provided for. The passenger traffic of the English and French lines has also been surpassed. Of the first importance is the circumstance that German shipowners have attained a very influential position in the whole of the coasting trade of China.

Describing European subsidies to steamships Kuhlow's adds:

Describing European subsidies to steamships, Kuhlow's adds:

In the United States it is otherwise. That country pays no subsidies. The tremendous decline in American foreign shipping is doubtless in part owing to that circumstance. In 1858 the net capacity of the United States vessels was 2,301,148 tons, in 1868 it had fallen to 1,494,389 tons, in 1878 it was 1,589,348 tons, and in 1888 only 1,072,104 tons. It is of course true that this decline is partly due to the American laws respecting foreign-built ships and the consequent inability of the American shipowner to compete on equal terms with foreigners, but there can be no question that the subsidies granted to

European ships by the several European governments has largely contributed to securing for the European mercantile marine the enormous preponderance it at present enjoys. The fact that for some years Germany has adopted a similar course to that of other European nations, aiding her merchant fleet in its competition, smoothing its paths, and in that way facilitating the sound progress of German trade and industry, deserves the warmest recognition.

Hon. Richard Guenther, American consul-general at Frankfort, says in a report of February 27, 1905:

says in a report of February 27, 1905:

Ocean traffic of German steamships.—The traffic of the three ocean steamship lines receiving subsidies from the German Government, according to official statistics for the year 1903, was as follows: The East Asiatic line carried 179,492 tons of merchandise, valued at \$56,644,000, and 19,195 passengers; the Australian line carried 134,312 tons of freight, valued at \$25,496,000, and 12,730 passengers; the East African line carried 126,117 tons of freight, valued at \$15,411,000, and 16,195 passengers. The values of precious metals and bulllon carried are not included. The bulk of the merchandise carried outward was German, and the freights on the home trips were to a lafge part destined for Germany. These German steamships touch at many intermediate foreign ports to take or discharge freight and passengers.

HOW GERMAN STEAMSHIP COMPANIES AIDED SPAIN.

HOW GERMAN STEAMSHIP COMPANIES AIDED SPAIN.

Two great foreign steamship companies which have bitterly fought the encouragement of American shipping are the Hamburg-American, of Hamburg, and the North German Llyed, of Bremen, the latter subsidized for \$1,350,000 a year for a 15-knot mail service to the East Indies and Australia. The New York manager of the Hamburg-American Company, Mr. Emil Boas, published in the New York Herald a few weeks ago a violent attack on the American shipping bill.

Both of the great German steamship companies owe their wealth and power chiefly to the patronage of American merchants and travelers. Yet in the crisis of our war with Spain in 1898 both companies took fast ships out of their New York service—ships built for and supported by American patrongeand transferred them to the Spanish Government. Some of these ships were used to reinforce Admiral Camara, who sailed from Cadiz to attack Admiral Dewey at Manila, but was halted at the Suez Canal by the news of the destruction of Cervera's ships off Santiago and our threatened attack on the coast of Spain.

A. G. Maginnis, in the Atlantic Ferry, published by Whit-taker & Co., London, 1900, speaking of the Hamburg-American Company and its trans-Atlantic service, chapter 9, page 27, says:

Two of these vessels were named the Columbia and Normannia, and were sold to the Spanish Government in the spring of 1898 for £450,000, and were renamed the Rapido and the Patriota.

In 1899 the Normannia was purchased from the Spanish by the French Compagnia Générale Transatlantique for their New York expresservice and renamed L'Aquitaine, and in the same year the Columbia was bought back by the Hamburg-American line.

In 1898 the Havel (of the North German Lloyd) was sold to the Spanish Government.

FOREIGN OPPOSITION TO AMERICAN SHIPPING,

The real head and front of opposition in this country to the protection and encouragement of American shipping always has been, is, and always will be the rich and powerful steamship companies, most of them subsidized by their own foreign gov-This fact has time and time again been freely ernments. mitted. Thus the American correspondent of the London Times, in discussing a previous shipping bill, in March, 1902, while telling foreign shipowners that President Roosevelt was in favor of protecting the merchant marine, congratulated them on the fact that-

The whole free trade or antiprotection opinion of the country is against it, which includes the Democratic party, the strong minority of the Senate and House of Representatives, and a very powerful, able, the loss of the country of the senate and House of Representatives, and a very powerful, able,

This American correspondent of the London Times added frankly

The failure of Mr. Frye's previous bill was thought to be due in no small measure to the active and very intelligent opposition of English and foreign steamship companies. Their managers thought their interests jeopardized by that bill. They are understood to hold the same opinion with reference to the present bill, and to be not less vigilant than they were last year in looking after their imperiled interests. The lobby system of Washington is such as to make an opposition of that kind efficient, quite irrespective of nationality. It must be added that the ship-subsidy bill does not stand alone. No measure stands alone. There is none for which votes may not be had or withheld with reference to the obtaining or refusing of votes for other bills whose fate is also uncertain. also uncertain.

Let me now point out how cordially free-trade England and her great men recognize that our opponents here are their friends.

HOW FOREIGNERS DEPEND UPON THE WESTERN STATES OF AMERICA TO OPPOSE PROTECTING OUR MERCHANT MARINE AND TO PERPETUATE FOREIGN STEAMSHIP MONOPOLY OF OUR COMMERCE.

At the annual meeting of the Association of Chambers of Commerce of the United Kingdom in London on March 4, 1902, the president of the chamber, Lord Avebury, speaking of shipping subsidies and subventions in general, and especially of a prospect that the United States might sometime extend its protective policy to include the merchant marine, said that he "did not anticipate that the nonmaritime States would remain passive and see nine millions in bounty go to the maritime States without protest."

Here is a frank British declaration that British shipowners depend upon the sectional jealousy of our Western agricultural States to defeat the growth of the American merchant marine and to prevent any competition with British ships by American shipowners and sailors.

#### HOW THE MIDDLE WEST IS HURT.

This lack of regular American steamship lines to South America, run under our own flag, by our own people, in the interests of our own country, hurts the maritime States, but it also injures directly, in a serious way, the producing interests of the Mississippi Valley and the inland States in general. Thus A. A. Eberson & Co., paint manufacturers of St. Louis, decided recently to establish a manufacturing plant in London. When the head of the firm was asked the reason for this he

Under existing conditions as to shipping facilities in the United States I believe there is more money for us to manufacture for export in England than here.

You manufacture in the United States and look for American ships to take your goods, and you do not find them. If you want to freight by ships you must turn to foreigners. That's something for the opponents of the American ship-subsidy bill to think about. It is a fact that has determined more than one American manufacturer to establish plants in England, for we are not the only ones who are going over there.

The foreign steamship companies that do not want this occan mail bill to pass—like the foreign shipowners who monopolize our trade through a foreign combine or trust between New York and South America—tell the Representatives of the Middle West that the West has no interest in an American merchant marine, that this bill is only "graft" for the benefit of New England, New York, and Pennsylvania, and that the Mississippi Valley and the prairie States ought to join with this foreign steamship combine and with the subsidized companies of England, France, Germany, and Japan to defeat in this House all legislation for the protection and encourage-ment of American shipping. That is what they tell you in the marked copies of their newspaper organ that they are con-stantly sending to you from New York. Do you believe them, or do you believe this St. Louis manufacturer?

United States during the same period, estimated at \$2,500,000, but two cargoes, each with less than 1,000,000 feet of lumber, came in American sailing vessels. The great bulk of the exports from and imports into the United States, so far at least as Uruguay is concerned, is carried in foreign ships. Only a few days ago the Government of Argentina passed a law granting a subsidy amounting to about \$58,000 gold monthly for a term of ten years available to two steamship lines plying between that country and Europe, all because the people of Europe are energetic and looking to their own best interests. My remedy for all this is:

this is:

First. Establish a line of American steamships for passengers, freight, and mall between New York and the River Plata (the mail received October 6 was posted at New York September 2), and in that way make this great market within easy reach of ours, and provide the American people with a more rapid and easy means of communication with this portion of our continent, of which most of our people know so little.

Second. Send here good American agents, with business training and experience; let them establish permanent houses, and give these people to know and to understand that they are here to stay, to cater to their wants and to supply them.

# CONSUL GUENTHER'S TESTIMONY.

# Another Daily Consular and Trade Report says:

Another Daily Consular and Trade Report says:

Germany has forty-three large steamships in her South American service, and six more are nearly ready for launching. The forty-nine vessels aggregate 217,195 gross tons. Most of them are of recent construction, nineteen having been built in the years 1900 to 1905. They ply on four routes, all starting from Hamburg, connecting the latter port with the La Plata States and Brazil. Germany's flourishing export trade to South America, it is believed, is mainly due to this direct and prompt transportation service. In a letter furnishing the foregoing information consul Guenther, of Frankfort, Germany, says that an English journal, speaking on this service, quotes the following from an American merchant in Buenos Aires:

"We here have no parcels-post connection with the United States, lacking which my firm is obliged to order every year many thousand dollars worth of goods from Europe which I would prefer to get from home. We even have no regular mail service with the United States, Reply letters from there take three months ere they reach us here, whereas letters from Europe consume only a fortnight in getting here. Steamers from the United States always contain petroleum in their cargo, and for that reason are not allowed to enter the inner harbor, but are obliged to discharge their freight on lighters, which causes delay and inconvenience. Goods arriving from Europe can be disposed of within five days while goods from New York require four weeks after their arrival here before we can dispose of them. That this condition handleaps trade with the United States needs no further demonstration."

# OUR MINISTER TO CHILE.

Hon. John Hicks, our minister to Chile, emphasizes the need of an American ocean mail service on the west coast of South America in the Daily Consular and Trade Reports of December 11, 1905:

One of the great difficulties in the way of a closer commercial connection between the United States and Chile is in the lack of good shipping facilities. The passenger and much of the freight traffic of

the entire west coast of South America is in the hands of two companies, the Pacific Steam Navigation Company, English, and the South American Steamship Company, a Chilean corporation. Both companies receive a subsidy from the Chilean Government and they alternate in the dispatch of ships between Panama and Valparaiso. Naturally they are in a combination or trust, and it seems difficult to bring about any change or improvement in their methods of doing business. When these steamers take from twenty-five to thirty days between Panama and Valparaiso it can readily be seen that American trade must suffer, for the trip could easily be made in ten days. So long as this condition exists and steamers can come from Europe almost as quickly it will be a difficult matter to increase American business on this coast.

#### OUR CONSUL AT MONTEVIDEO.

Consul O'Hara, at Montevideo, explains the relatively small trade between Uruguay and the United States as due primarily to lack of swift and regular steamship communication, and also to the fact that Great Britain, France, Germany, and Italy have merchants of their own nationality in Uruguay representing their steamships and pushing their goods and doing their utmost to prevent the sale of American merchandise. The consul says, in the Daily Consular and Trade Reports of December 11, 1905:

consul says, in the Daily Consular and Trade Reports of December 11, 1905:

The same people who push our merchandise aside and force that of others to the front push our country aside and say that while we are a great producing nation we have no facilities for marketing our products. Here we are forced to silence. The records show that during the fiscal year ending June 30, 1905, there were exported from this country to the United States goods to the value of \$3,998,175 American gold, and that not one dollar's worth of this amount left this port on an American vessel.

It is estimated that not 1 per cent of North Americans who travel abroad include South American in their itinerary, while not more than 20 per cent of Latin Americans traveling abroad seek the United States in their voyaging. Although more of them come to us, except in the case of Mexico, than we send to them, interchange of travel is so small as to have little beneficial effect. There are several reasons for this condition, among which is our lack of steamship facilities.

On this point, indeed, too much can not be said, not only because it is very important, but because it can and should be immediately changed. The advantage is now entirely with Europe, and the disadvantage is wholly with the United States. This is not in any sense an argument for or against so-called "ship subsidies," but a plain, square statement of fact. At the present time there is not one first-class, fast, up-to-date express passenger or mall steamer running between any North American port and the ports of the great nations of South America. In contrast to this is to be noted the remarkable fact that Europe has nine different lines of large, commodious, modern, fast steamers giving frequent and excellent service between its chief ports and those of Latin America. Many of these boats will rival those of the northern transation this is to be noted the remarkable fact that Europe has nine different lines of large, commodious, modern, fast steamers giving frequent and excelle

# AMERICAN SHIPPING FACILITIES TO SOUTH AMERICA.

All authorities agree that the present ocean mail service of the United States to South America on both coasts is ridiculously inadequate and unworthy of a great government. Postmaster-General Cortelyou, who spoke emphatically in his annual report for 1905 of the wretched character of the mail service offered by the foreign steamship companies running tramp craft between here and Brazil and Argentina, says in his annual report for 1906:

report for 1906:

Foreign governments are steadily increasing the speed of their fast mall steamers and requiring them to have fixed and regular sailings. The mail steamers of other countries leaving ports of the United States will more and more absorb our foreign mail transportation until such time as the United States provides an adequate compensation for the outward voyage on steamers of equal speed and regularity of sailings. Congress authorized the Postmaster-General by the act of 1891 to contract with owners of American steamships for ocean mail service, and has realized the impracticability of commanding suitable steamers in the interests of the postal service alone by requiring that such steamers shall be of a size, class, and equipment which will promote commerce and become available as auxiliary cruisers of the Navy in case of need. The compensation allowed to such steamers is found to be wholly inadequate to secure the proposals contemplated. This is especially true with regard to Australasia and several of the countries of South America with which we have cordial relations, and which, for manifest reasons, should have direct mail communication connections with us. The unprecedent expansion of trade and foreign commerce justifies the prompt consideration of an adequate foreign mail service. Expenditures to this end seem fully warranted also from the standpoint of a proper naval establishment, inasmuch as the vessels performing service are so built as to be readily converted into auxiliary cruisers. Favorable legislation on this subject is urgently needed.

Yet it can be said that our policy is in favor of protection for

Yet it can be said that our policy is in favor of protection for shipping no less than for agriculture and manufacturing.

Protection is the fixed policy of the United States. duties laid for the encouragement of American agriculture prevent shipowners and seamen of the coast from bringing freely their supplies of wool from Argentina or Australia, or vegetables and provisions from the ports of Canada. Shipowners and seamen acquiesce in this policy, because they regard the welfare of the farmers of the Middle West—of Illinois and Indiana and Iowa—and of the ranchmen of the Rocky Mountain States as of more importance than the prosperity of their

competitors in Argentina or Canada.

But if American shipowners and seamen thus willingly pay whatever cost there may be in protection, and in addition build their ships in a protected country, and officer and man them at rates of wages established by protected standards of living, it is manifestly so unjust as to be indefensible to deny to these shipowners and seamen, in their fierce competition with their rivals of other lands, the protection and encouragement which the laws of the United States, with the approval of an over-whelming majority of the people of the United States, throw around every other industry. If it is right and profitable to protect agriculture and manufacturing by Federal legislation, it is right and proper also to protect that other great industry of building, owning, and sailing ocean ships, which, as a matter of fact, antedates not only manufacturing but agriculture in the history of the American people on this continent.

AMERICAN SHIPS FOR AMERICAN COMMERCE,

AMERICAN SHIPS FOR AMERICAN COMMERCE.

[From pages 555-560 of Hearings before the Committee on Merchant Marine and Fisheries, April 4-13, 1906.]

One of the most important features of the voluminous testimony taken all over the country by the Merchant Marine Commission was the insistence of practical men of business—merchants and manufacturers and bankers—not themselves interested in any way in shipowning or shipbuilding, that the lack of American ships prevented us from securing an adequate market abroad for the products of American manufacturing, mining, and agriculture.

These practical business men were familiar with the argument of academic free traders and of foreign steamship managers against encouragement to the American merchant marine, that foreigners were carrying our ocean commerce cheaply for us, and that therefore they ought to have a perpetual monopoly of it. But these manufacturers, merchants, and bankers interested in our export trade know, first, that foreign steamship companies do not carry our own products as cheaply as they carry the products of their own countries if they can help it, and that in a great many instances the foreigners do not supply ships to carry our trade at all, or furnish only worn-out uneconomical vessels, discarded from their own service and sent over here as good enough for the United States, which is helpless because it has no shipping of its own.

These facts are well understood in the seaboard States. its own.

discarded from their own service and sent over here as good enough for the United States, which is helpless because it has no shipping of its own.

These facts are well understood in the seaboard States. They are also understood by the practical business men of the interior, as is demonstrated by the following testimony of middle-western business men before the Merchant Marine Commission.

Mr. James A. Patton, of the Chicago Board of Trade:

"I would be heartly in favor of granting a subsidy to ships sailing from our ports to South America, because our manufacturers have no facilities for shipping there, and we could in that way increase our manufactures all over the country. The shipments of agricultural implements alone from the city of Chicago are enormous."

Mr. Charles L. Pack, of Cleveland, lumberman (at Cleveland, June 28, 1904):

"Most of you know that the region of greatest lumber production in the whole country is the Southern States. The production of lumber there in 1903 was over 10,000,000,000 feet, which is an enormous quantity. If this southern lumber alone were loaded on cars, with the normal load of a car, the train would extend all the way from New York to San Francisco.

"About one-tenth of that lumber is exported. About 1,000,000,000 feet were exported in 1903, and the export trade from the southern ports have been the safeguard of the lumber business in the South for the last twenty years, for the reason that it has taken a good deal of production that we could not well use at home, and the foreign demand has often been good when our demand at home was very poor.

"This export business is very much handicapped because it has to be done to a large extent in tramp steamers. That 1,000,000,000 feet of lumber goes to a very large portion of the world. Last year the exports from the Southern States went to over 150 different foreign ports in Europe, in Asia, as far east as the Straits Settlements, and to both coasts of Africa, and the export would have been very much increased if we had had line the orders. Oftentimes orders are canceled for lack of regular shipping facilities."

Mr. Grasselli, of Cleveland, president of the Grasselli Chemical Com-

Mr. Grasselli, of Cleveland, president of the Grasselli Chemical Company:

"Bear in mind that in order to make shipments to South American ports, with some few exceptions, Americans are compelled to forward the goods to some European port, from which it is sent on to South America. The handicap to American industry becomes a very serious question, and when it is considered that foreign steamship lines are owned and controlled by corporations favorable to the countries to whom they belong and interested in their exports and in their own products, they do not give to the export of the American product the same careful handling and consideration that they naturally do their own; this resulting in the American goods arriving in more or less damaged condition, due to repeated and careless handling, thus causing another serious obstacle in our export business. Besides, with our own fing flying over her, the American ship, in a sense an extension of our own territory, and with her own officers, entering into foreign countries, brings us in physical contact with those countries, insuring our exports in reaching their destination."

Mr. S. A. Upson, of Cleveland, president of the Upson Nut and Bolt Company:

"I want to call your attention very briefly to the fact that a few years since we saw the necessity of increasing our export business, and I concluded that I would take some observations in South America. I found on investigation that in order to get there in any comfort and within a reasonable time I must go by way of England. I found in

England two lines of steamers, subsidized by the English Government, and the control of the cont

sailing from New York or from any other Atlantic port to the west coast of America, and from San Francisco there is only one line of steamers coasting as far as Panama, but none south of Panama. It seems to me that there should be a line of steamships from Pacific coast ports to the west coast of South America, and that there should be steamers sailing oftener than at present from New York and other Atlantic ports to the east coast of South America.

"It appears to me that there would be considerable advantage in having a large American merchant marine by reason of the fact that at present most of the vessels sailing from our ports are owned by foreign capital, and these foreign owners are interested in lines to the same ports from Europe. Consequently they will make no rates from United States ports lower than those that apply from European ports.

"If we could have a marine of our own it would be cut away from all foreign entanglements, and our steamship agents would be in a position to make a rate to help the home manufacturer as against the foreign manufacturer. Competition is very keen in all manufactured articles I presume. It is the case in ours, and especially in shipments from England and Germany. We should have a marine of our own that would pay no attention to the rates which are promulgated from the other side, but just go on and enable us to meet competition in the delivery price at destination. I think that point should be borne in mind, gentlemen.

"Representative Minor. You think if we had ships running direct from a few ports in the United States to those ports in South America we would get better dispatch and more regular service?

"Mr. Harlowe. Yes, sir; and we would be building up a trade as well as taking care of it. Also please bear in mind that there should be service from the Pacific coast to the west coast of South America."

Hon. John Barrett, now minister to Panama, formerly minister to Argentina (at Chicago, June 24, 1904):

"The business men of Buenos Ayres can write to Europe and receive a reply easily in fifty days. It is very seldom that they can ever communicate with New York and Chicago and get an answer in less than eighty days. Anyone who is familiar with business methods and the importance of good mail exchange realizes what a handicap this is to the extension of American commerce. I have heard scores of South American merchants and bankers complain of the wretched mail arrangements between the United States and Argentina. If there were direct and regular service between Buenos Ayres and New York, there is no doubt in my mind that four-fifths of the southern South Americans who travel to the Northern Hemisphere, on either business or pleasure, would come or return via the United States.

"The principal reason that we do not have direct steamship communication now of the class which I mention is that no company is willing to undertake it as an experiment or venture unless they can receive a compensation for carrying the mail which will insure them against primary or temporary loss. I have talked with leading steamship men in Buenos Ayres, Faris, Hamburg, and London, as well as in New York, and they have all told me that it would be impossible to initiate a great and important undertaking of this kind unless they could receive sufficient support from the United States and the South American republics to protect them while they were building up sufficient traffic and travel to maintain the line on a paying basis."

# APPROVED BY ILLINOIS MANUFACTURERS.

Reading these declarations of Middle Western men of business that national aid to the American merchant marine is demanded in order that the manufacturers and farmers of Ohio, Indiana, Michigan, Illinois, Wisconsin, and other Middle Western States may secure fair freight rates and adequate shipping facilities to build up their export trade to South America and other foreign markets, it is easy to understand why the Illinois Manufacturers' Association, on April 13, 1906, through its board of directors, formally indorsed the shipping bill of the Merchant Marine Commission and urged the House of Representatives to pass it. The members of the Illinois Manufacturers' Association desire the enactment of this legislation, not as shipowners or shipbuilders, but as American producers, having a surplus which they must sell abroad in competition with the manufacturers of foreign countries whose governments, by subsidy or otherwise, provide ample shipping facilities for them.

# STATEMENTS OF AMERICAN REPRESENTATIVES ABROAD.

The declaration of these middle western business men that the failure of our Government to protect and encourage American shipping prevents the manufacturers of the Middle Western States from securing their fair share of the world's markets have been confirmed time and time again by American ministers, consuls, and special commercial agents in foreign countries. About a year ago Special Agent Hutchinson, sent out by the Department of Commerce and Labor, stated in a report, after a brief stay in Brazil, that he did not think that more commercial shipping lines were necessary to South America, though he did think that there was urgent need of an improved mail service. This early report of Mr. Hutchinson, based on brief observation and experience, was eagerly caught up and exploited by those opposed to national aid to the American merchant marine in this country and in Europe. But it is very significant that the farther Mr. Hutchinson traveled in South America and the more he saw and learned the more completely he has come into accord with the opinions of other official observers. In his later reports, based on a fuller understanding of the question, he very frankly declares that our American export trade to South America is seriously hampered by the lack of an American merchant marine and of direct lines of communication.

"Thus Mr. Hutchinson states in a report published on March 23, 1906.

action.

Thus Mr. Hutchinson states, in a report published on March 23, 1906, by the Department of Commerce and Labor:

"There is no direct passenger service to Chile or the River Plata from the United States. Passengers from New York, for example, wishing to get to Buenos Ayres, must either take passage to Rio de Janeiro and there transship to one of the European lines touching at that port en route to the south, or they must cross the Atlantic and transship in some European port to a steamer sailing to Buenos Ayres. If they wish to get to Chile they may go via the Isthmus of Panama, suffering the inconvenience of transfer to the Panama Raliroad and to one of the west coast steamship lines, or they may go to Rio de Janeiro or Montevideo and there transship to a steamer of the Pacific Steam Navigation Company's line running through the Straits of Valparaiso, or they may go to Liverpool or Hamburg and there take steamer direct to Valparaiso. The passenger from Europe, on the other hand, wishing to go to the River Plata, has the choice of half a dozen first-class lines and

several inferior ones. If his destination is Valparaiso he has at least two direct lines."
This has come about from the liberal policy of European governments, which, by subsidy or state aid in other form, have provided excellent mail and shipping facilities for their manufactures and merchants.

OUR WRETCHED MAIL SERVICE.

chants.

OUR WRETCHED MAIL SERVICE.

Special Agent Hutchinson adds:

"As in Brazil, so in Chile and the River Plata, there is universal complaint that the mail service to and from the United States is inadequate. If the trouble were only in the length of time required for the delivery of malls, the inconvenience would be sufficiently great, but far more serious is the irregularity, infrequency, and uncertainty of the service."

Speaking of South America in general and of the methods of the foreign steamship companies, Mr. Hutchinson says:

"There is abundant reason for believing that this granting of special rates' in actual practice reduces the European rates on many important classes of goods to below the American rates, and that the general impression that our freight charges are somewhat higher than the European is justified. Just what the extent of this excess is it is impossible to say, but the more conservative business men of Valparaiso, for example, place it at about 25 per cent."

Summing up his observations in South America, Special Agent Hutchinson declares:

"The passenger service from the United States is greatly inferior in all respects to that from Europe, and the American people have little inducement to visit and get personally acquainted with commercial and industrial conditions existing in these South American countries. This will remain true until direct lines of first-class passenger steamers ply between New York and the River Plata and a quicker and better service is inaugurated on the west coast from Panama southward to Valparaiso."

As to the American mail service on both the east and west coasts, Mr Hutchinson says that it is "extremely unsatisfactory."

As to the American mail service on both the east and the River Plata are inferior to those from Europe, both as regards frequency, regularity, and time required for delivery, and as to rates."

And he concludes:

"Improvement in the interest of new connections, especially in Chile, would be effected by the establishment of a new line d

AMERICAN SHIPS ALMOST UNKNOWN.

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Our pitiable share of the shipping trade of the most important country on the west coast of South America is thus stated in the Daily Consular and Trade Reports for February 10, 1906, by Consul Mansfield, at Valparaiso:

"In the total number of ships entering and clearing at the several ports of Chile flying the Chilean flag numbered 5,684, of which 5,041 were steamers and 643 sailing vessels. Of the foreign nations, Great Britain represented nearly one-half the total tonnage, with 8,422,000 tons. Germany was second, with 3,000,000 tons. American shipping interests were represented by 33 steamers and 6 sailing vessels, with a tonnage of 131,879 and 3,728 tons, respectively. The total tonnage of all vessels entered was 17,700,000 tons; of the vessels cleared, 17,320."

What is true of Chile is also true of Ecuador. Hon. Archibald J. Sampson, American minister to Quito, states:

"I was informed recently by a prominent merchant here that he would like to deal with New York, but that the freight rates from that city on some of his purchases were fivefold greater when received at Guayaquil than like freight from Hamburg, which was a practical prohibition on American trade."

Germany has steamship lines under her own flag encircling South America. The United States has none at all.

HOW A FOREIGN STEAMSHIP TRUST DOMINATES OUR SOUTH AMERICAN COMMERCE.

How a foreign steamship and only fourteen American sail vessels took cargoes from our whole Atlantic coast for Brazil and Argentina in the first six months of 1906.

So far as steamships are concerned, this important American trade is now, and for several years has been, monopolized by a foreign shipping trust or combination, whose weapons are rebates, discriminations, and boycotting, and whose policies are dictated from Liverpool and Hamburg.

Consul-General Seeger, at Rio de Janeiro, spoke thus of this foreign steamship combination in a report in 1903:

"The united steamship companies which control the carrying trade between the United States and Brazil—the Lamport & Holt Line, the Prince Line, the Robert M. Sloman Line, and the Chargeurs Reunis—have agreed to raise their rates on coffee from Santos and Rio de Janeiro from 30 cents and 5 per cent primage per bag of 133 pounds to 35 cents and 5 per cent. This rate will go into force in October, but as the cargoes for the steamships Byron, Catania, Bellarden, and Soldier Prince have aiready been in large part purchased, these steamers, leaving in the early part of October, have been excepted from this tariff and will carry their cargoes at the old rate."

Before this, in an earlier report, the consul-general had stated:

"Since last August the freights have been raised and lowered and lowered and raised again to suit the purposes of the trust till they have reached their present level. \* \* The trust has an agreement with coffee shippers here to pay them a rebate of 5 per cent at the end of every six months from the date of the agreement on all freights collected; provided, however, that this rebate is forfeited in case the shippers give freight to any vessel not belonging to the trust outring the period stipulated. Through this arrangement the trust controls the shippers, and American vessels go home in ballast."

A writer and traveler, Julian Haugwitz, in American Trade, has thus described the situation:

"Our commerce with Brazil and the river Plata countries

freight levied on American cargo are nearly double those charged by the speedy, modern, elegant ships plying between Europe and the east coast of South America. Not a case of kerosene or a bag of coffee can escape paying toll to this freight ring, and there was more truth than comedy in the facetious request sent by a Rio shipper to the syndicate's agents at that port asking for a permit to ship some coffee on an outside vessel over their ocean. Numerous tramps or outsiders have been willing in Brazilian ports to take coffee to New York for 20 cents a bag, instead of 40 cents, as now exacted. But whenever such a vessel has been placed on the berth the syndicate has promptly lowered its freight to 10 cents, besides boycotting the shippers patronizing the intruder."

A POLICY OF EXCLUSION.

A POLICY OF EXCLUSION.

a vessel mas peen placed on the bestlets boycotting the shippers patronizing the intruder."

A POLICY OF EXCLUSION.

"Another way by which the syndicate tightens its grip on its victims is to offer them a graduated return on the freights paid at the end of the year, provided no case of infidelity has occurred. An example illustrative of the combine's methods of persuasion and the shippers' liberty of trade happened last fall when a large coffee firm in Santos received an order for 20,000 bags of coffee from New York. The syndicate's freight charge was 40 cents a bag plus 5 per cent, but several outsiders were anxious to carry this cargo at 20 cents, which meant a saving of \$4,000 to the exporter on this lot alone, and in the same proportion an economy of \$1,000,000 to American coffee drinkers on the 5,000,000 bags imported from Brazil last crop year. The firm in question, having the freight room on hand at 20 cents, asked the syndicate to take the coffee at the same rate, and on the latter's refusal advanced its offer to 30 cents. The combine insisted on its full pound of flesh, and when the exporter accepted the tramp's charter the former dropped its rates to 15 cents and later to 10 cents for all other shippers, debarring this firm and one or two other strikers from shipping on the combined boats except at the full oid rates.

"The enormous advantages enjoyed by their less independent competitors, thanks to the combine's bounty, and worth thousands of dollars a day in a business worked on close margins and daily cable offers, soon brought the insurgents to terms, capitulation followed, and the former rates were restored. One overconscientious agent at Santos demurred to boycotting his neighbor, and his scruples cost him the loss of the Sloman Line agency."

A New York merchant, familiar with the Brazillan trade, wrote thus on August 19, 1905, in the New York Journal of Commerce:

"I be leave to call your attention to the very important fact, evidently overlooked by Special Agent Hutchinson and Consul Furniss,

country and Brazil."

Consul Furniss, at Bahia, alluded to above, said in his annual report for 1904:

"I have to reiterate my oft-repeated report of the need for an American steamship line. The mall service between the United States and this section of Brazil during the year just past has become much worse than heretofore, due to the withdrawal of one or two monthly boats. As a result of the cargo offering here for the United States and the frequent call of vessels to get it, coupled with the fact that Brazil requires all steamers to take mail, there have been frequent calls of vessels to get it, coupled with the fact that Brazil requires all steamers to take mail, there have been frequent calls of vessels to get mails from here, but there is only one regular boat bringing mails from New York. Between times letters are sent hither from New York by various roundabout ways. This has virtually paralyzed the mail service. For this reason it is frequently the case that mail sent from New York in the middle of a month arrives here days after the mail leaving New York on the first of the ensuing month. This causes great prejudice to business, as the mails arriving last often have bills of lading and custom-house documents for goods arriving by the prior steamer, necessitating extra expense, vexatious delays, and great trouble to withdraw from the custom-house here, which seriously hurts our trade. "It is impossible to maintain trade without frequent and rapid mail service. With the lack of this to contend with and the high freight charges out of New York, it is not to be wondered at that year by year our trade with this section is growing less, while the balance of trade in favor of Brazil is increasing. The present lines from 'New York seem to prefer high freight and little business, and make up by sending their vessels on a triangular course, viz, from Brazil to the United States from the United States to Europe, and then from Europe, with European goods, to Brazil, with only a few vessels going and coming between

crease in its fleet the outlook for Germans is even brighter than herefore.

"The manner in which the trade interests of the United States are made to suffer by reason of the inadequacy of the transportation service between this country and South American ports is nothing short of a crime, which must be laid at the doors of Congress, Religiously protecting our interests in every other way, fostering and encouraging our manufacturers and developing home industries for domestic consumption, it makes no provisions for markets for surplus products, and thus payes the way for future industrial stagnation. In the meantime other countries reap the benefits of the trade demands of these nations by establishing steamship lines and commercial agencies in every im-

portant city. Is it any wonder that Mr. Lincoln Hutchinson, who is now in Brazil, making a study of the conditions there, exclaims: 'The mass of the people scarcely know that such a country as the United States exists!'"

In 1904 Hon. John Barrett, then minister to Argentina, said in an address on our South American trade before the Merchant Marine Com-

inow in Brazil, making a study of the conditions there, exclaims: "The mass of the people scarcely know that such a country as the United States coals and the people scarcely know that such a country as the United States coals on the people scarcely know that such a country as the United States on our South American trade before the Merchant Marine Commission:

"I wish to explain a little in regard to this point. The question arises, if the business is there, why do not men go into it? Let most offer the people of the people of

Mr. Chairman, I yield to the gentleman from New York [Mr. LITTAUER] forty-five minutes

Mr. SHERLEY. Before the gentleman takes his seat, I should like to have him tell the committee, if he can, how much of the trans-Atlantic mail was carried by the American subsidized lines, how much by lines not subsidized, and how much it cost the United States Government for the carrying of the mail on the subsidized lines, and how much it cost for the

carrying of it on the unsubsidized lines.

Mr. GROSVENOR. I will say to the gentleman that I have a statement which I will put in at this point in my speech, showing the profits to the Government of the United States on carrying the mails as against all the subsidy that we are paying everywhere.

PROFITS OF UNITED STATES OCEAN MAILS.

The report of the Superintendent of Foreign Mails shows the following profits for recent years on our ocean mails:

ear ended June 30:	Surplus or profit.
1906	_ \$3, 043, 183, 32
1905	_ 2, 040, 416, 60
1904	_ 2, 579, 336, 12
1903	_ 2, 608, 385, 74
1902	_ 1, 491, 693. 02
1901	_ 942, 786. 45

Secretary Root in his speech November 20, 1906, to the Trans-Mississippi Commercial Congress at Kansas City, said:

Mississippi Commercial Congress at Kansas City, said:

The actual cost to the Government last year of the ocean mail service to foreign countries other than Canada and Mexico, was \$2,965,624.21, while the proceeds realized by the Government from postage between the United States and foreign countries other than Canada and Mexico was \$6,008.807.53, leaving the profit to the United States of \$3,043.183.32; that is to say, under existing law the Government of the United States, having assumed the monopoly of carrying the mails for the people of the country, is making a profit of \$3,000.000 per annum by rendering cheap and inefficient service. Every dollar of that three million is made at the expense of the commerce of the United States. What can be plainer than that the Government ought to expend at least the profits that it gets from the ocean mail service in making the ocean mail service efficient?

Mr. SHFRLEY. Wall the gentleman.

Mr. SHERLEY. Well, the gentleman— Mr. GROSVENOR. Now, I have answered the gentleman's statement, and he must not take up our time.

Mr. SHERLEY. If that is a fair answer, I have nothing fur-

Mr. GAINES of West Virginia. I will ask the gentleman from Ohio whether any of the lines carrying our mails are unsubsidized, either by our own Government or by some other govern-

Mr. GROSVENOR. Certainly not. They are all subsidized

by some government.

Mr. GAINES of West Virginia. Then what becomes of the question of the gentleman from Kentucky as to how much of the mail is carried on subsidized lines and how much on lines not subsidized?

Mr. GROSVENOR. It was one of those misfortunes that we sometimes fall into of not understanding exactly the force of

the question we put.

Mr. SHERLEY. I appreciate very much the gratuitous compliment of the gentleman from Ohio, but I should appreciate it very much more—and I am sure the committee would—if, instead of abuse, he would answer the question put to him.

Will the gentleman state that question Mr. GROSVENOR.

over again?

Mr. SHERLEY. I asked the gentleman if he could tell the committee how much of the European mail was carried on the American subsidized lines, how much on the lines not subsidized by America

Mr. GAINES of West Virginia. The gentleman is varying

his question.

Mr. SHERLEY. How much the carrying of the mail on sub-

sidized lines cost and how much on the unsubsidized.

Mr. GROSVENOR. I will give the gentleman the figures. What he asks has nothing more to do with the question than has a plat of the lots in the New Jerusalem. The gentleman has put a question and I have answered it, and he must not consume time in this sort of a way. It is a palpable effort to consume time against this side. That is perfectly plain to everybody. Now, Mr. Chairman, I have already yielded to the gentleman from New York [Mr. LITTAUER] forty-five minutes.

The CHAIRMAN. The gentleman from New York [Mr. Lit-

TAUER] is recognized for forty-five minutes.

LITTAUER. Mr. Chairman, the deplorable decay and humiliating condition of our ocean merchant marine, which in the day of its glory fifty years ago ruled the seas, but which to-day is practically driven from the ocean, has engaged the attention during the last decade of interested and patriotic men both in and out of Congress.

Many measures proposing to rehabilitate this important service have failed of enactment. Early in the first session of this Congress, carrying out in greater part the recommendations of the Merchant Marine Commission established by Congress in 1904, an act was passed by the Senate whose title read, "to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, and to promote commerce." That act, for which the measure now before you is a substitute, had three main provisions.

First, It provided for a general ship subsidy, a cargo subsidy to ships engaged in carrying freight over the ocean, and to ships engaged in deep-sea fisheries—a subsidy based upon tonnage, which by some was thought to be a bonus to the ships in these trades

Second. It provided for the establishment of eleven specified mail routes to foreign countries, but did not take advantage of our recent experience, for it provided for those routes at a slow rate of speed and with a low compensation.

Third. It sought to create a naval reserve under definite pro-

visions

No subject has received more generally favorable assent than the necessity for the upbuilding of our merchant marine which, in 1855, carried over 75 per cent of our commerce and in 1905 carried 12 per cent. The withdrawal of mail subsidies by our Government in 1858 at the critical time in the change in ocean vessels from wooden sail ships to steam-propelled iron and steel ships, and the continued increasing subsidies at this time of foreign governments, especially Great Britain, were the main causes of this result.

I take it for granted that no man within the sound of my voice would deny the desirability to the interests of the United States to build up our ocean merchant marine at least so it might be on a par with the other industries of our country. Our national platforms have time and again favored the enacting of legislation which would build up this lost trade.

Mr. SULZER. Will the gentleman yield for a question?

Mr. LITTAUER. Yes.
Mr. SULZER. I would like to ask the gentleman from New York when the Republican party in a national platform ever declared in favor of a ship subsidy to build up the merchant marine:

Mr. LITTAUER. I am speaking of a mail subsidy in its relating to building up the merchant marine. I do not care to be interrupted at this time. I am making a general statement now, and if the gentleman will reserve his particular questions until a later time I shall be pleased to answer him.

Mr. SULZER. I want to say to the gentleman that no Re-

publican national platform ever advocated ship subsidies.

Mr. LITTAUER. Our national platforms have repeatedly demanded that Congress should pass measures to rehabilitate this loss of trade. Our Presidents have in messages called the attention of Congress to the desirability of rehabilitating our merchant marine not only from the standpoint of material profit, but from its broader bearings on our political relations with foreign nations and from its particular bearing upon our military strength at sea.

The Senate bill, in long consideration before the Committee on the Merchant Marine and Fisheries, seemed impossible of favorable report. There was early disclosed a decided opposition to a cargo subsidy, both from the standpoint of utility as well as propriety. Many amendments and limitations to the Senate measure were offered, including tonnage taxes and discriminating duties impossible of enactment without the abrogation of over thirty treaties with foreign countries. Discriminating duties, moreover, have in modern times been proved unsatisfactory, notably in the case of France, and have been dropped wherever enacted by other nations. And yet there were two projects in the Senate bill which seemed to meet with approval of the committee, as well as of Congress in general. They were projects for the expansion of our mail service and the creation of a naval reserve.

But even on these two subjects much objection was heard and strenuous antagonism raised to some of the conditions in the Senate bill. It was my part, after a careful study of the problem, to suggest the measure that is now before you for consideration, the salient features of which are, first and foremost, the entire and utter elimination of any and every subsidy to ships based on cargo carried. There is not a single provision in this bill that appropriates a dollar for a general-cargo sub-Second, the selection of such mail-carrying routes as would appear to be immediately desirable for the interests of the United States in establishing both commercial and political relations where our present status is a weak one, but where our possibilities are the very strongest. In doing this we take heed of the experience had under existing law, under the mailsubsidy act of 1891, by providing ample and proper compensa-tion that would make it possible to carry out the purposes for which this bill is proposed; in which regard the act of 1891 has in part signally failed.

What is now proposed is to take up the well-established national policy of mail subsidy where it has proved inadequate and to make provision such as would surely accomplish the purpose of rapid mail communication with South America, Australia, and the Orient, in ships of 16 knots speed, faster and superior to those of competing nations now running to those countries; the ships to be built in the United States on designs to be approved by the Navy Department, with a view to their use as naval scouts, auxiliary cruisers, and transports, to be held at the disposal of the Government in time of war, which will carry an increased proportion of American citizens in their crews and a number of American boys as cadets.

Mr. SHERLEY. Is the gentleman aware of the fact that Admiral Dewey, in the report made to the House and Senate relative to the speed of vessels adaptable for scout purposes, said that the speed should be at least 20 knots?

Mr. LITTAUER. Yes; and how does that affect my state-

ment, if you please?

The gentleman just made the statement SHERLEY. that he was providing for ships that would be suitable for scout

Mr. LITTAUER. Yes. No doubt ships of 20 or 24 or even 26 knots would be better than those of 16 knots. Nevertheless, a ship running 16 knots is available as a scout, if not a perfect Again, if not available for scout purposes, 16-knot ships are faster than are generally run to the countries with which we seek to establish mail communication, and as such will be more available, because of their rapidity, as well as for transports and general naval auxiliaries. Sixteen knots is the minimum speed provided in the measure. I understand there is to be an amendment offered here that will authorize the Postmaster-General to accept the bid of the shipowner who will propose to cover the routes in the most rapid fashion; at any rate, we try to establish a 16-knot basis.

We retain the Senate provision for the creation of the naval reserve, specify compensation subject to annual Congressional appropriation, but we have eliminated from the Senate proposition all those provisions which seem to point toward compulsion or impressment or conscription of seamen, which the sailors' unions and labor unions complained against so generally.

The bill as it is to-day before you for consideration is, as I again repeat, in no way a ship-subsidy bill. It has not a single give a dollar to cargo-carrying vessels. It is an ocean mail bill pure and simple, a virtual extension of existing law, with the incidental provision for the establishment of a naval reserve to be voluntary with every officer and seaman, whether he be employed in the coastwise, lake, or foreign service, while it is optional with the owners of the American ships to carry naval-reserve men or not or in any proportion that they may see fit. The bill proposes an expenditure of public money not as a bonus or gift, but as compensation for specified public service, the transportation of American ocean mails by American ocean steamships and the establishment of a superior ocean mail service to those countries of the world where it is conceded our present service is inferior, and where political and com-mercial considerations plainly suggest it should be the best. It is not a measure to benefit existing lines or prosperous corporations.

It provides for seven lines of mail communication, each ene of which is warranted by the expenditure proposed in order to produce the results desired, for, of course, inadequate appropriation would prove as ineffective as the act of 1891 proved to these countries, bringing no results. It is in no way any change in the policy of our country, a policy steadily pursued from 1858, reenacted in the postal-subsidy act of 1891 under a Republican Administration, which enactment was a policy not changed in a single condition when the control of our Federal legislative and executive departments followed into the hands of the Democratic party under Cleveland, so that above all we have a right to appeal to both sides of the House that this measure should receive consideration on the merits of each one of its projects, the general policy having been upheld by the Democratic as well as the Republican party when each was in full control of the Government. We are to-day paying \$1,400,000 for the carrying of our mails over six routes to Europe, the West Indies, Mexico, Venezuela, and Australasia. The vessels which carry these mails are the most modern and efficient in our ocean fleet of to-day; in fact, they constitute a large part of our steam tonnage regularly engaged in foreign trade.

Mr. SULLIVAN. Mr. LITTAUER. Will the gentleman yield for a question?

Yes.

Mr. SULLIVAN. Does it occur to the gentleman that if they had brought in a bill lowering the duties upon South American products, and at the same time providing a mail subsidy for ships to South America, that then you would have a comprehensive scheme of legislation which the gentlemen upon the

Democratic side would be glad to support?

Mr. LITTAUER. My belief is that if we had free trade with South America our commerce would not for the time being be

much increased at all.

We import about \$75,000,000 from Brazil, largely coffee and rubber. Now, as to Argentina, where our trade affects the leather interests of the country-the shoemaking interest of Massachusetts-we find that 80 per cent of all the hides produced in Argentina come now to the United States under duty. Eighty per cent of all the hides produced in Argentina reaches us, so that all we could increase our trade in hides would be but 20 per cent.

Mr. SULLIVAN. The gentleman leaves out one element, and that is that if we got these hides free from duty we could manufacture our shoes cheaper and sell more shoes to European and Asiatic countries than we do now.

Mr. LITTAUER. We might manufacture a pair of shoes 2 cents, perhaps 3 cents, a pair cheaper. No figures have ever been presented to me showing any more, and I have been brought up not in the shoe business, but in the leather business. I do not believe that the duty on hides makes the cost or has ever made the cost of a pair of shoes 2 cents higher than if the duty was entirely removed from hides.

Mr. SULLIVAN. I want to inform the gentleman that 3 cents in the price of a pair of shoes at wholesale is such an element as to make the difference between success and failure between persons on both sides of the line-that is to say, the man who is manufacturing at 3 cents higher than the other loses out on

account of that small item.

Mr. LITTAUER. 1 can not agree at all with the statement. and I do not believe it would make a difference in the exports of a hundred pair of shoes in a year, and I think I have as much right to my statement as the gentleman from Massachu-

setts has to his.

There is no experiment of any kind connected with this bill. It is founded on a partially successful experience of our own and follows in the exact lines of the eminently successful ex-perience of Great Britain for over sixty years, of Germany, and of France, and of Italy, and most emphatically in late years of Japan. Great Britain was the pioneer in this policy of mail subsidy, on which she has expended \$300,000,000. stated object was rapid, frequent, and punctual communication to feed the main arteries of her commerce, to foster maritime enterprise, and to encourage the building of superior vessels, which would promote wealth in time of peace and be a defense

in time of war.
Mr. MARTIN. If the gentleman will permit, if I understand this bill and report, it is a bill for purely a mail subsidy.

Mr. LITTAUER. Purely so.
Mr. MARTIN. Take for example the first proposed route provided in this bill between American ports and Brazil. In what manner is the American mail to Brazil now being carried under our postal service?

Mr. LITTAUER. I will say via Liverpool and Europe to great extent. To-day we have not a single regular and reliable mail connection with Brazil or that coast of South America. We send occasionally mails on some slow ship, neither regular in sailing nor rapid nor punctual, but often the regular way of sending our mail to-day is via Liverpool and Havre.

Mr. MARTIN. I notice that the provision requiring a subsidized mail route to Brazil provides no limit of compensation

for a monthly service, and-

Mr. LITTAUER. If the gentleman will excuse me, I will reach that later, because I wish to take up each route and dis-

Mr. MARTIN. I desire to question the gentleman when he

reaches that point.

Mr. LITTAUER. Incidental to the main purpose of mail communication arise interests of the utmost moment to this country in the conditions existing to-day. To carry out the provisions submitted to you will promote the steel-ship building industry, will promote the maintenance of shipyards with skilled workmen, an industry as much a part of the national defense in its ability to build war vessels as is the building up of the Without shipyards we can have no ships, and without ships we can have no naval reserve, again as essential to the Navy as the National Guard of our States is in relation to the Army. Materials for the building of ships in the foreign service are by the Dingley Act free of duty, but bear in mind that in the cost of a ship labor plays an altogether greater part than materials, for we are clearly advised that 60 per cent of the total cost of a vessel is for labor in assembling the materials at the shipyard, while of the balance of 40 per cent, 30 per cent is in the labor expended in making the materials ready for their purposes. It is the high rate of American wages that makes shipbuilding 30 per cent dearer in the United States than in England, while the cost of the raw materials plays but a very small part, indeed, in the calculation.

Mr. SHERLEY. Will the gentleman at that point permit

me? Is it not also true that no ship built of foreign material

upon which duty has not been paid can be used in the coastwise trade for a longer period than two months in any one year?

Mr. LITTAUER. Why, certainly; as I said a moment ago,

these ships have to ply across the ocean.

Mr. SHERLEY. Is it not also true that no shipowner is willing to take advantage of that provision when it prevents his ship from being put into the coastwise trade, should circumstances make it necessary?

Mr. LITTAUER. I do not think so. Mr. SHERLEY. That is the statement of Mr. Arthur Sewall, who practically tried it.

Mr. LITTAUER. I would not second it. Now, coming back

to the materials.

Mr. FOSS. May I ask the gentleman a question? I want to ask the gentleman whether or not he has any opinion from the Navy Department as to the provisions in this bill relating to the

Naval Reserve feature?

Mr. LITTAUER. We have had a great number of letters recommending them all-practically recommending the provisions of the Senate bill. We have eliminated, in connection with the Naval Reserve, all the provisions that look toward compulsion. To-day the compensation is specified, the conditions are specified; but we make it voluntary for any sailor or officer engaged in the lake, coastwise, or foreign service to join the Naval Reserve, if he come within the requirements, and to accept these emoluments, as he may choose. Then we make it entirely voluntary on the shipowner to have in his crews a large or a small percentage or number of sailors belonging to the reserve, as he may choose.

Mr. FOSS. May I ask the gentleman whether there were ever any hearings before the committee on this particular substitute

relating to the Naval Reserve?

Mr. LITTAUER. No; there were none. It is practically the same measure that has been thoroughly discussed and approved by the Navy, with the elimination of everything that we felt was subject to great criticism, but we wanted to eliminate anything that might look toward compulsion. We had no desire whatever to try to force men into the Naval Reserve. It was to be a voluntary organization, the same as our militia. It is nothing but a fitting school. These men, if they belong to the three marine services-lake, coastwise, and foreign-have a right, provided they are American citizens, to join the reserve under such regulations as the Secretary of the Navy will make. They join for four years. They receive, according to their station and their ability as seamen, certain annual retainers, as do the British naval reserves. That compensation has to be provided for each year by Congressional appropriation, but it would appear that under these regulations we might create a naval reserve of perhaps 2,000 men. And if we could, and could train them a week or two each year, the small expense that would be involved in this matter would not be worthy of serious consid-

Now, I was coming to the point in the consideration of the construction of ships that it is really the cost of labor, the rate of American wages, that makes it impossible to build ships here in competition with ships built in foreign countries. are told that ships in our country cost from 20 to 30 per cent more than ships built in foreign yards. Sixty per cent of the gross cost of a ship is labor; and, then, you must remember that most of the materials when they reach the shipyard have been already improved, and labor is here again the greater part It is the high rate of American wages, not the cost of raw materials, that has to do with our inability to compete with foreign nations in the building of ships

Mr. SHERLEY. Will the gentleman yield? Mr. LITTAUER. Yes.

Mr. SHERLEY. Is it not true that upon the Great Lakes they are building ships cheaper than they are building them

anywhere in the world?

Mr. LITTAUER. The kind of ships we build on the Great Lakes are different in many ways. There are great cargo-carrying ships; enormous carrying ships, in a certain way; ships that would not be particularly fitted for ocean traffic, freshwater steamers which in many particulars are cheaper than steamers for salt-water use.

I appreciate that, but they are ships in Mr. SHERLEY. which the labor element is as large as in ships that are fitted

for ocean voyages

Mr. LITTAUER. And without any foreign competition at

They must be built in American yards.

The policy of every great maritime power of Europe is to induce the building of its mail steamships as well as its war vessels in its own shipyards. The ships which will be built in the United States, if this bill is to be carried into effect, will result in an additional fleet of from twenty-seven to thirty fast steel

merchant steamers, made suitable, in accordance with the provisions of the bill, for auxiliary purposes in times of war, pre-cisely similar to the way similar fleets are called into existence, and supported in precisely the same manner to aid the navies of England, France, Germany, Russia, Italy, Spain, and Japan. Germany follows the "free-ship" policy as to ordinary steam-

ers, permitting her citizens to acquire ships where they will; but Germany stipulates that the steamships of her subsidized mail lines must be built in German shipyards and as far as possible of German materials. The "free-ship" argument has no basis, on precedent of other countries, in connection with subsidized mail lines. There are on the seas, in foreign trade, 196 ships of 16-knots speed. Of 19 no definite information could be had, but 150 of the 196 receive subsidies, while but 27 receive no subsidy.

Of the seven projects of this bill, four apply to the countries south of us in the American Continent, with whom we have a vital political and commercial interest, and three to the Orient. The Monroe doctrine impels us, in the furtherance of its highest purpose, to cultivate relations of political and commercial intimacy with the governments of Central and South America.

Within ten years we have acquired in the Pacific Ocean the Hawaiian Archipelago, the Philippine Archipelago, a portion of the Samoan group, and the island of Guam. We have under-taken to construct at enormous cost the Panama Canal. All of which acquisitions and undertakings carry with them opportunities in the expansion of our trade in South America and in It is in these two directions that this bill seeks to take advantage of our commercial opportunities. The very first step, if we desire new foreign markets, must be rapid mail communication, providing amply, at the same time, conveniences that will enable the buyers and sellers of these countries to come to us rapidly and easily, as well as to permit ours to go to them.

Mail communication with regularity and rapidity of service are primary and imperative needs of commerce, just as commerce is the best promoter of international friendship. The better mail facilities provided, the greater in experience has been the expansion of national trade. Experience has therefore compelled nations, without regard to expense, to foster and promote progress in their foreign postal service. regularity are the essential requirements. Every merchant recognizes that the approaches to a market must be quick and convenient and regular; hence the imperative demand for fast and frequent mail and passenger steamers on all the ocean highways of the world. All nations are seeking to transport their mails under their own flag. No agents are equal to steamships in inducing a foreign demand for the products of a country.

The ocean mail service of the United States has proved to be a source of great profit. The superintendent of foreign mails calls attention to the fact that in the fiscal year 1906 the cost of ocean mail service was \$2,965,624.21, while the postage collected on articles exchanged with foreign countries, leaving out Canada and Mexico, amounted to \$6,008,807.53, leaving a net profit of \$3,043,183.32-a profit of \$3,000,000 which it would appear could well be spent in the development of our ocean mail service, as is proposed in this bill, and in making such ocean

mail service efficient.

Every dollar of these \$3,000,000 is made at the expense of the commerce of the United States. The profit to-day, or rather during the year 1906, was \$3,000,000, but this profit, as the figures show, has been a progressive one. During the last four years, from 1903 to 1906, inclusive, it has averaged \$2,567,830.45 per year, while in the four preceding years, from 1899 to 1902, inclusive, the profit amounted to but \$1,240,706.26 each year. While no doubt this increase of 100 per cent in profit arising from the carriage of ocean mails during the last four years, in comparison with the previous four years, may, in part, arise from the wonderful expansion of trade in exports and imports during this period, it would seem that we would have a right to infer that this increase of profit would continue in almost like proportion, and especially so if we expend these profits in the development of the trade which makes them an incident. will take at least four years to build the ships required to take advantage of the provisions of this act. If the same ratio of increase in the profits of our mail service continues, we will at that time be making a profit of \$5,000,000 out of the oceanmail service, while this bill calls for an extreme expenditure, if every opportunity it offers is taken advantage of, of \$3,850,000.

Mr. SHERLEY. Mr. Chairman, will the gentleman tell how much was charged to the expenses of operating the mail serv-

ice, for the operating cost of the post-office system of America?
Mr. LITTAUER. Will the gentleman repeat that question, as I did not hear the last of it?

Mr. SHERLEY. Why, the proposition is simply this: How much have you charged against the receipts from the foreign mail service to the cost of operating the postal service in this

Mr. LITTAUER. I have charged whatever the cost actually was. The cost was \$2,965,624.21. Now, the profits on that might be the difference between these figures and the income that the United States has had from postage going to foreign countries-postage based upon the weight of packages and letters and other mail carried.

Mr. SHERLEY. If the gentleman will permit, I do not believe he will want that answer to stand. Do you mean to tell the committee that there has been charged against the receipts for the foreign mail service any of the expenses incident to the post-office service in America, other than simply the payment of the steamship companies?

Mr. LITTAUER. The carriage across the seas is the main expense charged, and the Superintendent of Foreign Mails ex-

plains particulars.

Mr. SHERLEY. Does the gentleman consider it fair or anything but a trick of bookkeeping to talk about a balance in favor of the ocean trade of \$3,000,000 or more, when he does not charge against that trade any of the expense incident to the

Post-Office Department?

Mr. LITTAUER. I can not see by what process of reasoning the gentleman wants to make any addition to the cost of the carriage across the ocean in relation to the postal revenue. We have received it because these mails go to foreign countries. The income figured is separate from the domestic cost. If we had not postal communication with foreign countries we would

not have received \$6,000,000.

Mr. SHERLEY. But the gentleman must realize that the cost of carrying the foreign mail, both that which goes out and

that which comes in, is not limited simply to crossing the water.

Mr. LITTAUER. True. That is the ocean carriage. Now,
then, it is the carriage of a letter that leaves Washington and goes through New York to Liverpool or to London, and the domestic charge, the charge for the railway mail service to New York, is not included.

Mr. SHERLEY. But is not that an expense of the Post-Office Department, and should they not include every expense for the actual carriage of the mail on land as well as on the

water?

Mr. LITTAUER. Let us put it on that basis, and let me begin my argument, and my argument is that it cost for the foreign carriage over \$6,000,000 last year, and we made out of this carriage across the ocean not less than \$3,000,000.

The volume of the ocean mails of the United States is proved to be practically the same as the ocean mails of Great Britain. To carry these mails the United States spends \$3,000,000 out of the \$6,000,000 she receives for the carriage of same, while Great Britain spends \$6,000,000 subsidizing her fleet of high-Great Britain spends \$6,000,000 subsidizing her fleet of high-speed ocean steamers to all parts of the world, supporting and training of her naval reserves. We spend \$3,000,000 on an inferior mail service, conducted chiefly by foreign steamers. Great Britain spends \$6,000,000 on a superb ocean mail fleet, suitable for war purposes, manned by naval reserves, every ship contributing to her naval and commercial power.

Mr. PRINCE. On page 19 of the bill, section 3, you provide for the Naval Reserve, providing for officers, petty officers and men, limiting the number to not to exceed 10,000, and specifying the pay that each shall receive. Have you figured out what would be the average pay of each of these 10,000 men who may be regarded as a part of the Naval Reserve?

Mr. LITTAUER. I have not. And I do not believe we can. It would be simply an estimate that anyone might make, from any standpoint, but without any reasoning from experience, Membership in the Naval Reserve would be entirely voluntary. How do we know whether it is going to be a taking proposition The unions may be against it.

Mr. PRINCE. I am assuming that we are passing a working bill, and that it will go into effect and meet with the approval of the people, and that 10,000 men will be added to the Naval Reserve of the United States.

Mr. LITTAUER. That is the utmost limit that might be added.

Mr. PRINCE. I find here for each officer of the line, referring now to page 20, the highest officer receives \$110 a year and the lowest receives \$24 a year, so I suppose we may properly make an average of \$50 or \$60.

Mr. LITTAUER. Oh, no; the seamen far outnumber the officers. The number of officers of high rank to whom \$110 per year would be paid would be very few, and if the gentleman will read the section carefully he will see that the payment of these sums is dependent upon annual appropriations by Congress and the submission of estimates. So I take it for granted that after this bill becomes a law a further appropriation will have to be made to cover the expenses of the Naval Reserve, and until such appropriation is made the provision in regard to the reserve can not go into operation.

Mr. PRINCE. We are now proceeding to make a contract which will last for ten years, and we are to pay so much for the transportation of the mails, and we are likely to add 10,000 men to the Naval Reserve by virtue of this, who, in addition to the \$3,700,000, are also to be paid out of the Treasury. Will the gentleman be kind enough to state whether you are not helping to pay the seamen who go upon these vessels, and to that extent making an additional gift to the shipowners by reducing the pay that they would have to give to the men by the amount that the Government will pay?

Mr. LITTAUER. I do not believe that result will at all come I do not believe the compensation offered in this bill is going to lead to the establishment of a naval reserve of 10,000 or even of 2,000. The best authorities have told me that the Naval Reserve need not be expected to be any considerable number at any early date. We will gain by experience, and perhaps will be able to amend the law, but in no way will it

act as a sort of bonus to shipowners.

Mr. FOWLER. You mean to the shipowners?
Mr. LITTAUER. It will not be a bonus to the shipowners

through a gratuity toward the wages of the sailors.

This bill provides for a monthly service over its specified routes at one-half the compensation given for a fortnightly service. The monthly service would give twelve communica-tions a year, and the fortnightly service would give twenty-The subsidy is not increased in proportion, because the number of ships required for a fortnightly service being greater than the number required for a monthly service could be built for less money.

As to the rates of compensation in this bill. I would state that they have been the subject of most careful study, and practically represent 10 per cent on the first cost of ships that will be necessary to conduct the service. This percentage is practically the same as the English Government is giving the Cunard Line for the building of the two enormous steamers now under way to keep her mail service with New York ahead of that of her competitors. She believes that it is so much to the advantage of her trade to lead in this service, already so fully established, that she made a loan of \$13,000,000, which she supplements with the guaranty for mail and admiralty subsidy to the company, because of these two steamers in an actual aggregate of \$1,210,500 a year for the next twenty years, or a little less than 10 per cent on the loan made.

Mr. STAFFORD. I want to ask the gentleman from New York this question. He was discussing the total expenditure that Great Britain makes for its mail subsidy as compared with that proposed by this bill. Has the gentleman any data comparing the total mileage covered under the Great Britain sub-

sidy with that proposed in this bill?

Mr. LITTAUER. I have not. I do not believe that Great Britain's subsidy is given by mileage, although I do remember that the subsidy from Great Britain to South Africa is based upon substantially the same figures and the same percentage as the subsidy here proposed from the Atlantic coast to Buenos Ayres.

Mr. STAFFORD. Does the gentleman know whether she

pays the same rate of subsidies for all mail service?

Mr. LITTAUER. Oh, no; it depends altogether upon the conditions of trade. She seeks to help where help is needed, and gives much greater subsidies in some directions than she does in others, the same as we do in this bill.

Mr. STAFFORD. Under the present law the compensation is the same only it varies according to mileage?

Mr. LITTAUER. Mileage and speed alone, but that is not

so in the provisions of this bill.

Mr. STAFFORD. It is as far as the speed is concerned.

Mr. LITTAUER. Yes; but when you go to miles it is a different matter. I am going to comment on that very subject.

Now, the subsidies in this bill are based as near as possible on 10 per cent of the first cost of the ships necessary to carry them out.

Mr. SHERLEY. Will the gentleman allow me a question right there?

Mr. LITTAUER. Certainly.
Mr. SHERLEY. Was there any testimony of any kind before the committee relative to what the cost of the ships would be according to the terms of this bill?

Mr. LITTAUER. The committee did not enter upon that sub-

Mr. SHERLEY. Was there any data before the committee

showing what the size of the ships would be under the terms

Mr. LITTAUER. No; nor could there be.

Mr. SHERLEY. Was there any as to the cost of maintaining such a ship or its probable earning capacity, or any other detailed statement by which we could gather how much was necessary in order to give the shipowner a reasonable profit?

Mr. LITTAUER. No; but we do know that if we want to make a service successful, if we want to make up in the shipsubsidy legislation where our failures have been in the past and where lines have not been extended, we know that we have got to follow in the footsteps of other nations that have been successful. Now, the gentleman could ask a thousand questions on that line, but I would like to make my statement, and then I will answer his questions if I can.

[The time of Mr. Littauer having expired, he was yielded fifteen minutes more by the gentleman from Ohio, Mr. Grosve-

NOR ]

Mr. LITTAUER. Would it not be well for the United States to pattern after the action of the great maritime nation of Great Britain, 25 per cent only of whose foreign-going steamships are engaged in the carrying trade to and from the United States and in carrying 50 per cent of all that is shipped out of and into

the United States over the ocean?

Compare her liberality with the results of our own mail subsidy between New York and Europe, where under the act of 1891 there was paid on our contract last year \$762,638, while if we had paid for the weight of the mails carried under this subsidy contract at our regular statutory rate this line would have been entitled to \$910,542, so that the Government saved nearly \$150,000 on the most decried contract in existence under the mail-subsidy act of 1891. Through the provisions of that act, paying subsidy of \$4 per mile to a line already in existence, we last year saved the Government \$150,000, and besides that had the steamships of the line available for Government purposes in times of war should there have been a repetition of the necessity for their use as there was in the Spanish war, when without the Yale and Harvard and others of this line we would have had to pay enormous prices for whatever ships we might have had to use as secuts and transports for the Army in that war.

Mr. MARTIN. Will the gentleman yield for a question?

Mr. LITTAUER.

Mr. MARTIN. Does the act of 1891, under which the so-called "subsidy contracts" are made, authorize the Postmaster-General to make similar contracts between American ports and South American ports?

Mr. LITTAUER. Anywhere; provided they come up to the conditions; the rate is dependent upon the mileage.

Mr. MARTIN. Why is it that contracts with other countries have not been entered into?

Mr. LITTAUER. Because the rates are inadequate.

Mr. KAHN. Will the gentleman yield for a question?

Mr. LITTAUER. Yes.

Mr. KAHN. The Oceanic Steamship Company is operating a line from San Francisco to Australia under existing law, and has an indebtedness now of-

Mr. LITTAUER. It is losing money every year.

Mr. KAHN. Of over \$2,000,000. Its stock is down to about \$2 a share and its bonds are down to \$60 or \$65. It has defaulted in its interest, simply because it has tried to live up to its contract.

Mr. LITTAUER. Yes; and yet its ships are among the most modern built of ships; and if we were to have any trouble in the Pacific, they would be demanded and be most necessary for the purposes of the National Government.

They make 16 knots right along.

Mr. LITTAUER. Yes; 16 knots. They will come in under this bill, and I will explain their status in a moment.

Mr. MARTIN. Approximately, how much of an increase of sibsidy, by any proportion that the gentleman can give us, would this new bill provide for?
Mr. LITTAUER. Double.

As compared with the other. Mr. MARTIN.

Mr. LITTAUER. Yes; this new bill provides for 16-knot ships. Under the old law the subsidy is \$2, and under this proposed bill it will be at least \$4 and over.

The compensation would be about double?

Mr. LITTAUER. Yes; and must necessarily be so. I will

explain that when I get to the routes.

Mr. SHERLEY. Was not that the basis of pay that would have been paid if this mail had not been carried by American subsidized routes, the one-sixty rate?

Mr. LITTAUER. It unquestionably was the rate that applied to American ships.

Mr. SHERLEY. Is it not true that the same mail could have been carried, and other mail was being carried, at 44 cents?

Mr. LITTAUER. By subsidized foreign line ships. Mr. SHERLEY. We are paying only 44 cents. Mr. LITTAUER. We were paying 44 cents to foreign subsidized lines, but under the laws of the land as they stand to-day, had the American Line, like the Pacific Mail, refused to accept the terms of the subsidy it would have received \$910,000 for what under the subsidy act it received \$752,000. If you want to consider some other set of circumstances, if her ships had belonged to foreigners, and had been subsidized by England, we would have had a different rate for such ships than we have for our own; but under and according to the laws of the land, without any change, if this subsidy contract had not been in existence, that line would have received \$150,000 more than it

did under the subsidy for carrying the same mails.

Mr. SHERLEY. And if the contract had not been in existence and the mail had been given to a foreign line, the Govern-

ment would have saved a considerable sum. Is not that true?

Mr. LITTAUER. The Government pays to foreign lines one rate for the carriage of mails. It pays to the American lines another rate. The point of my argument is that this contract has been decried by gentlemen like the gentleman from Kentucky [Mr. Sherley], but that it has resulted in a profit to the United States.

Mr. SHERLEY. Assuming we would have to carry it at the

one-sixty rate.

Mr. LITTAUER. Assuming we would have to do the work as we did it, but the mails were carried by the American Line, and we have made this profit of \$150,000.

Mr. STAFFORD. That is the only case where the pay would have been in excess?

Mr. LITTAUER. Yes.

Mr. STAFFORD. Because of the density of traffic.

Mr. LITTAUER. Yes; and that is the only case where the Government pays \$4 a mile, because it is the only line in which

we have 20-knots ships.

Mr. MARTIN. I want to ask the gentleman another question. It seems to me that the gentleman is right now upon the point I was seeking to get some information upon before, and that is this: What, approximately, is the cost of the present service we are now obtaining, the present mail service, say, to Brazil, for example?

Mr. LITTAUER. Oh, that I do not recall; but it is all set forth in the report of the superintendent of foreign mails.

Mr. MARTIN. How does that compare with the cost of the service that is proposed under this new legislation?

Mr. LITTAUER. Oh, I could not give you that figure. I do not know how our mails go. Our mails go in part in one way and in part in another. They are sent to Europe, and if the steamers go from Liverpool at an earlier date to Rio de Janeiro and Buenos Ayres, they are sent from Liverpool; if not, they are dispatched from Havre or from Hamburg.

Mr. MARTIN. We have no mail contracts for carrying them? Mr. LITTAUER. None whatever.
Mr. GAINES of Tennessee. Will the gentleman yield for a question?

Mr. LITTAUER. Yes.

Mr. GAINES of Tennessee. Will the gentleman, before he concludes, tell the committee what has been the history, whether financially successful or not, with the lines that we have sub-sidized heretofore—the Roach and the Collins lines, and the other firms—and what the difference is between the bills they were subsidized under and the present one?

Mr. GROSVENOR. The gentleman will find all that in the

RECORD in the morning in the extension of my speech.

Mr. GAINES of Tennessee. The gentleman is so capable of

telling the House everything that it may desire to know that I would like to have it.

Mr. LITTAUER. Now, I want to try to get along and make my few points if I am able to do so. The French Government is acting just like the English Government. The French Government has a contract with the great French line, the Compagnie Générale Transatlantique. It pays that company \$1,289,000 of subvention from Havre to New York. That same company runs ships to the West Indies, and that line is subsidized at the rate of \$939,524 for carrying mail communication there. This whole bill is based on the experience of nations which have been successful in fostering their commerce, successful in developing their merchant marine, which followed the establishment of subsidized mail lines.

Now, we propose in this bill seven routes. The first one runs from a point on the Atlantic coast to Rio Janeiro. The subsidy proposed is \$600,000, which would be for twenty-six departures each year, which would give an average of \$23,077 for each

voyage and would pay to the line about \$4.62 for each mile of Route No. 2, which extends again from a seaport on the Atlantic coast to Montevideo and Buenos Ayres would traverse a journey a thousand miles longer, 6,000 miles. The subsidy for fortnightly service is \$800,000, or \$33,077 per voyage, \$5.01 per mile.

Mr. WILSON. Mr. Chairman-

The CHAIRMAN. Does the gentleman from New York yield?

Mr. LITTAUER. Yes.

Mr. WILSON. I was going to ask you one question. That is not the information you gave us the day when this bill was reported, and I was going to ask you where you got this information, and where you got the information based on-

Mr. LITTAUER. Will the gentleman state in what regard

this is not the same information?

Mr. WILSON. I understand the amount of subsidy per trip

and per mile

Mr. LITTAUER. I think the gentleman is mistaken. I think these are the identical figures for fortnightly services I presented before, the ones which I have just stated, but will ask the gentleman to point any figures which are not the same.

Mr. WILSON. In the first you said the amount per trip

would be \$25,000.

Mr. LITTAUER. My dear sir, if you will kindly divide 26 into \$600,000, you get the result that will give you the correct figure I gave, and if you divide 12 into \$300,000 you will get \$25,000.

Mr. WILSON. I asked where you got the information we

did not have before.

I got it by dividing 26 into \$600,000, Mr. LITTAUER. \$23,071, and then I divided the total amount of the trip by 5,000 miles to get the rate per mile. On the route to Buenos Ayres, \$800,000 subsidy, 6,000 miles, the rate is higher than the rate Why? Because our trade with Brazil is but a to Brazil. small one in exports and a large one in imports. Ships will always be able to get a large cargo on a return voyage from Brazil, while our trade with Argentina and Uruguay is a larger one in export, and will probably grow to be still larger in exports than imports.

Mr. McNARY. Mr. Chairman-

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. LITTAUER. I do. Mr. McNARY. I would like to ask the gentleman, if he has finished upon that particular point-

Mr. LITTAUER, I have not.
Mr. McNARY. I meant on the trade we get—why it is that the committee has reported as regards the Pacific coast ports that the line shall go north of Cape Mendocino-

I am coming to that in a moment. Mr. LITTAUER.

Mr. McNARY. Just a question-and why is it that on the Atlantic coast the provision is that practically all lines go

from New York?

Mr. LITTAUER. The gentleman's statement is absolutely incorrect so far as New York is concerned. The Postmaster-General, if this bill should become a law, would ask for bids. Bids might be received from New York, Portland, Boston, Balti-more, or wherever anyone was willing to enter into the conditions of the contract. There is nothing whatever in the bill which requires these lines to start from New York, but it is probable they would, because New York happens to be the great export and import center of the country.

Then, Mr. Chairman, in order to make that Mr. McNARY. point clear, as long as it is provided in the Pacific coast division

that a line shall go

Mr. LITTAUER. I will come to that by and by.
Mr. McNARY. Wait a moment. Will the gentleman agree to an amendment for the committee providing a line shall go from certain points, dividing the Atlantic coast up the same as the Pacific coast?

If the gentleman will give me as good a Mr. LITTAUER. reason why it should be done on the Atlantic coast as I can give him why it should be done on the Pacific coast, I will

accept the amendment. Mr. McNARY. I think I can,

Mr. LITTAUER. Will the gentleman support the bill if I

Mr. McNARY. With everal other amendments, I will be delighted to do it.

Mr. KAHN. Will the gentleman yield to me just for a moment?

Mr. LITTAUER. I want to go on. We sell the Argentine \$16,000,000 worth of our manufactures, We buy from her to-day only \$8,000,000 worth. Her exports are wool, \$50,000,000;

wheat, \$51,000,000; corn, \$33,000,000; linseed, \$21,000,000; cattle and meat, \$14,000,000, none of which can expect to find a market in this country, while, as I said before, of the one product, hides, we are now importing 80 per cent of all she The capital city of the Argentine is Buenos Ayres, produces. with a million people. The foreign trade of the country is \$500,000,000, though the population is only 6,000,000—a greater foreign trade than has China, with 300,000,000 people, or Japan, with nearly 40,000,000 people. There will be required to establish the route to Rio de Janeiro, Brazil, fortnightly service, five steamers, and these five steamers will cost about \$6,000,000, exactly ten times the subsidy proposed, 10 per cent on the first cost of ships

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, I have taken a good deal of the gentleman's time, and I am perfectly willing to yield him five minutes to be taken from my time.

Mr. Chairman, let me make a statement. Mr. GROSVENOR. will yield fifteen minutes more to the gentleman from New York, and state, in my opinion, that the gentleman controlling the time on the other side will recommend with myself that debate shall be extended longer than the five hours, so that we can give everybody a better chance to debate.

The CHAIRMAN. The Chair understands the gentleman

from Ohio [Mr. GROSVENOR] to yield fifteen minutes to the gen-

tleman from New York?

Mr. GROSVENOR. I do. The CHAIRMAN. The gentleman from New York [Mr. Lit-TAUER] is recognized in the time of the gentleman from Ohio

[Mr. GROSVENOR]

Mr. LITTAUER. Gentlemen. I believe if you will permit me to finish my statement, I will answer a good many of the questions you are bombarding me with from time to time. have finished now with the consideration of the routes on the eastern coast of the United States. I will next proceed with the route on the Pacific. The route is from the west coast of the United States to the west coast of South America, Callao, and Valparaiso, a distance of 6,000 miles, equal in length to the route to Argentina. But the subsidy on the west coast is \$600,000, while on the east coast it is \$800,000. Why? Because the 16-knot ship that will run over this route will have business at Panama, and that business will aid so materially that

the subsidy need not be as great.

Now, to-day the Pacific Mail Steamship Company runs over this route from San Francisco to Panama, but no American ship runs south of Panama. The Pacific Mail Steamship Company over this route has nothing but slow steamers. not use a single steamer that she now possesses with which to establish this mail communication. She would have to build new steamers, just as any others who might care to enter that trade. Not a single American steamship runs to-day, regularly or expeditiously or any other way, from the Atlantic or the Pacific coasts of the United States to the ports specified in these three routes. The Secretary of State, after his notable trip to the east and west coasts of South America, lays particular stress upon the desirability of more intimate trade relations with South America, and he declares that above all the most effective means of promoting such relations is the establishment of improved steamship communication between the continents, for modern commerce demands regularity and rapidity in mail communication, as well as comfortable, regular, and quick passenger transit for those who desire to trade with one another. The Pan-American Congress has at each meeting declared the desirability of better steamship communication between the American countries.

The congress held last August favored definite contracts with mail navigation lines, to connect the principal ports of the American countries, to be established by joint action of the countries affected. Peru voted this year an annual subsidy of \$150,000 for fifteen years to improve her steamship communication with the Isthmus of Panama, in order to bring her closer to our Atlantic and European ports. The Chilean budget this year contains an appropriation of \$95,000 for substantially the same purpose, while on the east coast the Argentine Republic has under consideration a monthly subsidy of \$25,000 for a fast mail line to improve her communication with Europe. Showing conclusively that these countries are ready to cooperate generously in providing a fast mail service.

Now, on the Atlantic coast we have line No. 3, which will

run from a port on the Gulf of Mexico to Panama. Here is one exception to the general rule. We provide here for boats of only 14-knot speed. We provide for a weekly boat. leave out the monthly service and provide for a fortnightly or weekly service at an altogether lower rate of compensation, because the business does not require it, and the line can be established without high compensation. The purpose of this line is to permit the commerce of the Mississippi Valley to get into close communication, not only with Panama, where our great expenditure is now taking place, but through Panama to the west coast of South America.

When we turn to the mail subsidies in the Pacific Ocean, wherein this bill proposes to increase the present subsidy of \$300,000 by an addition of \$1,600,000 in order to establish regular communication with China, Japan, and the Philippines at a total utmost cost of \$1,900,000, we find that the British Gov-ernment is paying for her mail lines to these countries, to Asia and Australia, \$1,700,000 to the Peninsular and Oriental Steamship Company, and in addition \$200,000 to the Canadian Pacific Company, making a total subvention for this service on the Pacific Ocean of \$2,000,000. The German Government, for its Facine Geean of \$2,000,000. The German Government, for its service to Asia and Australia, pays the North German Lloyd Company 5,590,000 marks, or \$1,320,000; the French Government pays the Messageries Maritime Steamship Company, for its service to Asia and Australia, \$1,756,870. These foreign lines have been subsidized for many years and are well established, so that in view of the higher cost of construction of our ships as well as of their operation our proposed expenditure of \$1,900,000, against expenditures of \$2,000,000 by Great Britain and \$1,750,000 by France and \$1,320,000 by Germany, is not extravagant, but is quite on a par with those foreign subventions. Bear in mind that these routes will give us weekly steamers to Manila, Chinese and Japanese ports as well as to Hawaii, and service at least once in three weeks to Samoa and Australia.

The proposal in route No. 5, running from San Francisco to Hawaii, Japan, China, and the Philippines, is for a fortnightly service, at a compensation of \$700,000. This is the nightly service, at a compensation of \$700,000. This is the Pacific Mail Steamship route as far as China, which line is run in connection with what is known as the Harriman system of railroads which concentrate at San Francisco as terminal for freights for the Orient, drawn from all that part of the country south, let us say, of New York, Chicago, and Omaha, including the entire south and southwest sections of the United States, as well as the southern part of the Middle West.

The Pacific Mail Steamship line is a necessary adjunct to the great systems of transcontinental railways known as "the Harriman lines," and, no doubt, will continue to run for freight purposes whether mail subsidies are granted or not, but will be run in the future, as it has been in the past, as an adjunct to this railroad system and not particularly to increase the mail facilities with the Orient or to build up ships as an auxiliary to the Navy, or to build up a naval reserve.

This steamship company has been in existence since before the act of 1891 became a law, when her ships were of the slow Then she bid for and obtained a contract under the act of 1891, at the rate of \$1 per mile, but abandoned it after a few voyages, in less than two years, as unprofitable, because of the requirements of the law. She has placed since in her service five rapid-running steamships, each one of which would be available for compensation under this bill, just as they are now available at the \$2 rate provided by the act of 1891 for such service. At least, during the last five years, if the Pacific Mail Steamship Company had taken advantage of the subsidies now provided by law, she could have received \$480,000 per annum, but she has constantly refused to do so.

She was paid for such mails as she transported this past year about \$82,000, thus forfeiting the opportunity of obtaining an additional \$400,000 simply because she was unwilling to meet the requirements of the postal-subsidy act. Now, in the bill before you we propose to offer a line running over the route that her ships partially run \$700,000, but the conditions now imposed are even much greater than the conditions of the old act. The regulations as to the nationality of seamen, payment of same, and the regulations as to the regularity of the same, because of which she refused to take advantage of the subsidy now provided by law. To them we have added that her ships, which but occasionally extend their journeys beyond Hongkong, must on each and every trip continue to the port of Manila, an additional journey of 628 miles each way, or 1,256 miles for the round trip, of great advantage to the United States in quick and regular communication for mail and transportation of merchandise and Army supplies. We offer as an inducement an increase of \$220,000 per year over the subsidy which she might have earned under existing law.

I doubt whether this subsidy will ever be taken advantage of by the Pacific Mail, but I believe it is justified from every point of consideration and desirable, even if accepted by the Pacific Mail. Those who raise the old cry and point to this line as "the nigger in the wood pile" have given little study to the

experience of the past and the considerations I have briefly alluded to, but simply follow the easiest line of criticism.

If the Pacific Mail, Harriman's lines, should accept the sub-sidy, it would mean the building of at least one and probably two 16-knot ships, together with regular communication between San Francisco and our military garrisons, naval fleets, and markets in the Philippines, and above all the displacement on those five ships already in commission on this line, as well as the new ones that would have to be built, of the Chinese and Japanese sailors, and the engagement in their stead of American sailors at American wages.

I doubt whether the Pacific Mail, because of this addition of less than \$300,000, will ever take advantage of the subsidy we Her ships are run in connection with a system of now offer. They do not want regular dates of sailing fixed by the Post-Office Department, as this law would require. want to run whenever their cargo permits them to run; and I believe if they did run under this act, if they did come under its provisions, we would be justified, and that the United States would receive a good return for the proposed subsidy.

Mr. DENBY. I beg the gentleman's pardon for interrupting him, and will be as brief as possible. I should like to ask the gentleman whether he has any comparison showing the cost of maintenance?

Mr. LITTAUER. I will come to that in a moment. If the Pacific Mail should take advantage of this subsidy she will have to build two ships of 16-knot speed and will have to make regular sailings. All their ships will have to come under the regulation as to sailors—that is, one-quarter of the sailors must be American citizens within two years, one-third within three years thereafter, and after five years one-half. What does that mean? That means that as the white man will not work with the Chinese or Japanese cooly, she must reform her enthat mean? tire crews and have them all white men and citizens.

Mr. KAHN. I should like to suggest in that very connection that this line is in direct competition with a Japanese line which employs all cheap cooly laborers, and also in direct competition with an English line which employs that kind of labor.

Mr. LITTAUER. In connection with that I will show the difference in the wages and in the cost of running.

The next route is the one referred to by the gentleman from Massachusetts, specifically stated to start from some port of the United States north of Cape Mendocino, which means Puget

Route No. 6 extends from Puget Sound to Japan, China, and the Philippines. No single American ship now traverses this route, which could be used under the conditions proposed. It is true that Puget Sound is the terminal of the Great Northern and Northern Pacific Railways and that a line thence to the Orient is necessary as an outlet and inlet for freight destined to and from Asia. Mr. James J. Hill, who controls these sys-tems of railways, could, like every other American, take advantage of this subsidy if he met its requirements, but he does not own a single vessel to-day that could possibly be used for the purposes of this bill. He, or anyone else, who took advantage of this subsidy, would be compelled to build at least six 16-knot ships which would, because of the great length of the route, have to be ships of the largest carrying capacity—of at least 10,000 tons burden. The ships to-day known as "the Hill ships," sailing from Puget Sound, never go beyond China. They have no communication with Manila.

The CHAIRMAN. The time of the gentleman has expired. Mr. LITTAUER. I should like five minutes more. Mr. SHERLEY. I will now yield to the gentleman that same

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. LITTAUER. Now, gentlemen, from Puget Sound to the Orient, to Japan, China, and on to Manila, there does to-day sail an American line—the Boston Steamship Line. of this line again could not become available under this subsidy because of their slow speed, but this line has now been driven out of existence in spite of the fact that it has the quartermaster's contract with Manila, but runs without subsidy, because the Japanese are subsidizing their lines to such an extent as to make us realize plainly that Japan wants the supremacy of the trade in the Pacific; and this Boston line is now practically out of existence

Mr. HUMPHREY of Washington. Three out of the five steamers have quit within the last thirty days.

Mr. LITTAUER. Now we come to the Oceanic Steamship Company, which runs to Hawaii, which runs to Samoa, and to New Zealand, and over to Sydney. This line has 16-knot ships,

and she has three vessels now running. The subsidy which they receive is based on the act of 1891 of \$2 a mile, which amounts in round figures to \$280,000, and the provisions of this act arbitrarily gives them \$200,000 in addition to the subsidies which they now receive. The officials of the line, as the gentleman from California has stated a few days ago, show that their balance sheet is a horribly bad one; they say that they are losing something like \$373,000 a year. We felt that if we gave them \$200,000 toward that the line would be able to continue, because of the beautiful and fair prospects that there are in developing the trade there; and to show you what this trade is between the United States and Australasia I will say that from 1896 up to 1900 the imports were \$20,000,000 and the exports were \$79,000,000.

From 1900 to 1904, since this line has been in existence, our imports increased from \$20,000,000 to \$24,000,000, and to-day are \$29,000,000, while the exports increased from \$79,000,000 to \$118,750,000. Surely, a trade that can make such a showing when in its infancy is worth preserving. It has been won, in part, through the Oceanic Line, and gives promise of still greater increase. In order to maintain mail ships on the Pacific Ocean in accordance with our American ideas and requirements, as demanded by our statutes, a greater subsidy must necessarily be given. The requirement that a necessary percentage of American citizens must form part of the crews of our mail-subsidized steamers prevents the employment of Chinese seamen or stokers or the employment of lascar crews. The Oceanic Line pays in wages \$235,440 a year. If the same crews were put on a basis of the Canadian-Australian Line the wages would amount to \$176,690. If they were put on the basis of the Peninsular-Oriental Line, with lascar crews, they would amount to only \$123,404, and if paid on the basis of the Japanese Line they would amount

The wages paid on our American lines are practically a little more than double what are paid on the English lines with lascar crews; two and a half times what is paid on the competing Japanese line. The average wage per month on the Oceanic Line S. S. Sonora is \$41.65, while on the British line S. S. Orizaba it is about \$17, and on the Japanese line S. S. America Maru, \$13.95. In addition to the cost of labor must be added the price of fuel, which on the Pacific Ocean far exceeds the cost on the Atlantic. There is a practical and additional reason for the desirability for retaining the ships of this Oceanic Line as auxiliaries to our Navy. If we compare the cost of this subsidy with the cost of maintenance of like ships among our cruisers, we will find that three of these cruis--the Buffalo, the Yankee, and the Prairie-are practically the same size as the three ships of the Oceanic Line, and, with one-half the horsepower, cost us to maintain in 1904 over a million dollars—three times the amount of subsidy given to the Oceanic Line, carrying the mails and developing the trade of the United States. And it is on these grounds that we be-lieve that we are justified in increasing the mail subvention to this Oceanic Line, which receives but \$20,000 per voyage—a lower subvention than is given by either British, Japanese, German, or French lines competing with it, the German line receiving \$41,000 a voyage and the French line \$47,000, in comparison with the \$20,000 now paid and the \$30,000 per voyage

we propose to pay.

The gentleman from Michigan [Mr. FORDNEY] called attention yesterday to the fact that the subsidy to the Oceanic Line was \$280,000, while she paid in wages but \$235,000. That is true, but compare these figures with those of the British Peninsular and Oriental Line, whose subsidy is for all her services £353,873, equal to \$1,769,365, while her total expenditure for officers and crews is but £315,262, equal to \$1,576,310. So this British line is also subsidized in greater amount than her roll. There can be no proper comparison between pay roll and subsidy.

The fullest development of our domestic commerce proceeds at a rate so rapid that we outstrip all records; we have progressed beyond the development of our railways and are the marvel of mankind. Our lands are covered with farms, the chimneys of our factories dot the land, a network of railways connects all. Our production demands that we turn our endeavors more and more each year to commercial expansion in trade across the seas. It already requires five and one-half million tons of shipping to handle the eighteen hundred million dollars of exports and thirteen hundred million dollars of imports, at a cost for ocean carriage of two hundred millions of dollars,

of which ships flying the Stars and Stripes carry but 12-per cent.
Our shipbuilders, our sailors, and our merchants will again
prove that they excel those of other nations in ingenuity and enterprise, as they did so auspiciously in the first half of the last century, if the Government but gives them proper protection. Great Britain with mail subsidies stood by her shipping and shipowners, with results that have added to her wealth, her strength, and her preeminence among nations

The United States expends at least \$100,000,000 each year on s Navy. We will spend \$400,000,000 in building the Panama its Navy. We will spend \$400,000,000 in building the radial. Can we not, therefore, afford to devote five millions each year for carrying foreign mails, to the encouragement of our shipping? If we do not do so, we will soon realize that the four hundred millions spent on the Panama Canal will act as subsidy to the trade of foreign ships only.

Our exports and imports now afford employment to foreign Our Post-Office Department expends the funds of the United States in payment to vessels of foreign nations which are available as auxiliaries to foreign navies, whose officers and seamen are being educated at our expense as a naval reserve for our rivals and possible enemies, Government is lacking in similar resources essential to our national defense. In this way our commerce is in reality an enormous subsidy to the sea power of foreign nations, building up the sea power of foreigners at the cost of our own. An aroused patriotic sentiment, favored by economic conditions, demands that the United States delay no longer in reviving her merchant marine through mail subsidies, which have in the experience of all nations proved successful.

I appeal to each one of you not to permit local or partisan consideration to influence your vote when the defense of the nation, the preservation of its power, and the prosperity of its people are at stake.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 25483. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes; and

H. R. 24815. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908.

The message also announced that the Senate had passed

without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill (H. R. 21121) entitled "An act granting an increase of pension to Marcus Wood."

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 925) authorizing the construction of a steam vessel for the Revenue-Cutter Service of the United States.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 25440. An act granting an increase of pension to Catharine Lipes

H.R. 25005. An act granting an increase of pension to Emeline H. Hardie;

H. R. 21721. An act granting a pension to John R. Kissinger; H. R. 19589. An act granting a pension to Aaron Davis; H. R. 10574. An act granting a pension to Edward W. Hoban;

and

H. R. 9767. An act granting a pension to William J. Crane.

## SUBSIDY BILL.

The committee resumed its session.

Mr. GOULDEN. Mr. Chairman, I am sorry indeed that my friend the gentleman from Mississippi [Mr. Spight] is detained at his home here in Washington by illness. He is the ranking member of the minority of the Committee on the Merchant Marine and Fisheries and is thoroughly conversant with this subject, having given many years to the study of this matter. This is a very interesting bill, one of the most important that has come before the House this session, and I regret exceedingly that the majority, on the other side of the House, has decided that it shall be put through at this session of Congress. should be given to it at least one full week's discussion.

The bill has been before the Committee on the Merchant Marine for the last four years, at least ever since I have been a member of that committee. It is no new proposition. May I say that in looking over some of the proceedings of Congress find that away back in 1876 a resolution was brought in from the Committee on the Judiciary to investigate the charge that \$900,000 had been used improperly to influence legislation upon a ship-subsidy bill. Mr. Lord, from the Committee on the Ju-diciary, submitted the following, under date of August 9, 1876, and taken from the report of the committees Nos. 815 to 842,

first session of the Forty-fourth Congress. The opening paragraph of the report of that committee investigating the charge was that \$900,000 had been improperly used to influence legislation on ship subsidy, and is as follows:

was that \$900,000 had been improperly used to inhuence legislation on ship subsidy, and is as follows:

That the Committee on Ways and Means of the Forty-third Congress, after a thorough investigation of the charge that a large sum of money was used to secure the passage through Congress of an increased annual appropriation to the Pacific Mail Steamship Company in the nature of a subsidy, report, among other things:

"The results of the evidence are that about \$900,000 was disbursed upon the allegation that it was used in aid of the passage of the act now under investigation. That about \$565,000 appears to have been paid to the exclusive use of persons having no official connection with such legislation, and that the disposition of the remaining \$335,000 remains in doubt upon the evidence presented, but without any testimony showing that it was a reward paid to any person at that time a Member of either House of Congress, and that the uncertainty attending the disposition of this latter sum is owing to the refusal of William S. King to testify the truth, and to the failure or refusal of John G. Schumaker to present all the facts which the committee believe it was in his power to give."

The committee report the following resolutions:

"Resolved, That a copy of the testimony taken before the Committee on Ways and Means upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China Mail Service be delivered to the Clerk of the House of Representatives, to be by him laid before the House at the first session of the Forty-fourth Congress, to the end that they make further inquiry and take due action upon the questions affecting William S. King and John G. Schumaker, and further proceed therein as they shall deem just.

"Resolved, That the Clerk of this House transmit to the United

and take due action apolicy.

John G. Schumaker, and further proceed therein as they shall deem just.

"Resolved. That the Clerk of this House transmit to the United States district attorney a copy of the evidence taken before the Committee on Ways and Means upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China mail service, with directions to lay so much of the same as relates to the truth of the testimony given by William S. King and John G. Schumaker before the grand jury of said District for such action as the law seems to require."

The above resolutions were adopted by the House, and a copy of the evidence taken before the Committee on Ways and Means upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China mail service has been transmitted to the United States district attorney for the District of Columbia by the Clerk of the House in accordance with said resolution. The whole subject is properly before the court, the offenses charged are crimes by statute, and the Constitution provides—

[Applause.]

[Applause,]

Mr. KAHN. Will the gentleman yield for a question?

Mr. GOULDEN. With pleasure.
Mr. KAHN. The gentleman does not mean to say that there has been any money used corruptly to influence this legislation which is now pending?

Mr. GOULDEN. I was speaking about the legislation in the Forty-fourth Congress, and wished to show this House and the country that thirty-one years ago this powerful shipbuilding lobby that have been so much in evidence during my time here

have been busily at work on Congress all these years.

Mr. KAHN. That is a last year's bird's nest.

Mr. GOULDEN. It does not make any difference. conclusively that the ship-subsidy lobbyists were as active then as they are now, and have been ever since I have been a member the committee. [Applause on the Democratic side.] matter what interest appeared before the Committee on Merchant Marine and Fisheries, you found ship-subsidy lobbyists there, always ready to fight all other interests that sought legis-lation to advance matters of public interest. I shall never forget the remarks of a well-known manufacturer from central New York, who was interrupted at a hearing by one of these regularly attendant ship-subsidy lobbyists. He said to him: "If you shipbuilding people stayed at home and attended to your own business as well as you attend the session of Congress, looking for funds from the United States Treasury, you would not be here begging for money to be taken from the people.

An explanation as to the influences that brought this bill out of the committee might not be uninteresting to this House. you all know, a commission was appointed in the Fifty-eighth Congress, first session, to investigate this matter, which they did, expending \$20,000 in traveling all over the country. The result was a report in four volumes. Not satisfied with that, which did not seem to effect a cure, did not change the public sentiment over the country, which is against the ship subsidy, hearings were held during the first session of the Fifty-ninth Congress, and the following, among others, appeared before that I will read a few of the names, so that the Memcommittee. I will read a few of the names, so that the Members may understand the influence back of this iniquitous shipsubsidy measure: Mr. William Livingstone, president of the Lake Carriers' Association; Mr. Henry Goulder, counsel for the same association; Mr. Charles R. Hansen, of New London, Conn., president of the Eastern Shipbuilding Company; Mr. Edward S. Cramp, of Philadelphia, of the great Cramp Shipbuilding Company at Philadelphia; Mr. Samuel S. Sewell, of Bath, Me., of the shipbuilders' firm of Sewell Bros. & Co., of that city; Mr. E. H. Garey, chairman of the board of directors of the United States Steel Corporation; Mr. Edward S. Plum-

ber, of Bath, Me., another shipbuilder; Capt. S. T. Bowles, formerly of the United States Navy, Chief of the Bureau of Construction for a time, but now president of the Fore River Shipbuilding Company, of Massachusetts. So I could continue and read other distinguished names of gentlemen who appeared before this committee at its public hearings, all urging ship subsidy.

There was a dispute with regard to the Boiler Makers and Iron-Ship Builders' Association. Several of the committee of the latter association came before that Committee on Merchant Marine and Fisheries and claimed that their association, 50,000 strong, had indorsed the ship-subsidy bill. When Mr. Gompers, who is the head of the American Federation of Labor, came before the committee voluntarily to deny the claim made by the representatives of that organization, a telegram was introduced, dated Dayton, Ohio, April 10, which was sent to Mr. Gompers from the annual convention of that organization. It was as follows:

Letter received. Boiler makers in convention unanimously voted against enactment of ship subsidy; also denounce their former action.

It seems that some three or four years ago that union did pass a measure approving of the ship-subsidy project then in Congress. Mr. Gompers appeared before the committee and He was asked some questions by Mr. LITTLEgave testimony. FIELD, what he thought of this measure, as to what effect it would have upon the shipbuilding interests. Mr. Gompers replied that he did not believe it would produce the result anticipated by its friends—that is, of giving a stimulus to the industry or creating energy or renewed life in the industry—but that if it did, he thought the principle involved was a wrong one, and he had other objections to the enactment of the bill, particularly so far as the conscription was concerned, which intensified, if possible, the opposition that he and the interests he represented had against this bill.

The claim was made in my own district by the gentleman who was my opponent on the Republican ticket that I was the enemy of labor because I had worked against the ship-subsidybill. The issue went before the people with the following results, that he obtained 17,943 votes out of a total vote of nearly 62,000. I believe, therefore, that I am fully justified in opposing this measure of ship subsidy.

Mr. SPARKMAN. I would like to ask the gentleman a ques-

Mr. GOULDEN. I yield to the gentleman from Florida for

a question.

Mr. SPARKMAN. I notice in this bill that the first section provides that the Postmaster-General may enter into a contract with certain parties to carry the mails from different ports on the Atlantic and one or more ports on the Gulf to the Isthmus of Panama. What I wish to know is why the committee restricted the carrying of mails to the Isthmus of Panama?

Mr. GOULDEN. In reply to the gentleman from Florida, I will say that I know of no reason. The bill was brought in by a new member of the committee, who took the place of one who was sick. He was the foster father of the bill, who engineered the bill through the committee and brought out a favorable report, and therefore I trust the gentleman from Florida will ask the gentleman from New York [Mr. Littauer] why that was done, for I am unable to answer.

Mr. SPARKMAN. Could you tell whether or not the committee would be willing to accept an amendment including the Central American states with Panama?

Mr. GOULDEN. I see no objection, but would respectfully refer that to the honored chairman of the committee when he gets upon the floor in his own time, and will allow him to answer the question.

Mr. GROSVENOR. Mr. Chairman, it may probably not interrupt the gentleman's argument if he will point out wherein there is a word or syllable in this bill that was not in the Senate bill.

Mr GOULDEN. I am not discussing the bill reported from the House committee.

Mr. GROSVENOR. But I heard you say that Mr. LITTAUER had introduced the bill-

Mr. GOULDEN. Had brought the bill before the committee and read it.

Mr. GROSVENOR. Is not every section and every provision of this bill substantially in the Senate bill?

Mr. GOULDEN. In reply to the gentleman I stated that Mr. LITTAUER had brought the bill into the committee and read it. Mr. GROSVENOR. What bill?

Mr. GROSVENOR. What bill?
Mr. GOULDEN. This bill, the one we are now considering. Mr. GROSVENOR. Mr. LITTAUER proposed an amendment after I had had a printed amendment, and he took it and submitted it to the committee, and if the gentleman desires, I will give him every step, each amendment offered from time to time.

Mr. GOULDEN. The gentleman may do that in his own time.

Mr. SPARKMAN. If I am not out of order, maybe the gen-

tleman from Ohio will answer the question. Mr. GOULDEN. I yield to the gentleman from Maryland

[Mr. GILL]

Mr. GILL. Mr. Chairman, I would like to ask the gentleman from New York if under the first section there is provided any opportunity, for citizens who may desire to organize a corpora-tion or company for the purpose of building ships to compete for the subsidy that is granted for carrying the mails from the Atlantic ports:

Mr. GOULDEN. I see no reason why they could not do so. Mr. GILL. Is it not provided under this bill that the granting of this subsidy is entirely in the hands of the Postmaster-

True.

Mr. GILL. And he may prefer any citizen whom he desires to prefer at the expense of all the other citizens of every other city of the country.

Mr. GOULDEN. That is an insinuation that the Postmaster-General would not do his duty honestly and efficiently, which I am not ready to admit of any member of the Cabinet.

I am not desirous of insinuating that he would not do his duty honestly; but under this law is there any opportunity for citizens of Philadelphia or citizens of Baltimore to submit a competitive proposition to the Postmaster-General for the purpose of obtaining this subsidy?

Mr. GOULDEN. I think there is no doubt they would have

that right, but-

Mr. GILL. I ask the gentleman to state to the committee what there is in the bill that would give them that right.

Mr. GOULDEN. There is nothing in the bill; but the Post-master-General should advertise, so that anyone could answer that advertisement and make a proposal for the contract

Mr. GOLDFOGLE. Does not the gentleman think that the shipbuilding trust, the parties he has just referred to as lobbying for this bill for years, would have by far the greater chance to get the subsidy?

Mr. GOULDEN. I have no doubt in the world that the gen-

tleman is correct.

As the bill before you for consideration is the last and weakest of a long series of proposals for ship subsidies, it may very appropriately be called an "anticlimax." It is a far cry from It is a far cry from the big things dreamed of by its original advocates, and men like the late Senator Hanna would have considered it the merest apology. Each year has seen a reduction or modification of the original proposition, until to-day there is hardly more left than the name of subsidy. But this very history of conces-sion proves the injustice of the subsidy doctrine and foreshadows its final defeat. A just measure never has to concede or compromise, confident that its truth will be certain of vindication. But the more an unjust measure gives up for the sake of expediency or temporary success the more it brands itself as weak; the more it shows its fear of ultimate exposure and destruction.

The bill reported by the Merchant Marine Committee, and now before you for consideration, is not only utterly weak, but it is really hypocritical. It does not pretend to be a subsidy measure; it claims merely to provide for the carrying of mail to certain South American and Asiatic ports. As the report of the majority says, "it is an ocean-mail bill pure and simple, with incidental provision for a naval reserve;" also "This measure is not a general ship-subsidy bill." It would therefore, in my judgment, be in order to recommit the bill to the Post-Office and Post-Roads Committee, whence such a bill should Since the House is not a judge of motives, but of methods and measures, it should look to its Post-Office Committee for mail bills and rebuke the encroaching of one committee on the province of another.

But, putting aside the rules of procedure, it must be evident that the resort to a mail bill is a mere trick to have the House pass a subsidy bill unawares; but the disguise is so wretchedly poor that it deserves more pity than ridicule. The bill should be indignantly rejected as an insult to the intelligence and dignity of the House. If a subsidy is wanted, by all means let us have one; but do not call it a mail bill; do not give us a wolf

in sheep's clothing.

In presenting the bill for consideration the Committee on Merchant Marine urges its passage as an aid to the development of American mercantile shipping, the means employed being payment for a fast-mail service to South America and Asia and the providing of a naval reserve. The subvention for carrying the fast mail is to be paid to seven American lines,

two on the Atlantic coast to South America, one from a Gulf port to the Isthmus of Panama, one from the Pacific coast to South America, and three from Pacific ports to the Philippines, Asia, and Australia. It is not contended that the mail service is so poor at present that it needs improving by better payments; but it is claimed that the establishment of better and faster mail communication will open up new avenues for American trade; that it will develop American commerce and the merchant marine.

But trade was never yet developed and never will be by a line of fast steamers or even by quick mail communication. main principle of trade is selling a man what he needs at the lowest price, and international trade is simply an extension of this principle. When a nation sells to another and desires to get a profit from the transaction, it must necessarily employ the cheapest medium of transportation, and this medium, as the history of commerce will show, has never been a fast line of steamers in competition with slower-going vessels, the so-called "tramps." Steam transportation is too expensive for every purpose except the carriage of passengers and such highly taxed freight as mail. It is a fact well established by experience that water-borne trade is only fostered by the "tramp" variety of vessels; none other can carry freight economically. The present enviable carrying ability of other nations is due to their great fleets of these vessels, and no fast steamship lines, even with subsidies or mail subventions, have ever been able to compete.

And yet the majority report of the committee boasts that the present measure "does not give a dollar of subsidy or bounty to cargo vessels of the 'tramp' type"—that is, American trade is to be developed by giving Government aid to vessels which produce no trade, which do not carry the cargoes, and never will. The speed trials of the ocean sprinters are to be made remunerative as well as exciting; but the real cargo carriers, whom everyone affects to despise, whose only fault is that they deliver the goods at the lowest cost—these are warned to keep away; no "tramps" need apply.

The bill is also presented to us as an extension of an existing practice of the Government. The majority report of the committee says:

The proposed \* \* \* legislation follows authoritative national precedents; there is nothing new or experimental in it.

Again-

It can not be too strongly emphasized that all that is proposed \* \* \* is to apply a well-established policy of the United States to ocean routes not reached in a satisfactory way by existing ocean mail

But the report also states that the present policy has only been successful within certain limits; that it has given us a fast postal service for distances not exceeding 4,000 miles from our shores. The experience of sixteen years, which have elapsed since the present law was passed, has confirmed the expert opin-ion then expressed by merchants and others, that the law would completely fail to provide postal service on routes greater than 4,000 miles.

The law of 1891 has so far failed in its purpose that only a few persons outside of those engaged in ocean commerce know that any subventions are paid at all, and only five or six lines are at present receiving such compensation. These lines are evidently of such slight importance that the report omitted to name them. The law failed in its purpose, we are told, because the compensation was too small, and the present bill endeavors

to apply the proper remedy—more Government money.

If the only intent of the law of 1891 was to establish fast mail lines, then we agree with the majority report in saying that it has failed. But if it had the further objects of fostering American trade, developing a merchant marine, and providing auxiliary vessels for the Navy, then most lamentably has it For where is the trade produced by the present law? is the shipping it has developed? And if the present Where is the shipping it has developed? And if the present policy of the Government has failed to establish fast mail lines or to foster trade, how can its extension result in anything but If the present expenditure is practically a greater failure? waste of money, how can a greater expenditure be justified? In homely phrase, it would be throwing good money after bad.

Instead of proposing an extension of such a poor policy, the present bill should have provided for its repeal. And in admitting the inadequacy of the law of 1891, while at the same time asking for its extension, the committee has stabbed its own

bill with a two-edged sword. The present measure for postal payments under contract is presented to us not only as an established practice of our Government, but as "the practice of every other maritime nation in the world." "Great Britain and Germany, as well as France, Italy, Spain, Japan, and every other power which has any trade worth mentioning, do follow exactly the policy of past legisla-tion in America and of this proposed bill, of creating and maintaining an ocean mail service in their own steamers under their

This particular argument has always been one of the strongest in the armory of the subsidy hunters, and has probably brought more converts to the cause than all the other arguments combined. And yet it contains a fallacy so glaring that the ease of its conquests is more astonishing than the boldness of its propounders. The fallacy consists in so combining or alternating two statements of fact that they appear to be one, or one fact seems to be the result of the other. This is an ancient trick, having been taught to students of rhetoric and oratory when Greece was young and Rome was yet unborn. It has been used countless times to persuade men, sometimes against their will, to the support of innumerable doctrines, and its use in the ship-subsidy agitation is but another instance of its noxious character.

We are told that every nation with an ocean trade worth mentioning pays subventions for fast mail service-that is, certain nations have a large ocean trade, and these certain nations pay for fast mail service. The subsidy advocates reiterate these two statements so often, combine them in so many ways, and lay such emphasis upon them, that the minds of the hearers and lay such emphasis upon them, that the confused and draw the inference that one follows from the other—that is, that if a nation pays mail subventions it is bound to have a large ocean trade. This conclusion is not always stated by the advocate of subsidies, and of course it does not exist in the premised statements, but it is the conclusion which the advocate wishes the hearer to draw.

But as a matter of fact these two statements are not related as cause and effect; they exist coincidentally very often, but coincidence can not be construed into self-dependence. fact that the United States pays mail subventions, but the large ocean trade which should result does not exist. And in the case of Great Britain, mail subventions are paid to but a comparatively small part of the steam vessels sailing under its flag. Unsubsidized lines, as well as great fleets of "tramp" ships, exist in spite of all the mail subventions and subsidies, and are Great Britain's glory of the seas. These ships are more than a match for the few subsidized lines, keenly compete with them for business, and are a shining example of what can be done without government assistance. [Applause on the Democratic side.]

France pays \$8,000,000 a year for mail purposes, against the \$7,000,000 of Great Britain, and yet, while France has a good ocean trade, it is insignificant as compared with Great Britain's; but if the doctrine held good France should outclass Great Britain, because it pays more for mail subventions and subsidies. Germany's ocean trade is also out of all proportion to the comparatively small sum paid for fast mail service. And so .on through the list. It is not necessary to go into the history of our own country's subsidy experience. The experiment with the Collins Line, to mention only one, is enough to show that the payment of subventions or subsidies does not necessarily bring an ocean trade or foster commerce.

The closer this phase of the subject is examined the more we are convinced that nations may pay subventions without thereby acquiring a respectable ocean trade, and that the combination of these two statements is merely a trick used by subsidy hunters for the purpose of obtaining converts to their cause.

Another contention of the committee in presenting the present bill is that its provisions will only apply to a limited class of vessels, those of large size and of great speed. We are told that the "measure is not a general ship-subsidy bill." Has it occurred to its advocates that this is class legislation of the most pronounced type. In spite of the American hatred of everything which savors of discrimination, of the general outcry at every measure which has even the appearance of being for a special interest, the committee brings in a bill with almost the boast that it is not a general measure. Congress has passed through many troublous sessions, has endured great agonizing throes in its efforts to enact laws that would prevent discrimination of one kind or another. The antirebate laws, railroad-rate measures, pure-food laws, and many other projects bear witness to its labor. The President, aided by his numerous administrative helpers, is engaged in strenuous warfare against every form of special interest; courts are crowded with litigation between governments and States and their own and other States' corporations and individuals.

And yet the Committee on Merchant Marine dares to come into the House with a forced measure especially designed to favor a small class of shipowners. If subsidies or subventions are a good thing, why not throw them open to general competition? Why so design them that they can be secured only by the owners of certain vessels, stating positively that not a

dollar can be secured by the so-called "tramp" ships? Is the committee trying to undo in a day the work it has taken Congress years to accomplish? Is the object of the present bill the inauguration of a new era of special legislation?

The very boast of the committee that this bill is not a general one should of itself be enough to kill it, but combined with all the other objections cited it makes its presentation in the

House an affront.

It would be easy to go further and say that the real beneficiaries of the ocean mail bill are almost named in it; the committee hints darkly at it in stating that on the Pacific coast one-half of the vessels needed to undertake the service are already afloat. If the lines are already in existence, then they must be making a present profit, and no subsidy is needed. How can this assistance be justified in face of such facts? The threat that the present lines will have to be abandoned unless assistance is given is idle indeed; and, as it has not been definitely stated by anyone connected with the present lines, we can dismiss it as without other weight than as a temporary catcher of votes for subsidies.

Profits are already secured in the Pacific trade, and have been for years; and as long as there is money in it the lines will be in existence. Payments to these lines would therefore be a gift, in spite of all denials to the contrary; subventions would simply be so much extra profit secured for giving no more service than is rendered at present for the usual profits. The bill is so precise in its terms that the real beneficiaries are already being named in public places; and it is not forgotten that the author of the bill, a member of the committee but twenty-four hours before presenting it, is a business and social

friend of the owner of one of the existing lines.

The passage of the present bill is urged on the ground that it will help to create a few more ships flying the American flag. No man in this House has a more genuine love of the flag than I have, yet it grieves me deeply to have this flag used to shield every form of graft and public plunder. I love the flag too much to have it used as an argument for the enactment of vicious legislation. My strongest desire is to revive our mer-chant marine and to have the American flag floating from the mastheads of ships in every harbor in the world; but if the flag has to fly at the expense of the people, if its presence in foreign harbors means the robbery of the people at home, then I hope it will remain a stranger abroad. The flag should not thus be dishonored, and I object with all my strength to the use of it as an excuse for such questionable objects. I object to waving it with one hand while the other is robbing the Treasury.

The flag is too sacred a symbol to be used thus; those who love it never appeal to it except with respect and emotion. when a measure has to rely for its passage upon the mere mention of the flag, and it is dragged from its sacred place to do duty as a weapon in legislation, the vandals should be punished by the utter condemnation of their projects. [Applause.]

Another stock argument of the subsidy advocates is the help

twill give to American labor in the shipyards, as well as on the ships. We are told that the shipbuilding industry needs reviving, that the American workmen engaged in it have been deprived of their share of American prosperity for fifty years past, and that they should now come into their own. The committee predicts that in less than a year our coast shipyards, with the present boom exhausted, will be facing the severest depression in their history. The present bill will provide work at good wages for several years to come to thousands of skilled workmen.

Two fallacies are involved in this line of reasoning, the economic fallacy of endeavoring to sustain a dying industry, and the fallacy of trying to create prosperity by artificial means. If the shipbuilding industry is doomed to die, it must be for natural causes, and the effort to keep it alive would be like pushing water uphill. But the truth of the matter is that the industry is not dying, the yards are now enjoying a boom, as even the committee admits, and there is no reason to suppose that it is going to collapse. As long as there is profit in sailing ships, so long will there be ships, and if Congress will make it profitable in ways that are economically just the shipping business will continue to boom.

It is profits that will create ships and not subsidies. And if the committee is really interested in the American shipbuilder it can easily find ways to assist him without dipping into the Treasury. And then it would be just as well to wait until the workmen asked for help. Judging by the way all subsidy measures are denounced by labor organizations, by the farmers, and the sailors' unions, it would seem that they are being used as a cloak to hide the real purpose of the measure.

We are told that American labor-intelligent, genuine American labor-recognizes and appreciates the advantage of having ships built in this country, at the public expense, of course, to carry the mails, passengers, and freight. Such organizations as the American Federation of Labor, the Patrons of Husbandry (granges), the American Seamen's Union, and others, must surely be included in the ranks of intelligent, genuine American labor; and yet they all denounce ship subsidies, mail subvention, and all other such propositions in language that can not be misunderstood. American labor can not be used as the scapegoat for American trusts, and if the shipbuilders want their chestnuts pulled out of the American Treasury they will have to find another monkey to do it.

In last year's campaign in my district, the Eighteenth New York, the Republican candidate for Congress made this an issue. The result showed that in a total vote of 61,355 he received only

17,943 votes. [Applause.]

One of the most laughable arguments for the passage of this bill is that it will help to "bust" the foreign steamship trust which controls the present service between New York and South America. The committee solemnly assures us that we are dependent for this service upon an arrogant and unscrupulous foreign steamship trust or combine and that these foreign monopolists have a wholesome dread of national legislation for the es tablishment of an independent line.

The committee seems to have a horror of this arrogant foreign trust, more horror than the foreign trust has of our legislation. And in great pity for the dear people the committee is determined to bust up this foreign trust by establishing a new trust of American brand, guaranteed to do the same service for

more money and take the subsidy besides.

We can understand fighting fire with fire, and are even familiar with the process of busting up one trust by having it gobbled up by a bigger one. But that this latter should be proposed as a serious reason for the passage of legislation to help the people would be farcical if it did not show the tendency of Republican

But in spite of all denials the present bill, by its very nature, is a subsidy measure; while ostensibly providing for carrying the mails on certain ocean routes, its real object is to subsidize certain steamship lines already in existence or about to be

organized for the purpose of receiving the subvention.

The word "subsidy" has grown to be as ugly in its significance as the word "graft;" and, as a matter of fact, there is not very much difference between them-graft is the receiving of remuneration in return for favors given, the service and the pay being disguised as much as possible. A subsidy is the same thing, but the service and the pay are sanctioned by law; the service is usually an indirect one and without special benefit to the general public; and the pay is usually out of all proportion to the pay granted.

It is the taking of money intended for general purposes, and collected from the people, and devoted to special interests and purposes. They should be condemned on this very point, if no others could be adduced; it is too late in the day of progress, and the people are too wide awake, for the Government to go into the special-interest business. Rebates have been scored so often and so relentlessly in the past that the Congress should refuse to even entertain a measure which embodies every prin-

ciple of rebating.

The Government has no moral right to take funds intended for general purposes and spend them in subsidizing the ship-ping industry. It savors of robbery to take the people's money and turn it over to any special industry. The protective tariff is bad enough in fostering special interests, but its methods are not so barefaced; the money is not turned over directly by the Government, but is taken by the opportunity to increase prices under cover of the tariff charge. But subsidies are directly voted to the beneficiaries, and no effort is made to hide the grant; they are a deliberate paying out of Government money for a purpose not directly profitable to it; it is very different from the paying of salarles, maintaining an army or navy, putting up new buildings, or improving rivers or harbors. Even pensions have the excuse of being for services already rendered and not adequately paid for. But subsides have no such warrant; they are really for services of no kind or character, either given or promised.

If the individual taxpayer could be consulted as to the purposes for which he would approve the expenditure of the taxes, he surely would never consent to subsidies; and if the matter were left to a general vote of the country, or an Administration were to live or die upon such an issue, could even the most rabid

subsidy advocate doubt of the result?

If we look at the matter from the standpoint of economics, apart from the general aspect of the people's interests, we find that subsidies have been condemned by every student of the subject, as well as by the verdict of experience. Under very

rare conditions it is conceivable that a subsidy might be of assistance; if a country was young, with resources undeveloped and with industries existing more in imagination than in fact, a subsidy might assist in starting the wheels of progress. such conditions can not by any stretch of reason be applied to our country; such an idea is so ridiculous that it has not even

been rumored in the agitation for subsidies.

It could therefore only be defended as an aid to an unprofitable business in a country otherwise prosperous. As explained by such a distinguished advocate as Secretary Root, subsidies should be granted to the shipping business because the tariff has made it unprofitable; the country has derived so much from the tariff that it should be willing to make a cash return (or rebate) to the one industry which has not participated in the general prosperity. But if the business has been ruined by the tariff, the only honest way to restore it would be to adjust the tariff to existing conditions, not by voting a cash rebate. The tariff has been held sacred for so long that it is interesting to have a great Administration official admit that it has done some harm, that there is some clay mixed with the idol's gold. [Applause on the Democratic side.]

If a business is unprofitable and the cause is due to such a holy thing as the tariff, what excuse is there for its further existence? Instead of a plea for its life there should be a demand for its revision; the tree which bears no fruit should be cut down. If the decline of an industry would mean a calamity to the general country or would work harm to even a majority of the people, there might be some excuse for thought, and even for cash assistance. But it can not be shown that the death of the shipping trade in this country would injure even a small percentage of the country or its people, and all efforts to this very point have been failures. The closing of all the country's shipyards to-morrow would not cause a ripple on the surface of prosperity and would hardly be known to the public.

Therefore the plea for assistance to this industry is built on pure imagination and is made by a very limited number of ship owners and builders, and its weakness is covered by appeals to love of flag and American glory and such other sentiments. It would be unfair and dishonest to pay out money to keep life in a decaying business, and no sentimental appeal can change

the facts.

There is no guaranty that if the business was kept alive for a few years by Government aid that it would then be in a position to support itself and could get along without the aid. If such a guaranty was given, perhaps a few more advocates of subsidies might be found and a subsidy measure might receive more consideration in this House; but the hollowness of the appeal is all the more apparent by this very absence of promise from the beneficiaries.

But above and beyond all other facts bearing on this contention of a dying industry is the very important fact that the industry is not dying at all, but is very much alive. In fact, it is thriving as it has not done in years, and the prospects are good for a long continuance of life and prosperity. This is admitted even by the majority of the committee which reported the present bill to the House. It is admitted by all connected with the business, with the single exception of the few people interested in the fast steamship lines, which have a very small freighting trade and depend for profit on passengers and mail. But this fact of an infant industry very much grown up and enjoying very good health knocks the bottom out of all arguments or appeals based on its sickness or death. It shows very plainly that the request for subsidies comes from a mere fraction of a single industry out of a vast number of industries in this great country. To vote such a subsidy would be to placate a special section of a very special interest and would be exposing ourselves to the laughter and ridicule of the country. [Applause on the Democratic side.

Economically it is not possible to keep an industry from dying by granting Government assistance. Decay and death are due to natural causes, and one can not be counteracted and the other prevented except by natural remedies. Things are not always what they seem in this world, and death is not always what its name popularly implies, but is more truly a rebirth of new and better conditions. Life is an evolution or upward progress, and better conditions are always succeeding to those which pass away. Just as men "rise on stepping-stones of their dead selves to better things," so do all other phases of this life and of natural existences. Therefore death does not imply loss, but simply a change to better things. Not only is there a survival of the fittest, but also a new birth of things more fit.

Mr. Root states the case very clearly in his speech before the Trans-Mississippi Commercial Congress. He says that one of the two disadvantages under which the American shipowner labors, of artificial creation, is the protective tariff, which has raised the standard of wages and living. But the eminent Secretary did not state all the other facts about the protective tariff which make it a disadvantage to American shipowners.

The tariff is a tax which the American consumer pays on most of the articles imported into the country. It is a method of raising revenue which has stood the test of time and experience, and has been tried by nations and countries of every size and species. In our own country it has served a double purpose for a great many years, but gradually the minor or subsidiary purpose has grown to be the principal one, or so our Republican friends would have us believe. Originally intended as a means of raising revenue for Government purposes, it was found to be a good weapon of defense to home industries. The use of it for the latter purpose grew with familiarity, will in these times its use is really an abuse.

unitive until in these times its use is really an abuse.

Under cover of a high protective tariff the American consumer pays excessive prices for his imported articles; but this high price enables the home manufacturer to charge the same price for his wares, the difference in cost, represented by the tariff, going into his own pocket as increased profits. High prices are now considered to be a blessing to the country, raising the standard of wages and living; how this is reasoned out is beyond the comprehension of any ordinary man, and even the protective philosophers can not explain it. The country has been prosperous in spite of the high tariff and not because of it; but the prosperity has been taken as a direct result of the tariff, and this statement has been dinned into American ears so long and so continuously that the people seem to believe it. They should not forget that the cost of living is fully 30 per cent higher as the result.

But the country has developed so enormously, its resources are so rich and vast, and the actual prosperity due to these causes is so real and palpable that the people have not had the time or inclination to examine into the conditions by which they pay excessive prices for all they eat, drink, and wear. But these excessive prices have enabled the manufacturers to grow rich and powerful, to combine and recombine, and form into vast corporations and trusts such as the world has never seen before. So rich and powerful are they that the American people are growing terrified at them in spite of the prosperity, and we hear murmurings and mutterings on every hand, and none more pronounced than from the very heart of the Republican

The tariff is responsible for these trusts, but not for the prosperity; and the American people are disgorging a great part of the fruits of prosperity in order to fatten these combinations. At the same time the tariff does not keep out imports, for these have grown from year to year, although it must be admitted that our exports have grown in a still larger proportion, until now they really exceed the imports; as Secretary Root says, we have become a creditor instead of a debtor nation. But the greatest sign of our prosperity is the ease with which we assimilate the imports, in spite of the enormous sums we pay in the way of high taxes. After all, it is imports which produce the revenue; home consumption and exports make revenue not for the Government, but for the trusts.

The protective tariff is a wall built high by the trusts to keep out foreign trade; the higher it is built the richer the trusts become, but at the same time the more prosperous the country and the more imports it consumes the greater grow the general revenues of the Government. These funds are today so enormous that Congress does not know what to do with all the money; no man can foresee what will happen should a few lean years visit the country, and no man dares to think of it. In the meantime such thoughts are nervously brushed aside, and Congress is busy finding new ways to spend the enormous sums of money wrested from the prosperous people by means of the high tariff. A few years ago the country was aghast at a billion-dollar Congress, and the expenditure of such a great sum was almost a campaign cry against the party which was so daring. To-day billion-dollar and two-billion-dollar Congresses are so common that no one has time to take notice. [Applause on the Democratic side.]

It happens that one of the trusts—and the shipping industry is a trust, in spite of all the croakings and denials—viewing the great prosperity of all its fellows, and thinking that it has not had its rightful share because its profits have been cut down somewhat on account of more active competition with foreigners, raises a great hue and cry. It complains that the tariff has not protected it as it has protected its fellows, and it asks for a cash rebate in order to make good what it loses by competition with foreigners in the foreign trade. This cry appeals to the sorely tried Republican spenders of tariff-raised revenue; it seems to be a good way to spend some of the money which

is pouring in in spite of themselves; it is an additional means of hiding the fact that the tariff is bleeding the people.

They dare not admit that the tariff is too high for all practical purposes; that it is raising too much revenue, and protecting industries which have long since grown beyond the need of protection, which have grown so strong that they are reaching out their giant limbs to battle with the commercial nations of the world.

These "stand-patters" can not retrieve themselves by recommending a reduction of the tariff. In spite of all the proofs against them, in spite of defections from their own ranks, they must stand their ground, or admit that their preaching for years has been wrong. They must keep on in the only course which has saved them heretofore, and keep spending the revenues as fast as possible, and the subsidy hunters appear on the scene like life savers. The "stand-patters" embrace them like long-lost brothers, and make them rash promises of great sums of Government cash.

But it looks so much like a barefaced steal that even these "stand-patters" can not be brought to the point of actually voting the money. In spite of their contention that the shipping industry needs protection, that American trade needs developing abroad, that foreign markets are waiting for subsidized American ships to bring American high-priced goods, and that the American people will thus continue to grow happier and happier, the subsidy still looks like a steal, and such a frank and deliberate one that they shrink from the actual committing of the deed.

They want to get rid of the money, and thus save themselves a little longer; they want to stop this cry of a tariff-harmed industry by a cash gag, and keep the people from taking the alarm. But they fear the appearance of the thing. They stand between the devil and the deep sea.

This alliance between the tariff and subsidies is not the only

economic evil which threatens the country; it is only the beginning of a series of wrongs and evils, each new one perpetrated for the purpose of covering up the old ones. Not the least of the threatened wrongs following in the wake of subsidies, granted even to relieve the stand-patter conscience of revenue surplus, would be the disarrangement of capital which would naturally result. Even though we are now a creditor nation, it can not seriously be claimed that we have any idle capital or labor; both are fully engaged at present in the development of our own resources, and the profits are very high, so much so that we continue to attract the capital of every other nation, and American securities find an easy mar-The ease with which enormous blocks of securities ket abroad. are disposed of in European centers of finance shows that the high return is no longer a suspicion of their unsoundness, and that Europe wants them. It also proves that we have no idle capital at home, and have to go abroad for the necessary money to keep our industries going.

As capital is attracted to the best paying investments, just as naturally as the compass needle to the north, it will always be found busily employed wherever there are the largest profits. It never seeks new fields until the old ones decline in remuneration, or until the new ones offer at least as good an attraction. If the shipping industry is lagging because of lack of capital, it is because the profits are not there to justify the investment; if the tariff has so eaten up the profits that capital has deserted the business, then the tariff should be so adjusted as to relieve the situation. But instead of this recommendation, the subsidy hunters want a cash return to make up this loss of income, and thus artificially stimulate the profit account. Thus they hope to attract capital once more and in this way revive the languishing business.

This might answer for a time, provided there was plenty of idle capital to be attracted. But as there is no such capital, then the money at present actively earning profits in more natural channels would be falsely lured into the new channel, into a business whose profits are not earned, but taken boldly from the public Treasury. The industries from which the capital would be withdrawn would suffer; they would be crippled for want of working power; their business would fall away, and they would be well started on the road to ruin.

On the other hand, a business propped up by Government assistance would never become self-supporting; the experience of many years, and of many countries, has proven that cash grants can never be dispensed with once the practice has commenced. A self-dependent position is never attained by a business supported in this way; it grows so dependent on the help, or bounty, that it can never get accustomed to its absence. But as the assistance can not run on forever, the time comes when the grant is withdrawn and the business again collapses, the last state being worse than the first.

Thus the capital diverted to the shipping business by means of the false prosperity induced by a bounty, or subsidy, is constantly exposed to this risk and is bound to be impaired, if not altogether lost, in the end. Not only is it withdrawn from its natural channels, but is attracted into unnatural and bad ones; it cripples the business it deserts and loses itself in the business it espouses.

Thus the subsidies work a double harm, and should be most positively condemned by every other paying business now in existence, as well as feared by the hungry beneficiaries of them. They hurt the old and do not help the new friends of their cause; they disarrange the capital provisions of the country, and tend to drag the whole business edifice of the nation from

its high and prosperous station.

Thus the evil of subsidies leads the economic conditions of the country from bad to worse; and, as the case has been so often in the past, the legislative tinkerers of business matters merely put off the reckoning for their bad acts by temporarily finding worse ones to occupy the public attention. piling of wrong on wrong is simply sowing the wind, which will

be reaped in a terrible whirlwind at no distant day.

It must be admitted that the advocates of these subsidies have convinced many in high quarters, even though they have not caught the public ear. It is true that the general public looks on and listens with indifference so long as nothing definite is done, although if the money was actually voted away they would no doubt wake up and denounce the robbers and their legislative helpers. But failing to arouse the people in one way or another, in spite of paid helpers here and there in the land, they have endeavored to enlist our administrative officials in their propaganda, and thus by the aid of the great ones of the land fool the people into an approval of these subsidies.

Not the least among such convinced advocates is our President, and in his message of January 23 last he states the case as he sees it. A close analysis of the message reveals nothing new in the way of argument or appeal; the same old facts are gone over, even the same old phrases are used. He calls the attention of Congress to the great desirability of enacting legislation to help American shipping and trade by encouraging the building of lines of fast and big steamers to South America and the Orient. He says that between these ports and Europe lines of such steamers, subsidized by their home governments, ply regularly, although none such run between the United States and the ports mentioned. In consequence our shipping in South American ports is almost a negligible quantity and our Pacific lines are seriously threatened by the foreign subsidized lines. The President does not point out how the existence of fast lines of steamers is going to help American trade. He is evidently laboring under the same old delusion—that the paying of mail subventions is bound to create an ocean trade, in spite of the fact that this conclusion has never yet been realized. The experience of England, Germany, France, Japan, and other mari-time nations is so varied and so contradictory that we really could prove that the fast steamers follow the trade just as easily as it could be contended that trade follows the steamers. As has been pointed out so often, the paying of mail subventions, or even subsidies, and the existence of an ocean trade are entirely distinct things and have no direct connection, if any at all, beyond the fact that they are both concerned with ships. The President is merely taking the language of others on this point and can not quote facts and figures to bear out his statements. He has resorted to the same confusion of ideas upon which this subsidy argument is based, and not being an expert on the subject has been misled by the subsidy hunters.

He says the proposed law is in no sense experimental. True but American experiments in this line have been disastrous and scandalous, and if he looked up their history he would hesitate before recommending legislation which would bring down such scandals upon his own Administration. As for the experience of other nations, it proves that the experiment is not worth trying. England and its Cunard Line is quoted as a shining example of the good the law would do; and yet the mail subventioned or subsidized lines of England are but a mere fraction of its shipping strength—about 2 per cent—so small that it is a waste of time, not to say fallacious, to quote such an example.

And how "our trade friendship will be made evident" to the South Americans, as the President assures us, is difficult to Certainly the steaming into their harbors of a few more fast ships will not in itself be an inducement to have them It takes more than fast ships, or a large number trade with us. of them, to establish trade relations or trade friendship. The President desires it to be remembered that while the ships will benefit the coasts, the interior of our country will be benefited by supplying the cargoes; and here is the rub. There will be

no cargoes unless the price is right, so that if we wish better trade relations, we must look to a reduction of prices and not to the supplying of swift steamships.

The President urges a careful perusal of Mr. Root's speech before the trans-Mississippi congress, because of its great importance, and in deference to his wishes it might be well to examine it in order to find out what light is thus shed on the

vexed question.

The distinguished Secretary of State draws a striking picture of the present economic condition of our own country as well as of the great continent to the south of us. After showing how we have become a creditor nation, after one of the most marvelous developments in all economic history, he shows how South America has also progressed and has at last emerged from the revolution stage into the industrial one. Now that we are looking abroad for new trade worlds to conquer, we find the South American continent ripe for our exploitation. The facts and figures of growth and advancement are a revelation in some cases and convincing in many more. Perhaps the picture is a little overdrawn or slightly imaginative where it deals with the mutual affinities of the two peoples, but while very interesting, it does not affect the conclusions in any way.

But while our relations with South America have heretofore been rather political than commercial, the Secretary feels that the time has arrived when the many prophecies of a great trade intercourse are about to be realized. The most inter-esting prophet he quotes is his great predecessor, James G. Blaine. He believes that the two Americas have now grown up to Blaine's policy, and the United States is now free to follow the pathway marked out by the far-sighted statesmanship of the great son of Maine for its growth in the peaceful prosperity

of a mighty commerce.

But to utilize the present ripe condition of things many things must be done; most of them must be done by a multitude of individual efforts and not by government, which can not do them. Among these things are the following: Our merchants should learn exactly what is wanted, even to the grade of goods, and supply nothing else; agents must be dispatched to these countries who speak the Spanish and Portuguese languages; our credit system must be harmonized with theirs; banks should be established; we should acquire the proper respect for them and not treat these peoples as inferiors; capital should be invested in their countries not merely as investments, but as means of creating and enlarging trade; but above all, it is absolutely essential that the means of communication between the two countries should be improved and increased. retary tells us that this latter underlies all other considerations and applies to the mail, passenger, and freight services.

He then tells us, as we have been told so often before, about

the fast steamers plying from Europe to South American ports, and of the great ocean carrying trade of these countries, and of the very few fast American ships, and our small carrying trade. He says that the freight charges between South American cities and American cities are generally and substantially higher than between the same cities and Europe. Also, that it is only reasonable to suppose that European steamship lines shall be so managed as to promote European trade in South America, rather than to promote the trade of the United States in South

America.

He points out the woeful deficiency in our carrying trade, by stating that instead of carrying 90 per cent of our export trade in our own ships, as we used to do, the percentage has now fallen to 9, the other 91 per cent of export trade being handled by foreigners. The "true and only remedy," he assures us, is the establishment of American lines of steamships, adequate to render fully as good service as is now afforded by the European

We can agree with Mr. Root in all that he says about the condition of the two countries at present and their ripeness for a great trade; we indorse all the measures that he says should be taken to induce this trade. But we can not agree that the true and only remedy is the establishment of fast lines of steamers. These have never yet induced any trade, and this has been pointed out so often that it is surprising that Mr. Root should reiterate it. Where is the proof that fast steamers ever produced trade, of and by themselves, without the help of such things as a monopoly of the markets or the lowest prices? And it is not true that freight rates are higher from our cities to South America than from Europe to the same cities; as a matter of actual fact, on account of the freight wars prevailing among the lines competing for our trade, the freight rates are actually cheaper from our cities. Not only that, but freight rates from our cities to oriental, South African, Australian, and even Mediterranean ports are cheaper than from European

cities to the same ports. The Secretary has evidently been misinformed or has culled his facts from the misleading reports

in the Merchant Marine Commission publications.

His other contention, that foreign ships would rather work for European trade than for American, is ridiculous: ships are common carriers, more so than any other species of transporting apparatus, and their owners work for profit all the time, no matter from what country the cargo comes. The fact that these ships are competing so actively for our trade that rate wars are in progress is the best proof that they are not snubbing our trade for that of Europe.

If the argument that the decline in our carrying trade from 90 per cent to 9 per cent in our own ships is proof of our woeful deficiency, how can we account for the coincident development of our country, and its present prosperity, beyond all the Why dreams and expectations of even the last generation? talk about woeful deficiency when we are so prosperous? Does the Secretary want to join the little army of calamity howlers

in such piping times of peace and plenty?

The only thing the matter with our carrying trade is that our capital has been more profitably engaged at home, making more fabulous profits than could possibly be earned in the ocean trade. If that is a woeful state of affairs, the Secretary will have to start wearing glasses of a different color. [Applause on

the Democratic side.

No; the actual existence of ships, even in large numbers and however swift, is no sign of a country's prosperity and will never remedy the defect of a poor foreign trade. On this point the Secretary is mistaken, and his subsequent arguments for more ships fall to the ground. But not to be unfair, we shall examine what he has further to say. He attributes the decline in our foreign trade to two artificial causes—the American tariff and foreign subsidies. As both have been created by Government action, both can be so remedied. As it is out of the ques-tion to talk about reducing the tariff, and we can not induce foreign governments to dispense with their subsidies, there is nothing for us to do but fight subsidies with more subsidies.

He examines three methods of helping the American shipping trade to fight their foreign subsidized competitors. First, the policy of free ships; that is, bringing foreign-built ships under the American flag. He dismisses this with the statement that it would only save the difference in cost of construction, and as this is so slight as to be almost a negligible quantity it would not help American shipping; besides it would needlessly sacrifice all our present industry, and sacrifice it without receiving any substantial equivalent. Surely the Secretary is mistaken in stating that the difference in cost of construction is a slight matter; we are assured on the authority of many experts, quoted by Republican orators, that the cost is quite a vast matter, due especially to the high standard of American wages. Why is there so much contradiction on these points, the cost of ships in American yards being placed high or low as the occa-sion suits? This contradiction leads to the suspicion that there is something in the free-ship policy which is kept back from us and that the subsidy advocates are not fair in its discussion.

Again, the Secretary tells us that some of the European countries have tried the free-ship policy and abandoned it after failing in the experiment. But once more the gentleman is mistaken. For instance, Germany has not abandoned this policy, and some of her best ships have been built in England and used as models for some of her own ships. The cities of Bremen and Hamburg, before their admission to the Empire, were free cities, and their free-ship policy is responsible for their enormous shipping industry. Even to-day they preserve a free zone in their harbors, where all that affects their ships may be admitted

without tax or restriction.

If the policy of free ships is to be condemned, it must be on

other grounds than those cited by Mr. Root.

His second remedy is the establishment of discriminating tariff duties. This he also dismisses on the ground that we abandoned the system years ago and entered into treaties of commerce and navigation with the principal countries of the world, and to sweep away all these treaties now and to go back to the old system would be to enter upon a war of commercial retaliation and reprisal for the sake of accomplishing indirectly what can be done directly.

We notice that the Secretary's objection to this remedy is one of expediency only. He does not condemn discriminating duties in themselves; in fact, he admits that they will accomplish their purpose, but indirectly instead of directly. Also, that we abandoned this policy years ago.

The great merchant marine that we used to have, and about

which there have been so many regrets, and the glory of which we are all trying to reestablish, was built up by discriminating duties; and our merchant marine was killed by the very treaties of commerce and navigation that Mr. Root says we can not now abandon. Why this obstinacy in sticking to a bad policy simply because it happens to be the actually existing one? Does it come from the fact that the tariff has developed the stand-pat frame of mind? Must we stand pat also on our commercial treaties, which have killed our merchant marine?

If Mr. Root is so anxious to have American ships, and he

knows that discriminating duties will create them, why not advocate such duties and throw over the treaties? If we must have a fight with foreign nations-that is, a commercial warit might as well be with discriminating duties as with Of course, discriminating duties would, perhaps, open up the tariff question-and that is the real reason why the Secretary puts them aside. The tariff, always the tariff, the Secretary puts them aside. The tarm, always the tarm, always standing like an ugly giant in the way of all true efforts at progress. And whenever the tariff worshipers find that their schemes are interfered with by their idol they immediately resort to subterfuges.

Mr. Root has since advocated the establishment of a double tariff, a maximum and minimum one. Why not extend the principle a little and advocate discriminating tariff duties in favor of imports in American ships, and thus really do something for the merchant marine? Every time a new treaty of commerce embodying the double-tariff arrangement is completed with a foreign government include the ships in the double tariff. If this is objected to, then abandon the treaty. have nothing to fear if all the other facts stated are true. The country is too prosperous to care whether the commercial treaties are in existence or not, and there is little fear that our exports would suffer very much.

The main point is that while we are considering the tariff at

all, and especially the double-tariff scheme, we might as well discuss discriminating duties as a help to our shipping. It would be more sincere than endeavoring to help by taking cash from the Treasury and putting it in the pockets of the ship owners and builders. And the Secretary of State would be more consistent and not be obliged to resort to evasions and statements of half-truths in trying to put aside a policy which he knows has been successful while endeavoring to advocate one that has been roundly condemned both within and without

his political party.

As a third remedy, he takes up the granting of subsidies, and urges this method as the only proper one to restore to the shippers what the tariff takes away from them. It is easy to see that his whole previous argument has been framed to bring this remedy into the focus as the only one that will work, but the matter of subsidies has been thrashed out so thoroughly that it is not necessary to go over the ground once more and con-demn it in detail. Sufficient to say that some of his facts and figures under this heading are enough to prove the fallacy of his contention. He says England is paying to her steamship lines between six and seven millions a year, while France is paying about eight millions; and yet think of the great disparity between the foreign trade of the two countries. He says we are living in a world not of natural competition, but of subsidized competition; but as only a small fraction of the world's commerce is done in subsidized vessels (in England's case, 2 per cont.) his statement is countradicted. cent; in Germany's, 6 per cent) his statement is contradicted by the facts, the only subsidized competition that we know of being that of our own trusts against foreigners in the world's markets; the subsidy squeezed from our people by the tariff is used to sell our exports at lower prices than foreigners can compete with abroad. The Secretary's statement reacts on his own head like a boomerang. [Applause on the Democratic

Subsidies will not create ships, and ships will not produce trade, and Mr. Root's effort to prove the contrary has failed.

When all is said and done, the fact that strikes us most forcibly is the utter uselessness of all legislation along present -that is, the granting of bounties or subsidies or subventions to ship owners or builders. If intended to develop trade and increase the mercantile marine, then the money is thrown away and the time consumed to enact the legislation is wasted. It should be pointed out that while the interests of owners and builders are conflicting, in that the owners want ships as cheaply as possible, while the builders want to sell them at the highest price, yet in our country and under present laws the builders are the only ones who would profit by the bounties or subsidies, because American owners must buy their ships from the American builders at no matter what price. Foreign built ships can not be owned or operated by Americans under our flag; therefore all sums paid to the owners would really have to go to the builders as part of the purchase price. We can therefore limit the further application of the subject to the builders.

If the object of a subsidy law is to increase the building of

ships in American yards, it must be shown that the yards at present are idle and the industry almost at a standstill. The facts are really such as to make such a plea ridiculous. As already pointed out, even the report of the majority of the Merchant Marine Committee admits that there is a big boom on in the shipbuilding yards; this fact is reluctantly admitted, however, and an endeavor to minimize it is made by stating that the boom will be over in a year or two. But no reasons are offered for supposing that it will be over, and on the other hand all indications seem to point to a long period of active building of ships for our coastwise and lake service, where we have a monopoly of the business.

In the building of steel ships, when our domestic shipping is included, we find that in tonnage owned and tonnage built we rank second in the list of nations, being beaten only by England, and that by a very small margin. In the construction of war vessels we can take the contracts at lower figures than foreign firms competing for the building of American ships, and in fine yachts, torpedo boats, etc., we are the best in the world. Only in the construction of ships for the merchant service are we outclassed by several of the European countries, especially by England, which beats the world at this kind of building. But England's supremacy is due not altogether to cheapness of labor and material, but more especially to its organization for large production of these vessels and to many technical advantages which result from its perfect organization of this industry.

If we can build steel ships on the Great Lakes more cheaply than on the Clyde, as it is admitted that we do, then there can be no doubt that we could also compete successfully with England in the construction of merchant vessels if we had the proper organization of our coast yards on the same large scale as exists in England. As these conditions are gradually shaping themselves without other help than the natural growth of a demand for ships, it will not be very long before our yards will be contributing their share of ships to the world's commerce.

To hasten this process by subsidies would be to throw the entire economic situation out of its balance and do more harm than good. The demand for ships does not increase in jumps and bounds, but keeps even pace with the growth of commerce. Therefore, if our industry is to be artificially stimulated, it must be at the expense of foreign yards, not so much in the way of ruining them as in bringing about a readjustment of capital and labor. But as this readjustment would be brought about in the natural development of our industries, the uselessness of bounties or subsidies for the purpose should be apparent. On the contrary, the bait of a subsidy would not only induce foreign capital to come into the country in order to get its share, and thus harmfully compete with American capital, but it is certain that some shipbuilding monopoly or combine would be immediately formed, so as to absorb the subsidy without doing the industry very much actual good. But in the long run a bounty can never successfully bring about artificially what will be accomplished in the natural order of things, and while subsidies might stimulate our shipbuilders temporarily, the business would either be weakened for all time by this prop, which might have to be made permanent, or else the American people would be cheated out of the money both ways, by its withdrawal from the Treasury and its going into the coffers of a trust.

It would therefore be better to let our shipyards work out their natural evolution. They are doing excellently at present, as has already been pointed out, and all conditions point to their taking their proper share in the general ship constructing of the world. After all, no Government action can change the fact that if we are to compete with other nations in building and operating ships we must build them as cheaply and at least as good as other countries and operate them as cheaply either by reducing wages to the world's standard or making up the difference by the well-known greater efficiency of American seamen. The cry for subsidies to help the actual building of ships, we must conclude, comes from a hungry combine of Americans anxious to get at some of the surplus revenue produced by the tariff and who use the false reports about the shipbuilding industry as a foil to delude the people while endeavoring to make the grab.

The uselessness of subsidy legislation is also apparent if its object is to provide more ships on the ocean routes, in the hope that trade will follow the flag. The argument seems to be that the more ships there are the more there will be.

But we already have all the ships that are needed for our present commercial needs; true, they do not fly the American flag, but we have more sailings from American ports, especially New York, than the great majority of people are aware of, more particularly to the South American cities, but also to oriental, Australian, and European ports. For instance, to South America, the facts have been given so often that it seems

out of place to reiterate them; but with five lines to Brazil, seven to Argentina, and two to Chile and Peru, giving from three to four sailings a week from New York alone, it can be said that there is no lack of transportation. In fact, as some of these ships have to come back empty, as these countries have not always enough to send us, it can be said that the transportation facilities exceed the supply. What need, then, of legislation to supply more ships?

In asking for subsidies, we are not always told that one effect should be the reduction of freight rates; so little is said about it that we may take it for granted that the subsidy is not asked in the interest of the American shipper, but purely for the builder or trust. No compensation is offered to the general people in return for the subsidies except the sentimental one of having the flag fly on more vessels, even though they will probably have to pay higher freight rates on these very same American vessels. The people are thus doubly mulcted; first, by the tariff, which provides the money for the subsidy; then by the shipper in freight rates on exports.

But supposing that we are promised lower freights in exchange for the subsidy, we reply that it is not necessary to grant the subsidies, as freights are even now lower than from European cities to South America, thanks to the active competition among the already existing lines for a larger share of American trade. Even to Chile and Peru freights from New York and other ports are lower than on the English and German lines from Europe, in spite of the fact that no rate wars are in progress to those countries. Once more, what need for subsidy legislation in few of supplications.

But, we are told, the foreign shipowners would work for their home trade in preference to the American trade, and that the existence of national ships thus makes for increased national trade. This is to forget that ships are common carriers, and their owners will take cargoes wherever they are to be had; operating ships is a business, conducted for dollars and cents, and every employer is the same, provided he pays the freights. It is certain that the one paying the highest price or giving the steadiest employment is the one who will get most of the carrying done. We do not hear any complaints about the difficulty of American exporters finding transporta-tion for their goods. This bugaboo may be raised by the subsidy hunters, but, as a matter of fact, there are more facilities for transportation under foreign shipowners than we have need And the American trade is so profitable that foreigners are continually opening new lines for us whenever there is the slightest suspicion of a profit. And the entire foolishness of the argument for national ships becomes plainer the more we realize that the activity of foreign owners in stimulating their home trade is at the same time stimulating our own. merce produces commerce, and is always reciprocal; therefore, no matter which nation owns the ships, the commerce of both is bound to increase. There might possibly be a few cases where the owner of a ship, in some foreign port, might hesitate between a cargo for some European country and one for us, provided the actual compensation would be the same; but pay out subsidies to save such possible emergencies is to make the splitting of hairs a legislative recreation.

As a matter of history, there can be no doubt that the nationality of the owners of the ships has very little influence upon the development of trade, and to insist so much upon it in the effort to secure subsidy legislation is to throw suspicion upon the motive and beneficiaries. It also proves conclusively that it is a waste of time and money to try to induce trade by means of national ships or more of them. Our trade is not suffering for want of transportation or lower freight rates or more American ships. It is suffering from entirely different causes, which can not be cured by subsidies or legislation along similar lines.

If the Government in its wisdom was to build at the people's expense and maintain at public expense a large enough fleet of ships to make a literal highway from country to country, it would still be true that they would remain empty or sail the seas in ballast, for unless we can offer the foreign buyers the goods they want at the proper prices there will never be any trade. Do not let this fact escape attention, for it is the crux of the whole subject. Unless the goods and prices are right, all the ships and subsidies in the world will not create trade; and in view of the soundness of this fact all the foolishness and emptiness of legislation to accomplish this purpose by means of subventions or building ships is clear to even the poorest intellect. Even the flag has no power to make trade unless the goods and prices are correct.

Therefore if we really mean to create more foreign trade, to enter into larger trade relations with other countries, and especially with our South American brethren, we must find ways of reducing our prices and competing with other foreigners. This

can not be done by bounties or subsidies, for reasons already explained thousands of times. Of course the tariff enables American manufacturers to sell many things abroad at prices not only cheaper than at home, but even cheaper than the foreigners can offer them in their own homes; but such an extension of this practice as would produce a respectable foreign trade in many lines would entail such a greater increase in the tariff as would break the bounds of American endurance, unless the trusts were willing to accept smaller profits, but even then our people would strenuously object to paying for the privilege the foreigners would enjoy of buying at prices so much lower than those we would be obliged to pay. Therefore bounties or subsidies, or even the high tariff, will not be sufficient to create a foreign trade.

If Congress is really sincere, it might enact legislation such as would help to reduce prices all around, at home as well as abroad, and thus the American people would enjoy some of its fruits, the merchants would enjoy a larger foreign trade, and the demand for ships would naturally increase in proportion, for then there would be need for ships. As a step in this direc-tion we might have discriminating tariff duties in favor of imports in American ships. This would reduce many prices at home, stimulate the demand for ships and their building, and enable the manufacturers to export many things at competing

prices which are not now possible.

Then we might adopt the policy of James G. Blaine, which Mr. Root so carefully overlooked while using Blaine's name and prophecy in his argument for subsidies. This is the policy of reciprocity, which also involves a reduction of some of the Foreign-built ships, now owned by Americans, or rather which are operated so as to produce revenue for private Americans, might be allowed American registry. this would not produce trade, it would at least satisfy part of the demand for more ships. And many other methods might be named for developing trade by means of price reduction, but they are not to the purpose in view of the attitude of the subsidy hunters, who want subsidies or nothing.

As the measure before the House is useless, vicious, and dis-honest, I trust with all my heart that it will be signally defeated, to the shame and confusion of its authors and advocates and to the honor and glory of the American people, so well rep-

resented here. [Loud applause.]

I now yield to the gentleman from Michigan, a member of the

Mr. FORDNEY. Mr. Chairman, as I stated yesterday, on the principle of giving aid to our merchant marine I am in favor of some equitable plan. The question has just been asked by the gentleman from New York what differences there are here as between the bill that is now under consideration and the Senate bill.

To my mind, Mr. Chairman, there is the most decided differ-nce. The Senate bill as it came to the House and to the Committee on Merchant Marine and Fisheries was a tonnage subsidy. This bill is a mail subsidy, an entirely different propo-

Mr. GROSVENOR. Will the gentleman permit me?

Mr. FORDNEY. Certainly.

Mr. GROSVENOR. Is there anything about tonnage in the

Mr. FORDNEY. Mr. Chairman, the Senate bill is absolutely tonnage bill and makes no reference to the same reference made in this bill, as I will try to show before I get through.

Mr. GROSVENOR. That was based on the capacity of the

Mr. FORDNEY. I want to be very courteous to the gentleman from Ohio [Mr. Grosvenor], but I have but fifteen minutes, and I will try to explain that to his satisfaction. If I do not, I want him just to answer me and tear me all to pieces.

Mr. GROSVENOR. I do not want to tear anybody to pieces. Mr. FORDNEY. Yes; the gentleman does; if my argument is not right he wants to show to the committee that it is not

Mr. GROSVENOR. I was trying to get the gentleman to strike out the word "tonnage" and speak about "cargo."

Mr. FORDNEY. The difference between cargo and tonnage,

Mr. Chairman, I will leave to the committee to decide. minds me of an Irishman who once said to another, "Johnnie, what is the difference between the word 'satisfied' and the word 'contentment?'" He said, "As far as I can see, there is no difference." "Oh, a decided difference," said he. "I am sat-"I am sat-

isfied that the minister is paying too much attention to my wife, but I am not contented by any means." [Laughter.]

Mr. Chairman, the Oceanic Steamship Company, now operating under the act of 1891, operating a line of ships from San Francisco to Australia carrying mail for the United States, and has

been operating since the 5th of November, 1891, came before the people in a statement which I hold in my hand, and that company shows that they received the last year before the preparation of this statement, two hundred and ninety odd thousand dollars aid from this Government for carrying mails, giving a twenty-one-day service from the United States, at a point on the coast at San Francisco, to Australia. The gentleman from New York [Mr. LITTAUER] shows a difference in the cost of the labor on that company's ships-and the steamship Sonoma is picked out as a fair example-and he compares the cost of maintaining that ship with the cost of maintaining an English ship and a Japanese ship, and shows that they paid last year \$235,400 for all the labor on all their three ships on that line. They show that during the existence of that line to Australia our foreign trade has increased \$43,000,000. They claim the

credit for that increased trade with Australia.

Now, if that be so, from their own statement they show that they lost last year \$373,000 on that line—three ships with a total gross tonnage of 18,495 tons. They received from the Government last year, if based on a tonnage subsidy, \$15.79 per gross ton for the three ships. If this bill becomes a law as it is now before the House, and \$200,000 additional is given to that line as provided for in this bill, they will receive nearly \$27 per gross ton for the gross tonnage of their three ships next year. If, Mr. Chairman, this line of ships has increased our foreign trade in Australia to the extent claimed by that report, and the Government having given that company over \$50,000 in subsidy above the entire cost of all the labor on their ships, why in the name of common sense did that line not get its fair share of that trade with Australia and that freight, when they claimed that they did not get enough of any kind of freight to pay for the coal burned in their ships during the To me, Mr. Chairman, it is a most decidedly weak argument for a concern to come in here and say that after the Government has paid the cost of their labor, and all this great increase of trade having taken place, that they did not get their fair share of it, or enough of it, I say, to pay the cost of the coal that they burned.

Let me say to you, Mr. Chairman, as to the cost of carrying the mails of the United States and handling them, compared with all other countries of the world, that this country is only one out of a total of thirty-seven countries that shows a deficit in the handling of the mails. No other country in the world shows a deficit for the handling of their mails beyond three hundred and some odd thousand dollars compared with over eight and one-half million dollars in this country in 1905. Last year this Government paid out for the carrying of our foreign mails three million one hundred thousand and some odd dollars. And the gentleman from New York [Mr. LITTAUER] undertook to say that we have made a profit in our foreign mails. Let me say to you that I have a tabulated statement here for every single contract between this Government and steamship companies in the world, and out of the total number it shows but one single line that produced a profit to this Government, and that is the Southampton line, which shows a profit of \$147,904 for twelve months, but that does not include one single cent for the handling of that mail or any of the mails on shore or up to a point where that mail is shipped by water.

Instead of showing a profit on our foreign mail contracts, there is a total deficit of \$355,000 last year. Some gentleman made mention, why was Cape Mendocino put in this bill? Why should we establish mails from the Pacific coast at a point north of Cape Mendocino to South America? I will give you my reasons for it. Cape Mendocino is a point on the Pacific coast about 200 miles north of San Francisco. There is not a port north of Cape Mendocino, except on the Columbia River, until Puget Sound is reached. That provision was put in the bill in order that the committee might secure the support of a Member on that committee from the Pacific coast. tlemen, I want to say to the House—and I say it without fear of successful contradiction, at least—I made a motion in the committee that all reference to Cape Mendocino be stricken from the bill, and it was unanimously carried, and when that bill was brought into the House

Mr. HUMPHREY of Washington. I rise to a point of order. The CHAIRMAN. The gentleman must not refer to action in the committee

Mr. FORDNEY. Oh, Mr. Chairman, let me say to you that what I am contending is that this is not the bill that passed the committee. That is the point I am making.

Mr. PRINCE. You have a right to do that. Mr. FORDNEY. If I am not right I want to be corrected about that. All reference to Cape Mendocino was agreed unanimously should be stricken from the bill, and when it was brought into the House Cape Mendocino was in the bill. I do not care what any other man may state, I made that motion and it was carried unanimously. Why should we want to establish a mail line from the Pacific coast to South America from a point north of San Francisco, when San Francisco has a good harbor, and San Pedro, near Los Angeles, has a good harbor also? establish a mail line from Puget Sound to South America, a point 1,000 miles north of San Francisco, is a proposition, in my opinion, the most nonsensical that could be suggested.

Mr. Chairman, because I voted to report this bill from our committee I might be accused of having something to do with its origin. I want to say that this bill, if it ever becomes a law, is one child in our political family; that if I am called its father, is one that the father is not at all proud of [Laughter and applause.] The gentleman from New York [Mr. LITTAUER] or the gentleman from Ohio [Mr. Grosvenor], I do not know which, is nursing it. You have heard what the mothers have had to say about it. Mr. Chairman, an Irishman once said that to bury a man without a wake is not a decent burial. order to give that language in its correct shape I have it here: To bury a man without a wake is not a decent burial. Then it is the true virtues of the dead are discussed according to the quality of the whisky. The idea of a wake is to put enough whisky into the dead man's friends that they may keep the devil so busy that he might overlook the corpse." [Laughter.]

I want to say of the present measure, gentlemen, that by flowery arguments you are trying to substitute the people of this country for the devil. The merit of this measure, my friends, is at too long range to be correctly observed by me. No merit can be pointed out. Lef me say that all the mailsubsidy contracts that we have to-day have absolutely failed to add one single ship to our foreign merchant marine; and that is the object of the measure. When the Oceanic Steamship Company took its contract to carry the mail from San Francisco to Australia they had at that time three ships in the Australian trade. They then built three fast ships of 16 knots speed and placed the old ships in the coastwise trade. This bill, my friends, excludes all ships on salt water of a speed of

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOULDEN. I yield to the gentleman five minutes more. Mr. FORDNEY. Mr. Chairman, we have to-day from three to five hundred steamships afloat on salt water that could take advantage of contracts under a tonnage subsidy, but are ex-cluded by this measure. This bill proposes to establish seven different mall lines, which will require some thirty-five ships according to the provisions of the bill, not one of which we

have in existence to-day having a limit of speed of 16 knots.

Mr. Chairman, I am sorry that my time is so limited, but I want to say now that before the close of the consideration of this bill I propose at the proper time to offer a substitute. That substitute, in part, is this: It is the Senate bill so far as admiralty subsidy is concerned, and a tonnage subsidy to South

The first six months of 1906-and I have the record here, Mr. Chairman—there were 220 entries and clearances of ships from ports in the United States to South America, of which 87 were clearances. Not one ship that entered or cleared a United States port to or from South America during the first six months of last year carried the American flag. In the three years 1904, 1905, and 1906 the balance of trade against us with South America amounted to over \$200,000. I am ready to support some equitable proposition that will help to get a portion of that trade in South America. Let me say to you that in my home town of Saginaw, in the State of Michigan, there is a furniture company that has been making large shipments of its goods to South America, every pound of which has been shipped from Michigan to New York by rail and from New York to England and from England to South America, and I am willing to make an effort to get a portion of that trade. If this plan will do it, I am ready to favor it.

To the Orient last year we had 140 shipments of mail from Seattle, Tacoma, and San Francisco. This bill would exclude every ship now in the foreign trade sailing the American flag on the Pacific Ocean, except the ships that I have named, and there are fourteen magnificent ships running out of Seattle and San Francisco to the Orient and to Australia, not one of which say could receive any benefits under this measure.

[Here the hammer fell.]

Mr. GOULDEN. I yield to the gentleman from Illinois [Mr.

RAINEY] ten minutes.

Mr. RAINEY. Mr. Chairman, the arguments in favor of a ship subsidy always commence with the statement that our flag has disappeared from the seas; that a hundred years ago the merchant marine of this country whitened every sea, and

that you do not behold it now on any sea. The gentleman from New York [Mr. LITTAUER] also made the same kind of statement a while ago, and said that a hundred years ago the ton-nage of our American merchant marine was as great as it is These misleading statements have gone out over the country, until the people who live in the interior at least have acquired the impression that it is true.

Mr. HUMPHREY of Washington. I want to ask the gentleman if he has quoted the gentleman from New York Did he not say in the foreign trade? I did not understand him to refer to anything except the foreign trade.

Mr. RAINEY. It is not true as applied to the foreign trade.
Mr. HUMPHREY of Washington. I was not asking whether
it was true. I was asking whether the gentleman had quoted
the gentleman from New York [Mr. LITTAUER] correctly.

Mr. RAINEY. I think I quoted him correctly. The RECORD

As a matter of fact, our merchant marine to-day is second in importance and in number of vessels only to the merchant marine of Great Britain. As a matter of fact, the tonnage of our merchant marine to-day is nearly eight times greater than it was in the year 1800, eight times greater than it was in the year 1825, and the kind of statements to which I have referred are absolutely misleading. Why, according to the Commissioner of Navigation we had in commission in our merchant marine in 1903 (and I happen to have the figures for that year only) 4,597 vessels, with a tonnage of 3,064,000 and more. only one country in the world that has a greater tonnage than Germany has almost as much, but has over 2,000 less ships in her merchant marine. Now, assuming that the gentleman from New York [Mr. LITTAUER] limited his statement to vessels engaged in the foreign trade, we had, in the year 1800, 669,921 tons in the foreign trade, and in 1891 we had 1,005,000 tons in the foreign trade. In 1903 we had \$88,000 tons in the foreign trade. We had in 1800 engaged in domestic trade a tonnage of 301,000, and to-day, not counting the immense tonnage of the Great Lakes, we have engaged in our coastwise trade over 5,000,000 tons.

Now, these are the facts; and what is the use of creating this sort of an impression throughout the country? Of course we are a bad second to England. She has three times as many vessels in her merchant marine as we have, but she has that many vessels in her merchant marine because years and years ago she abolished her absurd navigation laws; because years and years ago it became possible for an English citizen to buy a ship no matter where it was made, and the materials out of which the ship was built were free no matter where they came from. For a hundred years in this country there has been only three ways in which an American citizen could acquire a shipbuild her in an American shipyard, capture one in war, or prowl along our coasts until he found a vessel wrecked and repair her. Under the repaired-wreck law within the last thirty years we have added over 300 vessels to our merchant marine.

Last year we closed that avenue and abolished that law, and now there are only two ways in which an American citizen can become the owner of a ship. One is to capture her in warand the opportunities for doing that are not very good at the present time-and the other is to build her in our shipyards

and pay tribute to the American steel trust.

The statement has been made throughout the country by representatives of the President, and the statement was made here yesterday upon this floor, that we had free raw material with which to build ships; that every stick of timber, every particle of material of any kind that entered into the construction of a vessel in American shipyards was admitted free of That statement is absurd and misleading. not warrant it. We have free raw material for the purpose of building ships to be used exclusively in the foreign trade and for no other purpose, unless the ship is built in American yards for foreign ownership.

I have carefully searched the records, and since that law has been in force the Arthur Sewall Company, of Maine, has been the only company in this country to take advantage of it. other company tried it for a short time. They built the Dirigo up there in Maine out of materials imported free of duty.

I have here a letter from the other company which was foolenough to take advantage of this law, and this is the objection to it, and the reason why it does not add anything to our merchant marine is simply this: That the vessel constructed out of material admitted free of duty is excluded forever from our profitable coastwise trade except during two months in the year. No man wants to pay a million dollars for a ship and have her shut out forever from this profitable trade, and it does not do any good to admit a ship only two months in the year to this trade.

As I stated, here is a letter from the other company which took advantage of this provision of the law. I will print it all in the RECORD, but read only a part of it.

The letter was as follows:

SAN FRANCISCO, January 16, 1906.

.Hon. H. T. RAINEY, House of Representatives, Washington, D. C.

Hon. H. T. Rainey,

House of Representatives, Washington, D. C.

Dear Sir: Replying to your letter of the 6th instant, addressed to the Pacific Shipping Company, relative to a bill introduced by you providing for free material for constructing, repairing, and equipping ships, we submit the following opinion in regard to it:

The only material that would be imported in bond for such work would be steel plate, machinery, boilers, etc., and there is a question in my mind if this would be done to any appreciable extent; however, as a general move toward the reduction of the price of steel in this country, we are of the opinion that your bill is a good one, as it would be an entering wedge in forcing the steel trust to lower its price. A few days ago a shipbuilder in San Francisco informed the writer that he could buy steel plate in China for 1 cent a pound less than what he paid for it in San Francisco. This is due probably to competition from Belgium and other points.

Referring to the bill of 1894, providing for the free entry of material for constructing American vessels to be used only in foreign trade, would say that the writer has had some experience with this bill and at one time was master of an American schooner coppered with metal out of bond. The vessel was allowed sixty days out of the year to coast and the balance of the time was obliged to go foreign. It kept us in hot water continually trying to keep within the sixty-day limit and thereby save the duty on the copper, and we were very glad when the copper was old enough to be condemned. We took off the foreign metal and put on American metal and have never tried the experiment since.

Regarding the cost of material for vessels, it is a fact that on this coast wooden steamers of very small tonnage are built for coasting business, and we think that the price per ton for building is probably higher than at any other place in the world; yet the vessels are able to make good interest on this great cost. The cost of the material in a ship does not matter so

well, and the price of a vessel deptades.

Private reports from the East state that the merchant-marine bill will probably fail. The opinion on this coast is that after the way it has been remodeled it is not as favorable as first intended. More favor is being shown toward the Sulzer bill that we understand is to be introduced. Hoping that the above is in line with what you desire,

Yours, truly,

PACIFIC SHIPPING Co.,

PACIFIC SHIPPING Co., TIBBETTS.

Now, I have had a bill pending in this House before the Ways and Means Committee for four years, and have not been able to get a hearing on it, providing for free raw material for ships and the material that goes into repairs on a ship. prepared to show that if material were admitted free 33 per cent of the actual cost of a vessel could be saved. We built out of American material the Minnesota and the Dakota, ships engaged entirely in the foreign trade. Why did not this company take advantage of this law and build those vessels out of material admitted free of duty? It cost a million dollars more to build those two ships out of American material. Because during all the life of these vessels—and they might remain in operation for twenty-five or thirty years—it would be impossible to use either of them in our profitable coastwise trade, and that was the reason. We have here almost under the Dome of this Capitol the largest shipbuilding company in the world, employing six or seven thousand men every day in the year. near here the largest dry dock in the world.

The Minnesota and the Dakota, completed in American ship-

yards, are the largest ships that ply the seas at the present time, and not two years ago we finished up the Mongolia and the Manchuria in American shipyards, and in all the world there are only six more important ships than these, and we own two out of those six. Tell me that the shipbuilding industry in this country is passing into decay! You give us free raw material for ships and you will find out that our shipbuilders can com-

pete with any of these companies over in England.

Vessels of 20 tons and under are simply licensed; vessels of 20 tons and over engaged in the coastwise trade are both licensed and enrolled, and vessels engaged in the foreign trade are registered. A vessel engaged in the foreign trade must surrender its registry if it wants to engage in our profitable coastwise trade, and whenever it surrenders its registry it is compelled to pay duty on every item of material that goes into the repairs on that vessel if she has been repaired in a foreign port, and for that reason it seldom happens that vessels surrender their registry and take out a license and enrollment. In order to show how absurd these shipping laws of ours are I want to call attention to the fact that vessels in operation upon the Great Lakes and upon our northern frontiers can only be licensed and enrolled. They alone of all our vessels that are simply licensed and enrolled can stop at foreign ports under the law; but if they are repaired in foreign ports they must pay the duty on the repairs as soon as they come back. Up there along the St. Lawrence River the Thousand Islands and St. Lawrence River Steamboat Company, an American company, is operating

a line of boats in opposition to the Canadian lines. There is no place on this side of the river where those boats can be repaired.

The CHAIRMAN. The time of the gentleman has expired.
The committee will rise informally in order that a conference

report may be considered in the House.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CURRIER, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 529, the shipsubsidy bill, and had come to no resolution thereon.

#### POST-OFFICE APPROPRIATION BILL

Mr. OVERSTREET of Indiana. Mr. Speaker, suspend the rules and take from the Speaker's table the postoffice appropriation bill, with Senate amendments, and that all amendments be disagreed to, that a conference be requested, and, without intervening motion, the conferees be immediately appointed.

The SPEAKER. Is a second demanded?

Mr. GRIGGS. Mr. Speaker, I demand a second. Mr. OVERSTREET of Indiana. Mr. Speaker, I ask unani-

mous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Indiana is entitled to twenty minutes and the gentleman from Georgia to twenty min-

Mr. OVERSTREET of Indiana. Mr. Speaker, the Senate has amended in some respects the post-office appropriation bill. That bill is now upon the Speaker's table, and in order to expedite its consideration and avoid any unnecessary delays, I have asked that it may be sent to a committee of conference. yield to the gentleman from Tennessee, the leader of the minority members of the committee, such time as he may desire. This motion is made after consultation with the gentleman from Tennessee [Mr. Moon], and I therefore yield to him.

Mr. MOON of Tennessee. I would ask the gentleman who demanded the second to take some time, if he desires to do so.

Mr. GRIGGS. I do not desire to say anything at this time. The SPEAKER. The gentleman from Tennessee is recog-

Mr. MOON of Tennessee. Mr. Speaker, I agree very fully with the gentleman from Indiana [Mr. OVERSTREET]. tention over this bill has been such in the past that if the motion of the gentleman is not sustained and this bill goes back to the Post-Office Committee, where it must go under the rules, for further consideration, I fear that we will be unable to bring it out during this session. It is a matter that is proper for conference, and, in my judgment, it ought to be settled in conference. I believe it is impossible for the Post-Office Committee, composed as it is, to reach any conclusion on these matters within a reasonable time, and then when the bill is reported back to the House it opens up all of the discussion upon the disagreeing votes of the two Houses in this body again. In the interest of economy and time and for proper adjustment of the differences between the two Houses it appears to me to be the sensible thing to commit this bill to conference on the motion of the gentleman from Indiana [Mr. OVERSTREET].

Mr. OVERSTREET of Indiana. Mr. Speaker, I reserve the

balance of my time.

Mr. GRIGGS. Mr. Speaker, it is unnecessary for me to say that I have every confidence in the chairman of this committee and in the gentleman from Tennessee [Mr. Moon], who has just spoken in favor of this motion, both of whom will be on the conference committee on this bill. I also have every confidence in the strength of the opinions of those gentlemen on certain questions, and, having that confidence and believing exactly to the contrary of the action of the House when this bill was rushed through under a rule, without opportunity to discuss or amend it, I deem it my duty, even if it may seem obstructive in its nature, to inform the House that it may, if it sees fit to agree with me, now come to a vote on concurring in at least two of the Senate amendments. I refer, Mr. Chairman, first to that amendment which increases the salary of rural free-delivery carriers from \$720 to \$900. The House a few days ago, under a rule which permitted no amendment and which permitted no discussion of the merits of the question before the House, adopted \$840 as the salary of rural free-delivery carriers. Members of the House of Representatives have simply to read the report of the Fourth Assistant Postmaster-General on this subject in order to know that these servants of the people, who go through sunshine and storm, through heat and through cold, who must furnish their own equipages, who must supply every-thing required to enable them to fill their positions—I say you have only to read the report of the Fourth Assistant Postmaster-General, indeed, I go further, and say that you have only to consult your own common sense in order to understand that

these carriers are entitled to \$900 a year at least. [Applause.] In order to secure the position he must first invest in two horses and a vehicle. That means at present cost the investment of at least \$500. These men must purchase animals and vehicles sufficient to do the work they are required to do. Thus comes the first investment, and it is easy to calculate the interest on that. Now, then, the chance of loss by death or accident, the ordinary wear and tear of the horses and vehicle, and the feed and care for the horses bring the cost to the carrier to at least

Mr. POU. Mr. Speaker-

The SPEAKER. Does the gentleman from Georgia yield?

Mr. GRIGGS. I do; but talk fast, please.

Mr. POU. Permit me to call the gentleman's attention to the fact that since this service was inaugurated the cost of horses

has increased about 50 per cent.

Mr. GRIGGS. I understand that, and I think I am treating the House fairly by giving the original cost to a carrier of \$500, and I think my friend from North Carolina will agree with me on that proposition. Now, with the cost of wear and tear, the likelihood of accident, and the cost of food, I think I have put it at a very low estimate when I estimate it at \$250 per annum. Two hundred and fifty dollars per annum from \$840 leaves \$590 for their services. Five hundred and ninety dollars to go every day through the storm, through the cold, through the heat, and sometimes on almost impassible roads in the winter. These men are required every day to do this for a salary of \$590. I do not believe there is a man in this House who will insist that this is sufficient pay for the services rendered. Now, then, I have demanded this second in order to oppose the motion of the chairman of the committee, the gentleman from Indiana [Mr. Over-STREET], so that I may move to concur in the Senate amendment making it \$900. Now, then, why not, if we believe in this, get rid of it now. Why should it be sent to the gentlemen who are going to be members of the conference committee? we leave it for another report from them? Why should we pass it over now, to deprive ourselves later of an opportunity of a separate vote upon this question? If you are in favor of increasing the salary of the carriers from \$720 to \$900 you will vote with me, and vote this motion of the gentleman down; and that will give us the opportunity to find out—
Mr. SULZER. Will the gentleman permit me for a moment?
Mr. GRIGGS. If the gentleman will talk fast.

Mr. SULZER. Does your motion also contemplate letter carriers and post-office clerks?

Mr. GRIGGS. No, sir. It includes nobody, but I am perfectly willing to take them in. In other words, the House will be free to concur in all of the amendments of the Senate. my friend from Tennessee's suggestion that to send this bill back to the Post-Office Committee would probably prevent the passage of the post-office bill at this session-

Mr. MOON of Tennessee. Oh, I did not suggest anything of

Mr. GRIGGS. I understood that.

Mr. MOON of Tennessee. I said it would take up a good deal of time, and we might economize time and save trouble by it.

Mr. GRIGGS. Take up the time, Mr. Speaker, of only eight-een Members of the House—the members of the committee?

Mr. MOON of Tennessee. I said I thought this bill would pass regardless of what the gentleman or myself might say.

Mr. GRIGGS. Now, I am very sure, and this House is very sure, that the course taken by the chairman of the Committee on the Post-Office and Post-Roads will pass the bill. But if he does undertake the other course, then I will fight it in committee and we will vote for \$900, if referred again to the Post-Office Committee.

Mr. MANN. The gentleman knows that it goes there auto-

matically, if anybody objects here.

Mr. GRIGGS. Then in the Post-Office Committee we will make it \$900 a year, and I would just as soon have it go back there as not. Why should the House worry about that? We can dispose of this question in fifteen or twenty minutes. did not know the parliamentary situation, as my friend from Illinois [Mr. Mann] suggests. I really have never had a very high opinion of more than one man who had any knowledge of parliamentary law, and I do not refer to my friend from Illinois, because he has very little more knowledge of it than I

Mr. MANN. I always yield to my learned friend in parliamentary knowledge.

Mr. SIMS. Let me ask the gentleman a question?

Mr. GRIGGS. If you will ask it quickly.
Mr. SIMS. If this motion is voted down, could not the

for rural carriers and then send all the rest of the amendments

to conference?

Mr. GRIGGS. Certainly; all of it will go to conference if the House so determines. There is another amendment the House ought to have an opportunity to vote on right now, and that is the amendment of the Senate, known as the "Murdock amendment," the proposition offered in the committee, and known throughout the country as the proposition of the gentleman from Kansas [Mr. MURDOCK]. This provides for making the weighing by the Post-Office Department of the mails speak the truth. That is all there is to it. That amendment provides that if you weigh the mails for a certain number of days, you shall use that number of days as a devisor to ascertain the average, and I defy any man to show me any rule in mathematics, in law, or in reason to use six as a divisor in order to obtain the average of seven daily weighings. All we ask upon that question is that these figures be made to speak the truth. You know they say figures do not lie, and they do not if they are made right; but if they are not right, they lie, and, as General Toombs, of Georgia, said once, "like the devil."

Mr. Speaker, how much time have I left?

The SPEAKER. Eight minutes

Mr. GRIGGS. I yield four minutes to the gentleman from

Kansas [Mr. MURDOCK]

Mr. MURDOCK. Mr. Speaker, as the post-office bill came originally to the House committee it had four provisions in it. By a special order two of those provisions were exposed to a point of order and two were saved from possible points of order. One of the provisions was the divisor proposition just mentioned by the gentleman from Georgia [Mr. Griggs]. Yesterday the divisor proposition went back into the bill in the Senate and was in the bill when the Senate passed that bill: Now, as the bill left the House, after final action by the House, the railway mail pay was cut in the region of two and one-half to three millions of dollars. As the bill left the Senate, after final passage through the Senate last night, railway mail pay is cut about \$8,000,000. If you vote up the motion now to suspend the rules, I believe that every man here who votes for this motion made by the chairman of the Committee on Post-Offices and Post-Roads will vote to cut railway mail pay about \$3,000,000. If he votes down that motion and against that motion, he cuts off an opportunity to concur in the Senate amendment and cut railway mail pay about \$8,000,000. The issue is plain. I would like to see every Member of the House on record on that issue. The railway mail pay, which is the biggest thing in this bill, and which is one of the biggest single items of expenditure in any government, has been under impeachment for thirty-three years. It has been condemned time after time by Postmasters-General, and its correction has been attempted by four different commissions, each commission ending in a dog fall. Now, this Congress has come up to the point of cutting down the railway mail pay. Are you going to side step the opportunity or are you going to be courageous and cut it what ought to be cut? That is all I have to say.

Mr. GRIGGS. I would like for the gentleman from Indiana to use some of his time.

Mr. OVERSTREET of Indiana. Mr. Speaker, how much time have I remaining?

Seventeen minutes. The SPEAKER.

Mr. OVERSTREET of Indiana. I yield three minutes to the gentleman from Vermont.

Mr. FOSTER of Vermont. Mr. Speaker, I differ from my friend from Kansas who has just spoken. The orderly course of procedure requires that this bill be sent to conference. The gentleman from Kansas assumes that the conference committee will reject both the amendments referred to. This is where he errs. We do not know what the conference committee will do, and we have no right to assume that it will reject either of these amendments.

Once or twice during every session of Congress when a bill comes back from the Senate with amendments some one insists that we must concur at once in the amendments or unutterable woe will follow. Do you remember the statehood bill of a year ago? Some gentlemen were fairly hysterical in their efforts to force the House to concur in the Senate amendments. But the House sent the bill to conference and the result proved the wisdom of this course.

So, Mr. Speaker, it will not do to say with the gentleman from Kansas [Mr. Murdock] that to vote in favor of the pending motion is to vote to leave the compensation of railroads and letter carriers as the House fixed it; to vote for the motion is to favor sending the bill to conference, nothing more and nothing less. When the conference committee reports to the House, House concur in the Senate amendment on that increased pay we shall have ample opportunity to act if the report is not satisfactory. And so, Mr. Speaker, I am in favor of sending

the bill to conference.

Mr. OVERSTREET of Indiana. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. Greene]

Mr. GREENE. Mr. Speaker, speaking for myself, and I think for a large number of the Members of this House, I believe that the proper course to pursue would be to send the bill to conference. Speaking for those affected by the increases of salary put upon the bill, I personally and heartily approve the action of the Senate. I believe they have made a wise decision in the changes that have been recommended in the amendment of the Senate. I hope the result will be that the committee will conclude to agree with the Senate and recommend that this House shall concur in their action. But whether they do or do not, the bill itself will be in the control of this House, and when it comes back here, if they do not agree, then other action may be taken different from that which is now proposed. But it does seem to me that the proper course for this House to pursue with this bill is to send it to conference and let it be fairly considered there. The proposition made in regard to the raise of pay of the carriers, clerks, rural free-delivery carriers, and railway mail clerks I believe to be wise and proper and dealing justly with a large number of Government employees, who should have been recognized many years ago as they have been by the action of the Senate in the amendment of the bill. I certainly hope that everyone who believes in what has already been accomplished will at this stage of the proceedings vote to send the bill to conference.

Mr. OVERSTREET of Indiana. I yield three minutes to the

gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Speaker, I take it that the matters of greatest importance in the way of difference between the House and Senate in the post-office appropriation bill are, first, the increase of the pay of the rural carriers. I have stated in this presence, and I state now, that I am heartily in favor of the Senate provision. I believe it is right; I believe it is proper. Next, the amendment incorporated in the Senate embedying that which is known here as the "amendment of the gentleman from Kansas," my colleague on the Post-Office Committee [Mr. Murdock]. These two items, as I understand, are the two most important amendments placed by the Senate on the post-office appropriation bill. The question before the House is whether or not it is better to send the bill to conference, or whether the bill should go to the Post-Office Committee for report. The Post-Office Committee passed on these questions when it reported the post-office appropriation bill. I believe that this House will be given an opportunity to vote on these Senate amendments. When the bill goes to conference, in the event there is no agreement between the House and the Senate conferees, this disagreement will be reported to the House, and then it will be in order to move that the House recede from its disagreement to the Senate amendments, and agree to the same, or to any one of them. That is the course of procedure that has operated here, as I remember, usually and generally, and that is the direct and usual way of procedure. that every purpose will be served by sending the bill to conference, and each and every Member of the House, I believe, will have an opportunity to voice his views by his vote on these questions

The SPEAKER. The time of the gentleman has expired.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, disagreed to by the House of Representatives; had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Proctor, Mr. Hansbrough, and Mr. Simmons as the conferees on the part of the Senate.

### POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET of Indiana. I yield two minutes to the

Mr. STEENERSON, Mr. Speaker, I believe that the best thing we can do is to support the chairman's motion to let this bill go to conference. I do not believe that the results to be achieved by the so-called Murdock proposition will be as great as the gentleman thinks. Theoretically the only thing to be accomplished by it is a reduction of mail pay of 14 per cent on all routes. That is the assumed result, but in view of the fact that under the provision put on in the Senate a new weighing in every division will be necessary, and in view of the fact that in most divisions the mail increase in the last

a new weighing upon all routes next year we would lose almost as much as we would gain by the increased divisor. Yes; I will go further and say we would lose more. So it also seems to me we would only rush into unnecessary complications. The contracts for the division weighed last year run for four years. If you adopt this limitation put on in the Senate you will repudiate that contract, because the basis of pay is determined by the average daily weight as determined under the old system. I do not believe that the gentleman is justified in saying that we are opposed to a reduction of railway mail pay because we vote to put this bill in conference. I favored a greater reduction of railway mail pay than that accomplished by this bill. I favor a greater reduction, but I do not believe that we will accomplish that reduction by adopting the Senate provision. I therefore hope that the motion of the gentleman from Indiana [Mr. Overstreet] will be carried.

Mr. OVERSTREET of Indiana. I hope the gentleman from Georgia [Mr. Griggs] will consume the balance of his time.

How much time have I left?

The SPEAKER. Five minutes.

Mr. GRIGGS. Mr. Speaker, I am not surprised that the gentleman from Vermont should favor what he was pleased to call the "orderly procedure" of the House in this instance; but I am surprised that a gentleman of the knowledge of postal affairs of my friend from South Carolina [Mr. Finley] and on all par-liamentary questions should insist that the motion of the gentle-man from Indiana [Mr. Overstreet] is the "orderly procedure" of the House. The "orderly procedure" is the usual Republican procedure

Mr. FINLEY. It is the procedure that my friend has always

acquiesced in heretofore.

Mr. GRIGGS. Certainly, until I got ready to do otherwise; until I found it to be in the interest of the country for somebody to oppose it, and for the first time this session I have taken the floor in order to see if the House would not grasp the opportunity of doing what is right regardless of "orderly procedure. The "orderly procedure" on this question would be to send it to the Committee on the Post-Office and Post-Roads, as my friend from Illinois [Mr. Mann] has stated, and the gentleman from Illinois has increased my respect for parliamentarians this morning. As he suggested, the "orderly procedure" in this case would be for the bill to go to the Post-Office Committee, and then let that committee report the bill and amendments back to the House. But it will not have to go to the Post-Office Committhe if we vote for this motion. My friend from South Carolina [Mr. Finley] says he agrees with me in toto on these questions, but he does not believe-

Mr. FINLEY. I was for the proposition before he agreed

with me that the salary of rural carriers ought to be \$900.

Mr. GRIGGS. No; I deny that. My friend is mistaken about that. I am perfectly willing, though, for him to have all the credit on that line that he wants. I shall not take one flower from the wreath that I hope will be placed upon his brow; in fact, I will help make it.

Mr. JAMES.

Mr. JAMES. In South Carolina? Mr. GRIGGS. Yes; in South Carolina. But if he agrees with me, why does he not vote with me? If he believes it is right to pay carriers \$900, he can help me give carriers \$900 in the next twenty minutes. Yet my friend says that he loves "orderly procedure" far above the rural free-delivery carriers, and "orderly procedure" is the extraordinary motion of the gentleman from Indiana to suspend the rules and send the bill to conference.

Mr. FINLEY. Mr. Speaker, this motion one way or the

other will not give them \$900.

Mr. GRIGGS. It gives an opportunity to do it. Mr. FINLEY. You will have an opportunity. Mr. GRIGGS. Can you promise that we will?

Mr. FINLEY. When I state that I believe you will have that opportunity I state what I believe.

Mr. GRIGGS. We have all at times assumed too much of the report of a committee. There was a row in the House the other report of a committee. There was a row in the House the other day because gentlemen did not get an opportunity, as was pledged to them by a member, to vote on one or two of several propositions that were reported here as a whole. As my friend from Tennessee [Mr. Moon] said just now, these gentlemen are going to do what they please with this matter, regardless of what you or I may assume they are going to do, and they are opposed to \$900 salary.

Mr. FINLEY. Does the gentleman mean to say that the gentleman from Tennessee, who will be on the conference committee.

Mr. GRIGGS. Oh, no; the gentleman told the truth when the fact that in most divisions the mail increase in the last he said that the conference committee would do what it pleased four years was 50 per cent, or 12½ per cent a year, if we had regardless of what he and I thought.

Mr. MOON of Tennessee. The gentleman from Georgia is mistaken. I did not say anything about the conference committee. I said the House would pass the bill regardless of what the gentleman from Georgia or I thought about it.

Mr. GRIGGS. Very well; I will add to that that the conference committee vote will do what it pleases without regard to what any minority member, either of the House or the Senate, may demand. That is my assumption. Now, gentlemen, there is another amendment to which the gentleman from New York has called my attention. That is the Senate amendment which affects the city carrier service and the post-office clerks. That ought to be voted on in this House. We ought to have an opportunity occasionally to vote on some of these questions alone, separated from every other question and every other interest. This is the first time in several years that the House has had an opportunity to take the bit in its teeth and say that we will declare for what the House believes to be right, the opportunity to vote that up which we favor and vote that down which we oppose. It does not do, if you really favor these things, if you are really in earnest about it, to repose too much confidence in what somebody else is going to do. If the House favors these things, why not let the House adopt them now? Why go through the procedure, orderly or disorderly, of sending it to conference when we in thirty minutes can pass every one of these propositions? If the majority of the House agrees with me on these questions, you will vote this motion down and give me the opportunity to move to concur in the

Senate amendments. [Applause.]

Mr. OVERSTREET of Indiana. Mr. Speaker, the Committee on the Post-Office and Post-Roads of the House is composed of eighteen members; the subcommittee which prepared the post-office appropriation bili is composed of seven members. While little, if any, politics has ever entered into any measure considered by that committee since my connection with it, nevertheless that subcommittee of seven is divided between the two parties—four of the majority, or Republican party, and three of the minority. The three members of the minority party are the gentleman from Tennessee [Mr. Moon], the gentleman from South Carolina [Mr. Finley], and the gentleman from Georgia [Mr. Gricks]. Two of the members of these three are advocating this motion. Since my connection with this committee, Mr. Speaker, there has proved by the provider of the second statements. committee, Mr. Speaker, there has never been any preparation of any part of the post-office appropriation bill nor any procedure between the two Houses but what I have first called the matter to the attention of the senior member of the minority [Mr. Moon], in whom I have the greatest confidence and with whom I have labored with pleasure as well as with profit. And so, before making this motion to-day, complying with that practice of mine, I consulted with him and later with the gentleman from South Carolina [Mr. FINLEY] after he entered the Cham-

We are in practically this situation: This measure as it passed the House carried over \$209,000,000, and the Senate has added forty-one amendments. And now in four working days the session closes, and we find ourselves confronted with the situation under which we must either send the measure to conference to be determined by that committee, or, failing in that, by voting down the motion I have made, automatically the bill goes back to the Committee on the Post-Office and Post-Roads, and then, after the committee has considered the forty-one amendments of the bill, it must come back into this House and automatically go to the Committee of the Whole House on the state of the Union, there to be taken up, an amendment at a time, until all have been disposed of; and even then a con-ference must be had unless the House should agree to all the forty-one amendments placed upon the bill by the Senate.

Now, Mr. Speaker, any Member who has been here as much as half of a session understands that all legislation is more or less a result of compromise. When this measure was before the House last week, after we found some measures which were subject to a point of order, and concedealy so, we recommended to the House that we pass upon this under a rule which would avoid the necessity of their going over until the next session of Congress. It was not any disposition to sidetrack these propositions nor to avoid a fair consideration of them, but the exigencies of the situation compelled that action if we were to obtain practical results.

Now, it has been said by the gentleman from Tennessee that this bill of course must pass this Congress, that it must pass if the postal facilities during the next fiscal year are to be main-

But this is different from the ordinary appropriation bills. It has occurred in many instances where there has been a failure of a great appropriation bill that a simple resolution has been agreed to continuing existing appropriations during the following year; but, sir, by reason of the rapid growth of the postal service, the necessities for increased appropriations make it utterly impracticable for us to continue appropriations for that service by a simple resolution. Therefore, if by reason of any complication, by reason of delays or entanglements within the House Committee on the Post-Office and Post-Roads or the Committee of the Whole, or such delays in conference as would make a failure of this legislation, it would necessitate the calling of an extra session, in my judgment, or otherwise the postal facilities would be impaired.

Mr. BARTLETT. I would like to ask the gentleman this question: I want to know, if this motion carries—and I am anxious that the bill should be accelerated—and the bill is sent to conference, is there any machinery by which the House can get an opportunity to vote upon any particular amendment of the Senate-for instance, the increase of the salary of the rural carriers?

Mr. OVERSTREET of Indiana. Mr. Speaker, all that I can say in answer to that is that there are many contingencies Mr. MANN. I would say that there is machinery.

Mr. BARTLETT. I do not ask the gentleman to make any pledge. Perhaps he misunderstands my purpose. I simply want to know if there is a way or if there is not a way by which that can be reached?

Mr. OVERSTREET of Indiana. I should say yes; that there are ways. Just what they are I am not prepared to state. Mr. BARTLETT. Then to vote for this motion to suspend

the rules and send this bill to conference at once, and in that way accelerate its consideration, would not mean to vote against the increase?

Mr. OVERSTREET of Indiana. I think the gentleman is entirely correct about that.

Mr. BARTLETT. I desire to vote for that increase,

Mr. OVERSTREET of Indiana. It is not fair for the House to be led into the idea that a vote to send this bill to conference means a vote against any of the amendments put on by the

Mr. GRIGGS. I hope my friend from Indiana does not want to misrepresent me. I made the only remark upon that ques-

Mr. OVERSTREET of Indiana. Oh, the gentleman from Kansas [Mr. Murdock] is the gentleman to whom I refer, and I think he will take no exception to what I have stated. Mr. Speaker, we are in this situation—that we are within four days of adjournment, with the largest appropriation voted upon by this Congress under consideration. There may be individual Members who are opposed to certain amendments or who are in favor of other amendments, and the question is, Shall we endanger the situation of the entire bill by forcing it back into the Committee of the House on the Post-Office and Post-Roads or shall we rather take the practical method and send the bill to conference, to be considered in the ordinary way under the rules which have obtained in all of these other emergencies?

Mr. HAUGEN. I would like to inquire if the bill has been amended so as to affect the rate on second-class matter in the Senate?

Mr. OVERSTREET of Indiana. I do not think so.

Mr. HAUGEN. As it passed the House it did not affect the rate on second-class matter.

Mr. OVERSTREET of Indiana. No; there is a amendment in regard to coupons in newspapers, but I do not think that affects the rate on second-class matter in the way the gentleman means.

Mr. HAUGEN. Is there any amendment by the Senate affecting the pay of transportation companies?

Mr. OVERSTREET of Indiana. There is the amendment commonly known as the "Murdock amendment," which is not, I may say, exactly the Murdock amendment. It has been changed very decidedly, in my judgment.

Mr. Speaker, I do not care to take further time of the House,

which has already been encroached upon by this action this afternoon, but I do wish to suggest to Members the importance of an orderly method of procedure in carrying this bill to conference. The ordinary rule is to permit the appointment of conferees by unanimous consent, but that would need only one objection to defeat it, and therefore I resorted to the only remaining practical method.

Mr. WALLACE. I wish the gentleman, in the close of his remarks, would impress upon this House and the country the necessity for the improvement of roads in that connection, which would largely solve the problem. [Laughter and applause.

The SPEAKER. The time of the gentleman has expired.